

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



A Tradition of Stewardship  
A Commitment to Service

**MONDAY      JUNE 24, 2013      10:30 A.M.**

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

Diane Dillon  
Member

Mark Luce  
Member

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- 1. CALL TO ORDER; ROLL CALL**
- 2. APPROVE MINUTES:** May 13, 2013, meeting
- 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**
  - **SB 184 (Wolk)** - Amends Government Code and other codes; seeks to clarify the correct method to submit facsimile signatures to county recorders. (John Tuteur)
  - **SB 304 (Price)** – Amends Government Code and other codes; seeks to gut certain provisions of the Medical Injury Compensation Reform Act (MICRA), which caps punitive damage awards associated with malpractice suits. MICRA has been key to maintaining access for several high-risk medical practices – particularly OB-GYN. (Randy Snowden)
  - **AB 537 (Bonta)** – Local Government Employer-Employee Relations; amends the Meyer-Miliias-Brown Act (MMBA) to address five areas of concern: arbitration agreements, mediation, ground rules, contract ratification, and employee relations ordinances. (Suzanne Mason)
  - **AB 616 (Bocanegra)** – Local Government Employer-Employee Relations; provides that if either party disputes that a genuine impasse has been reach, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a fact-finding panel. (Suzanne Mason)
  - **AB 182 (Buchanan-Hueso)** – Capital Appreciation Bonds; seeks to impose responsible restraints on the use of capital appreciation bonds (CABs) by school and community college districts seeking to fund capital projects.
  - **AB 1340 (Adchadjian)** – (STATUS UPDATE – Amended June 18, 2013) State Hospitals; Napa County staff seeks to amend AB 1340 to require each State hospital, beginning July 1, 2015, to establish and maintain a security unit as part of each facility to serve State hospital patients who commit crimes while in custody in a host county. (Liz Habkirk)

**7. CONSIDERATION OF CONGRESSIONAL LEGISLATION/FEDERAL ISSUES**

- **Immigration Resolution** – Seeks approval from Board of Supervisors to adopt a resolution supporting comprehensive immigration reform and urging action the 113<sup>th</sup> Congress to implement the reform measures. (Chair Wagenknecht)

**8. FUTURE AGENDA ITEMS**

**9. ADJOURNMENT**

**ADJOURN TO THE NEXT SCHEDULED LEGISLATIVE SUBCOMMITTEE OF THE NAPA COUNTY BOARD OF SUPERVISORS AT 10:30 A.M. MONDAY SEPTEMBER 9, 2013. 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

*of the LEGISLATIVE SUBCOMMITTEE of the  
NAPA COUNTY BOARD OF SUPERVISORS MEETING  
held at*

**10:30 a.m. Monday May 13, 2013**



A Tradition of Stewardship  
A Commitment to Service

Diane Dillon  
Member

Mark Luce  
Member

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**1. CALL TO ORDER; ROLL CALL**

**All present.**

**2. APPROVE MINUTES:** April 8, 2013, meeting minutes

**Approved.**

**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.

**None.**

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

**May Revision – coming out tomorrow; negotiations concerning implementation and funding of federal Affordable Care Act (ACA) will likely have major impact on counties. Cap and trade auction funds will be negotiated over the coming months as well.**

**5. SUBCOMMITTEE REPORTS, ANNOUNCEMENTS, AND GENERAL BUSINESS**

**None.**

**6. CONSIDERATION OF SENATE AND ASSEMBLY BILLS/STATE ISSUES**

- **AB 182 (Buchanan-Hueso)** – Capital Appreciation Bonds; seeks to impose responsible restraints on the use of capital appreciation bonds (CABs) by school and community college districts seeking to fund capital projects.  
**No action taken. Continue discussion to next meeting.**
- **AB 537 (Bonta)** – Local Government Employer-Employee Relations; amends the Meyer-Milias-Brown Act (MMBA) to address five areas of concern: arbitration agreements, mediation, ground rules, contract ratification, and employee relations ordinances.  
**Passed unanimously. Forward to Board and place on Board's May 21, 2013, agenda.**

- **Immigration Resolution** – Seeks approval from Board of Supervisors to adopt a resolution supporting comprehensive immigration reform and urging action the 113<sup>th</sup> Congress to implement the reform measures.

