NOTICE AND AGENDA

CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC) MEETING

Hillsborough City School District
Monday, December 15, 2025
District Office Collaboration

Meeting Focus: Ensuring all CBOC members have basic literacy about our mission

- Understanding your role as CBOC members (Education Code Section 15278 and The Brown Act)
- Measure H bond status update
- Understanding how Measure H projects are evaluated and selected
- Reviewing and Understanding the current status of Measure H projects
- Receive Annual Audit Report - presentation of the report by the auditors will take place in February 2026

Agenda:

1. Welcome and Call to Order (Clement Chen)
2. Roll Call (Louann)
3. Approval of September 15, 2025 Meeting Minutes: Linked here
4. CBOC Responsibilities (Clement Chen)
    a. Proposition 39 General Election Voter Information Guide
    b. Description of the responsibilities of the Citizen Bond Oversight Committee (CBOC): Paragraph (b) of California Education Code Section 15278
    c. The Brown Act and what it means for CBOC members
    d. Understanding basic literacy about our mission
    e. Reference Materials from July 21, 2025 CBOC Meeting: Financial Reports
5. Measure H Project Overview (Louann and Eric)
    a. For your reference: Construction Update presented to the HCSD Board of Trustee (September 2025)
    b. Review of Project Evaluation and Selection Process
    c. Measure H Overview: Financial and Project Update

d. Quarterly Financial Report
e. Annual Audit Report for your review. A presentation by the auditors will take place in February 2026.

6. Public Address
7. Closing Items

Items Not On The Agenda For Future Consideration

(Under Government Code 54954.3, members of the public have the right to address the Committee on any matter within the Committee's jurisdiction. However, the Committee may not discuss or take action on any non-agenda item. Individual speakers may be allowed with a time limit at the discretion of the Committee.)

All meetings will take place in the DO Collaboration Center.

a. Mon. Sept. 15 at 12:30 PM (Site Visits) **Completed**
b. Mon. Dec. 15 at 12:30 PM (Role of CBOC members and Project Updates)
c. Mon. Feb. 2 at 12:30 PM (Review Audit Report and Prep Annual Report)
d. Wed. March 11 - HCSD Board Meeting Presentation by CBOC Board President (6 PM) No CBOC Meeting - Just an FYI
e. Mon. May 11 at 12:30 PM (Wrap Up and Summer Projects)

CITIZENS' BOND OVERSIGHT COMMITTEE (CBOC) MEETING

Hillsborough City School District
September 15, 2025 @ 12:30 PM
District Office Collaboration Center: In-Person

I. OPENING ITEMS

A. Call to Order

The meeting was called to order by CBOC Chair Clement Chen and second by Sara Heston

B. Roll Call

CBOC Members:
Clement Chen
Bonnie Feldman
Sara Heston
Shelby van Doren
Deb Kelly
Lori Williams

HCSD Staff Members:
Ana de Arce
Michelle Yau
Joyce Shen
Ron Russo

HCSD Board Members:
An Chen

Van Pelt Construction Services:
Eric Van Pelt
Louann Carlomagno
Merry Te
Sadhana Dantuluri
Mohammed Mhanna
Johnny Mam

C. Welcome, Introductions and CBOC Responsibilities (President Clement Chen)

1. Welcome new members, Deb Kelly and Lori Williams

2. Description of the responsibilities of the Citizen Bond Oversight Committee (CBOC): Paragraph (b) of California Education Code Section 15278
3. Reference Materials from July 21, 2025 CBOC Meeting: Financial Reports

II. REPORTS DISCUSSION AND POSSIBLE ACTION

A. Approve Meeting Minutes from July 21, 2025
   1. CBOC Chair Clement Chen motioned to approve the meeting minutes; Sara Heston seconded the motion.
      a) Minutes unanimously approved

B. Review Dates for Upcoming Meetings (2025-26): All meetings will take place in the DO Collaboration Center. (Louann Carlomagno)
   1. Monday, September 15 at 12:30 pm (Site Visits)
   2. Monday, December 15 at 12:30 pm (Review Audit Report)
   3. Monday, February 9 at 2 pm moved to February 2nd at 12:30 pm (Prep Annual Report)
   4. Wednesday, March 11 - HCSD Boarding Meeting Presentation by CBOC Board President
   5. Monday, May 11 at 12:30 pm (Wrap Up and Summer Projects)

III. STAFF REPORTS

A. There were no staff reports.

IV. COMMITTEE MEMBER REPORTS

A. There were no committee member reports.

V. PUBLIC COMMENTS FROM THE COMMUNITY

A. There were no comments from the public.

VI. CLOSING ITEMS

A. Next meeting: December 15, 2025 - Audit Report Review
B. CBOC Chair Clement Chen called the meeting to order.
   1. Bonnie Feldman Seconded to adjourn the meeting

VII. Site Visit Tours

University of California, Hastings College of the Law
UC Hastings Scholarship Repository

Propositions | California Ballot Propositions and Initiatives

2000

Voter Information Guide for 2000, General Election

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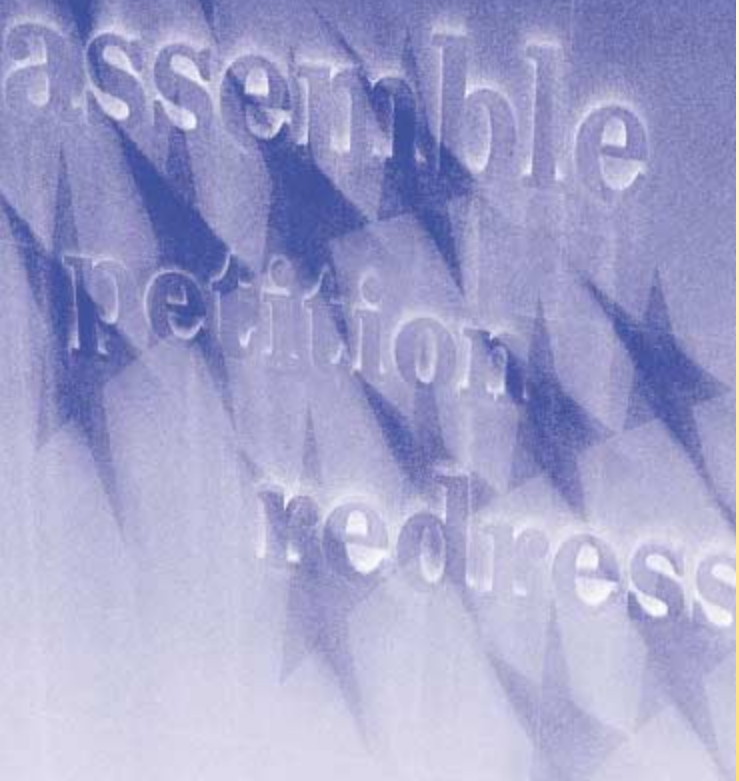
CALIFORNIA

GENERAL ELECTION
TUESDAY, NOVEMBER 7, 2000

QUICK REFERENCE
PULLOUT VOTER GUIDE INCLUDED

VISIT OUR WEBSITE
AT WWW.SS.CA.GOV



OFFICIAL VOTER INFORMATION GUIDE

CERTIFICATE OF CORRECTNESS

I, Bill Jones, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the GENERAL ELECTION to be held throughout the State on November 7, 2000, and that this pamphlet has been correctly prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 14th day of August, 2000.

Bill Jones
Secretary of State

2000

Secretary of State

Dear Voter,

Welcome to the first Presidential Election of the new Millennium! As a registered voter of California, you have the opportunity this November 7th to make your voice heard by voting on Election Day. Not only will you help to shape the future of our State by deciding on the important issues contained in this *Voter Information Guide*, but you will also have a powerful voice in determining who will be the next President of the United States!

To better prepare you for the November election, the Secretary of State's Office has produced this newly designed *Voter Information Guide* that contains comprehensive summaries, legislative analyses and pro/con arguments on the eight propositions that will appear on the November 7th ballot. In addition to a redesigned cover, new formatting techniques have been added to make it easier for you to get the information you need to vote on Election Day.

We urge you to please take the time to read each measure carefully before going to the polls. If you or anyone you know is not registered to vote and would like to do so, please visit the Secretary of State's website at *www.ss.ca.gov* where you can now fill out a voter registration form on-line and access the *Voter Information Guide*. You can also contact the Secretary of State's Voter Registration and Election Fraud Hot-Line at 1-800-345-VOTE to receive a voter registration form. **The deadline to register to vote for the November 7th election is October 10, 2000.**

As Californians, we must take full advantage of the opportunity to decide our future. **We urge you to go to the polls on November 7th and encourage your family and friends to participate and vote!**

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THE GREAT SEAL OF CALIFORNIA

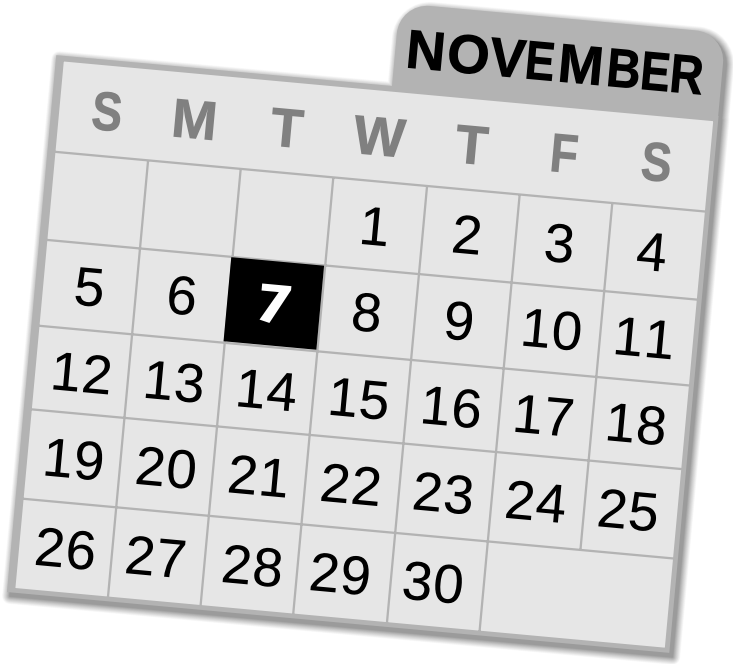
Throughout this Voter Information Guide, you will see elements of and illustrations from the Great Seal of California. The design for the Great Seal was adopted at the Constitutional Convention of 1849. Under thirty-one stars, Minerva, Roman goddess of arts, sciences, and wisdom in war and peace, keeps watch over a tableau depicting industry, commerce, agriculture, and the grandeur of nature. Like the political birth of our State, Minerva was born full grown from the brain of Jupiter, father of the gods and guardian of law and order. The grizzly bear at her feet, independent and formidable, symbolizes California. As part of his official constitutional duties, the Secretary of State is the custodian of the Great Seal.

Dates to Remember

October 9, 2000
First day to apply for an absentee ballot by mail

October 10, 2000
Last day to register to vote

October 31, 2000
Last day to apply for an absentee ballot by mail



November 7, 2000
Last day to apply for an absentee ballot in person at the office of the county elections official

November 7, 2000
ELECTION DAY!

Polls are open from 7 a.m. to 8 p.m.

Remember to vote!

Take it with you to the polls!

CALIFORNIA

QUICK REFERENCE PULLOUT GUIDE

OFFICIAL VOTER INFORMATION GUIDE

GENERAL ELECTION

TUESDAY, NOVEMBER 7, 2000

VISIT OUR WEBSITE

AT WWW.SS.CA.GOV

This reference guide contains a summary of ballot measures for the November 7, 2000, General Election. It has been designed to be easily removed and taken with you to your polling place on Election Day. To remove this section, carefully tear along the perforation to the left of the page.

Take it with you to the polls!

Ballot Measure Summary

PROPOSITION 32

VETERANS' BOND ACT OF 2000.

BOND ACT.
Put on the Ballot by the Legislature.

SUMMARY

This act provides for a bond issue of five hundred million dollars ($500,000,000) to provide farm and home aid for California veterans. Fiscal Impact: Costs of about $858 million over 25 years (average cost of about $34 million per year); costs paid by participating veterans.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: The state would be able to issue $500 million in general obligation bonds to provide loans for the veterans' farm and home purchase (Cal-Vet) program.

NO

A **NO** vote on this measure means: The state would not be able to issue these bonds for this purpose.

ARGUMENTS

PRO

The time-honored Cal-Vet Loan Program helps wartime veterans to purchase homes and farms in California at no expense to taxpayers. Voter-approved bonds finance the Program and are repaid, along with all program costs, by veteran loan holders. This measure would replenish such bonds. We urge your support.

CON

Proposition 32 is a half billion dollar bond measure that would cost taxpayers a fortune. The money would be used to buy homes for "veterans" defined to even include persons like Presidential candidate George W. Bush who joined his state's Air National Guard instead of going to fight in Vietnam!

FOR ADDITIONAL INFORMATION

FOR

Glenn Gilbert
Assembly Committee on
Veterans Affairs
California State Assembly

1020 N Street, Room 357
Sacramento, CA 95814
(916) 319-2486
glenn.gilbert@asm.ca.gov

AGAINST

Melvin L. Emerich
Attorney at Law

95 South Market St., #300
San Jose, CA 95113
(408) 995-3224
www.melemerich.com

PROPOSITION 33

LEGISLATURE. PARTICIPATION IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

LEGISLATIVE CONSTITUTIONAL AMENDMENT.
Put on the Ballot by the Legislature.

SUMMARY

Allows legislative members to participate in the Public Employees' Retirement System plans in which a majority of state employees may participate. Fiscal Impact: Annual state costs under $1 million to provide retirement benefits to legislators, with these costs replacing other spending from the fixed annual amount provided in support of the Legislature.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: State legislators could earn retirement benefits under a state retirement system for their years of service in the Legislature.

NO

A **NO** vote on this measure means: For retirement purposes, state legislators would continue to earn only Social Security benefits for their years of service in the Legislature.

ARGUMENTS

PRO

Proposition 33 is about fairness and about allowing everyone to serve in the Legislature, not just the rich. Proposition 33 only allows members of the Legislature to participate in the same pension plan as every other state employee. No additional perks. Proposition 33 will require no additional state spending.

CON

Vote NO. Legislators' salaries are now $99,000, plus some reimbursement for living expenses. They need no more perks. This measure, written by politicians, wipes out a key part of Proposition 140 enacted by voters in 1990 and will increase general fund costs. Vote NO on Proposition 33.

FOR ADDITIONAL INFORMATION

FOR

Yes on Prop. 33

c/o Western Group
P.O. Box 596
Yucaipa, CA 92399
(909) 795-9722

AGAINST

Lewis Uhler, President
The National
Tax-Limitation Committee

151 N. Sunrise Ave., Suite 901
Roseville, CA 95661
(916) 786-9400

Ballot Measure Summary

PROPOSITION 34

CAMPAIGN CONTRIBUTIONS AND SPENDING. LIMITS. DISCLOSURE.

LEGISLATIVE INITIATIVE AMENDMENT.
Put on the Ballot by the Legislature.

SUMMARY

Limits campaign contributions and loans to state candidates and political parties. Provides voluntary spending limits; expands public disclosure requirements and increases penalties. Fiscal Impact: Additional net costs to the state, potentially up to several million dollars annually, and unknown but probably not significant costs to local government.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: New contribution and voluntary spending limits will be established for state elective offices. Limits previously adopted by the voters for state and local offices, which have not been implemented because of a pending lawsuit, would be repealed. The new limits are higher than those that would be repealed.

NO

A **NO** vote on this measure means: Existing contribution and voluntary spending limits for state and local elective offices enacted by a voter-approved initiative would not be repealed.

ARGUMENTS

PRO

Proposition 34 is real reform that puts voters—not special interests—back in charge of California's political process. Proposition 34 sets enforceable, constitutional limits on campaign financing where none exist today. It limits contributions and spending, speeds up disclosure, increases fines and closes loopholes for wealthy candidates without public financing.

CON

Incumbent politicians will be begging for money when they should be tending to the public's business. Challengers will be forced to seek campaign funds from any and all sources that want political favors from Sacramento.
Proposition 34 is a recipe for a government more beholden to special interests.
Vote *No*.

FOR ADDITIONAL INFORMATION

FOR

Tom Knox
Committee for Constitutional Campaign Reform

1215 K Street, Ste. 2100
Sacramento, CA 95814
(916) 443-3354
CAyeson34.org

AGAINST

Lonni Granlund
Western Group

P.O. Box 596
Yucaipa, CA 92399
(909) 795-9722
westerngrp@aol.com

PROPOSITION 35

PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES.

INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.
Put on the Ballot by Petition Signatures.

SUMMARY

Amends Constitution eliminating existing restrictions on state, local contracting with private entities for engineering, architectural services; contracts awarded by competitive selection; bidding permitted, not required. Fiscal Impact: Unknown impact on state spending for architectural and engineering services and construction project delivery. Actual impact will depend on how the state uses the contracting flexibility under the proposition.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: The state could contract with private individuals or firms for architectural and engineering services in all situations rather than only under certain conditions (such as when the work is of a temporary nature or of such a specialized nature that it cannot be provided by state employees).

NO

A **NO** vote on this measure means: The state could contract with private individuals or firms for architectural and engineering services only under certain conditions.

ARGUMENTS

PRO

Prop. 35—Supported by hundreds of taxpayer groups, seniors, schools, local governments, business, labor, highway/earthquake safety engineers. *Restores government's ability to engage in public/private partnerships with qualified engineers to speed up thousands of backlogged highway and other public works projects.* Creates 40,000 jobs. Saves taxpayers $2.5 billion annually.

CON

Proposition 35 changes the Constitution to benefit one special interest at taxpayer expense. Like other states, California currently awards engineering contracts based on cost, qualifications, and experience. Prop. 35 replaces that with an undefined contracting process which allows overpriced government contracts based on campaign contributions and political influence. *Vote No!*

FOR ADDITIONAL INFORMATION

FOR

Taxpayers for Fair Competition—
A coalition of taxpayers, engineers, seniors, schools, local government, business, labor, highway safety experts and frustrated commuters.
11300 W. Olympic Blvd., Ste. 840
Los Angeles, CA 90064
(310) 996-2671/Info@YesProp35.com
www.YesProp35.com

AGAINST

Steve Hopcraft
No On Prop. 35

3551 N St.
Sacramento, CA 95816
(916) 446-0512
noonprop35@cwo.com
noonprop35.org

Ballot Measure Summary

PROPOSITION 36

DRUGS. PROBATION AND TREATMENT PROGRAM.

INITIATIVE STATUTE.
Put on the Ballot by Petition Signatures.

SUMMARY

Requires probation and drug treatment, not incarceration, for possession, use, transportation of controlled substances and similar parole violations, except sale or manufacture. Authorizes dismissal of charges after completion of treatment. Fiscal Impact: Net annual savings of $100 million to $150 million to the state and about $40 million to local governments. Potential avoidance of one-time capital outlay costs to the state of $450 million to $550 million.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: Adult offenders convicted of being under the influence of illegal drugs or using, transporting, or possessing illegal drugs for personal use would generally be sentenced to probation and drug treatment.

NO

A **NO** vote on this measure means: Adult offenders convicted of being under the influence of illegal drugs or using, transporting, or possessing illegal drugs would generally continue to be sentenced to prison, jail, or probation. There would be no requirement that they be sentenced to drug treatment.

ARGUMENTS

PRO

The war on drugs has failed. Nonviolent drug users are overcrowding our jails. Violent criminals are being released early. Drug treatment programs are rarely available. We pay $25,000 annually for prisoners when treatment costs only $4,000. Expanded treatment programs will reduce crime, save lives, and save taxpayers hundreds of millions.

CON

Proposition 36 prohibits jail for persons convicted of using heroin, crack, PCP and other illegal drugs, or for possessing "date rape" drugs—even those with prior convictions for rape, child molesting and other violent crimes. Proposition 36 has no regulatory safeguards, cripples legitimate treatment, invites fraud and endangers public safety.

FOR ADDITIONAL INFORMATION

FOR

California Campaign for New Drug Policies

(310) 394-2952
www.drugreform.org

AGAINST

Californians United Against Drug Abuse/Sponsored by Law Enforcement, Drug Treatment Professionals, Healthcare, Crime Victims and Taxpayers—No on 36.
455 Capitol Mall, Suite 801
Sacramento, CA 95814
1-800-995-3221
www.noonprop36.com

PROPOSITION 37

FEES. VOTE REQUIREMENTS. TAXES.

INITIATIVE CONSTITUTIONAL AMENDMENT.
Put on the Ballot by Petition Signatures.

SUMMARY

Requires two-thirds vote of State Legislature, majority or two-thirds of local electorate to impose future state, local fees on activity to study or mitigate its environmental, societal or economic effects. Defines such fees as taxes except property, development, certain other fees. Fiscal Impact: Unknown, potentially significant, reduction in future state and local government revenues from making it more difficult to approve certain regulatory charges.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: Government actions to establish certain regulatory charges would require approval by a greater number of legislators or local voters.

NO

A **NO** vote on this measure means: Current laws and constitutional requirements regarding regulatory charges would not be changed.

ARGUMENTS

PRO

The California Taxpayers Association urges you to vote *Yes* on Proposition 37 to stop hidden taxes on food, gasoline, utilities and other necessities. Proposition 37 makes politicians accountable to taxpayers by requiring a vote of the people or a 2/3 vote of the Legislature to enact these hidden taxes.

CON

Proposition 37 *protects polluters and shifts their costs to taxpayers.* The oil and tobacco lobbies who paid for Prop. 37 want *you* to pay for the pollution and sickness they cause. *American Cancer Society, League of Women Voters, Sierra Club* and *California Tax Reform Association* say: *No on 37!*

FOR ADDITIONAL INFORMATION

FOR

Californians Against Hidden Taxes

591 Redwood Hwy., Suite 4000
Mill Valley, CA 94941
(916) 448-4266
info@yesonprop37.org
www.yesonprop37.org

AGAINST

Doug Linney
Taxpayers Against Polluter Protection

1904 Franklin Street, Suite 909
Oakland, CA 94612
(510) 444-4793
info@polluterprotection.com
www.polluterprotection.com

Ballot Measure Summary

PROPOSITION 38

SCHOOL VOUCHERS. STATE-FUNDED PRIVATE AND RELIGIOUS EDUCATION. PUBLIC SCHOOL FUNDING.

INITIATIVE CONSTITUTIONAL AMENDMENT.
Put on the Ballot by Petition Signatures.

SUMMARY

Authorizes annual state payments of at least $4000 per pupil for private/religious schools. Permits replacement of current constitutional public school funding formula. Fiscal Impact: Near-term state costs from zero to $1.1 billion annually. Long-term state impact from $2 billion in annual costs to $3 billion in annual savings, depending on how many public school students shift to private schools.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: In addition to funding a public school system, the state would make available to all school-age children (kindergarten through 12th grade) scholarships (vouchers) of at least $4,000 each year to pay tuition and fees at private schools.

NO

A **NO** vote on this measure means: The state would not fund scholarships (vouchers) to pay tuition and fees at private schools. The current approach of funding public education for kindergarten through 12th grade through a system of public schools would continue.

ARGUMENTS

PRO

Prop. 38 gives a $4,000 school voucher to all parents to choose the best education for their children and provides a stronger public education funding guarantee. Prop. 38 holds schools accountable to parents and students, is only fair, and leads to smaller, safer classrooms.

CON

Proposition 38 would create voucher schools with no standards for students, no credentials for teachers, and no accountability to taxpayers. Not one penny of the billions spent on Prop 38 will be used to make our children's public schools better. Prop 38 is an expensive experiment our children can't afford.

FOR ADDITIONAL INFORMATION

FOR

Pat Rosenstiel
Prop38Yes,
School Vouchers 2000

400 Seaport Ct., Suite 102
Redwood City, CA 94063
(650) 306-1111
Campaign@vouchers2000.com
www.38Yes.com

AGAINST

No on Prop 38 Committee

1510 J Street, Suite 115
Sacramento, CA 95814
(916) 442-4406
info@NoVouchers2000.com
www.NoOnProp38.com

PROPOSITION 39

SCHOOL FACILITIES. 55% LOCAL VOTE. BONDS, TAXES. ACCOUNTABILITY REQUIREMENTS.

INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.
Put on the Ballot by Petition Signatures.

SUMMARY

Authorizes bonds for repair, construction or replacement of school facilities, classrooms, if approved by 55% local vote. Fiscal Impact: Increased bond debt for many school districts. Long-term costs statewide could total in the hundreds of millions of dollars annually. Potential longer-term state savings to the extent school districts assume greater responsibility for funding school facilities.

WHAT YOUR VOTE MEANS

YES

A **YES** vote on this measure means: Local school bonds could be approved by a 55 percent vote rather than a two-thirds vote of the local electorate.

NO

A **NO** vote on this measure means: Local school bonds would continue to require approval by a two-thirds vote of the local electorate.

ARGUMENTS

PRO

Parents, business, teachers and taxpayers say "*Yes* on 39" to fix our classrooms and fix the way schools spend money. The California State PTA says 39 helps reduce class size and protects taxpayers and homeowners. It requires a tough 55% vote for bonds and prohibits spending on administration or bureaucracy.

CON

Proposition 39 destroys 121 year Constitutional Protection requiring two-thirds vote to approve local bonds. 39 has *No* property tax limits. 39 could lead to further actions which double property taxes, returning to pre-1978 levels. Bonds create homeowner liens. "Special Provisions" can be changed anytime without voter approval. Vote *No.*

FOR ADDITIONAL INFORMATION

FOR

Taxpayers for Accountability & Better Schools

1121 L Street, Suite 401
Sacramento, CA 95814
(916) 341-1055
info@betterschoolsforCA.org
www.yesonprop39.org

AGAINST

Jon Coupal
Save Our Homes Committee, Vote No on Proposition 39

921 Eleventh Street, Suite 1201
Sacramento, CA 95814
(916) 444-9959
Info@SaveOurHomes.com
www.SaveOurHomes.com

Secretary of State online

http://www.ss.ca.gov

GO!

- **FIND** your polling place
- **RESEARCH** campaign contributions
- **WATCH** live election results
- **OBTAIN** absentee ballot information
- **VIEW** lists of candidates

Send your comments directly to the Secretary of State at ***bjones@ss.ca.gov***

NOVEMBER 7, 2000
GENERAL ELECTION
Election Day "CHECKLIST"

BALLOT MEASURES AT A GLANCE

	YES	NO
PROPOSITION 32 Veterans' Bond Act of 2000.	○	○
PROPOSITION 33 Legislature. Participation in Public Employees' Retirement System. Legislative Constitutional Amendment.	○	○
PROPOSITION 34 Campaign Contributions and Spending. Limits. Disclosure. Legislative Initiative Amendment.	○	○
PROPOSITION 35 Public Works Projects. Use of Private Contractors for Engineering and Architectural Services. Initiative Constitutional Amendment and Statute.	○	○
PROPOSITION 36 Drugs. Probation and Treatment Program. Initiative Statute.	○	○
PROPOSITION 37 Fees. Vote Requirements. Taxes. Initiative Constitutional Amendment.	○	○
PROPOSITION 38 School Vouchers. State-Funded Private and Religious Education. Public School Funding. Initiative Constitutional Amendment.	○	○
PROPOSITION 39 School Facilities. 55% Local Vote. Bonds, Taxes. Accountability Requirements. Initiative Constitutional Amendment and Statute.	○	○

NOTES:

Ballot Measures

LEGISLATIVE BOND MEASURE

Any bill that calls for the issuance of general obligation bonds must be adopted in each house of the Legislature by a two-thirds vote, be signed by the Governor, and approved by a simple majority of the voters voting to be enacted. An overview of the state bond debt is included in every ballot pamphlet when a bond measure is on the statewide ballot.

LEGISLATIVE CONSTITUTIONAL AMENDMENT

This is an amendment to the California State Constitution that is proposed by the Legislature. It must be adopted in the Senate and the Assembly by a two-thirds vote of each house's members before being placed on the ballot. A legislative constitutional amendment does not require the Governor's signature. A simple majority of the public's vote enacts the amendment.

LEGISLATIVE INITIATIVE AMENDMENT

Unless an initiative specifically allows for the Legislature to amend its provisions, the Legislature must submit any amendments to previously-adopted initiatives it proposes to the voters. An amendment requires a majority vote of the Senate and Assembly and must be signed by the Governor. If the measure gets more YES votes than NO votes on the ballot, it becomes law.

INITIATIVE

Often called "direct democracy," the initiative is the power of the people to place measures on the ballot. These measures can include proposals to create or change statutes, amendments to the Constitution, or general obligation bonds. In order for an initiative that sets or changes state law to qualify to appear on the ballot, petitions must be turned in that have signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election. An initiative amending the State Constitution requires signatures equaling 8% of the gubernatorial vote. Again, the statewide vote to enact an initiative only requires a simple majority vote.

REFERENDUM

Referendum is the power of the people to approve or reject statutes adopted by the Legislature, except those that are urgency, that call for elections, or that provide for tax levies or appropriations for usual current expenses of the state. Voters wishing to block implementation of a legislatively adopted statute must gather signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election within ninety days of enactment of the bill. Once on the ballot, the law proposed by the Legislature is blocked if voters cast more NO votes than YES votes on the question.

32 VETERANS' BOND ACT OF 2000.

Official Title and Summary Prepared by the Attorney General

VETERANS' BOND ACT OF 2000.

- This act provides for a bond issue of five hundred million dollars ($500,000,000) to provide farm and home aid for California veterans.
- Appropriates money from state General Fund to pay off bonds, if costs not offset by payments from participating veterans.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Costs of about $858 million to pay off both the principal ($500 million) and interest (about $358 million) on the bonds; costs paid by participating veterans.
- Average payment for principal and interest of about $34 million per year for 25 years.

Final Votes Cast by the Legislature on AB 2305 (Proposition 32)

Assembly:	Ayes	76	Noes	0
Senate:	Ayes	36	Noes	0

BACKGROUND

Since 1921, the voters have approved a total of about $7.9 billion of general obligation bond sales to finance the veterans' farm and home purchase (Cal-Vet) program. As of July 2000, there was about $270 million remaining from these funds.

The money from these bond sales is used by the Department of Veterans Affairs to purchase farms, homes, and mobile homes which are then resold to California veterans. Each participating veteran makes monthly payments to the department. These payments are in an amount sufficient to (1) reimburse the department for its costs in purchasing the farm, home, or mobile home; (2) cover all costs resulting from the sale of the bonds, including interest on the bonds; and (3) cover the costs of operating the program.

PROPOSAL

This measure authorizes the state to sell $500 million in general obligation bonds for the Cal-Vet program. These bonds would provide sufficient funds for at least 2,500 additional veterans to receive loans.

FISCAL EFFECT

The bonds authorized by this measure would be paid off over a period of about 25 years. If the $500 million in bonds were sold at an interest rate of 5.5 percent, the cost would be about $858 million to pay off both the principal ($500 million) and the interest ($358 million). The average payment for principal and interest would be about $34 million per year.

Throughout its history, the Cal-Vet program has been totally supported by the participating veterans, at no direct cost to the taxpayer. However, because general obligation bonds are backed by the state, if the payments made by those veterans participating in the program do not fully cover the amount owed on the bonds, the state's taxpayers would pay the difference.

For text of Proposition 32 see page 54.

32 VETERANS' BOND ACT OF 2000.

Argument in Favor of Proposition 32

The Cal-Vet Farm and Home Loan Program was established after World War I to help veterans in establishing livelihoods and homes following active military service to their country. Since then, more than 400,000 wartime veterans have been assisted by this self-supporting Program. The Program, which has earned the consistent support of voters for 79 years, is a working memorial to the veterans of California.

Voter-approved general obligation bonds finance the Program and are repaid by the veterans. Veteran loan holders are charged interest on their loans at the lowest rates that will cover all costs, including redemption of general obligation bonds, debt service, and all program administrative charges. The Program is operated entirely without cost to the California taxpayer.

To ensure that deserving California veterans receive the best possible service under the Cal-Vet Program, the Legislature recently directed the Department of Veterans Affairs, which administers the Program, to establish all systems, procedures, technologies and guidelines necessary to achieve efficient loan processing at a pace competitive with private-sector services. The Governor, the Legislature, the Treasurer, and the California Veterans Board all actively oversee the Program.

The last Cal-Vet bond measure appeared on the 1996 ballot and received strong voter support. Proposition 32 is needed now to ensure that the Cal-Vet Program will be able to meet the future needs of veterans. The Legislature placed this act on the ballot, at the request of Governor Davis, with no negative votes, sending the measure to voters with a vote of 76–0 in the Assembly and 36–0 in the Senate.

We urge you to vote *FOR* Proposition 32, the Veterans' Bond Act of 2000. The success of this measure will enable California's wartime veterans to purchase farms and homes here with low interest rates and at no cost to you. Our veterans deserve no less.

ASSEMBLYMAN JOHN A. DUTRA, *Chair*
Assembly Committee on Veterans Affairs
SENATOR K. MAURICE JOHANNESSEN, *Chair*
Senate Committee on Veterans Affairs

Rebuttal to Argument in Favor of Proposition 32

PROPONENTS' CLAIM that the Cal-Vet loan program operates "*entirely without cost to the California taxpayer*" IS NOT TRUE.

Raising money by selling tax-free bonds results in a loss of revenue (from income on other possible investments that would be taxed) to both the *state* treasury and the *federal* treasury. This is explained in the main argument against Proposition 32 on the opposite page.

The question is whether continuing the Cal-Vet program is worth its high cost.

On this point, PROPONENTS' CLAIM that the program has assisted "*wartime veterans*" IS MISLEADING.

Most California veterans have not been able to obtain assistance through the Cal-Vet loan program precisely because the program is not limited to war "time" veterans, or persons who served in actual combat, or veterans who became disabled by serving in the military.

Even someone who stayed at home in the National Guard is a qualified "*veteran*" under the Cal-Vet loan program.

Presidential candidate *George W. Bush* of Texas, who joined in his state's "Air" National Guard instead of going to fight the War in Vietnam, is technically a "*veteran*." But would he deserve a subsidized home loan for such service?

Instead of funding another half-billion dollars in low-interest loans for the purchase of "homes and farms" for a relatively small number of persons in the broad category of "*veterans*," let's spend money on programs limited to the most deserving and needy people—such as persons who became disabled in military combat.

MELVIN L. EMERICH
Attorney at Law

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Argument **Against** Proposition 32

In this measure, state legislators are proposing that the State of California sell a *half billion dollars* in bonds to be used by the Cal-Vet Home Loan Program.

While it is true that the lucky home buyers repay the bonds—principal and interest—*the program costs everyone else hundreds of millions of dollars in a way proponents never talk about.*

You see, government bonds are purchased by investors even though they yield a low rate of interest only because the interest earned is tax-free under both federal and state law.

When investors buy tax-free bonds instead of making tax-producing investments in the private sector, the federal and state governments lose money that would have been collected on taxable investment returns.

The amount lost approximates the difference between the rate of interest on government bonds and the rate of interest on secure, taxable investments.

So, the Cal-Vet Home Loan Program is actually quite expensive. If it were "free" as proponents have claimed in the past, everyone could receive low interest loans from the government! We could have a "Cal-*Resident* Home Loan Program" for everyone. But, it does not work that way.

Now that you know how *the Cal-Vet Home Loan Program costs YOU hundreds of millions of dollars,* the question is whether the program is justified.

Here are the biggest problems we see:

(1) The program is not limited to veterans who served in combat.

Any California veteran may apply.

(2) Bureaucrats then decide which veterans get the homes and which do not.

Relatively few veterans end up benefiting from the program.

MELVIN L. EMERICH, *Co-chair*
Voter Information Alliance
GARY B. WESLEY, *Co-chair*
Voter Information Alliance

Rebuttal to Argument Against Proposition 32

The Cal-Vet Home Loan Program is California's means of keeping the promise to honor those who served. Veterans using the Program are not simply "lucky home buyers"; they are individuals who have made sacrifices for State and Country.

The Cal-Vet Home Loan Program has no direct cost to taxpayers. It is true that the program is funded by the sale of tax-exempt bonds, but the investors purchase these bonds as a part of their tax-exempt strategies. If they did not purchase these bonds, which are used to benefit veterans and in turn to bolster California's real estate industry, purchasers would find other tax-exempt investments that might not benefit California, or our veterans.

Contrary to the arguments against the Veterans Bond Act, the Program is fully justified:

1. The bonds in question are General Obligation Bonds. *These bonds can be used only by veterans who have wartime service and are purchasing homes in California*.

2. State and federal laws determine the use of tax-exempt bonds. Loans are underwritten, according to common industry practice, by the staff of the California Department of Veterans Affairs. More than 412,000 veterans have benefited from the Program since its inception in 1921.

HONORABLE GRAY DAVIS
Governor
ASSEMBLYMAN JOHN A. DUTRA, *Chair*
Assembly Committee on Veterans Affairs
SENATOR K. MAURICE JOHANNESSEN, *Chair*
Senate Committee on Veterans Affairs

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PROPOSITION

33 LEGISLATURE. PARTICIPATION IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

LEGISLATURE. PARTICIPATION IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
Legislative Constitutional Amendment.

- Amends Constitution to allow members of the California Legislature the option to participate in the Public Employees' Retirement System.
- Allows any person elected or serving in the Legislature on or after November 1, 1990 to participate in any state retirement plan in which a majority of the employees of the State may participate.
- Only the employer's share of the contribution necessary for participation in such state retirement plans will be paid by the State.
- Requires members of the Legislature to continue to participate in the Federal Social Security System.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Annual state costs under $1 million to provide retirement benefits to legislators, with these costs replacing other spending from the fixed annual amount provided in support of the Legislature. No net impact on state spending.

Final Votes Cast by the Legislature on ACA 12 (Proposition 33)

Assembly:	Ayes 57	Noes 12
Senate:	Ayes 27	Noes 0

BACKGROUND

The California Legislature has 120 members—80 in the Assembly and 40 in the Senate. The State Constitution currently provides that:

- Salaries and benefits (other than retirement) of legislators are set annually by an independent commission.
- Retirement benefits for service in the Legislature are limited to participation in the federal Social Security system.

Prior to November 1990, legislators also participated in the state-run Legislators' Retirement System. Proposition 140, passed by the voters in November 1990, prohibited legislators from that time forward from earning any new retirement benefits (other than Social Security). Proposition 140 also established an annual "cap" on spending in support of the Legislature (for expenses such as legislator and staff salaries and other operating costs). The cap increases annually based on growth in the state's economy and population.

