



San Gabriel Valley Council of Governments

AGENDA AND NOTICE OF THE **SPECIAL MEETING** OF THE SGVCOG EXECUTIVE COMMITTEE

May 31, 2018 - 4:30 P.M.

**Upper San Gabriel Valley Municipal Water District Office
602 E. Huntington Drive, Suite B, Monrovia, California 91016**

Thank you for participating in today's meeting. The Executive Committee encourages public participation and invites you to share your views on agenda items.

President
Cynthia Sternquist

1st Vice President
Margaret Clark

2nd Vice President
Joe Lyons

3rd Vice President
Becky Shevlin

Past President
Barbara Messina

Transportation Chair
John Fasana

Homelessness Chair
Joseph Lyons

EENR Chair
Denis Bertone

Water Resources Chair
Diana Mahmud

ACE Chair
Juli Costanzo

MEETINGS: *Regular Meetings of the Executive Committee are held the first Monday of every month at 12:00 p.m. at the SGVCOG Office (1000 S. Fremont Ave., Building 10, Suite 10210, Alhambra, California 91803).* The Executive Committee agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvkog.org. Copies are available via email upon request (sgv@sgvcog.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Executive Committee meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the Executive Committee refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE EXECUTIVE COMMITTEE: At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. If several persons wish to address the Board on a single item, the Chair may impose a time limit on individual remarks at the beginning of discussion. **The Executive Committee may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Executive Committee. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Executive Committee can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Executive Committee.



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
4. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting (*It is anticipated that the Executive Committee may take action on these matters*)

CONSENT CALENDAR (*It is anticipated that the Executive Committee may take action on the following matters*)

5. Executive Committee Meeting Minutes – Page 1
Recommended Action: Approve Executive Committee minutes.

PRESENTATION

6. Treasurer’s Report – Page 3
Recommended Action: Receive and file.

UPDATE ITEMS

- 3rd Quarter Financial Report and #3 Budget Amendment – Page 27
- Benefits Study Update
- Legislative Update
 - Reducing Crime and Keeping California Safe Act of 2018 – Page 31
 - Tax Fairness, Transparency and Accountability Act of 2018 – Page 59

DISCUSSION ITEMS

- SGVCOG Strategic Theme

PRESIDENT’S REPORT

EXECUTIVE DIRECTOR’S REPORT

GENERAL COUNSEL’S REPORT

ACTION ITEMS (*It is anticipated that the Executive Committee may take action on the following matters*)

7. Draft Governing Board Agenda – Page 75
Recommended Action: Provide direction to staff.

ANNOUNCEMENTS

ADJOURN



SGVCOG
Executive Committee Minutes
May 7, 2018
12:00 PM
SGVCOG Offices, Alhambra

PRELIMINARY BUSINESS

1. Call to Order

The meeting was called to order at 12:52 P.M.

2. Roll Call

Members Present

Members Absent

- C. Sternquist, President
- M. Clark, 1st Vice President
- B. Shevlin, 3rd Vice President
- J. Costanzo, ACE Chair
- D. Bertone, EENR Chair
- J. Fasana, Transportation Chair
- B. Messina, Past President
- D. Mahmud, Water Policy Chair
- J. Lyons, 2nd Vice President, Homelessness Chair

Staff/Guests:

- M. Creter, Executive Director
- M. Christoffels, Staff
- K. Ward, Staff
- E. Wolf, Staff

- C. Cruz, Staff
- D. Lazzaretto, Arcadia

3. Public Comment

There were no comments from the public.

4. Changes to Agenda Order:

There were no changes to the agenda.

CONSENT CALENDAR

5. Executive Committee Meeting Minutes

There was a motion to approve the consent calendar (M/S: D. Bertone/B. Shevlin).

[MOTION PASSES]

AYES:	M. Clark, D. Bertone, C. Sternquist, B. Shevlin, J. Fasana, D. Mahmud, J. Lyons, B. Messina, J. Costanzo
NOES:	
ABSTAIN:	
ABSENT:	

UPDATE ITEMS

- Nominations and Elections
M. Creter reported on this item.
- FY 2018-2019 Draft Capital & Construction Projects Budget
M. Christoffels reported on this item.
- Draft Accounting and Financial Policies Procedures Manual
M. Creter reported on this item.

- Capital & Construction Projects Update
M. Christoffels reported on this item.
- Legislative Update
 - AB 1912
C. Cruz reported on this item.

PRESIDENT’S REPORT

- C. Sternquist reported on this item.

EXECUTIVE DIRECTOR’S REPORT

- M. Creter reported on this item.

GENERAL COUNSEL’S REPORT

- No report given.

ACTION ITEMS

6. Draft Governing Board Agenda

There was a recommendation to add support for AB 1857 and AB 2681 to the consent calendar.

There was direction to add an oppose to AB 1912 to the consent calendar.

There was a motion to approve the Governing Board agenda as amended (J. Fasana/B. Shevlin).

[MOTION PASSES]

AYES:	M. Clark, D. Bertone, C. Sternquist, B. Shevlin, J. Fasana, D. Mahmud, J. Lyons, B. Messina, J. Costanzo
NOES:	
ABSTAIN:	
ABSENT:	

ANNOUNCEMENTS

CLOSED SESSION

7. CONFERENCE WITH LABOR NEGOTIATORS: Agency designated representatives: Marisa Creter, Kimberly Hall Barlow, Richard D. Jones, Dominic Lazzaretto, Bob Russi, Brian Saeki, and Chris Jeffers; Unrepresented employees: All unrepresented employees pursuant to California Government Code section 54957.6.
No report given.

ADJOURN

The meeting adjourned at 1:59 PM.

**San Gabriel Valley Council
of Governments
and
Alameda Corridor – East
Construction Authority**

Quarterly Report Ended December 31, 2017

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I. **Executive Summary**

Background and Objective

CliftonLarsonAllen LLP (CLA) formerly Vicenti, Lloyd & Stutzman LLP, was retained by the San Gabriel Valley Council of Governments to perform consulting services related to the San Gabriel Valley Council of Governments (COG) and the Alameda Corridor-East Construction Authority (ACE). Throughout the consulting engagement, CLA maintained regular contact with Marisa Creter and Carlos Monroy.

Professional Standards

CLA performed this engagement in accordance with the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Consulting Services. In consulting engagements, the nature and scope of work is determined solely by the agreement between the practitioner (CLA) and the client. The analysis and report does not constitute an audit, compilation, review, agreed-upon procedures or examination in accordance with Standards of the AICPA, the objective of which would be the expression of an opinion on any specified elements, accounts, or items. Accordingly, CLA does not express any such assurance.

Scope of Engagement

General

CLA created or obtained various electronic files in order to prepare this report to the Executive Committee; the electronic files are available if requested.

Some of the dollar values included in this report have been rounded; there may be minor rounding errors, when comparing the values included in this report to the underlying detail.

Results of Procedures Performed

This section summarizes our findings from the analyses and procedures performed. The applicable sections of the report include a more detailed discussion of each area, specific observations, and recommendations, if applicable.

Review of ACE Investments and Cash Balances

The December 31, 2017 Fixed Income Investments Portfolio report was verified with the Citizens Trust statement for the period of December 1, 2017 through December 31, 2017 and the LAIF statements as of December 2017. The amounts reported as current book value and market value on the December 31, 2017 Fixed Income Investments Portfolio report were reconciled. The allocation of investments within the pool by the type of investment is consistent with the current Investment Policy.

Reconciled bank statements were reviewed and verified to the period trial balance for the quarter ended December 31, 2017.

Review of Information Provided by ACE

Exhibit V ACE Expenditures vs. Reimbursements and Exhibit VII Treasury/ Banking Investments reports as of December 31, 2017 were verified against the period trial balance as of December 31, 2017. Amounts reported on both exhibits reconciled and provide key balances for oversight and decision-making purposes.

Review of COG Cash Balances, including LAIF

Cash and LAIF balances reported on the December 31, 2017 Comparative Summary Balance Sheet was verified with the Citizens Business Bank statements for the period of December 1, 2017 through December 31, 2017 and the LAIF statement as of December 2017. The allocation of investments within the pool by the type of investment is consistent with the current Investment Policy.

Reconciled bank statements were reviewed and verified to the period trial balance for the quarter ended December 31, 2017.

Review of COG Second Quarter 2018 Reports

All balances on the Comparative Summary Balance Sheet as of December 31, 2017 were verified against the period trial balance as of December 31, 2017. The Grants Receivable Aging Detail report as of December 2017 was also verified to the trial balance.

Conclusion

As discussed herein, no instances that would cause concern that the quarterly reports prepared by ACE and COG are inaccurate or inadequate to meet the governance needs of the Executive Committee and the Board of Directors were noted, specifically related to the sections of the Joint Powers Agreement effective March 12, 2007 included herein.

- Section 4. Purpose and Powers of the Council. The Council shall have, and may exercise the powers to:
 - Subsection b(4) utilize member resources or presently existing single purpose public and public/private groups to carry out its programs and projects;
 - Subsection b(8) serve as a mechanism for obtaining state, federal and regional grants to assist in financing the expenditures of the Council;
 - Subsection b(9) make and enter into contracts, including contracts for the services of engineers, consultants, planners, attorneys and single purpose public/private groups;
 - Subsection b(11) apply for, receive and administer a grant or grants under any federal, state, or regional programs;
 - Subsection b(12) receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;
- Section 6. Use of Public Funds and Property. The Council shall be empowered to utilize for its purposes, public and/or private funds, property and other resources received from the Members and/or from other sources.
- Section 17. Control and Investment of Council Funds. The Governing Board shall adopt a policy for the control and investment of its funds and shall require strict compliance with such policy. The policy shall comply, in all respects, with all provisions of applicable law.



Renee S. Graves, CPA, CGFM
Principal
CliftonLarsonAllen LLP

II. Background and Scope of Engagement

A. Engagement Background and Objectives

CliftonLarsonAllen LLP (CLA), formerly Vicenti, Lloyd & Stutzman LLP, was retained by the San Gabriel Valley Council of Governments. Throughout the engagement, CLA maintained regular contact with Marisa Creter and Carlos Monroy.

B. Professional Standards

CLA performed this engagement in accordance with the American Institute of Certified Public Accountants (AICPA) Statements on Standards for Consulting Services. In consulting engagements, the nature and scope of work is determined solely by the agreement between the practitioner (CLA) and the client. The analysis and report does not constitute an audit, compilation, review, agreed-upon procedures or examination in accordance with Standards of the AICPA, the objective of which would be the expression of an opinion on any specified elements, accounts, or items. Accordingly, CLA does not express any assurance.

C. Scope of Engagement

Attachment A to our agreement includes possible consulting procedures to be performed on a monthly basis. Correspondence between Marisa Creter, Carlos Monroy and Renee Graves of CLA occurred to clarify the scope of the engagement for the quarter ending December 31, 2017. The following areas were agreed to regarding Second Quarter 2018 Reports prepared as of December 31, 2017.

ACE

1. Investments and Cash Balances
2. Information reported to COG from ACE reconciles to the general ledger

COG

1. Cash Balances, including LAIF
2. Review the Second Quarter 2017 Report as of December 31, 2017

D. General Disclosures

CLA created or obtained various electronic files in order to prepare this report to the Executive Committee; the electronic files are available if requested.

Some of the dollar values included in this report have been rounded; there may be minor rounding errors, when comparing the values included in this report to the underlying detail.

E. Background Information

San Gabriel Valley Council of Governments (COG)

The San Gabriel Valley Council of Governments (SGVCOG) is a joint powers authority made up of representatives from 30 cities, 3 Los Angeles County Supervisorial Districts, and the 3 Municipal Water Districts located in the San Gabriel Valley. The SGVCOG serves as a regional voice for its member agencies and works to improve the quality of life for the more than 2 million residents living in the San Gabriel Valley. The SGVCOG works on issues of importance to its member agencies, including transportation, housing, economic development, the environment, and water, and seeks to address these regionally.

The SGVCOG is the largest and most diverse sub-regional council of governments in Los Angeles County. It encompasses more than 374 square miles and has more than 2 million residents.

While each of the communities has a unique character and history, they have also many shared issues and have developed a unified voice to maximize resources, achieve sustainable solutions, and advocate for regional and member interests to improve the quality of life in the San Gabriel Valley.

Alameda Corridor-East Construction Authority (ACE)

The Alameda Corridor-East (ACE) Construction Authority is a single purpose construction authority established by the San Gabriel Valley Council of Governments in 1998 to implement a construction program intended to mitigate the adverse impacts at rail-roadway crossings in the San Gabriel Valley of increasing rail traffic along the nationally significant ACE Trade Corridor. Train counts through the Valley are projected to nearly double by the year 2035 as increasing numbers of freight trains carry freight to and from the nation's busiest container ports in the San Pedro Bay.

The ACE Project is a comprehensive program of constructing grade separations, where the road goes over or under the railroad, and safety and mobility upgrades at 53 crossings in the San Gabriel Valley. Construction has been completed on 8 rail-roadway grade separations. Eight grade separations are under construction with four grade separations and pedestrian crossing safety program at four crossings starting in two years. Jump Start safety improvements have been completed at 40 at-grade crossings.

F. Acronyms Used

ACE - Alameda Corridor-East Construction Authority

CM – Construction Management

COG – San Gabriel Valley Council of Governments

LAIF – Local Agency Investment Fund

MTA – Metropolitan Transit Authority

PERS – Public Employee’s Retirement System

ROW – Right of Way

III. Review of identified areas for ACE

A. Review of Investments and Cash Balances

The December 31, 2017 Fixed Income Investments Portfolio report was verified with the Citizens Trust statement for the period of December 1, 2017 through December 31, 2017 and the LAIF statements as of December 31, 2017. The amounts reported as the market value and the current book value on the December 31, 2017 Fixed Income Investments Portfolio report were reconciled. The allocation of investments within the pool by the type of investment is consistent with the current Investment Policy.

Due to the daily volatility of investments, the balance is reported on a cost basis during the fiscal year and adjusted to fair value as of the fiscal year end. Therefore, any unrealized gain or loss is not reflected on the quarterly reports. The applicable balances for the quarter ending December 31, 2017 are:

- Trial balance amount of \$26,000,009 offset by a “change in market value” account balance of (\$214,190) for a net balance of \$25,785,819
- Exhibit VII Treasury/ Banking Investments Report amount of \$26,301,572
- Citizens Trust Wealth Management statement fair value amount of \$25,785,819

B. Review of Information Provided by ACE

Exhibit V ACE Expenditures vs. Reimbursements and Exhibit VII Treasury/ Banking Investments reports as of December 31, 2017 were obtained and verified against the preliminary trial balance as of December 31, 2017.

Exhibit V ACE Expenditures vs. Reimbursements Report

Amounts shown under the reimbursement status for the categories of 1) *Current/ 30 days or less* of \$10.372m; 2) *Aged Receivable* of \$5.379m 3) *To be billed* of \$18.433m; and 4) *MTA retention* of \$1.019m were verified against the accounts listed on the trial balance. The *Current/ 30 days or less* and *MTA retention* balances are each in a separate general ledger account. The *To be billed* amount is in approximately 30 accounts for each individual project by various phases (CM, ROW, Design, Construction, Construction Management and Betterment). These amounts were verified with the accounts listed on the trial balance.

Exhibit VII Treasury/ Banking Investments Report

Each of the accounts listed on Exhibit VII were verified with the trial balance. Consistent with the previous quarterly report, Exhibit VII presents *other receivables, prepaids, surplus property and deferred costs* at the gross aggregate amount of \$6.4m from approximately 12 separate accounts, the most significant accounts being Surplus Property of \$4.27m. The applicable balances for the quarter ending December 31, 2017 are as shown herein.

Other receivables	\$	120,401
Notes receivable		150,000
Unbilled receivables		1,032,373
Prepaid expenses		247,152
Surplus property		4,270,768
Deferred costs - indirect		1,106,028
Unrealized change in investments		(515,590)
	\$	<u>6,411,132</u>

The PERS unfunded termination liability of \$6.347m was obtained from the June 30, 2016 CalPERS Actuarial Valuation Report. This liability is not reflected on the trial balance, but is a post-closing entry to reflect financial data that complies with Government Accounting Standards. The PERS net pension liability is reported on the June 30, 2017 audited financial statements in accordance with GASB Statements No. 68 and 71.

IV. Review of identified areas for COG**A. Review of Cash Balances, including LAIF**

The December 31, 2017 Bank and LAIF balances reported on the Comparative Summary Balance Sheet was verified with Citizens Business Bank statement for the period of December 1, 2017 through December 31, 2017 and the LAIF statement as of December 31, 2017.

B. Review of Second Quarter 2018 ReportsComparative Summary Balance Sheet

As of December 31, 2017, the Comparative Summary Balance Sheet report was verified to the trial balance. Individual balances on the trial balance were verified to

amounts reported were verified to the trial balance. The allocation of investments within the pool by the type of investment is consistent with the current Investment Policy.

