



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

City Hall
915 I Street
First Floor Council Chambers
May 16, 2006
12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council, established to consider subjects of particular class.

Its purpose is to review proposed legislation, revisions to existing legislation, proposed city ordinance, and revisions to existing ordinances in order to make recommendation to the full City Council.

NOTICE IS HEREBY GIVEN that the Sacramento City Council will conduct concurrent meetings with the Council Committee(s) listed on this agenda which is incorporated herein by reference. The Special Meeting(s) are called to permit members who are not on the listed committees to attend the meetings and participate in the discussion. In the event five (5) or more members of the City Council are present at a committee meeting, only those items listed on the agenda can be acted upon or discussed.

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This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

Meeting facilities are accessible to persons with disabilities. Please notify the City Clerk's office at (916) 808-7200 at least 48 hours prior to the meeting if you require special assistance to participate in the meeting. The meeting is archived and accessible along with other meeting information on the City's website.

**Law and Legislation Committee
Agenda**

CALL TO ORDER

ROLL CALL

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of May 4, 2006 Minutes

RECOMMENDATION: Approve May 4, 2006 Minutes

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

3.0 Legislative Position: Support AB 2745 Relating to Hospital Discharge Plans and Homeless Patients.

RECOMMENDATION: Adopt a support position on AB 2745.

4.0 Legislative Position: Support AB 2923 Relating to Graffiti, Vandalism, and Driver's License.

RECOMMENDATION: Adopt a support position on AB 2923.

5.0 Legislative Position: Support SB 1008 Relating to Enterprise Zones

RECOMMENDATION: Adopt a support position on SB1008.

6.0 Ordinance Amending Sections 10.04.010 and 10.36.140, and deleting Section 10.36.260 of the Sacramento City Code relating to Temporary Construction Parking Permits.

RECOMMENDATION: Approve ordinance amendments and forward to Council.

7.0 Legislative Position: Oppose AB 2922, as currently written, Relating to Redevelopment.

RECOMMENDATION: Adopt an oppose position on AB 2922, as currently written.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

8.0 To be announced

Adjournment

9.0 To be announced

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of May 5, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

Thursday, June 8, 2006

Administrative Corrections to the New Specialty Construction Appeals Board - **DSD**
Amend Ordinance Relating to the Structure of the History and Science Commission – **CC&L**
AB 777 Relating to Tax Credits and Motion Picture Production – **City Manager's Office**
AB 2987 Cable & Video Service – **City Manager's Office**

Tuesday June 20, 2006

Mobile Food Vendor Ordinance – **Finance**

July 18, 2006

Amend City Code Regarding Animal Control – **General Services Dept.**
Solid Waste Facility Fee – **Utilities Department**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards – **Finance/Procurement Department**
Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**
Contractual Conflict of Interest of City Employees – **Finance Department**
Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**
Report Back on City-wide Sign Ordinance - **Development Svcs**
Illegal Dumping Vehicle Impound Ordinance – **Utilities Department**
Housing Trust Fund Nexus Study - **Development Svcs**
Amend Ordinance Regarding Reward Program – **Utilities Department**
Amend Tree Ordinance – **Parks & Rec**
Public Financing of Campaigns – **City Clerk**
Report Back on Rental Inspection Pilot Program – **Code Enforcement**
Report Back on City Infill Housing Project – **Development Svcs**
Amend Ordinance Relating to Recycling Centers – **Development Svcs**
Discussion paper on Truancy/Daytime Curfew for Teens – **Police Department**
Discussion paper on Trespassing Ordinance – **Code Enforcement & Police**
Amendments to Update Development Services Code – **Development Svcs**
Alcohol Use Permit Processing Ordinance – **Police Department**
Amendments to Marina Ordinance – **Convention Culture & Leisure**
R Street Urban Design Plan and SPD Amendments - **Development Svcs**
Front yard Landscaping – **Code Enforcement**
Ordinance to Regulate Valet Parking – **Transportation Dept.**



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Consent
May 16, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – May 4, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of May 4, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff is recommends the approval of the minutes for the Committee meeting of May 4, 2006.

Committee/Commission Action: None.

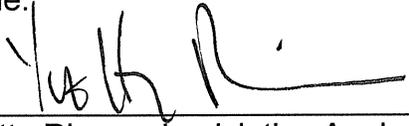
Financial Considerations: None.

Environmental Considerations: None.

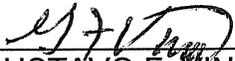
Policy Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: _____


Yvette Rincon, Legislative Analyst

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

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City of Sacramento Law and Legislation Committee MINUTES

COMMITTEE MEMBERS:

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Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

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**Law and Legislation Committee
MINUTES**

CALL TO ORDER – 12:42pm

ROLL CALL – Sheedy, Waters, Hammond present. Cohn arrived at 12:55pm.

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of April 18, 2006 Minutes

RECOMMENDATION: Approve April 18, 2006 Minutes

ACTION: Moved/Seconded/Carried (Sheedy/Waters) approval of April 18, 2006 minutes.

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

ACTION: Moved/Seconded/Carried (Sheedy/Waters) approval of legislative log

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

3.0 Proposed Legislation Relating to Minimum Wage Increases: SB 1162 and AB 1835

RECOMMENDATION: Discussion and direction on a City position.

ACTION: Moved/Seconded/Carried (Sheedy/Hammond) approval of a support position on SB 1162 and AB 1835.

4.0 AB 1556 Relating to the California Delta Trail

RECOMMENDATION: Adopt a support position on AB 1556.

ACTION: Moved/Seconded/Carried (Sheedy/Waters) to continue item. Item was continued as staff is working with the bill author on amendments to include Sacramento in the Delta Trail.

5.0 AB 2465 Relating to Pedestrian-Bicyclist Safety; Vehicles; and School Zone Fines

RECOMMENDATION: Adopt a support position on AB 2465.

ACTION: Moved/Seconded/Carried (Waters/Cohn) approval of a support position on AB 2465.

6.0 Proposed Firearm Legislation: AB 352, AB 2521, and SB 1545

RECOMMENDATION: Adopt a support position on AB 352, AB 2521, and SB 1545.

ACTION: Moved/Seconded/Carried (Waters/Sheedy) approval of support position on AB 352 and AB 2521.

Moved/Seconded/Carried (Sheedy/Waters) to bring back SB 1545 to Law and Legislation Committee with a definition of "use".

Public testimony given by Griffin Dix on AB352.

7.0 Northgate Boulevard Master Plan, Land Use Recommendations

RECOMMENDATION: Approve City code amendments and forward to full Council.

ACTION: Moved/Seconded/Carried (Cohn/Sheedy) approval of city code amendments and forwarded to full Council.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

8.0 None

Adjournment

9.0 Adjourned - 1:12pm.

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
6	3.06.3 Report Back on City Infill Housing Project	L&L Committee/DSD/ Luncinda Wilcox	September 2006	The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date.	No	N/A	DSD
7	1.05.02 Amend Tree Ordinance	Parks & Rec/Joe Benassini	Fall 2006	Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process.	To be Determined	To be determined	Parks & Rec
8	03.05.05 Public Campaign Financing	CMO/Clerk	Winter 2006	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight.	Yes	Moderate	CMO/Clerk
LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING							
9	3.04.3 Contractual Conflict of Interest of City Employees	Finance	Pending	Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Limited	Citywide
10	11.04.2 Establish Drug & Gun Free Zones and Creation of Civil Exclusion	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Significant	Police/CAO
11	1.2 Update on Sign Ordinance and Sign Program	CM Waters/Dev Svcs/ NSD	Pending	Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD

1 Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.