PROPOSAL

This proposition amends the State Constitution to allow legislators to participate in the state Public Employees' Retirement System (PERS). This system provides retirement benefits to a majority of state government workers. A legislator choosing to participate in the plan would pay almost 5 percent of his or her salary to the system. In addition, the state would pay into the system in the same way it pays for its other employees. The state's contribution is determined each year by PERS and is paid as a percent of the employee's salary. These rates can vary significantly from year to year. For instance, the current PERS employer rate is zero (due to recent performance of PERS investments), but this rate is projected to increase to around 4.5 percent in 2001–02.

FISCAL EFFECT

The state cost to provide PERS retirement benefits to legislators would depend on (1) how many legislators choose to participate in PERS and (2) the annual employer PERS contribution rate. These costs, however, would be under $1 million each year.

This expense would have to be paid out of the annual amount provided for support of the Legislature. As such, this proposition would not result in additional state costs, but would instead replace other types of spending in support of the Legislature.

For text of Proposition 33 see page 55.

33 LEGISLATURE. PARTICIPATION IN PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
Legislative Constitutional Amendment.

Argument in Favor of Proposition 33

Most working people in their 30's or 40's have a retirement plan. They pay into that plan each month—and their employer puts some in too. And at age 65 they can retire with full benefits.

But what would happen if you lost six years of service toward your pension? You'd have to work an additional six years—and wait to retire until after you were 70.

That's exactly what people who run for state office are faced with. They are limited to six years of service in the Assembly or eight years in the State Senate—by term limits. But they are allowed no service time toward their pensions for the time they served in public office.

It's only fair that people who commit to public service are allowed to provide for their future.

PROPOSITION 33 WOULD TREAT STATE LAWMAKERS LIKE ALL OTHER PUBLIC EMPLOYEES.

It would allow Legislators to put aside some of their paycheck each month and have the State put some in too. No special deal. No special benefits. Just the same retirement plan available to the majority of state workers.

Nurses, Teachers, Firefighters, Farmers—people from these jobs can't retire on their investments, they need pension plans. And if we don't treat lawmakers like every other public employee, then soon we'll only have candidates rich enough not to need pensions.

Taxpayer activists and term-limit supporters like People's Advocate, labor unions like the California School Employees Association and many other diverse groups in California agree that people should not be discouraged from seeking public office.

MAKE SURE ALL CALIFORNIANS—NOT JUST THE RICH—HAVE A FAIR OPPORTUNITY TO SERVE IN THE LEGISLATURE. VOTE YES ON PROPOSITION 33.

PETER SZEGO, *Chair*
State Legislative Committee
American Association of Retired Persons
ALLAN ZAREMBERG, *President*
California Chamber of Commerce
DAN TERRY, *President*
California Professional Firefighters

Rebuttal to Argument in Favor of Proposition 33

Proposition 33 is an attack on the reforms we enacted through Proposition 140.

Proposition 33 does not treat state lawmakers "like all other public employees", as claimed by the proponent's argument.

In analyzing this constitutional amendment, the State Department of Finance concluded: "This bill is inequitable since . . . legislators could become eligible for full retiree health benefits upon meeting a 10 year vesting requirement, while state employees could be required to work 20 years to earn the same benefit."

State Legislators are eligible for a $99,000 salary and some reimbursement for living expenses. They should use some of that to invest for their own retirement, rather than asking taxpayers to foot the bill.

Serving in the Legislature is a privilege and an honor. We do not need to entice people to run for office with promises of a taxpayer-paid luxury retirement.

Vote NO on Proposition 33.

RANDY THOMASSON, *Executive Director*
Campaign for California Families
RICK GANN, *Director of Legal Affairs*
Paul Gann's Spirit of 13 Committee
PETER F. SCHABARUM, *Co-Author*
Proposition 140

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Argument **Against** Proposition 33

Career politicians are at it again!

In 1990 voters overwhelmingly enacted term limits and other landmark legislative reforms aimed at cutting the perks and breaking the influence of the career politicians.

Proposition 33 changes the Constitution to allow state legislators to participate in the Public Employees' Retirement System (PERS)—the very benefits we took away from them in 1990. *According to the Legislature's own analyst, if Proposition 33 passes, California taxpayers like you and us will be stuck paying increased general fund costs in retirement benefits for state legislators.* These taxpayer-paid benefits will come on top of Social Security and other retirement plans legislators may have.

Over the last ten years, state legislators have received raises to increase their pay by 90 percent—TO ALMOST $100,000 A YEAR.

In addition to their salary, legislators are eligible to receive some reimbursement for their living expenses.

But for some, this is not enough. They want us—the taxpayers—to pay for their retirement as well. And they want us to give this perk a protected place in our Constitution!

Legislators make a hefty salary. They can and should invest their money and plan for their retirement just like anybody else. Instead, they want special treatment—yet another perk that is not available to any citizen working in the private sector.

Don't be fooled. The fact is, Prop. 33 takes money out of your pocket and puts it into the pockets of the state politicians.

Protect your pocketbook and protect the important reforms you enacted in 1990.

VOTE NO ON 33.

ERNEST F. DYNDA, *President*
United Organizations of Taxpayers
LEWIS K. UHLER, *President*
National Tax Limitation Committee

Rebuttal to Argument Against Proposition 33

• Proposition 33 only allows members of the Legislature to participate in the same pension plan as every other state employee. No additional perks.

• Proposition 33 will require no additional state spending.

• Proposition 33 will require legislators to contribute to the pension plan from their own salaries, just like every other state employee.

• Proposition 33 is about fairness and about allowing everyone to serve in the Legislature, not just the rich.

In order to retire, working people must be able to save money during their prime working years.

Right now anyone who sets aside six or eight years of their life to leave their careers and serve in the Legislature is denied the option of saving for retirement. Without a pension, many people with families cannot afford to temporarily leave their careers to serve in the state Assembly or Senate. For many potential public servants in their maximum-earning years, such a sacrifice imposes great burdens not only on themselves but on their spouses and children as well.

Thus, your neighbors and friends, school teachers, factory and high-tech workers, middle-income citizens of all types are effectively discouraged from running for office. That means we all forfeit our Legislature to rich or well-to-do Californians with substantial and secure financial means.

DR. WILLIAM CRIST, *President*
Board of Administration,
California Public Employees' Retirement System
BILL HAUCK, *Former Chairman*
California Constitution Revision Commission
MARK MUSCARDINI, *President*
California Association of Highway Patrolmen

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PROPOSITION

34 CAMPAIGN CONTRIBUTIONS AND SPENDING. LIMITS. DISCLOSURE.

Legislative Initiative Amendment.

Official Title and Summary Prepared by the Attorney General

CAMPAIGN CONTRIBUTIONS AND SPENDING. LIMITS. DISCLOSURE.
Legislative Initiative Amendment.

- Limits individual campaign contributions per election: state legislature, $3,000; statewide elective office, $5,000 (small contributor committees may double these limits); governor, $20,000. Limits contributions to political parties/political committees for purpose of making contributions for support or defeat of candidates.
- Establishes voluntary spending limits, requires ballot pamphlet to list candidates who agree to limit campaign spending.
- Expands public disclosure requirements, increases penalties for violations.
- Prohibits lobbyists' contributions to officials they lobby.
- Limits campaign fund transfers between candidates, regulates use of surplus campaign funds.
- Effective 1/1/01, except statewide elective office effective 11/6/02.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Additional net costs to the state, potentially up to several million dollars annually, to publish candidate statements in the state ballot pamphlet and to implement and enforce provisions of the measure.
- Unknown, but probably not significant, costs to local governments to implement voluntary spending limit provisions of the measure.

Final Votes Cast by the Legislature on SB 1223 (Proposition 34)

Assembly:	Ayes 42	Noes 23
Senate:	Ayes 32	Noes 2

BACKGROUND

Political Reform Laws. The Political Reform Act of 1974, approved by California voters in that year, established campaign finance disclosure requirements. Specifically, it required candidates for state and local offices, proponents and opponents of ballot measures, and other campaign organizations to report contributions received and expenditures made during campaigns. These reports are filed with the Secretary of State's office, local election officials, or both. The Fair Political Practices Commission (FPPC) is the state agency primarily responsible for enforcing the law.

In November 1996, California voters approved Proposition 208, an initiative that amended the Political Reform Act, to establish limits on campaign contributions to candidates, voluntary limits on campaign spending, and rules on when fund-raising can occur. The measure also required identification of certain donors in campaign advertisements for and against ballot measures and contained various other provisions regulating political campaigns.

A lawsuit challenging Proposition 208 resulted in a court order in January 1998 blocking enforcement of its provisions. At the time this analysis was prepared, the lawsuit was still pending. Until the case is resolved, it is unclear which, if any, provisions of Proposition 208 will be implemented. At this time generally no contribution and expenditure limits are in place for campaigns for state elective offices.

Ballot Pamphlet and Sample Ballot. Before each statewide election, a ballot pamphlet prepared by the Secretary of State is mailed to each household with a registered California voter. It contains information on propositions placed on the ballot by the Legislature as well as ballot initiative and referendum measures placed before voters through signature gathering. State law also directs county elections officials to prepare and mail to each voter a sample ballot listing the federal, state, and local candidates and ballot measures.

On-Line Campaign Reporting. State law requires certain candidates and campaign organizations involved in elections for state elective office or ballot propositions to file campaign finance information on-line or in electronic formats with the Secretary of State. Information from those campaign finance reports is then made available for public review through the Internet.

PROPOSAL

This measure revises state laws on political campaigns for state and local elective offices and ballot propositions. Most of these changes would take effect beginning in 2001. Campaigns for statewide elective office, such as Governor, would generally not be affected by the provisions of the measure until after the November 2002 election. This measure does not affect campaigns for federal office, such as the U.S. Congress and generally does not affect the contribution limits now enforced for local offices. The major provisions of this measure include the following:

- Repeals the campaign contribution and voluntary spending limits for state and local elective offices enacted by Proposition 208. Establishes new contribution and voluntary campaign spending limits, with higher dollar amounts than those contained in Proposition 208, for state elective offices.
- Enacts new campaign disclosure requirements, including on-line or electronic reporting in a timely manner of campaign contributions and expenditures of $1,000 or more.
- Increases penalties for campaign law violations to the same levels as Proposition 208.

These major provisions of the measure are described in more detail below.

Campaign Contribution Limits

This measure establishes limits on contributions to candidates for state elective office. The limits vary according to the state office sought by the candidate and the source of the contribution, as shown in Figure 1. The limits would be adjusted every two years for inflation.

Figure 1
Proposition 34
Campaign Contribution Limits

	Candidate for:		
		Statewide Office	
Contributor	Legislature	Other Than Governor	Governor
Individual	$3,000	$5,000	$20,000
"Small Contributor Committee" [a]	6,000	10,000	20,000
Lobbyist [b]	Prohibited	Prohibited	Prohibited
Political party	No limit	No limit	No limit

[a] Defined as a committee in existence for at least six months with 100 or more members, none of whom contribute more than $200 to the committee in a year, and which contributes to five or more candidates.

[b] Prohibition applies to lobbyists only in certain circumstances.

This measure repeals the contribution limits contained in Proposition 208 and replaces them with limits that are generally higher than those contained in Proposition 208. For example, this measure limits contributions from an individual to a candidate for the Legislature to $3,000 per election and repeals the Proposition 208 limit of $250 per election for such contributions.

The measure also limits contributions by an individual to a political party for the support or defeat of candidates for elective state office. The contributions would be limited to $25,000 per calendar year, although additional sums could be given to support other party activities. This measure does not limit the contributions political parties could make to candidates.

The measure also establishes contribution limits both for small contributor committees and for the transfer of funds left over from prior campaigns to the same candidate. In addition, it prohibits contributions from lobbyists to state elective officials or candidates under certain conditions. This measure also repeals a provision

in Proposition 208 limiting contributions to political committees which operate independently of a candidate's campaign committee.

Under this measure, candidates would be allowed to give unlimited amounts of their own money to their campaigns. However, the amount candidates could loan to their campaigns would be limited to $100,000 and the earning of interest on any such loan would be prohibited.

This measure repeals a provision of Proposition 208 that bans transfers of funds from any state or local candidate or officeholder to another candidate, but establishes limits on such transfers from state candidates. The measure also repeals a provision of Proposition 208 that prohibits candidates for state and local elective office from fund-raising in nonelection years.

Voluntary Spending Limits

Proposition 208 enacted voluntary campaign spending limits for state elective offices. Candidates who accepted those limits would (1) be entitled to obtain larger campaign contributions than otherwise; (2) be identified in the state ballot pamphlet, county sample ballot materials, and on the ballot as having accepted the limits; and (3) receive free space for a statement in support of his or her candidacy in the state ballot pamphlet or in county ballot materials (depending upon the office sought).

This measure repeals those provisions and enacts a new set of voluntary spending limits. Candidates who accepted these limits would (1) be identified in the state ballot pamphlet as having accepted the limits and (2) be eligible to purchase space in the state ballot pamphlet for a statement in support of his or her candidacy.

The major spending limit provisions of this measure are shown in Figure 2. These voluntary limits, which would be adjusted every two years for inflation, are higher than the limits contained in Proposition 208. For example, this measure would repeal a voluntary expenditure limit of $100,000 for the primary election for an Assembly seat and instead establish a limit of $400,000 for such an election contest.

Figure 2

Proposition 34
Voluntary Spending Limits

Election Contest	Election	
	Primary	General
Assembly	$400,000	$700,000
Senate	600,000	900,000
State Board of Equalization	1 million	1.5 million
Other statewide offices, except Governor	4 million	6 million
Governor	6 million	10 million

Figure 3 shows some of the key changes made by Proposition 34.

Figure 3

Key Changes Made by Proposition 34

This measure would enact new contribution and voluntary spending limits for candidates for state elective office. Two examples are shown below of how these provisions differ from the Political Reform Act, which is the current practice in regular elections, and Proposition 208, which has not been implemented because of a pending lawsuit.

Election Contest	Political Reform Act of 1974	Proposition 208	Proposition 34
Limits Per Election on Campaign Contributions by Individuals [a]			
Assembly and Senate	No limits	$250	$3,000
Statewide offices (except Governor)	No limits	$500	$5,000
Governor	No limits	$500	$20,000
Voluntary Campaign Spending Limits [b,c]			
Assembly			
Primary:	No limits	$100,000	$400,000
General:	No limits	$200,000	$700,000
Senate			
Primary:	No limits	$200,000	$600,000
General:	No limits	$400,000	$900,000
Board of Equalization			
Primary:	No limits	$200,000	$1 million
General:	No limits	$400,000	$1.5 million
Statewide Office (except Governor)			
Primary:	No limits	$1 million	$4 million
General:	No limits	$2 million	$6 million
Governor			
Primary:	No limits	$4 million	$6 million
General:	No limits	$8 million	$10 million

[a] Under Proposition 208, limits double if candidate agrees to voluntary campaign spending limit.
[b] Under Proposition 208, limits can as much as triple under certain circumstances defined in the measure.
[c] Under Proposition 34, political party expenditures on behalf of a candidate do not count against voluntary spending limits.

Campaign Disclosure Rules

Paid Endorsements. Under this measure, if a person appearing in a campaign advertisement for or against a state or local ballot proposition was paid, or will be paid $5,000 or more for the appearance, that fact would have to be disclosed in the advertisement.

On-Line Reporting. This measure requires that a candidate for state elective office or a committee supporting a state ballot measure make on-line or electronic reports to the Secretary of State within 24 hours of receiving a contribution of $1,000 or more during the 90 days before an election. Certain independently operating committees would similarly have to make on-line or electronic reports of expenditures of $1,000 or more related to a candidate for state elective office.

Advertising Payments. Under current law, if a person spends funds to directly advocate the election or defeat of a candidate for state office, such expenditures generally must be disclosed in a statement filed with the Secretary of State before the election. This measure would generally require an on-line or electronic report before the election when someone is purchasing campaign advertisements involving payments of $50,000 or more that clearly identify a candidate for state office but do not expressly advocate the candidate's election or defeat.

"Slate Mailers." Slate mailers—mailed campaign advertisements containing lists of recommendations for voters—would have to include a written notice if they indicate an association with a political party but their recommended position on a ballot proposition or candidate differs from that political party's official position.

Other Provisions

Fund-Raising by Appointees. This measure repeals a provision in Proposition 208 that would prohibit members of certain appointed public boards or commissions from contributing to or soliciting campaign contributions on behalf of the person who appointed them to that office.

Surplus Campaign Funds. This measure limits the use of surplus campaign funds to specified purposes, including repayment of campaign debts or political contributors, charitable donations, contributions to political parties, home security systems for candidates or officeholders subjected to threats, and payment of legal bills related to seeking or holding office. In so doing, the measure repeals a provision of Proposition 208 that generally requires, within 90 days after an election, the distribution of any surplus funds to political parties, political contributors, or to the state.

Penalties and Enforcement. This measure increases penalties for violations of campaign law to the same levels as Proposition 208. For example, the FPPC could impose a fine of up to $5,000 per violation, instead of the prior penalty of $2,000. Additionally, the measure repeals a provision of Proposition 208 allowing the FPPC to initiate criminal prosecution of alleged violations of campaign laws, and narrows the cases in which an alleged campaign law violation is subject to penalties.

FISCAL EFFECT

This measure would result in additional costs to the state primarily related to the publication of candidate statements in the state ballot pamphlet and the implementation and enforcement of various provisions of the measure. The additional state costs would be offset to an unknown extent by payments and fines from candidates and political committees. We estimate that the net costs to the state could potentially be as much as several million dollars annually. In addition, local governments would incur unknown, but probably not significant, costs to implement the voluntary spending limit provisions of the measure.

For text of Proposition 34 see page 55.

34 CAMPAIGN CONTRIBUTIONS AND SPENDING. LIMITS. DISCLOSURE.
Legislative Initiative Amendment.

Argument in Favor of Proposition 34

Reform California political campaigns. Vote YES on Proposition 34.

- Clamp a lid on campaign contributions
- Limit campaign spending
- Require faster disclosure of contributions via the Internet
- Does not allow taxpayer dollars to be used in campaigns
- Stop political "sneak attacks"
- Close loopholes for wealthy candidates
- Increase fines for law violators

Currently there are no limits on what politicians can collect and spend to get elected to state office. California is still the wild west when it comes to campaign fundraising. Six-figure campaign contributions are routine. Proposition 34 finally sets enforceable limits and puts voters back in charge of California's political process.

• PROPOSITION 34 LIMITS POLITICAL CONTRIBUTIONS

Proposition 34 brings strict contribution limits to every state office. These limits are tough enough to rein in special interests and reasonable enough to be upheld by the courts. Proposition 34 bans lobbyists from making ANY contribution to any elected state officer they lobby.

• PROPOSITION 34 CREATES CAMPAIGN SPENDING LIMITS

Campaign spending is out of control. Proposition 34 creates legally allowable limits to keep spending under control and includes a system so voters know who abides by the limits and who doesn't.

• PROPOSITION 34 USES THE INTERNET TO SPEED UP DISCLOSURE

Proposition 34 requires candidates and initiatives to disclose contributions of $1,000 or more on the Internet within 24 hours for a full three months before the end of the campaign.

• PROPOSITION 34 DOES NOT ALLOW TAXPAYER FUNDED CAMPAIGNS

Proposition 34 does not impose taxpayer dollars to be used to finance political campaigns in California. Our tax money is better spent on schools, roads and public safety.

• PROPOSITION 34 MORE THAN DOUBLES FINES TO $5,000 PER VIOLATION

• PROPOSITION 34 CLOSES LOOPHOLES FOR WEALTHY CANDIDATES

Wealthy candidates can loan their campaigns more than $100,000, then have special interests repay their loans. Proposition 34 closes this loophole.

• PROPOSITION 34 STOPS POLITICAL SNEAK ATTACKS

In no-limits California, candidates flush with cash can swoop into other races and spend hundreds of thousands of dollars at the last minute to elect their friends. Proposition 34 stops these political sneak attacks.

• PROPOSITION 34 REFORMS WON'T BE THROWN OUT

Three times in the past twelve years, voters have attempted to enact limits only to have the courts strike them down.

Proposition 34 has been carefully written to fully comply with all court rulings and will set reasonable limits that can be enforced.

VOTE YES ON PROPOSITION 34 if you're tired of special interests controlling our government.

VOTE YES ON PROPOSITION 34 if you want real campaign reform that can and will be enforced.

VOTE YES ON PROPOSITION 34 if you don't want taxpayers to pay for political campaigns.

Proposition 34 is tough, fair and enforceable. It deserves your support.

DAN STANFORD, *Former Chair*
California Fair Political Practices Commission
EILEEN PADBERG, *Member*
Bipartisan Commission on the Political Reform Act
HOWARD L. OWENS, *Director of Region IX*
National Council of Senior Citizens

Rebuttal to Argument in Favor of Proposition 34

Proponents of Proposition 34 just don't get it! Ridding state government of special influence is a worthy goal. *BUT PROPOSITION 34 OFFERS A CURE THAT IS WORSE THAN THE DISEASE.*

It is very expensive to run for political office in California. Candidates need campaign contributions to inform voters where they stand on the issues. If candidates are unable to raise the money needed to finance a campaign, how will voters be able to make informed choices as to who is the best person to represent them?

Free speech is a cherished right in our nation. *WHY SHOULD WE RESTRICT A POLITICAL CANDIDATE'S FREE SPEECH IN THE GUISE OF POLITICAL REFORM?*

Proponents of campaign finance reform have the false illusion that Proposition 34 contribution limits will keep special interest politics out of the State Legislature.

They're wrong.

PROPOSITION 34 WON'T WORK. Here's why:

By clamping unworkable limits on normal campaign contributions, candidates will be forced to spend *more time*—not less—asking wealthy political donors for money.

Incumbent politicians will be begging for money when they should be tending to the public's business. Challengers will be forced to seek campaign funds from any and all sources that want political favors from Sacramento.

PROPOSITION 34 IS A RECIPE FOR A GOVERNMENT MORE BEHOLDEN TO SPECIAL INTERESTS.

The best way to reduce special interest influence is to fully disclose all campaign contributions and let the voters decide which candidate deserves our trust.

Vote No on Proposition 34.

BRETT GRANLUND, *Assemblyman*
65th Assembly District
BILL MORROW, *Senator*
38th District

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Argument **Against** Proposition 34

True campaign finance reform is to require detailed reporting of all contributions and let the chips fall where they may.

Proposition 34 is an unnecessary scheme to limit the amount of money that can be spent by candidates for State office. CANDIDATES SPEND CAMPAIGN MONEY TO SEND US INFORMATION ABOUT THEIR CAMPAIGN AND THEIR POSITIONS ON ISSUES. THIS ENABLES US TO MAKE CHOICES. No money, no information.

The supporters of Proposition 34 say we should limit campaign money because contributors could unduly influence candidates or officeholders. Do you want to be dependent upon biased newspapers or news organizations to tell us what a candidate thinks rather than letting the candidate himself or herself tell you?

If a person feels so strongly about the qualities of a candidate that he or she wants to give money to help get the candidate elected, so what? If a person believes the positions of an incumbent politician are wrong, doesn't he or she have the right to financially help the opponent? ALL CAMPAIGN CONTRIBUTIONS ARE NOW REPORTED. IF WE DON'T LIKE THE PEOPLE WHO GIVE MONEY TO A POLITICIAN, WE CAN VOTE AGAINST HIM OR HER!

Without a political campaign, we'd never know which of the candidates are worthy of our support. Proposition 34 would impose severe limits on campaign money. Limits so severe that most politicians would be unable to communicate effectively. Limits so severe that we might wind up electing the politician we'd heard something about—the most famous name. DO WE WANT TO LIMIT OUR CHOICE OF CANDIDATES TO A GROUP OF RICH MOVIE STARS, FAMOUS ATHLETES OR CELEBRITY TALK SHOW HOSTS?

Political campaigns cost money: money for mail advertisements, money for television and radio advertisements. We may not believe what they tell us, but it doesn't cost US anything.

Our Founding Fathers wrote a guarantee of "free speech" into the Constitution. But speech isn't free if you want a lot of people to hear it. When you outlaw campaign money, you are really outlawing effective speech in politics—and that's wrong!

VOTE NO ON PROPOSITION 34!

BRETT GRANLUND, *Assemblyman*
65th Assembly District
BILL MORROW, *Senator*
38th District

Rebuttal to Argument Against Proposition 34

Opponents of Proposition 34 argue that we don't need reform of our campaign system. They would have us believe that unlimited campaign contributions by special interests do not influence politicians. Are they serious?

Former Insurance Commissioner Chuck Quackenbush accepted five and six figure campaign contributions from insurance companies which led to one of the biggest corruption scandals in California history. These huge contributions would not have been allowed under Proposition 34.

PROPOSITION 34 WILL PUT THE BRAKES ON SPECIAL INTEREST DOLLARS.

- Special interests will be limited in what they can contribute to candidates.
- Lobbyists will be forbidden from making contributions.
- Campaign spending will be limited.
- Faster public disclosure of contributions will be required.

PROPOSITION 34 IS CONSTITUTIONAL.

On three recent occasions, voters have approved ballot measures imposing strict contribution limits. Each time, the courts have struck them down.

Unlike other reform measures, Proposition 34 was drafted by experts to fully comply with all court rulings. It will allow candidates to spend enough to campaign effectively without allowing special interests to buy elections.

With no current contribution or spending limits in place, politicians routinely spend $1 million for a seat in the State Legislature. Where do they get this money? The vast majority of their campaign dollars come from powerful special interests seeking favors in Sacramento.

Officials should work for the people who elect them, not for special interests.

REFORM CALIFORNIA CAMPAIGNS. FIGHT CORRUPTION. VOTE YES ON 34.

LEE BACA, *Sheriff*
Los Angeles County
DAN STANFORD, *Former Chair*
California Fair Political Practices Commission
GEORGE ZENOVICH, *Associate Justice*
Court of Appeal, Fifth District (ret.)

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PROPOSITION

35 PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES.

Initiative Constitutional Amendment and Statute.

Official Title and Summary Prepared by the Attorney General

PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES.

Initiative Constitutional Amendment and Statute.

- Amends constitution to provide that in the design, development and construction of public works projects, state government may choose to contract with private entities for engineering and architectural services without regard to certain existing legal restrictions which apply to the procurement of other services.
- Specifies that local governments may also choose to contract with private entities for engineering, architectural services.
- Imposes competitive selection process, which permits but does not require competitive bidding, in awarding engineering and architectural contracts.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Unknown fiscal impact on state spending for architectural and engineering services and construction project delivery. Actual impact will depend on how the state uses the contracting flexibility granted by the proposition in the future.
- Little or no fiscal impact on local governments because they generally can now contract for these services.

BACKGROUND

Under California constitutional law, services provided by state agencies generally must be performed by state civil service employees. These services cover a broad range of activities—such as clerical support, building maintenance and security, and legal services. In some cases, however, the state may contract with private firms to obtain services. Such contracting is allowed, for example, if services needed by the state are: (1) of a temporary nature, (2) not available within the civil service, or (3) of a highly specialized or technical nature. Unlike the state, local governments are not subject to constitutional restrictions on contracting for services.

The state and local governments frequently contract with private firms for construction-related services, which include architectural, engineering, and environmental impact studies. State and local governments enter into these contracts through a competitive process of advertising for the service, selecting the firm determined to be best qualified, and negotiating a contract with that firm. However, neither the state nor most local government entities use a bidding process for these services. By comparison, bidding generally is used to acquire goods and for construction of projects.

PROPOSAL

This proposition amends the State Constitution to allow the state and local governments to contract with qualified private entities for architectural and engineering services for all phases of a public works project. Thus, governments could decide to contract out for these specific services in any case, rather than just on an exception basis.

The proposition also enacts statutory laws which:

- Define the term "architectural and engineering services" to include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services.
- Specify that all projects in the State Transportation Improvement Program (STIP) are covered by the requirements of the proposition. The STIP is the state's transportation plan that includes public works projects to increase the capacity of the state's highways and provide transit capital improvements (such as new freeways, new interchanges, and passenger rail rights-of-way). The STIP is the state's largest ongoing capital improvement program. Thus, the proposition would probably have the greatest impact in the transportation area.
- Require architectural and engineering services to be obtained through a fair, competitive selection process that avoids conflicts of interest.

FISCAL EFFECT

Impacts on State Costs

Eliminating restrictions on contracting out for architectural and engineering services would make it easier for the state to enter into contracts with private individuals or firms to obtain these services. As a result, the state would likely contract out more of these services. This could affect state costs in two main ways.

Cost of the Services. The fiscal impact would depend on the cost of salaries and benefits for state employees performing architectural and engineering services compared to the cost of contracts with private firms. These costs would vary from project to project. In some cases, costs may be higher to contract out. It may still be in the state's best interest to do so, however, because of other considerations. For instance, during times of workload growth (such as a short-term surge in construction activity), contracting for services could be faster than hiring and training new state employees. In addition, contracting can prevent the build-up of a "peak-workload" staff that can take time to reduce once workload declines.

For these reasons, the proposition's net impact on state costs for architectural and engineering services is unknown, and would depend in large part on how the state used the flexibility granted under the measure.

Impact on Construction Project Delivery. The ability to contract for architectural and engineering services could also result in construction projects being completed earlier. As noted above, during times of workload growth, the ability to contract for these services could result in projects' completion earlier than through the hiring and training of new state employees. This, in turn, could have state fiscal impacts—such as savings in construction-related expenses. In these cases, faster project completion would also benefit the public as capital improvements would be in service sooner.

Impacts on Local Government Costs

There should be little or no fiscal impact on local governments because they generally can now contract for architectural and engineering services.

For text of Proposition 35 see page 65.

35 PUBLIC WORKS PROJECTS. USE OF PRIVATE CONTRACTORS FOR ENGINEERING AND ARCHITECTURAL SERVICES.
Initiative Constitutional Amendment and Statute.

Argument in Favor of Proposition 35

TRAFFIC GRIDLOCK, OVERCROWDED SCHOOLS:

DOESN'T IT JUST MAKE SENSE TO PUT *EVERYONE* TO WORK TO SOLVE THESE PROBLEMS?

• Proposition 35, the Fair Competition Initiative, *simply gives state and local governments the choice* to hire qualified private sector engineers and architects where it makes sense to do so—*SOMETHING MANY OTHER STATES DO ALREADY.*

Why is Proposition 35 needed?

BEEN STUCK IN TRAFFIC LATELY?

According to the state's independent Legislative Analyst, last year traffic congestion cost California consumers $7.8 million a day! *There is a huge BACKLOG of transportation projects needed to REDUCE CONGESTION and PREPARE OUR HIGHWAYS, BRIDGES AND OVERPASSES FOR THE NEXT EARTHQUAKE.*

• PROP. 35 WILL ALLOW US TO USE PRIVATE EXPERTS TO GET TRANSPORTATION PROJECTS COMPLETED ON TIME AND ON BUDGET—AND KEEP TAXES DOWN.

How did we get into this mess?

A small group of Caltrans bureaucrats—concerned only with their self-interests—filed several lawsuits that essentially banned the state from hiring private architects and engineers. *They even terminated 15 existing earthquake retrofit contracts with private engineering firms.*

• PROP. 35 WILL ALLOW CALIFORNIA TO ONCE AGAIN MAKE USE OF PRIVATE SECTOR EARTHQUAKE EXPERTS TO ENSURE THE SAFETY OF OUR HIGHWAYS AND BRIDGES.

But the problem doesn't end there: *school districts, cities, counties and other local agencies' ability to choose both private and public sector architects and engineers is at risk, too.*

Prop. 35 would simply restore state and local agencies' choice to utilize private experts—using the same fair selection process on the books today—*to select the most qualified architects or engineers to get these projects designed and built on time and on budget.*

• PROP. 35 MEANS WE DON'T HAVE TO RELY ONLY ON CALTRANS.

The state's independent Legislative Analyst recommended Caltrans contract out more work.

Why? Caltrans simply cannot do all the work alone. *Plus, 17% of the Caltrans engineers have less than 3 years experience.* And Caltrans is hardly a model of efficiency—a recent university study shows *Caltrans spends more on administration than on maintenance of our roads and highways!*

• THE CALIFORNIA TAXPAYERS' ASSOCIATION and other taxpayer groups SUPPORT PROP. 35 because it could SAVE CALIFORNIANS $2.5 BILLION ANNUALLY and CREATE 40,000 JOBS over the next ten years.

California's population is growing, creating the need for more schools, roads, transit, hospitals and other vital services. THERE'S PLENTY OF WORK FOR BOTH PUBLIC AND PRIVATE ENGINEERS AND ARCHITECTS *to relieve traffic congestion, accommodate growing school needs and retrofit our aging highway system.*

• COMMON SENSE TELLS US PUBLIC-PRIVATE PARTNERSHIPS ARE THE MOST COST-EFFECTIVE WAY TO MEET THESE NEEDS and SAVE TAXPAYERS MONEY.

With so much at stake, WE NEED *ALL* HANDS ON DECK.

Join with:

- California Taxpayer Protection Committee
- Coalition for Adequate School Housing
- California Minority and Women's Business Coalition
- California Chamber of Commerce
- California Society of Professional Engineers
- National Federation of Independent Business
- J. E. Smith, Former Commissioner of the California Highway Patrol

And hundreds of school districts, cities, counties, water districts, transportation agencies and earthquake engineers.

VOTE YES on 35.

LARRY McCARTHY, *President*
California Taxpayers' Association
LORING A. WYLLIE, JR., *Past President*
Earthquake Engineering Research Institute
TODD NICHOLSON, *President*
Californians for Better Transportation

Rebuttal to Argument in Favor of Proposition 35

Proposition 35's backers use buzzwords: "gridlock," "overcrowded schools." BUT THEY DON'T SAY WHAT IT ACTUALLY DOES.

They say we need to give government "the choice" to contract with private engineering corporations. But that choice ALREADY EXISTS.

FACTS:

• CALIFORNIA ALREADY USES BOTH PUBLIC AND PRIVATE ENGINEERS. Just like other states, THOUSANDS OF GOVERNMENT CONTRACTS ARE ANNUALLY AWARDED to private firms of every kind. This year, Caltrans will spend $150,000,000.00 on contracts with private engineers.

• PUBLIC-PRIVATE PARTNERSHIPS ALREADY EXIST. For example, when the Northridge earthquake knocked down the Santa Monica Freeway, a partnership of Caltrans engineers and private construction companies rebuilt it in record time.

So why is Proposition 35 on the ballot?

The REAL PURPOSE is to benefit engineering consultants who paid to put Proposition 35 on the ballot.

• Proposition 35 AMENDS THE CONSTITUTION TO EXEMPT JUST THIS ONE INDUSTRY from *legal requirements that apply to every other business* that contracts with state government.

• Proposition 35 REQUIRES A NEW SELECTION PROCESS WHICH IT DOES NOT DEFINE. How will engineering contracts be awarded? Proposition 35 doesn't say.

Because Proposition 35 doesn't define the process, it will cause CONFUSION, LITIGATION AND COSTLY ROAD AND SCHOOL CONSTRUCTION DELAYS while new regulations are created and challenged in court.

California Federation of Teachers says Proposition 35 will delay construction needed for class size reduction. Howard Jarvis Taxpayers Association says Proposition 35 will COST TAXPAYERS HUNDREDS OF MILLIONS OF DOLLARS.

Don't let a special interest change the Constitution for its benefit, not yours.

VOTE NO ON PROPOSITION 35!

LENNY GOLDBERG, *Executive Director*
California Tax Reform Association
MARY BERGAN, *President*
California Federation of Teachers
HOWARD OWENS, *President*
Consumer Federation of California

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Argument **Against** Proposition 35

You've seen it before, and here we go again. PROPOSITION 35 IS ANOTHER MISLEADING, SELF-SERVING, SPECIAL INTEREST INITIATIVE.

WHO'S BEHIND PROPOSITION 35?

According to official reports, huge engineering corporations paid millions to place Proposition 35 on the ballot and they are spending millions more to mislead you into voting for it. Are they really spending all that money to help you, the taxpayer? Of course not!

PROPOSITION 35 CHANGES CALIFORNIA'S CONSTITUTION so large engineering corporations don't have to abide by the rules that apply to every other business that contracts with government in California. Every year, state and local governments spend billions of dollars on contracts with thousands of businesses.

PROPOSITION 35 CREATES A SPECIAL INTEREST EXEMPTION FOR ONLY ONE GROUP—ITS SPONSORS!

HOW DOES PROPOSITION 35 AFFECT YOU?

Independent experts agree that PROPOSITION 35 WILL DELAY CONSTRUCTION OF ROADS, SCHOOLS, HEALTH CARE FACILITIES, and other needed projects for years.

A top regulatory expert says Proposition 35 will bring public contracting to a "crawl, if not a complete halt" while a NEW BLOATED STATE BUREAUCRACY develops a NEW SET OF STATE REGULATIONS and IMPOSES THEM ON OUR CITIES, COUNTIES, AND SCHOOL DISTRICTS!

Independent legal analyses say LAWSUITS WILL CAUSE EVEN MORE DELAYS!

THESE DELAYS COST YOU MONEY! The former State Auditor General, California's independent fiscal watchdog, identified MORE THAN $8 BILLION of school, road, and hospital projects that will be delayed at a cost of HUNDREDS OF MILLIONS OF DOLLARS! Taxpayer dollars—YOUR DOLLARS!

Project delays mean TRAFFIC CONGESTION WILL GET WORSE. That's why the Engineers and Scientists of California and public safety organizations—including the California Association of Highway Patrolmen and the California Professional Firefighters—oppose Proposition 35.

PROPOSITION 35 WILL DELAY CONSTRUCTION OF NEW CLASSROOMS NEEDED TO REDUCE CLASS SIZE AND IMPROVE EDUCATION. That's why educators, including school districts throughout California and the California School Employees Association, oppose Proposition 35.

PROPOSITION 35 WILL DELAY CONSTRUCTION OF HEALTH CARE FACILITIES, increasing the cost of health care. That's why health care professionals and seniors groups—including the California Nurses Association and the Congress of California Seniors—oppose Proposition 35.

Jon Coupal, President of the HOWARD JARVIS TAXPAYERS ASSOCIATION, says "Taxpayers should be very concerned with this proposal and its potential costs. We urge voters to vote NO on Proposition 35."

Don't let a few huge, greedy corporations mislead you into voting to change the Constitution to give them a special exemption so they can waste your tax dollars! Please join with the Howard Jarvis Taxpayers Association, the California Tax Reform Association, the Consumer Federation of California, the California Small Business Roundtable, law enforcement, firefighters, teachers, seniors, nurses, labor and many, many others who OPPOSE PROPOSITION 35.

VOTE NO ON PROPOSITION 35!