Grants Receivable Aging Detail

The Grants Receivable Aging Detail report was reconciled to the trial balance. The report provides amounts received subsequent to December 31, 2017. Additional analysis on the report shows that 48.86% or \$51,453.49 of the Grants Receivable balance of \$105,316.94 has been collected. Remaining receivables are 74% 0-90 days and 26% 90-120 days, thereby reducing the risk of uncollectability for the remaining Grant Receivable balance.

CitiCard Credit Card Charges

The CitiCard Credit Card Charges report provides a breakdown of the types of purchases made by credit card. \$7,875 or 23% of total purchases of \$34,332 for the period of July 2017 to December 2017 are for total meetings and travel; \$2,295 categorized as Meeting & Travel - Sustenance is for the purchase of food for various meetings. Cumulative purchases by credit card for the period of July 2016 to December 2016 was \$37,884. Purchases by credit card are utilized for efficiencies in procurement of goods and services.

A breakdown of cumulative credit card purchases through December 31, 2017 is shown herein.

	Quarter 1	Quarter 2	Year-to-date Total
Administrative Fees	\$ 48	\$ -	\$ 48
CEESP 3 - SCE	-		
Energy Wise - Gas Co	597	70	667
Energy Wise - SCE	895	105	1,000
Equipment & Soft Acquisition	1,221	1,305	2,526
General Assembly Event	711	13,505	14,216
Maintenance & Operating Expenses	662	171	833
Meetings & Travel - Sustenance	1,124	1,171	2,295
Meetings/Travel	2,991	2,589	5,580
Office Supplies	805	1,075	1,880
Postage	9	-	9
Postage - GB Mailing	82	120	202
Prepaid expenses	554	785	1,339
Printing and Publications			
Subscriptions	345	25	370
Utilities	801	1,489	2,290
Webpage/Software Services	482	595	1,077
	<u>\$ 11,327</u>	<u>\$ 23,005</u>	<u>\$ 34,332</u>

Budget to Actual Comparison Report

Actual balances through December 31, 2017 were reconciled to the trial balance. As of December 31, 2017, total revenues are at 36% of the revised budget while expenses are at 28% of the revised budget. Member dues, a significant revenue stream is at 50% of the 2017-18 budget. Expenses are in-line with the budget as of the 2nd Quarter report; however, the following line items may require close monitoring throughout the fiscal year: 1) General Assembly is 76% of the revised budget (actual of \$38,007; budget of \$50,000); and 2) Information Technology is 67% of the revised budget (actual of \$1,334; budget of \$2,000).

A comparison of the adopted budget, revised budget and actual is presented herein.

	Adopted Budget 2017-18	Revised Budget 2017-18	Year-to-Date Actual 2017-18
General Operating Revenue	\$ 823,798	\$ 761,798	\$ 382,090
Sponsorships		50,000	56,526
Hero Revenue		12,000	9,311
Miscellaneous Revenue		6,320	2114
	<u>823,798</u>	<u>830,118</u>	<u>450,041</u>
Grants & Special Projects	548,413	1,218,297	280,137
Total Revenue	<u>1,372,211</u>	<u>2,048,415</u>	<u>730,178</u>
Ongoing Operational Contracts	90,400	136,400	47,809
Personnel	782,823	766,247	318,779
General & Administrative	227,823	227,822	111,591
Consultation Services	205,090	355,212	101,516
Direct Expenses	23,000	23,000	9,859
Grant and Special Project Expenses	40,000	715,000	23,243
Total Expenses	<u>1,369,136</u>	<u>2,223,681</u>	<u>612,797</u>
Estimated Net Income	<u>\$ 3,075</u>	<u>\$ (175,266)</u>	<u>\$ 117,381</u>

V. List of Exhibits

ACE – Exhibit V – Expenditures vs. Reimbursements as of December 31, 2017

ACE – Exhibit VII – Treasury/ Banking Investments, Investments Portfolio and
Summary as of December 31, 2017

COG –2018 1st Quarter Reports as of December 31, 2017 – Comparative
Summary Balance Sheet, Grants Receivable Aging Detail, CitiCard
Charges and Budget Report

Exhibit V

ACE Expenditures vs. Reimbursements

As of December 31 , 2017

Projects	Reimbursement Status (\$ 000)					
	ITD Expenditures	Received	Current / 30 Days or less	Aged Receivable	To Be Billed	MTA Retention
At Grade Crossing	\$ 1,904	\$ 1,687	\$ 211	\$ -	\$ 3	\$ 2
Durfee	26,307	25,234	823	-	197	53
Fairway Drive	77,608	74,343	2,138	-	1,005	122
Fairway-Lemon Betterment	10,777	4,960	1,130	3,647	1,040	-
Fullerton	53,879	51,829	703	-	1,069	278
Montebello	5,619	4,840	-	-	774	5
Nogales (LA)	117,485	110,994	-	1,732	4,300	460
Puente Ave.	76,764	73,979	2,609	-	121	55
SG Trench	265,903	258,684	2,757	-	4,449	13
Temple	94,627	89,367	-	-	5,260	-
Turnbull Cyn.	944	772	-	-	141	31
Baldwin	70,365	70,363	-	-	-	2
Brea Canyon	73,459	73,459	-	-	-	-
Crossing Safety / IRRIS	34,343	34,343	-	-	-	-
EE/Reservoir	78,960	78,960	-	-	-	-
Hamilton	1,789	1,789	-	-	-	-
Nogales (AH)	49,797	49,797	-	-	-	-
Ramona	53,091	53,091	-	-	-	-
Sunset	93,794	93,794	-	-	-	-
Sub-total Projects	1,187,414	1,152,283	10,372	5,379	18,360	1,019
Project Administration	19,802	19,729	-	-	73	-
Total ACE	\$ 1,207,216	\$ 1,172,012	\$ 10,372	\$ 5,379	\$ 18,433	\$ 1,019

Exhibit VII

Treasury / Banking Investments

As of December 31, 2017

	12.31.2017	Change	09.30.2017
Cash on hand			
Operating Account	\$ 2,599,267	\$ (320,502)	\$ 2,919,769
Money Market Account (2)	4,824,300	785,134	4,039,166
Money Market (UPRR Contributions)	2,712,141	(4,997,060)	7,709,201
Total cash on hand	10,135,707	(4,532,428)	14,668,135
Investments			
LAIF	1,601,490	4,323	1,597,167
CBT - Fixed Income at cost	26,301,572	42,451	26,259,122
Total investments	27,903,062	46,774	27,856,288
Current - 30 days or less	10,371,731	(1,301,548)	11,673,279
Aged Receivable	5,379,338	832,206	4,547,132
To Be Billed	18,433,127	1,374,089	17,059,038
MTA Retention	1,019,351	106,351	913,000
Total Exhibit V	35,203,546	1,011,098	34,192,448
Other receivables, prepaids and deferred costs	6,411,132	(206,558)	6,617,690
Total Cash, Cash Equivalents & Receivables	79,653,447	(3,681,115)	83,334,562
Liabilities			
Payables & other Accruals	1,208,324	(2,641,231)	3,849,556
Unearned revenues	19,675,614 (a.)	(813,906)	20,489,520
MTA Working Capital Loan	45,000,000	-	45,000,000
Total liabilities	65,883,938	(3,455,138)	69,339,076
Fund balance			
Resources net of actual liabilities	13,769,509	(225,977)	13,995,486
Less estimated:			
CalPERS - Hypothetical termination liability	6,347,036 (b.)	-	6,347,036
Resources net of estimated liabilities	\$ 7,422,473 (c.)	\$ (225,977)	\$ 7,648,450

- a.) Represents surplus property appraised value, net proceeds from sale of ROW surplus properties, advanced UPRR funding, disallowed retention, and Betterment funds billed in advance to City of Industry for Fairway Drive and Fullerton projects.
- b.) Updated based on CalPERS's annual valuation report as of June 30, 2016.
- c.) Decrease is mostly due to recognizing unrealized reductions in market value of fixed cost portfolio securities.

Exhibit VII

Treasury / Banking Investments

As of December 31, 2017

Deposit/ Investment Amount 12.31.17	% of Invest- ments	Bank Deposits	Maximum Maturity	Maximum Percent of Portfolio	Maximum Investment in One Issuer
		ACE deposits are held by Citizens Business Bank (CBB) under a deposit agreement in amounts not to exceed \$50 million. Under the agreement, CBB maintains collateral deposits of at least 110% of the value of all ACE deposits at Bank of New York Mellon in eligible securities. The CBB deposits accounts are:			
\$ 2,599,267		Checking Account			
7,536,440		Money Market Accounts (3) *			
10,135,707		Total Deposits			
		Permitted Investments **			
\$ 10,442,429	37.42%	Government Securities (3.74 - 5.00 years)	5 years	50%	15% <=
7,770,522	27.85%	Corporate Bonds (4.21 - 5.01 years)	5 years	30%	10% <=
2,447,585	8.77%	Gov't Mortgages (4.13 - 4.80 years)	5 years	15%	None stated
1,021,963	3.66%	Municipals (1.42 - 5.03 years)	None stated	None stated	None stated
3,284,822	11.77%	CDs (2.75 - 5.0 years)	5 years	30%	10% <=
1,334,252	4.78%	Money Markets	None stated	None stated	None stated
\$ 26,301,572	94.26%	Subtotal Investments - Book value *			
1,601,490	5.74%	State's Local Agency Investment Fund	None stated	None stated	None stated
27,903,062	100.00%	Total Investments			
\$ 38,038,769		Total			

* Note: Includes \$15,193,281 of available unearned revenues

** Complies with SGVCOG Investment Policy

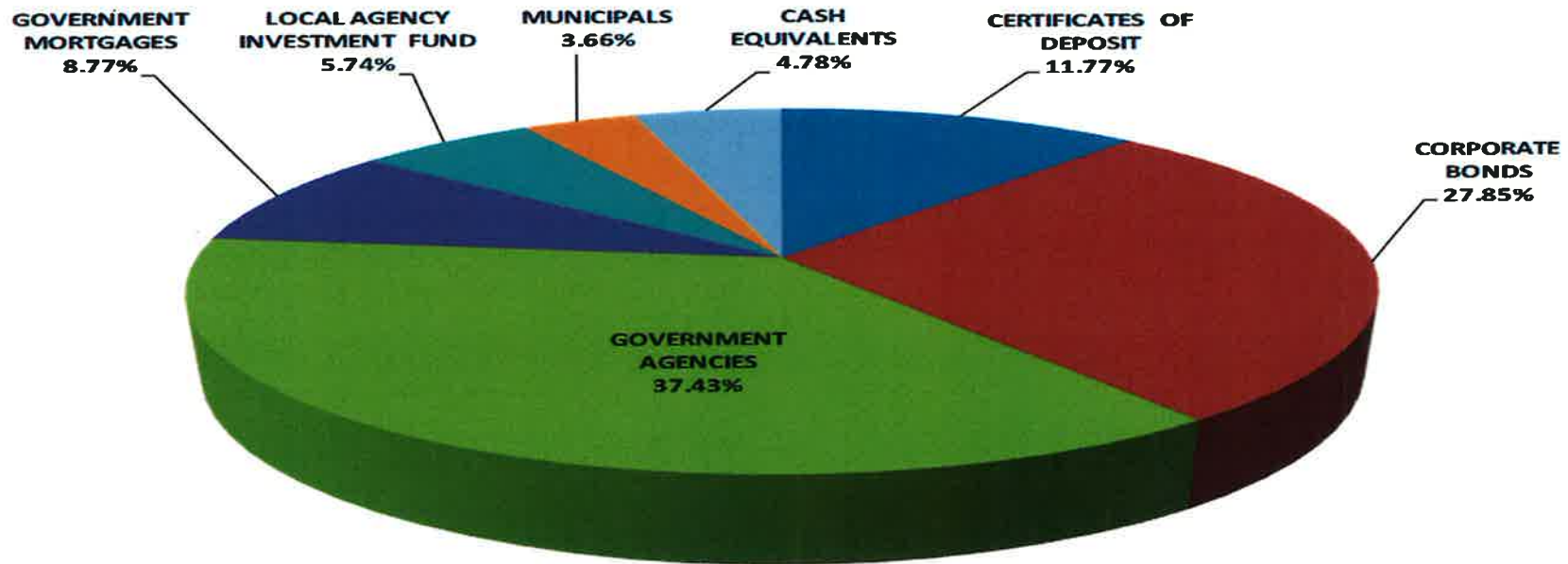
Fixed Income Investments at 12-31-2017 - Summary

Alameda Corridor - East Construction Authority
Office of ACE Construction Authority Finance Director/Treasurer



ASSET ALLOCATION

Assets (Dollars)	Current Par Value	Current Book Value	Market Value	Mkt/Book
CERTIFICATES OF DEPOSIT	3,283,000	3,284,822	3,244,369	98.77%
CORPORATE BONDS	7,712,000	7,770,522	7,674,513	98.76%
GOVERNMENT AGENCIES	10,400,000	10,442,429	10,202,418	97.70%
GOVERNMENT MORTGAGES	2,260,790	2,447,585	2,313,485	94.52%
LOCAL AGENCY INVESTMENT FUND	1,601,490	1,601,490	1,601,490	100.00%
MUNICIPALS	1,000,000	1,021,963	1,016,782	99.49%
CASH EQUIVALENTS	1,334,252	1,334,252	1,334,252	100.00%
Totals (Dollars)	27,591,532	27,903,062	27,387,308	98.15%



Fixed Income Composition by Book Value

Par Value: Or face value is the amount of money redeemed to the bondholder once the bonds matures

Book Value : Is the par value or face value plus any unamortized premiums or less any unamortized discounts.

Market Value: Is the current price at which the bond is trading

Mkt/Book: Measures the market value over the book value of a bond.