2 Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
12	09.04.02 Illegal Dumping Vehicle Impound Ordinance	CM Hammond Utilities/Harold Duffy	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision.	Potentially Yes	Significant	Utilities/Code
13	05.05.02 Housing Trust Fund Nexus Study	Dev Svcs	Pending	Item heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L.	Possibly	To Be Determined	Dev Svcs
14	08.05.1 Amend Ordinance Relating to Reward Program	Waters/Utilities/ Harold Duffy	Pending	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Limited	Utilities
15	6.03.02 Report Back on Representation of Neighborhood Associations	CM Sheedy/DSD/ NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue. Staff will update the Neighborhood Assoc. list and discuss options to public outreach.	To Be Determined	To Be Determined	DSD/NSD
16	5.03.02 Report Back on Contract Standards	CM Sheedy/ Finance/Procurement	Pending	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Finance
17	3.06.4 Amend Ordinance relating to Recycling Centers	CM Hammond/ DSD	Pending	Address design guidelines for recycling cubicles (dumpsters), definition of recycling and developing siting criteria.	TBD	TBD	DSD
18	3.06.5 Truancy/Daytime Curfew for Teens	CM McCarty/ Police	Pending	Research possible ordinance regarding truancy/daytime curfew for teens.	TBD	TBD	Police

¹ Reflects attorney drafting time only not time required for the legislative process, including staff direction, public outreach, community meetings, workshops, formal noticed public hearings required for adoptions.

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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
19	Amendments to Development Svcs code	DSD/Julia McGinnis	Pending	An Ordinance amendment updating various sections of chapters 3, 5, 12, 16, and 18 of the City Code referencing City Engineer and Director of Public Works and adding a definition for City Manager's Designee	No	Limited	Dev Svcs
20	Amendments to Marina Code	CC&L/Michelle Heppner	Pending	Amendments to the Marina Code to update and address administrative processes.	Yes	Moderate	CC&L
21	Approved Alcohol Use Permits Processing	CM Hammond/ Police/Sherrri Scruggs	Pending	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code
22	Amendments to R Street SPD	Dev Svcs/Tara Goddard	16-May-06	Amendments to R Street Special Planning District to Facilitate Development	To be Determined	To be Determined	Dev Svcs
23	Discussion Paper on a Trespassing Ordinance	CM Tretheway/ Code & Police / Max Fernandez	Pending	Amend ordinance relating to trespassing on private property.	Possibly	TBD	Code/Police
24	Ordinance to Regulate Valet Parking Operations	DOT/Howard Chan	pending	Any valet parking operator who performs valet parking services at a restaurant or other place of public assembly will be required to have a valet parking permit.	TBD	TBD	DOT

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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 16, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 2745 relating to hospital discharge plans and homeless patients.

Location/Council District: Citywide

Recommendation:

Staff recommends that the Law and Legislation Committee adopt a support position on AB 2745 relating to hospital discharge plans and homeless patients.

Contact: Yvette Rincon, Legislative Analyst, 808-5827

Presenters: Yvette Rincon, Legislative Analyst

Department: City Manager's Office

Division: Government Affairs

Organization No: 0310

Summary:

This report provides information on AB 2745, authored by Assembly Member Dave Jones, which would require hospitals to develop a discharge protocol specific to the needs of homeless individuals, as specified. It would prohibit the protocol from permitting the relocation of homeless individuals, for the purpose of receiving supportive services, from one county to another county agency or service provider, without written prior notification to the recipient county agency or service provider, or both.

Committee/Commission Action:

On April 18, 2006, the Law and Legislation approved a support position on SB 1319 (Cedillo) related to homeless dumping. This bill proposes to prohibit hospitals and law enforcement agencies from transporting a person who is in need of homeless support services to a homeless service provider or shelter unless they first confirm that the person agrees to be transported and that there are services available for this person. AB 2745 is similar to SB 1319 in that its purpose is also to prevent homeless dumping.

Background Information:

In December of 2005, the full Council approved and provided direction to staff on the conceptual approach to the Ten Year Plan to End Chronic Homelessness in the City and County of Sacramento. The purpose of the plan is to provide housing and support services to end chronic homelessness in the City and County of Sacramento. AB 2745 attempts to address the problem of hospitals discharging or dumping homeless persons into surrounding communities.

AB 2745 Major Provisions

- Requires each hospital to develop a protocol specific to the needs of homeless individuals and include it in the hospital's written discharge planning and policy process required under current law.
- Requires the protocol to, include, but not be limited to, the collection of patient information including the name, age, ethnicity, number of previous hospital admissions in the past 12 months, and length of stay. Requires the collection of information to be in accordance with applicable laws and regulations governing patient confidentiality.
- Prohibits the protocol from permitting the relocation of homeless individuals, for the purpose of receiving supportive services, from one county to another county agency or service provider, without written prior notification to the recipient county agency or service provider, or both.
- Requires the county board of supervisors (Board) in the county where the hospital is located to review and either approve, approve with modifications, or reject the protocol. Requires the hospital, if the protocol is rejected, to submit a revised protocol for approval by the Board. Permits hospitals, to the extent that there are multiple hospitals in a county, to jointly develop a protocol for the Board's approval.
- Requires a hospital with an approved protocol to resubmit the protocol to the Board for review and re-approval every five years.
- Defines "homeless individual" as an individual who lacks a fixed and regular nighttime residence, or has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or who is residing in a public or private place not designed to provide temporary living accommodations or ordinarily used as a sleeping accommodation for human beings.

Financial Considerations:

To the extent this legislation prevents homeless dumping in the City, the City will have more resources available to focus on, and provide for, its homeless population.

Environmental Considerations:

None.

Policy Considerations:

Staff's recommended support of AB 2745 (Jones) is consistent with the City's interest in ending chronic homelessness and with the City's support of SB 1319 (Cedillo). This bill is another tool to help end homeless dumping, hold local hospitals and agencies accountable, and force hospitals to ensure that services are available in other communities before they discharge and transport out their homeless population.

Emerging Small Business Development (ESBD):

None.

Respectfully Submitted by: 
Yvette Rincon, Legislative Analyst

Approved by: 
Patti Bisharat
Director of Government Affairs

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

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May 16, 2006

The Honorable Dave Jones
California State Assembly
State Capitol
Sacramento, CA 95814

Support: Assembly Bill 2745 Relating to Hospital Discharge Plans and Homeless Dumping

Dear Assembly Member Jones:

On behalf of the City of Sacramento, I am pleased to express the City's support of Assembly Bill 2745 relating to hospital discharge plans and homeless dumping. We believe AB 2745 is consistent with the City's interest in ending chronic homelessness. This bill provides another tool to help end homeless dumping, hold local hospitals and agencies accountable, and force hospitals to ensure that services are available in other communities before they discharge and transport out their homeless population. The City of Sacramento is very aware of the homeless problems in its jurisdiction and will be adopting a ten-year plan to end its chronic homelessness.

Thank you for introducing this important piece of legislation.

Sincerely,

LAUREN HAMMOND, Chair
City of Sacramento Law and Legislation Committee

cc: Senator David Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels Jones and Associates

AMENDED IN ASSEMBLY MAY 2, 2006
AMENDED IN ASSEMBLY APRIL 6, 2006
AMENDED IN ASSEMBLY MARCH 28, 2006
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2745

Introduced by Assembly Member Jones

February 24, 2006

An act to amend Section 1262.5 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2745, as amended, Jones. Hospitals: discharge plans: homeless persons: *patients*.

Existing law provides for the licensure and regulation of health facilities by the State Department of Health Services. A violation of these provisions is a crime. Existing law requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.

This bill would require that each hospital develop, within the discharge planning policy and process, a protocol specific to the needs of homeless ~~individuals~~ *patients*, as defined, containing specified information. The bill would prohibit the protocol from permitting the relocation of homeless individuals, for the purpose of receiving support services, from one county to another ~~county agency or county's social service agency or health care~~ service provider without

prior written notification to the recipient county agency or *health care* service provider, or both. The bill would require that ~~the county board of supervisors in the county where the hospital is located review and either approve, approve with modifications, or reject the protocol~~ *the hospital provide the protocol to the county board of supervisors in the county where the hospital is located, and would require the county board of supervisors to review the protocol.* ~~The bill would require the hospital, if the protocol is rejected, to submit a revised protocol for approval by the board of supervisors. The bill would require that a hospital with an approved protocol resubmit its protocol to the board of supervisors for review and reapproval not less than once every 5 years.~~ *The bill would authorize the hospitals in the county, to the extent that there are multiple hospitals in a county, to jointly develop a protocol for review by the board of supervisors of that county.*

By imposing duties upon county boards of supervisors and by creating a new crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1262.5 of the Health and Safety Code is
- 2 amended to read:
- 3 1262.5. (a) Each hospital shall have a written discharge
- 4 planning policy and process.
- 5 (b) (1) The policy required by subdivision (a) shall require
- 6 that appropriate arrangements for posthospital care, including,
- 7 but not limited to, care at home, in a skilled nursing or
- 8 intermediate care facility, or from a hospice, are made prior to

1 discharge for those patients who are likely to suffer adverse
2 health consequences upon discharge if there is no adequate
3 discharge planning. If the hospital determines that the patient and
4 family members or interested persons need to be counseled to
5 prepare them for posthospital care, the hospital shall provide for
6 that counseling.