JEFF SEDIVEC, *President*
California State Firefighters' Association
LOIS WELLINGTON, *President*
Congress of California Seniors
MARLAYNE MORGAN
Engineers and Scientists of California

Rebuttal to Argument Against Proposition 35

They're at it again. *The CALTRANS BUREAUCRATS WHO ARE BANKROLLING THE CAMPAIGN AGAINST PROP. 35 will stop at nothing.*

First they filed lawsuits to terminate government's ability to contract with private sector architects and engineers. Then they brought *more* lawsuits to deny you the opportunity to vote on Prop. 35.

Now that it's on the ballot, those same bureaucrats are using their political allies in Sacramento and discredited studies to try to deceive you.

We invite you to read Prop. 35 yourself. IT'S THE MOST STRAIGHTFORWARD INITIATIVE ON THE BALLOT.

Prop. 35 will simply restore the ability of state and local government to use qualified private sector engineers and architects where it makes sense to do so—something many other states do already.

PROP. 35 DOESN'T CREATE ANY NEW COMPLICATED REGULATIONS OR DELAYS. *On the contrary, it restores the public/private partnerships needed to speed up the delivery of thousands of backlogged public works projects.*

That's precisely why hundreds of local governments, schools, transportation agencies, engineers, earthquake safety experts *and more than a dozen taxpayer groups* URGE A YES VOTE ON PROP. 35.

Working together, the public and private sectors can GET THE JOB DONE SOONER, SAFELY and MORE EFFICIENTLY.

It's a simple question really:

- If you want to preserve the Caltrans status quo of delays, vote no.
- If you want to see the PUBLIC AND PRIVATE SECTORS WORKING TOGETHER to speed up project delivery, SAVE taxpayers $2.5 BILLION ANNUALLY and create 40,000 new jobs . . . VOTE YES on PROP. 35.

MIKE SPENCE, *President*
California Taxpayer Protection Committee
RON HAMBURGER, *President*
Structural Engineers Association of California
MICHAEL E. FLYNN, *President*
Taxpayers for Fair Competition—a coalition of taxpayers, engineers, seniors, schools, local government, business, labor, highway safety experts and frustrated commuters

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36 DRUGS. PROBATION AND TREATMENT PROGRAM.
Initiative Statute.

Official Title and Summary Prepared by the Attorney General

DRUGS. PROBATION AND TREATMENT PROGRAM.
Initiative Statute.

- Requires probation and drug treatment program, not incarceration, for conviction of possession, use, transportation for personal use or being under influence of controlled substances and similar parole violations, not including sale or manufacture.
- Permits additional probation conditions except incarceration.
- Authorizes dismissal of charges when treatment completed, but requires disclosure of arrest and conviction to law enforcement and for candidates, peace officers, licensure, lottery contractors, jury service; prohibits using conviction to deny employment, benefits, or license.
- Appropriates treatment funds through 2005–2006; prohibits use of these funds to supplant existing programs or for drug testing.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Net savings to the state of between $100 million and $150 million annually, within several years of implementation.
- Potential one-time avoidance of capital outlay costs to the state of between $450 million and $550 million in the long term.
- Net savings to local government of about $40 million annually, within several years of implementation.

OVERVIEW

This measure changes state law so that certain adult offenders who use or possess illegal drugs would receive drug treatment and supervision in the community, rather than being sent to prison or jail or supervised in the community, generally without drug treatment. The measure also provides state funds to counties to operate the drug treatment programs.

The most significant provisions of the measure and their fiscal effects are discussed below.

BACKGROUND

Three Types of Crimes. Under current state law, there are three kinds of crimes: felonies, misdemeanors, and infractions.

A felony is the most severe type of crime and can result in a sentence in state prison or county jail, a fine, or supervision on county probation in the community. Current law classifies some felonies as "violent" or "serious." The state's "Three Strikes and You're Out" law provides longer prison sentences, in some cases 25 years to life, for offenders who have prior convictions for violent or serious felonies.

Misdemeanors are considered less serious and can result in a jail term, probation, a fine, or release to the community without probation but with certain conditions imposed by the court. Infractions, which include violations of certain traffic laws, cannot result in a prison or jail sentence.

Drug Offenses. State law generally makes it a crime to possess, use, or be under the influence of certain drugs, including marijuana, cocaine, heroin, and methamphetamine.

Some drug-related offenses are classified as felonies and some as misdemeanors. Whether a drug-related crime is classified as a felony or misdemeanor, as well as the punishment imposed upon conviction, depends primarily upon the specific substance found to be in the possession of an offender. Drug offenses are not classified by law as violent or serious offenses.

State law generally provides more severe punishment for offenders convicted of possessing illegal drugs for sale rather than for their own personal use.

Probation Violators. With some exceptions, an offender convicted of drug use or possession can be sentenced to county probation supervision in the community instead of jail or prison, or to probation supervision after a term in jail. A probationer found to have committed a new crime while on probation such as using or possessing an illegal drug, or who violated any condition of probation, could be sent to state prison or county jail by the courts.

Parole Violators. After release from prison, an offender imprisoned for felony drug possession is subject to up to three years of state parole supervision in the community. A parolee who commits a new crime, such as using or possessing an illegal drug, could be returned to prison by the courts based on new criminal charges, or by the administrative action of the Board of Prison Terms based on a finding of a parole violation.

PROPOSAL

Drug Offenders Convicted in Court

Changes in Sentencing Law. Under this proposition, effective July 1, 2001, an offender convicted of a "nonviolent drug possession offense" would generally be sentenced to probation, instead of state prison, county jail, or probation without drug treatment. As a condition of probation, the offender would be required to complete a drug treatment program.

The measure defines a nonviolent drug possession offense as a felony or misdemeanor criminal charge for being under the influence of illegal drugs or for possessing, using, or transporting illegal drugs for personal use. The definition excludes cases involving possessing for sale, producing, or manufacturing of illegal drugs.

Offenders convicted of nonviolent drug possession offenses would be sentenced by the court for up to one year of drug treatment in the community and up to six additional months of follow-up care. The drug treatment programs must be licensed and certified by the state and could include various types of treatment methods, including residential and outpatient services and replacement of narcotics with medications, such as methadone. A court could require offenders to participate in vocational training, family counseling, literacy training or community service, and could impose other probation conditions. The measure requires that offenders who are reasonably able to do so help pay for their own drug treatment.

Some Offenders Excluded. This measure specifies that certain offenders would be excluded from its provisions and thus could be sentenced by a court to a state prison, county jail, or probation without drug treatment. This would be the case for an offender who refused drug treatment, or who possessed or was under the influence of certain (although not all) illegal drugs while using a firearm. This measure also excludes offenders convicted in the same court proceeding of a misdemeanor unrelated to drug use or any felony other than a nonviolent drug possession offense. Also, an offender who had two or more times failed the drug treatment programs required under this measure, and who was found by the court to be "unamenable" to any form of drug treatment, would be sentenced to 30 days in county jail.

In addition, offenders with one or more violent or serious felonies on their record, and thus subject to longer prison sentences under the Three Strikes law,

would not be sentenced under this measure to probation and drug treatment, unless certain conditions existed. Specifically, during the five years before he or she committed a nonviolent drug possession offense, the offender (1) had not been in prison, (2) had not been convicted of a felony (other than nonviolent drug possession), and (3) had not been convicted of any misdemeanor involving injury or threat of injury to another person.

Court Petitions. An offender placed on probation who successfully completes drug treatment and complies with his or her probation conditions could petition the court to dismiss the charges and to have that arrest considered, with some exceptions, to have never occurred.

Sanctions. An offender sentenced by a court to participate in and complete a drug treatment program under this measure would only be subject to certain sanctions if it were determined that he or she was unamenable to treatment or had violated a condition of probation. The sanctions could include being moved to an alternative or more intensive form of drug treatment, revocation of probation, and incarceration in prison or jail. In some cases involving repeat drug-related violations, return to prison or jail would be mandatory.

Parole Violators

Changes in Parole Revocation. Under this proposition, effective July 1, 2001, a parole violator found to have committed a nonviolent drug possession offense or to have violated any drug-related condition of parole would generally be required to complete a drug treatment program in the community, instead of being returned to state prison. The Board of Prison Terms could require parole violators to participate in and complete up to one year of drug treatment and up to six additional months of follow-up care.

Parolees could also be required to participate in vocational training, family counseling, or literacy training. Parolees reasonably able to do so could be required to help pay for their own drug treatment.

Some Parole Violators Excluded. Under the measure, the Board of Prison Terms could continue to send to prison any parole violator who refused drug treatment, or had been convicted of a violent or serious felony. The measure also excludes parole violators who committed a misdemeanor unrelated to the use of drugs or any felony at the same time as a nonviolent drug possession offense.

Court Petitions. Unlike drug offenders placed on probation by the courts, parolees would not be eligible under this measure to submit petitions for dismissal of the charges or to have their arrest considered to have never occurred.

Sanctions. Parolees who fail to comply with their drug treatment requirements or violate their conditions of parole would only be subject to sanctions similar to those for drug offenders on probation, including modification of their drug treatment program or revocation of parole and return to state prison.

Other Provisions

The measure provides state funds to counties to implement the measure and requires a study of its effectiveness and fiscal impact. County governments would be directed to report specified information on the implementation and effectiveness of the drug treatment programs to the state, and their expenditures would be subject to audits by the state.

FISCAL EFFECT

This measure would have significant fiscal effects upon both state and local governments. The major effects are discussed below.

Individual Fiscal Components

State Prison System. This measure would result in savings to the state prison system. This is because as many as 24,000 nonviolent drug possession offenders per year would be diverted to drug treatment in the community instead of being sent to state prison. Because many of these offenders would otherwise have served only a few months in prison, we estimate as many as 11,000 fewer prison beds would be needed at any given time. Consequently, state prison operating costs would be reduced by between $200 million to $250 million annually within several years after implementation of this measure.

The estimate reflects a range of potential savings because of (1) differences in how counties would implement the measure and the effectiveness of the treatment programs they would establish, (2) possible changes in the way prosecutors and judges handle drug cases, such as changes in plea bargaining practices, and (3) uncertainty about the number of Three Strikes cases affected by the measure. These savings would be partly offset to the extent that the offenders diverted to the community under this measure later commit additional crimes that result in their commitment to state prison.

Assuming that growth in the inmate population would have otherwise continued, the state would also be able to delay the construction of additional prison beds as a result of this measure. This would result in a one-time avoidance of capital outlay costs of between $450 million and $550 million in the long term.

State Parole System. This measure would divert a significant number of offenders from entering state custody as prison inmates. Thus, fewer offenders would eventually be released from state prison to state parole supervision, resulting in a savings to the state. We estimate that the initiative would result in a net caseload reduction of as many as 9,500 parolees and a net state savings of up to $25 million annually for parole operations.

County Jails. We estimate that the provisions in this measure barring jail terms for nonviolent drug possession offenses would divert about 12,000 eligible offenders annually from jail sentences to probation supervision and drug treatment in the community. This would result in about $40 million annual net savings to county

governments on a statewide basis, within several years after implementation of the measure. These savings would decline to the extent that jail beds no longer needed for drug possession offenders were used for other criminals who are now being released early because of a lack of jail space.

Treatment Trust Fund. This measure appropriates $60 million from the state General Fund for the 2000–01 fiscal year, and $120 million each year thereafter concluding with the 2005–06 fiscal year, to a Substance Abuse Treatment Trust Fund. After 2005–06, funding contributions from the General Fund to the trust fund would be decided annually by the Legislature and Governor.

The money placed in the trust fund would be allocated each year to county governments to offset their costs of implementing this measure, including increased probation caseloads, substance abuse treatment, court monitoring of probationers, vocational training, family counseling, literacy training, and compliance with the state reporting requirements. None of the money could be used for drug testing of offenders.

Fees Paid by Offenders. This measure authorizes the courts and the Board of Prison Terms to require eligible offenders to contribute to the cost of their drug treatment programs. The amount of revenues generated from charging such fees to offenders is unknown but would probably amount to several million dollars annually on a statewide basis within several years after implementation of the measure.

Trial Court Impacts. This measure would probably result in significant ongoing annual savings for the court system because fewer offenders facing nonviolent drug possession charges would contest those charges at trial. The combined savings to the state and county governments for trial court, prosecution, and indigent defense counsel costs would probably amount to several million dollars annually on a statewide basis within several years after implementation of the measure. However, the savings to the state could be offset by an unknown, but probably small, amount for additional court costs to monitor treatment compliance by diverted offenders.

Other Drug Treatment Effects. To the extent that the additional drug treatment services provided under this measure are effective in reducing substance abuse, state and local governments could experience savings for health care, public assistance, and law enforcement programs. The amount of such potential savings is unknown.

Summary of Fiscal Effects

This measure is likely to result in net savings to the state after several years of between $100 million and $150 million annually due primarily to lower costs for prison operations. Assuming inmate population growth would have otherwise continued, the state would also be able to delay the construction of additional prison beds for a one-time avoidance of capital outlay costs of between $450 million and $550 million in the long term. Counties would probably experience net savings of about $40 million annually due primarily to a lower jail population.

A summary of the fiscal effects of the measure is shown in Figure 1.

Figure 1

Proposition 36
Summary of Fiscal Effects of Major Provisions[a]

	State	Local
Substance Abuse Treatment Trust Fund Appropriation	$120 million annual costs.	—
Prison operations	$200 million to $250 million annual savings.	—
Prison construction	$450 million to $550 million one-time cost avoidance.	—
Parole operations	$25 million annual savings.	—
Jail operations	—	$40 million annual savings statewide.
Fees paid by offenders	—	Potentially several million dollars in annual revenues statewide.
Trial courts, prosecution, public defense	Potentially several million dollars in annual savings.	Potentially several million dollars in annual savings statewide.
Total Fiscal Impact	$100 million to $150 million annual net savings; $450 million to $550 million one-time cost avoidance.	About $40 million in annual net savings statewide.

[a] Within several years after implementation of the measure.

For text of Proposition 36 see page 66.

36 DRUGS. PROBATION AND TREATMENT PROGRAM.
Initiative Statute.

Argument in Favor of Proposition 36

If Proposition 36 passes, nonviolent drug offenders convicted for the first or second time after 7/1/2001, will get mandatory, court-supervised, treatment instead of jail.

California prisons are overcrowded. We don't want violent criminals to be released early to make room for nonviolent drug users. We must keep violent criminals behind bars, and try a different approach with nonviolent drug users.

Proposition 36 is strictly limited. It only affects those guilty of simple drug possession. If previously convicted of violent or serious felonies, they will not be eligible for the treatment program unless they've served their time and have committed no felony crimes for five years. If convicted of a non-drug crime along with drug possession, they're not eligible. If they're convicted of selling drugs, they're not eligible.

Treatment under Proposition 36 is not a free ride. The rules are strict. For example, if an offender commits a non-drug crime, or demonstrates that treatment isn't working by repeatedly testing positive for drug use, the offender can be jailed for one to three years.

Besides drug treatment, judges can also order job training, literacy training and family counseling. The idea is to turn addicts into productive citizens, so they pay taxes and stop committing crimes to support their habits.

This is smart drug policy. A California governmental study showed that taxpayers save $7 for every $1 invested in drug treatment. The state's impartial Legislative Analyst says Proposition 36 can save California hundreds of millions of dollars a year, even after spending $120 million annually on treatment programs.

In 1996, Arizona voters passed a similar initiative. Their Supreme Court reported millions of dollars in savings and a remarkable success rate in treating drug users during the first two years. More recently, New York State decided to implement a similar program.

Proposition 36 is a safe, smart alternative to the failed drug war. It is supported by prominent Democrats and Republicans, major newspapers, and the California Society of Addiction Medicine. Some law enforcement officers and organizations also support Proposition 36. It is opposed by the prison guards union and law enforcement groups that want to spend even more money on failed drug policies we've had for 25 years.

Proposition 36 only affects simple drug possession. No other criminal laws are changed. Right now there are 19,300 people in California prisons for this offense. We're paying $24,000 per year for each of them. When they get out, many will return to drugs and crime. Treatment costs about $4,000, and while it doesn't help every drug user, it does reduce future crime more effectively than prison.

Proposition 36 is not radical. It gives eligible drug users the opportunity for treatment. If they fail, or break the rules, they can go to jail. Those who can afford to pay for treatment can be forced to do so. If they are convicted of a violent or serious felony or are dealing drugs, they won't be eligible. Treatment instead of jail works in Arizona and will work in California.

PETER BANYS, *President*
California Society of Addiction Medicine
RICHARD POLANCO, *Majority Leader*
California State Senate
KAY McVAY, *President*
California Nurses Association

Rebuttal to Argument in Favor of Proposition 36

Supporters of Proposition 36 say a similar initiative in Arizona is a "proven success." In fact, it has created a nightmare.

Because drug offenders now realize there are no consequences for failing or refusing treatment, many are thumbing their noses at the court and continuing to abuse drugs.

As a result, treatment is less effective and our drug problems are getting worse.

RICHARD M. ROMLEY, *Maricopa County District Attorney, State of Arizona*

Proposition 36 is not limited to "nonviolent" drug users.

Persons convicted of possessing "date rape" drugs can remain on the street under Proposition 36—even those with prior convictions for sex crimes like rape and child molesting.

Proposition 36 also lets drug abusers with a history of criminal violence remain free, including those with prior convictions for murder, child abuse, assault and other violent crimes.

Under Proposition 36, they cannot be sent to jail, no matter how violent their criminal history.

ROBERT NALETT, *Vice President*
California Sexual Assault Investigators Association

Proposition 36 doesn't provide "court-supervised" drug treatment.

It ties the hands of judges, hurts legitimate treatment and effectively decriminalizes heroin, methamphetamine and other illegal drugs.

Proposition 36 includes no licensing or accountability guidelines—inviting unregulated, ineffective treatment by unqualified operators.

It cripples California's successful drug courts, which provide effective treatment under court supervision—helping drug abusers and saving taxpayers an estimated $10 for every dollar invested.

Drug courts hold drug abusers accountable with regular drug testing and consequences for failing treatment—accountability not found in Proposition 36.

STEPHEN V. MANLEY, *President*
California Association of Drug Court Professionals

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Argument **Against** Proposition 36

Decriminalizes Heroin and Other Hard Drugs

Proposition 36 effectively decriminalizes heroin, crack cocaine, PCP, methamphetamine, "date rape" drugs and many other illegal substances—the hard drugs behind most child abuse, domestic violence, sexual attacks and other violent and theft-related crimes in California.

Instead of offering a real solution to drug abuse, it gives up the fight.

This dangerous and misleading initiative pretends to offer a new approach to drug treatment. In fact, it hurts legitimate drug treatment programs that work—like California's highly successful drug courts.

Proposition 36 wasn't written by drug treatment experts. It was written by a criminal defense lawyer and funded by three wealthy out-of-state backers whose ultimate goal is to legalize drugs.

Puts Potentially Violent Drug Abusers on the Street

Proponents claim Proposition 36 deals only with non-violent drug users. In reality, it will allow an estimated 37,000 felony drug abusers to remain on our streets every year—many of them addicted to drugs that often ignite violent criminal behavior.

Even drug abusers with long histories of drug dealing, parole violations and prior felonies would escape jail. Instead, they would be diverted into "treatment" programs. But the initiative includes no safeguards or licensing guidelines to ensure these programs are effective. This opens the door to fraud, abuse and "fly-by-night" half-way houses run by people interested in money, not results. Programs offering nothing more than cassette tapes or Internet "chat rooms" could qualify for tax money.

Weakens the Law Against "Date Rape" Drugs

If Proposition 36 becomes law, serial rapists, child molesters and other sex offenders convicted of possessing "date rape" drugs could escape jail or prison. Instead, they would be given treatment.

Proposition 36 also prevents prison or jail for persons convicted of possessing illegal drugs while armed with loaded firearms, or of abusing drugs while on parole.

Proposition 36 forces employers to keep drug abusers on the job, making it easier for drug abusers to continue working as teachers, school bus drivers, even airline pilots.

Proposition 36 promises to save tax money, but former California Director of Finance Jesse Huff warns the "ultimate cost of this initiative is far higher than its promised savings. It commits taxpayers to spending $660 million and contains millions of dollars in hidden costs for law enforcement, probation and court expenses."

Proposition 36 spends $660 million in tax money, but prohibits any of this money from being used for drug testing. Testing is vital because it holds drug abusers accountable during treatment. Without testing, there is no way to prove treatment is working.

Sends the Wrong Message to Our Kids

Proposition 36 tells our children there are no longer any real consequences for using illegal drugs like heroin and cocaine. It sends the same message to hardcore drug abusers.

Don't be fooled. This dangerous and misleading initiative threatens public safety and hurts our ability to help drug abusers conquer their addictions with treatment programs that really work.

JOHN T. SCHWARZLOSE, *President*
Betty Ford Center
ALAN M. CROGAN, *President*
Chief Probation Officers of California
THOMAS J. ORLOFF, *President*
California District Attorneys Association

Rebuttal to Argument Against Proposition 36

Opponents think the war on drugs is working. They want to spend even more money on this failed policy. So they're distorting Proposition 36.

They claim it "decriminalizes" drugs. Not true. Possession of illegal drugs remains a felony, but for the first two convictions, the punishment is treatment, not prison.

Opponents claim Proposition 36 hurts drug courts. Not true. California's drug courts will continue, but they serve less than 5% of drug offenders.

Opponents claim drug offenders with loaded firearms will only get treatment. Not true. Carrying concealed weapons is a separate crime for which one can be jailed.

They claim offenders in treatment won't be drug tested. Not true. Judges can order testing and require offenders to pay for it and their treatment.

Opponents claim treatment programs will be "fly-by-night." Not true. Proposition 36 requires all programs to be licensed.

They try to scare you by saying sex offenders with "date rape" drugs benefit from this initiative. Not true. Only drug possession "for personal use" qualifies; using drugs to enable rape is not "personal use."

Opponents argue that drug users must be kept on the job, including airline pilots and bus drivers. Ridiculous. Nothing in Proposition 36 prevents anyone from being fired for a drug offense, or from being fired for failing a drug test.

Opponents say the initiative has "hidden costs," but the impartial Legislative Analyst says the initiative will generate huge savings, after treatment programs are paid for. You decide who's right.

Vote YES on Proposition 36.

MAXINE WATERS
Member of U.S. Congress
PETER BANYS, *President*
California Society of Addiction Medicine
TIM SINNOTT, *President*
California Association of Alcoholism and Drug Abuse Counselors

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

37 FEES. VOTE REQUIREMENTS. TAXES.
Initiative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

FEES. VOTE REQUIREMENTS. TAXES.
Initiative Constitutional Amendment.

- Requires two-thirds vote of State Legislature, or either majority or two-thirds of local electorate, to impose on any activity fees used to pay for monitoring, studying, or mitigating the environmental, societal or economic effects of that activity when the fees impose no regulatory obligation upon the payor.
- Redefines such fees as taxes.
- Excludes certain real property related fees, assessments and development fees.
- Excludes damages, penalties, or expenses recoverable from a specific event.
- Does not apply to fees enacted before July 1, 1999, or increased fees due to inflation or greater workload, as specified.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Unknown, potentially significant, reduction in future state and local government revenues from making it more difficult to approve certain regulatory charges.

Analysis by the Legislative Analyst

BACKGROUND

State and local governments impose a variety of taxes and fees on people and businesses. Generally, taxes—such as income, sales, and property taxes—are used to pay for general public services such as education, transportation, and the courts. Fees, by comparison, typically pay for a particular service or program benefitting individuals or businesses. There are two major categories of fees:

- User fees, such as state park entrance fees and garbage fees, where the user pays for the cost of a specific service or program.
- Regulatory fees, such as fees on restaurants to pay for health inspections, smog check fees, and land development fees. Regulatory fees pay for programs which place rules upon the activities of businesses or people to achieve particular public goals.

The State Constitution has different rules regarding taxes and fees. Most notably, the process for creating new taxes is more difficult than the process for creating new fees. As Figure 1 shows, state or local governments usually can create or increase a fee by a majority vote of the governing body. Imposing or increasing a tax, in contrast, requires approval by two-thirds of the state Legislature (for state taxes) or a vote of the people (for local taxes).

Figure 1

State and Local Fees and Taxes: Approval Requirements

	Fee	Tax
State	Majority of Legislature	Two-thirds of Legislature
Local	Generally, a majority of the governing body.	Two-thirds of local voters (or a majority of local voters if the use of the money is not designated for a specific purpose).

In recent years, there has been disagreement regarding the difference between regulatory fees and

taxes, particularly when the money is raised to pay for a program of broad public benefit. In 1991, for example, the state began imposing a regulatory fee on those paint companies and other businesses which make or previously made products containing lead. The state uses this money to screen children at risk for lead poisoning, follow-up on their treatment, and identify sources of lead contamination responsible for the poisoning. In court, the Sinclair Paint Company argued that the regulatory fee was a tax because (1) the program provides a broad public benefit, not a benefit to the regulated business, and (2) the companies which pay the fee have no duties regarding the lead poisoning program other than payment of the fee.

In 1997, the California Supreme Court ruled that this charge on businesses was a regulatory fee, not a tax. The court said government may impose fees on companies which make contaminating products in order to help correct adverse health effects related to those products.

PROPOSAL

This proposition, which amends the State Constitution, would classify as "taxes" some new charges that government otherwise could impose as "fees." As taxes, these charges would be subject to the more difficult approval requirements shown in Figure 1.

Which Fees Would Be Considered Taxes?

This proposition affects fees imposed for the primary purpose of addressing health, environmental, or other "societal or economic" concerns. The proposition states that charges imposed for these purposes are taxes, unless government also imposes significant responsibilities on the fee payer related to addressing the public problem.

The proposition, however, exempts from these provisions:

- Any fee authorized before July 1, 1999. (Increases in these fees to cover the cost of inflation and workload changes would be permitted.)
- Any penalties, or money paid as damages for the cost of fixing a problem associated with a specific event (such as a penalty imposed to clean up a hazardous waste spill).

Example. Under current law, the state could impose a charge on businesses which sell cigarettes and use the money to provide health services to people with smoking-induced illnesses. The state could create this charge as a "regulatory fee" by a majority vote of the Legislature. Unless the state also imposed other significant duties on the businesses, this proposition would define this charge to be a "tax." As a tax, the cigarette charge would require approval by a two-thirds vote of the Legislature.

Constitutional Standard Regarding the Amount of a Regulatory Fee

This measure also places into the State Constitution a provision regarding the level of regulatory fees. Specifically, if a regulatory fee is greater than the reasonable cost of regulating the activities of the business or individual, the regulatory fee is a tax. In this regard, the proposition's wording appears similar to the standard that courts currently use to distinguish between regulatory fees and taxes.

FISCAL EFFECT

This proposition's primary fiscal effect would be to make it more difficult for government to impose new regulatory charges on businesses and individuals to pay for certain programs. Some charges which government currently may impose as fees would be considered taxes. To the extent that a newly defined tax does not obtain the higher level of approval required for a tax, government would receive less revenue than otherwise would have been the case.

The amount of future revenues potentially reduced due to the more difficult approval requirement cannot be estimated. This revenue reduction could range from minor to significant. The amount would depend on the factors discussed below.

- ***Resolution of Legal Questions.*** The range of fees affected by this measure would depend on court interpretation of many matters, including the purpose of future fees, the level of additional responsibilities assigned to fee payers, and any difference between the proposed standard regarding the cost of regulatory fees and the current standard.
- ***Actions by Legislature and Public.*** The voting decisions of local residents and the Legislature would also affect the proposition's fiscal impact. For example, if most newly designated taxes are approved (even with the higher vote requirements) the proposition would have little effect.
- ***Actions by State and Local Governments.*** Government decisions regarding regulatory requirements would affect the proposition's fiscal effect. Under this proposition, if government imposes a new fee and, in addition, imposes a significant "regulatory obligation" on the fee payer, the fee would not be redefined as a tax. (While the proposition does not define the term regulatory obligation, this term presumably includes duties such as requiring a business to change the way it makes a product or provides a service.) Thus, if governments impose significant regulatory duties *along with* new fees, the proposition may have little fiscal effect. (Implementing or participating in new regulatory programs, however, could impose other costs on businesses or individuals.)

For text of Proposition 37 see page 69.

37 FEES. VOTE REQUIREMENTS. TAXES.
Initiative Constitutional Amendment.

Argument in Favor of Proposition 37

Vote YES on Proposition 37 to STOP HIDDEN TAXES!

Vote YES on Proposition 37 to REQUIRE CITY AND COUNTY POLITICIANS TO GET VOTER PERMISSION BEFORE RAISING YOUR TAXES!

Vote YES on Proposition 37 to REQUIRE STATE POLITICIANS TO GET TWO-THIRDS LEGISLATIVE APPROVAL BEFORE RAISING YOUR TAXES!

Current law makes it easy for politicians to raise your taxes by calling them fees. What's the difference between a tax on gasoline, utilities, food, property or household products and a government-imposed fee on those necessities? Nothing! But by calling them fees, POLITICIANS CAN RAISE YOUR TAXES without a two-thirds vote of the Legislature or a vote of the people.

Proposition 37 means that politicians must be MORE ACCOUNTABLE TO TAXPAYERS. You, the taxpayer, will decide if you want to pay more in local fees on goods or services that you use. At the state level, politicians who want to create new programs funded by tax-like fees must justify those fees to a two-thirds majority of the State Legislature.

Proposition 37 will reduce the threat of bigger government, bureaucratic waste and higher prices for consumers.

WE PAY ENOUGH TAXES IN CALIFORNIA. Gasoline taxes, utility taxes, income taxes, property taxes, inheritance taxes, insurance taxes, motor vehicle taxes, cable television taxes, parking taxes, tourism taxes, telephone taxes. The list goes on and on.

TAXPAYERS SHOULD HAVE A VOICE IN HOW OUR MONEY IS SPENT. Government seems to have an endless appetite for new programs—some good, some not so good. Once in place, they are almost impossible to get rid of—and taxpayers keep paying and paying and paying. Proposition 37 makes certain taxpayers know what they're paying for.

A YES vote on Proposition 37 will make it tougher for politicians to force you to pay for their pet projects. A YES vote means YOU DECIDE which programs are worth paying for with your tax dollars.

Here are some of the fees that consumers and taxpayers could pay if we don't vote YES to stop these hidden taxes:

- Fees on fast food to pay for litter clean-up.
- Fees on aspirin to pay for poison control centers.
- Fees on fatty foods to pay for health programs.
- Fees on movie tickets to pay for parks and recreation programs.
- Fees on automobiles to pay for accident prevention and investigation.
- Fees on cell phones to study possible health effects.

On two occasions, California voters said that new taxes should be subject to a two-thirds vote of the State Legislature and local taxes should be approved by the local electorate. A YES vote on Proposition 37 says that government-imposed "fees" should be subject to the same standards as government-imposed taxes.

The California Taxpayers' Association calls Proposition 37, "the most important taxpayer protection the people of California can have."

Join taxpayers, consumers, farmers and businesses. Vote YES on Proposition 37.

LARRY McCARTHY, *President*
California Taxpayers' Association
DAVID MOORE, *President*
Western Growers Association
SUSAN CORRALES-DIAZ, *Director*
California Chamber of Commerce

Rebuttal to Argument in Favor of Proposition 37

The oil, tobacco, and alcohol companies who put this on the ballot are hiding their real goal: Polluter Protection.

THEY WANT THE TAXPAYER TO PAY, instead of those corporations responsible for environmental and health damage. That's what Prop. 37 is REALLY about.

Read their argument carefully. No facts. No law. No information. Just a SMOKESCREEN about taxes and politicians.

FACT: all local taxes and homeowner fees MUST be voted on by taxpayers, according to Proposition 13 and Proposition 218.

FACT: Proposition 13 ALREADY provides for 2/3 vote of the legislature on taxes.

FACT: the examples the proponents give are ABSURD. *No one is suggesting such ridiculous fees, except the proponents.* And they would be found ILLEGAL UNDER CURRENT LAW.

THE BOTTOM LINE: they don't want to pay to clean up toxic sites and other environmental and health damage they cause.

Here's what the Supreme Court said in the case which Prop. 37 would overturn:

"A reasonable way to achieve Proposition 13's goal of tax relief is to shift the costs of controlling . . . pollution from the tax-paying public to the pollution-causing industries themselves."

FACT: Proposition 37 OVERTURNS THAT TAXPAYER PROTECTION, in favor of the polluters. They want to shift their costs to the tax-paying public.

As the *Sacramento Bee* framed Proposition 37:

"WHO PAYS? . . . If not polluters, then the rest of us." (July 6, 2000)

Join with:

- American Cancer Society
- Natural Resources Defense Counsel
- Children's Advocacy Institute
- Common Cause
- California Nurses Association
- California Tax Reform Association

NO on Proposition 37!

GAIL D. DRYDEN, *President*
League of Women Voters of California
LUCY CRAIN, M.D., M.P.H., *District Chair*
California District IX, American Academy of Pediatrics
MARGUERITE YOUNG, *California Director*
Clean Water Action

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Argument **Against** Proposition 37

Proposition 37 asks a simple question of voters: should polluters or taxpayers pay for the cost of cleaning up pollution?

We say that polluters, not taxpayers, should pay. So we say NO on Proposition 37.

The oil, tobacco, and alcohol companies who put this on the ballot don't want to pay the costs of cleaning up their mess, or even monitoring or researching the problems they cause. *They'd rather stick you with the bill.*

That's why we call Prop. 37 *THE POLLUTER PROTECTION ACT (www.polluterprotection.com)*

OIL, TOBACCO, AND ALCOHOL CORPORATIONS CONTRIBUTED 92% OF THE MONEY BEHIND THIS MEASURE, according to their first report with the Secretary of State. They spent over $1 million to put this on the ballot.

And oil, tobacco, and alcohol will spend millions more to pass it. Monitor their spending at *www.calvoter.org*.

Here's how it works:

Proposition 37 would overturn a UNANIMOUS decision of the California Supreme Court which upheld the Childhood Lead Poisoning Prevention Act. (*Sinclair Paint vs. Board of Equalization,* 1997.)

The Childhood Lead Poisoning Prevention Act enacted fees, by majority vote, on those oil and paint companies who put lead in our environment. Those fees pay for removing lead paint from the environment and treating children poisoned by lead.

Proposition 37 would make it impossible to enact such fees to address clean-up and health costs ever again. Instead, these fees would be prohibited, so that these companies would now be able to hide behind laws designed to protect ordinary taxpayers.

They want to call clean-up fees "taxes", in order to require 2/3 vote of the Legislature. These special interests know that they have enough power to get 1/3 of one house of the Legislature to block such taxes.

And, by calling clean-up fees "taxes", they know that politicians would then have to vote for "tax" increases. Since politicians are reluctant to buck these powerful interests, they can now say they are against "tax increases". That's how special interest protection works.

As the *Sacramento Bee* warned, "The initiative won't change the underlying reality, which is that someone has to pay the costs of mitigating pollution; if not polluters, then the rest of us." (Editorial entitled, "Who Pays? Voters to decide who gets the bill for pollution," July 6, 2000.)

Here's the type of fees which would be banned if Proposition 37 passes:

- Fees on oil companies to clean up MTBE in our water supply.
- Fees on tobacco companies to research treatment for smoking-related diseases.
- Fees on liquor stores and stripclubs to pay for police protection in neighborhoods.
- Fees on airlines to monitor noise caused by airport expansion.

AND IF THE POLLUTERS DON'T PAY, WE, THE TAXPAYERS, WILL! If Prop. 37 passes, your taxes will pay for the problems that tobacco, oil, and other polluting companies cause.

Join California Professional Firefighters, Coalition for Clean Air, Sierra Club, Congress of California Seniors, Consumer Federation of California, California Nurses Association, and the California Association of Professional Scientists.

Vote NO on the Polluter Protection Act!

CLANCY FARIA, *President*
Peace Officers Research Association of California
LENNY GOLDBERG, *Executive Director*
California Tax Reform Association
JON RAINWATER, *Executive Director*
California League of Conservation Voters

Rebuttal to Argument Against Proposition 37

Opponents want you to think Proposition 37 is about pollution and the environment. It isn't. Proposition 37 doesn't change anything when it comes to holding companies responsible for damage they cause to the environment.

It's about politicians taxing everyday products without our permission.

If you believe TAXPAYERS SHOULD HAVE A VOICE IN HOW THEY'RE TAXED, you should vote YES on Proposition 37.

WE PAY ENOUGH FOR ESSENTIALS LIKE FOOD AND GASOLINE without politicians adding a hidden tax for some special interest program.

Proposition 37 is simple: IT WILL STOP LOCAL POLITICIANS FROM TAXING CONSUMERS WITHOUT OUR PERMISSION!

In nearly every case, the taxes addressed by Proposition 37 are ADDED DIRECTLY TO THE PRICE YOU PAY FOR THINGS LIKE FOOD, GASOLINE, UTILITIES, TELEPHONE, HOUSEHOLD PRODUCTS, MEDICINE, CABLE TV AND CELL PHONES.

The last thing we need when we have billion dollar budget surpluses is another way for politicians to raise taxes. If local politicians propose a tax increase, Proposition 37 means YOU HAVE THE OPPORTUNITY TO VOTE ON IT. At the state level, a two-thirds vote of the Legislature is necessary to raise your taxes.

Voters said twice before that tax increases should be subject to voter approval and greater scrutiny by the State Legislature. Proposition 37 CLOSES A LOOPHOLE THAT ALLOWS POLITICIANS TO AVOID ACCOUNTABILITY to taxpayers and voters and restores our right to vote on higher taxes.

Protect your right to decide if you want to pay more in taxes.

Vote YES on Proposition 37.

LARRY McCARTHY, *President*
California Taxpayers Association
JACK STEWART, *President*
California Manufacturers and Technology Association
RUTH LOPEZ WILLIAMS, *Chair*
Latin Business Association

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PROPOSITION

38 SCHOOL VOUCHERS. STATE-FUNDED PRIVATE AND RELIGIOUS EDUCATION. PUBLIC SCHOOL FUNDING.

Initiative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

SCHOOL VOUCHERS. STATE-FUNDED PRIVATE AND RELIGIOUS EDUCATION. PUBLIC SCHOOL FUNDING.

Initiative Constitutional Amendment.

- Authorizes annual state payments of at least $4000 per pupil for private and religious schools phased in over four years.
- Restricts state and local authority to require private schools to meet standards, including state academic requirements.
- Limits future health, safety, zoning, building restrictions on private schools.
- Requires release of composite test scores of voucher pupils.
- Permits Legislature to replace current voter-enacted constitutional funding priority for public schools (Proposition 98) with minimum formula based on national per-pupil average, as defined by terms of this measure.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Short-term (first several years) state costs averaging between zero and $1.1 billion annually.
- Longer-term (within five years to ten years) net fiscal effect on state funding of K–12 schools is largely unknown. Annual impact likely to range from costs of about $2 billion to savings of over $3 billion, depending on the number of pupils who shift from public schools to private schools.
- Debt service savings to the state and school districts potentially in excess of $100 million annually after 10 years to 20 years, resulting from reduced need for construction of public schools.
- Potential loss of federal funds in the hundreds of millions of dollars annually.