Fixed Income Investments Portfolio
December 31, 2017

Cusip	Name	Coupon	Yield to Maturity	Purchase Date	Maturity Date	Current Price	Par Value	Market Value	Current Book Value	
3130A8EN9	Federal Home Loan Bank	1.64	2.034	6/14/2016	6/14/2021	98.136	100,000	98,136	100,000	
3130A8NT6	Federal Home Loan Bank	1.48	2.031	7/28/2016	7/13/2021	97.413	200,000	194,826	200,000	
3130A9GS4	Federal Home Loan Bank	1.70	2.184	10/12/2016	10/12/2021	97.717	600,000	586,302	600,000	
3130AA2S6	Federal Home Loan Bank	1.80	2.236	11/30/2016	11/26/2021	97.950	300,000	293,850	299,727	
3133EFZ91	Federal Farm Credit Bank	1.62	2.023	4/12/2016	4/12/2021	98.091	500,000	490,455	499,545	
3134G93Q8	Freddie Mac	1.68	2.436	8/25/2016	8/25/2021	96.460	400,000	385,840	400,000	
3134G95L7	Freddie Mac	1.60	2.082	8/25/2016	8/25/2021	97.720	700,000	684,040	700,000	
3134GAEE0	Freddie Mac	1.50	2.060	9/30/2016	3/30/2021	97.607	1,000,000	976,070	999,460	
3134GAHK3	Freddie Mac	1.60	2.197	9/30/2016	9/30/2021	97.187	800,000	777,496	799,480	
3134GARB2	Freddie Mac	1.60	2.328	10/27/2016	10/27/2021	96.581	300,000	289,743	300,000	
3134GAZR8	Freddie Mac	2.05	2.405	12/30/2016	12/30/2021	98.335	200,000	196,670	200,000	
3134GBUJ9	Freddie Mac	2.15	2.511	6/29/2017	6/29/2022	98.314	500,000	491,570	500,000	
3134GB3D2	Freddie Mac FHLMC	2.20	2.325	11/29/2017	5/25/2022	99.472	500,000	497,360	500,000	
3134GB7F3	Freddie Mac	2.50	2.500	12/29/2017	12/29/2022	100.000	400,000	400,000	400,000	
3135G0N66	Fannie Mae	1.40	1.978	8/25/2016	8/25/2021	97.260	400,000	389,040	400,000	
3136G1C98	Fannie Mae	1.42	1.721	5/11/2016	2/5/2020	98.915	150,000	148,373	151,125	
3136G35G6	Fannie Mae	1.55	2.089	9/23/2016	9/23/2021	97.450	1,000,000	974,500	999,720	
3136G37G4	Fannie Mae	1.60	2.155	9/30/2016	9/30/2021	97.379	900,000	876,411	899,487	
3136G4GF4	Fannie Mae	1.55	2.102	10/31/2016	10/28/2021	97.397	200,000	194,794	200,000	
3136G3XZ3	Fannie Mae	1.50	2.042	7/28/2016	7/28/2021	97.433	300,000	292,299	300,000	
3136G4EV1	Fannie Mae	1.63	2.315	10/28/2016	10/28/2021	96.758	250,000	241,895	249,898	
3136G3C78	Fannie Mae	1.55	2.035	7/28/2016	7/28/2021	97.704	200,000	195,408	200,000	
880591EL2	Tenn Valley Authority DTD	3.88	2.556	9/19/2016	2/15/2021	105.468	500,000	527,340	543,967	
37.43% Government Securities (3.74 - 5.00 years)							10,400,000	10,202,418	10,442,429	
06740KHJ9	Barclays Bank/Delaware	1.60	1.627	7/18/2014	7/23/2018	99.897	100,000	99,897	100,000	
87164YML5	Synchrony Bank DTD	1.55	2.029	7/13/2016	6/29/2021	97.750	250,000	244,375	249,463	
05580AFA7	BMW Bank North America	1.20	1.715	9/13/2016	8/26/2019	98.524	250,000	246,309	250,000	
02006LM42	Ally Bank Medium	1.30	1.807	9/15/2016	6/16/2019	98.645	250,000	246,613	250,000	
140420QF0	Capital One Bank USA	2.15	2.126	7/17/2015	10/16/2019	100.099	163,000	163,161	163,462	
02587DWK0	American Expr Centurion	2.20	2.150	7/11/2015	11/29/2019	100.209	170,000	170,356	170,624	
05580ACZ5	BMW Bk North America DTD	2.20	2.182	10/8/2015	9/30/2020	100.086	250,000	250,215	249,950	
140420F21	Capital One Bank	1.65	2.081	9/14/2016	9/14/2021	97.963	250,000	244,907	250,000	
140420YS3	Capital One Bank Medium	1.60	2.028	7/13/2016	5/4/2021	98.048	250,000	245,119	250,415	
949763AW6	Wells Fargo Bank	1.30	1.769	9/14/2016	9/8/2019	98.641	250,000	246,604	250,000	
619165GX5	Morton Community Bank	1.60	1.982	12/16/2016	6/16/2020	98.714	200,000	197,428	200,000	
14042RAR2	Capital One NA Medium	2.20	2.177	10/8/2015	10/7/2020	100.108	200,000	200,217	199,230	
254672W20	Discover Bank DTD	1.85	2.096	12/14/2016	12/14/2020	99.059	200,000	198,117	200,000	
9497485W3	Wells Fargo Bank CD	1.75	2.079	7/13/2016	6/17/2021	98.464	250,000	246,160	251,679	
949763AZ9	Wells Fargo Bank	1.65	2.082	9/14/2016	9/14/2021	97.956	250,000	244,891	250,000	
11.77% CDs (2.75 - 5.0 years)							3,283,000	3,244,369	3,284,822	
437076BB7	Home Depot	2.25	2.187	11/7/2013	9/10/2018	100.286	1,000,000	1,002,860	1,004,354	
40428HPJ5	HSBC USA INC	2.63	2.522	12/4/2013	9/24/2018	100.462	1,000,000	1,004,620	1,005,811	
36157QTF4	GE Capital Retail Bank	2.00	1.993	11/19/2013	11/23/2018	100.033	250,000	250,092	248,725	
713448BN7	PepsiCo Inc	4.50	3.490	1/29/2015	1/15/2020	104.569	100,000	104,569	106,390	
911312AMB	United Parcel Service DTD	3.13	2.555	6/10/2016	1/15/2021	102.461	185,000	189,553	194,860	
440452AE0	Hormel Foods Corp	4.13	2.936	1/31/2017	4/15/2021	104.670	500,000	523,350	530,099	
14912L6U0	Caterpillar Financial Serv Corp	1.70	2.234	9/9/2016	8/9/2021	97.526	1,746,000	1,702,804	1,738,545	
02665WBG5	American Honda Finance	1.70	2.255	9/15/2016	9/9/2021	97.398	1,400,000	1,363,572	1,392,034	
06406RAA5	Bank of NY Mellon Corp	2.60	2.544	10/18/2017	2/7/2022	100.229	1,011,000	1,013,135	1,023,193	
166764AT7	Chevron	2.60	2.624	7/26/2017	3/3/2022	99.898	370,000	369,623	373,731	
244199BE4	Deere & Co	2.60	2.576	7/26/2017	6/8/2022	100.110	150,000	150,165	152,779	
27.85% Corporate Bonds (4.21 - 5.01 years)							99,514	7,674,513	7,770,522	
31381NM83	Federal Nat'l Mtge Assn#FN465783	3.84	3.552	12/10/2015	9/1/2020	101.244	153,135	155,040	163,041	
31381Q5P7	Fannie Mae Pool #468054	3.59	3.617	11/21/2013	6/1/2018	99.890	446,597	446,106	483,581	
31381SDV1	Fannie Mae Pool #469116 DTD	2.94	2.891	11/21/2013	9/1/2018	100.218	617,529	618,875	652,168	
31407RTU8	Fannie Mae Pool #838563	5.00	4.372	4/29/2016	10/1/2020	102.502	70,464	72,227	74,824	
3137A6B27	Freddie Mac	4.33	3.026	9/7/2016	10/25/2020	105.044	155,458	163,300	171,733	
3137A8PP7	Freddie Mac	4.19	2.950	9/7/2016	12/25/2020	104.958	321,608	337,553	355,226	
3137ABFH9	Freddie Mac	3.99	2.885	9/7/2016	6/25/2021	104.916	496,000	520,385	547,013	
8.77% Gov't Mortgages (4.13 - 4.80 years)							102,331	2,260,790	2,313,485	2,447,585
010831BM6	Alameda County JPA	5.00	4.278	11/21/2013	12/1/2018	103.237	440,000	454,243	455,893	
758148GY0	Reed Calif Union School District	4.00	3.648	11/18/2013	8/1/2018	101.508	250,000	253,770	257,372	
91412GS71	Univ of California	1.61	1.895	12/13/2017	5/15/2019	99.603	310,000	308,769	308,698	
3.66% Municipals (1.42 - 5.03 years)							101,678	1,000,000	1,016,782	1,021,963
31607A208	Fidelity Prime Mon Mar-Ins	1.00		10/7/2015		100.000	1,334,252	1,334,252	1,334,252	
4.78% Money Markets							1,334,252	1,334,252	1,334,252	
TOTAL (Dollars)							\$ 25,990,042	\$ 25,785,819	\$ 26,301,572	

Comparative Summary Balance Sheet

As of December 31, 2017

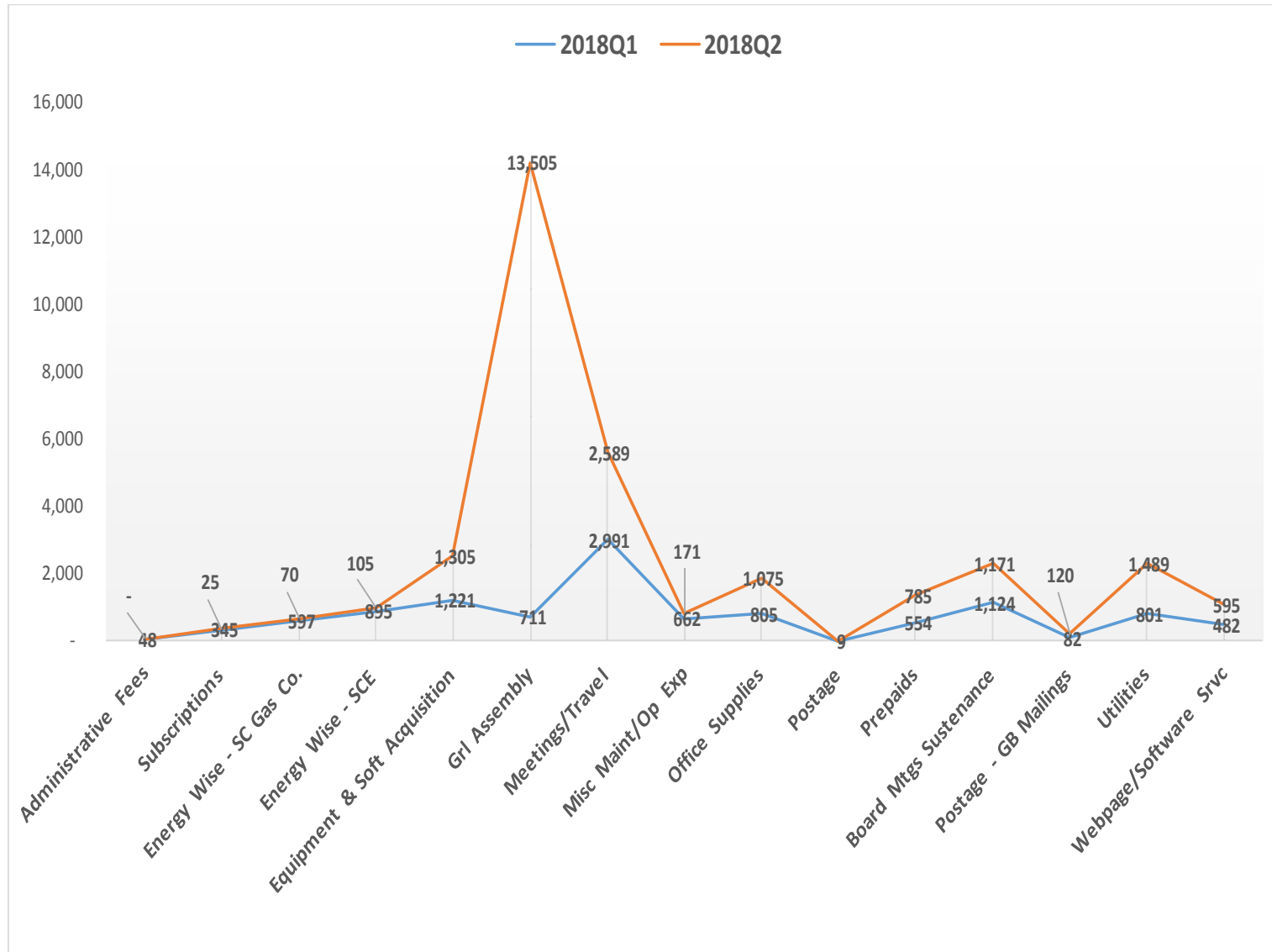
	12.31.2017	Change	09.30.2017
CBB - Checking	\$ 819,634	\$ (37,617)	\$ 857,250
CBB- 242-034-325 CD	55,590	14	55,576
CBB - 2766 Savings	1,588	0	1,588
CBB -242-034-953 CD	54,823	14	54,810
Petty Cash	400	-	400
LAIF	230,986	623	230,363
LAIF Market Value	86	-	86
Cash and equivalents	1,163,107	(36,965)	1,200,073
Member Receivable	16,297	(151,980)	168,277
Grants/Contracts Receivable	105,317	11,608	93,709
Sponsorships Receivable	-	(16,626)	16,626
Unbilled Grant Receivable	59,313	59,313	-
Receivables - other	215	(6,246)	6,460
Receivables	181,141	(103,931)	285,072
Prepays and deferrals	155,167	97,286	57,881
Total assets	1,499,415	(43,610)	1,543,026
Accounts Payable	23,159	(2,766)	25,925
Payroll Payable	-	(761)	761
Accrued Vacation	22,546	4,252	18,294
Unearned Revenues - Member Cities Dues	383,628	(185,407)	569,035
Accruals, deferrals and other payables	137,020	107,552	29,468
Total liabilities	566,353	(77,129)	643,482
Net Position, beginning of period **	815,679	(12,616)	828,295
Change in net position	117,383	46,135	71,248
Net Position, end of period	\$ 933,063	\$ 33,519	\$ 899,543

** Net position beginning balance agrees with final FS

Grants Receivable Aging Detail As of December 31, 2017

Month	So. California Edison - Energy Wise	So. California Gas - Energy Wise	MTA	LA County - PACE	Totals	Notes
AUG-17				7,289.75	\$ 7,289.75	
SEP-17		13,392.93		6,951.95	\$ 20,344.88	SC Gas \$13,392.93 recVd 1/3/18
OCT-17		15,525.18		7,242.25	\$ 22,767.43	SC Gas \$15,525.18 recVd 1/3/18
NOV-17		14,718.96	7,816.42	8,047.66	\$ 30,583.04	SC Gas \$15,525.18 recVd 1/3/18 MTA \$7,816.42 recVd 1/5/18
DEC-17	8,258.45	8,256.97	7,816.42		\$ 24,331.84	
	\$ 8,258.45	\$ 51,894.04	\$ 15,632.84	\$ 29,531.61	\$ 105,316.94	

CITICARD Charges: 2018Q2



SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
 FY 2018 Second Quarter Report
 As of December 31, 2017

	General Fund	Transportation	SGVEWP SCE/Gas Co.	SGVEWP Strategic Plan SCE/Gas Co.	LAC Pace ++	Homeless Project ++	JUL/17 - Dec/17 Actual	FY 2018 Revised Budget	% of Budget
1 General Operating Income									
2 Member Dues	\$ 361,190	\$ 20,221	\$ -	\$ -	\$ -	\$ -	\$ 381,411	\$ 760,798	50%
3 Sponsorships	56,526	-	-	-	-	-	56,526	50,000	113%
4 Hero Revenue	9,311	-	-	-	-	-	9,311	12,000	78%
5 Miscellaneous Revenue	2,114	-	-	-	-	-	2,114	6,320	33%
6 Interest	679	-	-	-	-	-	679	1,000	68%
7 <i>Total General Operating Income</i>	429,821	20,221	-	-	-	-	450,042	830,118	54%
8 Grants & Special Project Income									
9 MTA Consultant	-	46,671	-	-	-	-	46,671	93,797	50%
10 Measure H Homeless Planning Funding	-	-	-	-	-	44,602	44,602	118,500	38%
11 Energy Wise (SGVEWP) - Gas	-	-	73,846	-	-	-	73,846	150,000	49%
12 Energy Wise (SGVEWP) - Edison	-	-	44,504	-	-	-	44,504	100,000	45%
13 Strategic Plan Grant - SGVEWP	-	-	-	26,273	-	-	26,273	40,000	66%
14 LA County Commercial PACE Grant	-	-	-	-	44,242	-	44,242	120,000	37%
15 Metro Open Streets Grant	-	-	-	-	-	-	-	596,000	0%
16 <i>Total Grants & Special Project Income</i>	-	46,671	118,349	26,273	44,242	44,602	280,137	1,218,297	23%
17 Total Income	429,821	66,892	118,349	26,273	44,242	44,602	730,179	2,048,415	36%
18 General Operating Expenses									
19 Ongoing Operational Contracts									
20 Legal Services	25,324	-	-	-	-	-	25,324	76,000	33%
21 Financial Audit Services	7,024	-	2,481	566	961	967	12,000	20,400	59%
22 Treasurer	2,380	-	841	192	326	328	4,066	12,000	34%
23 Financial/Accounting Services (ACE)	3,757	-	1,327	303	514	517	6,419	28,000	23%
24 Personnel									
25 Salaries & Deferred Compensation	106,741	6,945	47,346	10,922	16,420	31,087	219,461	553,609	40%
26 Internship Program	-	-	33,638	7,422	-	-	41,060	90,000	46%
27 Benefits	30,088	-	10,627	2,426	4,117	4,144	51,401	110,638	46%
28 Staff Training and Professional Development	4,014	-	1,418	324	549	553	6,857	12,000	57%

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS
 FY 2018 Second Quarter Report
 As of December 31, 2017

	General Fund	Transportation	SGVEWP SCE/Gas Co.	SGVEWP Strategic Plan SCE/Gas Co.	LAC Pace ++	Homeless Project ++	JUL/17 - Dec/17 Actual	FY 2018 Revised Budget	% of Budget
29 <u>General & Administrative</u>									
30 Rent & Parking	24,518	-	8,659	1,977	3,355	3,377	41,886	74,806	56%
31 Utilities	1,779	-	628	143	243	245	3,040	8,265	37%
32 Postage	138	-	49	11	19	19	236	2,000	12%
33 Equipment & Software Acquisition	1,777	-	628	143	243	245	3,036	10,000	30%
34 Storage	880	-	311	71	120	121	1,504	2,751	55%
35 Office Supplies	1,232	-	435	99	169	170	2,104	5,000	42%
36 Miscellaneous maint/ops expense	1,730	-	611	140	237	238	2,956	20,000	15%
37 Meeting/Travel	7,303	-	2,579	589	999	1,006	12,476	40,000	31%
38 Dues & Subscriptions	1,095	-	387	88	150	151	1,870	3,500	53%
39 Administrative Fees	1,156	-	408	93	158	159	1,976	3,500	56%
40 Insurance	1,463	-	517	118	200	202	2,500	8,000	31%
41 General Assembly	38,007	-	-	-	-	-	38,007	50,000	76%
42 <u>Consultant Services</u>									
43 Management Consultant Services	2,143	-	757	173	293	295	3,661	88,000	4%
44 MTA Board Support	-	59,947	-	-	-	-	59,947	123,212	49%
45 Transportation Technical Support (ACE)	3,743	-	1,322	302	512	516	6,395	25,000	26%
46 Administrative Support (ACE)	1,129	-	399	91	155	156	1,929	20,000	10%
47 ACE/SGVCOG Integration (ACE)	-	-	-	-	-	-	-	45,000	0%
48 Media/Public Relations	-	-	-	-	-	-	-	2,000	0%
49 Information Technology	781	-	276	63	107	108	1,334	2,000	67%
50 Grant Writing Services	28,250	-	-	-	-	-	28,250	50,000	57%
51 <u>Direct Expenses</u>									
52 Board Stipends & Taxes	5,850	-	-	-	-	-	5,850	11,000	53%
53 Printing / Publication	4,009	-	-	-	-	-	4,009	12,000	33%
54 <u>Direct Grant Expenses</u>									
55 LA County PACE Contract with SGVEP	-	-	-	-	14,394	-	14,394	100,000	14%
56 Metro Open Streets Expense	6,125	-	-	-	-	-	6,125	575,000	1%
57 SGVEWP Edison & Gas Expenses	-	-	2,707	17	-	-	2,724	40,000	7%
58 <i>Total Grant & Special Project Expenses</i>	6,125	-	2,707	17	14,394	-	23,243	715,000	3%
59 Total Expenditures	312,437	66,892	118,350	26,273	44,242	44,602	612,795	2,223,681	28%
60 Net income (Loss)	\$ 117,383	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 117,383	\$ (175,266)	N/A
++ <i>Includes accrued grant revenues</i>									

DATE: May 31, 2018

TO: Executive Committee

FROM: Marisa Creter, Executive Director

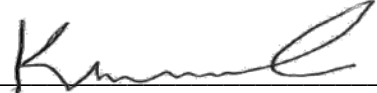
RE: 3ND QUARTER FINANCIAL REPORT AND BUDGET AMENDMENT #3


RECOMMENDED ACTION

For information only.