7 (2) (A) Each hospital shall develop a protocol specific to the
8 needs of homeless individuals *patients*, which shall be included
9 in the policy required by subdivision (a).

10 (B) This protocol shall, include, but not be limited to, the
11 collection of patient information including the ~~name~~, age,
12 ethnicity, *primary language, disability*, number of previous
13 hospital admissions in the past 12 months, and length of stay.
14 The collection of that information shall be in accordance with
15 applicable laws and regulations governing patient confidentiality.

16 (C) The protocol shall not permit the relocation of homeless
17 individuals, for the purpose of receiving supportive services,
18 from one county to another ~~county agency or county's social~~
19 *service agency or health care* service provider, without written
20 prior notification to the recipient ~~county agency or social service~~
21 *agency or health care* service provider, or both.

22 ~~(D) The county board of supervisors in the county where the~~
23 ~~hospital is located shall review and either approve, approve with~~
24 ~~modifications, or reject the protocol. If the protocol is rejected,~~
25 ~~the hospital shall submit a revised protocol for approval by the~~
26 ~~board of supervisors. To the extent that there are multiple~~
27 ~~hospitals in a county, the hospitals may jointly develop a protocol~~
28 ~~for the board of supervisor's approval.~~

29 ~~(E) A hospital with an approved protocol shall resubmit the~~
30 ~~protocol to the board of supervisors for review and reapproval~~
31 ~~not less than once every five years.~~

32 *(D) The hospital shall provide the protocol to the county*
33 *board of supervisors in the county where the hospital is located,*
34 *and the county board of supervisors shall review the protocol. To*
35 *the extent that there are multiple hospitals in a county, the*
36 *hospitals in the county may jointly develop a protocol for review*
37 *by the board of supervisors of that county.*

38 ~~(F)~~

39 ~~(E) For purposes of this subparagraph, "homeless individual"~~
40 ~~section, "homeless patient" means an individual who lacks a~~

1 fixed and regular nighttime residence, or has a primary nighttime
2 residence that is a supervised publicly or privately operated
3 shelter designed to provide temporary living accommodations, or
4 who is residing in a public or private place not designed to
5 provide temporary living accommodations or ordinarily used as a
6 sleeping accommodation for human beings.

7 (c) The process required by subdivision (a) shall require that
8 the patient be informed, orally or in writing, of the continuing
9 health care requirements following discharge from the hospital.
10 The right to information regarding continuing health care
11 requirements following discharge shall apply to the person who
12 has legal responsibility to make decisions regarding medical care
13 on behalf of the patient, if the patient is unable to make those
14 decisions for himself or herself. In addition, a patient may
15 request that friends or family members be given this information,
16 even if the patient is able to make his or her own decisions
17 regarding medical care.

18 (d) (1) A transfer summary shall accompany the patient upon
19 transfer to a skilled nursing or intermediate care facility or to the
20 distinct part-skilled nursing or intermediate care service unit of
21 the hospital. The transfer summary shall include essential
22 information relative to the patient's diagnosis, hospital course,
23 pain treatment and management, medications, treatments, dietary
24 requirement, rehabilitation potential, known allergies, and
25 treatment plan, and shall be signed by the physician.

26 (2) A copy of the transfer summary shall be given to the
27 patient and the patient's legal representative, if any, prior to
28 transfer to a skilled nursing or intermediate care facility.

29 (e) A hospital shall establish and implement a written policy to
30 ensure that each patient receives, at the time of discharge,
31 information regarding each medication dispensed, pursuant to
32 Section 4074 of the Business and Professions Code.

33 (f) A contract between a general acute care hospital and a
34 health care service plan that is issued, amended, renewed, or
35 delivered on or after January 1, 2002, may not contain a
36 provision that prohibits or restricts any health care facility's
37 compliance with the requirements of this section.

38 SEC. 2. No reimbursement is required by this act pursuant to
39 Section 6 of Article XIII B of the California Constitution for
40 certain costs that may be incurred by a local agency or school

1 district because, in that regard, this act creates a new crime or
2 infraction, eliminates a crime or infraction, or changes the
3 penalty for a crime or infraction, within the meaning of Section
4 17556 of the Government Code, or changes the definition of a
5 crime within the meaning of Section 6 of Article XIII B of the
6 California Constitution.
7 However, if the Commission on State Mandates determines
8 that this act contains other costs mandated by the state,
9 reimbursement to local agencies and school districts for those
10 costs shall be made pursuant to Part 7 (commencing with Section
11 17500) of Division 4 of Title 2 of the Government Code.

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AB 2745
Page 1

Date of Hearing: April 25, 2006

ASSEMBLY COMMITTEE ON HEALTH
Wilma Chan, Chair

AB 2745 (Jones) - As Amended: April 6, 2006

SUBJECT : Hospitals: discharge plans: homeless persons.

SUMMARY : Requires hospitals to develop a protocol specific to the needs of homeless individuals, as specified. Prohibits the protocol from permitting the relocation of homeless individuals, for the purpose of receiving supportive services, from one county to another county agency or service provider, without written prior notification to the recipient county agency or service provider, or both. Specifically, this bill :

- 1) Requires each hospital to develop a protocol specific to the needs of homeless individuals and include it in the hospital's written discharge planning and policy process required under current law.
- 2) Requires the protocol to, include, but not be limited to, the collection of patient information including the name, age, ethnicity, number of previous hospital admissions in the past 12 months, and length of stay. Requires the collection of information to be in accordance with applicable laws and regulations governing patient confidentiality.
- 3) Prohibits the protocol from permitting the relocation of homeless individuals, for the purpose of receiving supportive services, from one county to another county agency or service provider, without written prior notification to the recipient county agency or service provider, or both.
- 4) Requires the county board of supervisors (Board) in the county where the hospital is located to review and either approve, approve with modifications, or reject the protocol. Requires the hospital, if the protocol is rejected, to submit a revised protocol for approval by the Board. Permits hospitals, to the extent that there are multiple hospitals in a county, to jointly develop a protocol for the Board's approval.
- 5) Requires a hospital with an approved protocol to resubmit the protocol to the Board for review and reapproval every five years.

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- 6) Defines "homeless individual" as an individual who lacks a fixed and regular nighttime residence, or has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or who is residing in a public or private place not designed to provide temporary living accommodations or ordinarily used as a sleeping accommodation for human beings.

EXISTING LAW :

- 1) Provides for the licensure and regulation of health facilities by the Department of Health Services (DHS) and makes violation of related provisions a crime.
- 2) Requires each hospital to have in effect a written discharge planning policy and process that requires appropriate arrangements for posthospital care and a process that requires that each patient be informed, orally or in writing, of the continuing care requirements following discharge from the hospital, as specified.

FISCAL EFFECT : Unknown

COMMENTS :

- 1) PURPOSE OF THIS BILL . According to the author, the cycle of homelessness is influenced by many factors and one crucial time for a homeless individual is upon release from hospital care. It is an opportunity for these individuals to access supportive services and continue on the road to health and stability. If services are not available, it can be the point when illness and homelessness turns into a chronic situation. Some cities and counties provide a wide scope of services for the indigent and homeless while others lack the resources to do so. Communities with sufficient services available for their own homeless residents should not spread resources so thin as to be ineffective because of being overburdened by the 'dumping' of homeless individuals from neighboring counties. However, current law does not prohibit dumping of homeless individuals from one county to another. This bill expands statute requiring discharge plans for patients to include protocols specific to homeless individuals. It will also prohibit the dumping of homeless individuals from one county

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to another to receive supportive services without the

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knowledge of the recipient county agency or service provider.

2) SACRAMENTO EXAMPLE . On December 17, 2005 the Sacramento Bee ran a story about a case where an El Dorado County hospital discharged a homeless woman with complex health care issues and provided her with a taxi voucher to transport her 110 miles to a Sacramento county homeless shelter. According to the article, the hospital blamed a lack of motel vouchers or homeless shelter provided by the county. County officials pointed to a shortage of state and federal funding for the provision of these services. The article also indicated that since the opening of a homeless shelter in Placer county, there has been a significant drop in the number of homeless patients being sent to one Sacramento county homeless shelter from that county.