PROPOSAL

This proposition, which amends the State's Constitution, makes major changes in public funding for K–12 education. These changes are described below.

Scholarships (Vouchers) for School-Age Children

Currently, about six million pupils attend kindergarten through 12th grade (K–12) in California public schools. In addition, about 650,000 pupils are enrolled in K–12 grades in various private schools that are not part of the public school system. The state and local school districts generally do not provide funding for pupils attending K–12 private schools. (The only exception is for a small number of children with physical, mental, or learning disabilities who are placed in certain private schools.)

This proposition requires the state to offer an annual scholarship (also known as a voucher) to every school-age child in California. The scholarships are grants of aid to parents on behalf of their children. Scholarship checks would be made out to parents, but sent to private schools selected by the parents. These checks could only be cashed to pay tuition and other educational fees at schools which have chosen to become "scholarship-redeeming" schools. The scholarships would not be considered income for state tax purposes.

In order to redeem scholarships, a private school cannot "advocate unlawful behavior" or discriminate on the basis of race, ethnicity, color, or national origin. The proposition does not prohibit a private school from restricting admission on other bases, including sex, religion, ability, and disability.

Each year the scholarship amount would be the *greater* of:

- $4,000 per pupil; or
- One-half of national average spending per pupil in public schools (as defined by the proposition); or
- One-half of California's spending per public school pupil (as defined by the proposition).

We estimate, using the proposition's definition of spending per pupil, that currently both California and national spending per pupil is somewhat less than $8,000. As a result, the scholarship level initially would be set at the $4,000 level. Our review indicates that the scholarship level would rise above $4,000 within the near future.

Starting with the first year the proposition would be in effect (the 2001–02 school year), all pupils who were previously in *public* schools and all children entering kindergarten would be eligible for scholarships. For students who were previously in *private* schools, the proposition phases in eligibility over a four-year period (see Figure 1).

Figure 1

Phase-In of Scholarships for Existing Private School Students

School Year	Private School Grades
2001–02	Kindergarten
2002–03	Kindergarten – 2nd Grade
2003–04	Kindergarten – 8th Grade
2004–05	Kindergarten – 12th Grade

If the tuition and fees at a private school are less than the amount of the scholarship, the state would put the difference in an account to be held in trust for the pupil's future tuition and fee expenses at any scholarship-redeeming school as well as any college or university. A student would be eligible to use the trust account until his or her 21st birthday (if not enrolled in school at that time) or else through completion of an undergraduate degree.

Regulations Affecting Private Schools

Under current law, private schools generally operate under laws and regulations that are significantly less restrictive than those applied to public schools. The Legislature and local governments may change these private school laws and regulations—in most cases by a majority vote of the state or local legislative body.

This proposition affects the regulation of private schools in two main ways. First, all *state* laws that applied to private schools as of January 1, 1999—and all *local* laws that are in effect as of the November 2000 general election—would remain in effect. Second, the proposition imposes significant new restrictions on the ability of government to adopt new laws and regulations affecting private schools. Any new state laws would require a three-fourths vote of the Legislature. Local governments could impose new health, safety, or land use regulations on private schools only upon a two-thirds vote by the local governing body *and* a majority vote in an election held in the affected area.

Testing

This proposition requires scholarship-redeeming schools to administer the same standardized tests required of public schools for measuring academic achievement relative to pupils nationally. Test results for each grade would be released to the public. Individual pupil results would be released only to a parent or guardian.

Changes in Minimum Funding Level for Public Schools

Currently, Proposition 98, approved by the voters in 1988, establishes a minimum funding level for public schools and community colleges (K–14 education). Proposition 98 permits the state to spend more, or under specified circumstances less, than this minimum level. The current minimum funding level for K–14 education is $42 billion. This minimum funding level increases each year generally with changes in public school attendance and growth in the state's economy. (K–14 education also receives additional funds from sources that are "outside" of Proposition 98, such as federal funds and lottery funds.)

This proposition creates an alternative minimum funding level for California's public K–12 schools that would be based on a national average of per-pupil funding of public schools. In the first fiscal year that per-pupil funding provided to California's public schools equals or exceeds the national average, this alternative

guarantee would permanently replace the Proposition 98 guarantee. These per-pupil numbers would be calculated each year by the state's Department of Finance, based on definitions of funding specified in this proposition.

This proposition's national average funding guarantee does not include funds for community colleges, adult education, or most child care programs, which currently are funded under the Proposition 98 guarantee. Thus, under the national average funding guarantee, these programs would have to compete for funding with state programs generally, rather than against K–12 education programs. It is not known how this would affect funding over time for community colleges, adult education, or child care programs.

FISCAL EFFECT

This proposition would have major fiscal impacts on the state and local school districts. The size of these fiscal impacts would depend on legal interpretations of the proposition and such factors as:

- *How people respond to the availability of scholarships*. For example, the fiscal effect would depend on how many parents choose to send their children to scholarship-redeeming schools, how much room existing private schools make for new scholarship pupils, and to what extent new scholarship-redeeming schools are established.
- *What actions the Legislature takes in response to the proposition.* For example, the fiscal effect would depend on the amount of funding provided to K–12 public schools (which, in turn, could affect the scholarship level under the terms of this proposition).
- *What actions local school districts take in response to the proposition*. For example, the fiscal effect would depend on actions school districts take to maintain public school enrollments, such as the formation of charter public schools as an alternative to private schools or other education reforms.

Below we discuss the significant fiscal impacts of the proposition.

State Impacts

The primary effects of the proposition on the state involve (1) *costs* for providing scholarships to pupils who would have attended private schools regardless of this proposition and (2) net *savings* related to pupils who move from public schools to scholarship-redeeming private schools.

- ***Costs for Existing Private School Pupils.*** We assume that the initial scholarship amount would be $4,000 and the vast majority of existing private schools would become scholarship-redeeming schools. Thus, once all existing private school pupils are eligible (beginning in the proposition's fourth year), the state would have costs of at least $4,000 per child for almost 650,000 children who would have attended private school anyway.
- ***Net Savings From Public School Departures.*** As children move from public schools to scholarship-redeeming schools, the state will save money that would have been spent on them in public schools. We estimate that the state initially would save almost $7,000 for each pupil leaving the system. (As noted below, there are other savings, namely capital outlay savings, that would not be on a per-pupil basis and, therefore, are not reflected in this estimate.) Thus, the net savings would be almost $3,000 for each departing pupil (nearly $7,000 in savings less $4,000 in scholarship costs). Each of these amounts would grow over time with inflation and economic growth.

The net effect of these costs and savings factors would be very different in the short term and the long term.

Short-Term Effects. There are likely to be net *costs* to the state for the first several years. This is because the state would have to pay for scholarships for almost 650,000 existing private school pupils. As described above, the proposition phases in scholarships for pupils already in private schools over a four-year period. At the same time, however, savings to the state would start at a relatively low level and increase as the number of pupils shifting from public to scholarship-redeeming schools increases. While we cannot predict what these net state costs would be, they are likely to average as high as $1.1 billion annually for the first several years (if few pupils leave the public schools) to essentially no costs (if many pupils leave).

Long-Term Effects. Within five to ten years, we believe most people and schools will have responded to this proposition. That is, existing private schools will have decided whether to become scholarship-redeeming schools and whether to serve additional pupils, people will have decided whether to start scholarship-redeeming schools, and parents will have decided on the placement of their children in schools.

Figure 2 summarizes our estimates of the potential long-term state impacts of the proposition. In estimating these impacts, the single most important assumption is the proportion of public school pupils who shift to scholarship-redeeming schools. While it is impossible to predict this number, we believe a reasonable range in the long run would be between 5 percent and 25 percent. As the figure shows, the annual savings resulting from these shifts could range from $1.3 billion to $6.7 billion. The figure also shows that in all cases the state would have costs of about $3.3 billion each year to provide scholarships to existing private school pupils.

Figure 2 shows the *net* state impact under different assumptions about the shift of pupils from public to private schools. It indicates that:

- With a 5 percent shift, there are net state costs of about $2 billion annually.

- With a 15 percent shift, on the other hand, the state would realize net savings of almost $700 million annually.
- With a 25 percent shift, the state would realize net savings of over $3 billion annually.

Figure 2

Net Fiscal Impact on the State—Long Term Under Different Assumptions About Pupil Shifts From Public to Private Schools

Level of Shift From Public Schools	Percent of Shift	Number of Pupils Shifting	Savings From Shifts	Costs for Existing Private School Pupils	Net Impact
Low end of range	5%	300,000	$1.3 billion	$3.3 billion	$2 billion annual costs
Middle of range	15	900,000	4.0 billion	3.3 billion	$700 million annual savings
High end of range	25	1,500,000	6.7 billion	3.3 billion	$3.4 billion annual savings

Other State Fiscal Impacts. In addition to the primary costs and savings identified above, the proposition would have the following impacts:

- ***Impact of the New National Average Guarantee.*** Our review indicates that the national average minimum funding guarantee proposed by this proposition would soon replace the Proposition 98 minimum funding guarantee. Over time, the national average guarantee could require the state to spend either more or less per pupil than under Proposition 98, depending generally on how California's economy performs relative to the other states.
- ***Capital Outlay Savings.*** In addition to funding school operating costs, the state provides money to local school districts (through the issuance of state general obligation bonds) to build and renovate facilities. By shifting students from public schools, this proposition would reduce local demand for this state funding. As a result, the state would realize significant future savings in bond debt service costs. The amount of these savings is unknown, but could be in excess of $100 million annually in about 10 years to 20 years.
- ***Administrative Costs.*** The state would have annual costs of about $10 million to administer the scholarship program and the trust accounts (for scholarship amounts in excess of tuition). An unknown portion of these costs could be paid from interest earnings on the trust accounts.

Local Impacts

Local school districts would also be affected by the shift of public school students to scholarship-redeeming schools. The impact would depend primarily on the extent to which the loss of state funding resulting from fewer pupils is matched by offsetting cost reductions. We estimate that school districts would lose, on average, almost $7,000 in state funding for every pupil who transfers to a scholarship-redeeming school. (The actual amount per pupil would vary from district to district.)

Generally, district cost reductions would offset most or all of these funding reductions. However, the amounts by which districts could reduce costs as a result of having to teach fewer pupils would vary significantly from district to district. For example, the proportion of higher-cost pupils—those with certain disabilities or other special needs—probably will increase in some districts as a result of the transfer of large numbers of lower-cost pupils to scholarship-redeeming schools, resulting in higher average per-pupil costs. This would require those school districts either to reduce costs by finding new efficiencies, reduce programs, or find new sources of funding.

Capital Outlay Savings. As with the state, local school districts provide money (through the issuance of bonds and the use of various other funding sources) to build and renovate facilities. By shifting students from public schools, this proposition would reduce the demand for this funding. As a result, districts would realize significant future savings in bond debt service and other costs. The amount of these savings is unknown, but could be in excess of $100 million annually statewide in about 10 years to 20 years.

Loss of Federal Funds. Each year California receives almost $4 billion from the federal government to support a variety of public school programs. For many of these programs, the amount received by the state depends on the number of enrolled *public* school pupils. Thus, this proposition would cause the state and local school districts to lose federal funds, to the extent the proposition leads to fewer pupils in the public schools. This potential revenue loss is unknown but could be in the hundreds of millions of dollars annually.

County Administrative Costs. We estimate that county offices of education would have costs of several million dollars annually (statewide total) to administer reporting requirements under this proposition.

For text of Proposition 38 see page 70.

38 SCHOOL VOUCHERS. STATE-FUNDED PRIVATE AND RELIGIOUS EDUCATION. PUBLIC SCHOOL FUNDING.
Initiative Constitutional Amendment.

Argument in Favor of Proposition 38

We can no longer stand by while bureaucrats prop up a crumbling education system that traps millions of California's children in failing schools.

Consider:

• California ranks at the bottom of the nation in reading and math.

• Over 30 percent of California's ninth graders never graduate from high school—forever being burdened with the label of "dropout."

• California's education system is riddled with waste and abuse like the $200 million Belmont High School in Los Angeles—never to be occupied because education bureaucrats allowed it to be built on toxic land.

• State colleges are forced to provide high school English and math classes to over half of the freshmen who are unable to complete basic assignments.

CONTROL OVER THE EDUCATION AND DESTINY OF CALIFORNIA'S CHILDREN MUST BE TAKEN FROM BUREAUCRATS AND GIVEN TO PARENTS. PARENTS MUST HAVE THE RIGHT AND FINANCIAL ABILITY TO REMOVE THEIR CHILDREN FROM FAILING SCHOOLS. THESE KIDS ARE CALIFORNIA'S FUTURE, AND IT'S ONLY FAIR THAT EVERY CHILD HAS THE OPPORTUNITY TO LEARN AT THE SCHOOL THAT IS BEST FOR HIM OR HER.

Prop. 38 holds schools accountable to parents and taxpayers. It helps public schools, increases per pupil spending, gives parents a choice, provides healthy competition, and offers every kid a fair chance.

Prop. 38 offers parents in California a $4,000 school voucher to give their child the best possible education. It also allows parents to save any difference between $4,000 and a lower tuition amount for future education expenses for their child, including college.

Prop. 38 supports California's public schools by guaranteeing they will always be funded at or ABOVE the national average in dollars per pupil once this level is reached.

Prop. 38 has been very carefully written to result in savings and provide a better education for all of California's children.

Prop. 38 will improve the learning environment and result in smaller, safer classes where teachers can give each student more attention.

Prop. 38 will force public schools to compete for students, thereby encouraging public schools to improve their performance.

Prop. 38 offers all children—regardless of race, gender or socioeconomic status—the opportunity to reach their academic potential and achieve success.

Prop. 38 holds schools accountable to parents and taxpayers by requiring schools to provide financial statements and measurements of students' academic performance.

Prop. 38 provides important protections for private schools from unnecessary and onerous government regulations.

Prop. 38 gives parents the freedom to choose how to educate their child.

Too many of California's children are trapped in a low-performing education system that wastes money and robs children of their chance for a bright future. Proposition 38 will offer them real choices and ensure a quality education for all of California's children.

Don't let another California child spend 13 years in failing schools.

Please vote yes on Prop. 38. A REAL CHOICE FOR EVERY FAMILY. A FAIR CHANCE FOR EVERY CHILD.

CARMELA GARNICA, *Teacher*
Escuela de la Raza Unida
TIM DRAPER
Parent
JOHN McCAIN
United States Senator

Rebuttal to Argument in Favor of Proposition 38

THE TRUTH ABOUT PROPOSITION 38

PROPOSITION 38 WILL HURT TAXPAYERS.

The Howard Jarvis Taxpayers Association has supported other voucher proposals but *opposes* Proposition 38.

Proposition 38 means that money for vouchers will come from cuts in police, fire, health care and similar programs, *or from new taxes*.

Proposition 38 could result in costs of billions of dollars to taxpayers.

Vote No on Proposition 38.

MARK DOLAN, *Chairman*
Howard Jarvis Taxpayers Association

PROPOSITION 38 WILL HURT PRIVATE SCHOOLS.

Private and parochial schools that value their independence do *not* want government funding.

Proposition 38 is deceptively written, promising taxpayer funding, but without the customary financial accountability that taxpayers have a right to expect. While we would be surprised that taxpayers would stand for such a system, our opposition to Proposition 38 is based on what we hold to be even more fundamental issues.

Many private schools include religious instruction throughout the school day. The initiative cannot guarantee that religious instruction will not be restricted if we accept public dollars.

And frankly, as Alan J. Reinach, Esq., Director of Public Affairs and Religious Liberty for the 15,000-student California Seventh Day Adventist schools says, "Taxpayers must not be forced to pay for religious instruction with which they may disagree."

Please vote "No" on Proposition 38.

JOSEPH J. BARTOSCH, *Headmaster*
Sacramento Preparatory Academy
CRAIG GARBE, *Headmaster*
Cornerstone Christian Schools

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Argument **Against** Proposition 38

LET'S FIX OUR PUBLIC SCHOOLS, NOT ABANDON THEM

California's children need the best teachers, in small classrooms, teaching to high standards, in schools that are accountable.

But Prop. 38 will not achieve any of these goals.

Some of what you are about to read about Prop. 38 may seem incredible. But through error or some other motivation, the authors of Prop. 38 have opened up extraordinary loopholes that create a system of unaccountable voucher schools, while hurting the vast majority of kids who go to public schools.

The California State PTA says, "Prop. 38 will do nothing to improve our public schools but will hurt neighborhood schools by cutting their budget."

Prop. 38 gives parents whose kids are already in private schools $4000 to go to voucher schools, *costing California taxpayers between $2–$3 billion per year.* And where do you think that money will come from? Taxpayers.

But not one penny of the billions spent on Prop. 38 will be used to make our children's schools better.

Not every child will have access to this new system of voucher schools. That is because voucher schools will be able to reject students who apply based on their gender, their ability to pay and their academic and physical abilities.

Governor Gray Davis calls Prop. 38 "a risky proposition that will take money away from public education and erode accountability. It's a major step backwards."

VOUCHER SCHOOLS ARE NOT ACCOUNTABLE TO TAXPAYERS

The California Business Roundtable says, "the full text of Prop. 38 virtually prohibits any real state or local regulation of voucher schools that make them accountable to taxpayers."

Voucher schools are not required to have their finances audited and can make decisions on how to spend our tax dollars in secret behind closed doors.

Prop. 38 gives taxpayers' money to voucher schools that are not accountable to the taxpayers.

California permits parents to home school their children, but under Prop. 38, this practice could now lead to fraud and abuse.

VOUCHER SCHOOLS ARE NOT REQUIRED TO MEET MEANINGFUL EDUCATIONAL STANDARDS

The California State Superintendent of Public Instruction Delaine Eastin says, "Prop. 38 allows fly-by-night operators to open voucher schools and hire teachers without teaching credentials, without training and without experience educating children."

Prop. 38 will prevent the state from requiring any meaningful educational standards for voucher schools.

PROPOSITION 38 HURTS PUBLIC AND PRIVATE SCHOOLS

Prop. 38 is opposed by public *and* private educators because it will cut funding for public schools while raising tuition for children that already attend private and parochial schools. A private school cannot stay private if it takes public money.

Prop. 38 will *not* provide better teachers, smaller classrooms, high standards for our schools or accountability to taxpayers.

Prop. 38 . . . an expensive experiment our children can't afford.

Vote No on Prop. 38.

LAVONNE McBROOM, *President*
California PTA
LOIS WELLINGTON, *President*
Congress of California Seniors
WAYNE JOHNSON, *President*
California Teachers Association

Rebuttal to Argument Against Proposition 38

There's one simple truth the opponents of school choice always avoid: vouchers work.

Democrat Mayor John Norquist of Milwaukee, a city that has had a voucher program for ten years, told California radio listeners, "All of the things that the critics pointed to as problems haven't happened. It has worked really well. And it's also helped the public schools focus more on higher quality that can attract positive attention from parents."

The education establishment talks about accountability to its bureaucracy, but voucher schools are accountable to the people that matter most: parents and students.

The education establishment says vouchers will damage public schools, when in reality, Prop. 38 has a stronger public school funding guarantee than current law and will lead to smaller, safer classrooms.

The education establishment says vouchers will leave vulnerable children behind. Mayor Norquist says those who benefit most from Milwaukee's voucher program are "kids with learning disabilities, kids that aren't doing well in public school."

School vouchers have a proven track record of success.

Why are the people in charge of the current failed education system afraid of families choosing the best schools for their children?

The education establishment doesn't mind pouring taxpayer money into bad schools, but in opposing Prop. 38 they refuse to allow parents to put money into good schools.

Prop. 38 invests in children.

Give parents a choice. Give kids a chance.

Vote yes on Prop. 38.

JOHN O. NORQUIST, *Mayor*
City of Milwaukee, Wisconsin
DR. ALEXANDRIA CORONADO, *Member*
Anaheim School Board
VIRGINIA HALL
Retired Public School Teacher

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

PROPOSITION

39 SCHOOL FACILITIES. 55% LOCAL VOTE. BONDS, TAXES. ACCOUNTABILITY REQUIREMENTS.

Initiative Constitutional Amendment and Statute.

Official Title and Summary Prepared by the Attorney General

SCHOOL FACILITIES. 55% LOCAL VOTE. BONDS, TAXES. ACCOUNTABILITY REQUIREMENTS.

Initiative Constitutional Amendment and Statute.

- Authorizes bonds for repair, construction or replacement of school facilities, classrooms, if approved by 55% local vote for projects evaluated by schools, community college districts, county education offices for safety, class size, and information technology needs.
- Accountability requirements include annual performance and financial audits on use of bond proceeds.
- Prohibits use of bond proceeds for salaries or operating expenses.
- Requires facilities for public charter schools.
- Authorizes property taxes in excess of 1% limit by 55% vote, rather than current two-thirds, as necessary to pay school bonds.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Increased debt costs for many school districts, depending on local voter approval of future school bond issues (these costs would vary by individual district). District costs throughout the state could total in the hundreds of millions of dollars each year within a decade.
- Potential longer-term state savings to the extent local school districts assume greater responsibility for funding school facilities.

PROPOSITION 39

Analysis by the Legislative Analyst

BACKGROUND

Property Taxes

The California Constitution limits property taxes to 1 percent of the value of property. Property taxes may only exceed this limit to pay for (1) any local government debts approved by the voters prior to July 1, 1978 or (2) bonds to buy or improve real property that receive two-thirds voter approval after July 1, 1978.

School Facilities

Kindergarten Through Twelfth Grade (K–12). California public school facilities are the responsibility of over 1,000 school districts and county offices of education. Over the years, the state has provided a significant portion of the funding for these facilities through the state schools facilities program. Most recently, this program was funded with $6.7 billion in state general obligation bonds approved by the voters in November 1998.

Under this program, the state generally pays:

- 50 percent of the cost of new school facilities.
- 80 percent of the cost of modernizing existing facilities.
- 100 percent of the cost of either new facilities or modernization in "hardship cases."

In addition to state bonds, funding for school facilities has been provided from a variety of other sources, including:

- School district general obligation bonds.
- Special local bonds (known as "Mello-Roos" bonds).
- Fees that school districts charge builders on new residential, commercial, and industrial construction.

Community Colleges. Community colleges are part of the state's higher education system and include 107 campuses operated by 72 local districts. Their facilities are funded differently than K–12 schools. In recent years, most facilities for community colleges have been funded 100 percent by the state, generally using state bonds. The state funds are available only if appropriated by the Legislature for the specific facility. There is no requirement that local community college districts provide a portion of the funding in order to obtain state funds. However, community college districts may fund construction of facilities with local general obligation bonds or other nonstate funds if they so choose.

Charter Schools

Charter schools are independent public schools formed by teachers, parents, and other individuals and/or groups. The schools function under contracts or "charters" with local school districts, county boards of education, or the State Board of Education. They are exempt from most state laws and regulations affecting public schools.

As of June 2000, there were 309 charter schools in California, serving about 105,000 students (less than 2 percent of all K–12 students). The law permits an additional 100 charter schools each year until 2003, at which time the charter school program will be reviewed by the Legislature. Under current law, school districts must allow charter schools to use, at no charge, facilities not currently used by the district for instructional or administrative purposes.

PROPOSAL

Provisions of the Proposition

This proposition (1) changes the State Constitution to lower the voting requirement for passage of local school bonds and (2) changes existing statutory law regarding charter school facilities.

The constitutional amendments could be changed only with another statewide vote of the people. The statutory provisions could be changed by a majority vote of both houses of the Legislature and approval by the Governor, but only to further the purposes of the proposition. The local school jurisdictions affected by this proposition are K–12 school districts, community college districts, and county offices of education.

Change in the Voting Requirement. This proposition allows (1) school facilities bond measures to be approved by *55 percent* (rather than *two-thirds*) of the voters in local elections and (2) property taxes to exceed the current 1 percent limit in order to repay the bonds.

This 55 percent vote requirement would apply only if the local bond measure presented to the voters includes:

- A requirement that the bond funds can be used only for construction, rehabilitation, equipping of school facilities, or the acquisition or lease of real property for school facilities.
- A specific list of school projects to be funded and certification that the school board has evaluated safety, class size reduction, and information technology needs in developing the list.
- A requirement that the school board conduct annual, independent financial and performance audits until all bond funds have been spent to ensure that the bond funds have been used only for the projects listed in the measure.

Charter School Facilities. This proposition requires each local K–12 school district to provide charter school facilities sufficient to accommodate the charter school's students. The district, however, would not be required to spend its general discretionary revenues to provide these facilities for charter schools. Instead, the district could choose to use these or other revenues—including state and local bonds. The proposition also provides that:

- The facilities must be reasonably equivalent to the district schools that these students would otherwise attend.
- The district may charge the charter school for its facilities if district discretionary revenues are used to fund the facilities.
- A district may decline to provide facilities for a charter school with a current or projected enrollment of fewer than 80 students.

Provisions of Related Legislation

Legislation approved in June 2000 would place certain limitations on local school bonds to be approved by 55 percent of the voters. The provisions of the law, however, would take effect only if this proposition is approved by the voters. These provisions require that:

- Two-thirds of the governing board of a school district or community college district approve placing a bond issue on the ballot. (Current law requires a majority vote.)
- The bond proposal be included on the ballot of a statewide primary or general election, a regularly scheduled local election, or a statewide special election. (Currently, school boards can hold bond elections throughout the year.)
- The tax rate levied as the result of any single election be no more than $60 (for a unified school district), $30 (for a school district), or $25 (for a community college district), per $100,000 of taxable property value. (Current law does not have this type of restriction.)
- The governing board of a school district or community college district appoint a citizens' oversight committee to inform the public concerning the spending of the bond revenues. (Existing law does not require appointment of an oversight committee.)

These requirements are not part of this proposition and can be changed with a majority vote of both houses of the Legislature and approval by the Governor.

FISCAL EFFECT

Local School Impact

This proposition would make it easier for school bonds to be approved by local voters. For example, between 1986 and June 2000:

- ***K–12 Schools.*** K–12 bond measures totaling over $18 billion received the necessary two-thirds voter approval. During the same period, however, over $13 billion of bonds received over 55 percent but less than two-thirds voter approval and therefore were defeated.
- ***Community Colleges.*** Local community college bond measures totaling almost $235 million received the necessary two-thirds voter approval. During the same period, though, $579 million of bonds received over 55 percent but less than two-thirds voter approval and therefore were defeated.

Districts approving bond measures that otherwise would not have been approved would have increased debt costs to pay off the bonds. The cost to any particular district would depend primarily on the size of the bond issue. (See box for the impact on a typical property owner.) The total cost for all districts throughout the state, however, could be in the hundreds of millions of dollars annually within a decade.

How Would the Proposition Affect the Average Homeowner?

As noted in the text, this proposition would only have an impact on property owners in cases where a school district bond issue is approved by less than two-thirds but at least 55 percent of the voters. In these instances, the impact on a property owner (business or homeowner) would depend on two factors: (1) the tax rate "add-on" needed to pay the debt on the bonds and (2) the assessed value of a particular property.

The following illustrates the possible impact of the proposition. A homeowner lives in a unified school district that places a bond before the voters. The bond is approved with a 58 percent vote and the size of the bond requires a tax rate levy of $60 per each $100,000 of assessed value. If the assessed value of the owner's home is the statewide average (about $170,000), the owner would pay about $100 in additional property taxes each year for the life of the bond (typically between 20 and 30 years).

State Impact

The proposition's impact on state costs is less certain. In the near term, it could have varied effects on demand for state bond funds. For instance, if more local bonds are approved, fewer local jurisdictions would qualify for hardship funding by the state. In this case, state funding would be reduced from 100 percent to 50 percent of the cost for a new local school. On the other hand, there are over 500 school jurisdictions that do not currently participate in the state school facilities program. To the extent the reduced voter-approval requirement encourages some of these districts to participate in the state program, demand for state bond funds would increase.

In the longer run, the proposition could have a more significant fiscal impact on the state. For instance, if local districts assume greater funding responsibility for school facilities, the state's debt service costs would decline over time.

The actual impact on state costs ultimately would depend on the level of state bonds placed on the ballot in future years by the Legislature and the Governor, and voters' decisions on those bond measures.

Charter Schools

The requirement that K–12 school districts provide charter schools with comparable facilities could increase state and local costs. As discussed above, districts are currently required to provide facilities for charter schools only if unused district facilities are available. The proposition might lead many districts to increase the size of their bond issues somewhat to cover the cost of facilities for charter schools. This could also increase state costs to the extent districts apply for and receive state matching funds. The amount of this increase is unknown, as it would depend on the availability of existing facilities and the number and types of charter schools.

For text of Proposition 39 see page 73.

39 SCHOOL FACILITIES. 55% LOCAL VOTE. BONDS, TAXES. ACCOUNTABILITY REQUIREMENTS.

Initiative Constitutional Amendment and Statute.

Argument in Favor of Proposition 39

FIX CLASSROOMS.
FIX THE WAY SCHOOLS SPEND MONEY.

Taxpayers, seniors, teachers, businesses, and parents agree: If we vote "YES" on Proposition 39, we can fix the way our schools spend money AND fix our schools!

We're all aware of financial abuses in some of our schools—the waste, bureaucracy and mismanagement. If we're going to make California's schools among the best in the nation, we must make our schools accountable for the way they spend our tax dollars.

PASSING PROP. 39 WILL:

HOLD ADMINISTRATORS ACCOUNTABLE FOR SPENDING SCHOOL BOND CONSTRUCTION MONEY:

- Prohibit using funds for administration or bureaucracy.
- Require school administrators to produce a detailed list of specific school construction and repair projects to be funded.
- Require schools to undergo two rigid, independent financial and performance audits every year.
- Require bonds to be passed by a tough 55% super-majority vote.

ADD MORE PROTECTION FOR TAXPAYERS AND HOMEOWNERS:

When Prop. 39 passes, legislation automatically goes into effect that:

- Mandates citizen watchdog committees of local taxpayers, homeowners, parents and business leaders to make sure the money is not wasted.
- Empowers watchdog committees to stop any project if audits show wasteful or unauthorized spending, inform the public of abuse or waste and vigorously investigate and prosecute violations.
- Prohibits these bond votes except at regularly scheduled elections.
- Caps and limits how much property taxes can be raised by a local school bond.

"Proposition 39 and supporting legislation impose a strict cap on property tax increases which may result from an election held under the provisions of this initiative. For an average California home, the cost would be less than $100 per year. Based on my thorough analysis, the claim of a 'doubling of property tax' is significantly overstated and historically inaccurate."

Thomas W. Hayes, Former State Treasurer and Auditor General

HELP FIX OUR SCHOOLS.

- Our classrooms are overcrowded—California has more students per classroom than any other state except one.
- If we're going to reduce class size, we've got to build more classrooms. Just to keep up with the school population growth expected over the next ten years, experts say we'll need 20,000 new classrooms.
- Students in some districts go to class in trailers or in cafeterias, libraries and gyms that have been converted to classrooms.
- Many schools need repairs and updating so children can use computers and get connected to the Internet where they can learn to use the tools they will need to succeed in the future.

"This initiative helps fix classroom overcrowding and provides much needed repairs of unsafe and outdated schools. It mandates the strictest accountability requirements to ensure that bond funds are spent only on schools and classrooms, protecting taxpayers."

Gail D. Dryden, President, League of Women Voters of California

JOIN GOVERNOR GRAY DAVIS AND FORMER GOVERNOR PETE WILSON, SENIORS, TEACHERS, PARENTS, BUSINESS AND COMMUNITY LEADERS, TAXPAYERS, LABOR, ETHNIC AND PUBLIC SAFETY ORGANIZATIONS:

VOTE YES ON PROPOSITION 39.

LAVONNE McBROOM, *President*
California State PTA
JACQUELINE N. ANTEE
AARP State President
ALLAN ZAREMBERG, *President*
California Chamber of Commerce

Rebuttal to Argument in Favor of Proposition 39

Incredible! The very heart of the Arguments FOR Proposition 39 are about provisions NOT IN PROPOSITION 39!

Provisions NOT IN 39:

- NO watchdog committees.
- NO election rules.
- NO limits on property tax increases.

The ENTIRE SECTION titled "More Protections for Taxpayers and Homeowners" is NOT IN 39! These provisions were added by 39's promoters in the Legislature AFTER 39 was filed. They can be removed or changed anytime WITHOUT VOTER APPROVAL.

United States Justice Foundation Executive Director Gary Kreep certifies:

"The Watchdog Committees, Election Rules and Tax Limitations referenced in the promoters' Arguments are not in 39. Therefore, these provisions may be waived anytime without voter approval."

These "Special Provisions" risks are unnecessary! GOOD BONDS PASS NOW. Since 1996, 62% passed, with two-thirds voter approval. $13 Billion worth! Do you *really* want every bond, good or bad, approved? Each bond creates a new lien on your home, usually for 30 years.

Remember, PROPOSITION 39 has NO PROPERTY TAX LIMITS. Meaning:

"Proposition 39 could realistically lead to actions more than doubling current property taxes, putting them back to pre-1978 levels."

Joseph Skeehan, Certified Public Accountant

Join seniors, educators, parents, small businesses, newspapers, Democrats, Republicans, Independents, homeowners and renters throughout California.

HELP SAVE OUR HOMES.
VOTE NO ON PROPOSITION 39.

GIL A. PEREZ
Retired School District Administrator
JOAN C. LONGOBARDO, *Governing Board Member*
Covina-Valley Unified School District

Does promoters' Rebuttal, to right, raise questions? Have other questions? Want to help Save Our Homes? Get answers NOW. Visit: SaveOurHomes.com. We, 39's opponents, wrote "NOTICE TO VOTERS", which follows, to help voters understand 39's "Special Provisions" risks.

JON COUPAL, *Chairman*
Save Our Homes Committee, Vote No on Proposition 39, a Project of the Howard Jarvis Taxpayers Association

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency.

Argument **Against** Proposition 39

NOTICE TO VOTERS: After Proposition 39 was filed, its promoters introduced a special law in the Legislature adding provisions which only take effect if Proposition 39 passes. Therefore, all the changes which will occur if 39 passes are not in Proposition 39 itself. These added provisions DO NOT appear in *Proposition 39: Text of the Proposed Law* in this Voter Information Guide. If Proposition 39 passes, these added "Special Provisions" could be changed or revoked anytime in the future without voter approval.

ARGUMENTS AGAINST PROPOSITION 39:

The "Special Provisions," dealing with critically important tax increase and accountability issues, were either added because of drafting errors, or because the promoters wanted to be free to make changes after the election without voter approval.

In either case, these "Special Provisions" create huge risks. What changes will be made later WITHOUT VOTER APPROVAL?

These "Special Provisions" risks are reason enough to reject Proposition 39.

However, Proposition 39 is also misleading. It says it's about schools. Actually it's about your home and your taxes.

What Proposition 39 does:

1. Permits local bond passage with 55% votes instead of the current two-thirds vote requirement. There is NO LIMIT on how much property taxes can eventually increase with passage of 55% bonds.

2. Ends our Constitution's 121 year old provision requiring a two-thirds vote on local bonds. These bonds put liens on your home, usually for 30 years. Tax collectors foreclose if homeowners cannot pay. Prior to voter approved property tax limitations in 1978, excessive taxes often forced home sales.

3. Proposition 39 bonds increase apartment taxes. Landlords may increase rents to pay these taxes.

4. Proposition 39 bonds require taxpayers in the poorest districts to pay tax rates about twenty times higher (and taxpayers in typical districts to pay about five times higher) than taxpayers in the richest districts to raise the same amount per student.

What Proposition 39 DOES NOT do:

1. DOES NOT require student performance improvements.
2. DOES NOT require parental or taxpayer oversight.

Campaign:

Proposition 39's wealthy promoters reportedly pledged $30 million. We cannot match their money. But, we outnumber them, so we can win. Pledge your help now. Visit saveourhomes.com or call (toll-free) 1-866-VOTE39NO (1-866-868-3396).

55% risks:

In 1978, property taxes were 2.6 times higher. Could history repeat? Could property taxes return to twice, even three times today's levels? Once started, 55% bonds won't stop here. Every government agency will demand 55%. PROPOSITION 39 PROVIDES NO TAX LIMITS. So, yes, 55% could lead to further actions which eventually double, even triple, property taxes.

Conclusion:

Don't risk the "Special Provisions" without voter control.
Don't risk unlimited property tax increases.
Don't risk starting 55% bonds for all government agencies.
Don't risk new 30 year homeowner liens.
Don't risk higher rents.
Don't encourage putting the highest tax rates on the poorest districts.

And, don't give up our Constitution's two-thirds vote requirement to increase property taxes.

Help Save Our Homes. Please VOTE NO ON PROPOSITION 39.

JON COUPAL, *Chairman*
Save Our Homes Committee, Vote No on Proposition 39, a Project of the Howard Jarvis Taxpayers Association
DEAN ANDAL, *Chairman*
Board of Equalization, State of California
FELICIA ELKINSON, *Past President*
Council of Sacramento Senior Organizations

Rebuttal to Argument Against Proposition 39

Strong accountability and taxpayer protections in 39 and the "special provisions" opponents criticize will:

- Limit how much property taxes can be raised by a local school bond.
- Prohibit using funds for administration or bureaucracy.
- Require citizen watchdog committees.
- Prohibit special elections for enacting these bonds.

NONE OF THESE REFORMS WILL BECOME LAW UNLESS WE PASS PROPOSITION 39!

That's why the California Chamber of Commerce, California Organization of Police and Sheriffs, League of Women Voters of California, California Hispanic Chamber of Commerce, California Professional Firefighters, Consumer Federation of California and 200 other community organizations and leaders support 39.

OPPONENTS OF 39 WANT YOU TO BELIEVE ALL THESE RESPECTED GROUPS ARE LYING. BUT WHO'S REALLY LYING?

"Shame on the Jarvis political committee. They can't make their case with facts so they resort to scare tactics, fear-mongering and misleading statements."

AARP California State President Jacqueline N. Antee

"Contrary to the Jarvis group, passage of Proposition 39 *doesn't* raise property taxes, *doesn't* put a lien on your home and *doesn't* increase rents. Local voters have the final say in passing school bonds through a tough 55% super-majority vote."

California State PTA President Lavonne McBroom

By voting YES on 39, we can:

- Build new classrooms, repair older ones and reduce class size.
- Cut waste and abuses that have taken place in some districts.
- Assure that our children and grandchildren have safe schools in which to learn and prepare for the future.

YES on Proposition 39: fix the way schools spend money AND fix our schools.