BACKGROUND

Staff is recommending revisions to the FY 2017-18 budget. The overall impact is resulting in a negative year-end balance of \$139,497. Attachment A contains an explanation for the proposed budget revisions. Additionally, Attachment B is the SGVCOG's FY 2017-18 3rd Quarter Financial Report. The quarterly report was prepared by the Finance Department.

Prepared by: 
Katie Ward
Senior Management Analyst

Approved by: 
Marisa Creter
Executive Director

ATTACHMENTS

- Attachment A – Explanation of Revisions to Revenue and Expenses
- Attachment B – FY 2017-18 3rd Quarter Financial Report

Attachment A - Summary of Proposed Revisions (FY 2017-18)

Line	Note
2	In March, the City of Pasadena elected to suspend membership to the SGVCOG. This reflects a loss of \$8,211 in revenue.
16	In December, work was completed on the SGVEWP Strategic Plan benchmarking project. Staff anticipated being awarded funding to continue SGVEWP Strategic Plan working on another project to update four cities energy action plans. However, due to delays in the application process, work on this project is not expected to commence until June/July 2018. This will result in a decrease of projected revenues of \$13,727.
17, 59	In July 2017, the Governing Board approved an MOU with LA County to market its commercial PACE program, which provides loans to commercial property owners for the installation of energy efficiency and renewable energy projects. In turn, the SGVCOG executed a contract with the San Gabriel Valley Economic Partnership to lead the marketing effort. There was an increase of marketing activity at the beginning of the year. However, the project is currently on hold while the County addresses issues with its application process. Staff anticipates re-starting work early next year.
28	A decrease in personnel costs is anticipated due to the vacancy of the Assistant Executive Director position. Recruitment for this position is expected to commence after the completion of the classification and compensation study. This will result in a net impact of \$23,765 in decreased expenditures.
41	Due to the recruitment of a new Director of Finance, there is an anticipated increase in costs associated with dues & subscriptions resulting from various job posting outlets. The net impact is a \$1,500 increase in expenditures.
47	In January, the Governing Board approved a contract with Reward Strategy Group to perform a classification and compensation study as a component of the integration. The study was anticipated to be completed by the end of the fiscal year. However, due to the complexity of integrating two organizations, the study is anticipated to be completed in October 2018. The net impact is a \$7,000 decrease in expenditures.

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

FY 2018 Third Quarter Report
As of March 31, 2018

	General Fund	Transportation	SGVEWP		LAC Pace	Homeless Project	JUL17 - MAR/18 Actual	FY 2018 Revised Budget	% of Budget
			SCE/Gas Co.	Strategic Plan SCE/Gas Co.					
1 General Operating Income									
2 Member Dues	\$ 537,243	\$ 29,623	-	-	-	-	\$ 566,866	\$ 752,587	75%
3 Sponsorships	56,676	-	-	-	-	-	56,675.56	56,676	100%
4 Hero Revenue	11,436	-	-	-	-	-	11,436.40	12,000	95%
5 Miscellaneous Revenue	4,254	-	-	-	-	-	4,253.54	6,320	67%
6 Interest	1,409	-	-	-	-	-	1,408.52	1,409	100%
7 Total General Operating Income	611,017	29,623	-	-	-	-	640,640	828,992	77%
8 Grants & Special Project Income									
9 MTA Consultant	-	70,120	-	-	-	-	70,120	93,797	75%
11 Measure H Homeless Planning Funding	-	-	-	-	-	20,250	20,250	118,500	17%
12 City/Homeless Planning Funding	-	-	-	-	-	279,300	279,300	627,000	45%
13 Energy Wise (SGVEWP) - Gas	-	-	108,652	-	-	-	108,652	150,000	72%
14 Energy Wise (SGVEWP) - Edison	-	-	76,207	-	-	-	76,207	100,000	76%
15 Strategic Plan Grant - SGVEWP	-	-	-	26,273	-	-	26,273	26,273	100%
16 LA County Commercial PACE Grant	-	-	-	-	37,800	-	37,800	37,800	100%
17 Metro Open Streets Grant	-	-	-	-	-	-	-	596,000	0%
18 Total Grants & Special Project Income	-	70,120	184,859	26,273	37,800	299,550	618,602	1,749,370	35%
19 Total Income	611,017	99,743	184,859	26,273	37,800	299,550	1,259,242	2,578,362	49%
20 General Operating Expenses									
21 Ongoing Operational Contracts									
22 Legal Services	55,921	-	-	-	-	-	55,921	76,000	74%
23 Financial Audit Services	10,954	-	4,193	607	14	4,632	20,400	20,400	100%
24 Treasurer	2,593	-	993	144	3	1,096	4,829	12,000	40%
25 Financial/Accounting Services (ACE)	6,522	-	2,497	361	8	2,758	12,146	28,000	43%
26 Personnel									
27 Salaries & Deferred Compensation	146,202	8,108	71,127	10,426	2,725	106,409	344,996	529,844	65%
28 Internship Program	-	188	52,057	7,422	-	-	59,667	90,000	66%
29 Benefits	42,721	-	16,353	2,367	53	18,064	79,559	110,638	72%
30 Staff Training and Professional Development	2,008	-	769	111	3	849	3,740	12,000	31%

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS

FY 2018 Third Quarter Report
As of March 31, 2018

	General Fund	Transportation	SGVEWP		LAC Pace	Homeless Project	JUL/17 - MAR/18		FY 2018 Revised Budget	% of Budget
			SCE/Gas Co.	Strategic Plan SCE/Gas Co.			Actual	Budget		
31 <u>General & Administrative</u>										
32 Rent & Parking	32,313	-	12,369	1,790	40	13,663	60,175	74,806	80%	
33 Utilities	2,039	-	780	113	3	862	3,796	8,265	46%	
34 Postage	209	-	80	12	0	88	389	2,000	19%	
35 Equipment & Software Acquisition	1,152	-	441	64	1	487	2,146	10,000	21%	
36 Storage	1,153	-	442	64	1	488	2,148	2,751	78%	
37 Office Supplies	1,452	-	556	80	2	614	2,704	5,000	54%	
38 Miscellaneous maint/ops expense	1,359	-	520	75	2	575	2,531	5,000	51%	
39 Meeting/Travel	9,626	-	3,685	533	12	4,070	17,926	40,000	45%	
40 Dues & Subscriptions	2,454	-	939	136	3	1,038	4,570	5,000	91%	
41 Administrative Fees	1,814	-	694	101	2	767	3,378	3,500	97%	
42 Insurance	2,928	-	1,121	162	4	1,238	5,453	8,000	68%	
43 General Assembly	38,057	-	-	-	-	-	38,057	38,057	100%	
44 <u>Consultant Services</u>										
45 City Homeless Plan Consultant						128,963	128,963	600,000		
46 Management Consultant Services	20,753	-	7,944	1,150	26	8,775	38,647	81,000	48%	
47 MTA Board Support	-	91,447	-	-	-	-	91,447	123,212	74%	
48 Transportation Technical Support (ACE)	4,366	-	1,671	242	5	1,846	8,132	25,000	33%	
49 Administrative Support (ACE)	4,402	-	1,685	244	6	1,861	8,198	20,000	41%	
50 ACE/SGVCOG Integration (ACE)	-	-	-	-	-	-	-	45,000	0%	
51 Media/Public Relations	-	-	-	-	-	-	-	2,000	0%	
52 Information Technology	958	-	367	53	1	405	1,784	2,000	89%	
53 Grant Writing Services	28,250	-	-	-	-	-	28,250	60,000	47%	
54 <u>Direct Expenses</u>										
55 Board Stipends & Taxes	10,400	-	-	-	-	-	10,400	16,500	63%	
56 Printing / Publication	6,490	-	-	-	-	-	6,490	12,000	54%	
57 <u>Direct Grant Expenses</u>										
58 LA County PACE Contract with SGVEP	-	-	-	-	34,885	-	34,885	34,885	100%	
59 Metro Open Streets Expense	12,489	-	-	-	-	-	12,489	575,000	2%	
60 SGVEWP Edison & Gas Expenses	-	-	3,577	17	-	-	3,594	40,000	9%	
63 <u>Total Grant & Special Project Expenses</u>	12,489	-	3,577	17	34,885	-	50,968	649,885	8%	
64 <u>Total Expenditures</u>	449,587	99,743	184,859	26,273	37,800	299,550	1,097,812	2,717,858	40%	
65 <u>Net income (Loss)</u>	\$ 161,430	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 161,430	\$ (139,496)	N/A	

DATE: May 31, 2018

TO: Executive Committee

FROM: Marisa Creter, Executive Director

RE: **CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018**

RECOMMENDED ACTION

Recommend the Governing Board support the Reducing Crime and Keeping California Safe Act of 2018.

BACKGROUND

The Reducing Crime and Keeping California Safe Act of 2018 (Act) adds crimes to the list of violent felonies for which early parole is restricted, requires DNA collection for certain misdemeanors, recategorizes certain crimes of misdemeanor theft as felonies, and makes changes to parole rules and proceedings. The Act would make changes to Propositions 47 and 57, which were both designed to reduce the prison inmate population.

Currently, under Proposition 47 (2014), non-serious, nonviolent crimes are classified as misdemeanors instead of felonies unless the defendant has prior convictions for murder, rape, certain sex offenses or certain gun crimes. Proposition 47 also permitted re-sentencing for those currently serving a prison sentence for any offense the initiative reduces to misdemeanor. Additionally, Proposition 57 (2016) increased parole chances for felons convicted of nonviolent crimes. The measure allowed individuals convicted of nonviolent felony crimes who served full sentences for their primary offense and passed screening for public security eligible for parole. It also allowed judges, not prosecutors, to decide whether to try certain juveniles as adults in court.

LOCAL IMPACT

The Act would increase state and local correctional costs associated annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process. The Act is expected to increase state and local court costs related to processing probation revocations and additional felony theft filings. Additionally, the Act would increase state and local law enforcement costs related to collecting and processing DNA samples from additional offenders.

The Act is also expected to make inroads in decreasing the crime rate in local jurisdictions. This is significant given the spikes in crime rates following the passage of Propositions 47 and 57. Additionally, California saw a 10% increase in violent crime and an 8% increase in property crimes after the passage of these propositions. Since 2014, California has had a larger increase in violent crime than the rest of the United States.

SUPPORT AND OPPOSITION

Those in support of the Act believe it will correct the unintended consequences of criminal justice reforms caused by Propositions 47 and 57. Supporters posit the measure will fix three problems created by recent laws as follows:

- Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision
- Reform theft laws to restore accountability for serial thieves and organized theft rings
- Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

The following is a list of those who support this Act:

- Taking Back Our Community Coalition
- Assemblyman Jim Cooper
- California Public Safety Partners
- Crime Victims United
- Anne Marie Schubert, Sacramento County District Attorney
- Public Safety Partnership
- Association For Los Angeles Deputy Sherrifs
- Peace Officers Research Association of California

Those who oppose the Act believe proponents of the initiative are ignoring California's historically low crime rates. They point to data points to suggest that prior reforms to the criminal justice system are working. Opponents of the Act suggest utilizing research-driven policy reform in addressing crime and improving public safety. The following is a list of those who oppose this Act:

- Brown for Public Safety Ballot Measure Committee

Prepared by: Michael Claproth
Michael Claproth
Graduate Intern

Approved by: Marisa Creter
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Crime and Keeping California Safe Act of 2018 Text
Attachment B – Fiscal Impact Report

Date: 11/14/2017

RECEIVED

NOV 28 2017

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative No. 17-0044 - Amendment # 1

Dear Initiative Coordinator:

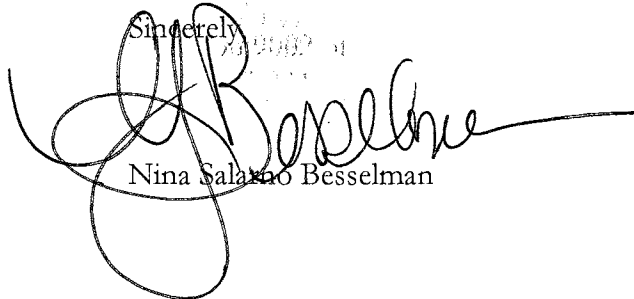
Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment # 1 to Initiative No. 17-0044. The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

For purposes of inquiries from the public and the media, please direct them as follows:

Charles H. Bell, Jr.
455 Capitol Mall, Suite 600
Sacramento, CA 95814
cbell@bmhlaw.com
(916) 442-7757

Thank you for your time and attention processing my request.

Sincerely,

Nina Salarno Besselman

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SEC. 1. TITLE

This act shall be known and may be cited as the Reducing Crime and Keeping California Safe Act of 2018.

SEC. 2. PURPOSES

This measure will fix three related problems created by recent laws that have threatened the public safety of Californians and their children from violent criminals. This measure will:

- A. Reform the parole system so violent felons are not released early from prison, strengthen oversight of post release community supervision and tighten penalties for violations of terms of post release community supervision;
- B. Reform theft laws to restore accountability for serial thieves and organized theft rings; and
- C. Expand DNA collection from persons convicted of drug, theft and domestic violence related crimes to help solve violent crimes and exonerate the innocent.

SEC. 3. FINDINGS AND DECLARATIONS

A. Prevent Early Release of Violent Felons

1. Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance. Murderers, rapists, child molesters and other violent criminals should not be released early from prison.
2. Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI.
3. Recent changes to parole laws allowed the early release of dangerous criminals by the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders."
4. As a result, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge.
5. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post release community supervision, like the gang member charged with the murder of Whittier Police Officer, Keith Boyer.
6. Californians need better protection from such violent criminals.
7. Californians need better protection from felons who repeatedly violate the terms of their post release community supervision.
8. This measure reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations.
9. Californians need better protection from such violent criminals. This measure reforms the law to define such crimes as "violent felonies" for purposes of early release.

10. Nothing in this act is intended to create additional “strike” offenses which would increase the state prison population.

11. Nothing in this act is intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

B. Restore Accountability for Serial Theft and Organized Theft Rings

1. Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal.

2. As a result, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. According to the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in at least ten years.

3. Individuals who repeatedly steal often do so to support their drug habit. Recent changes to California law have reduced judges’ ability to order individuals convicted of repeated theft crimes into effective drug treatment programs.

4. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter into existing drug treatment programs. This measure enacts such reforms.

C. Restore DNA Collection to Solve Violent Crime

1. Collecting DNA from criminals is essential to solving violent crimes. Over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals.

2. DNA collected in 2015 from a convicted child molester solved the rape-murders of two six-year-old boys that occurred three decades ago in Los Angeles County. DNA collected in 2016 from an individual caught driving a stolen car solved the 2012 San Francisco Bay Area rape-murder of an 83-year-old woman.

3. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted for such offenses.

4. Permitting collection of more DNA samples will help identify suspects, clear the innocent and free the wrongly convicted.

5. This measure does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted or are found innocent.

SEC. 4. PAROLE CONSIDERATION

Section 3003 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Except as otherwise provided in this section, an inmate who is released on parole or postrelease supervision as provided by Title 2.05 (commencing with Section 3450) shall be returned to the county that was the last legal residence of the inmate prior to his or her incarceration. For purposes of this subdivision, “last legal residence” shall not be construed to mean the county wherein the inmate committed an offense while confined in a state prison or local jail facility or while confined for treatment in a state hospital.