**No action taken. Consult with Congressman Thompson's office concerning resolution.**

**7. CONSIDERATION OF CONGRESSIONAL LEGISLATION/FEDERAL ISSUES**

**None.**

**8. FUTURE AGENDA ITEMS**

**None.**

**9. ADJOURNMENT**

**Subcommittee votes to adjourn to next regularly scheduled meeting on June 10, 2013.**

**ADJOURN TO THE NEXT SCHEDULED LEGISLATIVE SUBCOMMITTEE OF THE NAPA COUNTY BOARD OF SUPERVISORS AT 10:30 A.M. MONDAY JUNE 10, 2013. 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.**

AMENDED IN ASSEMBLY JUNE 10, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL****No. 184**

**Introduced by Committee on Governance and Finance (Senators Wolk (Chair), Beall, DeSaulnier, Emmerson, Hernandez, Knight, and Liu)**

February 6, 2013

An act to amend *Section 11010.4 of the Business and Professions Code*, to amend Sections 12419.8, 12419.10, 27201, 41802, 41803, 41805, 50281, 53243.4, 53395.1, 53395.2, 53395.10, 53395.13, 53395.14, 53395.17, 53395.85, 53396, ~~53890~~ 66428, 66442.5, and 66449 of the Government Code, to amend Section 9002 of the Health and Safety Code, to amend Section 32556 of, and to repeal Sections 9973, 9974, 9975, 9976, 9977, and 9978 of, the Public Resources Code, ~~and~~ to amend Section 36622 of the Streets and Highways Code, *and to amend Sections 3.1, 23, and 29 of, and to repeal Section 24 of, the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951)*, relating to local government.

## LEGISLATIVE COUNSEL'S DIGEST

SB 184, as amended, Committee on Governance and Finance. Local government: omnibus bill.

(1) Existing law requires any person who intends to offer subdivided lands within this state for sale or lease to file with the Department of Real Estate an application for a public report consisting of a notice of intention and a completed questionnaire, as specified. Existing law exempts from this requirement a proposed offering of subdivided land where each lot, parcel, or unit of the subdivision will be sold or offered for sale improved with a completed residential structure and with all other improvements completed that are necessary for occupancy or with financial arrangements determined to be adequate by the city to ensure completion of the improvements.

This bill would specify that a lot, parcel, or unit satisfies the requirement that it be improved with a completed residential structure if it is improved with a completed residential structure at the time it is conveyed by the subdivider.

(1)

(2) Existing law, the Public Cemetery District Law, defines the term "family member" for purposes of that law to include, among others, a person's spouse.

This bill would additionally include within the definition of "family member" a person's domestic partner, and would define the term "domestic partner," as specified.

(2)

(3) Existing law requires specified employment contracts between a local agency and an officer or employee to include a provision that would fully reimburse the local agency for that officer's or employee's salary if that officer or employee is convicted of a crime involving an abuse of his or her office or position. Existing law, for purposes of these provisions, defines the term "abuse of office or position" to include, among other things, a crime against public justice, including bribery of an executive or judicial officer of the state.

This bill would revise the definition of "abuse of office or position" to include bribery of

a Member of the Legislature.

~~(3)~~

(4) Existing law, the Subdivision Map Act, requires the city engineer or county surveyor, as appropriate, to sign an approved final or parcel map and indicate his or her registration number and stamp the map with his or her seal.

This bill would additionally require the city engineer or county surveyor to provide that date on which he or she signed the final or parcel map, and to include his or her seal.

*(5) Existing law, the Subdivision Map Act, provides that for any conveyance of land to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, rights-of-way may not be considered a division of land for purposes of computing parcels.*

*This bill would instead provide that a parcel map is not required for land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a local public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map.*

~~(4)~~

(6) Existing law, the Baldwin Hills Conservancy Act, requires the board of the Baldwin Hills Conservancy to consist of 13 voting members, including, among others, the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located.

This bill would instead require one of the 13 voting members to include the member of the Los Angeles County Board of Supervisors within whose district the majority of the Baldwin Hills area is located, or his or her designee.

~~(5)~~

(7) Existing law allows the Controller, either in his or her discretion or upon local request, to offset or deduct certain amounts due from a person or entity to a city or county against certain state claims. Existing law also requires the Controller, to the extent feasible, to offset any amount overdue and unpaid for a fine, penalty, assessment, bail, vehicle parking penalty, or court-ordered reimbursement for court-related services, against any amount owing the person or entity by a state agency on a claim for a refund from the Franchise Tax Board under the Personal Income Tax Law or the Bank and Corporation Tax Law, or from winnings in the California State Lottery.

This bill would expand these provisions to apply to amounts due to special districts, in addition to amounts due to cities and counties.