ANDREW YSIANO, *Immediate Past President*
California Hispanic Chamber of Commerce
WILLIAM HAUCK, *Chairman*
California Business for Education Excellence
DAN TERRY, *President*
California Professional Firefighters

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AN OVERVIEW OF STATE BOND DEBT

This section of the ballot pamphlet provides an overview of the state's current bond debt. It also provides a discussion of the impact the bond measure on this ballot, if approved, would have on this debt level.

BACKGROUND

What Is Bond Financing? Bond financing is a type of long-term borrowing that the state uses to raise money for specific purposes. The state gets money by selling bonds to investors. The state repays this money plus interest.

The money raised from bonds primarily pays for the purchase of property and construction of facilities—such as parks, prisons, schools, and colleges. The state uses bond financing mainly because these facilities are used for many years and their large dollar costs are difficult to pay for all at once.

General Fund Bond Debt. Most of the bonds the state sells are *general obligation* bonds. The state's debt payments on about three-fourths of these bonds are made from the state General Fund. The money in the General Fund comes primarily from state personal and corporate income taxes and sales taxes. The remaining general obligation bonds (such as housing bonds) are self-supporting and, therefore, do not require General Fund support. All general obligation bonds must be approved by a majority of voters and are placed on the ballot by legislative action or by initiative.

The state also issues bonds known as *lease-payment* bonds. These bonds do not require voter approval. The state pays a higher interest rate and selling costs on these bonds than it does on general obligation bonds. The state has used these bonds to build higher education facilities, prisons, veterans' homes, and state offices. The General Fund is also used to make debt payments on these bonds.

What Are the Direct Costs of Bond Financing? The state's cost for using bonds depends primarily on the interest rate that is paid on the bonds and the number of years payments are made. Most general obligation bonds are paid off over a period of 20 to 30 years. Assuming an interest rate of 5.5 percent (the current rate for this type of bond), the cost of paying off bonds over 25 years is about $1.70 for each dollar borrowed—$1 for the dollar borrowed and 70 cents for the interest. This cost, however, is spread over the entire period, so the cost after adjusting for inflation is less. Assuming a 3 percent future annual inflation rate, the cost of paying off the bonds in today's dollars would be about $1.25 for each $1 borrowed.

The State's Current Debt Situation

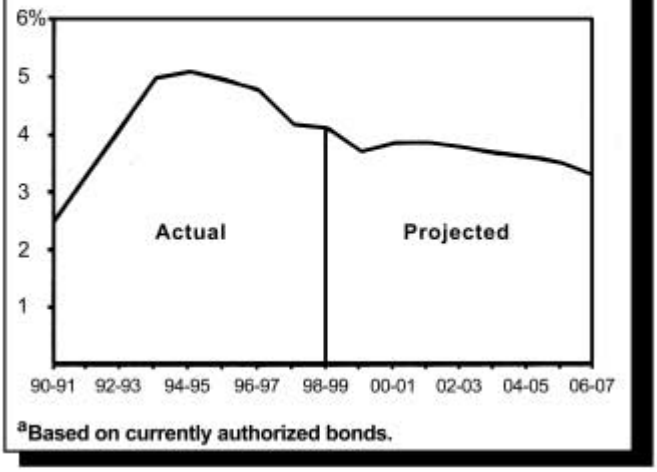
The Amount of State Debt. As of April 2000, the state had about $23 billion of General Fund bond debt—$17 billion of general obligation bonds and $6 billion of lease-payment bonds. Also, the state has not yet sold about $17 billion of authorized bonds because the projects to be funded by the bonds have not yet been undertaken.

Debt Payments. We estimate that payments on the state's General Fund bond debt will be around $2.9 billion during the 2000–01 fiscal year. As currently authorized bonds are sold, bond debt payments will increase to $3.4 billion in 2005–06 and decline thereafter.

The level of debt payments stated as a percentage of state General Fund revenues is referred to as the state's "debt-ratio." Figure 1 shows actual and projected debt ratios from 1990–91 through 2006–07. The figure shows that as currently authorized bonds are sold, the state's debt ratio will be 3.9 percent in 2001–02 and decline thereafter. The projected ratios will vary depending on when bonds are actually sold and on the state's actual General Fund revenues.

Figure 1

State Debt Ratios[a]
1990-91 Through 2006-07



[a]Based on currently authorized bonds.

Bond Proposition on This Ballot

Proposition 32—the Veterans' Bond Act of 2000—provides $500 million in self-supporting general obligation bonds. This is the only general obligation bond proposition on this ballot. As noted above, self-supporting general obligation bonds do not require General Fund support. As a result, voter approval of these bonds will not affect the state's debt ratio.

Your Vote Starts Here!

TABLE OF CONTENTS

- Finding Your Polling Place
- Voter Information
- Finding Your County Elections Officials
- Political Party Statements of Purpose
- About Initiatives
- Safe at Home Program Confidential Voting
- Audio Version of the Ballot Pamphlet

Can't find your polling place?

We'll point you in the right direction.

http://www.ss.ca.gov

GO!

- **FIND** your polling place
- **RESEARCH** campaign contributions
- **WATCH** live election results
- **OBTAIN** absentee ballot information
- **VIEW** lists of candidates

Send your comments directly to the Secretary of State at **bjones@ss.ca.gov**

Voter Information

HOW CAN I REGISTER TO VOTE?

You may register to vote if you are a U.S. citizen, 18 years of age or older by election day, a resident of California, not in prison or on parole for a felony, and not deemed by an appropriate court to be mentally incapacitated. To obtain a voter registration card, you may either contact the Secretary of State's office voter information number at 1-800-345-VOTE, or contact your county elections official (see the following pages for phone numbers and website information). Voter registration forms may also be obtained from most public libraries, post offices, civic and political party organizations, and the Department of Motor Vehicles.

Upon acquiring a voter registration form, simply fill in your name, residence and mailing addresses, date of birth, birthplace, driver's license or California identification card number (optional), political party affiliation, and any previous registration information (if applicable). Be sure to sign and date the postage paid card, and drop it in the mail. It is as simple as that!

If you move or change your name or political party affiliation, you must re-register. However, if you move within the same county and don't re-register, you may go to the polling place assigned to your new address. Bring your driver's license or state identification card showing your new address or two forms of identification (current utility bill or rent receipt) to establish your new residence address. You will be allowed to vote under the "fail-safe" voting provisions, and the elections official will update your registration information. If you move to another county, you should re-register no later than 29 days before an election. The only exception to this rule is: If you move within 29 days before an election, you may return to your old polling place to vote. You should then re-register at your new address.

HOW DO I VOTE BY MAIL?

Any registered voter may vote by "absentee" ballot. You may register to vote absentee by: (1) completing the absentee ballot application that is included with the sample ballot and voter information pamphlet sent to you by your county elections official prior to the election or (2) applying in writing to your local elections official (see the following pages for address information) and providing your printed name and residence address, the address where you want to receive your absentee ballot, your signature, and the name and date of the election for which you want an absentee ballot.

Upon receipt of the absentee ballot, vote and mail the ballot back to your county elections official. All absentee ballots must be received by your county elections official no later than close of polls (8:00 p.m.) on election day to be counted. If you are unable to get your voted absentee ballot in the mail on time, deliver the voted ballot to any polling place or county elections office within your county on election day.

The first day that county elections officials will begin processing absentee ballot applications for the November 7, 2000, General Election is October 9, 2000. The last day that county elections officials will accept any voter's application for an absentee ballot is October 31, 2000.

County Elections Officials

ALAMEDA COUNTY
Alameda County Court House
1225 Fallon Street, Room G-1
Oakland, CA 94612-4283
510-272-6973
510-208-4967 TDD
www.co.alameda.ca.us/rov

ALPINE COUNTY
P.O. Box 158
Markleeville, CA 96120
530-694-2281
www.co.alpine.ca.us

AMADOR COUNTY
Elections-Sheldon D. Johnson
500 Argonaut Lane
Jackson, CA 95642
209-223-6465

BUTTE COUNTY
Butte County Clerk-
Recorder/Elections Division
25 County Center Drive
Oroville, CA 95965-3375
530-538-7761
http://clerk-recorder.buttecounty.net

CALAVERAS COUNTY
Election Department
891 Mountain Ranch Road
San Andreas, CA 95249
209-754-6376

COLUSA COUNTY
546 Jay Street
Colusa, CA 95932
530-458-0500
www.colusanet.com/colusaclerk

CONTRA COSTA COUNTY
P.O. Box 271
524 Main Street
Martinez, CA 94553
925-646-4166
www.co.contra-costa.ca.us/depart/
elec/index.htm

DEL NORTE COUNTY
981 "H" Street, Ste. 160
Crescent City, CA 95531
707-465-0383

EL DORADO COUNTY
El Dorado County Elections Dept.
2850 Fairlane Court
P.O. Box 678001
Placerville, CA 95667
530-621-7480
www.co.el-dorado.ca.us/elections

FRESNO COUNTY
2221 Kern Street
Fresno, CA 93721
559-488-3246
www.fresno.ca.gov

GLENN COUNTY
516 W. Sycamore St., 2nd Floor
Willows, CA 95988
530-934-6414

HUMBOLDT COUNTY
3033 H Street, Rm. 20
Eureka, CA 95501
707-445-7678
co.humboldt.ca.us

IMPERIAL COUNTY
Dolores Provencio, Registrar of Voters
940 Main St., Room 202
El Centro, CA 92243
760-482-4226
www.co.imperial.ca.us

INYO COUNTY
P.O. Box F
Independence, CA 93526
760-878-0224

KERN COUNTY
1115 Truxtun Avenue-1st Floor
Bakersfield, CA 93301
661-868-3590
www.co.kern.ca.us

KINGS COUNTY
1400 W. Lacey Blvd.
Hanford, CA 93230
559-582-3211 Ext. 4401
www.co.kings.ca.us

LAKE COUNTY
Registrar of Voters Office
255 North Forbes Street, Rm. 209
Lakeport, CA 95453
707-263-2372

LASSEN COUNTY
220 S. Lassen Street, Ste. 5
Susanville CA 96130
530-251-8217
www.co.lassen.ca.us/
elections_mission.htm

LOS ANGELES COUNTY
12400 Imperial Highway
Norwalk, CA 90650
562-466-1310
www.co.la.ca.us/regrec/main.htm

MADERA COUNTY
209 W. Yosemite Avenue
Madera, CA 93637
559-675-7720

MARIN COUNTY
P.O. Box E
San Rafael, CA 94913
415-499-6465
www.marin.org

MARIPOSA COUNTY
4982 10th Street
P.O. Box 247
Mariposa, CA 95338
209-966-2007

MENDOCINO COUNTY
501 Low Gap Road, Rm. 1020
Ukiah, CA 95482
707-463-4371
www.co.mendocino.ca.us

MERCED COUNTY
2222 "M" Street, Room 14
Merced, CA 95340
209-385-7541
www.co.merced.ca.us

MODOC COUNTY
Maxine Madison
P.O. Box 130
Alturas, CA 96101
530-233-6200

MONO COUNTY
Annex II, Bryant Street
P.O. Box 237
Bridgeport, CA 93517
760-932-5241

MONTEREY COUNTY
P.O. Box 1848
Salinas, CA 93902
1370 B South Main Street
Salinas, CA 93901
831-755-5085
831-755-5485 FAX
www.mocovote.org

NAPA COUNTY
Elections Division
900 Coombs Street, Room 256
Napa, CA 94559
707-253-4321
www.co.napa.ca.us

NEVADA COUNTY
Nevada County Elections
County Clerk Recorder
10433 Willow Valley Rd., Ste. E
Nevada City, CA 95959-2367
530-265-1298
www.co.nevada.ca.us/coclerk

ORANGE COUNTY
P.O. Box 11298
Santa Ana, CA 92711
1300 S. Grand Avenue, Bldg. C
Santa Ana, CA 92705
714-567-7600
www.oc.ca.gov/election/

PLACER COUNTY
P.O. Box 5278
Auburn, CA 95604
530-886-5650
www.placer.ca.gov/elections

PLUMAS COUNTY
520 Main Street, Room 102
Quincy, CA 95971
530-283-6256
countyofplumas.com

RIVERSIDE COUNTY
Registrar of Voters
2724 Gateway Drive
Riverside, CA 92507
909-486-7330
909-486-7335 FAX
www.voteinfo.net

SACRAMENTO COUNTY
Department of Voter Registration and Elections
3700 Branch Center Road
Sacramento, CA 95827
916-875-6451
www.co.sacramento.ca.us/elections

SAN BENITO COUNTY
440 Fifth Street, Room 206
Hollister, CA 95023
831-636-4016

SAN BERNARDINO COUNTY
Registrar of Voters
777 E. Rialto Avenue
San Bernardino, CA 92415-0770
909-387-8300
www.sbcrov.com or
www.co.san-bernardino.ca.us/rov

SAN DIEGO COUNTY
Registrar of Voters
5201 Ruffin Road, Ste. I
San Diego, CA 92123
858-565-5800
www.sdvote.com

SAN FRANCISCO COUNTY
1 Dr. Carlton B Goodlett Place, Rm. 48
San Francisco, CA 94102
415-554-4375
www.ci.sf.ca.us/election

SAN JOAQUIN COUNTY
212 N. San Joaquin Street
P.O. Box 810
Stockton, CA 95201
209-468-2890
www.co.san-joaquin.ca.us/elect/index.htm

SAN LUIS OBISPO COUNTY
Clerk-Records-Elections
1144 Monterey Street, Ste. A
San Luis Obispo, CA 93408
805-781-5228
www/slonet.org/~clerk-rec/

SAN MATEO COUNTY
Registration and Elections Division
40 Tower Road
San Mateo, CA 94402
650-312-5222
www.shapethefuture.org

SANTA BARBARA COUNTY
P.O. Box 159
Santa Barbara, CA 93102
805-568-2201
www.sb-democracy.com

SANTA CLARA COUNTY
1555 Berger Drive
P.O. Box 1147
San Jose, CA 95108
408-299-VOTE (8683)
www.sccvote.org

SANTA CRUZ COUNTY
701 Ocean Street, Room 210
Santa Cruz, CA 95060
831-454-2060
www.votescount.com

SHASTA COUNTY
Downtown Redding Mall
1643 Market Street
Redding, CA 96001
530-225-5730
www.co.shasta.ca.us

SIERRA COUNTY
P.O. DRAWER D
Downieville, CA 95936
530-289-3295

SISKIYOU COUNTY
311 Fourth Street, Room 201
P.O. Box 338
Yreka, CA 96097
530-842-8086
www.co.siskiyou.ca.us

SOLANO COUNTY
P.O. Box I
Fairfield, CA 94533
707-421-6675
www.solanocounty.com/elections

SONOMA COUNTY
435 Fiscal Drive
P.O. Box 11485
Santa Rosa, CA 95406-1485
707-565-6800
www.sonoma-county.org

STANISLAUS COUNTY
County Elections
1021 I Street, #101
Modesto, CA 95354
209-525-5200
www.stanislauselections.com

SUTTER COUNTY
433 Second Street
Yuba City, CA 95991
530-822-7122

TEHAMA COUNTY
P.O. Box 250
633 Washington Street, Rm. 33
Red Bluff, CA 96080
530-527-8190

TRINITY COUNTY
101 Court Street
P.O. Box 1258
Weaverville, CA 96093
530-623-1220
www.trinitycounty.org

TULARE COUNTY
221 S. Mooney Blvd., Rm. G-28
Visalia, CA 93291
559-733-6275
www.tularecoauditor.org/elections

TUOLUMNE COUNTY
2 South Green Street
Sonora, CA 95370
209-533-5570

VENTURA COUNTY
800 South Victoria Avenue
Ventura, CA 93009
805-654-2781
www.ventura.org/election/elecidx.htm

YOLO COUNTY
625 Court Street, Room B05
Woodland, CA 95695
P.O. Box 1820
Woodland, CA 95776
530-666-8133
www.yoloelections.org

YUBA COUNTY
Elections Department
935 14th Street
Marysville, CA 95901
530-741-6545

American Independent Party

The American Independent Party, California affiliate of the Constitution Party, supports:
The sanctity of innocent human life, including the lives of the unborn;
Protection of American jobs from unfair foreign competition; repeal of NAFTA, GATT/WTO;
Limits on legal immigration, and an end to illegal immigration; no tax funded benefits to illegals;
Excellence in education, and right of parents to choose public schools, private schools, or home schooling;
Control of crime; capital punishment for the most aggravated offenses;
Right of citizens to keep and bear arms as provided by the Bill of Rights;
Ending the personal income tax, and abolition of the IRS;
A debt free money system;
A non-interventionist foreign policy, and a strong national defense free of waste;
Protection of consumers' rights in utility rates, insurance, health care, and housing;
Consideration of human needs in environmental concerns.
We oppose any revision of the California Constitution to limit the right to vote, impair the people's right of initiative, overturn voter approved term limits, make it easier for government to tax and spend, or create bureaucratic regional governments.
We oppose both government speculation with social security funds, and affirmative action programs which substitute racial favoritism for individual ability.

PAUL MEEUWENBERG, *State Chairman*
American Independent Party
1084 W. Marshall Blvd., San Bernardino, CA 92405
559-299-3875 Email: sbaip@gte.net
Website: www.aipca.org

Libertarian Party

The Libertarian Party, founded in 1971, is one of the most successful third parties in U.S. history. Dozens of Libertarians hold office across California, including Mendocino County District Attorney Norman L. Vroman, Calaveras County Supervisor Thomas Tryon, and Moreno Valley Mayor Pro Tem Bonnie Flickinger.
Libertarians are neither liberal nor conservative. Libertarians believe that you have the right to live your life as you wish, without the government interfering—as long as you don't violate the rights of others. Politically, this means Libertarians favor rolling back the size and cost of government and eliminating laws that stifle the economy and control people's personal choices.
Specifically, the Libertarian Party of California is fighting to:

- Improve education by reducing the role of government and encouraging choice and competition
- Make neighborhoods safe by ending the failed War on Drugs, giving law-abiding citizens greater freedom to protect themselves, and punishing violent criminals rather than prosecuting victimless crimes
- Sharply reduce California's bloated $100 billion state government

Increasingly, voters frustrated with the status quo are turning to the Libertarian Party. We invite you to join us as we fight for everyone's liberty on every issue, all the time.

MARK W.A. HINKLE, *Chair*
Libertarian Party of California
14547 Titus St., Suite 214, Panorama City, CA 91402-4935
800-ELECT-US Email: office@ca.lp.org
Website: www.lp.org

Green Party

The Green Party's core values include social and economic justice, ecological wisdom, nonviolence, and grassroots democracy.
We Support:
Living wages, safe workplaces, and the right to organize unions.
Strong local economies and an end to corporate welfare.
Universal health care, including alternative methods and mental health.
Protection of reproductive freedom.
Higher taxes on pollution and large corporations, lower taxes on working people.
More funding for education, while allowing schools to try new ideas.
Ending unfair global trade laws.
Equal rights for people of all races, religions, genders, sexual orientations, abilities, national origins, and economic backgrounds.
Ending attacks on the poor and immigrants through so-called welfare reform.
Stronger regulations for clean air and water and protection of endangered species, and eliminating toxic and cancer-causing chemicals.
More mass transit and bicycle access.
Increasing renewable energy and ending nuclear power, coal, and big dams as energy sources.
Organic and family farms.
Crime prevention—promote education, job opportunities, and nonviolent problem solving. Treat addiction as a health issue. No new prisons.
Abolishing the death penalty.
Use of the internet for free speech and information distribution.
Campaign finance reform and proportional representation.
The right of all to participate fully in democratic processes.

GREEN PARTY OF CALIFORNIA
P.O. Box 2828, Sacramento, CA 95812
916-448-3437 Email: gpca@greens.org
Website:http://www.greens.org/california

The order of the statements was determined by lot.
Statements were supplied by the political parties and have not been checked for accuracy by any official agency.

Democratic Party

With your support, Democrats from Governor Gray Davis to your local candidates will continue fighting for working families, our youth and the elderly. Democrats are dedicated to the issues that matter.

Together, Democrats have:

- Increased school accountability, supported teachers and improved public education, resulting in higher test scores
- Insured that California's economy will continue to expand
- Passed tough legislation to get assault weapons and Saturday Night Specials off our streets and out of our schools
- Enacted meaningful HMO reform, giving healthcare decisions back to patients and their doctors

By electing Al Gore as President, re-electing U.S. Senator Dianne Feinstein and supporting Democratic candidates for Congress and the State Legislature, Democrats will be able to continue fighting for:

- Expanded educational opportunities, including hiring more teachers
- Further reductions in violent crimes to make our neighborhoods and schools safer
- A woman's right to choose
- Seniors by protecting Social Security and Medicare benefits
- Affordable prescription drugs, especially for seniors
- Greater environmental protections and a clean environment for future generations
- Tolerance and the eradication of hate crimes

Please join us. Become a member of our e-mail network. Together, we can build a better California.

SENATOR ART TORRES, (Ret.), *Chairman*
California Democratic Party
911 20th Street, Sacramento, CA 95814-3115
916-442-5707 FAX: 916-442-5715
Email: info@ca-dem.org Website: www.ca-dem.org

Republican Party

Abraham Lincoln, the first Republican President, fought to protect the freedoms of every American citizen. The California Republican Party shares his vision and spirit of fairness. Today, we are working hard to see that all of California's residents are empowered with the opportunity to enjoy the American dream.

Today, the California Republican Party is fighting for:

- *Better Schools* for our children. Parents, teachers and local school boards should decide what's best for our children—not the state education bureaucracy in Sacramento.
- *Safe Neighborhood*s, victims' rights and tougher criminal laws. No one is free if they feel threatened in their own homes and communities.
- *Tax Relief* and an accountable, efficient government responsive to the people who pay their salaries.

We feel that California's government today should be more like the businesses that serve you well. Your government should not be a burden in your life—saddling you with excessive taxes and regulations.

We are working for our state's future and to ensure that every Californian has the same opportunities regardless of race or ethnicity. Please join us as we work together to build a brighter, more prosperous California.

JOHN McGRAW, *Chairman*
The California Republican Party
Ronald Reagan California Republican Center
1903 West Magnolia Boulevard, Burbank, CA 91506
818-841-5210 Email: Chairman@cagop.org
Website: http://www.cagop.org

Natural Law Party

The Natural Law Party was founded to create a new, mainstream political party to offer voters forward-looking, prevention-oriented, scientifically proven solutions to America's problems. Our principles and programs harness the most up-to-date scientific knowledge of natural law—the intelligence of nature that governs our complex universe—and apply it to public policy.

Currently America's fastest growing political party, the Natural Law Party stands for prevention-oriented government, conflict-free politics, and proven solutions, including:

- Natural health care programs shown to prevent disease and cut costs
- Education that develops students' full potential through programs that increase intelligence and creativity
- Effective, field-tested crime prevention and rehabilitation programs
- Lowering taxes through cost-effective solutions, not reduced services
- Protecting the environment through energy efficiency and use of nonpolluting energy sources
- Safeguarding America's food supply through sustainable, organic agriculture practices
- Mandatory labeling and safety testing of genetically engineered foods
- Ensuring a strong economy by harnessing the creativity of our citizens and implementing pro-growth fiscal policies
- Promoting more prosperous, harmonious international relations by increasing the export of U.S. know-how, rather than weapons
- Ending special interest control of politics by eliminating PACs, soft money, and lobbying by former public servants

NATURAL LAW PARTY OF CALIFORNIA
P.O. Box 50843, Palo Alto, CA 94303
831-425-2201 FAX: 831-427-9230
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Reform Party

The *Reform Party* is the leading national "third" party and is committed to:

- *Setting the highest ethical standards for the White House and Congress;*
- *Implementing Campaign Finance reform*: reduce campaigns to four months and require Members of Congress to raise all money from their district voters;
- *Balancing the budget and passing the Balanced Budget Amendment;*
- *Creating a new simpler and fairer tax system* to pay the bills, and requiring future tax increases be approved by the people;
- *Election reform*: voting on Saturdays and Sundays, not Tuesdays, so working people can get to the polls;
- *Term Limits*: three terms for the House and two terms for the Senate;
- *Carefully established plans for Medicare, Medicaid and Social Security;*
- *Negotiating trade agreements* promoting American jobs, protecting the environment and creating an environment in which small businesses can develop;
- *Lobbying reform*: prohibiting former officials from working for foreign interests as foreign lobbyists and prohibiting gifts from foreign interests at any time.

Join the thousands of Americans from every part of the country who want to reform their government now and bring the control and the destiny of their families in line with the American Dream!

RAYMOND O. MILLS, *Chair*
Reform Party of California ("RPCa")
P.O. Box 1914, Tustin, CA 92781
Messages: 888-82-REFORM Phone/Fax/Hotline: 714-7-311-311
Email: ReformPartyOC@juno.com
Website: http://California.ReformParty.org

The order of the statements was determined by lot.
Statements were supplied by the political parties and have not been checked for accuracy by any official agency.

WHERE DO ALL THOSE BALLOT INITIATIVES COME FROM?

About Initiatives

The initiative process, often referred to as "direct democracy," is a tool which citizens can use to propose changes to California law or the State Constitution or both for voter approval or rejection.

HOW TO QUALIFY AN INITIATIVE FOR THE BALLOT

The first step in the process of qualifying an initiative is to write the text of the proposed law. The measure's proponents can write the text themselves, seek the assistance of their own private counsel, or can request assistance from the Legislative Counsel's office.

TITLE AND SUMMARY

Once the text of the measure has been written, a written request must be submitted, along with $200, to the Attorney General. The Attorney General prepares an official title and summary of the measure, and if necessary, a fiscal analysis is prepared by the Department of Finance and Joint Legislative Budget Committee.

PETITION CIRCULATED

Once the title and summary are issued by the Attorney General, an official filing date is established and a calendar of important filing deadlines is prepared for the proponents by the Secretary of State. The proponents have 150 days to circulate petitions and gather enough signatures to qualify. The proponents must collect five percent of the votes cast for all candidates for Governor at the last gubernatorial election to qualify an initiative statute (currently 419,260) and eight percent of the total gubernatorial votes cast (670,816) in order to qualify a constitutional amendment for the ballot.

FILING AND CIRCULATION

Once the requisite number of signatures has been collected, the proponent must file the petitions with the appropriate county elections official. The signatures are then verified. The initiative is considered qualified once the Secretary of State receives certificates from the county elections officials showing the petitions have been signed by the required number of registered voters.

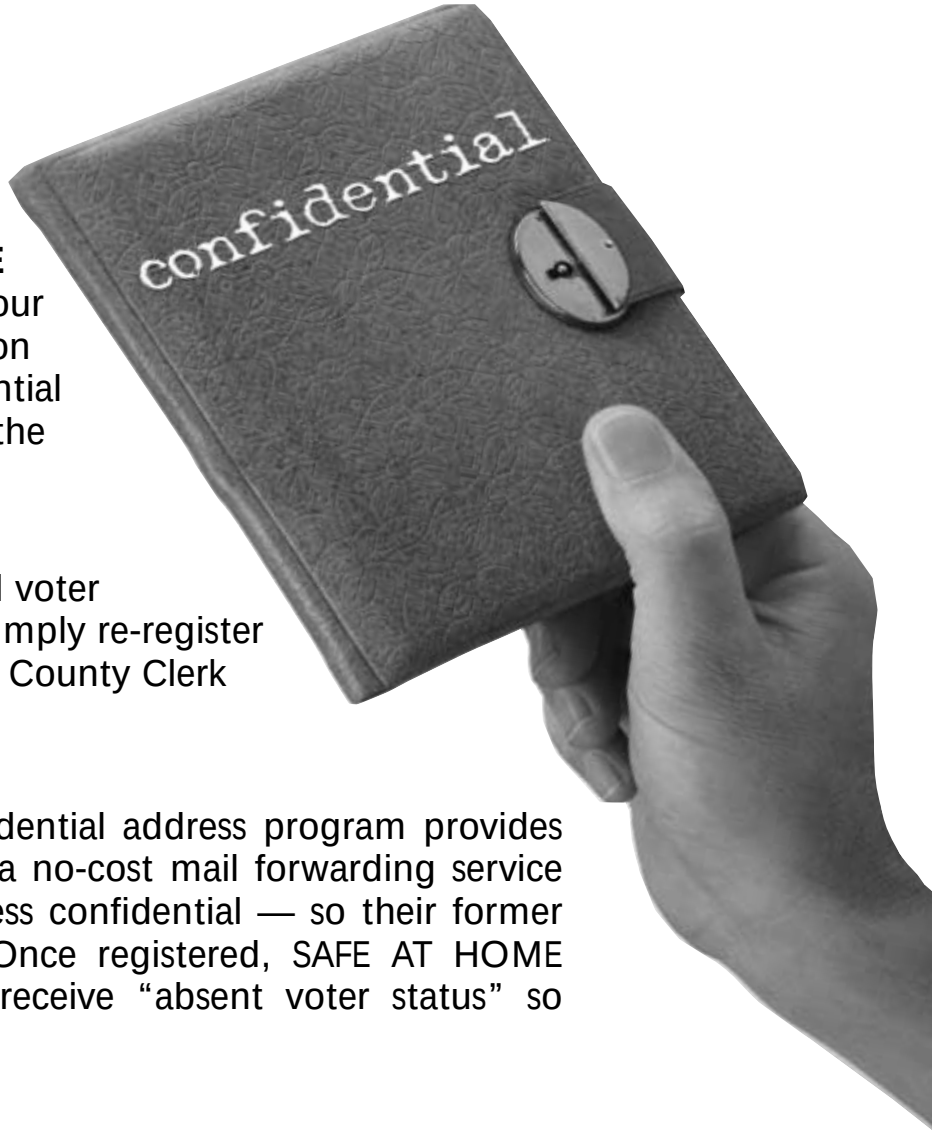
PROPOSITION PLACED ON THE BALLOT FOR VOTER APPROVAL

Once the measure qualifies, it is placed on the ballot. However, it must qualify at least 131 days before the statewide election in which it is to be submitted to the voters. If approved by a majority vote, the measure takes effect the day after the election unless the measure specifies another enactment date in the text.

For more information regarding the initiative process, you may visit our website at www.ss.ca.gov or call the Elections Division at 916-657-2166.

Protect Your Privacy

AND YOUR RIGHT TO VOTE.



There's a new program available for victims of domestic abuse called **SAFE AT HOME**. If you qualify, your voter registration information can be kept strictly confidential from campaigns, pollsters, the media, and other parties.

Just complete a confidential voter registration affidavit — or simply re-register at the Registrar of Voters or County Clerk offices in your area.

The **SAFE AT HOME** confidential address program provides victims of domestic abuse a no-cost mail forwarding service that helps keep their address confidential — so their former partner can't find them. Once registered, SAFE AT HOME participants automatically receive "absent voter status" so they can vote by mail.

Safe at Home
Confidential Address Program
A project of the California Secretary of State

call 1-877-322-5227.

Audio Version

of the Ballot Pamphlet

The Secretary of State's office produces a cassette-recorded version of the ballot pamphlet for the visually impaired. Cassettes can be obtained by calling your local public library or by calling **1-800-345-VOTE**.

Promote the Vote!

The Secretary of State's office asked high school students throughout the State to design a logo that would inspire participation in the democratic process. We are pleased to unveil the winning **logo**. . . . .

AND THE WINNER IS...

Stephanie Borboa

10th Grade

San Bernardino High School

San Bernardino, California

Proposition 32: Text of Proposed Law

This law proposed by Assembly Bill 2305 (Statutes of 2000, Ch. 51) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Military and Veterans Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Article 5w (commencing with Section 998.300) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5w. Veterans' Bond Act of 2000

998.300. This article may be cited as the Veterans' Bond Act of 2000.

998.301. (a) The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to "herein" refer both to this article and that law.

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the board.

998.302. As used herein, the following words have the following meanings:

(a) "Board" means the Department of Veterans Affairs.

(b) "Bond" means veterans' bond, a state general obligation bond, issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.

(d) "Committee" means the Veterans' Finance Committee of 1943, established by Section 991.

(e) "Fund" means the Veterans' Farm and Home Building Fund of 1943, established by Section 998.

998.303. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the Veterans' Farm and Home Purchase Act of 1974 (Article 3.1 (commencing with Section 987.50)), and of all acts amendatory thereof and supplemental thereto, the committee may create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of not more than five hundred million dollars ($500,000,000), exclusive of refunding bonds, in the manner provided herein.

998.304. (a) All bonds authorized by this article, when duly sold and delivered as provided herein, constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

(b) There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money, in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, these bonds as provided herein, and all officers required by law to perform any duty in regard to the collection of state revenues shall collect this additional sum.

(c) On the dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal of, and interest on, the bonds in each fiscal year, there shall be returned to the General Fund all of the money in the fund, not in excess of the principal of, and interest on, any bonds then due and payable. If the money so returned on the remittance dates is less than the principal and interest then due and payable, the balance remaining unpaid shall be returned to the General Fund out of the fund as soon as it shall become available, together with interest thereon from the dates of maturity until returned, at the same rate of interest as borne by the bonds, compounded semiannually.

Notwithstanding any other provision of law to the contrary, this subdivision shall apply to all veterans farm and home purchase contracts pursuant to this chapter. This subdivision does not grant any lien on the fund or the moneys therein to holders of any bonds issued under this article. For the purposes of the subdivision, "debt service" means the principal (whether due at maturity, by redemption, or acceleration), premium, if any, or interest payable on any date to any series of bonds. This subdivision shall not apply, however, in the case of any debt service that is payable from the proceeds of any refunding bonds.

998.305. There is hereby appropriated from the General Fund, for purposes of this article, a sum of money that will equal both of the following:

(a) That sum annually necessary to pay the principal of, and the interest on, the bonds issued and sold as provided herein, as that principal and interest become due and payable.

(b) That sum necessary to carry out Section 998.306, appropriated without regard to fiscal years.

998.306. For the purposes of this article, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of a sum of money not to exceed the amount of the unsold bonds which have been authorized by the committee to be sold pursuant to this article. Any sums withdrawn shall be deposited in the fund. All moneys made available under this section to the board shall be returned by the board to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this article.

998.307. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this article. The amount of the request shall not exceed the amount of unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this article. The board shall execute whatever documents are required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this article.

998.308. Upon request of the board, supported by a statement of its plans and projects approved by the Governor, the committee shall determine whether to issue any bonds authorized under this article in order to carry out the board's plans and projects, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out these plans and projects progressively, and it is not necessary that all of the bonds be issued or sold at any one time.

998.309. As long as any bonds authorized under this article are outstanding, the Secretary of Veterans Affairs shall, at the close of each fiscal year, require a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, to be made by an independent public accountant of recognized standing. The results of each survey and projection shall be reported in writing by the public accountant to the Secretary of Veterans Affairs, the California Veterans Board, the appropriate policy committees dealing with veterans affairs in the Senate and the Assembly, and the committee.

The Division of Farm and Home Purchases shall reimburse the public accountant for these services out of any money which the division may have available on deposit with the Treasurer.

998.310. The committee may authorize the Treasurer to sell all or any part of the bonds authorized by this article at the time or times established by the Treasurer.

Whenever the committee deems it necessary for an effective sale of the bonds, the committee may authorize the Treasurer to sell any issue of bonds at less than their par value, notwithstanding

Section 16754 of the Government Code. However, the discount on the bonds shall not exceed 3 percent of the par value thereof.

998.311. Out of the first money realized from the sale of bonds as provided herein, there shall be redeposited in the General Obligation Bond Expense Revolving Fund, established by Section 16724.5 of the Government Code, the amount of all expenditures made for the purposes specified in that section, and this money may be used for the same purpose and repaid in the same manner whenever additional bond sales are made.

998.312. Any bonds issued and sold pursuant to this article may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 2 of Title 2 of the Government Code. The approval of the voters for the issuance of bonds under this article includes approval for the issuance of bonds issued to refund bonds originally issued or any previously issued refunding bonds.

998.313. Notwithstanding any provision of the bond act, if the Treasurer sells bonds under this article for which bond counsel has issued an opinion to the effect that the interest on the bonds is excludable from gross income for purposes of federal income tax, subject to any conditions which may be designated, the Treasurer may establish separate accounts for the investment of bond proceeds and for the earnings on those proceeds, and may use those proceeds or earnings to pay any rebate, penalty, or other payment required by federal law or take any other action with respect to the investment and use of bond proceeds required or permitted under federal law necessary to maintain the tax-exempt status of the bonds or to obtain any other advantage under federal law on behalf of the funds of this state.

998.314. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this article are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by Article XIII B.

998.315. Notwithstanding any other provision of law, any bonds issued and sold under the Veterans Bond Act of 1982, and the Veterans Bond Act of 1984 may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, without regard to the first sentence of Section 16786 of the Government Code.

Proposition 33: Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 12 of the 1999–2000 Regular Session (Resolution Chapter 83, Statutes of 2000) expressly amends the California Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 4.5 OF ARTICLE IV

SEC. 4.5. Notwithstanding any other provision of this Constitution or existing law, a person elected to or serving in the Legislature on or after November 1, 1990, shall participate in the Federal Social Security (Retirement, Disability, Health Insurance) ~~Program~~ *System*, and ~~the~~ *may elect to participate in the Public Employees' Retirement System in any state retirement plan in which a majority of the employees of the state may participate. The* State shall pay only the employer's share of the ~~contribution~~ *contributions* necessary to ~~such~~ *that* participation. No other pension or retirement benefit shall accrue as a result of service in the Legislature, ~~such~~ *that* service not being intended as a career occupation. This ~~Section~~ *section* shall not be construed to abrogate or diminish any vested pension or retirement benefit ~~which~~ *that* may have accrued under an existing law to a person holding or having held office in the Legislature, but upon adoption of this ~~Act~~ *act* no further entitlement to nor vesting in any existing ~~program~~ *programs* shall accrue to any such person, other than *the* Social Security *System and the Public Employees' Retirement System* to the extent herein provided.

Proposition 34: Text of Proposed Law

This law proposed by Senate Bill 1223 (Statutes of 2000, Chapter 102) is submitted to the people in accordance with the provisions of Article II, Section 10 of the California Constitution.

This proposed law amends, adds, repeals, and repeals and adds sections to the Government Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. (a) The people find and declare all of the following:

(1) Monetary contributions to political campaigns are a legitimate form of participation in the American political process, but large contributions may corrupt or appear to corrupt candidates for elective office.

(2) Increasing costs of political campaigns have forced many candidates to devote a substantial portion of their time to raising campaign contributions and less time to public policy.

(3) Political parties play an important role in the American political process and help insulate candidates from the potential corrupting influence of large contributions.

(b) The people enact the Campaign Contribution and Voluntary Expenditure Limits Without Taxpayer Financing Amendments to the Political Reform Act of 1974 to accomplish all of the following purposes:

(1) To ensure that individuals and interest groups in our society have a fair and equitable opportunity to participate in the elective and governmental processes.