3) LOS ANGELES EXAMPLE . A March 26, 2006 article in the Los Angeles Times reported that the Hospital Association of Southern California (HASC) urged members to revamp their policies regarding the discharge of homeless patients after there were several publicized reports of homeless patients being dropped off on skid row upon discharge, including one case that was videotaped. Four Los Angeles City Council members authored a letter to 78 Los Angeles hospitals requesting they stop the practice of releasing patients to the streets of downtown Los Angeles. The letter stated that the hospitals should "no longer make the assumption or claim that there is a support network that has the capacity to deal with whoever arrives at the doors of the agencies that serve the indigent in downtown Los Angeles." In response, HASC recommended that their member hospitals receive written consent before transporting any homeless patients from the hospital, which would ensure that "only homeless patients discharged by our hospitals who want to go to skid row will be provided transportation to that location." HASC also indicated that every attempt should be made to connect discharged homeless patients with necessary social services upon discharge, but noted that they are limited in how much can be done given the availability of local services, fiscal constraints, and society's unwillingness to solve the underlying causes of homelessness. In an attempt to address the problem of patient "dumping," the Los Angeles County Board of Supervisors, on April 4, 2006, approved a plan in which a

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AB 2745

Page 4

"regional stabilization center" would be built in each of the county's five supervisorial districts. The centers would be 24-hour drop-off points where hospitals, police and care providers could leave people in need of housing. In addition to a dedicated center for homeless families built downtown,

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approximately \$80 million will be placed in a trust fund to help build emergency and permanent housing and to provide rent subsidies.

4) INTERIM CARE PROJECT . To address the problem of the "dumping" of homeless patients at Sacramento shelters, the Interim Care Project was created in 2004 to take referrals from partner hospitals with the goal of providing homeless persons a better chance to heal in a clean and stable environment and link homeless individuals with supportive programs and social service agencies. Partners in the project are Sacramento County, the Salvation Army, MAAAP, Inc., and four local hospitals. Roles and responsibilities of each participating entity are outlined in a project agreement. An oversight board meets at least once per quarter to review protocols, troubleshoot problems, and approve and modify the project budget. The project is funded by participating hospitals, the Salvation Army, and Sacramento County.

5) OSHPD DATA . Every six months, California hospitals are required to submit specific data on every patient discharged from their facility to the Office of Statewide Health Planning and Development (OSHPD). Reported data includes patient demographic information, such as age, sex, county of residence, and race/ethnicity; diagnostic information; treatment information; disposition; total charges; and, expected source of payment.

6) DOUBLE-REFERRAL . This bill passed by a vote of 4-1 when it was heard in the Assembly Committee on Human Services on April 4, 2006.

7) AUTHOR'S AMENDMENT . An agreement was made during the April 4, 2006 Committee on Human Services hearing to amend this bill to eliminate the Board's approval of the protocol presented and instead require the Board's review .

8) TECHNICAL AMENDMENTS .

a) On page 3, lines 2 and 25: delete "individual" and

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insert "patient"

b) On page 3, line 5: delete "name"

c) On page 3, line 12: delete "county" and insert "county's social service or health care"

d) Replace the commas with semicolons on page 3, line 27 after "residence" and line 29 after "accommodations"

9) LETTER OF CONCERN . Protection and Advocacy, Inc. (PAI) recognizes the positive intent behind this bill and realizes

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that improper discharge planning of homeless individuals is a re-current problem that is in dire need of a solution. However, PAI requests the following amendments:

- a) The inclusion of language preference and disability in the data that is collected pursuant to this bill;
- b) Language to require the homeless individual's consent before relocating the patient to another county and a requirement that the hospital inform the patient, in writing, of its discharge planning obligations under current law;
- c) Language to require the licensing division of DHS, instead of the Board, to approve the protocol required under this bill; and,
- d) Language to ensure that any action by the Board does not inadvertently impinge upon an individual's ability to travel.

10)SUPPORT . Sacramento Loaves and Fishes writes that they have seen numerous instances of hospitals "dumping" patients at their facilities without adequate discharge planning or follow-up supportive services. Loaves and Fishes contends that they continue to experience egregious cases of hospitals outside of Sacramento county "dumping" patients at their site without discharge planning or prior contact with their programs. These cases come from counties that had an absolute lack of even basic emergency shelter for its homeless citizens, which admittedly puts the hospital discharge staff in a very difficult position. Western Center on Law and Poverty (WCLP) writes that all institutions have the responsibility to ensure that when a person is discharged from a hospital, a mental health facility, a county jail, or a state prison that a discharge plan is in place that includes the provision of housing. WCLP asserts that this bill is the bare minimum that any hospital should be required to do if they are not going to accept the responsibility to handle

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their own homeless persons themselves.

11)OPPOSE . The California Hospital Association (CHA) states that this bill unfairly targets hospitals for a pervasive and complicated societal issue that will require a comprehensive approach. CHA writes that the prohibition of relocating homeless individuals without written prior notification to the recipient county imposes an administrative accountability on hospitals that does not address the complex problem of identifying appropriate resources for the homeless population. CHA asserts that the data required under this bill is already reported to OSHPD and does not offer how the data will be used to further address the homeless issue.

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REGISTERED SUPPORT / OPPOSITION :

Support

Sacramento Loaves and Fishes
Western Center on Law and Poverty
One individual

Opposition

California Hospital Association

Analysis Prepared by : Melanie Moreno / HEALTH / (916)
319-2097

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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 16, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 2923 relating to graffiti and vandalism:
driver's license.

Location/Council District: Citywide

Recommendation:

Staff recommends that the law and legislation Committee adopt and support a position on AB 2923 (Calderon) relating to graffiti and vandalism: driver's license.

Contact: Dennis J. Kubo, Program Manager, 808-8577

Presenters: Ron O'Connor, Code Enforcement Manager
Noel Eusebio, Senior Code Enforcement Officer

Department: Code Enforcement Department

Division: Neighborhood Code Enforcement

Organization No: 4651

Summary:

This report provides information on AB 2923 (Calderon) which would require the Department of Motor Vehicles, when requested by a city or county, to collect all graffiti abatement costs the court has imposed on a minor convicted of graffiti or vandalism, or the minor's parents, upon the registration or renewal of registration of a motor vehicle belonging to the minor or the minor's parents. The bill would also require that a person 13 years old or older convicted of graffiti or vandalism have their driving privileges suspended and surrendered to the court, or delay issuing the privilege to drive when eligible, for not less than one year but not more than three years.

Committee/Commission Action: None.

Background Information:

Under existing law, a city or county may adopt an ordinance to recoup through juvenile proceedings its costs for the damaged caused by minors' graffiti offense. In addition, existing law requires minors who commit acts of vandalism to provide restitution, and makes parents liable for specific costs and damages caused by the minor, as determined by the court. Also, the Department of Motor Vehicles, if requested by the specified local government entities, is authorized to impose and collect surcharges and fees on the registration or renewal of registration of motor vehicles. Finally, the court is authorized to suspend or delay driving privileges of a person convicted of graffiti or vandalism for one year.

Major provisions of AB 2923 (Calderon)

AB 2923 (Calderon) would require the Department of Motor Vehicles to perform the following:

- If requested by a city or county, requires DMV to collect all of the costs that are imposed upon a minor, the minor's estate, or the minor's parents related to graffiti abatement, upon the registration or renewal registration of a vehicle, and after deducting all costs incurred, to distribute the revenues to the city or county for disbursement in accordance with specified graffiti abatement provisions.

In addition, AB 2923 (Calderon) would require the court to:

- Suspend driving privileges for any person convicted of graffiti or vandalism **not less than one year but not more than three years** to any person, except when the court finds that a personal or family hardship exists;
- Delay issuing the privilege to drive to a person 13 years of age or older for not less than one year nor more than three years subsequent to the time the person becomes eligible to drive.

AB 2923 (Calderon) also requires that for each successive offense, the court would suspend the person's driving privilege or delay eligibility for those not in possession of a license at the time of conviction for one additional year. The bill also provides that for a person whose driving privilege is suspended or delayed may reduce their time by the following:

- Not committing another crime within a 12 month period and petitioning the court to modify the order.
- Performing community service under the supervision of the probation department.