*(8) Existing law requires the county recorder, upon payment of proper fees and taxes, to accept for recordation any instrument, paper, or notice that is authorized or required to be recorded, as specified. Existing law requires the recorder to accept a facsimile signature on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency, and requires a copy of the agency's resolution or action adopting the signature for facsimile transmission purposes or a certified copy of the agency's adopted signature to be provided to the county recorder when the signature is officially adopted by the agency, or at the beginning of each calendar year.*

*This bill would instead require the agency to provide the officially adopted facsimile signature by letter, and would provide that the facsimile signature will continue to be valid until the agency notifies the county recorder that the facsimile signature has been revoked.*

(9) Existing law authorizes the owner of a qualified historical property and the legislative body of a city, county, or city and county to contract to enforceably restrict the use of the property in exchange for a reduction in the property tax assessment on the property. Existing law requires the owner or agent of an owner to record the contract with the county in which the property is located within 6 months of entering into the contract.

*This bill would repeal the requirement that the owner or agent of the owner record the*

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 16, 2013

**SENATE BILL****No. 304**

**Introduced by Senator Price**  
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

An act to amend Sections 651, 2021, 2177, 2220.08, 2225.5, 2334, 2514, and 2569 of, and to add Sections 2291.5 and 2403 to, the Business and Professions Code, and to amend Sections ~~11529, 12529.6, 11529~~ and 12529.7 of, and to amend and repeal Sections 12529 and 12529.5 of, the Government Code, relating to healing arts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 304, as amended, Price. Healing arts: boards.

Existing law makes it unlawful for a healing arts practitioner to disseminate, or cause to be disseminated, any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of, or likely to induce, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. Existing law provides for the licensure of physicians and surgeons by the Medical Board of California. Existing law prohibits a physician and surgeon's advertisements from including a statement that he or she is certified or eligible for certification by a private or public board or parent association, including a multidisciplinary board or association, as defined, unless that board or association meets at least one of several standards, including being a board or association with equivalent requirements approved by that physician and surgeon's licensing board. A violation of these requirements is a crime.

This bill would limit the application of that exception to a board or association with equivalent requirements approved by that physician and surgeon's licensing board prior to January 1, 2014. The bill would establish that the exception continues to apply to a multidisciplinary board or association approved by the Medical Board of California prior to January 1, 2014.

Because the bill would specify additional provisions regarding the advertising practices of healing art practitioners, the violation of which would be a crime, it would impose a state-mandated local program.

Existing law authorizes the Medical Board of California, if it publishes a directory, as specified, to require persons licensed, as specified, to furnish specified information to the board for purposes of compiling the directory.

This bill would require that an applicant and licensee who has an electronic mail address report to the board that electronic mail address no later than July 1, 2014. The bill would provide that the electronic mail address is to be considered confidential, as specified.

Existing law requires an applicant for a physician and surgeon's certificate to obtain a passing score on ~~step~~ Step 3 of the United States Medical Licensing Examination with not more than 4 attempts, subject to an exception.

This bill would require an applicant to have obtained a passing score on all parts of that examination with not more than 4 attempts, subject to the exception.

Existing law requires that a complaint, with exceptions, received by the board determined to involve quality of care, before referral to a field office for further investigation, meet certain criteria.

This bill would expand the types of reports that are exempted from that requirement.

Existing law provides for a civil penalty of up to \$1,000 per day, as specified, to be imposed on a health care facility that fails to comply with a patient's medical record request, as specified, within 30 days.

This bill would shorten the time limit for compliance to 15 days for those health care facilities that have electronic health records.

Under existing law, if a healing arts ~~practitioner~~ *practitioner* may be unable to practice his or her profession safely due to mental or physical illness, ~~the~~ *his or her* licensing agency may order the ~~licentiate~~ *practitioner* to be examined by specified professionals.

This bill would require that a physician and surgeon's failure to comply with an order related to these examination requirements shall result in the issuance of notification from the board to cease the practice of medicine immediately until the ordered examinations have been completed and would provide that continued failure to comply would be grounds for suspension or revocation of his or her certificate.

Existing law prohibits a party from bringing expert testimony in a matter brought by the board unless certain information is exchanged in written form with counsel for the other party, as specified, within 30 calendar days prior to the commencement of the hearing. Existing law provides that the information exchanged include a brief narrative statement of the testimony the expert is expected to bring.

This bill would instead require that information to be exchanged within 90 days from the filing of a notice of defense and would instead require the information to include a complete expert witness report.

Existing law establishes that corporations and other artificial legal entities have no professional rights, privileges, or powers.

This bill would provide that those provisions do not apply to physicians and surgeons enrolled in approved residency postgraduate training programs or fellowship programs.