(2) To minimize the potentially corrupting influence and appearance of corruption caused by large contributions by providing reasonable contribution and voluntary expenditure limits.

(3) To reduce the influence of large contributors with an interest in matters before state government by prohibiting lobbyist contributions.

(4) To provide voluntary expenditure limits so that candidates and officeholders can spend a lesser proportion of their time on fundraising and a greater proportion of their time conducting public policy.

(5) To increase public information regarding campaign contributions and expenditures.

(6) To enact increased penalties to deter persons from violating the Political Reform Act of 1974.

(7) To strengthen the role of political parties in financing political campaigns by means of reasonable limits on contributions to political party committees and by limiting restrictions on contributions to, and expenditures on behalf of, party candidates, to a full, complete, and timely disclosure to the public.

SEC. 2. Section 82016 of the Government Code is amended to read:

82016. *(a)* "Controlled committee" means a committee ~~which~~ *that* is controlled directly or indirectly by a candidate or state measure proponent or ~~which~~ *that* acts jointly with a

candidate, controlled committee, or state measure proponent in connection with the making of expenditures. A candidate or state measure proponent controls a committee if he *or she*, his *or her* agent, or any other committee he *or she* controls has a significant influence on the actions or decisions of the committee.

(b) Notwithstanding subdivision (a), a political party committee, as defined in Section 85205, is not a controlled committee.

SEC. 3. Section 82053 of the Government Code is amended to read:

82053. "Statewide elective office" means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, ~~and~~ Superintendent of Public Instruction *and member of the State Board of Equalization*.

SEC. 4. Section 83116 of the Government Code, as added by Proposition 9 at the June 4, 1974, statewide primary election, is repealed.

~~83116. When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter.~~

~~When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:~~

~~(a) Cease and desist violation of this title;~~

~~(b) File any reports, statements or other documents or information required by this title;~~

~~(c) Pay a monetary penalty of up to two thousand dollars ($2,000) to the General Fund of the state.~~

~~When the Commission determines that no violation has occurred, it shall publish a declaration so stating.~~

SEC. 5. Section 83116 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~83116. When the Commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if such a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Government Code, Title 2, Division 3, Part 1, Chapter 5, Sections 11500 et seq.). The Commission shall have all the powers granted by that chapter. When the Commission determines on the basis of the hearing that a violation has occurred, it shall issue an order which may require the violator to:~~

~~(a) Cease and desist violation of this title;~~

~~(b) File any reports, statements or other documents or information required by this title;~~

~~(c) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.~~

SEC. 6. Section 83116 is added to the Government Code, to read:

83116. When the commission determines there is probable cause for believing this title has been violated, it may hold a hearing to determine if a violation has occurred. Notice shall be given and the hearing conducted in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code). The commission shall have all the powers granted by that chapter. When the commission determines on the basis of the hearing that a violation has occurred, it shall issue an order that may require the violator to do all or any of the following:

(a) Cease and desist violation of this title.

(b) File any reports, statements, or other documents or information required by this title.

(c) Pay a monetary penalty of up to five thousand dollars ($5,000) per violation to the General Fund of the state. When the Commission determines that no violation has occurred, it shall publish a declaration so stating.

SEC. 7. Section 83116.5 of the Government Code, as added by Chapter 670 of the Statutes of 1984, is repealed.

~~83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. Provided, however, that this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and that a violation of this section shall not constitute an additional violation under Chapter 11.~~

SEC. 8. Section 83116.5 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter and Chapter 11 (commencing with Section 91000).~~

SEC. 9. Section 83116.5 is added to the Government Code, to read:

83116.5. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter. However, this section shall apply only to persons who have filing or reporting obligations under this title, or who are compensated for services involving the planning, organizing, or directing any activity regulated or required by this title, and a violation of this section shall not constitute an additional violation under Chapter 11 (commencing with Section 91000).

SEC. 10. Section 83124 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~83124. The commission shall adjust the contribution limitations and expenditure limitations provisions in Sections 85100 et seq. in January of every even-numbered year to reflect any increase or decrease in the California Consumer Price Index. Such adjustments shall be rounded to the nearest 50 for the limitations on contributions and the nearest 1,000 for the limitations on expenditures.~~

SEC. 11. Section 83124 is added to the Government Code, to read:

83124. The commission shall adjust the contribution limitations and voluntary expenditure limitations provisions in Sections 85301, 85302, 85303, and 85400 in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars ($100) for limitations on contributions and one thousand dollars ($1,000) for limitations on expenditures.

SEC. 12. Section 84201 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~84201. The threshold for contributions and expenditures reported in the campaign statements designated in Sections 84203.5, 84211, and 84219, except for subdivision (i) of Section 84219, and for cash contributions and anonymous contributions designated in Sections 84300 and 84304, shall be set at no more than one hundred dollars ($100) notwithstanding any other provision of law or any legislative amendment to such sections.~~

SEC. 13. Section 84204 of the Government Code is amended to read:

84204. (a) A candidate or committee that makes a late independent expenditure, as defined in Section 82036.5, shall report the late independent expenditure by facsimile transmission, telegram, guaranteed overnight mail through the United States Postal Service or personal delivery within 24 hours of the time it is made. A late independent expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section.

(b) A candidate or committee that makes a late independent expenditure shall report its full name and street address, as well as the name, office, and district of the candidate if the report is related to a candidate, or if the report is related to a measure, the number or letter of the measure, the jurisdiction in which the measure is to be voted upon, and the amount and the date, as well as a description of goods or services for which the late independent expenditure was made. *In addition to the information required by this subdivision, a committee that makes a late independent expenditure shall include with its late independent expenditure report the information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, covering the period from the day after the closing date of the last campaign report filed to the date of the late independent expenditure, or if the committee has not previously filed a campaign statement, covering the period from the previous January 1 to the date of the late independent expenditure. No information required by paragraphs (1) to (5), inclusive, of subdivision (f) of Section 84211, that is required to be reported with a late independent expenditure report by this subdivision, is required to be reported on more than one late independent expenditure report.*

(c) A candidate or committee that makes a late independent expenditure shall file a late independent expenditure report in the places where it would be required to file campaign statements under this article as if it were formed or existing primarily to support or oppose the candidate or measure for or against which it is making the late independent expenditure.

(d) A report filed pursuant to this section shall be in addition to any other campaign statement required to be filed by this article.

SEC. 14. Section 84305.6 is added to the Government Code, to read:

84305.6. In addition to the requirements of Section 84305.5, a slate mailer organization or committee primarily formed to support or oppose one or more ballot measures may not send a slate mailer unless any recommendation in the slate mailer to support or oppose a ballot measure or to support a candidate that is different from the official recommendation to support or oppose by the political party that the mailer appears by representation or indicia to represent is accompanied, immediately below the ballot measure or candidate recommendation in the slate mailer, in no less than nine-point roman boldface type in a color or print that contrasts with the background so as to be easily legible, the following notice: "THIS IS NOT THE OFFICIAL POSITION OF THE (political party that the mailer appears by representation or indicia to represent) PARTY."

SEC. 15. Section 84511 is added to the Government Code, to read:

84511. Any individual who appears in an advertisement to support or oppose the qualification, passage, or defeat of a ballot measure and who has been paid or promised payment of five thousand dollars ($5,000) or more for that appearance shall disclose that payment or promised payment in a manner prescribed by the commission. The advertisement shall include the statement "(spokesperson's name) is being paid by this campaign or its donors" in highly visible roman font shown continuously if the advertisement consists of printed or televised material, or spoken in a clearly audible format if the advertisement is a radio broadcast or telephone message.

SEC. 16. Article 1 (commencing with Section 85100) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

SEC. 17. Article 1 (commencing with Section 85100) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 18. Article 1 (commencing with Section 85100) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 1. Title of Chapter

85100. This chapter shall be known as the "Campaign Contribution and Voluntary Expenditure Limits Without Taxpayer Financing Amendments to the Political Reform Act of 1974."

SEC. 19. Article 2 (commencing with Section 85202) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 20. Article 2.5 (commencing with Section 85202) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 2.5. Applicability of the Political Reform Act of 1974

85202. Unless specifically superseded by the act that adds this section, the definitions and provisions of this title shall govern the interpretation of this chapter.

85203. "Small contributor committee" means any committee that meets all of the following criteria:

(a) The committee has been in existence for at least six months.

(b) The committee receives contributions from 100 or more persons.

(c) No one person has contributed to the committee more than two hundred dollars ($200) per calendar year.

(d) The committee makes contributions to five or more candidates.

85204. "Election cycle" for purposes of Sections 85309 and 85500, means the period of time commencing 90 days prior to an election and ending on the date of the election.

85204.5. With respect to special elections, the following terms have the following meanings:

(a) "Special election cycle" means the day on which the office becomes vacant until the day of the special election.

(b) "Special runoff election cycle" means the day after the special election until the day of the special runoff election.

85205. "Political party committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 of the Elections Code.

85206. "Public moneys" has the same meaning as defined in Section 426 of the Penal Code.

SEC. 21. Section 85301 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85301. (a) No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by the candidate, to exceed one thousand dollars ($1,000) in any fiscal year.~~

~~(b) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign contribution account.~~

SEC. 22. Section 85301 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85301. (a) Except as provided in subdivision (a) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for local office in districts with fewer than 100,000 residents, and no such candidate or the candidate's controlled committee shall accept from any person a contribution or contributions totaling more than one hundred dollars ($100) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.~~

~~(b) Except as provided in subdivision (b) of Section 85402 and Section 85706, no person, other than small contributor committees and political party committees, shall make to any~~

~~candidate or the candidate's controlled committee campaigning for office in districts of 100,000 or more residents, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than two hundred fifty dollars ($250) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.~~

~~(c) Except as provided in subdivision (c) of Section 85402, no person, other than small contributor committees and political party committees, shall make to any candidate or the candidate's controlled committee for statewide office, and no such candidate or the candidate's controlled committee shall accept from any such person a contribution or contributions totaling more than five hundred dollars ($500) for each election in which the candidate is attempting to be on the ballot or is a write-in candidate.~~

~~(d) No person shall make to any committee that contributes to any candidate and no such committee shall accept from each such person a contribution or contributions totaling more than five hundred dollars ($500) per calendar year. This subdivision shall not apply to candidate- controlled committees, political party committees, and independent expenditure committees.~~

~~(e) The provisions of this section shall not apply to a candidate's contribution of his or her personal funds to his or her own campaign committee, but shall apply to contributions from a spouse.~~

SEC. 23. Section 85301 is added to the Government Code, to read:

85301. (a) A person, other than a small contributor committee or political party committee, may not make to any candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office may not accept from a person, any contribution totaling more than three thousand dollars ($3,000) per election.

(b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, may not make to any candidate for statewide elective office, and except a candidate for Governor, a candidate for statewide elective office may not accept from a person other than a small contributor committee or a political party committee, any contribution totaling more than five thousand dollars ($5,000) per election.

(c) A person, other than a small contributor committee or political party committee, may not make to any candidate for Governor, and a candidate for Governor may not accept from any person other than a small contributor committee or political party committee, any contribution totaling more than twenty thousand dollars ($20,000) per election.

(d) The provisions of this section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

SEC. 24. Section 85302 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85302. No person shall make and no political committee, broad-based political committee, or political party shall solicit or accept, any contribution or loan from a person which would cause the total amount contributed or loaned by that person to the same political committee, broad-based political committee, or political party to exceed two thousand five hundred dollars ($2,500) in any fiscal year to make contributions to candidates for elective office.~~

SEC. 25. Section 85302 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85302. No small contributor committee shall make to any candidate or the controlled committee of such a candidate, and no such candidate or the candidate's controlled committee shall accept from a small contributor committee, a contribution or contributions totaling more than two times the applicable contribution limit for persons prescribed in Section 85301 or 85402, whichever is applicable.~~

SEC. 26. Section 85302 is added to the Government Code, to read:

85302. (a) A small contributor committee may not make to any candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office, other than a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than six thousand dollars ($6,000) per election.

(b) Except to a candidate for Governor, a small contributor committee may not make to any candidate for statewide elective office and except for a candidate for Governor, a candidate for statewide elective office may not accept from a small contributor committee, any contribution totaling more than ten thousand dollars ($10,000) per election.

(c) A small contributor committee may not make to any candidate for Governor, and a candidate for Governor may not accept from a small contributor committee, any contribution totaling more than twenty thousand dollars ($20,000) per election.

SEC. 27. Section 85303 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85303. (a) No political committee shall make, and no candidate or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee to that candidate for elective office or any committee controlled by that candidate to exceed two thousand five hundred dollars ($2,500) in any fiscal year.~~

~~(b) No broad-based political committee or political party shall make and no candidate or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee or political party to that candidate or any committee controlled by that candidate to exceed five thousand dollars ($5,000) in any fiscal year.~~

~~(c) Nothing in this Chapter shall limit a person's ability to provide financial or other support to one or more political committees or broad-based political committees provided the support is used for purposes other than making contributions directly to candidates for elective office.~~

SEC. 28. Section 85303 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85303. No person shall give in the aggregate to political party committees of the same political party, and no such party committees combined shall accept from any person, a contribution or contributions totaling more than five thousand dollars ($5,000) per calendar year; except a candidate may distribute any surplus, residual, or unexpended campaign funds to a political party committee.~~

SEC. 29. Section 85303 is added to the Government Code, to read:

85303. (a) A person may not make to any committee, other than a political party committee, and a committee other than a political party committee may not accept, any contribution totaling more than five thousand dollars ($5,000) per calendar year for the purpose of making contributions to candidates for elective state office.

(b) A person may not make to any political party committee, and a political party committee may not accept, any contribution totaling more than twenty-five thousand dollars ($25,000) per calendar year for the purpose of making contributions for the support or defeat of candidates for elective state office.

(c) Except as provided in Section 85310, nothing in this chapter shall limit a person's contributions to a committee or political party committee provided the contributions are used for purposes other than making contributions to candidates for elective state office.

(d) Nothing in this chapter limits a candidate for elected state office from transferring contributions received by the candidate in excess of any amount necessary to defray the candidate's expenses for election related activities or holding office to a political party

committee, provided those transferred contributions are used for purposes consistent with paragraph (4) of subdivision (b) of Section 89519.

SEC. 30. Section 85304 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85304. No candidate for elective office or committee controlled by that candidate or candidates for elective office shall transfer any contribution to any other candidate for elective office. Transfers of funds between candidates or their controlled committees are prohibited.~~

SEC. 31. Section 85304 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85304. No more than 25 percent of the recommended expenditure limits specified in this act at the time of adoption by the voters, subject to cost of living adjustments as specified in Section 83124, shall be accepted in cumulative contributions for any election from all political party committees by any candidate or the controlled committee of such a candidate. Any expenditures made by a political party committee in support of a candidate shall be considered contributions to the candidate.~~

SEC. 32. Section 85304 is added to the Government Code, to read:

85304. (a) A candidate for elective state office or an elected state officer may establish a separate account to defray attorney's fees and other related legal costs incurred for the candidate's or officer's legal defense if the candidate or officer is subject to one or more civil or criminal proceedings or administrative proceedings arising directly out of the conduct of an election campaign, the electoral process, or the performance of the officer's governmental activities and duties. These funds may be used only to defray those attorney fees and other related legal costs.

(b) A candidate may receive contributions to this account that are not subject to the contribution limits set forth in this article. However, all contributions shall be reported in a manner prescribed by the commission.

(c) Once the legal dispute is resolved, the candidate shall dispose of any funds remaining after all expenses associated with the dispute are discharged for one or more of the purposes set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 89519.

SEC. 33. Section 85305 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85305. (a) This Section shall apply to candidates who seek elective office during a special election or a special runoff election.~~

~~(b) As used in this Section, the following terms have the following meanings.~~

~~(1) "Special election cycle" means the day on which the office becomes vacant until the day of the special election.~~

~~(2) "Special runoff election cycle" means the day after the special election until the day of the special runoff election.~~

~~(c) Notwithstanding Section 85301 or 85303 the following contribution limitations shall apply during special election cycles and special runoff election cycles.~~

~~(1) No person shall make, and no candidate for elective office, or campaign treasurer, shall solicit or accept any contribution or loan which would cause the total amount contributed or loaned by that person to that candidate, including contributions or loans to all committees controlled by the candidate, to exceed one thousand dollars ($1,000) during any special election cycle or special runoff election cycle.~~

~~(2) No political committee shall make, and no candidate or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee to that candidate for elective office or any committee controlled by that candidate to exceed two thousand five hundred dollars ($2,500) during any special election cycle or special runoff election cycle.~~

~~(3) No broad-based political committee or political party shall make and no candidate or campaign treasurer shall solicit or accept, any contribution or loan which would cause the total amount contributed or loaned by that committee or political party to that candidate or any committee controlled by that candidate to exceed five thousand dollars ($5,000) during any special election cycle or special runoff election cycle.~~

SEC. 34. Section 85305 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85305. (a) In districts of fewer than 1,000,000 residents, no candidate or the candidate's controlled committee shall accept contributions more than six months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.~~

~~(b) In districts of 1,000,000 residents or more and for statewide elective office, no candidate or the candidate's controlled committee shall accept contributions more than 12 months before any primary or special primary election or, in the event there is no primary or special primary election, any regular election or special election in which the candidate is attempting to be on the ballot or is a write-in candidate.~~

~~(c) No candidate or the controlled committee of such candidate shall accept contributions more than 90 days after the date of withdrawal, defeat, or election to office. Contributions accepted immediately following such an election or withdrawal and up to 90 days after that date shall be used only to pay outstanding bills or debts owed by the candidate or controlled committee. This section shall not apply to retiring debts incurred with respect to any election held prior to the effective date of this act, provided such funds are collected pursuant to the contribution limits specified in Article 3 (commencing with Section 85300) of this act, applied separately for each prior election for which debts are being retired, and such funds raised shall not count against the contribution limitations applicable for any election following the effective date of this act.~~

~~(d) Notwithstanding subdivision (c), funds may be collected at any time to pay for attorney's fees for litigation or administrative action which arises directly out of a candidate's or elected officer's alleged violation of state or local campaign, disclosure, or election laws or for a fine or assessment imposed by any governmental agency for violations of this act or this title, or for a recount or contest of the validity of an election, or for any expense directly associated with an external audit or unresolved tax liability of the campaign by the candidate or the candidate's controlled committee; provided such funds are collected pursuant to the contribution limits of this act.~~

~~(e) Contributions pursuant to subdivisions (c) and (d) of this provision shall be considered contributions raised for the election in which the debts, fines, assessments, recounts, contests, audits, or tax liabilities were incurred and shall be subject to the contribution limits of that election.~~

SEC. 35. Section 85305 is added to the Government Code, to read:

85305. A candidate for elective state office or committee controlled by that candidate may not make any contribution to any other candidate for elective state office in excess of the limits set forth in subdivision (a) of Section 85301.

SEC. 36. Section 85306 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85306. Any person who possesses campaign funds on the effective date of this chapter may expend these funds for any lawful purpose other than to support or oppose a candidacy for elective office.~~

SEC. 37. Section 85306 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85306. No candidate and no committee controlled by a candidate or officeholder, other than a political party~~

~~committee, shall make any contribution to any other candidate running for office or his or her controlled committee. This section shall not prohibit a candidate from making a contribution from his or her own personal funds to his or her own candidacy or to the candidacy of any other candidate for elective office.~~

SEC. 38. Section 85306 is added to the Government Code, to read:

85306. (a) A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective state office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits set forth in Section 85301 or 85302.

(b) Notwithstanding subdivision (a), a candidate for elective state office, other than a candidate for statewide elective office who possesses campaign funds on January 1, 2001, may use those funds to seek elective office without attributing the funds to specific contributors.

(c) Notwithstanding subdivision (a), a candidate for statewide elective office who possesses campaign funds on November 6, 2002, may use those funds to seek elective office without attributing the funds to specific contributors.

SEC. 39. Section 85307 of the Government Code, as added by Proposition 73 at the June 7, 1988, statewide primary election, is repealed.

~~85307. The provisions of this article regarding loans shall apply to extensions of credit, but shall not apply to loans made to the candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.~~

SEC. 40. Section 85307 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85307. (a) A loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to all contribution limitations.~~

~~(b) Extensions of credit for a period of more than 30 days, other than loans from financial institutions given in the normal course of business, are subject to all contribution limitations.~~

~~(c) No candidate shall personally make outstanding loans to his or her campaign or campaign committee that total at any one point in time more than twenty thousand dollars ($20,000) in the case of any candidate, except for candidates for governor, or fifty thousand dollars ($50,000) in the case of candidates for governor. Nothing in this chapter shall prohibit a candidate from making unlimited contributions to his or her own campaign.~~

SEC. 41. Section 85307 is added to the Government Code, to read:

85307. (a) The provisions of this article regarding loans apply to extensions of credit, but do not apply to loans made to a candidate by a commercial lending institution in the lender's regular course of business on terms available to members of the general public for which the candidate is personally liable.

(b) A candidate for elective state office may not personally loan to his or her campaign an amount, the outstanding balance of which exceeds one hundred thousand dollars ($100,000). A candidate may not charge interest on any loan he or she made to his or her campaign.

SEC. 42. Section 85308 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85308. (a) Contributions by a husband and wife shall not be aggregated.~~

~~(b) Contributions by children under 18 shall be treated as contributions attributed equally to each parent or guardian~~.

SEC. 43. Section 85308 is added to the Government Code, to read:

85308. (a) Contributions made by a husband and wife may not be aggregated.

(b) A contribution made by a child under 18 years of age is presumed to be a contribution from the parent or guardian of the child.

SEC. 44. Section 85309 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85309. No more than 25 percent of the recommended voluntary expenditure limits specified in this act at the time of adoption by the voters, subject to cost-of-living adjustments as specified in Section 83124, for any election shall be accepted in contributions from other than individuals, small contributor committee, and political party committees in the aggregate by any candidate or the controlled committee of such a candidate. The limitation in this section shall apply whether or not the candidate agrees to the expenditure ceilings specified in Section 85400.~~

SEC. 45. Section 85309 is added to the Government Code, to read:

85309. (a) In addition to any other report required by this title, candidates for elective state office who are required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars ($1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

(b) In addition to any other reports required by this title, any committee primarily formed to support one or more state ballot measures that is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars ($1,000) or more received during an election cycle. Those reports shall disclose the same information required by subdivision (a) of Section 84203 and shall be filed within 24 hours of receipt of the contribution.

SEC. 46. Section 85310 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85310. No person shall contribute in the aggregate more than twenty five thousand dollars ($25,000) to all state candidates and the state candidates' controlled committees and political party committees in any two-year period. Contributions from political parties shall be exempt from this provision.~~

SEC. 47. Section 85310 is added to the Government Code, to read:

85310. (a) Any person who makes a payment or a promise of payment totaling fifty thousand dollars ($50,000) or more for a communication that clearly identifies a candidate for elective state office, but does not expressly advocate the election or defeat of the candidate, and that is disseminated, broadcast, or otherwise published within 45 days of an election, shall file online or electronically with the Secretary of State a report disclosing the name of the person, address, occupation, and employer, and amount of the payment. The report shall be filed within 48 hours of making the payment or the promise to make the payment.

(b) (1) Except as provided in paragraph (2), if any person has received a payment or a promise of a payment from other persons totaling five thousand dollars ($5,000) or more for the purpose of making a communication described in subdivision (a), the person receiving the payments shall disclose on the report the name, address, occupation and employer, and date and amount received from the person.

(2) A person who receives or is promised a payment that is otherwise reportable under paragraph (1) is not required to report the payment if the person is in the business of providing goods or

services and receives or is promised the payment for the purpose of providing those goods or services.

(c) Any payment received by a person who makes a communication described in subdivision (a) is subject to the limits specified in subdivision (b) of Section 85303 if the communication is made at the behest of the clearly identified candidate.

SEC. 48. Section 85311 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85311. All payments made by a person established, financed, maintained, or controlled by any business entity, labor organization, association, political party, or any other person or group of such persons shall be considered to be made by a single person.~~

SEC. 49. Section 85311 is added to the Government Code, to read:

85311. (a) For purposes of this chapter the following terms have the following meanings:

(1) "Entity" means any person, other than an individual.

(2) "Majority-owned" means a direct or indirect ownership of more than 50 percent.

(b) The contributions of an entity whose contributions are directed and controlled by any individual shall be aggregated with contributions made by that individual and any other entity whose contributions are directed and controlled by the same individual.

(c) If two or more entities make contributions that are directed and controlled by a majority of the same persons, the contributions of those entities shall be aggregated.

(d) Contributions made by entities that are majority-owned by any person shall be aggregated with the contributions of the majority owner and all other entities majority-owned by that person, unless those entities act independently in their decisions to make contributions.

SEC. 50. Section 85312 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85312. The costs of internal communications to members, employees, or shareholders of an organization, other than a political party, for the purpose of supporting or opposing a candidate or candidates for elective office or a ballot measure or measures shall not be considered a contribution or independent expenditure under the provisions of this act, provided such payments are not for the costs of campaign materials or activities used in connection with broadcasting, newspaper, billboard, or similar type of general public communication.~~

SEC. 51. Section 85312 is added to the Government Code, to read:

85312. For purpose of this title, payments for communications for purpose of this title to members, employees, shareholders, or families of members, employees, or shareholders of an organization for the purpose of supporting or opposing a candidate or a ballot measure are not contributions or independent expenditures, provided those payments are not made for general public advertising such as broadcasting, billboards, and newspaper advertisements.

SEC. 52. Section 85313 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~85313. (a) Each elected officer may be permitted to establish one segregated officerholder expense fund for expenses related to assisting, serving, or communicating with constituents, or with carrying out the official duties of the elected officer, provided aggregate contributions to such a fund do not exceed ten thousand dollars ($10,000) within any calendar year and that the expenditures are not made in connection with any campaign for elective office or ballot measure.~~

~~(b) No person shall make, and no elected officer or officeholder account shall solicit or accept from any person, a contribution or contributions to the officerholder account totaling more than two hundred fifty dollars ($250) during any calendar year. Contributions to an officeholder account shall not be considered campaign contributions.~~

~~(c) No elected officeholder or officeholder account shall solicit or accept a contribution to the officeholder account from, through, or arranged by a registered state or local lobbyist or a state or local lobbyist employer if that lobbyist or lobbyist employer finances, engages, or is authorized to engage in lobbying the governmental agency of the officeholder.~~

~~(d) All expenditures from, and contributions to, an officeholder account are subject to the campaign disclosure and reporting requirements of this title.~~

~~(e) Any funds in an officeholder account remaining after leaving office shall be turned over to the General Fund.~~

SEC. 53. Section 85314 is added to the Government Code, to read:

85314. The contribution limits of this chapter apply to special elections and apply to special runoff elections. A special election and a special runoff election are separate elections for purposes of the contribution and voluntary expenditure limits set forth in this chapter.

SEC. 54. Section 85315 is added to the Government Code, to read:

85315. (a) Notwithstanding any other provision of this chapter, an elected state officer may establish a committee to oppose the qualification of a recall measure, and the recall election. This committee may be established when the elected state officer receives a notice of intent to recall pursuant to Section 11021 of the Elections Code. An elected state officer may accept campaign contributions to oppose the qualification of a recall measure, and if qualification is successful, the recall election, without regard to the campaign contributions limits set forth in this chapter. The voluntary expenditure limits do not apply to expenditures made to oppose the qualification of a recall measure or to oppose the recall election.

(b) After the failure of a recall petition or after the recall election, the committee formed by the elected state officer shall wind down its activities and dissolve. Any remaining funds shall be treated as surplus funds and shall be expended within 30 days after the failure of the recall petition or after the recall election for a purpose specified in subdivision (b) of Section 89519.

SEC. 55. Section 85316 is added to the Government Code, to read:

85316. A contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

SEC. 56. Section 85317 is added to the Government Code, to read:

85317. Notwithstanding subdivision (a) of Section 85306, a candidate for state elective office may carry over contributions raised in connection with one election for elective state office to pay campaign expenditures incurred in connection with a subsequent election for the same elective state office.

SEC. 57. Section 85318 is added to the Government Code, to read:

85318. A candidate for state elective office may raise contributions for a general election prior to the primary election for the same elective state office if the candidate set aside these contributions and uses these contributions for the general election. If the candidate for state elective office is defeated in the primary election or otherwise withdraws from the general election, the general election funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election contributions.

SEC. 58. Section 85319 is added to the Government Code, to read:

85319. A candidate for state elective office may return all or part of any contribution to the donor who made the contribution at any time, whether or not other contributions are returned.

SEC. 59. Article 4 (commencing with Section 85400) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 60. Article 4 (commencing with Section 85400) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 4. Voluntary Expenditure Ceilings

85400. (a) A candidate for elective state office, other than the Board of Administration of the Public Employees' Retirement System, who voluntarily accepts expenditure limits may not make campaign expenditures in excess of the following:

(1) For an Assembly candidate, four hundred thousand dollars ($400,000) in the primary or special primary election and seven hundred thousand dollars ($700,000) in the general, special, or special runoff election.

(2) For a Senate candidate, six hundred thousand dollars ($600,000) in the primary or special primary election and nine hundred thousand dollars ($900,000) in the general, special, or special runoff election.

(3) For a candidate for the State Board of Equalization, one million dollars ($1,000,000) in the primary election and one million five hundred thousand dollars ($1,500,000) in the general election.

(4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars ($4,000,000) in the primary election and six million dollars ($6,000,000) in the general election.

(5) For a candidate for Governor, six million dollars ($6,000,000) in the primary election and ten million dollars ($10,000,000) in the general election.

(b) For purposes of this section "campaign expenditures" has the same meaning as "election related activities" as defined in subparagraph (C) of paragraph (2) of subdivision (b) of Section 82015.

(c) A campaign expenditure made by a political party on behalf of a candidate may not be attributed to the limitations on campaign expenditures set forth in this section.

85401. (a) Each candidate for elective state office shall file a statement of acceptance or rejection of the voluntary expenditure limits set forth in Section 85400 at the time he or she files the statement of intention specified in Section 85200.

(b) Any candidate for elective state office who declined to accept the voluntary expenditure limits but who nevertheless does not exceed the limits in the primary, special primary, or special election, may file a statement of acceptance of the expenditure limits for a general or special runoff election within 14 days following the primary, special primary, or special election.

85402. (a) Any candidate for elective state office who has filed a statement accepting the voluntary expenditure limits is not bound by those limits if an opposing candidate contributes personal funds to his or her own campaign in excess of the limits set forth in Section 85400.

(b) The commission shall require by regulation timely notification by candidates for elective state office who make personal contributions to their own campaign.

85403. Any candidate who files a statement of acceptance pursuant to Section 85401 and makes campaign expenditures in excess of the limits shall be subject to the remedies in Chapter 3 (commencing with Section 83100) and Chapter 11 (commencing with Section 91000).

SEC. 61. Article 5 (commencing with Section 85500) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 62. Article 5 (commencing with Section 85500) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 5. Independent Expenditures

85500. (a) In addition to any other report required by this title, committees, including political party committees, which are required to file reports pursuant to Section 84605 and that make independent expenditures of one thousand dollars ($1,000) or more during an election cycle in connection with a candidate for elective state office, shall file online or electronically a report with the Secretary of State disclosing the making of the independent expenditure. Those reports shall disclose the same information required by subdivision (b) of Section 84204 and shall be filed within 24 hours of the time the independent expenditure is made.

(b) An expenditure may not be considered independent, and shall be treated as a contribution from the person making the expenditure to the candidate on whose behalf, or for whose benefit, the expenditure is made, if the expenditure is made under any of the following circumstances:

(1) The expenditure is made with the cooperation of, or in consultation with, any candidate or any authorized committee or agent of the candidate.

(2) The expenditure is made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of the candidate.

(3) The expenditure is made under any arrangement, coordination, or direction with respect to the candidate or the candidate's agent and the person making the expenditure.

85501. A controlled committee of a candidate may not make independent expenditures and may not contribute funds to another committee for the purpose of making independent expenditures.

SEC. 63. Article 6 (commencing with Section 85600) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 64. Article 6 (commencing with Section 85600) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 6. Ballot Pamphlet

85600. The Secretary of State and local election officers shall designate in the ballot pamphlet those candidates for elective state office who have voluntarily agreed to expenditure limitations set forth in Section 85400.

85601. A candidate for elective state office who accepts voluntary expenditure limits may purchase the space to place a statement in the ballot pamphlet that does not exceed 250 words. The statement may not make any reference to any opponent of the candidate. The statement shall be submitted in accordance with timeframes and procedures set forth in the Elections Code for the preparation of ballot pamphlets.

SEC. 65. Article 7 (commencing with Section 85700) of Chapter 5 of Title 9 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

SEC. 66. Article 7 (commencing with Section 85700) is added to Chapter 5 of Title 9 of the Government Code, to read:

Article 7. Additional Contribution Requirements

85700. A candidate or committee shall return within 60 days any contribution of one hundred dollars ($100) or more for which the candidate or committee does not have on file in the records of the candidate or committee the name, address, occupation, and employer of the contributor.

85701. Any candidate or committee that receives a contribution in violation of Section 84301 shall pay to the General Fund of the state the amount of the contribution.

85702. An elected state officer or candidate for elected state office may not accept a contribution from a lobbyist, and a lobbyist may not make a contribution to an elected state officer or candidate for elected state office, if that lobbyist is registered to

lobby the governmental agency for which the candidate is seeking election or the governmental agency of the elected state officer.

85703. Nothing in this act shall nullify contribution limitations or prohibitions of any local jurisdiction that apply to elections for local elective office, except that these limitations and prohibitions may not conflict with the provisions of Section 85312.

85704. A person may not make any contribution to a committee on the condition or with the agreement that it will be contributed to any particular candidate unless the contribution is fully disclosed pursuant to Section 84302.

SEC. 67. Section 89510 of the Government Code is amended to read:

89510. (a) A candidate may only accept contributions ~~from persons, political committees, broad based political committees, and political parties and only in the amounts specified in Article 3 (commencing with Section 85300). A candidate shall not accept contributions from any other source~~ *in accordance with the provision set forth in Chapter 5 (commencing with Section 85100).*

(b) All contributions deposited into the campaign account shall be deemed to be held in trust ~~for expenses associated with the election of the candidate to the specific office for which the candidate has stated, pursuant to Section 85200, that he or she intends to seek or expenses associated with holding that office~~ *for purposes set forth in Chapter 5 (commencing with Section 85100).*

~~(c) In the event that the numerical reference to a district changes due to a reapportionment subsequent to a candidate declaring an intention to seek a specific office, the candidate may use the contribution raised under the old numbered district to seek office, and for office expenses, in the new numbered district.~~

~~(d) In the event that the boundaries of the district for a specific office change as a result of a reapportionment which is enacted after a candidate files a statement of intention to be a candidate for that specific office, the candidate may use any contributions received for that specific office for expenses associated with the election of the candidate to any other equivalent district office of the agency body which includes the specific office, at the next election for that other district office, and for expenses associated with holding that other district office.~~

SEC. 68. Section 89519 of the Government Code, as added by Chapter 84 of the Statutes of 1990, is repealed.

~~89519. Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100) and shall be used only for the following purposes:~~

~~(a) The payment of outstanding campaign debts or elected officer's expenses.~~

~~(b) The pro rata repayment of contributions.~~

~~(c) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.~~

~~(d) Contributions to a political party or committee so long as the funds are not used to make contributions in support of or opposition to a candidate for elective office.~~

~~(e) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.~~

SEC. 69. Section 89519 of the Government Code, as added by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~89519. Any campaign funds in excess of expenses incurred for the campaign or for expenses specified in subdivision (d) of Section 85305, received by or on behalf of an individual who seeks nomination for election, or election to office, shall be doomed to be surplus campaign funds and shall be distributed within 90 days after withdrawal, defeat, or election to office in the following manner:~~

~~(a) No more than ten thousand dollars ($10,000) may be deposited in the candidate's officeholder account; except such surplus from a campaign fund for the general election shall not be deposited into the officeholder account within 60 days immediately following the election.~~

~~(b) Any remaining surplus funds shall be distributed to any political party, returned to contributors on a pro rata basis, or turned over to the General Fund.~~

SEC. 70. Section 89519 is added to the Government Code, to read:

89519. (a) Upon leaving any elected office, or at the end of the postelection reporting period following the defeat of a candidate for elective office, whichever occurs last, campaign funds raised after January 1, 1989, under the control of the former candidate or elected officer shall be considered surplus campaign funds and shall be disclosed pursuant to Chapter 4 (commencing with Section 84100).

(b) Surplus campaign funds shall be used only for the following purposes:

(1) The payment of outstanding campaign debts or elected officer's expenses.

(2) The repayment of contributions.

(3) Donations to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer.

(4) Contributions to a political party committee, provided the campaign funds are not used to support or oppose candidates for elective office. However, the campaign funds may be used by a political party committee to conduct partisan voter registration, partisan get-out-the-vote activities, and slate mailers as that term is defined in Section 82048.3.

(5) Contributions to support or oppose any candidate for federal office, any candidate for elective office in a state other than California, or any ballot measure.

(6) The payment for professional services reasonably required by the committee to assist in the performance of its administrative functions, including payment for attorney's fees for litigation which arises directly out of a candidate's or elected officer's activities, duties, or status as a candidate or elected officer, including, but not limited to, an action to enjoin defamation, defense of an action brought of a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

(c) For purposes of this section, the payment for, or the reimbursement to the state of, the costs of installing and monitoring an electronic security system in the home or office, or both, of a candidate or elected officer who has received threats to his or her physical safety shall be deemed an outstanding campaign debt or elected officer's expense, provided that the threats arise from his or her activities, duties, or status as a candidate or elected officer and that the threats have been reported to and verified by an appropriate law enforcement agency. Verification shall be determined solely by the law enforcement agency to which the threat was reported. The candidate or elected officer shall report any expenditure of campaign funds made pursuant to this section to the commission. The report to the commission shall include the date that the candidate or elected officer informed the law enforcement agency of the threat, the name and the telephone number of the law enforcement agency, and a brief description of the threat. No more than five thousand dollars ($5,000) in surplus campaign funds may be used, cumulatively, by a candidate or elected officer pursuant to this subdivision. Payments made pursuant to this subdivision shall be made during the two years immediately following the date upon which the campaign funds become surplus campaign funds. The candidate or elected officer shall reimburse the surplus fund account for the fair market value of the security system no later than two years immediately following the date upon which the campaign funds became surplus campaign funds. The campaign funds become surplus campaign funds upon sale of the property on which the system is installed, or prior to the closing of the surplus campaign fund account, whichever comes

first. The electronic security system shall be the property of the campaign committee of the candidate or elected officer.

SEC. 71. Section 91000 of the Government Code, added by Proposition 9 at the June 4, 1974, statewide primary election, is repealed.