Financial Considerations: None

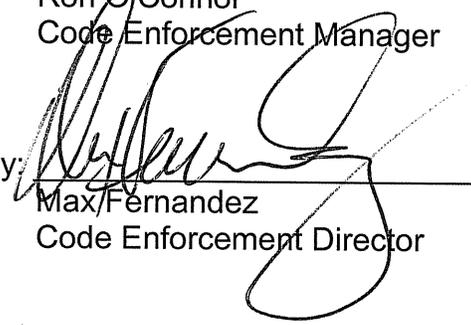
Environmental Considerations: None

Policy Considerations: AB 2923 (Calderon) provides cities or counties the ability to collect all graffiti abatement restitution costs through vehicle registration or vehicle renewal registration, from a minor or the minor's parents. It also increases the suspension or delay of driving privileges as an added penalty to a minor 13 years old or older that is convicted of graffiti or vandalism.

Emerging Small Business Development (ESBD): None

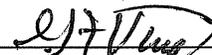
Respectfully Submitted by: 

Ron O'Connor
Code Enforcement Manager

Approved by: 

Max Fernandez
Code Enforcement Director

Recommendation Approved:



Gustavo F. Vina
Assistant City Manager

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May 16, 2006

Honorable Ronald S. Calderon
California State Assembly
State Capitol
Sacramento, CA 95814

Support: Assembly Bill 2923 Relating to Crimes: Graffiti and Vandalism: Driver's License

Dear Assembly Member Calderon:

On behalf of the city of Sacramento, I am pleased to express the City's support of Assembly Bill 2923 relating to graffiti and vandalism: driver's license. We believe AB 2923 is an important tool for cities and counties for collecting restitution costs through vehicle registration and renewal registration belonging to a minor or the minor's parents, and to increase driver's license suspension to any person, or delay issuing a driver's license to a minor 13 years of age or older, convicted of graffiti or vandalism, from one year to one year to three years.

Thank you for introducing this important piece of legislation.

Sincerely,

LAUREN HAMMOND, Chair
City of Sacramento Law and Legislation Committee

cc: Senator David Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels Jones and Associates

ASSEMBLY BILL

No. 2923

Introduced by Assembly Member Calderon

February 24, 2006

An act to amend Section 13202.6 of, and to add Section 9250.3 to, the Vehicle Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2923, as introduced, Calderon. Crimes: graffiti and vandalism: drivers license.

Existing law authorizes a city, county, or city and county to elect by ordinance to recoup through juvenile court proceedings its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material. Existing law also requires minors who commit specified acts of vandalism to provide restitution and makes the parents of such a minor liable for specified costs and damages caused by the minor, as determined by the court. Existing law further authorizes the Department of Motor Vehicles, if requested by specified local government entities, to impose and collect surcharges and fees on the registration or renewal of registration of motor vehicles.

This bill would require the Department of Motor Vehicles, if requested by a city or county, to collect all of the costs imposed upon a minor, the minor's estate, or the minor's parents pursuant to specified provisions related to graffiti abatement, upon the registration or renewal of registration of a motor vehicle. The bill would require the department, after deducting all costs incurred, to distribute the revenues to the city or county, for disbursement in accordance with specified graffiti abatement provisions.

Existing law authorizes a court to suspend for one year or delay for one year the driving privilege of a person convicted of committing specified acts of graffiti or vandalism, except as specified.

This bill instead would authorize a court to suspend or delay that driving privilege for not less than one year nor more than 3 years.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9250.3 is added to the Vehicle Code, to
2 read:

3 9250.3. (a) The department, if requested by a city or county,
4 shall collect the costs imposed by the court upon a minor, the
5 minor's estate, or the minor's parents pursuant to Section 742.14
6 or 742.16 of the Welfare and Institutions Code, upon the
7 registration or renewal of registration of a motor vehicle
8 registered in the city or county, belonging to the minor, the
9 minor's estate, or the minor's parents, except those vehicles that
10 are expressly exempted from the payment of registration fees.

11 (b) After deducting all costs incurred in administrating
12 pursuant to this section, the department shall distribute the
13 revenues to the city or county, for disbursement in accordance
14 with Section 742.14 and 742.16 of the Welfare and Institutions
15 Code.

16 SEC. 2. Section 13202.6 of the Vehicle Code is amended to
17 read:

18 13202.6. (a) (1) For every conviction of a person for a
19 violation of Section 594, 594.3, or 594.4 of the Penal Code,
20 committed while the person was 13 years of age or older, the
21 court shall suspend the person's driving privilege for *not less*
22 *than one year nor more than three years*, except when the court
23 finds that a personal or family hardship exists that requires the
24 person to have a driver's license for his or her own, or a member
25 of his or her family's, employment or medically related purposes.
26 If the person convicted does not yet have the privilege to drive,
27 the court shall order the department to delay issuing the privilege
28 to drive for *not less than one year nor more than three years*
29 subsequent to the time the person becomes legally eligible to
30 drive. However, if there is no further conviction for violating

1 Section 594, 594.3, or 594.4 of the Penal Code in a 12-month
2 period after the conviction, the court, upon petition of the person
3 affected, may modify the order imposing the delay of the
4 privilege. For each successive offense, the court shall suspend the
5 person's driving privilege for those possessing a license or delay
6 the eligibility for those not in possession of a license at the time
7 of their conviction for one additional year.

8 (2) ~~Any~~A person whose driving privilege is suspended or
9 delayed for an act involving vandalism in violation of Section
10 594, 594.3, or 594.4 of the Penal Code, may elect to reduce the
11 period of suspension or delay imposed by the court by
12 performing community service under the supervision of the
13 probation department. The period of suspension or delay ordered
14 under paragraph (1) shall be reduced at the rate of one day for
15 each hour of community service performed. If the jurisdiction
16 has adopted a graffiti abatement program as defined in
17 subdivision (f) of Section 594 of the Penal Code, the period of
18 suspension or delay ordered under paragraph (1) shall be reduced
19 at the rate of one day for each day of community service
20 performed in the graffiti abatement program when the defendant
21 and his or her parents or guardians are responsible for keeping a
22 specified property in the community free of graffiti for a
23 specified period of time. The suspension shall be reduced only
24 when the specified period of participation has been completed.
25 Participation of a parent or guardian is not required under this
26 paragraph if the court deems this participation to be detrimental
27 to the defendant, or if the parent or guardian is a single parent
28 who must care for young children. For purposes of this
29 paragraph, "community service" means cleaning up graffiti from
30 any public property, including public transit vehicles.

31 (3) As used in this section, the term "conviction" includes the
32 findings in juvenile proceedings specified in Section 13105.

33 (b) (1) Whenever the court suspends driving privileges
34 pursuant to subdivision (a), the court in which the conviction is
35 had shall require all drivers' licenses held by the person to be
36 surrendered to the court. The court shall, within 10 days
37 following the conviction, transmit a certified abstract of the
38 conviction, together with any drivers' licenses surrendered, to the
39 department.

1 (2) Violations of restrictions imposed pursuant to this section
2 are subject to Section 14603.

3 (c) The suspension, restriction, or delay of driving privileges
4 pursuant to this section shall be in addition to any penalty
5 imposed upon conviction of ~~any~~ a violation of Section 594,
6 594.3, or 594.4 of the Penal Code.

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AB 2923
Page 1

Date of Hearing: April 24, 2006

ASSEMBLY COMMITTEE ON TRANSPORTATION
Jenny Oropeza, Chair
AB 2923 (Calderon) - As Introduced: February 24, 2006

SUBJECT : Crimes: graffiti and vandalism: drivers license

SUMMARY : Requires the collection of all costs associated with graffiti abatement imposed upon a minor to be included with the renewal or registration of a motor vehicle. This bill would also authorize a court to suspend a person's driving privilege for up to three years. Specifically, this bill :

- 1) Requires the Department of Motor Vehicles (DMV), if requested by a city or county, to collect and include the costs imposed by the court upon a minor, the minor's estate, or minor's parents with the registration or renewal of registration of a motor vehicle registered to the minor, the minor's estate, or minor's parents.
- 2) Makes an exception for vehicles that are exempted from paying registration fees.
- 3) Directs DMV to distribute all collected revenues related to graffiti abatement to the city or county.
- 4) Authorizes a court to suspend or delay that driving privilege for not less than one year and nor more than three years.