Existing law, the Licensed Midwifery Practice Act of 1993, licenses and regulates licensed midwives by the Medical Board of California. Existing law specifies that a midwife student meeting certain conditions is not precluded from engaging in the practice of midwifery as part of his or her course of study, if certain conditions are met, including, that the student is under the supervision of a licensed midwife.

This bill would require that to engage in those practices, the student is to be enrolled and participating in a midwifery education program or enrolled in a program of supervised clinical training, as provided. The bill would add that the student is permitted to engage in those practices if he or she is under the supervision of a licensed nurse-midwife.

Existing law provides for the regulation of registered dispensing opticians by the Medical Board of California and requires that the powers and duties of the board in that regard be subject to review by the Joint Sunset Review Committee as if those provisions were scheduled to be repealed on January 1, 2014.

This bill would instead make the powers and duties of the board subject to review by the appropriate policy committees of the Legislature as if those provisions were scheduled to be repealed on January 1, 2018.

Existing law authorizes the administrative law judge of the Medical Quality Hearing Panel to issue an interim order related to licenses, as provided. Existing law requires that in all of those cases in which an interim order is issued, and an accusation is not filed and served within 15 days of the date in which the parties to the hearing have submitted the matter, the order be dissolved.

This bill would extend the time in which the accusation must be filed and served to 30 days from the date on which the parties to the hearing submitted the matter.

Existing law establishes the Health Quality Enforcement Section within the Department of Justice to carry out certain duties. Existing law provides for the funding for the section, and for the appointment of a Senior Assistant Attorney General to the section to carry out specified duties. Existing law requires that all complaints or relevant

information concerning licensees that are within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine, or the Board of Psychology be made available to the Health Quality Enforcement Section. Existing law establishes the procedures for processing the complaints, assisting the boards or committees in establishing training programs for their staff, and for determining whether to bring a disciplinary proceeding against a licensee of the boards. Existing law provides for the repeal of those provisions, as provided, on January 1, 2014.

This bill would extend the operation of those provisions indefinitely.

Existing law establishes, *until January 1, 2014*, a vertical enforcement and prosecution model for cases before the Medical Board of California. ~~Existing law requires that a complaint referred to a district office of the board for investigation also be simultaneously and jointly assigned to an investigator and to the deputy attorney general in the Health and Quality Enforcement Section, as provided. Existing law provides for the repeal of those provisions, as provided, on January 1, 2014. Existing law California and~~ requires the board to report to the Governor and Legislature on the ~~vertical prosecution that~~ model by March 1, 2012.

This bill would ~~extend the operation of those provisions indefinitely and would extend the date that report is due to March 1, 2015.~~

*Existing law authorizes the Medical Board of California and the Dental Board of California to employ individuals who have the authority of peace officers to perform investigative services.*

*This bill would transfer all investigators employed by the Medical Board of California and their staff to the Department of Justice on January 1, 2014, and would provide that the transfer would not affect the status, position, or rights of those transferred. The bill would specify that individuals performing investigations would retain their status as peace officers.*

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 no reimbursement is required by this act for a specified reason.

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

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

- P5 1 SECTION 1.  
 2 Section 651 of the *Business and Professions Code*  
 3 is amended to read:  
 3 651.  
 4 (a) It is unlawful for any person licensed under this  
 4 division or under any initiative act referred to in this division to  
 5 disseminate or cause to be disseminated any form of public  
 6 communication containing a false, fraudulent, misleading, or  
 7 deceptive statement, claim, or image for the purpose of or likely  
 8 to induce, directly or indirectly, the rendering of professional  
 9 services or furnishing of products in connection with the  
 10 professional practice or business for which he or she is licensed.  
 11 A "public communication" as used in this section includes, but is  
 12 not limited to, communication by means of mail, television, radio,  
 13 motion picture, newspaper, book, list or directory of healing arts  
 14 practitioners, Internet, or other electronic communication.  
 15 (b) A false, fraudulent, misleading, or deceptive statement,  
 16 claim, or image includes a statement or claim that does any of the  
 17 following:  
 18 (1) Contains a misrepresentation of fact.

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL****No. 537****Introduced by Assembly Member Bonta**

February 20, 2013

An act to amend Sections 3505, 3505.1, 3505.2, and 3507 of, and to add Section 3505.8 to, the Government Code, relating to public employment.

## LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Bonta. Meyers-Milias-Brown Act: impasse procedures.

The Meyers-Milias-Brown Act requires the governing body of a local public agency to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost.