~~91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.~~

~~(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars ($10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.~~

~~(c) Prosecution for violation of this title must be commenced within two years after the date on which the violation occurred.~~

SEC. 72. Section 91000 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.~~

~~(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars ($10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.~~

~~(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.~~

~~(d) The commission has concurrent jurisdiction in enforcing the criminal misdemeanor provisions of this title.~~

SEC. 73. Section 91000 is added to the Government Code, to read:

91000. (a) Any person who knowingly or willfully violates any provision of this title is guilty of a misdemeanor.

(b) In addition to other penalties provided by law, a fine of up to the greater of ten thousand dollars ($10,000) or three times the amount the person failed to report properly or unlawfully contributed, expended, gave or received may be imposed upon conviction for each violation.

(c) Prosecution for violation of this title must be commenced within four years after the date on which the violation occurred.

SEC. 74. Section 91004 of the Government Code, added by Proposition 9 at the June 4, 1974, statewide primary election, is repealed.

~~91004. Any person who intentionally or negligently violates any of the reporting requirements of this act shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.~~

SEC. 75. Section 91004 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~91004. Any person who intentionally or negligently violates any of the reporting requirements of this act, or who aids and abets any person who violates any of the reporting requirements of this act, shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.~~

SEC. 76. Section 91004 is added to the Government Code, to read:

91004. Any person who intentionally or negligently violates any of the reporting requirements of this title shall be liable in a civil action brought by the civil prosecutor or by a person residing within the jurisdiction for an amount not more than the amount or value not properly reported.

SEC. 77. Section 91005.5 of the Government Code, as added by Chapter 727 of the Statutes of 1982, is repealed.

~~91005.5. Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to two thousand dollars ($2,000).~~

~~No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.~~

~~The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.~~

SEC. 78. Section 91005.5 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~91005.5. Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars ($5,000) per violation.~~

~~No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.~~

~~The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.~~

SEC. 79. Section 91005.5 is added to the Government Code, to read:

91005.5. Any person who violates any provision of this title, except Sections 84305, 84307, and 89001, for which no specific civil penalty is provided, shall be liable in a civil action brought by the commission or the district attorney pursuant to subdivision (b) of Section 91001, or the elected city attorney pursuant to Section 91001.5, for an amount up to five thousand dollars ($5,000) per violation.

No civil action alleging a violation of this title may be filed against a person pursuant to this section if the criminal prosecutor is maintaining a criminal action against that person pursuant to Section 91000.

The provisions of this section shall be applicable only as to violations occurring after the effective date of this section.

SEC. 80. Section 91006 of the Government Code, added by Proposition 9 at the June 4, 1974, statewide primary election, is repealed.

~~91006. If two or more persons are responsible for any violation, they shall be jointly and severally liable.~~

SEC. 81. Section 91006 of the Government Code, as amended by Proposition 208 at the November 5, 1996, statewide general election, is repealed.

~~91006. Any person who violates any provision of this title, who purposely or negligently causes any other person to violate any provision of this title, or who aids and abets any other person in the violation of any provision of this title, shall be liable under the provisions of this chapter and Chapter 3 (commencing with Section 83100) of this title. If two or more persons are responsible for any violation, they shall be jointly and severally liable.~~

SEC. 82. Section 91006 is added to the Government Code, to read:

91006. If two or more persons are responsible for any violation, they shall be jointly and severally liable.

SEC. 83. This act shall become operative on January 1, 2001. However, Chapter 5 (commencing with Section 85100) of Title 9 of the Government Code, except subdivision (a) of Section 85309 of the Government Code, shall apply to candidates for statewide elective office beginning on and after November 6, 2002.

SEC. 84. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 85. (a) A special election is hereby called to be held throughout the state on November 7, 2000. The election shall be consolidated with the statewide general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used.

(b) Notwithstanding Section 9040 of the Elections Code or any other provision of law, the Secretary of State, pursuant to subdivision (b) of Section 81012 of the Government Code shall submit this act for approval to the voters at the November 7, 2000, statewide general election.

SEC. 86. This is an act calling an election pursuant to paragraph (3) of subdivision (c) of Section 8 of Article IV of the California Constitution, and shall take effect immediately.

Proposition 35: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure adds sections to the California Constitution and the Government Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

FAIR COMPETITION AND TAXPAYER SAVINGS INITIATIVE

SECTION 1. TITLE

This measure shall be known and may be cited as the "Fair Competition and Taxpayer Savings Act."

SEC. 2. PURPOSE AND INTENT

It is the intent of the people of the State of California in enacting this measure:

(a) To remove existing restrictions on contracting for architectural and engineering services and to allow state, regional and local governments to use qualified private architectural and engineering firms to help deliver transportation, schools, water, seismic retrofit and other infrastructure projects safely, cost effectively and on time;

(b) To encourage the kind of public/private partnerships necessary to ensure that California taxpayers benefit from the use of private sector experts to deliver transportation, schools, water, seismic retrofit and other infrastructure projects;

(c) To promote fair competition so that both public and private sector architects and engineers work smarter, more efficiently and ultimately deliver better value to taxpayers;

(d) To speed the completion of a multi-billion dollar backlog of highway, bridge, transit and other projects;

(e) To ensure that contracting for architectural and engineering services occurs through a fair, competitive selection process, free of undue political influence, to obtain the best quality and value for California taxpayers; and

(f) To ensure that private firms contracting for architectural and engineering services with governmental entities meet established design and construction standards and comply with standard accounting practices and permit financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

SEC. 3. Article XXII is added to the California Constitution, to read:

SECTION 1. The State of California and all other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local and regional agencies and joint power agencies, shall be allowed to contract with qualified private entities for architectural and engineering services for all public works of improvement. The choice and authority to contract shall extend to all phases of project development including permitting and environmental studies, rights-of-way services, design phase services and construction phase services. The choice and authority shall exist without regard to funding sources whether federal, state, regional, local or private, whether or not the project is programmed by a state, regional or local governmental entity, and whether or not the completed project is a part of any state owned or state operated system or facility.

SEC. 2. Nothing contained in Article VII of this Constitution shall be construed to limit, restrict or prohibit the State or any other governmental entities, including, but not limited to, cities, counties, cities and counties, school districts and other special districts, local and regional agencies and joint power agencies, from contracting with private entities for the performance of architectural and engineering services.

SEC. 4. Chapter 10.1 (commencing with Section 4529.10) is added to Division 5 of Title 1 of the Government Code, to read:

4529.10. For purposes of Article XXII of the California Constitution and this act, the term "architectural and engineering services" shall include all architectural, landscape architectural, environmental, engineering, land surveying, and construction project management services.

4529.11. All projects included in the State Transportation Improvement Program programmed and funded as interregional improvements or as regional improvements shall be subject to Article XXII of the California Constitution. The sponsoring governmental entity shall have the choice and the authority to contract with qualified private entities for architectural and engineering services. For projects programmed and funded as regional improvements, the sponsoring governmental entity shall be the regional or local project sponsor. For projects programmed and funded as interregional improvements, the sponsoring governmental entity shall be the State of California, unless there is a regional or local project sponsor, in which case the sponsoring governmental entity shall be the regional or local project sponsor. The regional or local project sponsor shall be a regional or local governmental entity.

4529.12. All architectural and engineering services shall be procured pursuant to a fair, competitive selection process which prohibits governmental agency employees from participating in the selection process when they have a financial or business relationship with any private entity seeking the contract, and the procedure shall require compliance with all laws regarding political contributions, conflicts of interest or unlawful activities.

4529.13. Nothing contained in this act shall be construed to change project design standards, seismic safety standards or project construction standards established by state, regional or local governmental entities. Nor shall any provision of this act be construed to prohibit or restrict the authority of the Legislature to statutorily provide different procurement methods for design-build projects or design-build-and-operate projects.

4529.14. Architectural and engineering services contracts procured by public agencies shall be subject to standard accounting practices and may require financial and performance audits as necessary to ensure contract services are delivered within the agreed schedule and budget.

4529.15. This act only applies to architectural and engineering services defined in Government Code Section 4529.10. Nothing contained in this act shall be construed to expand or restrict the authority of governmental entities to contract for fire, ambulance, police, sheriff, probation, corrections or other peace officer services. Nor shall anything in this act be construed to expand or restrict the authority of governmental entities to contract for education services including but not limited to, teaching services, services of classified school personnel and school administrators.

4529.16. This act shall not be applied in a manner that will result in the loss of federal funding to any governmental entity.

4529.17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

4529.18. If any act of the Legislature conflicts with the provisions of this act, this act shall prevail.

4529.19. This act shall be liberally construed to accomplish its purposes.

4529.20. This act seeks to comprehensively regulate the matters which are contained within its provisions. These are matters of statewide concern and when enacted are intended to apply to charter cities as well as all other governmental entities.

SEC. 5. This initiative may be amended to further its purposes by statute, passed in each house by roll call vote entered in the journal, two-thirds of the membership concurring, and signed by the Governor.

SEC. 6. If there is a conflicting initiative measure on the same ballot, which addresses and seeks to comprehensively regulate the same subject, only the provisions of this measure shall become operative if this measure receives the highest affirmative vote.

Proposition 36: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8, of the California Constitution.

This initiative measure adds sections to the Health and Safety Code and the Penal Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000

SECTION 1. Title

This act shall be known and may be cited as the "Substance Abuse and Crime Prevention Act of 2000."

SEC. 2. Findings and Declarations

The People of the State of California hereby find and declare all of the following:

(a) Substance abuse treatment is a proven public safety and health measure. Nonviolent, drug-dependent criminal offenders who receive drug treatment are much less likely to abuse drugs and commit future crimes, and are likelier to live healthier, more stable and more productive lives.

(b) Community safety and health are promoted, and taxpayer dollars are saved, when nonviolent persons convicted of drug possession or drug use are provided appropriate community-based treatment instead of incarceration.

(c) In 1996, Arizona voters by a 2–1 margin passed the Drug Medicalization, Prevention, and Control Act, which diverted nonviolent drug offenders into drug treatment and education services rather than incarceration. According to a Report Card prepared by the Arizona Supreme Court, the Arizona law: is "resulting in safer communities and more substance abusing probationers in recovery," has already saved state taxpayers millions of dollars, and is helping more than 75 percent of program participants to remain drug free.

SEC. 3. Purpose and Intent

The People of the State of California hereby declare their purpose and intent in enacting this act to be as follows:

(a) To divert from incarceration into community-based substance abuse treatment programs nonviolent defendants, probationers and parolees charged with simple drug possession or drug use offenses;

(b) To halt the wasteful expenditure of hundreds of millions of dollars each year on the incarceration—and reincarceration—of nonviolent drug users who would be better served by community-based treatment; and

(c) To enhance public safety by reducing drug-related crime and preserving jails and prison cells for serious and violent offenders, and to improve public health by reducing drug abuse and drug dependence through proven and effective drug treatment strategies.

SEC. 4. Section 1210 is added to the Penal Code, to read:

1210. Definitions

As used in Sections 1210.1 and 3063.1 of this code, and Division 10.8 (commencing with Section 11999.4) of the Health and Safety Code:

(a) The term "nonviolent drug possession offense" means the unlawful possession, use, or transportation for personal use of any controlled substance identified in Section 11054, 11055, 11056, 11057 or 11058 of the Health and Safety Code, or the offense of being under the influence of a controlled substance in violation of Section 11550 of the Health and Safety Code. The term "nonviolent drug possession offense" does not include the possession for sale, production, or manufacturing of any controlled substance.

(b) The term "drug treatment program" or "drug treatment" means a licensed and/or certified community drug treatment program, which may include one or more of the following: outpatient treatment, half-way house treatment, narcotic replacement therapy, drug education or prevention courses and/or limited inpatient or residential drug treatment as needed to address special detoxification or relapse situations or severe dependence. The term "drug treatment program" or "drug treatment" does not include drug treatment programs offered in a prison or jail facility.

(c) The term "successful completion of treatment" means that a defendant who has had drug treatment imposed as a condition of probation has completed the prescribed course of drug treatment and, as a result, there is reasonable cause to believe that the defendant will not abuse controlled substances in the future.

(d) The term "misdemeanor not related to the use of drugs" means a misdemeanor that does not involve (1) the simple possession or use of drugs or drug paraphernalia, being present where drugs are used, or failure to register as a drug offender, or (2) any activity similar to those listed in paragraph (1).

SEC. 5. Section 1210.1 is added to the Penal Code, to read:

1210.1. Possession of Controlled Substances; Probation; Exceptions

(a) Notwithstanding any other provision of law, and except as provided in subdivision (b), any person convicted of a nonviolent drug possession offense shall receive probation.

As a condition of probation the court shall require participation in and completion of an appropriate drug treatment program. The court may also impose, as a condition of probation, participation in vocational training, family counseling, literacy training and/or community service. A court may not impose incarceration as an additional condition of probation. Aside from the limitations imposed in this subdivision, the trial court is not otherwise limited in the type of probation conditions it may impose.

In addition to any fine assessed under other provisions of law, the trial judge may require any person convicted of a nonviolent drug possession offense who is reasonably able to do so to contribute to the cost of his or her own placement in a drug treatment program.

(b) Subdivision (a) does not apply to either of the following:

(1) Any defendant who previously has been convicted of one or more serious or violent felonies in violation of subdivision (c) of Section 667.5 or Section 1192.7, unless the nonviolent drug possession offense occurred after a period of five years in which the defendant remained free of both prison custody and the commission of an offense that results in (A) a felony conviction other than a nonviolent drug possession offense, or (B) a

misdemeanor conviction involving physical injury or the threat of physical injury to another person.

(2) Any defendant who, in addition to one or more nonviolent drug possession offenses, has been convicted in the same proceeding of a misdemeanor not related to the use of drugs or any felony.

(3) Any defendant who:

(A) While using a firearm, unlawfully possesses any amount of (i) a substance containing either cocaine base, cocaine, heroin, methamphetamine, or (ii) a liquid, non-liquid, plant substance, or hand-rolled cigarette, containing phencyclidine.

(B) While using a firearm, is unlawfully under the influence of cocaine base, cocaine, heroin, methamphetamine or phencyclidine.

(4) Any defendant who refuses drug treatment as a condition of probation.

(5) Any defendant who (A) has two separate convictions for nonviolent drug possession offenses, (B) has participated in two separate courses of drug treatment pursuant to subdivision (a), and (C) is found by the court, by clear and convincing evidence, to be unamenable to any and all forms of available drug treatment. Notwithstanding any other provision of law, the trial court shall sentence such defendants to 30 days in jail.

(c) Within seven days of an order imposing probation under subdivision (a), the probation department shall notify the drug treatment provider designated to provide drug treatment under subdivision (a). Within 30 days of receiving that notice, the treatment provider shall prepare a treatment plan and forward it to the probation department. On a quarterly basis after the defendant begins the drug treatment program, the treatment provider shall prepare and forward a progress report to the probation department.

(1) If at any point during the course of drug treatment the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment being provided, but may be amenable to other drug treatments or related programs, the probation department may move the court to modify the terms of probation to ensure that the defendant receives the alternative drug treatment or program.

(2) If at any point during the course of drug treatment the treatment provider notifies the probation department that the defendant is unamenable to the drug treatment provided and all other forms of drug treatment, the probation department may move to revoke probation. At the revocation hearing, unless the defendant proves by a preponderance of the evidence that there is a drug treatment program to which he or she is amenable, the court may revoke probation.

(3) Drug treatment services provided by subdivision (a) as a required condition of probation may not exceed 12 months, provided, however, that additional aftercare services as a condition of probation may be required for up to six months.

(d) Dismissal of charges upon successful completion of drug treatment

(1) At any time after completion of drug treatment, a defendant may petition the sentencing court for dismissal of the charges. If the court finds that the defendant successfully completed drug treatment, and substantially complied with the conditions of probation, the conviction on which the probation was based shall be set aside and the court shall dismiss the indictment or information against the defendant. In addition, the arrest on which the conviction was based shall be deemed never to have occurred. Except as provided in paragraph (2) or (3), the defendant shall thereafter be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

(2) Dismissal of an indictment or information pursuant to paragraph (1) does not permit a person to own, possess, or have in his or her custody or control any firearm capable of being concealed upon the person or prevent his or her conviction under Section 12021.

(3) Except as provided below, after an indictment or information is dismissed pursuant to paragraph (1), the defendant may indicate in response to any question concerning his or her prior criminal record that he or she was not arrested or convicted for the offense. Except as provided below, a record pertaining to an arrest or conviction resulting in successful completion of a drug treatment program under this section may not, without the defendant's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate.

Regardless of his or her successful completion of drug treatment, the arrest and conviction on which the probation was based may be recorded by the Department of Justice and disclosed in response to any peace officer application request or any law enforcement inquiry. Dismissal of an information or indictment under this section does not relieve a defendant of the obligation to disclose the arrest and conviction in response to any direct question contained in any questionnaire or application for public office, for a position as a peace officer as defined in Section 830, for licensure by any state or local agency, for contracting with the California State Lottery, or for purposes of serving on a jury.

(e) Violation of probation

(1) If probation is revoked pursuant to the provisions of this subdivision, the defendant may be incarcerated pursuant to otherwise applicable law without regard to the provisions of this section.

(2) Non-drug-related probation violations

If a defendant receives probation under subdivision (a), and violates that probation either by being arrested for an offense that is not a nonviolent drug possession offense, or by violating a non-drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The court may modify or revoke probation if the alleged violation is proved.

(3) Drug-related probation violations

(A) If a defendant receives probation under subdivision (a), and violates that probation either by being arrested for a nonviolent drug possession offense or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may intensify or alter the drug treatment plan.

(B) If a defendant receives probation under subdivision (a), and for the second time violates that probation either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a second time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or is unamenable to drug treatment. In determining whether a defendant is unamenable to drug treatment, the court may consider, to the extent relevant, whether the defendant (i) has committed a serious violation of rules at the drug treatment program, (ii) has repeatedly committed violations of program rules that inhibit the defendant's ability to function in the program, or (iii) has continually refused to participate in the program or asked to be removed from the program. If the court does not revoke probation, it may intensify or alter the drug treatment plan.

(C) If a defendant receives probation under subdivision (a), and for the third time violates that probation either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a).

(D) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall

revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence that the defendant poses a danger to the safety of others. If the court does not revoke probation, it may modify probation and impose as an additional condition participation in a drug treatment program.

(E) If a defendant on probation at the effective date of this act for a nonviolent drug possession offense violates that probation a second time either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a second time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. The trial court shall revoke probation if the alleged probation violation is proved and the state proves by a preponderance of the evidence either that the defendant poses a danger to the safety of others or that the defendant is unamenable to drug treatment. If the court does not revoke probation, it may modify probation and impose as an additional condition participation in a drug treatment program.

(F) If a defendant on probation at the effective date of this act for a nonviolent drug offense violates that probation a third time either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of probation, and the state moves for a third time to revoke probation, the court shall conduct a hearing to determine whether probation shall be revoked. If the alleged probation violation is proved, the defendant is not eligible for continued probation under subdivision (a).

SEC. 6. Section 3063.1 is added to the Penal Code, to read:

3063.1. Possession of Controlled Substances; Parole; Exceptions

(a) Notwithstanding any other provision of law, and except as provided in subdivision (b), parole may not be suspended or revoked for commission of a nonviolent drug possession offense or for violating any drug-related condition of parole.

As an additional condition of parole for all such offenses or violations, the Parole Authority shall require participation in and completion of an appropriate drug treatment program. Vocational training, family counseling and literacy training may be imposed as additional parole conditions.

The Parole Authority may require any person on parole who commits a nonviolent drug possession offense or violates any drug-related condition of parole, and who is reasonably able to do so, to contribute to the cost of his or her own placement in a drug treatment program.

(b) Subdivision (a) does not apply to:

(1) Any parolee who has been convicted of one or more serious or violent felonies in violation of subdivision (c) of Section 667.5 or Section 1192.7.

(2) Any parolee who, while on parole, commits one or more nonviolent drug possession offenses and is found to have concurrently committed a misdemeanor not related to the use of drugs or any felony.

(3) Any parolee who refuses drug treatment as a condition of parole.

(c) Within seven days of a finding that the parolee has either committed a nonviolent drug possession offense or violated any drug-related condition of parole, the Parole Authority shall notify the treatment provider designated to provide drug treatment under subdivision (a). Within 30 days thereafter the treatment provider shall prepare a drug treatment plan and forward it to the Parole Authority and to the California Department of Corrections Parole Division agent responsible for supervising the parolee. On a quarterly basis after the parolee begins drug treatment, the treatment provider shall prepare and forward a progress report to these entities and individuals.

(1) If at any point during the course of drug treatment the treatment provider notifies the Parole Authority that the parolee is unamenable to the drug treatment provided, but amenable to other drug treatments or related programs, the Parole Authority may act to modify the terms of parole to ensure that the parolee receives the alternative drug treatment or program.

(2) If at any point during the course of drug treatment the treatment provider notifies the Parole Authority that the parolee is unamenable to the drug treatment provided and all other forms of drug treatment, the Parole Authority may act to revoke parole. At the revocation hearing, parole may be revoked unless the parolee proves by a preponderance of the evidence that there is a drug treatment program to which he or she is amenable.

(3) Drug treatment services provided by subdivision (a) as a required condition of parole may not exceed 12 months, provided, however, that additional aftercare services as a condition of probation may be required for up to six months.

(d) Violation of parole

(1) If parole is revoked pursuant to the provisions of this subdivision, the defendant may be incarcerated pursuant to otherwise applicable law without regard to the provisions of this section.

(2) Non-drug-related parole violations

If a parolee receives drug treatment under subdivision (a), and during the course of drug treatment violates parole either by being arrested for an offense other than a nonviolent drug possession offense, or by violating a non-drug-related condition of parole, and the Parole Authority acts to revoke parole, a hearing shall be conducted to determine whether parole shall be revoked. Parole may be modified or revoked if the parole violation is proved.

(3) Drug-related parole violations

(A) If a parolee receives drug treatment under subdivision (a), and during the course of drug treatment violates parole either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of parole, and the Parole Authority acts to revoke parole, a hearing shall be conducted to determine whether parole shall be revoked. Parole shall be revoked if the parole violation is proved and a preponderance of the evidence establishes that the parolee poses a danger to the safety of others. If parole is not revoked, the conditions of parole may be intensified to achieve the goals of drug treatment.

(B) If a parolee receives drug treatment under subdivision (a), and during the course of drug treatment for the second time violates that parole either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of parole, and the Parole Authority acts for a second time to revoke parole, a hearing shall be conducted to determine whether parole shall be revoked. If the alleged parole violation is proved, the parolee is not eligible for continued parole under any provision of this section and may be reincarcerated.

(C) If a parolee already on parole at the effective date of this act violates that parole either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of parole, and the Parole Authority acts to revoke parole, a hearing shall be conducted to determine whether parole shall be revoked. Parole shall be revoked if the parole violation is proved and a preponderance of the evidence establishes that the parolee poses a danger to the safety of others. If parole is not revoked, the conditions of parole may be modified to include participation in a drug treatment program as provided in subdivision (a). This paragraph does not apply to any parolee who at the effective date of this act has been convicted of one or more serious or violent felonies in violation of subdivision (c) of Section 667.5 or Section 1192.7.

(D) If a parolee already on parole at the effective date of this act violates that parole for the second time either by being arrested for a nonviolent drug possession offense, or by violating a drug-related condition of parole, and the Parole Authority acts for a second time to revoke parole, a hearing shall be conducted to determine whether parole shall be revoked. If the alleged parole violation is proved, the parolee is not eligible for continued parole under any provision of this section and may be reincarcerated.

SEC. 7. Division 10.8 (commencing with Section 11999.4) is added to the Health and Safety Code, to read:

DIVISION 10.8. SUBSTANCE ABUSE TREATMENT FUNDING

11999.4. Establishment of the Substance Abuse Treatment Trust Fund

A special fund to be known as the "Substance Abuse Treatment Trust Fund" is created within the State Treasury and is continuously appropriated for carrying out the purposes of this division.

11999.5. Funding Appropriation

Upon passage of this act, $60,000,000 shall be continuously appropriated from the General Fund to the Substance Abuse Treatment Trust Fund for the 2000–01 fiscal year. There is hereby continuously appropriated from the General Fund to the Substance Abuse Treatment Trust Fund an additional $120,000,000 for the 2001–02 fiscal year, and an additional sum of $120,000,000 for each such subsequent fiscal year concluding with the 2005–06 fiscal year. These funds shall be transferred to the Substance Abuse Treatment Trust Fund on July 1 of each of these specified fiscal years. Funds transferred to the Substance Abuse Treatment Trust Fund are not subject to annual appropriation by the Legislature and may be used without a time limit. Nothing in this section precludes additional appropriations by the Legislature to the Substance Abuse Treatment Trust Fund.

11999.6. Distribution of Monies from Substance Abuse Treatment Trust Fund

Monies deposited in the Substance Abuse Treatment Trust Fund shall be distributed annually by the Secretary of the Health and Human Services Agency through the State Department of Alcohol and Drug Programs to counties to cover the costs of placing persons in and providing (a) drug treatment programs under this act, and (b) vocational training, family counseling and literacy training under this act. Additional costs that may be reimbursed from the Substance Abuse Treatment Trust Fund include probation department costs, court monitoring costs and any miscellaneous costs made necessary by the provisions of this act other than drug testing services of any kind. Such monies shall be allocated to counties through a fair and equitable distribution formula that includes, but is not limited to, per capita arrests for controlled substance possession violations and substance abuse treatment caseload, as determined by the department as necessary to carry out the purposes of this act. The department may reserve a portion of the fund to pay for direct contracts with drug treatment service providers in counties or areas in which the director of the department has determined that demand for drug treatment services is not adequately met by existing programs. However, nothing in this section shall be interpreted or construed to allow any entity to use funds from the Substance Abuse Treatment Trust Fund to supplant funds from any existing fund source or mechanism currently used to provide substance abuse treatment.

11999.7. Local Government Authority to Control Location of Drug Treatment Programs

Notwithstanding any other provision of law, no community drug treatment program may receive any funds from the Substance Abuse Treatment Trust Fund unless the program agrees to make its facilities subject to valid local government zoning ordinances and development agreements.

11999.8. Surplus Funds

Any funds remaining in the Substance Abuse Treatment Trust Fund at the end of a fiscal year may be utilized to pay for drug treatment programs to be carried out in the subsequent fiscal year.

11999.9. Annual Evaluation Process

The department shall annually conduct a study to evaluate the effectiveness and financial impact of the programs that are funded pursuant to the requirements of this act. The study shall include, but not be limited to, a study of the implementation process, a review of lower incarceration costs, reductions in crime, reduced prison and jail construction, reduced welfare costs, the adequacy of funds appropriated, and any other impacts or issues the department can identify.

11999.10. Outside Evaluation Process

The department shall allocate up to 0.5 percent of the fund's total monies each year for a long-term study to be conducted by a public university in California aimed at evaluating the effectiveness and financial impact of the programs that are funded pursuant to the requirements of this act.

11999.11. County Reports

Counties shall submit a report annually to the department detailing the numbers and characteristics of clients-participants served as a result of funding provided by this act. The department shall promulgate a form which shall be used by the counties for the reporting of this information, as well as any other information that may be required by the department. The department shall establish a deadline by which the counties shall submit their reports.

11999.12. Audit of Expenditures

The department shall annually audit the expenditures made by any county that is funded, in whole or in part, with funds provided by this act. Counties shall repay to the department any funds that are not spent in accordance with the requirements of this act.

11999.13. Excess Funds

At the end of each fiscal year, a county may retain unspent funds received from the Substance Abuse Treatment Trust Fund and may spend those funds, if approved by the department, on drug programs that further the purposes of this act.

SEC. 8. Effective Date

Except as otherwise provided, the provisions of this act shall become effective July 1, 2001, and its provisions shall be applied prospectively.

SEC. 9. Amendment

This act may be amended only by a roll call vote of two thirds of the membership of both houses of the Legislature. All amendments to this act shall be to further the act and shall be consistent with its purposes.

SEC. 10. Severability

If any provision of this act or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this initiative that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this initiative are severable.

Proposition 37: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure expressly amends the California Constitution by amending sections thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

Two-Thirds Vote Preservation Act of 2000

SECTION 1. Title

This measure shall be known and may be cited as the "Two-Thirds Vote Preservation Act of 2000."

SECTION 2. Findings and Declaration of Purpose

The People of the State of California find and declare that:

(a) Article XIII A, Section 3, of the California Constitution prohibits the California Legislature from imposing a state tax without approval by a two-thirds vote of the members of each house.

(b) Article XIII C, Section 2, subdivisions (b) and (d), of the California Constitution prohibit local governments from imposing a general tax without approval by a majority vote of the people or a special tax without approval by a two-thirds vote of the people.

(c) These vote requirements do not apply to the imposition of legitimate fees.

(d) There have been increasing attempts by the state and local governments to disguise new taxes as fees in order to avoid the vote requirements.

(e) In 1997 the California Supreme Court in the case of Sinclair Paint Company v. State Board of Equalization defined a fee in such manner as to unreasonably broaden the purposes for which fees can be imposed.

(f) The breadth of the Supreme Court's decision will encourage the use of fees to avoid the vote requirements of Articles XIII A and XIII C and significantly weaken the tax protections created by these propositions.

(g) The distinction between a fee and a tax was reasonably clear before the Supreme Court decision.

(h) In order to preserve that distinction and prevent avoidance of the two-thirds legislative vote requirement of Article XIII A and the majority and two-thirds popular vote requirements of Article XIII C, it is necessary to amend the Constitution.

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

SEC. 3. From and after the effective date of this article, any changes in state taxes enacted for the purpose of increasing revenues collected pursuant thereto whether by increased rates or changes in ~~methods~~ *the method* of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed. *For purposes of this section, "state taxes" do not include an "assessment" or "fee" as defined in Article XIII D, Section 2, subdivisions (b) and (e), real property development fees, or regulatory fees that do not exceed the reasonable cost of regulating the activity for which the fee is charged. Provided, however, compulsory fees enacted after July 1, 1999, to monitor, study or mitigate the societal or economic effects of an activity, and which impose no significant regulatory obligation on the fee payor's activity other than the payment of the fee, and regulatory fees that exceed the reasonable cost of regulating the activity for which the fee is charged, shall be deemed state taxes subject to the two-thirds vote requirement of this section. Monies recoverable as damages, remedial expenses or penalties arising from a specific event shall not be deemed taxes or fees.*

This section shall not apply to (1) any fee that was authorized by law prior to July 1, 1999, (2) any increase in such fee attributable to inflation, or (3) any increase in such fee attributable to increased workload, provided such increased workload is not the result of expansion of the class of activity or activities to which the fee applied prior to July 1, 1999.

SECTION 4. Section 1 of Article XIII C of the California Constitution is amended to read as follows:

SECTION 1. Definitions. As used in this article:

(a) "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.

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

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

(e) For purposes of subdivisions (a) and (d), "general taxes" and "special taxes" do not include an "assessment" or "fee" as defined in Article XIII D, Section 2, subdivisions (b) and (e), real property development fees, or regulatory fees that do not exceed the reasonable cost of regulating the activity for which the fee is charged. Provided, however, compulsory fees enacted after July 1, 1999, to monitor, study or mitigate the societal or economic effects of an activity, and which impose no significant regulatory obligation on the fee payor's activity other than the payment of the fee, and regulatory fees that exceed the reasonable cost of regulating the activity for which the fee is charged, shall be deemed general or special taxes subject to the majority or two-thirds vote requirements of Section 2, subdivisions (b) and (d), of this article. Monies recoverable as damages, remedial expenses or penalties arising from a specific event shall not be deemed taxes, special taxes, assessments or fees.

This section shall not apply to (1) any fee that was authorized by law prior to July 1, 1999, (2) any increase in such fee attributable to inflation, or (3) any increase in such fee attributable to increased workload, provided such increased workload is not the result of expansion of the class of activity or activities to which the fee applied prior to July 1, 1999.

SECTION 5. Severability

If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

Proposition 38: Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the California Constitution.

This initiative measure expressly amends the California Constitution by adding sections thereto; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

The National Average School Funding Guarantee and Parental Right to Choose Quality Education Amendment

SECTION 1. TITLE

This measure shall be known and may be cited as "The National Average School Funding Guarantee and Parental Right to Choose Quality Education Amendment."

SECTION 2. Section 8.1 is added to Article IX of the Constitution, to read:

SEC. 8.1. The people of the State of California find and declare:

(a) The economic and social viability of California depends on a well educated citizenry.

(b) Test scores from students in government operated schools reveal that the public school system in this state has become an inefficient monopoly, with many parents forced to enroll their children in schools that are failing to prepare students with the foundation skills of reading, writing and mathematics.

(c) As California embarks on the 21st century, basic changes in California's education delivery structure must be made to ensure that our children receive the benefits of quality education services.

(d) Parents are best equipped to make decisions for their children and have the right to select the educational setting that will best serve the interests and educational needs of their child.

(e) Families have the right to have their children attend schools that successfully teach reading, writing and mathematics to all enrolled students.

(f) The scholarship provided pursuant to this measure is a grant in aid to the parents for the education of their children. The decision by a parent to accept a scholarship and how it is used is not the decision of the state but an exercise of independent parental judgement.

(g) The scholarships provided pursuant to this measure are consistent with existing programs operated by the state including Cal-Grants, special education services in non-public schools, and

child care services, all of which use government revenues to provide services at privately operated institutions chosen by eligible individuals.

(h) The scholarship program enacted by this article is not intended to establish, support, promote or in any way endorse any religion. The people of this State intend only to provide the parents of schoolchildren with the financial means to make their own school choices, not to promote or disadvantage any particular class of schools.

(i) In order for California's students to compete with the students of other states and countries in the global economy of the 21st century, the people of the State of California hereby declare the importance of restoring the focus on academic outcome, introducing competition into the delivery of education services, eliminating waste and inefficiency in government operated schools while providing necessary resources for a quality public education.

(j) This measure recognizes the importance of maintaining and enhancing the per-pupil funding base in government schools at or above the national average amount as part of the system-wide reform of introducing competition and expanding the educational options for parents, which it would accomplish.

SECTION 3. Section 8.3 is added to Article IX of the Constitution, to read:

SEC. 8.3. (a) The Legislature may fund public schools by an amount equal to or exceeding the national average on a dollar per pupil basis pursuant to this section by a statute passed by a majority vote of the members of each house concurring. The amount of funding provided for the support of public schools pursuant to this section each fiscal year thereafter shall be equal to the number of students enrolled in the public school system in kindergarten through grade 12, inclusive, multiplied by an amount equal to or greater than the national average dollar per pupil funding amount calculated pursuant to subdivision (c). This amount shall be known as the national average school funding guarantee.

(b) If the national average school funding guarantee is operative it may only be suspended for a period of one fiscal year by a statute passed in each house by roll call vote entered in the journal, three fourths of the membership concurring provided that the statute may not be made part of, or included within, any bill enacted pursuant to Section 12 of Article IV.

(c) Each fiscal year, the Director of the Department of Finance shall calculate the amount of funding provided for support of public schools in this state, the enrollment in public schools in this state, and the national average dollar per pupil funding amount for support of public schools. To the extent that the Director of Finance is unable to determine the current year amount dedicated in each of the states for the public schools, the most recent amount for each state shall be adjusted upward by the appropriate number of times using the latest positive dollar per pupil growth rate in that state.

(d) If in any fiscal year, the amount of funding provided for support of public schools is at least the national average school funding guarantee calculated pursuant to subdivision (a), the amount calculated pursuant to subdivision (a) shall be used to calculate the amount of funds provided for the support of public schools in all subsequent fiscal years and this section shall supercede Section 8 of Article XVI.

(e) If the national average school funding guarantee becomes operative pursuant to this section, then this section shall supercede all the provisions of Section 8 of Article XVI with respect to funding for school districts and will define the amount of funds required to be appropriated for the support of public schools, thereby guaranteeing that students enrolled in California public schools are funded at or above the national average dollar per pupil amount.

(f) For purposes of this article, the following terms have the following meanings:

(1) "Amount of funding provided for the support of public schools" shall include all funds used to support services to students in public schools in grades kindergarten through 12, inclusive, including federal, state, and local sources, unrestricted funds, categorical funding, and funding dedicated to cover annual debt service on state and local bonds, certificates of participation, notes, and other forms of indebtedness, or any other funds, which are dedicated to finance local and state educational programs, administration or facilities for grades kindergarten through 12, inclusive, including disbursements, if any, pursuant to Section 8.5 of Article XVI.

(2) "National average dollar per pupil funding" shall be the average amount of funds provided in the United States for public school students in grades kindergarten through 12, inclusive, determined by calculating a statewide dollar per pupil average for each state which is the amount of funding provided for the support of public schools in that state, pursuant to paragraph (1), divided by the number of public school students enrolled in grades kindergarten through 12, inclusive. These dollar per pupil amounts shall then be averaged across all the states.

(3) "Child," "pupil," or "student" is a person eligible to attend kindergarten or any grades 1 to 12, inclusive.

(4) "Parent" is any person having legal or effective custody of a child.

(5) "Gender" means either a male human being or a female human being.

(g) The Legislature may enact a statute pursuant to Section 12 of Article IV for the necessary support of the community colleges in each fiscal year this section is operative. The intent of the people is that any such statute fully fund the demand for programs offered by the community colleges.

SECTION 4. Section 8.5 is added to Article IX of the Constitution, to read:

SEC. 8.5. (a) The people of this state, in recognition of their right to promote the general welfare, to secure the blessings of liberty to themselves and their posterity, and to pursue happiness, find that parents and not the state have the right to choose the appropriate educational setting for their children, whether that setting is a public school or a private school. Therefore, parents who choose to send their children to schools operated or owned by an entity other than the state or any of its subdivisions or agencies are eligible to receive a scholarship which may be used for the education of their children, consistent with this section.

(b) Commencing with the fiscal year following the approval by the voters of this section, the parents of school age children whose children are starting kindergarten or were enrolled for the previous school year in any of the grades kindergarten through 11, inclusive, in a public school shall receive, upon request, a scholarship for purposes of providing the parent with additional choices in the type of educational setting in which to enroll their child.

(c) In the second fiscal year and each fiscal year thereafter until fully implemented, parents' phase in eligibility for scholarships shall be determined as follows.

Parents of children who were enrolled in any of the grades kindergarten through 11, inclusive, in a public school in the prior year and in,

(1) year two: all other parents of children in grades kindergarten through 2, inclusive,

(2) year three: all other parents of children in grades kindergarten through 8, inclusive,

(3) year four and each subsequent year: all parents.