EXISTING LAW :

- 1) Authorizes a city or county to elect by ordinance to recoup, through juvenile court proceedings, its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material.
- 2) Requires minors who commit specified acts of vandalism to provide restitution and makes parents of such a minor liable for specified costs and damages caused by the minor.
- 3) Authorizes DMV to collect fees on the renewal of registration of motor vehicles.
- 4) Assesses fines ranging from \$1,000 to \$50,000, including up to

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AB 2923

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one year in the state prison or county jail, depending on the threshold of damage created by an individual.

- 5) Allows DMV to suspend a person's driving privilege for one year for a violation of vandalism, except when a financial hardship exists.

FISCAL EFFECT : Unknown

COMMENTS : According to the author, graffiti blights communities, is a major cause in declining property values and gives the false impression that residents do not care and that they have given into hoodlums and vandals. Furthermore, the author states that city graffiti abatement programs are under tight budgetary constraints and cannot pay for the cost of cleanup. This bill would require DMV to collect court imposed fines from a minor, a minor's estate, or minor's parents on a vehicle registration renewal and it allows the court to suspend a person's license for up to three years upon conviction of vandalism.

Traditionally, DMV has collected additional penalties relative to traffic violations such as parking tickets or failure to pay at a toll road. The committee may wish to consider whether or not it is appropriate for DMV to collect penalties that are associated with graffiti abatement.

Current law provides that a person's driving privilege may not be suspended if the court finds that a personal family hardship exists that requires the person to have a driver's license for his or her own, or a member of his or her family's, employment or medically related purposes. In addition, the court may prorate fines over a payment schedule in order to lessen the financial burden on a person. The committee may wish to consider whether or not this bill would have the desired impact of collecting from violators, if a financial hardship exists, and existing law already provides a method of payment through the penal system.

Finally, the committee may wish to consider whether or not it is in the best interest of public safety to suspend a driver's license for up to three years, which would deny individuals of instructional time behind the wheel, and potentially lead to more inexperienced drivers on the road.

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REGISTERED SUPPORT / OPPOSITION :

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Support

Azusa Police Department
California Peace Officers' Association
California Police Chiefs' Association
City of Hermosa Beach
Los Angeles County Police Chief's Association
Monrovia Police Department

Opposition

None received

Analysis Prepared by : Gus F. Khouri / TRANS. / (916) 319-2093

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5

REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
May 16, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support SB 1008 (Ducheny) Enterprise Zone Extension.

Location/Council District: Citywide

Recommendation:

Staff recommends that the Law and Legislation Committee of the City Council adopt a support position on SB 1008.

Contact: Anne Moore, Executive Director, 440-1319

Jim Hare, Program Manager, Development Services, 440-1313

Presenters: Jim Hare, Program Manager, Development Services, 440-1313

Department: Sacramento Housing and Redevelopment Agency

Division: n/a

Organization No: n/a

Summary:

SB 1008 (Ducheny) would allow for up to two, five year extensions of the existing Enterprise Zones, delete obsolete references, allow for future Enterprise Zone (EZ) designations to include noncontiguous boundaries, and revise the definition of "eligible area."

This bill comes at a pivotal time as the Northgate/Norwood Enterprise Zone is set to expire in October 2006. Northgate/Norwood covers a part of North Sacramento including Del Paso Heights and the Northgate Boulevard commercial area.

Passage of this bill would allow local businesses to continue to receive state tax incentives when they create jobs and make new investments in the local economy. It will encourage investment in Del Paso Heights and the surrounding area. The program is an important economic development tool used to increase Sacramento's global competitiveness.

Committee/Commission Action: None

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Background Information:

The EZ program offers California businesses state tax credits and incentives including a sales tax credit and a hiring credit for five years. The Sacramento Enterprise Zone includes three zones: Florin-Perkins, Northgate/Norwood, and the Sacramento Army Depot. The Sacramento Enterprise Zone (EZ) program was established to promote the creation of jobs for disadvantaged residents and to encourage business investment in economically distressed areas of Sacramento such as Del Paso Heights and Oak Park.

The Florin-Perkins Zone is located east of Power Inn Road between Highway 50 and Florin Road. The zone also includes sections of Franklin Boulevard, Stockton Boulevard, Alhambra Boulevard, and Broadway. The zone, which has been extended once, was designated in 1989 and is set to expire in 2009.

The Northgate/Norwood Enterprise Zone is located in the Northgate Boulevard/Norwood Avenue/I-80 area in North Sacramento. The zone also includes sections of Del Paso Boulevard and Marysville Boulevard. The zone, which has been extended once, was designated in 1986 and is set to expire in October 2006.

The Sacramento Army Depot Enterprise Zone encompasses the entirety of the old Sacramento Army Depot. The zone was designated in 1994 and is set to expire in October 2009.

The EZ program has greatly contributed to economic development within the eligible zones. A few examples include:

- 1.) As of 2003, the total value of construction in all three zones was over \$629 million with almost 7,000 new business permits being issued since the designation of all three zones.
- 2.) Between 2001 and 2005 the total number of vouchered employees was approximately 2,600 with an average hourly wage rate of \$10.64. Five hundred sixty-six of these employees applied under the low income category.
- 3.) Between 2003 and 2004 property tax revenue for all three zones rose approximately \$1.95 million, an increase of 11 percent.

At the State level, critics of the Enterprise Zone program have raised questions regarding the cost/benefit ratio of the program. As a result, the Assembly Committee on Jobs, Economic Development, and the Economy and the Assembly Committee on Revenue and Taxation held a series of hearings between December 2005 and March 2006, in hopes of determining the effectiveness of the program. The hearings came at a critical time as 23 of the 42 zones, including Northgate/Norwood, statewide are set to expire by the spring of 2007.

Some issues introduced in the hearings include:

- Historical lack of monitoring and oversight by the Technology, Trade, and Commerce Agency (TTCA);
- Questionable hiring tax credit voucher procedures;
- Failure to keep regulations up to date; and
- Need for methods to evaluate program's effectiveness

A brief summation of reports examining the program was included in the analysis for the hearings. As a whole, these reports (see Attachment A) cover the same issues discussed in the hearings. A more recent report produced by the California Budget Project, California's Enterprise Zones Miss the Mark, is more critical of the program than previous reports. This report claims that tax credits issued under the program are lost revenues and concludes that, "the criteria used to determine eligibility for EZ tax breaks have proven to be prone to abuse," and, "...the current program undermines its underlying goal of targeting assistance to those areas of the state that are most severely distressed."

Even with the level of criticism exhibited in these reports, none have gone as far as recommending the program be eliminated.

The Department of Housing and Community Development (HCD), which has administered the program ever since the defunct TTCA was eliminated in 2003, acknowledges that there are programmatic problems. Proponents of the program believe the HCD has taken great strides to improve a program that was neglected by the TTCA and that the program is currently accomplishing its intended purpose.

Agency staff agree the design of the program has its flaws; but we believe the regulations currently being drafted by HCD and by the state legislature will address these flaws and drastically improve the effectiveness and accountability of the program, and eliminate practices that do not further the program's intent. Staff believes that the program has been effective in creating jobs and that it would be a mistake to eliminate a valuable economic development tool.

Currently, the Committee is reviewing the recommendations provided at the hearings before acting on the bill.

Financial Considerations:

Each hiring tax credit candidate is required to submit a \$30 fee with their application. \$10 of the \$30 is submitted to HCD. At the State level the fees are used to cover administration costs. Locally, the fees are used to administer and market the Sacramento Enterprise Zone program to business owners. Currently, there is one full time SHRA staff member assigned to administer the program.

Environmental Considerations: None.

Policy Considerations:

Support for SB 1008 is consistent with existing city policies that support incentives for economic development.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by:



ANNE M. MOORE
Executive Director

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

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Compilation of Important Research and Reports on California's Enterprise Zones

(Excerpt from: Joint hearings held by: Assembly Committee on Jobs, Economic Development, and the Economy and Assembly Committee on Revenue and Taxation)

20 Years of California Enterprise Zones: A Review and Prospectus Briefing Paper – Hearing IV)

The list below is a brief summation of recent reports looking at the California Enterprise Zone Program. The descriptions include key portions of the selected report findings. The scope of the studies and the methodological approaches vary significantly. Further complicating a direct comparison of the studies are the changes to the program which have occurred over the last 20 years. In preparing the descriptions, staff has attempted to present the information in a fair and unbiased manner. The findings and conclusions of these reports are not necessarily universally endorsed. For full citation of the reports listed below, please see the bibliography.