This bill would instead authorize the representatives of the public agency or the employee organization, if they fail to reach an agreement, to request mediation. The bill would require that the parties agree upon the appointment of a mediator mutually agreeable to the parties within 5 days of a request by one of the parties. If the parties fail to agree on the selection of a mediator within 5 days, the bill would ~~provide that~~ *authorize* either party ~~may~~ to request the appointment of a mediator, as specified. By requiring a higher level of service by a local public agency, the bill would impose a state-mandated local program.

The act requires that, in order to meet and confer in good faith, a public agency meet personally and confer promptly, and continue for a reasonable period of time, with the employee organization in order to exchange freely prior to the agency adopting a budget for the next fiscal year.

This bill would prohibit a public agency from conditioning the meeting and conferring on a limitation on the right of employees or an employee organization to communicate with officials of the agency.

The act requires, if an agreement is reached, that the parties prepare jointly a nonbinding written memorandum of understanding of the agreement that would then be presented to the governing body or its statutory representative for determination.

This bill would require that, ~~if an agreement is reached, the parties would prepare a written memorandum of understanding, which would be binding upon execution or ratification, as specified.~~ *a tentative agreement reached by the parties be presented to the governing body for determination and, if not rejected within 30 days, be deemed adopted. This bill would not bar the filing of a charge for failure to meet and confer in good faith if the governing body rejects the tentative agreement. The bill would further*

*require the parties to jointly prepare a written memorandum of understanding upon adoption of the tentative agreement by the governing body.*

Under existing law, a written agreement to submit to arbitration a specified controversy is valid, enforceable, and irrevocable, except if grounds exist for the revocation of the written agreement.

This bill would additionally provide that an arbitration agreement contained in a memorandum of understanding entered into under the Meyers-Milias-Brown Act is enforceable, as specified.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

P3 1 SECTION 1.  
 2 Section 3505 of the *Government Code* is amended  
 3 to read:  
 4 3505.  
 5 (a) The governing body of a public agency, or the  
 6 boards, commissions, administrative officers, or other  
 7 representatives as properly designated by law or by a governing  
 8 body, shall meet and confer in good faith regarding wages, hours,  
 9 and other terms and conditions of employment with representatives  
 10 of those recognized employee organizations, as defined in  
 11 subdivision (b) of Section 3501, and shall consider fully such  
 12 presentations as are made by the employee organization on behalf  
 13 of its members prior to arriving at a determination of policy or  
 14 course of action.  
 15 (b) "Meet and confer in good faith" means that a public agency,  
 16 or such representatives as it may designate, and representatives of  
 17 recognized employee organizations, shall have the mutual  
 18 obligation personally to meet and confer promptly upon request  
 19 by either party and continue for a reasonable period of time in  
 20 order to exchange freely information, opinions, and proposals, and  
 21 to endeavor to reach agreement on matters within the scope of  
 22 representation prior to the adoption by the public agency of its  
 23 final budget for the ensuing year. A public agency shall not propose  
 24 as a condition of meeting and conferring a limitation on the right  
 25 of an employee organization or employees of the agency to  
 26 communicate with officials of the agency. The process should  
 27 include adequate time for the resolution of impasses where specific  
 28 procedures for such resolution are contained in local rule,  
 29 regulation, or ordinance, or when such procedures are utilized by  
 30 mutual consent.  
 31 ~~SEC. 2.~~  
 32 ~~Section 3505.1 of the *Government Code* is amended~~  
 33 ~~to read:~~  
 34 ~~3505.1.~~  
 35 ~~If agreement is reached by the authorized~~  
 36 ~~representatives of the public agency and a recognized employee~~  
 37 ~~organization or recognized employee organizations, they shall~~

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY APRIL 25, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL****No. 616****Introduced by Assembly Member Bocanegra**

February 20, 2013

An act to amend Section 3505.4 of the Government Code, relating to local public employee organizations.

## LEGISLATIVE COUNSEL'S DIGEST

AB 616, as amended, Bocanegra. Local public employee organizations: dispute: factfinding panel.

Existing law requires the governing body of a local public agency, or those boards, commissions, administrative officers, or other representatives as may be properly designated by law or by a governing body, to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations. Existing law authorizes an employee organization to request that the parties' differences be submitted to a factfinding panel not sooner than 30 days or more than 45 days following the appointment or selection of a mediator pursuant to the parties' agreement to mediate or a mediation process required by a public agency's local rules. Existing law authorizes an employee organization, if the dispute was not submitted to a mediation, to request that the parties' differences be submitted to a factfinding panel not later than 30 days following the date that either party provided the other with a written notice of a declaration of impasse.

