



A Tradition of Stewardship
A Commitment to Service

AGENDA
SPECIAL MEETING *of the*
LEGISLATIVE SUBCOMMITTEE
of the
NAPA COUNTY BOARD OF SUPERVISORS

TUESDAY APRIL 24, 2012 2:00 P.M.

COUNTY OF NAPA
1195 THIRD STREET, SUITE 310
NAPA, CALIFORNIA

Diane Dillon
Member

Mark Luce
Member

1. CALL TO ORDER; ROLL CALL

2. APPROVE MINUTES

3. PUBLIC COMMENT

In this time period, anyone may address the Legislative Subcommittee of the Napa County Board of Supervisors regarding any subject over which the Subcommittee has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

4. LEGISLATIVE UPDATE FROM PAUL YODER AND KAREN LANGE, LEGISLATIVE LOBBYISTS FOR COUNTY OF NAPA

5. SUBCOMMITTEE REPORTS, ANNOUNCEMENTS, AND GENERAL BUSINESS

6. CONSIDERATION OF SENATE AND ASSEMBLY BILLS/STATE ISSUES

- a) Opposition to AB2299 (Feuer) Land Records
- b) Support for SB1120 (Berryhill) Government Liability: Property Related Service Fees
- c) SB345 (Wolk) Ombudsman
- d) SB1241 (Kehoe) Long Term Plan Safety Element
- e) AB1590 (Campos) Brown Act
- f) SB594 (Wolk) Net Energy Metering Aggregation
- g) SB1002 (Yee) Public Records
- h) ACA18 First Responders Initiative

7. CONSIDERATION OF CONGRESSIONAL LEGISLATION/FEDERAL ISSUES

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

ADJOURN TO THE LEGISLATIVE SUBCOMMITTEE OF THE NAPA COUNTY BOARD OF SUPERVISORS REGULAR MEETING ON MONDAY, MAY 14, 2012.

Meeting facilities are accessible to persons with disabilities. Request for disability related modifications or accommodations; aids or services may be made to the clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580.

MINUTES



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LEGISLATIVE SUBCOMMITTEE of the NAPA COUNTY BOARD OF SUPERVISORS

MEETING DATE: MONDAY MARCH 12, 2012

**COUNTY OF NAPA
1195 THIRD STREET, SUITE 310
NAPA, CALIFORNIA**

Diane Dillon
Member

Mark Luce
Member

-
1. **MEETING CALLED TO ORDER:**
ALL PRESENT FOR ROLL CALL
 2. **PUBLIC COMMENT:**
NO PUBLIC COMMENT
 3. **LEGISLATIVE UPDATE FROM PAUL YODER AND KAREN LANGE, LEGISLATIVE LOBBYISTS FOR COUNTY OF NAPA:**
UPDATE ON THE STATUS OF THE GOVERNOR'S PROPOSED BUDGET
 4. **SUBCOMMITTEE REPORTS, ANNOUNCEMENTS, AND GENERAL BUSINESS**
 - a) **Discussion of the proposed elimination of Airport Land Use Committees**
SUPERVISOR DILLON MOVED, AND SUPERVISOR LUCE SECONDED, TO HAVE STAFF DRAFT A LETTER TO THE BOARD TO OPPOSE THE ELIMINATION OF AIRPORT LAND USE COMMITTEES. SUPERVISORS DILLON AND LUCE AGREED THE 2013 PLATFORM SHOULD INCLUDE LANGUAGE TO OPPOSE ANY ENCROACHMENTS ON LOCAL CONTROL.
 5. **CONSIDERATION OF SENATE AND ASSEMBLY BILLS/STATE ISSUES**
 - a) **Discussion and possible action on AB 1445 (Mitchell) Jails: Inmate Welfare Fund**
SUPERVISORS DILLON AND LUCE MOVED TO HAVE THE BOARD SEND A LETTER IN SUPPORT OF AB 1445 (MITCHELL)
 6. **CONSIDERATION OF CONGRESSIONAL LEGISLATION/FEDERAL ISSUES**
NOT APPLICABLE
 7. **FUTURE AGENDA ITEMS**
NOT APPLICABLE
 8. **ADJOURNMENT**



