



OFFICE OF MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: October 3, 2008
TO: Mayor Jerry Sanders, City Council
FROM: Job Nelson, Director Intergovernmental Relations *gn*
RE: November 2008 State Ballot Measures

In determining whether or not the City should support or oppose a given ballot measure, the Intergovernmental Relations Department generally applied the criteria that were used as a guide in establishing the City's 2008 legislative priorities:

1. Does the proposal provide significant revenues or funding opportunities to the City?
2. Does the proposal provide significant cost savings if enacted?
3. Does the proposal enhance public safety?
4. Does the proposal provide the City with greater ability or flexibility to provide municipal services to its citizens?
5. Does the proposal limit or enhance local control?

These criteria do not prohibit individual Councilmembers or the Mayor from taking an individual position of support or opposition to any ballot measure.

Proposition 1A: Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century

Prop. 1A asks voters to approve the issuance of **\$9.95 billion** of general obligation bonds. The funding would be used supplement private monies in order to build the approximately \$40 billion high speed rail system that would stretch from Sacramento down through San Francisco and Los Angeles and end in San Diego. The California High-Speed Rail anticipated the system to be completed around 2030. A portion of the funds, \$950 million, would also be available for capital projects on other passenger rail lines to provide connectivity to the high-speed train system and for capacity enhancements and safety improvements to those lines. The City was active in lobbying for AB 3034 which amended

Prop 1 to give all high-speed rail corridors, including the route through the San Diego region, an equal opportunity to compete for a share of the \$9 billion.

IRD Recommendation: *Support*

It is IRD's recommendation that the City of San Diego support this proposition. The City is already home to the second busiest Amtrak Line in the nation—the Los/San Corridor—which might benefit from the \$950 million in non high-speed rail funds. Additionally, a high-speed rail line that terminated at Lindbergh Field would provide long term benefits to air capacity for San Diego International Airport by reducing the need for commuter flights back and forth to Los Angeles and other cities along the high-speed rail system.

The City is responsible through SANDAG for regional rail issues and aviation issues, therefore this meets the IRD criteria for support or opposition.

Proposition 2: Standards for Confining Farm Animals

The City has already taken a position on this proposition.

Proposition 3: Children's Hospital Bond Act

This measure authorizes just under \$1 billion in bonds, to be repaid from state's General Fund, to fund the construction, expansion, remodeling, renovation, furnishing and equipping of children's hospitals. This initiative was sponsored by children's hospitals across the state. Rady Children's Hospital would benefit if this bond is passed.

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position.

Proposition 4: Abortion Waiting Period and Parental Notification Initiative

The initiative would require parental notification of an unemancipated minors abortion or, if parental abuse has been reported, an alternative adult family member.

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position.

Proposition 5: Nonviolent Offender Rehabilitation Act (NORA)

According to the Secretary of State's Office Proposition 5 includes provisions that:

- Requires California to expand and increase funding and oversight for individualized treatment and rehabilitation programs for nonviolent drug offenders and parolees.

- Reduces criminal consequences of nonviolent drug offenses by mandating three-tiered probation with treatment and by providing for case dismissal and/or sealing of records after probation.
- Limits court's authority to incarcerate offenders who violate probation or parole.
- Shortens parole for most drug offenses, including sales, and for nonviolent property crimes.
- Creates numerous divisions, boards, commissions, and reporting requirements regarding drug treatment and rehabilitation.
- Changes certain marijuana misdemeanors to infractions.

IRD Recommendation: *Oppose*

This measure has the potential to negatively impact public safety and therefore meets the formal position criteria. By reducing sentencing requirements for key crimes it increases the likelihood that drug dealers will also be given the same lenient treatment as casual users. It is opposed by the California District Attorneys Association and the California State Sheriffs Association, as well as numerous other law enforcement and community groups.

Proposition 6: Safe Neighborhoods Act

According to the Legislative Analyst's Office the provisions of Proposition 6 include:

- Enhances various criminal justice programs and increases spending for prison and parole operations. This funding would come from California's General Fund, reallocating funds currently spent on K-12 Education, Higher Education, Health and Human Services, Business, Transportation and Housing, and Environmental Protection
- Enhances penalties for gang crimes by prosecuting youth 14 years or older who are accused of a "gang-related" felony as unfit for trial in a juvenile court as adults.
- Requires that all public housing occupants submit to annual criminal background checks. If any occupant did not pass this criminal background check, the entire family would be removed from their housing.
- Increase penalties for several crimes, including violating gang injunctions, methamphetamine crimes, or carrying loaded or concealed firearms by certain felons.
- Eliminates bail for undocumented individuals charged with violent or gang-related felonies.
- Establish as a crime the act of removing or disabling a monitoring device affixed as part of a criminal sentence.
- Change evidence rules to allow use of certain hearsay statements as evidence when witnesses are unavailable.

IRD Recommendation: *Support*

This measure has the potential to enhance public safety and therefore meets the formal position criteria. This bill provides sentencing enhancements for gang related crimes. It is supported by the California District Attorneys Association and the California State

Sheriffs Association, as well as numerous other law enforcement groups. That said, we are hesitant in our support due to the potential significant statewide budget impacts that this bill would generate. Additionally, we are hesitant to support any measure that contributes to ballot box budgeting for the state. This initiative is opposed by the California Teachers Association and other public employee labor unions.