(b) Notwithstanding subdivision (a), an inmate may be returned to another county if that would be in the best interests of the public. If the Board of Parole Hearings setting the conditions of

parole for inmates sentenced pursuant to subdivision (b) of Section 1168, as determined by the parole consideration panel, or the Department of Corrections and Rehabilitation setting the conditions of parole for inmates sentenced pursuant to Section 1170, decides on a return to another county, it shall place its reasons in writing in the parolee's permanent record and include these reasons in the notice to the sheriff or chief of police pursuant to Section 3058.6. In making its decision, the paroling authority shall consider, among others, the following factors, giving the greatest weight to the protection of the victim and the safety of the community:

(1) The need to protect the life or safety of a victim, the parolee, a witness, or any other person.
 (2) Public concern that would reduce the chance that the inmate's parole would be successfully completed.

(3) The verified existence of a work offer, or an educational or vocational training program.

(4) The existence of family in another county with whom the inmate has maintained strong ties and whose support would increase the chance that the inmate's parole would be successfully completed.

(5) The lack of necessary outpatient treatment programs for parolees receiving treatment pursuant to Section 2960.

(c) The Department of Corrections and Rehabilitation, in determining an out-of-county commitment, shall give priority to the safety of the community and any witnesses and victims.

(d) In making its decision about an inmate who participated in a joint venture program pursuant to Article 1.5 (commencing with Section 2717.1) of Chapter 5, the paroling authority shall give serious consideration to releasing him or her to the county where the joint venture program employer is located if that employer states to the paroling authority that he or she intends to employ the inmate upon release.

(e)(1) The following information, if available, shall be released by the Department of Corrections and Rehabilitation to local law enforcement agencies regarding a paroled inmate or inmate placed on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) who is released in their jurisdictions:

(A) Last, first, and middle names.

(B) Birth date.

(C) Sex, race, height, weight, and hair and eye color.

(D) Date of parole or placement on postrelease community supervision and discharge.

(E) Registration status, if the inmate is required to register as a result of a controlled substance, sex, or arson offense.

(F) California Criminal Information Number, FBI number, social security number, and driver's license number.

(G) County of commitment.

(H) A description of scars, marks, and tattoos on the inmate.

(I) Offense or offenses for which the inmate was convicted that resulted in parole or postrelease community supervision in this instance.

(J) Address, including all of the following information:

(i) Street name and number. Post office box numbers are not acceptable for purposes of this subparagraph.

(ii) City and ZIP Code.

(iii) Date that the address provided pursuant to this subparagraph was proposed to be effective.

(K) Contact officer and unit, including all of the following information:

(i) Name and telephone number of each contact officer.

(ii) Contact unit type of each contact officer such as units responsible for parole, registration, or county probation.

(L) A digitized image of the photograph and at least a single digit fingerprint of the parolee.

(M) A geographic coordinate for the inmate's residence location for use with a Geographical Information System (GIS) or comparable computer program.

(N) Copies of the record of supervision during any prior period of parole.

(2) Unless the information is unavailable, the Department of Corrections and Rehabilitation shall electronically transmit to the county agency identified in subdivision (a) of Section 3451 the inmate's tuberculosis status, specific medical, mental health, and outpatient clinic needs, and any medical concerns or disabilities for the county to consider as the offender transitions onto postrelease community supervision pursuant to Section 3450, for the purpose of identifying the medical and mental health needs of the individual. All transmissions to the county agency shall be in compliance with applicable provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (Public Law 104-191), the federal Health Information Technology for Clinical Health Act (HITECH) (Public Law 111-005), and the implementing of privacy and security regulations in Parts 160 and 164 of Title 45 of the Code of Federal Regulations. This paragraph shall not take effect until the Secretary of the United States Department of Health and Human Services, or his or her designee, determines that this provision is not preempted by HIPAA.

(3) Except for the information required by paragraph (2), the information required by this subdivision shall come from the statewide parolee database. The information obtained from each source shall be based on the same timeframe.

(4) All of the information required by this subdivision shall be provided utilizing a computer-to-computer transfer in a format usable by a desktop computer system. The transfer of this information shall be continually available to local law enforcement agencies upon request.

(5) The unauthorized release or receipt of the information described in this subdivision is a violation of Section 11143.

~~(f) Notwithstanding any other law, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, a violent felony as defined in paragraphs (1) to (7), inclusive, and paragraph (16) of subdivision (c) of Section 667.5 or a felony in which the defendant inflicts great bodily injury on a person other than an accomplice that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9, if the victim or witness has requested additional distance in the placement of the inmate on parole, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation finds that there is a need to protect the life, safety, or well-being of a victim or witness.~~ the victim or witness, an inmate who is released on parole shall not be returned to a location within 35 miles of the actual residence of a victim of, or a witness to, any of the following crimes:

(1) A violent felony as defined subdivision (c) of Section 667.5 or subdivision (a) of Section 3040.1.

(2) A felony in which the defendant inflicts great bodily injury on a person, other than an accomplice, that has been charged and proved as provided for in Section 12022.53, 12022.7, or 12022.9.

(g) Notwithstanding any other law, an inmate who is released on parole for a violation of Section 288 or 288.5 whom the Department of Corrections and Rehabilitation determines poses a high risk to the public shall not be placed or reside, for the duration of his or her parole, within one-

half mile of a public or private school including any or all of kindergarten and grades 1 to 12, inclusive.

(h) Notwithstanding any other law, an inmate who is released on parole or postrelease community supervision for a stalking offense shall not be returned to a location within 35 miles of the victim's or witness' actual residence or place of employment if the victim or witness has requested additional distance in the placement of the inmate on parole or postrelease community supervision, and if the Board of Parole Hearings or the Department of Corrections and Rehabilitation, or the supervising county agency, as applicable, finds that there is a need to protect the life, safety, or well-being of the victim. If an inmate who is released on postrelease community supervision cannot be placed in his or her county of last legal residence in compliance with this subdivision, the supervising county agency may transfer the inmate to another county upon approval of the receiving county.

(i) The authority shall give consideration to the equitable distribution of parolees and the proportion of out-of-county commitments from a county compared to the number of commitments from that county when making parole decisions.

(j) An inmate may be paroled to another state pursuant to any other law. The Department of Corrections and Rehabilitation shall coordinate with local entities regarding the placement of inmates placed out of state on postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450).

(k)(1) Except as provided in paragraph (2), the Department of Corrections and Rehabilitation shall be the agency primarily responsible for, and shall have control over, the program, resources, and staff implementing the Law Enforcement Automated Data System (LEADS) in conformance with subdivision (e). County agencies supervising inmates released to postrelease community supervision pursuant to Title 2.05 (commencing with Section 3450) shall provide any information requested by the department to ensure the availability of accurate information regarding inmates released from state prison. This information may include all records of supervision, the issuance of warrants, revocations, or the termination of postrelease community supervision. On or before August 1, 2011, county agencies designated to supervise inmates released to postrelease community supervision shall notify the department that the county agencies have been designated as the local entity responsible for providing that supervision.

(2) Notwithstanding paragraph (1), the Department of Justice shall be the agency primarily responsible for the proper release of information under LEADS that relates to fingerprint cards.

(l) In addition to the requirements under subdivision (k), the Department of Corrections and Rehabilitation shall submit to the Department of Justice data to be included in the supervised release file of the California Law Enforcement Telecommunications System (CLETS) so that law enforcement can be advised through CLETS of all persons on postrelease community supervision and the county agency designated to provide supervision. The data required by this subdivision shall be provided via electronic transfer.

Section 3040.1 is added to the Penal Code to read:

(a) For purposes of early release or parole consideration under the authority of Section 32 of Article I of the Constitution, Sections 12838.4 and 12838.5 of the Government Code, Sections 3000.1, 3041.5, 3041.7, 3052, 5000, 5054, 5055, 5076.2 of this Code and the rulemaking authority granted by Section 5058 of this Code, the following shall be defined as "violent felony offenses":

(1) Murder or voluntary manslaughter;

- (2) Mayhem;
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262;
- (4) Sodomy as defined in subdivision (c) or (d) of Section 286;
- (5) Oral copulation as defined in subdivision (c) or (d) of Section 288a;
- (6) Lewd or lascivious act as defined in subdivision (a) or (b) of Section 288;
- (7) Any felony punishable by death or imprisonment in the state prison for life;
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7, 12022.8, or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in subdivision (a) of Section 12022.3, or Section 12022.5 or 12022.55;
- (9) Any robbery;
- (10) Arson, in violation of subdivision (a) or (b) of Section 451;
- (11) Sexual penetration as defined in subdivision (a) or (j) of Section 289;
- (12) Attempted murder;
- (13) A violation of Section 18745, 18750, or 18755;
- (14) Kidnapping;
- (15) Assault with the intent to commit a specified felony, in violation of Section 220;
- (16) Continuous sexual abuse of a child, in violation of Section 288.5;
- (17) Carjacking, as defined in subdivision (a) of Section 215;
- (18) Rape, spousal rape, or sexual penetration, in concert, in violation of Section 264.1;
- (19) Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22;
- (20) Threats to victims or witnesses, as defined in subdivision (c) of Section 136.1;
- (21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary;
- (22) Any violation of Section 12022.53;
- (23) A violation of subdivision (b) or (c) of Section 11418;
- (24) Solicitation to commit murder;
- (25) Felony assault with a firearm in violation of subsections (a)(2) and (b) of Section 245;
- (26) Felony assault with a deadly weapon in violation of paragraph (1) of subdivision (a) of Section 245;
- (27) Felony assault with a deadly weapon upon the person of a peace officer or firefighter in violation of subdivisions (c) and (d) of Section 245;
- (28) Felony assault by means of force likely to produce great bodily injury in violation of paragraph (4) of subdivision (a) of Section 245;
- (29) Assault with caustic chemicals in violation of Section 244;
- (30) False imprisonment in violation of Section 210.5;
- (31) Felony discharging a firearm in violation of Section 246;
- (32) Discharge of a firearm from a motor vehicle in violation of subsection (c) of Section 26100;
- (33) Felony domestic violence resulting in a traumatic condition in violation of Section 273.5;
- (34) Felony use of force or threats against a witness or victim of a crime in violation of Section 140;

- (35) Felony resisting a peace officer and causing death or serious injury in violation of Section 148.10;
 - (36) A felony hate crime punishable pursuant to Section 422.7;
 - (37) Felony elder or dependent adult abuse in violation of subdivision (b) of Section 368;
 - (38) Rape in violation of paragraphs (1), (3), or (4) of subdivision (a) of Section 261;
 - (39) Rape in violation of Section 262;
 - (40) Sexual penetration in violation of subdivision (b), (d) or (e) of Section 289;
 - (41) Sodomy in violation of subdivision (f), (g), or (i) of Section 286;
 - (42) Oral copulation in violation of subdivision (f), (g), or (i) of Section 288a;
 - (43) Abduction of a minor for purposes of prostitution in violation of Section 267;
 - (44) Human trafficking in violation of subdivision (a), (b), or (c) of Section 236.1;
 - (45) Child abuse in violation of Section 273ab;
 - (46) Possessing, exploding, or igniting a destructive device in violation of Section 18740;
 - (47) Two or more violations of subsection (c) of Section 451;
 - (48) Any attempt to commit an offense described in this subdivision;
 - (49) Any felony in which it is pled and proven that the Defendant personally used a dangerous or deadly weapon;
 - (50) Any offense resulting in lifetime sex offender registration pursuant to Sections 290 through 290.009.
 - (51) Any conspiracy to commit an offense described in this Section.
- (b) The provisions of this section shall apply to any inmate serving a custodial prison sentence on or after the effective date of this section, regardless of when the sentence was imposed.

Section 3040.2 is added to the Penal Code to read:

- (a) Upon conducting a nonviolent offender parole consideration review, the hearing officer for the Board of Parole Hearings shall consider all relevant, reliable information about the inmate.
- (b) The standard of review shall be whether the inmate will pose an unreasonable risk of creating victims as a result of felonious conduct if released from prison.
- (c) In reaching this determination, the hearing officer shall consider the following factors:
 - (1) Circumstances surrounding the current conviction;
 - (2) The inmate's criminal history, including involvement in other criminal conduct, both juvenile and adult, which is reliably documented;
 - (3) The inmate's institutional behavior including both rehabilitative programming and institutional misconduct;
 - (4) Any input from the inmate, any victim, whether registered or not at the time of the referral, and the prosecuting agency or agencies;
 - (5) The inmate's past and present mental condition as documented in records in the possession of the Department of Corrections and Rehabilitation;
 - (6) The inmate's past and present attitude about the crime;
 - (7) Any other information which bears on the inmate's suitability for release.
- (d) The following circumstances shall be considered by the hearing officer in determining whether the inmate is unsuitable for release:
 - (1) Multiple victims involved in the current commitment offense;
 - (2) A victim was particularly vulnerable due to age or physical or mental condition;
 - (3) The inmate took advantage of a position of trust in the commission of the crime;

- (4) The inmate was armed with or used a firearm or other deadly weapon in the commission of the crime;
 - (5) A victim suffered great bodily injury during the commission of the crime;
 - (6) The inmate committed the crime in association with a criminal street gang;
 - (7) The inmate occupied a position of leadership or dominance over other participants in the commission of the crime, or the inmate induced others to participate in the commission of the crime;
 - (8) During the commission of the crime, the inmate had a clear opportunity to cease but instead continued;
 - (9) The inmate has engaged in other reliably documented criminal conduct which was an integral part of the crime for which the inmate is currently committed to prison;
 - (10) The manner in which the crime was committed created a potential for serious injury to persons other than the victim of the crime;
 - (11) The inmate was on probation, parole, post release community supervision, mandatory supervision or was in custody or had escaped from custody at the time of the commitment offense;
 - (12) The inmate was on any form of pre- or post-conviction release at the time of the commitment offense;
 - (13) The inmate's prior history of violence, whether as a juvenile or adult;
 - (14) The inmate has engaged in misconduct in prison or jail;
 - (15) The inmate is incarcerated for multiple cases from the same or different counties or jurisdictions.
- (e) The following circumstances shall be considered by the hearing officer in determining whether the inmate is suitable for release:
- (1) The inmate does not have a juvenile record of assaulting others or committing crimes with a potential of harm to victims;
 - (2) The inmate lacks any history of violent crime;
 - (3) The inmate has demonstrated remorse;
 - (4) The inmate's present age reduces the risk of recidivism;
 - (5) The inmate has made realistic plans if released or has developed marketable skills that can be put to use upon release;
 - (6) The inmate's institutional activities demonstrate an enhanced ability to function within the law upon release;
 - (7) The inmate participated in the crime under partially excusable circumstances which do not amount to a legal defense;
 - (8) The inmate had no apparent predisposition to commit the crime but was induced by others to participate in its commission;
 - (9) The inmate has a minimal or no criminal history;
 - (10) The inmate was a passive participant or played a minor role in the commission of the crime;
 - (11) The crime was committed during or due to an unusual situation unlikely to reoccur.

Section 3040.3 is added to the Penal Code to read:

- (a) An inmate whose current commitment includes a concurrent, consecutive or stayed sentence for an offense or allegation defined as violent by subdivision (c) of Section 667.5 or 3040.1 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.

- (b) An inmate whose current commitment includes an indeterminate sentence shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (c) An inmate whose current commitment includes any enhancement which makes the underlying offense violent pursuant to subdivision (c) of Section 667.5 shall be deemed a violent offender for purposes of Section 32 of Article I of the Constitution.
- (d) For purposes of Section 32 of Article I of the Constitution, the “full term” of the “primary offense” shall be calculated based only on actual days served on the commitment offense.

Section 3040.4 is added to the Penal Code to read:

Pursuant to subsection (b) of Section 28 of Article I of the Constitution, the Department shall give reasonable notice to victims of crime prior to an inmate being reviewed for early parole and release. The Department shall provide victims with the right to be heard regarding early parole consideration and to participate in the review process. The Department shall consider the safety of the victims, the victims’ family, and the general public when making a determination on early release.

- (a) Prior to conducting a review for early parole, the Department shall provide notice to the prosecuting agency or agencies and to registered victims, and shall make reasonable efforts to locate and notify victims who are not registered.
- (b) The prosecuting agency shall have the right to review all information available to the hearing officer including, but not limited to the inmate’s central file, documented adult and juvenile criminal history, institutional behavior including both rehabilitative programming and institutional misconduct, any input from any person or organization advocating on behalf of the inmate, and any information submitted by the public.
- (c) A victim shall have a right to submit a statement for purposes of early parole consideration, including a confidential statement.
- (d) All prosecuting agencies, any involved law enforcement agency, and all victims, whether or not registered, shall have the right to respond to the board in writing.
- (e) Responses to the Board by prosecuting agencies, law enforcement agencies, and victims must be made within 90 days of the date of notification of the inmate’s eligibility for early parole review or consideration.
- (f) The Board shall notify the prosecuting agencies, law enforcement agencies, and the victims of the Nonviolent Offender Parole decision within 10 days of the decision being made.
- (g) Within 30 days of the notice of the final decision concerning Nonviolent Offender Parole Consideration, the inmate and the prosecuting agencies may request review of the decision.
- (h) If an inmate is denied early release under the Nonviolent Offender Parole provisions of Section 32 of Article I of the Constitution, the inmate shall not be eligible for early Nonviolent Offender parole consideration for two (2) calendar years from the date of the final decision of the previous denial.