~~This bill would instead authorize an employee organization, if the dispute was not submitted to a mediation, to request in writing that the public agency submit the parties' differences to a factfinding panel not later than 60 days following the date that either party provided the other with a written notice of a declaration of impasse. The require that request to be in writing.~~ The bill would provide that if either party disputes that a genuine impasse, as defined, has been reached, the issue of whether an impasse exists may be submitted to the Public Employment Relations Board for resolution before the dispute is submitted to a factfinding panel, as specified. The bill would also authorize each party to select a person to serve as its member of the factfinding panel.

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

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

- P2 1 SECTION 1.  
Section 3505.4 of the *Government Code* is  
2 amended to read:

AMENDED IN SENATE MAY 21, 2013

AMENDED IN ASSEMBLY APRIL 2, 2013

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 182**

**Introduced by Assembly Members Buchanan and Hueso**  
**(Principal coauthor: Assembly Member Alejo)**  
 (Principal coauthors: Senators Block and Wyland)  
**(Coauthors: Assembly Members Ian Calderon, Chávez, Roger Hernández, and Williams)**

January 24, 2013

An act to amend Section 15146 of, and to add Sections 15144.1, 15144.2, and 15144.3 to, the Education Code, and to amend Sections 53506, 53507, 53508.7, and 53530 of the Government Code, relating to bonds.

LEGISLATIVE COUNSEL'S DIGEST

AB 182, as amended, Buchanan. Bonds: school districts and community college districts.

(1) Existing law authorizes the governing board of any school district or community college district to order an election and submit to the electors of the district the question whether the bonds of the district should be issued and sold to raise money for specified purposes. Existing law requires the bonds to bear a rate of interest that does not exceed 8% per annum and requires the number of years the whole or any part of the bonds are to run to not exceed 25 years.

This bill would require the ratio of total debt service to principal for each bond series to not exceed 4 to one. The bill would require each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to ~~mandatory tender for purchase or~~ redemption before its fixed maturity date, as specified, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued. The bill would authorize a school district or community college district with a note issued before December 31, 2013, to seek from the State Board of Education or the Chancellor of the California Community Colleges, as applicable, a one-time waiver from certain requirements of this bill if 2 specified conditions are satisfied.

(2) Existing law requires the governing board of the school district or community college district, before the sale of bonds, to adopt a resolution as an agenda item at a public meeting that includes specified information.

This bill would require, if the sale includes capital appreciation bonds, the agenda item to identify that capital appreciation bonds are proposed and require the governing board of the school district or community college district to be presented with an analysis containing the overall cost of the capital appreciation bonds, a comparison to the overall cost of current interest bonds, the reason capital appreciation bonds are being recommended, and a copy of a certain disclosure made by the underwriter.

(3) Additionally and alternatively to the authority described above, existing law authorizes the legislative body of an issuer, by resolution, to provide for the issuance of bonds or refunding bonds and defines "issuer" to include, among other public entities, a school district and a community college district. Existing law also authorizes these bonds to bear an interest rate at a coupon rate or rates as determined by the legislative body of a local agency in its discretion, but not to exceed 12% per year, and defines "local agency" to include, among other public entities, a public district.

This bill would instead specify that issuer and local agency, as defined for purposes of this source of bonding authority, do not include a school district or a community college district.

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

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

P2 1 SECTION 1.  
 Section 15144.1 is added to the *Education Code*,  
 2 to read:  
 P3 1 15144.1.  
 The ratio of total debt service to principal for each  
 2 bond series shall not exceed four to one.  
 3 SEC. 2.  
 Section 15144.2 is added to the *Education Code*, to  
 4 read:  
 5 15144.2.  
 A capital appreciation bond maturing more than 10  
 6 years after its date of issuance shall be subject to ~~mandatory tender~~  
 7 ~~for purchase or~~ redemption before its fixed maturity date, with or  
 8 without a premium, at any time, or from time to time, at the option  
 9 of the issuer, beginning no later than the 10th anniversary of the  
 10 date the capital appreciation bond was issued.  
 11 SEC. 3.  
 Section 15144.3 is added to the *Education Code*, to  
 12 read:  
 13 15144.3.  
 A school district or community college district with  
 14 a note issued before December 31, 2013, pursuant to Section 15150  
 15 may seek from the state board or the Chancellor of the California  
 16 Community Colleges, as applicable, a one-time waiver from one  
 17 or more of the requirements of Sections 1, 2, and 4 of Assembly  
 18 Bill 182 of the 2013-14 Regular Session, if both of the following  
 19 are satisfied:  
 20 (a) The proceeds of the issuance subject to the waiver will be  
 21 used only for the purpose of paying the note.  
 22 (b) The school district or community college district has  
 23 provided to the state board or the Chancellor of the California  
 24 Community Colleges, as applicable, an analysis from a financial  
 25 adviser unaffiliated with the school district, the community college  
 26 district, or the underwriter used by the school district or community  
 27 college district, showing the total overall costs of the proposed  
 28 bond, how the issuance is the most cost-effective method, and the  
 29 reasons why the school district or community college district is  
 30 unable to meet those requirements of Sections 1, 2, and 4 of  
 31 Assembly Bill 182 of the 2013-14 Regular Session that are the  
 32 subject of the waiver.  
 33 SEC. 4.