Proposition 7: Renewable Energy Statute

According to the Secretary of State the provisions of Propositions 7 include:

- All electric utilities will be required to provide half of their electricity from solar and clean energy facilities by 2025.
- This initiative moves considerable authority away from the Public Utilities Commission (PUC) and moves it to the California Energy Commission (CEC). Including requiring the CEC to identify solar and clean energy zones to jump-start clean power plants.
- Renewable plant construction permits would be fast-tracked for approval by the California Energy Commission once all environmental reviews are in place. This fast-tracking would limit local control by curtailing the period for local comments and participation to 100 days.
- Penalties levied on utilities would be reduced from 5% to 1% for specific acts of non-compliance, but the total cap on fines that can be imposed on a utility would be eliminated.
- Funds from these penalties will be spent by the CEC on the construction of new transmission lines or the improvement of existing transmission lines to provide access for renewable energy to the grid.
- Utilities will be prohibited from passing along penalties to their electric rate-payers.
- Caps price impacts on consumer's electricity bills at less than 3 percent. However, the non-partisan California Legislative Analyst's Office states that "the measure includes no specific provisions to implement or enforce this declaration".
- Renewable energy sources include solar thermal, photovoltaic, wind, geothermal, small hydro, biomass, and tidal, etc., as provided for in current law Public Resources Code section 25741.

IRD Recommendation: *Oppose*

This measure will negatively impact local control and therefore meets the formal position criteria. It also has the potential to increase rates at least in the short term. It is opposed by the California League of Cities as well as numerous environmental advocacy organizations and community groups.

Proposition 8: Eliminates Right of Same-Sex Couples to Marry Act

Is a California constitutional amendment that will add the following text: "Only marriage between a man and a woman is valid or recognized in California."

IRD Recommendation: *Oppose*

While this measure does not meet the criteria outlined above, IRD recommends an oppose position that is consistent with the action taken by the City Council in the amicus brief on the Supreme Court Decision to strike down Proposition 22.

Proposition 9: Victims' Rights and Protection Act of 2008

According to the LAO, the provisions of Proposition 9 include:

- Provisions requiring the payment of restitution to victims.
- Any funds collected by a court, or law enforcement agencies, from a person ordered to pay restitution would go to pay that restitution first, in effect prioritizing those payments over other fines and obligations an offender may legally owe.
- Provisions regarding the notification and participation of victims in criminal justice proceedings.
- Provisions that expand victims' legal rights.
- Provisions that affect how parole is granted and revoked.

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position. Many of the provisions in Proposition 9 were already enacted in Proposition 8 (1982). This measure does have the potential to increase the amount of money the state already spends on incarceration.

Proposition 10: California Alternative Fuels Initiative

According to the Secretary of State's Office this bond measure would authorize \$5 billion in general obligation bonds to support alternative fuels, with the emphasis being natural gas technologies. The breakdown of the spending is as follows:

- 58% in cash payments of between \$2,000 and \$50,000 to purchasers of certain high fuel economy and alternative fuel vehicles;
- 20% in incentives for research, development and production of renewable energy technology;
- 11% in incentives for research and development of alternative fuel vehicle technology;
- 5% in incentives for purchase of renewable energy technology;
- 4% in grants to eight cities for education about these technologies; and
- 3% in grants to colleges to train students in these technologies.

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position. This bill is being opposed by California State Association of Counties, as well as environmental advocacy groups, consumer watchdog groups, business, labor and taxpayer organizations.

Proposition 11: Voters FIRST Act

According to the Secretary of State this redistricting constitutional amendment:

- Changes authority for redistricting the Assembly, Senate, and Board of Equalization district boundaries from elected representatives to a 14 member commission.
- Requires government auditors to select 60 registered voters from applicant pool. Permits legislative leaders to reduce pool, then the auditors pick eight commission members by lottery, and those commissioners pick six additional members for 14 total.
- Requires that the commission consist of five Democrats, five Republicans and four of neither party. Commission shall hire lawyers and consultants as needed.
- For approval, district boundaries need votes from three Democratic commissioners, three Republican commissioners and three commissioners from neither party

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position.

Proposition 12: Veterans' Bond Act of 2008

The ballot summary states that "This act provides for a bond issue of nine hundred million dollars (\$900,000,000) to provide farm and home aid for California veterans." Costs of the program are paid by veterans who participate in the program by purchasing properties or homes. California began the veterans' home loan programs in the 1922. California voters have subsequently been asked 26 times to fund the program and have said "yes" all 26 times, for a total of \$8.4 billion in the past. The 2008 effort is the 27th time voters will have been asked to support the program. Prop. 12's request for \$900 million is the largest request for a Cal-Vet bond

IRD Recommendation: *No Position*

This measure does not meet the criteria for a formal city position.

Cc: Jay Goldstone, COO
Mary Lewis, CFO
Kris Michell, Deputy COO- Community and Legislative Affairs
Julie Dubick, Director of Policy
Andrea Tevlin, IBA