- ***Evaluation of California's Enterprise Zone and Employment and Economic Incentive Programs*** (David E. Dowall, Marc Beyeler, and Chun-Cheung Sidney Wong, 1994)
 - The main question the study asked was, "Have California's enterprise zone and incentive area programs had any measurable impact on the number of establishments and levels of employment of businesses located in zone and incentive areas?"
 - In the early years of the enterprise zone program(s), virtually all of the actual 1986-90 employment growth that took place in enterprise zone and program areas is the result of population growth and industrial growth components. When these two growth factors are accounted for, the total residual effect component for the zone program(s) is actually negative.
 - There is little evidence that enterprise zone program incentives are effective in either creating jobs or stimulating increased business investment.
 - The majority of businesses that took advantage of hiring credits appears to have been because of an added benefit as opposed to an incentive.

- “The existing Enterprise Zone and Economic Incentive Area programs have produced very modest economic benefits, and there is little evidence to suggest that they have strengthened the economic advantages of the zone and program areas.
- ***Trade and Commerce Agency: The Effectiveness of the Employment and Economic Incentive and Enterprise Zone Programs Cannot be Determined*** (Bureau of State Audits 1995)
 - The Agency (Technology, Trade, and Commerce) should take the following actions:
 - “Establish and implement a plan to monitor, evaluate, and report on the effectiveness of the programs, which includes identification and establishment of the performance measures, a system to obtain complete and reliable data about program achievements, and a determination of how it will evaluate reported achievements against those performance measures.”
 - The Legislature needs to consider implementing the following:
 - “Imposing reporting requirements on businesses in the enterprise zones and program areas and requiring that local administrators of the programs establish performance measures, collect data to measure performance, and report their results.”
- ***Evaluation of California’s Enterprise Zones*** (Suzanne O’Keefe and Roger Dunstan, August 2001)
 - In order to determine whether the California Enterprise Zone Program works, the O’Keefe and Dunstan evaluation looked at whether there was more job growth in enterprise zones, as compared to comparable areas, and whether worker incomes were higher or lower. To compare enterprise zones to comparable areas without zones, the researchers collected data about economic and demographic census tracts within enterprise zones and compared them to tracts with similar data outside of zones.
 - Employment in enterprise zones in the 1990s grew at much faster rates than in comparable areas; however, employment growth tapers off after the first few years of zone designation, possibly because of the depleting value of hiring credits.
 - When overall California job growth trends were down, jobs in enterprise zones produce notably lower incomes than comparable jobs

outside of zones, possibly because hiring credit cap of 150% of minimum wage. “The incentive is for lower wage jobs, and that’s exactly what we get.”

- “Enterprise zones have done wonders in some cities, and not much in others.”

*This report was produced by the California Research Bureau, California State Library.

- ***Job Creation in California’s Enterprise Zones: A Comparison Utilizing a Propensity Score Matching Model*** (Suzanne O’Keefe, 2003)

- To estimate the value of enterprise zone designation, this second O’Keefe study looked at growth in employment, growth in wages and growth in the number of firms. The study matched enterprise zone census tracts to census tracts without enterprise zones using census data and a propensity score matching model.

The complex propensity score matching model estimates the probability of a census tract becoming part of an enterprise zone using observed characteristics. Each enterprise zone census tract is compared to a census tract without enterprise zone designation, located in the same county, with the closest propensity score.

- Employment has grown faster in enterprise zones than outside of enterprise zones.
- Average monthly annual earnings in enterprise zones rose at a slower rate than earnings in matched non-enterprise zone area but the margin is not statically significant.
- The total number of firms grew less within enterprise zones than in the matched non-enterprise zone areas. The study suggests that enterprise zones are attracting large firms rather than small businesses.

* Published in the Journal of Urban Economics 55 (2004) 131-150.

- ***Cost-Benefit Analysis of California’s Enterprise Zone Program*** (June 5, 2003)

- The Applied Economics study examined the extent to which enterprise zones generate enough additional state revenues to offset the costs of the business incentives. The study reviewed whether new taxes paid

by firms located in enterprise zones covers the costs to the state of the program.

- Cost of personal and corporate zone tax credits in 2002 was \$173 million while the 2002 personal income tax, sales tax and corporate income tax attributable to enterprise zones is estimated at \$249 million.
- The cumulative net benefits for the years available—1992-2002—is estimated at \$1.7 billion.

*This report was prepared for the California Association of Enterprise Zones (CAEZ) by Applied Development Economics.

- ***An Overview of California's Enterprise Zone Hiring Credit*** (Legislative Analyst's Office, December 2003)
 - Enterprise zone credits tend to have an impact on business location within a region if a firm has already decided to locate within a particular geographic region. Results indicate that enterprise zone credits may result in the shifting of jobs within a region, as opposed to increasing the number of jobs within that region.
 - Because enterprise zone incentives effect the distribution of activity within a region versus increasing the amount of activity in a region, zone incentives are most effective when they are narrowly focused.
 - Hiring credits do appear to have a positive impact on the demand for labor.
 - "To the extent that the Legislature wished to expand the economic base of the state as a whole, the use of EZ incentives would *not* appear to be particularly effective means by which to achieve this goal."
 - Enterprise zone "incentives are unlikely to result in significant *net* positive economic impacts absent additional targeted public investment."

* This report was prepared for the Assembly Committee on Revenue and Taxation.

May 16, 2006

ATTACHMENT B

SB 1008 Support Letter

May 16, 2006

The Honorable Denise Ducheny
California State Senate
State Capitol
Sacramento, CA 95814

Re: Support of SB 1008-Enterprise Zone Extension

Dear Senator Ducheny:

On behalf of the City of Sacramento, Florin-Perkins, Northgate/Norwood, and the Sacramento Army Depot Enterprise Zones; the Mather and McCellan LAMBRA; I would like to express my support for SB 1008 (Ducheny/Machado).

The Sacramento Enterprise Zone/LAMBRA has greatly contributed to the revitalization of our community. For example:

- 1.) As of 2003, the total value of construction in all three zones was over \$629 million with almost 7,000 new business permits being issued since the designation of all three zones.
- 2.) Between 2001 and 2005, the total number of vouchered employees was approximately 2,600 with an average hourly wage rate of \$10.64. 566 of the 2,600 vouchered employees applied under the *low income category*.
- 3.) Between 2003 and 2004 property tax revenue for all three zones rose approximately \$1.95 million, an increase of 11%.

Extending the life of the Enterprise Zone Program will enable the Sacramento Enterprise Zone/LAMBRA Coordinator and others throughout the state to continue their work to create jobs, encourage investment in disadvantaged areas, and build local economies.