Section 3041 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

- (a)(1) In the case of any inmate sentenced pursuant to any law, other than Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, the Board of Parole Hearings shall meet with each inmate during the sixth year before the inmate’s minimum eligible parole date for the purposes of reviewing and documenting the inmate’s activities and conduct pertinent to parole

eligibility. During this consultation, the board shall provide the inmate information about the parole hearing process, legal factors relevant to his or her suitability or unsuitability for parole, and individualized recommendations for the inmate regarding his or her work assignments, rehabilitative programs, and institutional behavior. Within 30 days following the consultation, the board shall issue its positive and negative findings and recommendations to the inmate in writing.

(2) One year before the inmate's minimum eligible parole date a panel of two or more commissioners or deputy commissioners shall again meet with the inmate and shall normally grant parole as provided in Section 3041.5. No more than one member of the panel shall be a deputy commissioner.

(3) In the event of a tie vote, the matter shall be referred for an en banc review of the record that was before the panel that rendered the tie vote. Upon en banc review, the board shall vote to either grant or deny parole and render a statement of decision. The en banc review shall be conducted pursuant to subdivision (e).

(4) Upon a grant of parole, the inmate shall be released subject to all applicable review periods. However, an inmate shall not be released before reaching his or her minimum eligible parole date as set pursuant to Section 3046 unless the inmate is eligible for earlier release pursuant to his or her youth offender parole eligibility date or elderly parole eligibility date.

(5) At least one commissioner of the panel shall have been present at the last preceding meeting, unless it is not feasible to do so or where the last preceding meeting was the initial meeting. Any person on the hearing panel may request review of any decision regarding parole for an en banc hearing by the board. In case of a review, a majority vote in favor of parole by the board members participating in an en banc review is required to grant parole to any inmate.

(b)(1) The panel or the board, sitting en banc, shall grant parole to an inmate unless it determines that the gravity of the current convicted offense or offenses, or the timing and gravity of current or past convicted offense or offenses, is such that consideration of the public safety requires a more lengthy period of incarceration for this individual. The panel or the board, sitting en banc, shall consider the entire criminal history of the inmate, including all current or past convicted offenses, in making this determination.

(2) After July 30, 2001, any decision of the parole panel finding an inmate suitable for parole shall become final within 120 days of the date of the hearing. During that period, the board may review the panel's decision. The panel's decision shall become final pursuant to this subdivision unless the board finds that the panel made an error of law, or that the panel's decision was based on an error of fact, or that new information should be presented to the board, any of which when corrected or considered by the board has a substantial likelihood of resulting in a substantially different decision upon a rehearing. In making this determination, the board shall consult with the commissioners who conducted the parole consideration hearing.

(3) A decision of a panel shall not be disapproved and referred for rehearing except by a majority vote of the board, sitting en banc, following a public meeting.

(c) For the purpose of reviewing the suitability for parole of those inmates eligible for parole under prior law at a date earlier than that calculated under Section 1170.2, the board shall appoint panels of at least two persons to meet annually with each inmate until the time the person is released pursuant to proceedings or reaches the expiration of his or her term as calculated under Section 1170.2.

(d) It is the intent of the Legislature that, during times when there is no backlog of inmates awaiting parole hearings, life parole consideration hearings, or life rescission hearings, hearings

will be conducted by a panel of three or more members, the majority of whom shall be commissioners. The board shall report monthly on the number of cases where an inmate has not received a completed initial or subsequent parole consideration hearing within 30 days of the hearing date required by subdivision (a) of Section 3041.5 or paragraph (2) of subdivision (b) of Section 3041.5, unless the inmate has waived the right to those timeframes. That report shall be considered the backlog of cases for purposes of this section, and shall include information on the progress toward eliminating the backlog, and on the number of inmates who have waived their right to the above timeframes. The report shall be made public at a regularly scheduled meeting of the board and a written report shall be made available to the public and transmitted to the Legislature quarterly.

(e) For purposes of this section, an en banc review by the board means a review conducted by a majority of commissioners holding office on the date the matter is heard by the board. An en banc review shall be conducted in compliance with the following:

(1) The commissioners conducting the review shall consider the entire record of the hearing that resulted in the tie vote.

(2) The review shall be limited to the record of the hearing. The record shall consist of the transcript or audiotape of the hearing, written or electronically recorded statements actually considered by the panel that produced the tie vote, and any other material actually considered by the panel. New evidence or comments shall not be considered in the en banc proceeding.

(3) The board shall separately state reasons for its decision to grant or deny parole.

(4) A commissioner who was involved in the tie vote shall be recused from consideration of the matter in the en banc review.

Section 3454 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Each supervising county agency, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, shall establish a review process for assessing and refining a person's program of postrelease supervision. Any additional postrelease supervision conditions shall be reasonably related to the underlying offense for which the offender spent time in prison, or to the offender's risk of recidivism, and the offender's criminal history, and be otherwise consistent with law.

(b) Each county agency responsible for postrelease supervision, as established by the county board of supervisors pursuant to subdivision (a) of Section 3451, may determine additional appropriate conditions of supervision listed in Section 3453 consistent with public safety, including the use of continuous electronic monitoring as defined in Section 1210.7, order the provision of appropriate rehabilitation and treatment services, determine appropriate incentives, and determine and order appropriate responses to alleged violations, which can include, but shall not be limited to, immediate, structured, and intermediate sanctions up to and including referral to a reentry court pursuant to Section 3015, or flash incarceration in a city or county jail. Periods of flash incarceration are encouraged as one method of punishment for violations of an offender's condition of postrelease supervision.

(c) As used in this title, "flash incarceration" is a period of detention in a city or county jail due to a violation of an offender's conditions of postrelease supervision. The length of the detention period can range between one and 10 consecutive days. Flash incarceration is a tool that may be used by each county agency responsible for postrelease supervision. Shorter, but if necessary

more frequent, periods of detention for violations of an offender's postrelease supervision conditions shall appropriately punish an offender while preventing the disruption in a work or home establishment that typically arises from longer term revocations.

(d) Upon a decision to impose a period of flash incarceration, the probation department shall notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

Section 3455 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) If the supervising county agency has determined, following application of its assessment processes, that intermediate sanctions as authorized in subdivision (b) of Section 3454 are not appropriate, or if the supervised person has violated the terms of his or her release for a third time, the supervising county agency shall petition the court pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision. At any point during the process initiated pursuant to this section, a person may waive, in writing, his or her right to counsel, admit the violation of his or her postrelease community supervision, waive a court hearing, and accept the proposed modification of his or her postrelease community supervision. The petition shall include a written report that contains additional information regarding the petition, including the relevant terms and conditions of postrelease community supervision, the circumstances of the alleged underlying violation, the history and background of the violator, and any recommendations. The Judicial Council shall adopt forms and rules of court to establish uniform statewide procedures to implement this subdivision, including the minimum contents of supervision agency reports. Upon a finding that the person has violated the conditions of postrelease community supervision, the revocation hearing officer shall have authority to do all of the following:

- (1) Return the person to postrelease community supervision with modifications of conditions, if appropriate, including a period of incarceration in a county jail.
- (2) Revoke and terminate postrelease community supervision and order the person to confinement in a county jail.
- (3) Refer the person to a reentry court pursuant to Section 3015 or other evidence-based program in the court's discretion.

(b) (1) At any time during the period of postrelease community supervision, if a peace officer, including a probation officer, has probable cause to believe a person subject to postrelease community supervision is violating any term or condition of his or her release, or has failed to appear at a hearing pursuant to Section 1203.2 to revoke, modify, or terminate postrelease community supervision, the officer may, without a warrant or other process, arrest the person and bring him or her before the supervising county agency established by the county board of supervisors pursuant to subdivision (a) of Section 3451. Additionally, an officer employed by the supervising county agency may seek a warrant and a court or its designated hearing officer appointed pursuant to Section 71622.5 of the Government Code shall have the authority to issue a warrant for that person's arrest.

(2) The court or its designated hearing officer shall have the authority to issue a warrant for a person who is the subject of a petition filed under this section who has failed to appear for a hearing on the petition or for any reason in the interests of justice, or to remand to custody a person who does appear at a hearing on the petition for any reason in the interests of justice.

(3) Unless a person subject to postrelease community supervision is otherwise serving a period of flash incarceration, whenever a person who is subject to this section is arrested, with or without a warrant or the filing of a petition for revocation, the court may order the release of the person under supervision from custody under any terms and conditions the court deems appropriate.

(c) The revocation hearing shall be held within a reasonable time after the filing of the revocation petition. Except as provided in paragraph (3) of subdivision (b), based upon a showing of a preponderance of the evidence that a person under supervision poses an unreasonable risk to public safety, or that the person may not appear if released from custody, or for any reason in the interests of justice, the supervising county agency shall have the authority to make a determination whether the person should remain in custody pending the first court appearance on a petition to revoke postrelease community supervision, and upon that determination, may order the person confined pending his or her first court appearance.

(d) Confinement pursuant to paragraphs (1) and (2) of subdivision (a) shall not exceed a period of 180 days in a county jail for each custodial sanction.

(e) A person shall not remain under supervision or in custody pursuant to this title on or after three years from the date of the person's initial entry onto postrelease community supervision, except when his or her supervision is tolled pursuant to Section 1203.2 or subdivision (b) of Section 3456.

SEC. 5. DNA COLLECTION

Section 296 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) The following persons shall provide buccal swab samples, right thumbprints, and a full palm print impression of each hand, and any blood specimens or other biological samples required pursuant to this chapter for law enforcement identification analysis:

(1) Any person, including any juvenile, who is convicted of or pleads guilty or no contest to any felony offense, or is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.

(2) Any adult person who is arrested for or charged with any of the following felony offenses:

(A) Any felony offense specified in Section 290 or attempt to commit any felony offense described in Section 290, or any felony offense that imposes upon a person the duty to register in California as a sex offender under Section 290.

(B) Murder or voluntary manslaughter or any attempt to commit murder or voluntary manslaughter.

(C) Commencing on January 1, 2009, any adult person arrested or charged with any felony offense.

(3) Any person, including any juvenile, who is required to register under Section 290 through 290.009 or 457.1 because of the commission of, or the attempt to commit, a felony or misdemeanor offense, or any person, including any juvenile, who is housed in a mental health facility or sex offender treatment program after referral to such facility or program by a court after being charged with any felony offense.

(4) Any person, excluding a juvenile, who is convicted of, or pleads guilty or no contest to, any of the following offenses:

(A) A misdemeanor violation of Section 459.5;

(B) A violation of subdivision (a) of Section 473 that is punishable as a misdemeanor pursuant to subdivision (b) of Section 473;

(C) A violation of subdivision (a) of Section 476a that is punishable as a misdemeanor pursuant to subdivision (b) of Section 476a;

(D) A violation of Section 487 that is punishable as a misdemeanor pursuant to Section 490.2;

(E) A violation of Section 496 that is punishable as a misdemeanor;

(F) A misdemeanor violation of subdivision (a) of Section 11350 of the Health and Safety Code;

(G) A misdemeanor violation of subdivision (a) of Section 11377 of the Health and Safety Code;

(H) A misdemeanor violation of paragraph (1) of subdivision (e) of Section 243;

(I) A misdemeanor violation of Section 273.5;

(J) A misdemeanor violation of paragraph (1) of subdivision (b) of Section 368;

(K) Any misdemeanor violation where the victim is defined as set forth in Section 6211 of the Family Code;

(L) A misdemeanor violation of paragraph (3) of subdivision (b) of Section 647.

~~(4)~~~~(5)~~ The term “felony” as used in this subdivision includes an attempt to commit the offense.

~~(5)~~~~(6)~~ Nothing in this chapter shall be construed as prohibiting collection and analysis of specimens, samples, or print impressions as a condition of a plea for a non-qualifying offense.

(b) The provisions of this chapter and its requirements for submission of specimens, samples and print impressions as soon as administratively practicable shall apply to all qualifying persons regardless of sentence imposed, including any sentence of death, life without the possibility of parole, or any life or indeterminate term, or any other disposition rendered in the case of an adult or juvenile tried as an adult, or whether the person is diverted, fined, or referred for evaluation, and regardless of disposition rendered or placement made in the case of juvenile who is found to have committed any felony offense or is adjudicated under Section 602 of the Welfare and Institutions Code.

(c) The provisions of this chapter and its requirements for submission of specimens, samples, and print impressions as soon as administratively practicable by qualified persons as described in subdivision (a) shall apply regardless of placement or confinement in any mental hospital or other public or private treatment facility, and shall include, but not be limited to, the following persons, including juveniles:

(1) Any person committed to a state hospital or other treatment facility as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(2) Any person who has a severe mental disorder as set forth within the provisions of Article 4 (commencing with Section 2960) of Chapter 7 of Title 1 of Part 3 of the Penal Code.

(3) Any person found to be a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(d) The provisions of this chapter are mandatory and apply whether or not the court advises a person, including any juvenile, that he or she must provide the data bank and database specimens, samples, and print impressions as a condition of probation, parole, or any plea of guilty, no contest, or not guilty by reason of insanity, or any admission to any of the offenses described in subdivision (a).

(e) If at any stage of court proceedings the prosecuting attorney determines that specimens, samples, and print impressions required by this chapter have not already been taken from any person, as defined under subdivision (a) of Section 296, the prosecuting attorney shall notify the court orally on the record, or in writing, and request that the court order collection of the specimens, samples, and print impressions required by law. However, a failure by the prosecuting attorney or any other law enforcement agency to notify the court shall not relieve a person of the obligation to provide specimens, samples, and print impressions pursuant to this chapter.

(f) Prior to final disposition or sentencing in the case the court shall inquire and verify that the specimens, samples, and print impressions required by this chapter have been obtained and that this fact is included in the abstract of judgment or dispositional order in the case of a juvenile. The abstract of judgment issued by the court shall indicate that the court has ordered the person to comply with the requirements of this chapter and that the person shall be included in the state's DNA and Forensic Identification Data Base and Data Bank program and be subject to this chapter.

However, failure by the court to verify specimen, sample, and print impression collection or enter these facts in the abstract of judgment or dispositional order in the case of a juvenile shall not invalidate an arrest, plea, conviction, or disposition, or otherwise relieve a person from the requirements of this chapter.

SEC. 6. SHOPLIFTING

Section 459.5 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 459, shoplifting is defined as entering a commercial establishment with intent to ~~commit larceny~~ steal retail property or merchandise while that establishment is open during regular business hours, where the value of the property that is taken or intended to be taken does not exceed nine hundred fifty dollars (\$950). Any other entry into a commercial establishment with intent to commit larceny is burglary. Shoplifting shall be punished as a misdemeanor, except that a person with one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290 may be punished pursuant to subdivision (h) of Section 1170.

(b) Any act of shoplifting as defined in subdivision (a) shall be charged as shoplifting. No person who is charged with shoplifting may also be charged with burglary or theft of the same property.

(c) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(d) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(e) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

Section 490.2 of the Penal Code is amended to read:

[language added to an existing section of law is designated in underlined type and language deleted is designated in ~~strikeout~~ type]

(a) Notwithstanding Section 487 or any other provision of law defining grand theft, obtaining any property by theft where the value of the money, labor, real or personal property taken does not exceed nine hundred fifty dollars (\$950) shall be considered petty theft and shall be punished as a misdemeanor, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 or for an offense requiring registration pursuant to subdivision (c) of Section 290.

(b) This section shall not be applicable to any theft that may be charged as an infraction pursuant to any other provision of law.

(c) This section shall not apply to theft of a firearm, forgery, the unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e, forgery of an access card pursuant to Section 484f, the unlawful use of an access card pursuant to Section 484g, theft from an elder pursuant to subdivision (e) of Section 368, receiving stolen property, embezzlement, or identity theft pursuant to Section 530.5, or the theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

SEC. 7. SERIAL THEFT**Section 490.3 is added to the Penal Code to read:**

(a) This section applies to the following crimes:

- (1) petty theft;
- (2) shoplifting;
- (3) grand theft;
- (4) burglary;
- (5) carjacking;
- (6) robbery;
- (7) a crime against an elder or dependent adult within the meaning of subdivision (d) or (e) of Section 368;
- (8) any violation of Section 496;
- (9) unlawful taking or driving of a vehicle within the meaning of Section 10851 of the Vehicle Code.
- (10) Forgery.
- (11) The unlawful sale, transfer, or conveyance of an access card pursuant to Section 484e.
- (12) Forgery of an access card pursuant to Section 484f.
- (13) The unlawful use of an access card pursuant to Section 484g.
- (14) Identity theft pursuant to Section 530.5.
- (15) The theft or unauthorized use of a vehicle pursuant to Section 10851 of the Vehicle Code.