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1340**

**Introduced by Assembly Member Achadjian**

February 22, 2013

*An act to amend Sections 1180.1 and 1180.2 of, and to add Section 1255.9 to, the Health and Safety Code, and to amend Sections 4100 and 7200 of, and to add Sections ~~4142 and 4142~~, 4143 to, and 4144 to, the Welfare and Institutions Code, relating to mental health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Achadjian. State Hospital Employees Act.

Existing law establishes state hospitals for the care, treatment, and education of mentally disordered persons. These hospitals are under the jurisdiction of the State Department of State Hospitals, which is authorized by existing law to adopt regulations regarding the conduct and management of these facilities. Existing law requires each state hospital to develop an incident reporting procedure that can be used to, at a minimum, develop reports of patient assaults on employees and assist the hospital in identifying risks of patient assaults on employees. *Existing law provides for the licensure and regulation of health facilities, including acute psychiatric hospitals, by the State Department of Public Health. A violation of these provisions is a crime.*

*This bill, as of July 1, 2015, bill would establish an Enhanced Treatment Facility and specified programs within the State Department of State Hospitals, and subject to available funding, would require each state hospital to establish and maintain an enhanced treatment unit (ETU) as part of its ~~facilities and~~ facilities. The bill would authorize an acute psychiatric hospital under the jurisdiction of the department to be licensed to offer an ETU that meets specified requirements, including that each room be limited to one patient, and would authorize the department to adopt and implement policies and procedures, as specified. Because the bill would create a new crime, it imposes a state-mandated local program.*

*The bill would also require any case of assault by a patient of a state hospital, as specified, to be immediately referred to the local district attorney, and if, after the referral, the patient is found guilty of a misdemeanor or a felony assault, the local district attorney declines to prosecute, or the patient is found incompetent to stand trial or not guilty by reason of insanity, the bill would require the patient to be placed in the ~~enhanced treatment unit~~ ETU of the hospital until the patient is deemed safe to return to the regular population of the hospital.*

*The bill would authorize a state hospital psychiatrist or psychologist to refer a patient to an ETU for temporary placement and risk assessment upon determining that the*

*patient may pose a substantial risk of inpatient aggression. The bill would require a forensic needs assessment panel (FNAP) to conduct a placement evaluation to determine whether the patient meets the threshold standard for treatment in an enhanced treatment program (ETP). The bill would require, if the FNAP determines that the ETU placement is appropriate, that the FNAP certify the patient for 90 days of ETP placement and provide the determination in writing to the patient and the patient's advocate. The bill would also require a forensic needs assessment team (FNAT) psychologist to perform an in-depth clinical assessment and make a treatment plan upon the patient's admission to an ETP. The bill would require the FNAP to meet with specified individuals to determine whether the patient may stay in the ETP placement or return to a standard security treatment setting and provide the determination in writing to the patient's advocate. If the FNAP determines the patient is no longer appropriate for ETP placement, the FNAP may refer the patient to the 7-day step down unit, as defined, or a standard security setting in a department hospital.*

*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 no reimbursement is required by this act for a specified reason.*

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

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

- P3 1 SECTION 1.
- 2 This act may be known and cited as the State
- 3 Hospital Employees Act.
- 4 SEC. 2.
- 5 *Section 1180.1 of the Health and Safety Code is*
- 6 *amended to read:*
- 7 1180.1.
- 8 For purposes of this division, the following definitions
- 9 apply:
- 10 (a) "Behavioral restraint" means "mechanical restraint" or
- 11 "physical restraint" as defined in this section, used as an
- 12 intervention when a person presents an immediate danger to self
- 13 or to others. It does not include restraints used for medical
- 14 purposes, including, but not limited to, securing an intravenous
- 15 needle or immobilizing a person for a surgical procedure, or
- 16 postural restraints, or devices used to prevent injury or to improve
- 17 a person's mobility and independent functioning rather than to
- 18 restrict movement.
- 19 (b) "Containment" means a brief physical restraint of a person
- 20 for the purpose of effectively gaining quick control of a person
- 21 who is aggressive or agitated or who is a danger to self or others.
- 22 "*Containment*" *does not include admission into an enhanced*
- 23 *treatment unit or enhanced treatment facility, as defined in*
- 24 *subdivision (k) of Section 4144 of the Welfare and Institutions*
- 25 *Code.*
- 26 (c) "Mechanical restraint" means the use of a mechanical device,
- 27 material, or equipment attached or adjacent to the person's body
- 28 that he or she cannot easily remove and that restricts the freedom
- P4 1 of movement of all or part of a person's body or restricts normal
- 2 access to the person's body, and that is used as a behavioral
- 3 restraint.
- 4 (d) "Physical restraint" means the use of a manual hold to restrict