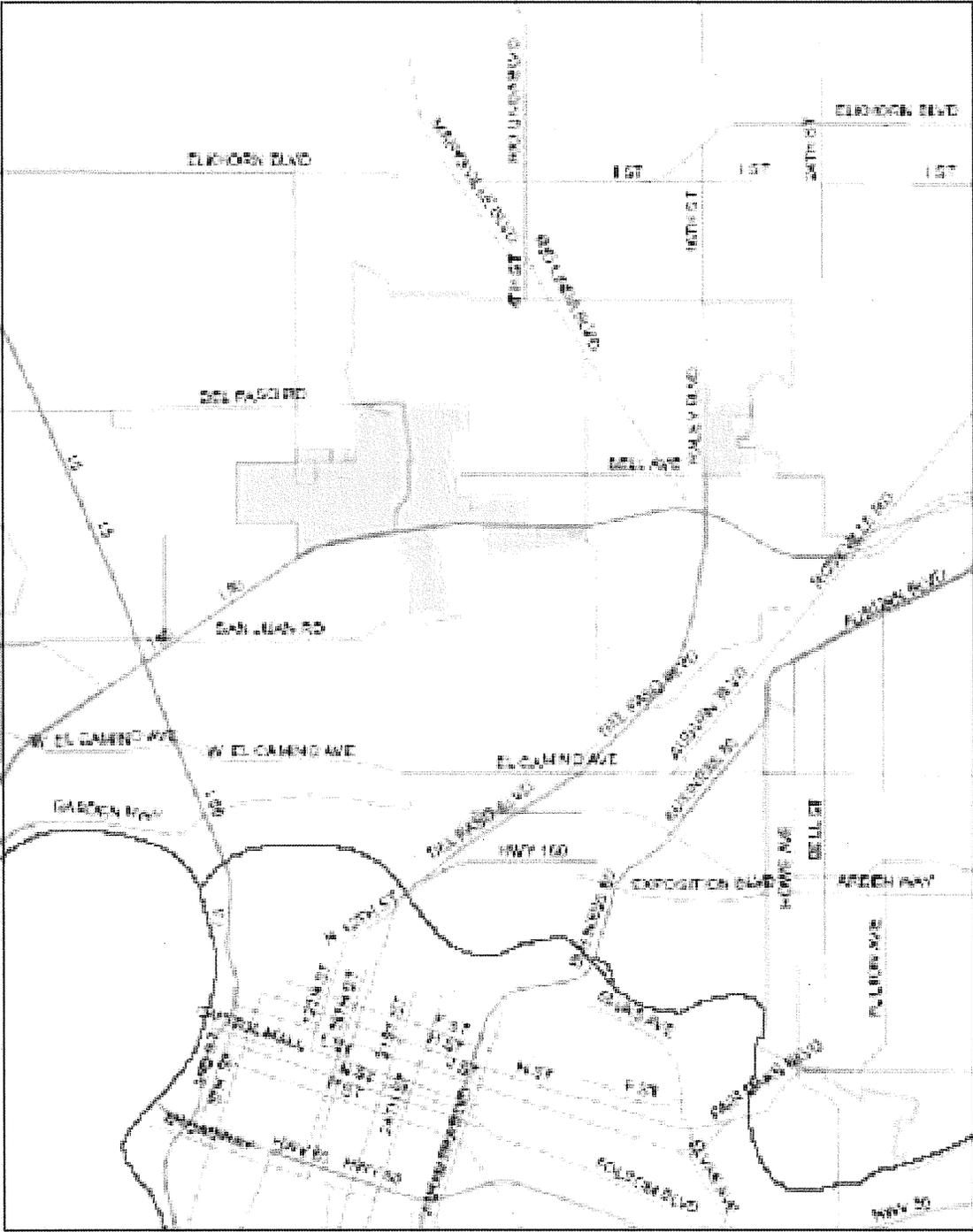
I want to thank you for your consideration of this bill. If you have any questions, please contact Jim Hare at (916) 440-1313.

Sincerely,

LAUREN HAMMOND, Chair
City of Sacramento Law and Legislation Committee

CC: Senator David Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Assembly Member Juan Arambula
Mayor Fargo and Members of the City Council
David Jones, Emanuels Jones and Associates

Northgate/Norwood Enterprise Zone



- Legend**
- Northgate/Norwood
 - City of Sacramento
 - Major Roads
 - River



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

6

Staff Report
May 16, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Ordinance Amending Sections 10.04.010 and 10.36.140, and deleting Section 10.36.260 of the Sacramento City Code relating to temporary construction parking permits

Location/Council District: All Districts

Recommendation:

Approve ordinance amending sections 10.04.010 and 10.36.140 and deleting Section 10.36.260 of the Sacramento City Code relating to temporary construction parking permits and forward to Council.

Contact: Azadeh Doherty, Staff Aide, 808-3137

Presenters: Robert Bradley, Program Manager, 808-7516

Department: Transportation

Division: Parking Services

Organization No: 3461

Summary: Under the existing City Code temporary construction parking permits are issued to individuals who have obtained a temporary construction permit. When these signs are used they are required to be placed on the street in front of the parked vehicle. Amending the City Code will improve customer service by allowing the use of a more user-friendly permit that can be placed on the dashboard of vehicles. In addition, this change will reduce program costs, reduce the risk of customer/employee injury and improve the overall efficiency of the program.

Committee/Commission Action: None.

Background Information:

- Section 10.36.140 of Title 10 of the Sacramento City Code authorizes Parking Services to issue portable parking signs for temporary construction zones.
- Under the existing City Code, temporary construction parking permits must be placed in front of the parked vehicle. Due to this requirement, a large

cumbersome sign is currently used. The sign is chained to the vehicle's bumper to protect against theft. Newer vehicle designs make securing the sign difficult.

- Companies that are issued these signs are billed monthly.
- Amending the City Code will allow the use of a paper permit that will be displayed from the interior of the vehicle on the dashboard, make the permit more user-friendly for the customer and reduce the potential for theft of the permit . Sign fees will be paid for in advance and the permit will provide for more efficient enforcement.
- Sign issuing procedures will be streamlined and will provide improved customer service.

Financial Considerations:

The cost to implement the amended regulation is estimated to be \$1,000. Funds are available in the Parking Services Division operating budget.

Environmental Considerations:

The proposed ordinance amendment is not a project and, therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 1506 (b)(3) of the CEQA Guidelines.

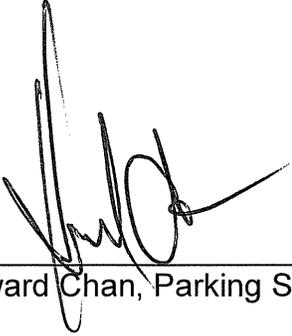
Policy Considerations:

This recommendation is consistent with the City's strategic plan and the goal of the City Council to implement organizational improvement.

Emerging Small Business Development (ESBD):

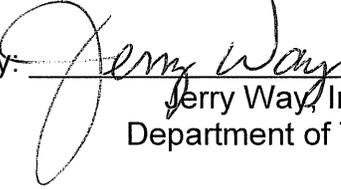
Any goods and services will be purchased in accordance with established City policy.

Respectfully Submitted by:



Howard Chan, Parking Services Manager

Approved by:



Jerry Way, Interim Director
Department of Transportation

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

Pg 1-3 Report
Pg 4-5 Ordinance

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 10.04.010 AND 10.36.140, AND DELETING SECTION 10.36.260 OF THE SACRAMENTO CITY CODE RELATING TO TEMPORARY CONSTRUCTION PARKING PERMITS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 10.04.010 of the Sacramento City Code is amended as follows:

A. The definition of "temporary construction zone" is deleted.

B. Except as specifically amended in this section, all the provisions of Section 10.04.010 remain unchanged and in full force and effect.

SECTION 2. Section 10.36.140 of the Sacramento City Code is hereby amended to read as follows:

10.36.140 Temporary Construction Parking Permits.

A. The parking manager or designee may issue temporary construction parking permits to licensed contractors engaged in minor construction or repair work authorizing the parking of commercial vehicles as defined in California Vehicle Code Section 260 in metered and time-limited spaces notwithstanding the provisions of section 10.36.100 and section 10.40.090. Temporary construction parking permits shall be effective for the time stated in the temporary construction parking permit. The parking manager or designee may issue temporary construction parking permits on terms and conditions as the parking manager or designee determines necessary. Temporary construction parking permits may be revoked without cause and without notice in the sole discretion of the parking manager or designee.

B. No temporary construction parking permit shall be issued without payment of a monthly fee as established by resolution of the City Council.

C. The temporary construction parking permit shall be displayed on the vehicle dashboard so that it is visible from outside the vehicle. A legibly written or printed notice identifying the address where the work is being performed shall be displayed on the vehicle dashboard so that it is visible from outside the vehicle.

D. Failure to display the temporary construction parking permit in the manner prescribed in subsection (C) or failure to display a notice identifying the address where

the work is being performed in the manner prescribed in subsection (C) shall make the parked vehicle subject to section 10.36.100 and section 10.40.090.

SECTION 3.

Section 10.36.260 of the Sacramento City Code is repealed.

Adopted by the City of Sacramento City Council on _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

MAYOR

Attest:

City Clerk

Passed for Publication:

Published:

Effective:

Item # 7.0

7.0 Legislative Position: Oppose AB 2922, as currently written, Relating to Redevelopment.

RECOMMENDATION: Adopt an oppose position on AB 2922, as currently written.

“To Be Delivered”

Item was not available at the time the agenda packet was prepared.