(b) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, any person who, having been previously convicted of two or more of the offenses specified in subdivision (a), which offenses were committed on separate occasions, and who is subsequently convicted of petty theft or shoplifting where the value of the money, labor, or real or personal

property taken exceeds two hundred fifty dollars (\$250) shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(c) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 8. ORGANIZED RETAIL THEFT

Section 490.4 is added to the Penal Code to read:

(a) "Retail property or merchandise" means any article, product, commodity, item or component intended to be sold in retail commerce.

(b) "Value" means the retail value of an item as advertised by the affected retail establishment, including applicable taxes.

(c) Any person, who, acting in concert with one or more other persons, commits two (2) or more thefts pursuant to Sections 459.5 or 490.2 of retail property or merchandise having an aggregate value exceeding two hundred fifty dollars (\$250) and unlawfully takes such property during a period of one hundred eighty days (180) is guilty of organized retail theft.

(d) Notwithstanding subsection (3) of subdivision (h) of Section 1170, subsections (2) and (4) of subdivision (a) of Section 1170.12, subsections (2) and (4) of subdivision (c) of Section 667, organized retail theft shall be punished by imprisonment in the county jail not exceeding one year, or imprisonment pursuant to subdivision (h) of Section 1170.

(e) For purposes of this section, the value of retail property stolen by persons acting in concert may be aggregated into a single count or charge, with the sum of the value of all of the retail merchandise being the values considered in determining the degree of theft.

(f) An offense under this section may be prosecuted in any county in which an underlying theft could have been prosecuted as a separate offense.

(g) This section does not prohibit a person or persons from being charged with any violation of law arising out of the same criminal transaction that violates this section.

SEC. 9. AMENDMENTS

This act shall not be amended by the Legislature except by a statute that furthers the purposes, findings and declarations of the Act and is passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

SEC. 10. SEVERABILITY

If any provision of this Act, or any part of any provision, or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications which can be given effect without the invalid or unconstitutional provision or application shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SEC. 11. CONFLICTING INITIATIVES

(a) In the event that this measure and another measure addressing parole consideration pursuant to Section 32 of Article I of the Constitution, revocation of parole and post release community supervision, DNA collection, or theft offenses shall appear on the same statewide ballot, the

provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.



December 20, 2017

RECEIVED

DEC 20 2017

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed statutory initiative (A.G. File No. 17-0044, Amendment No. 1) relating to criminal penalties and DNA collection.

BACKGROUND

Criminal Penalties

Sentencing law generally defines three types of crimes: felonies, misdemeanors, and infractions. A felony is the most severe type of crime. Existing law classifies some felonies as “violent” or “serious,” or both. Examples of felonies currently defined as violent include murder, robbery, and rape. While almost all violent felonies are also considered serious, other felonies are defined only as serious, such as assault with intent to commit robbery. Felonies that are not classified as violent or serious include human trafficking and sale of a controlled substance. A misdemeanor is a less severe offense. Misdemeanors include crimes such as assault and public drunkenness. An infraction is the least severe offense and is generally punishable by a fine.

Felony Sentencing. Offenders convicted of felonies can be sentenced to one of the following:

- ***State Prison.*** Felony offenders who have current or prior convictions for serious, violent, or sex crimes can be sentenced to state prison. Offenders who are released from prison after serving a sentence for a serious or violent crime are supervised in the community by state parole agents. Offenders who are released from prison after serving a sentence for a crime that is not a serious or violent crime are usually supervised in the community by county probation officers, which is commonly referred to as Post Release Community Supervision (PRCS). Offenders who break the rules that they are required to follow while supervised in the community or commit new crimes can be sent to county jail or state prison, depending on their criminal history and the seriousness of the offense.

Legislative Analyst's Office
California Legislature
Mac Taylor • Legislative Analyst
925 L Street, Suite 1000 • Sacramento CA 95814
(916) 445-4656 • FAX 324-4281

- **County Jail and/or Community Supervision.** Felony offenders who have no current or prior convictions for serious, violent, or sex offenses are typically sentenced to county jail or supervision in the community by a county probation officer, or both. In addition, depending on the discretion of the judge and what crime was committed, some offenders who have current or prior convictions for serious, violent, or sex offenses can receive similar sentences. Offenders who break the rules that they are required to follow while supervised in the community or commit new crimes can be sent to county jail or state prison, depending on their criminal history and the seriousness of the offense.

Misdemeanor Sentencing. Under current law, offenders convicted of misdemeanors may be sentenced to county jail, county community supervision, a fine, or some combination of the three. Offenders on county community supervision for a misdemeanor crime may be placed in jail if they break the rules that they are required to follow while supervised in the community.

In general, offenders convicted of misdemeanor crimes are punished less severely than felony offenders. For example, misdemeanor crimes carry a maximum sentence of up to one year in jail while felony offenders can spend much longer periods in prison or jail. In addition, offenders who are convicted of a misdemeanor are usually supervised in the community for fewer years and may not be supervised as closely by probation officers.

Wobbler Sentencing. Under current law, some crimes—such as unauthorized use of a vehicle—can be charged as either a felony or a misdemeanor. These crimes are known as “wobblers.” The sentencing decision on wobblers is left to the court and is generally based on the specific circumstances of the crime and the criminal history of the offender.

Release Consideration for Nonviolent Offenders

In November 2016, voters approved Proposition 57, which amended the State Constitution, to specify that any person convicted of a nonviolent felony offense and sentenced to state prison shall be considered for release after completing the full term for his or her primary offense. The primary offense is defined as the longest term imposed excluding any additional terms added to an offender’s sentence, including any sentencing enhancements (such as the additional time an inmate serves for prior felony convictions). The State Constitution authorizes the California Department of Corrections and Rehabilitation (CDCR) to adopt regulations to implement this consideration process, which currently restrict the process to certain offenders.

Eligible offenders are reviewed for release by the Board of Parole Hearings (BPH). Specifically, a BPH deputy commissioner reviews the inmate’s file to determine if he or she is suitable for release based on information about the inmate, such as the inmate’s criminal history. As part of these reviews, district attorneys, law enforcement agencies, and victims can submit letters to BPH regarding the inmate’s potential release. To facilitate this process, CDCR contacts victims registered with the state to inform them about their ability to submit such letters. If the deputy commissioner concludes that the inmate does not currently pose an unreasonable risk of violence the inmate is approved for release. If an inmate is denied release, he or she can appeal the decision, and the inmate’s file is reviewed by a different deputy commissioner for a final decision. Inmates who are denied release are reconsidered the following year, though they often complete their sentences and are released before this subsequent review takes place. As of

October 31, 2017, BPH has completed over 2,700 reviews and approved nearly 500 offenders (18 percent) for release.

DNA Collection

Under current state law, any adult arrested or charged with a felony offense, any juvenile found guilty of a felony offense, or any individual required to register as a sex offender or arsonist is required to provide DNA samples for law enforcement purposes. The samples are collected by state and local law enforcement agencies, and are generally submitted to the California Department of Justice (DOJ) for processing. DOJ analyzes the samples and stores the DNA profiles in a statewide DNA databank. DOJ also submits the DNA profiles to a national repository maintained by the Federal Bureau of Investigation. This allows law enforcement to compare DNA collected from crime scenes to information in these DNA databanks to identify individuals who were at the crime scene. The cost of collecting and analyzing DNA samples is partially supported by revenue collected from various criminal fines and fees.

PROPOSAL

This measure amends state law to (1) increase penalties for certain theft-related crimes, (2) change the existing nonviolent offender release consideration process, (3) change community supervision practices, and (4) require DNA collection from adults convicted of certain misdemeanors. We describe these changes in greater detail below.

Increases Penalties for Certain Theft-Related Crimes. Under current law, theft of money or property worth less than \$950 is generally charged as petty theft or shoplifting if the theft was from a commercial establishment. Petty theft and shoplifting are generally misdemeanors punishable by up to six months in county jail. The measure specifies that certain theft-related crimes—such as forgery, identity theft, and unauthorized use of a vehicle—cannot be charged as petty theft or shoplifting regardless of the value of money or property stolen. Instead, while these crimes could still be charged as misdemeanors, punishable by up to one year in jail, they also could be charged as felonies, punishable by up to three years in jail or prison.

The measure also establishes the following two crimes:

- ***Serial Theft.*** Any person with two or more prior convictions for specified theft-related crimes (such as burglary, forgery, or carjacking) who is subsequently found guilty of shoplifting or petty theft involving money or property that exceeds \$250 could be charged with serial theft.
- ***Organized Retail Theft.*** Any person, acting with one or more other persons who commits two or more instances of petty theft or shoplifting where the total value of property stolen within a period of 180 days exceeds \$250 could be charged with organized retail theft.

Both of these new crimes would be wobblers, punishable by up to three years in jail, including in cases where the offender has a prior serious, violent, or sex offense.

Changes Nonviolent Offender Release Consideration Process. The measure makes various changes to the current nonviolent offender release consideration process. Some of these changes include:

- Excluding certain inmates who would otherwise qualify for the release consideration process. For example, inmates convicted of specified human trafficking crimes and solicitation to commit murder would no longer be eligible.
- Allowing prosecuting agencies to appeal a release decision made by BPH.
- Requiring BPH to deny release to inmates who pose an unreasonable risk of creating victims as a result of future felony activity, rather than only those who pose an unreasonable risk of violence.
- Requiring CDCR to make reasonable efforts to locate victims regardless of whether they are registered with the state and notify them of the review.

Changes Community Supervision Practices. The measure makes various changes that impact how CDCR and county probation departments supervise offenders in the community. For example, counties currently have discretion on whether to punish offenders on PRCS who violate the terms of their supervision. In the case of serious violations, the probation department can choose to petition the court to revoke an offender's terms of supervision, potentially resulting in harsher terms of supervision or placement in county jail. This measure requires probation departments to petition the court to revoke a PRCS offender's terms of supervision if he or she has violated them for a third time.

In addition, the measure expands the type of information that CDCR and counties have to make available. For example, the measure requires counties to provide any records of supervision related to PRCS offenders upon request by CDCR. CDCR would be required to provide similar information to local law enforcement about individuals being released from prison into their jurisdictions.

Expands DNA Collection. The measure requires state and local law enforcement to collect DNA samples from any adult convicted of certain misdemeanor crimes and wobblers. Some of these crimes include shoplifting, forging checks, and certain domestic violence offenses.

FISCAL EFFECTS

The measure would have various fiscal effects on state and local governments. However, the magnitude of the effects discussed below are subject to significant uncertainty, depending how the measure is interpreted by the courts and how it is implemented by various entities (such as county probation departments and local prosecutors). For example, the changes to the nonviolent offender release consideration process would likely be subject to legal interpretation. This is because the measure seeks to impose statutory limits on the constitutional authority CDCR has to implement the process. For the purposes of our analysis, we assume that the measure is fully implemented.

State and Local Corrections Costs. The measure would increase state and local correctional costs in three ways. First, the increase in penalties for various theft-related crimes would increase

state and local correctional costs primarily by increasing the workload associated with housing offenders in county jail and supervising them in the community. Second, the changes made to the nonviolent offender release consideration process would increase state correctional costs by likely reducing the number of inmates who are released through the process and generally increasing the cost of the process. Third, the changes to community supervision practices would increase state and local correctional costs by likely increasing the number of PRCS offenders whose terms of supervision are revoked and placed in county jail and creating additional reporting requirements for CDCR and counties. We note that a small portion of the above costs would be offset by certain savings, such as from a reduction in the number of offenders reviewed by BPH. In total, we estimate that the net increase in state and local correctional costs could potentially range in the tens of millions of dollars annually. The actual increase would depend on the number of offenders that would be affected by the measure, which is uncertain given limited data currently available on offenders who commit certain crimes.

State and Local Court-Related Costs. The measure would increase state and local court-related costs. By increasing prosecutors' discretion to charge certain theft-related crimes as felonies, this measure would increase the number of felony filings and reduce the number of misdemeanor filings in state court. As a result, workload for the courts, county district attorney and public defender offices, and county sheriffs (who provide court security) would increase as felonies take more time to adjudicate than misdemeanors. In addition, requiring probation departments to petition the court after each PRCS offender's third violation would result in additional court proceedings. In total, we estimate that these court-related costs could be around a few million dollars annually, depending on the actual number of offenders affected by the measure.

State and Local Law Enforcement Costs. The measure would increase state and local law enforcement costs by expanding the number of offenders who are required to provide DNA samples. The magnitude of these costs would depend on the number of additional offenders that would be required to submit DNA samples, but would likely not exceed a couple million dollars annually.

Other Fiscal Effects. There could be various other unknown fiscal effects on state and local governments due to the measure. For example, costs described above could be somewhat offset by criminal justice system savings to the extent that this measure reduces future crime. This could occur if (1) higher criminal penalties authorized by this measure deter individuals from committing new crimes or (2) keeping offenders in prison, jail, or under community supervision for longer reduces offenders' opportunities to commit crimes. The extent to which these or other effects would occur is unknown.

Summary of Fiscal Effects. We estimate that this measure would have the following major fiscal effects:

- Increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the nonviolent offender release consideration process.

- Increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings.
- Increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

Sincerely,



Mac Taylor
Legislative Analyst



for Michael Cohen
Director of Finance

DATE: May 31, 2018

TO: Executive Committee

FROM: Marisa Creter, Executive Director

RE: **TAX FAIRNESS, TRANSPARENCY, AND ACCOUNTABILITY ACT OF 2018**

RECOMMENDED ACTION

Recommend the Governing Board oppose the Tax Fairness, Transparency and Accountability Act of 2018.

TAX FAIRNESS, TRANSPARENCY, AND ACCOUNTABILITY ACT OF 2018

The Tax Fairness, Transparency and Accountability Act of 2018 (Act), is a proposed initiative for the November ballot. The Act would require that all local taxes be approved by a supermajority (two-thirds) vote by eliminating the distinction between special and general taxes, requiring all fees to be approved by a two-thirds vote of city council, and subjecting new fees to a referendum if a petition is signed by 5% of voters.

LOCAL IMPACT

The Act would eliminate local authority to impose a tax for general purposes by majority vote and instead require all local proposed tax increases be subject to a two-thirds supermajority vote. The Act would also require two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot. In addition, the measure would apply retroactively to local agencies and would void any local measure approved by local voters on or after January 1, 2018 that does not comply with the Act's provisions.

SUPPORT AND OPPOSITION

Those who support this Act say that it will create transparency. In addition, this Act requires that state and local laws enacting a new tax measure, fee, or charge must specify how the revenue will be utilized. The following is a list of those who support this initiative:

- California Business Roundtable
- Californians for Accountability and Transparency in Government Spending
- American Beverage Association California PAC
- California Business Roundtable Issues PAC
- Andeavor

Those who oppose the Act say that the initiative would drastically limit local revenue authority and other local agencies. The following is a list of those who oppose this initiative:

- SEIU California State Council
- Committee to Protect Our Communities

REPORT

- League of California Cities
- City of Scotts Valley
- City of Palo Alto
- City of Berkley
- City of Orinda
- City of Hemet
- City of San Fernando
- City of Monrovia
- City of Pomona
- City of Glendale
- City of Concord
- City of Fountain Valley

Prepared by: *Jake Stotz*
Jake Stotz
Graduate Intern

Approved by: *Marisa Creter*
Marisa Creter
Executive Director

ATTACHMENTS

Attachment A – Tax Fairness, Transparency and Accountability Act of 2018 Text

December 22, 2017

VIA PERSONAL DELIVERY

Hon. Xavier Becerra
Attorney General of California
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED

DEC 22 2017

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Initiative Constitutional
Amendment (A.G. No. 17-0050) - Amended Language

Dear Ms. Johansson:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the amended language. My address as a registered voter, the required proponent affidavits pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00 were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,



Robert Lapsley, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title.

This Act shall be known, and may be cited as, the Tax Fairness, Transparency and Accountability Act of 2018.

Section 2. Findings & Declarations.

(a) State and local governments' appetite for new revenue adds to the rapidly rising costs of living that Californians face for housing, childcare, gasoline, food, energy, healthcare, and education. Compared to 2009, state revenues from taxes and other sources are set to grow by 68 percent— \$72 billion, or the equivalent of more than an additional \$7,200 annually for a family of four. Comparable growth in local government charges such as employee pensions adds considerably more to this total. This growing burden of taxes and other charges is hurting hardworking Californians who find themselves living paycheck to paycheck, and being forced to make tough choices between paying for housing, food, or healthcare.