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Board of Supervisors

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www.countyofnapa.org

Main: (707) 253-4421
Fax: (707) 253-4176

Keith Caldwell
Chairman

April 20, 2012

The Honorable Mike Feuer
Assembly Member
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0042

Subject: Opposition to AB 2299 (Feuer) Land Records

Dear Assemblymember Feuer,

On behalf of the Napa County Board of Supervisors, I am writing to express our opposition to AB 2299, which would establish a class of individuals who could hide their interests in real property.

While the Board understands the motivation behind creating a system which seeks to protect members of the law enforcement community, the Board feels the impacts of this method are too great.

This bill changes the fundamental purpose of the real estate land records system, which was established prior to the founding of the United States. The sole reason that Recorder's offices exists is to archive public records that provide constructive notice. This process is the foundation of land ownership and the integrity of this system is essential. Beginning as early as 1641 the citizenry has recognized the importance of constructive notice to our freedom. This leading to the recording of deeds at the local level and the availability of those records to anyone interested in conducting business related to that property. Historically governments have used control of records related to land ownership to be oppressive and elitist in controlling those they rule. In many countries today citizens are prevented from knowing who owns what real estate unless the 'government' allows them to know.

County Recorders throughout the State uphold the public's right to access and view land records. We support the established legal doctrine of 'constructive notice' ensuring that everyone knows about and has access to the records we maintain related to real estate transactions. AB 2299 would disassemble constructive notice, the cornerstone to property rights in California. AB 2299 would establish a class of individuals who could hide their interests in real property. By hiding their information individuals will be able to conduct business outside of the public's view resulting in different classes of property owners and the demise of California's constructive notice property rights system. Recorder's offices make complete, accurate and permanent records. Every document recorded is indexed in a manner which allows them to be found and provide constructive notice. AB2299 will eliminate the ability to find documents in our records. The moment there is even one document that is redacted from the index, the system begins to crumble.

In conclusion, we believe that adoption of this bill would result in a loss of constructive notice, which is the cornerstone to property rights in California. Accordingly, the County of Napa is opposed to AB 2299.

Sincerely,

Keith Caldwell
Chairman, Napa County Board of Supervisors

CC: Senator Noreen Evans
Senator Lois Wolk
Assemblymember Michael Allen
Assemblymember Mariko Yamada

Members, Napa County Board of Supervisors Paul
Yoder/Karen Lange Peterson Consulting
Nancy Watt, Napa County Executive Officer
Regional Council of Rural Counties
California State Association of Counties

Brad Wagenknecht
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Keith Caldwell
Chairman

April 20, 2012

The Honorable Lois Wolk, Chair
Senate Governance and Finance Committee
Room 408, State Capitol
Sacramento, CA 90301

Subject: Support for SB 1120 (Berryhill) Government Liability: Property Related Service Fees

Dear Madam Chair:

On behalf of the Napa County Board of Supervisors, I am writing to express our support of SB 1120 (Berryhill), which would provide that a public entity shall not be liable for an injury related to a decrease or cessation of any water, sewer, or refuse collection service in connection with a fee or change imposed or increased pursuant to specified provisions of the California Constitution.

The California Constitution, with the exception of fees or charges for sewer, water, and refuse collection services, conditions the imposition or increase of a property-related fee or charge upon approval by either a majority vote of the owners of the properties subject to the fee or charge or, at the option of the agency imposing the fee or charge, by a 2/3 vote of the voters residing in the area affected by the fee or charge. Under existing law, a public entity is immune from liability for an injury, whether the injury arises out of an act or omission of the public entity or a public employee, or any other person, except as provided by statute.