**A resolution to support comprehensive immigration reform and urge action from the 113<sup>th</sup> Congress.**

**WHEREAS**, Our Napa County identity is defined by its promise of equality, esteem for diversity and commitment to innovation; and

**WHEREAS**, Napa County and America have prospered because of the contributions of hardworking, aspiring citizens; and

**WHEREAS**, We believe in the human dignity of all Napa County residents, regardless of immigration status, and recognize the importance of immigrants' many contributions to the social and economic fabric of the Napa County; and

**WHEREAS**, Becoming a citizen in the United States means taking a solemn oath to uphold our nation's Constitution; and

**WHEREAS**, Citizenship is an important symbol of full membership and participation in society that should be encouraged, not barred; and

**WHEREAS**, Keeping families together not only is the right thing to do, but is also good for the economy because families provide a base of support that increases worker productivity and spurs entrepreneurship; and

**WHEREAS**, immigration enforcement will be much more efficient and effective once the number of undocumented immigrants in our midst is reduced due to immigration reform; and

**WHEREAS**, America's current immigration system is dysfunctional, harms our economy, and does not reflect our Napa County or national values; and

**WHEREAS**, Immigration is a federal responsibility and a comprehensive approach to solve our broken immigration system would strengthen Napa County and nation's economy and frees aspiring citizens to make an even greater contribution to our communities; and

**WHEREAS**, The federal government's inability to enact immigration reform has created severe economic, cultural and political strains here and in communities across America; and

**WHEREAS**, Immigration reform must occur in a comprehensive, thoughtful manner that builds the strength and unity of working people, keeps families together, and guarantees the same rights, obligations, and basic fairness for all workers, no matter where they come from; and

**WHEREAS**, Comprehensive immigration reform must include a realistic pathway to citizenship for all hardworking, taxpaying, aspiring citizens who live in the U.S. if they meet reasonable requirements; and

**WHEREAS**, Comprehensive immigration reform must provide a mechanism for aspiring citizens who have grown up in this country to become citizens and be able to fully contribute to our joint future; and

**WHEREAS**, Comprehensive immigration reform must update the legal immigration system so that the future flow of immigrant workers more realistically matches our nation's labor needs and is structured to protect the wages and working conditions of U.S. and immigrant workers; and

**WHEREAS**, Any new worker visa program must provide for strict compliance with U.S. labor standards and wage and hour standards; portability of visas so that workers can change jobs; and the ability for workers to petition for permanent residency; and

**WHEREAS**, Comprehensive immigration reform must reduce the unreasonable wait times and arbitrary rules that keep families separated from their loved ones; and

**WHEREAS**, Comprehensive immigration reform enforcement provisions must restore respect for law by promoting strict adherence to our nation's values including due process, civil and human rights, accountability, and proportionality

**WHEREAS**, Internal and border law enforcement should focus on preventing criminals, drug cartels and other bad actors from entering the U.S. or engaging in criminal activities; and

**WHEREAS**, Napa County supports a Comprehensive Immigration Reform bill that keeps families together, upholds our values as a nation, promotes economic growth, and provides a long-term solution to the immigration system; and

**WHEREAS**, Our elected officials must create an immigration process that strengthens our nation's economy and lets aspiring citizens continue their contributions to our communities, now, therefore

**BE IT RESOLVED BY THE (CITY COUNCIL, COUNTY, STATE):**

That the Napa County Board of Supervisors urges the 113th Congress [to](#) enact comprehensive immigration reform as outlined in this resolution that addresses (1) earned legalization with a path to citizenship; (2) updated future immigration of families and worker; and (3) improved immigration enforcement and border security that is consistent with our nation's values.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be delivered to the U.S. Speaker of the House, President of the Senate, members of the California General

Assembly, Governor of the state, California Speaker of the House, and President of the Senate.