(b) Californians are already among the highest taxed people in the country and already pay among the highest tax rates in the nation for the state personal income tax, sales taxes, and gasoline tax. From the most recent data from the US Census Bureau, California state and local government general revenues collected in 2015 from taxes, fees, charges, and other non-utility local sources were the highest in the nation at \$419 billion, making them the 9th highest on a per capita basis at \$8,385 per person. With 12 percent of the national population, US Census Bureau data shows that Californians in 2016 paid 17 percent of all taxes collected by the states including 13 percent of all general sales taxes, 15 percent of all vehicle license fees, 16 percent of all property taxes, 22 percent of all corporation taxes, 23 percent of all personal income taxes, and 29 percent of all occupation and business license fees.

(c) Californians have tried repeatedly to force greater accountability upon government before revenues can be increased. Voter-approved ballot measures such as Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010) required state and local governments to make their case to the voters on the need for increased government revenues.

(d) Through these measures, voters also tried to keep government honest and transparent about why new revenues and charges are needed and how they will be used. For too long, politicians, state and local governments, and special interests have promised that taxpayer money will be spent for a specific purpose, only to divert its use once the money starts coming in. Revenues that were supposed to improve education instead have been diverted to general salary and benefit increases. Revenues that were promised to improve and expand government services were instead diverted to pay down debts created by past government decisions. Recent major transportation improvements have seen cost overruns more than double their original estimate. Polling by the nonpartisan Public Policy Institute of California showed 88 percent of Californians believe state government wastes a lot or some of the money we pay in taxes and charges.

(e) Contrary to the voters' intent, voter approval of government revenue increases and spending accountability measures have been weakened by the Legislature, the courts, and special interests, making it easier to raise government revenues in a myriad of ways by only a simple majority of the Legislature or with no vote by the public who is expected to pay the costs.

(f) Worse, court-created loopholes have enabled governments and their surrogates to become less transparent about how the funds taken from taxpayers are raised and spent. Loopholes have been created which are used by the Legislature, local governments and even special interest groups to: (1) pass vaguely-worded statutes allowing unelected bureaucrats to impose new fees and other charges on their own that increase the costs of goods and services in the state; (2) impose new taxes and other charges by hiding them and simply calling them by another name or even using the term "something else;" (3) shelter the revenues from voter approval by running the revenues through a nonprofit organization or another third party; and (4) encourage "divide and tax" by making it easier to raise taxes or charges on only a part of the population through simple majority votes in low turnout elections.

Section 3. Statement of Purpose.

(a) In enacting this measure, the voters reassert their right to require a two-thirds vote of the Legislature at the state level, and two-thirds of voters at the local level, for increases in state and local taxes, no matter how they are labeled nor how or by whom they are proposed. The

voters also intend that government remain accountable to the voters for how the taxes, fees, charges, and other government revenues extracted from Californians are spent.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a two-thirds vote of the Legislature to ensure that the purposes for such tax, fee, or other charge are broadly supported and transparently debated.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes, fees, charges, or other government revenues with the rapidly increasing costs Californians are already paying for housing, food, gasoline, energy, healthcare, education, and other basic costs of living.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is to force transparency and accountability on how state and local revenues are utilized, so that revenues are used for their promised purposes, and not diverted to other uses.

(e) Furthermore, the purpose and intent of the voters in enacting this measure is to require that the public be allowed to vote on any and all local taxes that were created or increased by regulation or other bureaucratic action.

(f) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, and *Schmeer v. Los Angeles County*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended, to read:

SECTION 3.

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by state law is either a tax or an exempt charge.

(b) ~~(a)~~ Any change in state statute law which results in any taxpayer paying a higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed.

(c) ~~(b)~~ As used in this section, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by the State state law that is not an exempt charge, except the following:

(d) As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

~~(1)~~ ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

~~(2)~~ ~~(3)~~ A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to the State ~~incident to~~ for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, imposing assessments on a business by a tourism marketing district, and the administrative enforcement and adjudication thereof.

~~(3)~~ ~~(4)~~ A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

~~(4)~~ ~~(5)~~ A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, ~~as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

~~(e)~~ Any tax adopted after January 1, 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(e) As used in this section, "state law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. Because subdivision (f) of Section 9 of Article IX of this Constitution requires that the University of California shall be entirely

independent of all political or sectarian influence, "state law" does not include acts of the Regents of the University of California.

(f)(1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by state law and which is retained by or payable to a non-government entity remains subject to this section if a state law also limits in any way how the non-government entity can use the levy, charge, or exaction.

(2) The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by state law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(g) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The state law creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2).

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the state law as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those identified pursuant to this subdivision.

(h) The specific and legally binding and enforceable limitation on how the revenue from a tax can be spent shall only be changed by a state law which is adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature.

(i) ~~(d)~~ The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and is not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens

on, or benefits received from, the governmental activity is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (d), or is proportional to the costs to the State created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (d).

Section 5. Section 3.1 is added to Article XIII A of the California Constitution, to read:

SECTION 3.1.

(a) No new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation shall be given any force or effect unless and until the Legislature by statute approves the levy, charge, or exaction as provided in this section.

(b) If the levy, charge, or exaction is a tax as defined in Section 3 of this article, then it must be approved by not less than two-thirds of all members elected to each of the two houses of the Legislature. If the levy, charge, or exaction is an exempt charge as defined in Section 3 of this article, then it must be approved by not less than a majority of all members elected to each of the two houses of the Legislature.

(c) The Legislature shall not vote to approve any levy, charge, or exaction of any kind subject to this section until after the regulation containing the levy, charge, or exaction is approved in its final form by the Office of Administrative Law or any alternative or successor agency. No regulation containing or authorizing a levy, charge, or exaction subject to this section shall be filed with the Secretary of State or published in the California Code of Regulations, or any alternative or successor publication, until the levy, charge, or exaction is approved by the Legislature in compliance with this section.

(d) An emergency regulation, including any readoption thereof, that contains or authorizes any new, increased, or extended levy, charge, or exaction of any kind shall not remain in effect longer than 120 days without approval of the levy, charge, or exaction by the Legislature pursuant to this section.

(e) This section shall not apply to any new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation promulgated pursuant to a state tax that was adopted in compliance with Section 3.

(f) For purposes of this section, "regulation" has the same meaning as found in Section 11342.600 of the Government Code, and "emergency" has the same meaning as found in Section 11342.545 of the Government Code, as those sections read on January 1, 2017.

(g) Nothing in this section shall be interpreted as a grant of authority to tax to any executive branch agency or department.

Section 6. Section 1 of Article XIII C of the California Constitution is amended, to read:

SECTION 1.

Definitions. As used in this article:

(a) "Article XIII D assessment, fee, or charge" means an assessment, fee, or charge subject to Article XIII D. ~~"General tax" means any tax imposed for general governmental purposes.~~

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, ~~or~~ any other local or regional governmental entity, or the electorate of any of the preceding entities when exercising the initiative power.

(c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.~~

~~(d) (e)~~ As used in this article, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by a local government law that is not an exempt charge or Article XIII D assessment, fee, or charge., ~~except the following:~~

(e) "Exempt charge" means only the following:

~~(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.~~

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2)~~ (3) A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to the a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3)~~ (4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4)~~ (5) A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, ~~as a result of~~ to punish a violation of law.

~~(5)~~ (6) A charge imposed as a condition of property development, or an assessment imposed upon a business by a tourism marketing district.

~~(6)~~ (7) An Article XIII D assessment, fee, or charge Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g)~~ "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(h)(1)~~ A levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law and which is retained by or payable to a non-government entity remains subject to this section and Section 2 if a local law also limits in any way how the non-government entity can use the levy, charge, or exaction.

~~(2)~~ The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

~~(i)~~ The local government bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and

not a tax, that the amount is *reasonable and* no more than necessary to cover the reasonable *actual* costs of the governmental activity *service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose*, and that the manner in which those costs are allocated to a payor *is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (e), or is proportional to the costs to the local government created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (e)* bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 7. Section 2 of Article XIII C of the California Constitution is amended, to read:

SECTION 2.

Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by local law is either a tax, an exempt charge, or an Article XIII D assessment, fee, or charge.

(b) (d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall

not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(c) The governing body of a local government shall only submit a tax to the electorate of the local government by an act passed by not less than two-thirds of all members elected to the governing body. Any tax so submitted shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(d) The governing body of a local government shall not impose, extend, or increase any exempt charge unless and until the act containing the exempt charge is passed by not less than two-thirds of all members elected to the governing body. An exempt charge imposed, extended, or increased by a governing body shall be subject to referendum pursuant to the same signature requirement applicable to statewide referendum measures.

(e) No initiative in any local government may impose, extend, or increase any exempt charge unless and until the exempt charge is submitted to the electorate and approved by a two-thirds vote.

(f) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The act creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from a tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2), and included in the ballot question presented to voters.

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the act as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those specifically identified pursuant this subdivision.

(g) A change in how the revenue from a tax can be spent shall be treated as a new tax and shall be approved in accordance with the requirements of this section.

(h) An Article XIII D assessment, fee, or charge can be extended, imposed, or created pursuant to Article XIII D.

(i) In order to preserve the right of voters to vote on all local taxes as provided for in this section, all of the following shall apply:

(1) Any imposition, increase, or extension of a local government tax that was voted on by the electorate of the local government after January 1, 2018, but prior to the effective date of this subdivision, and which does not satisfy all of the requirements of paragraph (2), shall cease to be imposed, extended, increased, or collected unless and until the tax is approved in strict compliance with all the requirements of paragraph (2).

(2)(A) The tax imposition, increase, or extension was approved by two-thirds of the local government's electorate.

(B) The act imposing, increasing, or extending the tax strictly complies with subdivision (f).

(C) The ballot question presented to voters for the tax imposition, increase, or extension strictly complies with subdivision (f).

Section 8. Section 5 is added to Article XIII C of the California Constitution, to read:

SECTION 5.

(a) This article and Section 4 of Article XIII A shall apply to all local lawmaking power, whether exercised by a governing body or by the electorate acting through the initiative power.

(b) Nothing in this article or Section 3 of Article XIII A shall be interpreted as altering the voter approval requirements for bonded indebtedness described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

Section 9. Section 3 of Article XIII D of the California Constitution is amended, to read:

SECTION 3.

Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any ~~special~~ non-ad valorem tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 10. Liberal Construction.

This Act shall be liberally construed in order to effectuate its purposes.

Section 11. Conflicting Measures.

(a)(1) In the event that this initiative measure and another initiative measure or measures relating to state or local vote requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) Notwithstanding paragraph (1), this initiative measure shall not be deemed to be in conflict with any other initiative measure that requires statewide voter approval of the creation, increase, extension, or continued imposition of any tax.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 12. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 13. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

Section 14. Effective Date.

Notwithstanding any other provision of the California Constitution, this act shall take effect the day after its approval by the voters.



AGENDA AND NOTICE OF THE REGULAR MEETING OF THE
SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS GOVERNING BOARD

JUNE 21, 2018 - 6:00 P.M.

**Upper San Gabriel Valley Municipal Water District Office
602 E. Huntington Drive, Suite B, Monrovia, California 91016**

SGVCOG Officers

President
Cynthia Sternquist

1st Vice President
Margaret Clark

2nd Vice President
Joe Lyons

3rd Vice President
Becky Shevlin

Members

- Alhambra
- Arcadia
- Azusa
- Baldwin Park
- Bradbury
- Claremont
- Covina
- Diamond Bar
- Duarte
- El Monte
- Glendora
- Industry
- Irwindale
- La Cañada Flintridge
- La Puente
- La Verne
- Monrovia
- Montebello
- Monterey Park
- Pomona
- Rosemead
- San Dimas
- San Gabriel
- San Marino
- Sierra Madre
- South El Monte
- South Pasadena
- Temple City
- Walnut
- West Covina

First District, LA County
Unincorporated Communities

Fourth District, LA County
Unincorporated Communities

Fifth District, LA County
Unincorporated Communities

SGV Water Districts

Thank you for participating in tonight's meeting. The Governing Board encourages public participation and invites you to share your views on agenda items.

MEETINGS: *Regular Meetings of the Governing Board are held on the third Thursday of each month at 6:00 PM at the Upper San Gabriel Valley Municipal Water District Office (602 E. Huntington Drive, Suite B, Monrovia, California 91016).* The Governing Board agenda packet is available at the San Gabriel Valley Council of Government's (SGVCOG) Office, 1000 South Fremont Avenue, Suite 10210, Alhambra, CA, and on the website, www.sgvco.org. Copies are available via email upon request (sgv@sgvco.org). Documents distributed to a majority of the Board after the posting will be available for review in the SGVCOG office and on the SGVCOG website. Your attendance at this public meeting may result in the recording of your voice.

CITIZEN PARTICIPATION: Your participation is welcomed and invited at all Governing Board meetings. Time is reserved at each regular meeting for those who wish to address the Board. SGVCOG requests that persons addressing the meeting refrain from making personal, slanderous, profane or disruptive remarks.

TO ADDRESS THE GOVERNING BOARD: At a regular meeting, the public may comment on any matter within the jurisdiction of the Board during the public comment period and may also comment on any agenda item at the time it is discussed. At a special meeting, the public may only comment on items that are on the agenda. Members of the public wishing to speak are asked to complete a comment card or simply rise to be recognized when the Chair asks for public comments to speak. We ask that members of the public state their name for the record and keep their remarks brief. There is a three minute limit on all public comments. Proxies are not permitted and individuals may not cede their comment time to other members of the public. **The Governing Board may not discuss or vote on items not on the agenda.**

AGENDA ITEMS: The Agenda contains the regular order of business of the Governing Board. Items on the Agenda have generally been reviewed and investigated by the staff in advance of the meeting so that the Governing Board can be fully informed about a matter before making its decision.

CONSENT CALENDAR: Items listed on the Consent Calendar are considered to be routine and will be acted upon by one motion. There will be no separate discussion on these items unless a Board member or citizen so requests. In this event, the item will be removed from the Consent Calendar and considered after the Consent Calendar. If you would like an item on the Consent Calendar discussed, simply tell Staff or a member of the Governing Board.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the SGVCOG office at (626) 457-1800. Notification 48 hours prior to the meeting will enable the SGVCOG to make reasonable arrangement to ensure accessibility to this meeting.



PRELIMINARY BUSINESS

5 MINUTES

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment (*If necessary, the President may place reasonable time limits on all comments*)
5. Changes to Agenda Order: Identify emergency items arising after agenda posting and requiring action prior to next regular meeting

PRESENTATION

15 MINUTES

6. Safe, Clean Water Program – Department of Public Works, County of Los Angeles

LIAISON REPORTS

10 MINUTES

7. Gold Line Foothill Extension Construction Authority
8. Foothill Transit
9. San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy
10. Southern California Association of Governments
11. League of California Cities
12. San Gabriel Valley Economic Partnership
13. South Coast Air Quality Management District

CONSENT CALENDAR

5 MINUTES

(It is anticipated that the SGVCOG Governing Board may take action on the following matters)

14. Governing Board Meeting Minutes
Recommended Action: Adopt Governing Board minutes.
15. Monthly Cash Disbursements/Balances/Transfers
Recommended Action: Approve Monthly Cash Disbursements/Balances/Transfers.
16. ACE Minutes
Recommended Action: Receive and file.
17. ACE Monthly Report
Recommended Action: Receive and file.
18. Committee Attendance
Recommended Action: Receive and file.
19. ACE/COG Integration Update
Recommended Action: Receive and file.
20. Treasurer's Report
Recommended Action: Receive and file.
21. 3rd Quarter Financial Report and #2 Budget Amendment
Recommended Action: Adopt Resolution 18-34 to amend the FY 17-18 budget and receive and file the 3rd Quarter Financial Report.
22. Reducing Crime and Keeping California Safe Act of 2018
Recommended Action: Adopt Resolution 18-35 to support the Reducing Crime and Keeping California Safe Act of 2018.
23. Tax Fairness, Transparency and Accountability Act of 2018
Recommended Action: Adopt Resolution 18-36 to oppose the Tax Fairness, Transparency and Accountability Act of 2018.

- 24. Voter Approval for Increases in Gas and Car Tax Initiative
Recommended Action: Adopt Resolution 18-37 to oppose the Voter Approval for Increase in Gas and Car Tax Initiative.
- 25. Capital Projects and Construction Committee Appointments
Recommended Action: Confirm Capital Projects and Construction Committee appointments for the FY 18-19.
- 26. Retirement Benefit Study Contract
Recommended Action: Approve contract with xxx for an amount not to exceed xx to perform a study related to SGVCOG retirement benefits.

ACTION ITEMS

10 MINUTES

PRESIDENT'S REPORT

5 MINUTES

EXECUTIVE DIRECTOR'S REPORT

5 MINUTES

GENERAL COUNSEL'S REPORT

5 MINUTES

COMMITTEE REPORTS

10 MINUTES

- 27. Transportation Committee
- 28. Homelessness Committee
- 29. Energy, Environment and Natural Resources Committee
- 30. Water Committee
- 31. Capital Projects and Construction Committee

PROJECT REPORTS

5 MINUTES

- 32. Homeless Coordination Efforts
- 33. San Gabriel Valley Energy Wise Partnership

BOARD MEMBER ITEMS

ANNOUNCEMENTS

ADJOURN