This bill would provide that a public entity shall not be liable for an injury related to a decrease or cessation of any water, sewer, or refuse collection service in connection with a fee or charge imposed or increased pursuant to specified provisions of the California Constitution. This is true whether or not the injury arises out of an act or omission by the public entity, a public employee, or any other person. If the public entity fully complies with those provisions of the California Constitution, and the affected property owners have refused to allow the imposition, extension, or increase of property-related fees and charges for the service then the local agency should not be held liable.

The Napa County Board of Supervisors urges you to vote "aye" on SB 1120.

Sincerely,

Keith Caldwell
Chairman, Napa County Board of Supervisors

CC:

Senator Noreen Evans
Senator Lois Wolk
Assemblymember Michael Allen
Assemblymember Mariko Yamada
Members, Napa County Board of Supervisors

Paul Yoder/Karen Lange Peterson Consulting
Nancy Watt, Napa County Executive Officer
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Keith Caldwell
Chairman

April 20, 2012

The Honorable Senator Lois Wolk
State Capitol, Room 5114
Sacramento, CA 95814-4900

Subject: Support for SB 345 (Wolk) Local Ombudsman Program

Dear Senator Wolk:

On behalf of the Napa County Board of Supervisors, I am writing to express our support of SB 345 (Wolk), which would improve the effectiveness and efficiency of the State Ombudsman Program. The Napa County Long Term Care Ombudsman program works tirelessly to resolve residents' complaints; protect their rights; prevent abuse and address systemic issues affecting their standard of care and quality of life, with little or no support at the state level.

SB 345 begins to correct this and other discrepancies by aligning state law with federal law in order to resolve the conflict that currently exists, and ensure the State Ombudsman can take positions on legislation that affects long-term care residents and local ombudsman programs without interference.

Additionally, federal and state law authorize the State Ombudsman office to establish a foundation which would allow the state office to access additional funding from foundations, etc. to supplement the Program's ability to perform its mandated responsibilities to facility residents.

SB 345 is the first step toward improving the effectiveness and efficiency of the State Ombudsman office; strengthen local programs; requiring an advocacy plan with measurable outcomes; and ensuring that the State Ombudsman Program is, in fact, fulfilling its mandated responsibilities to long-term care facility residents throughout the state.

Sincerely,

Keith Caldwell
Chairman, Napa County Board of Supervisors

CC: Senator Noreen Evans
Senator Lois Wolk
Assemblymember Michael Allen
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Keith Caldwell
Chairman

April 20, 2012

The Honorable Leland Yee
State Senator
State Capitol, Room 4074
Sacramento, CA 95814

Subject: Opposition to SB 1002 (Yee)

Dear Madam Chair:

On behalf of the Napa County Board of Supervisors, I am writing to express our opposition to SB 1002 (Yee), which would prohibit a government agency from charging the requestor for data extraction as otherwise allowed if the government agency is exercising a discretionary exemption. Existing law provides that a public agency may charge the requestor for the direct cost of producing a copy of a record in an electronic format, as well as the cost to construct a record and the cost of programming and computer services necessary to produce the record. (Gov. Code Sec. 6253.9(a)(2), (b).)

The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of a person, to provide a copy of a public record unless the record is exempt from disclosure. The act requires an agency that has information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format to make that information available in an electronic format when requested by a person. The act requires the agency to make the information available in an electronic format in which it holds the information.

This bill would authorize an agency, when requested by a person, to provide an electronic record in a format in which the text in the electronic record is searchable by commonly used software. The bill would require the requester to bear the cost of converting the electronic record into a searchable format. The bill would prohibit an agency from charging a requester for this cost.

In conclusion, we recognise that adoption of this bill would result in added costs to County operations. Accordingly, the County of Napa is opposed to SB 1002.

Sincerely,

Keith Caldwell
Chairman, Napa County Board of Supervisors

CC: Senator Noreen Evans
Senator Lois Wolk
Assemblymember Michael Allen
Assemblymember Mariko Yamada

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