(d) (1) The amount of a scholarship, excluding any increases provided pursuant to paragraph (2) of this subdivision, shall be in grades kindergarten to twelve, inclusive, the greater of four thousand dollars ($4,000), one-half of the national average dollar per pupil funding defined pursuant to Section 8.3 of Article IX, or one-half of the amount of funds provided for the support of public schools divided by the enrollment of students enrolled in public schools in grades kindergarten through 12, inclusive if provided pursuant to Section 8.3.

(2) If a parent decides to apply for a scholarship to enroll their child in a scholarship-redeeming school, any scholarship amount that exceeds the tuition and fees of the scholarship-redeeming school for any year in which the pupil is in attendance shall be credited to an account on behalf of the parent for each eligible child to be managed by the State Treasurer. A parent may apply that surplus to supplement future tuition or fee costs that exceed the scholarship amount for that child in any of the grades one through twelve inclusive, and through the completion of an undergraduate degree. Any credit remaining on the date the pupil completes an undergraduate degree, or reaches 21 and is not enrolled in a scholarship-redeeming school, shall be credited to the state general fund.

(3) Costs to the State Treasurer pursuant to this subdivision shall be reimbursed from interest income earned on the management of these funds. The net interest earnings shall be deposited in the state general fund.

(4) The Legislature may enact statutes governing the management of the parent savings account.

(e) The amounts disbursed to parents for scholarships pursuant to this section shall not be calculated toward the amounts provided for the support of public schools pursuant to Section 8.3 of this article or Section 8 of Article XVI.

(f) Scholarships provided under this section are grants of aid to parents on behalf of their children, to provide parents with greater choice in selecting the most appropriate educational setting for their child, and not to the schools in which parents decide to enroll their children. These scholarships do not constitute taxable income to the parent or their child.

(g) After accepting a scholarship pursuant to this section, a parent may choose a non-public educational placement for the child and that selection is not, and shall not be deemed to be, a decision or act of the state or any of its subdivisions.

(h) (1) Any parent eligible pursuant to subdivision (c), having enrolled their child in a scholarship-redeeming school, may request a scholarship by providing proof of enrollment, tuition and fee information, and the address of the scholarship-redeeming school to the county office of education in the county in which the scholarship-redeeming school is located. The county office of education shall compile this information for all scholarship-redeeming parents within the county and shall submit the statement of current enrollment, tuition and fees, and addresses of scholarship-redeeming schools, to the Controller within 30 days of proof of enrollment.

(2) The Controller shall make four quarterly disbursements to the parent in the form of a check for the amount of the scholarship established pursuant to paragraph (1) of subdivision (d) adjusted for the amount transferred to or from the account established on behalf of the parent pursuant to paragraph (2) of subdivision (d). The Controller shall send the check to the address provided in paragraph (1). The parent shall restrictively endorse each quarterly check for application to the parent's account at the scholarship-redeeming school. In any fiscal year, the sum of the quarterly checks to a parent on behalf of a child shall not exceed the tuition and fees for that child at the scholarship-redeeming school.

(3) If a pupil of a parent or guardian receiving a scholarship transfers from a scholarship-redeeming school, the school shall provide written notification of the transfer and its effective date to the county office of education within 10 days of the transfer. The county office of education shall notify the Controller of the transfer and the Controller shall prorate the disbursement(s) to reflect only the period of time in which the child was actually enrolled.

(4) At the end of each fiscal year, the Controller shall deposit the unused portion of each scholarship in the parent's account established pursuant to paragraph (2) of subdivision (d).

(i) (1) A private school may become a scholarship-redeeming school by filing with the Superintendent of Public Instruction a statement certifying that the school satisfies the legal requirements that applied to private schools on January 1, 1999, and each of the requirements set forth in paragraph (2).

(2) To become a scholarship-redeeming school, a school shall certify that it meets each of the following requirements:

(A) The school does not discriminate on the basis of race, ethnicity, color or national origin, or advocate unlawful behavior of any kind. Nothing precludes the establishment of same gender schools or classrooms.

(B) The school does not deliberately provide false or misleading information about the school.

(C) No person convicted of (i) any felony or crime involving moral turpitude, (ii) any offense involving lewd or lascivious conduct, or (iii) any offense involving molestation or other abuse of a child, shall own, contract with or be employed by the school.

(D) A high school shall certify either (i), that the school has obtained notice from the University of California, California State University, or any private college or university accredited by a regional accreditation agency or an accreditation agency recognized by the state, that coursework completed by a pupil at the high school in one or more academic subjects designated by the institution issuing notice will fulfill the institution's admission requirements in the designated subject or subjects if a pupil's grades and the duration of study are acceptable; or (ii), that it has received either accreditation or provisional accreditation from a regional accreditation agency or an accrediting agency recognized by the state.

(3) Each scholarship-redeeming school shall comply with each of the following requirements on an annual basis:

(A) Prepare a statement of financial condition that lists the revenues, expenses and debts of the school. These documents shall be provided to parents upon request.

(B) Administer nationally normed reference tests, mandated to be taken by pupils enrolled in public schools and that provide individual student scores, to pupils whose parents have accepted scholarships, for the purpose of monitoring academic improvement of these pupils. The composite results of the test scores of the pupils of parents who accepted scholarships for each grade level tested shall be released to the public. Individual results shall be released only to the child's parents and the school that the child attends.

(4) Any scholarship-redeeming school may establish a code of conduct and discipline and enforce the code with sanctions, including dismissal. The school shall provide to the parent a copy of the written code of conduct and discipline upon the pupil's admission to the school. A pupil who is responsible for serious or habitual misconduct related to school activity or school attendance may be dismissed. A dismissed pupil may use the unused portion of a scholarship for the balance of the year in which the dismissal occurred at any other scholarship-redeeming school that will grant admission, or may return to a public school and forego the scholarship. The scholarship-redeeming school shall notify the county office of education in writing within ten days of any such dismissal.

(5) Notwithstanding Section 8.7 of this article, the Legislature may by majority vote enact civil and criminal penalties for schools and persons who engage in fraudulent conduct in connection with the solicitation of pupils or the redemption of scholarships under this section.

SECTION 5. Section 8.7 is added to Article IX of the Constitution, to read:

SEC. 8.7. (a) Private schools, including scholarship-redeeming schools, regardless of size, need maximum flexibility to educate pupils. Therefore, private schools shall be free from unnecessary, burdensome or onerous regulation. In any legal proceeding challenging a state statute or any regulation promulgated pursuant to a state statute as inconsistent with this section, the state shall bear the burden of establishing that the statute or regulation is necessary and that the statute or regulation does not impose any undue burden on private schools, including scholarship-redeeming schools.

(b) Except as provided in this section, private schools including scholarship-redeeming schools, are not subject to any state regulation beyond the state statutes, in effect and as enforced, that applied to private schools on January 1, 1999, including, but not limited to, Article 1 (commencing with Section 32000), Article 2 (commencing with Section 32020), and Article 5 (commencing with Section 32050) of Chapter 1 of Part 19 of, Article 5 (commencing with Section 33190) and Article 10.5 (commencing with Section 35295) of Chapter 2 of Part 20 of, and Sections 44237, 48200, 48202, 48222, 49068, 49069, and 51202 of, the Education Code. No additional statutes shall be enacted by the Legislature pertaining to private schools, including scholarship-redeeming private schools, unless approved by a three-fourths vote of the membership of each house of the Legislature.

(c) No regulation or ordinance may be enacted on or after the approval by the voters of this section that affects private schools, including scholarship-redeeming schools and that pertains to health, safety or land use and is imposed by any county, city, city and county, district or other subdivision of the state, except by a two-thirds vote of the governmental body issuing or enacting the regulation or ordinance and a majority vote of qualified electors within the affected jurisdiction. In any legal proceeding challenging a regulation or ordinance as inconsistent with this subdivision, the governmental body issuing or enacting the regulation or ordinance shall bear the burden of establishing that the regulation or ordinance meets each of the following criteria:

(1) It is essential to assure the health, safety or education of pupils, or, as to any land use regulation, that the governmental body has a compelling interest in issuing or enacting the regulation or ordinance.

(2) It does not unduly burden or impede private schools or the parents of students attending private schools.

(3) It does not harass, injure or suppress private schools.

(4) It does not infringe on a parent or guardian's freedom to make decisions regarding the quality and content of their child's education, or whether the child attends a public or private school, including a scholarship-redeeming school.

SECTION 6. Section 8.8 is added to Article IX of the Constitution, to read:

SEC. 8.8. If any portion of Section 8.5 of Article IX is enjoined from being utilized by parents to expand their choice in educational settings for their children at any class of schools, it shall not prevent Section 8.5 of Article IX from being operative for any other school or class of schools not explicitly covered by the judicial order.

Proposition 39: Text of Proposed Law

This initiative measure is submitted to the people of California in accordance with the provisions of Section 8 of Article II of the California Constitution.

This initiative measure amends provisions of the California Constitution and the Education Code; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SMALLER CLASSES, SAFER SCHOOLS AND FINANCIAL ACCOUNTABILITY ACT

SECTION ONE. TITLE

This act shall be known as the Smaller Classes, Safer Schools and Financial Accountability Act.

SECTION TWO. FINDINGS AND DECLARATIONS

The people of the State of California find and declare as follows:

(a) Investing in education is crucial if we are to prepare our children for the 21st Century.

(b) We need to make sure our children have access to the learning tools of the 21st Century like computers and the Internet, but most California classrooms do not have access to these technologies.

(c) We need to build new classrooms to facilitate class size reduction, so our children can learn basic skills like reading and mathematics in an environment that ensures that California's commitment to class size reduction does not become an empty promise.

(d) We need to repair and rebuild our dilapidated schools to ensure that our children learn in a safe and secure environment.

(e) Students in public charter schools should be entitled to reasonable access to a safe and secure learning environment.

(f) We need to give local citizens and local parents the ability to build those classrooms by a 55 percent vote in local elections so each community can decide what is best for its children.

(g) We need to ensure accountability so that funds are spent prudently and only as directed by citizens of the community.

SECTION THREE. PURPOSE AND INTENT

In order to prepare our children for the 21st Century, to implement class size reduction, to ensure that our children learn in a secure and safe environment, and to ensure that school districts are accountable for prudent and responsible spending for school facilities, the people of the State of California do hereby enact the Smaller Classes, Safer Schools and Financial Accountability Act. This measure is intended to accomplish its purposes by amending the California Constitution and the California Education Code:

(a) To provide an exception to the limitation on ad valorem property taxes and the two-thirds vote requirement to allow school districts, community college districts, and county offices of education to equip our schools for the 21st Century, to provide our children with smaller classes, and to ensure our children's safety by repairing, building, furnishing and equipping school facilities;

(b) To require school district boards, community college boards, and county offices of education to evaluate safety, class size reduction, and information technology needs in developing a list of specific projects to present to the voters;

(c) To ensure that before they vote, voters will be given a list of specific projects their bond money will be used for;

(d) To require an annual, independent financial audit of the proceeds from the sale of the school facilities bonds until all of the proceeds have been expended for the specified school facilities projects; and

(e) To ensure that the proceeds from the sale of school facilities bonds are used for specified school facilities projects only, and not for teacher and administrator salaries and other school operating expenses, by requiring an annual, independent performance audit to ensure that the funds have been expended on specific projects only.

SECTION FOUR

Section 1 of Article XIII A of the California Constitution is amended to read:

SEC. 1. (a) The maximum amount of any ad valorem tax on real property shall not exceed One percent (1%) of the full cash value of such property. The one percent (1%) tax to be collected by the counties and apportioned according to law to the districts within the counties.

(b) The limitation provided for in subdivision (a) shall not apply to ad valorem taxes or special assessments to pay the interest and redemption charges on ~~(1)~~ any ~~indebtedness~~ *of the following:*

(1) Indebtedness approved by the voters prior to July 1, 1978. ~~, or (2) any bonded~~

(2) Bonded indebtedness for the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in Article XIII A, Section 1(b)(3), and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college

board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(c) Notwithstanding any other provisions of law or of this Constitution, school districts, community college districts, and county offices of education may levy a 55 percent vote ad valorem tax pursuant to subdivision (b).

SECTION FIVE

Section 18 of Article XVI of the California Constitution is amended to read:

SEC. 18. *(a)* No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the ~~qualified electors thereof,~~ *voters of the public entity* voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the ~~qualified electors~~ *voters* of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and ~~also provision~~ to ~~constitute~~ *provide for* a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the ~~same; provided, however, anything to the contrary herein notwithstanding, when~~ *indebtedness.*

(b) Notwithstanding subdivision (a), on or after the effective date of the measure adding this subdivision, in the case of any school district, community college district, or county office of education, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, shall be adopted upon the approval of 55 percent of the voters of the district or county, as appropriate, voting on the proposition at an election. This subdivision shall apply only to a proposition for the incurrence of indebtedness in the form of general obligation bonds for the purposes specified in this subdivision if the proposition meets all of the accountability requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority *or 55 percent* of the ~~qualified electors~~ *voters*, as the case may be, voting on any one of ~~such~~ *those* propositions, vote in favor thereof, ~~such~~ *the* proposition shall be deemed adopted.

SECTION SIX

Section 47614 of the Education Code is amended to read:

47614. ~~A school district in which a charter school operates shall permit a charter school to use, at no charge, facilities not currently being used by the school district for instructional or administrative purposes, or that have not been historically used for rental purposes provided the charter school shall be responsible for reasonable maintenance of those facilities.~~

(a) The intent of the people in amending Section 47614 is that public school facilities should be shared fairly among all public school pupils, including those in charter schools.

(b) Each school district shall make available, to each charter school operating in the school district, facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district. Facilities provided shall be contiguous, furnished, and equipped, and shall remain the property of the school district. The school district shall make reasonable efforts to provide the charter school with facilities near to where the charter school wishes to locate, and shall not move the charter school unnecessarily.

(1) The school district may charge the charter school a pro rata share (based on the ratio of space allocated by the school district to the charter school divided by the total space of the district) of those school district facilities costs which the school district pays for with unrestricted general fund revenues. The charter school shall not be otherwise charged for use of the facilities. No school district shall be required to use unrestricted general fund revenues to rent, buy, or lease facilities for charter school students.

(2) Each year each charter school desiring facilities from a school district in which it is operating shall provide the school district with a reasonable projection of the charter school's average daily classroom attendance by in-district students for the following year. The district shall allocate facilities to the charter school for that following year based upon this projection. If the charter school, during that following year, generates less average daily classroom attendance by in-district students than it projected, the charter school shall reimburse the district for the over-allocated space at rates to be set by the State Board of Education.

(3) Each school district's responsibilities under this section shall take effect three years from the effective date of the measure which added this subparagraph, or if the school district passes a school bond measure prior to that time on the first day of July next following such passage.

(4) Facilities requests based upon projections of fewer than 80 units of average daily classroom attendance for the year may be denied by the school district.

(5) The term "operating," as used in this section, shall mean either currently providing public education to in-district students, or having identified at least 80 in-district students who are meaningfully interested in enrolling in the charter school for the following year.

(6) The State Department of Education shall propose, and the State Board of Education may adopt, regulations implementing this subdivision, including but not limited to defining the terms "average daily classroom attendance," "conditions reasonably equivalent," "in-district students," "facilities costs," as well as defining the procedures and establishing timelines for the request for, reimbursement for, and provision of, facilities.

SECTION SEVEN. CONFORMITY

The Legislature shall conform all applicable laws to this act. Until the Legislature has done so, any statutes that would be affected by this act shall be deemed to have been conformed with the 55 percent vote requirements of this act.

SECTION EIGHT. SEVERABILITY

If any of the provisions of this measure or the applicability of any provision of this measure to any person or circumstances shall be found to be unconstitutional or otherwise invalid, such finding shall not affect the remaining provisions or applications of this measure to other persons or circumstances, and to that extent the provisions of this measure are deemed to be severable.

SECTION NINE. AMENDMENT

Section 6 of this measure may be amended to further its purpose by a bill passed by a majority of the membership of both houses of the Legislature and signed by the Governor, provided that at least 14 days prior to passage in each house, copies of the bill in final form shall be made available by the clerk of each house to the public and the news media.

SECTION TEN. LIBERAL CONSTRUCTION

The provisions of this act shall be liberally construed to effectuate its purposes.

What do you think?

The Secretary of State is pleased and excited to present this Voter Information Guide for the November 7, 2000, General Election. As you have seen, we have made a number of innovative changes to make the Voter Information Guide more voter-friendly and easy to use for California citizens in our effort to promote greater voter participation. We thank the Sacramento firms of McNally Temple Associates, Inc. and Townsend Raimundo Besler & Usher, who donated their time and talents to create this innovative new design—at no cost to you.

Now, we want to know what you think. If you have any comments or suggestions on how to further improve the Voter Information Guide, we would like to hear from you. Please write your suggestions in the area below, detach and mail them to the following address:

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Sacramento, CA 95814

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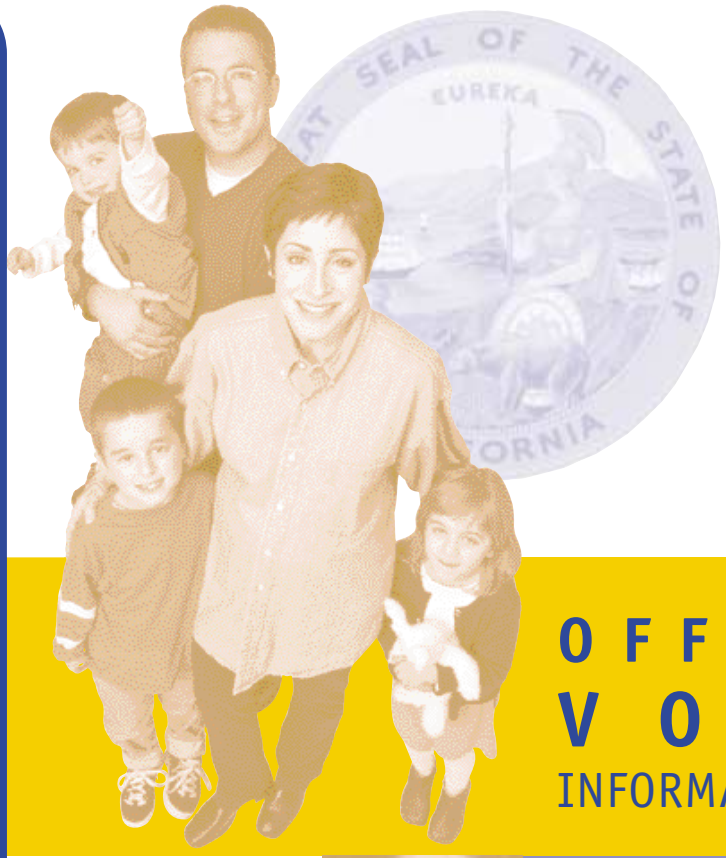

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15278
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15282

CA Educ Code Section 15278

Last Updated

Aug. 19, 2023

§ 15278's source at ca.gov ▸

(a) If a bond measure authorized pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution is approved, the governing board of the school district or community college shall establish and appoint members to an independent citizens' oversight committee, pursuant to Section 15282, within 60 days of the date that the governing board enters the election results on its minutes pursuant to Section 15274.

(b) The purpose of the citizens' oversight committee shall be to inform the public concerning the expenditure of bond revenues. The citizens' oversight committee shall actively review and report on the proper expenditure of taxpayers' money for school construction. The citizens' oversight committee shall advise the public as to whether a school district or community college district is in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution. The citizens' oversight committee shall convene to provide oversight for, but not be limited to, both of the following:

(1) Ensuring that bond revenues are expended only for the purposes described in paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution.

(2) Ensuring that, as prohibited by subparagraph (A) of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution, no funds are used for any teacher or administrative salaries or other school operating expenses.

(c) In furtherance of its purpose, the citizens' oversight committee may engage in any of the following activities:

(1) Receiving and reviewing copies of the annual, independent performance audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution.

(2) Receiving and reviewing copies of the annual, independent financial audit required by subparagraph (C) of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution.

(3) Inspecting school facilities and grounds to ensure that bond revenues are expended in compliance with the requirements of paragraph (3) of subdivision (b) of Section 1 of Article XIIIA of the California Constitution.

(4) Receiving and reviewing copies of any deferred maintenance proposals or plans developed by a school district or community college district, including any reports required by Section 17584.1.

(5) Reviewing efforts by the school district or community college district to maximize bond revenues by implementing cost-saving measures, including, but not limited to, all of the following:

(A) Mechanisms designed to reduce the costs of professional fees.

(B) Mechanisms designed to reduce the costs of site preparation.

(C) Recommendations regarding the joint use of core facilities.

(D) Mechanisms designed to reduce costs by incorporating efficiencies in schoolsite design.

(E) Recommendations regarding the use of cost-effective and efficient reusable facility plans.

Source: Section 15278, https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=15278..

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THE BROWN ACT

OPEN MEETINGS FOR LOCAL LEGISLATIVE BODIES

2003

CALIFORNIA ATTORNEY
GENERAL'S OFFICE

THE BROWN ACT

OPEN MEETINGS FOR LOCAL LEGISLATIVE BODIES

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Prepared by the Division of Civil Law

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State of California

Office of the Attorney General

Bill Lockyer
Attorney General

Throughout California's history, local legislative bodies have played a vital role in bringing participatory democracy to the citizens of the state. Local legislative bodies - such as boards, councils and commissions - are created in recognition of the fact that several minds are better than one, and that through debate and discussion, the best ideas will emerge. The law which guarantees the public's right to attend and participate in meetings of local legislative bodies is the Ralph M. Brown Act.

While local legislative bodies generally are required to hold meetings in open forum, the Brown Act recognizes the need, under limited circumstances, for these bodies to meet in private in order to carry out their responsibilities in the best interests of the public. For example, the law contains a personnel exception based on notions of personal privacy, and a pending litigation exception based upon the precept that government agencies should not be disadvantaged in planning litigation strategy. Although the principle of open meetings initially seems simple, application of the law to real life situations can prove to be quite complex.

The purpose of this pamphlet is to provide a brief description of the Brown Act, along with a discussion of court decisions and opinions of this office that add to our understanding by applying it in specific factual contexts. We hope this pamphlet will assist both public officials and those who monitor the performance of local legislative bodies to minimize and resolve disputes over interpretations of the Brown Act. In recent years, both the California Supreme Court and the courts of appeal have recognized the benefit of pamphlets issued by our office. This recognition by the courts, along with many favorable comments from members of the public, strengthens our resolve to continue producing reliable informational materials on the Brown Act and other California laws. Publication of these materials constitutes a tradition of service that we value greatly.

Ideas and suggestions for future editions of this pamphlet are welcomed and should be addressed to the editor.

Sincerely,

BILL LOCKYER
Attorney General

1300 I Street • Suite 1740 • Sacramento, California • 95814

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INTRODUCTION

This pamphlet concerns the provisions of the Ralph M. Brown Act, which govern open meetings for local government bodies. The Brown Act is contained in section 54950 et seq. of the Government Code. Accordingly, all statutory references in this pamphlet are to the Government Code unless otherwise noted. The pamphlet contains a table of contents, which may also serve as a topical outline for the reader. The pamphlet also includes a brief summary of the main provisions of the Brown Act, along with references to the appropriate Government Code sections and chapters of the text. The text includes a discussion of the law along with tips on how the law should be applied in particular situations. Numerous references are made to legal authorities throughout the text. A copy of the Brown Act in its entirety is set forth in the appendix to the pamphlet. Lastly, the pamphlet contains a table of authorities so that the reader can determine all of the places in the text where references are made to a particular authority.

In preparing this pamphlet, we relied on a variety of legal resources. Appellate court cases were consulted and are cited throughout the pamphlet. While most of the more significant cases are discussed, this pamphlet is not intended to be a compendium of all court cases in this area. In addition, we drew upon published opinions and unpublished letter opinions issued by this office. Attorney General opinions, unlike appellate court decisions, are advisory only and do not constitute the law of the state. However, with respect to the Brown Act, the courts have frequently adopted the analysis of Attorney General opinions, and have commented favorably on the service afforded by those opinions and this pamphlet. (*Bell* v. *Vista Unified School Dist.* (2000) 82 Cal.App.4th 672; *Freedom Newspapers* v. *Orange County Employees Retirement System* (1993) 6 Cal. 4th 821, 829.)

Published opinions are cited by volume and page number (e.g., 32 Ops.Cal.Atty.Gen. 240 (1958)). Unpublished letter opinions are cited as indexed letters by year and page number (e.g., Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).) Published opinions are available through law libraries and some attorneys' offices. As a general rule, indexed letters are available only in the Office of the Attorney General. Copies may be obtained by a request to the Public Inquiry Unit of the Office of the Attorney General.

If you have specific questions or problems, the statutes, cases and opinions should be consulted. You also may wish to refer the matter to the attorney for the agency in question, a private attorney or the district attorney.

The pamphlet is current through January 2003 with respect to statutes, case law, and Attorney General opinions.

SUMMARY OF KEY BROWN ACT PROVISIONS

COVERAGE

PREAMBLE:

Public commissions, boards, councils and other legislative bodies of local government agencies exist to aid in the conduct of the people's business. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.	54950	Ch. I

GOVERNING BODIES:

Includes city councils, boards of supervisors, and district boards. Also covered are other legislative bodies of local government agencies created by state or federal law.	54952(a)	Ch. I & II

SUBSIDIARY BODIES:

Includes boards or commissions of a local government agency as well as standing committees of a legislative body. A standing committee has continuing subject matter jurisdiction or a meeting schedule set by its parent body. Less-than-a-quorum advisory committees, other than standing committees, are exempt.	54952(b)	Ch. II

PRIVATE OR NONPROFIT CORPORATIONS OR ENTITIES:

Covered only if:

a.	A legislative body delegates some of its functions to a private corporation or entity; or	54952(c)(1)(A)	Ch. II
b.	If a legislative body provides some funding to a private corporation or entity and appoints one of its members to serve as a voting member of entity's board of directors.	54952(c)(1)(B)	

MEETING DEFINED

INCLUDES:

Any gathering of a quorum of a legislative body to discuss or transact business under the body's jurisdiction; serial meetings are prohibited.	54952.2	Ch. III

EXEMPTS:

(1)	Individual contacts between board members and others which do not constitute serial meetings;	54952.2(c)(1)	Ch. III
(2)	Attendance at conferences and other gatherings which are open to public so long as members of legislative bodies do not discuss among themselves business of a specific nature under the body's jurisdiction;	54952.2(c)(2), (3) and (4)	
(3)	Attendance at social or ceremonial events where no business of the body is discussed.	54952.2(c)(5)	

LOCATIONS OF MEETINGS:

A body must conduct its meetings within the boundaries of its jurisdiction unless it qualifies for a specific exemption.	54954	Ch. IV

TELECONFERENCE MEETINGS:

Teleconference meetings may be held under carefully defined conditions. The meeting notice must specifically identify all teleconference locations, and each such location must be fully accessible to members of the public.	54953	Ch. III

PUBLIC RIGHTS

PUBLIC TESTIMONY:

Public may comment on agenda items before or during consideration by legislative body. Time must be set aside for public to comment on any other matters under the body's jurisdiction.	54954.3	Ch. IV & V

NON-DISCRIMINATORY FACILITIES:		
Meetings may not be conducted in a facility that excludes persons on the basis of their race, religion, color, national origin, ancestry, or sex, or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.	54953.2; 54961	Ch. V
COPY OF RECORDING:		
Public may obtain a copy, at cost, of an existing tape recording made by the legislative body of its public sessions, and to listen to or view the body's original tape on a tape recorder or viewing device provided by the agency.	54953.5	Ch. V
PUBLIC VOTE:		
All votes, except for those cast in permissible closed session, must be cast in public. No secret ballots, whether preliminary or final, are permitted.	54953(c)	Ch. VI
CLOSED MEETING ACTIONS/DOCUMENTS:		
At an open session following a closed session, the body must report on final action taken in closed session under specified circumstances. Where final action is taken with respect to contracts, settlement agreements and other specified records, the public may receive copies of such records upon request.	54957.1	Ch. IV, V & VI
TAPING OR BROADCASTING:		
Meetings may be broadcast, audio-recorded or video-recorded so long as the activity does not constitute a disruption of the proceeding.	54953.5; 54953.6	Ch. V
CONDITIONS TO ATTENDANCE:		
Public may not be asked to register or identify themselves or to pay fees in order to attend public meetings.	54953.3; 54961	Ch. V
PUBLIC RECORDS:		
Materials provided to a majority of a body which are not exempt from disclosure under the Public Records Act must be provided, upon request, to members of the public without delay.	54957.5	Ch. V

REQUIRED NOTICES AND AGENDAS

REGULAR MEETINGS:		
Agenda containing brief general description (approximately twenty words in length) of each matter to be considered or discussed must be posted at least 72 hours prior to meeting.	54954.2	Ch. IV
SPECIAL MEETINGS:		
Twenty-four hour notice must be provided to members of legislative body and media outlets including brief general description of matters to be considered or discussed.	54956	Ch. IV
EMERGENCY MEETINGS:		
One hour notice in case of work stoppage or crippling activity, except in the case of a dire emergency.	54956.5	Ch. IV
CLOSED SESSION AGENDAS:		
All items to be considered in closed session must be described in the notice or agenda for the meeting. A model format for closed-session agendas appears in section 54954.5. Prior to each closed session, the body must orally announce the subject matter of the closed session. If final action is taken in closed session, the body generally must report the action at the conclusion of the closed session.	54954.2; 54954.5; 54957.1 and 54957.7	Ch. IV
AGENDA EXCEPTION:		
Special procedures permit a body to proceed without an agenda in the case of emergency circumstances, or where a need for immediate action came to the attention of the body after posting of the agenda.	54954.2(b)	Ch. IV

CLOSED-SESSION MEETINGS

PERSONNEL EXEMPTION:		
The body may conduct a closed session to consider appointment, employment, evaluation of performance, discipline or dismissal of an employee. With respect to complaints or charges against an employee brought by another person or another employee, the employee must be notified, at least 24 hours in advance, of his or her right to have the hearing conducted in public.	54957	Ch. VI
PUBLIC SECURITY:		
A body may meet with law enforcement or security personnel concerning the security of public buildings and services.	54957	Ch. VI
PENDING LITIGATION:		
A body may meet in closed session to receive advice from its legal counsel concerning existing litigation, initiating litigation, or situations involving a significant exposure to litigation. The circumstances which constitute significant exposure to litigation are expressly defined in section 54956.9(b)(3).	54956.9	Ch. VI
LABOR NEGOTIATIONS:		
A body may meet in closed session with its negotiator to consider labor negotiations with represented and unrepresented employees. Issues related to budgets and available funds may be considered in closed session, although final decisions concerning salaries of unrepresented employees must be made in public.	54957.6	Ch. VI
REAL PROPERTY NEGOTIATIONS:		
A body may meet in closed session with its negotiator to consider price and terms of payment in connection with the purchase, sale, exchange or lease of real property.	54956.8	Ch. VI

REMEDIES AND SANCTIONS

CIVIL REMEDIES:

Individuals or the district attorney may file civil lawsuits for injunctive, mandatory or declaratory relief, or to void action taken in violation of the Act.	54960; 54960.1	Ch. VII
Attorneys' fees are available to prevailing plaintiffs.	54960.5	

CRIMINAL SANCTIONS:

The district attorney may seek misdemeanor penalties against a member of a body who attends a meeting where action is taken in violation of the Act, and where the member intended to deprive the public of information which the member knew or has reason to know the public was entitled to receive.	54959	Ch. VII

CHAPTER I.

PURPOSE AND SCOPE

The Ralph M. Brown Act (Gov. Code, § 54950[1] et seq., hereinafter "the Brown Act," or "the Act") governs meetings conducted by local legislative bodies, such as boards of supervisors, city councils and school boards. The Act represents the Legislature's determination of how the balance should be struck between public access to meetings of multi-member public bodies on the one hand and the need for confidential candor, debate, and information gathering on the other. As the rest of this pamphlet will indicate, the Legislature has established a presumption in favor of public access. As the courts have stated, the purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. (*Cohan* v. *City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 555.) To these ends, the Brown Act imposes an "open meeting" requirement on local legislative bodies. (§ 54953 (a); *Boyle* v. *City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116.)

However, the Act also contains specific exceptions from the open meeting requirements where government has a demonstrated need for confidentiality. These exceptions have been construed narrowly; thus if a specific statutory exception authorizing a closed session cannot be found, the matter must be conducted in public regardless of its sensitivity. (§ 54962; *Rowen* v. *Santa Clara Unified School District* (1981) 121 Cal.App.3d 231, 234; 68 Ops.Cal.Atty.Gen. 34, 41-42 (1985).)

Where matters are not subject to a closed meeting exception, the Act has been interpreted to mean that all of the deliberative processes by legislative bodies, including discussion, debate and the acquisition of information, be open and available for public scrutiny. (*Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41; 42 Ops.Cal.Atty.Gen. 61, 63 (1963); 32 Ops.Cal.Atty.Gen. 240 (1958).) The Act only applies to multi-member bodies such as councils, boards, commissions and committees since, unlike individual decision makers, such bodies are created for the purpose of reaching collaborative decisions through public discussion and debate.

A host of provisions combine to provide public access to the meetings of legislative bodies. For example, the times and dates of all meetings must be noticed and an agenda must be prepared providing a brief general description of all matters to be discussed or considered at the meeting. (§§ 54954, 54954.2.) As a precondition to attending the meeting, members of the public may not be asked to provide their names. (§ 54953.3.) While in attendance, members of the public may make video or audio recordings of the meeting. (§ 54953.5.) As a general rule, information given to a majority of the members of the legislative body in connection with an open meeting must be equally available to members of the public. (§ 54957.5.) Before or during consideration of each agenda item, the public must be given an opportunity to comment on the item. (§ 54954.3(a).)

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[1] All statutory references are to the Government Code except as otherwise indicated.

While the Act creates broad public access rights to the meetings of legislative bodies, it also recognizes the legitimate needs of government to conduct some of its meetings outside of the public eye. Closed-session meetings are specifically defined and are limited in scope. They primarily involve personnel issues, pending litigation, labor negotiations and real property acquisitions. (§§ 54956.8, 54956.9, 54957, 54957.6.) Each closed-session meeting must be preceded by a public agenda and by an oral announcement. (§§ 54954.2, 54957.7.) When final action is taken in closed session, the legislative body may be required to report on such action. (§ 54957.1.)

The following chapters contain a more detailed discussion of the persons governed by the Act, the notice and agenda requirements, access rights of the public, limitations on closed sessions and available remedies for violation of the Act.

CHAPTER II.

BODIES SUBJECT TO THE BROWN ACT

The Brown Act applies to the "legislative bodies" of all local agencies in California, e.g., councils, boards, commissions and committees. (§§ 54951, 54952.) In addition, any person elected to serve as a member of a legislative body who has not assumed the duties of office shall conform his or her conduct to the requirements of the Act, and shall be treated for purposes of enforcement of the Act as if he or she had already assumed office. (§ 54952.1; see, 216 *Sutter Bay Associates* v. *County of Sutter* (1997) 58 Cal.App.4th 860.)

The Act does not apply to individual decision makers who are not elected or appointed members of legislative bodies such as agency or department heads when they meet with advisors, staff, colleagues or anyone else. Similarly, the Act does not apply to multi-member bodies which are created by an individual decision maker. (75 Ops.Cal.Atty.Gen. 263, 269 (1992); 56 Ops.Cal.Atty.Gen. 14, 17 (1973).) However, where a body directs or authorizes a single individual to appoint a body, it would probably be subject to the Act. (*Frazer* v. *Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793; *International Longshoremen's & Warehousemen's Union* v. *Los Angeles Expert Terminal, Inc.* (1999) 69 Cal.App.4th 287, 297.) Boards and commissions that are created by statute or ordinance are subject to the Act even if they are under the jurisdiction of an individual department head.

A single individual acting on behalf of an agency is not a "legislative body" since the definition of that term connotes a group of individuals. Thus, a hearing officer, functioning by himself or herself in an employee disciplinary hearing, is not a legislative body (*Wilson* v. *San Francisco Mun. Ry.* (1973) 29 Cal.App.3d 870, 878-879), nor is an individual city councilmember screening candidates for a vacant city office. (Cal.Atty.Gen., Indexed Letter, No. IL 76-181 (September 13, 1976).)

The Act applies to the meetings of "legislative bodies" of "local agencies." An understanding of each of these terms is necessary in order to properly apply the provisions of the Act to individual situations. These terms will be discussed in the following sections.

1. Local Agencies

Local agencies include all cities, counties, school districts, municipal corporations, special districts, and all other local public entities. (§ 54951.) The first determination one must make in assessing the applicability of the Act is whether the agency is local in nature. If the agency is essentially local in character, it is probably subject to the Act. (§ 54951.) If, however, the agency is a multi-member state body, the Bagley-Keene Act applies. (§ 11120 et seq.) The fact that an agency is created by state or federal law, rather than local ordinance, does not mean that the agency is not essentially local in character. (§ 54952(a).) Factors in assessing the local versus state character of a body may include: the geographical coverage of the agency, the duties of the agency, provisions concerning membership and appointment, or the existence of an oversight agency.

The issue of whether an agency is local or state in character was addressed in *Torres* v. *Board of Commissioners* (1979) 89 Cal.App.3d 545, in the context of determining whether a housing authority was subject to the Act. The court stated:

> "While a housing authority may be a state agency for some purposes . . . if it is within the Brown Act's definition of a local agency, it is simply not included within the State Act. We hold that a housing authority created by Health and Safety Code section 34200 et seq. is included within the statutory definition of a local agency under the Brown Act in that it is either an 'other local public agency' or a 'municipal corporation' or both, as those terms are used in Government Code section 54951. . . . The term 'municipal corporation' is broader than the term 'city,' particularly when the term 'city' already appears in the applicable statute. . . . In order to give meaning to the term 'municipal corporation' in Government Code section 54951 we hold that such term is not restricted to its technical sense of a 'city,' general law or charter, but rather includes such entities as housing authorities. . . . In addition, a housing authority is local in scope and character, restricted geographically in its area of operation, and does not have statewide power or jurisdiction even though it is created by, and is an agent of, the state rather than of the city or county in which it functions. . . .
>
> "Furthermore, as perceptively noted by the trial court, the placement of Government Code section 11120 and its history is some persuasive indication that the State Act was meant to cover executive departments of the state government and was not meant to cover local agencies merely because they were created by state law. A housing authority is no more a state agency under

> these acts than is a city or a county. The fact that such entities from time to time administer matters of state concern may make them state agents for such purposes but not state agencies under the open meeting acts." [Citations omitted.] (*Torres* v. *Board of Commissioners* (1979) 89 Cal.App.3d 545, 549-550.)

The Act has also been found to apply to an air pollution control district (71 Ops.Cal.Atty.Gen. 96 (1988)), a regional open space district (73 Ops.Cal.Atty.Gen. 1 (1990), and to such other local bodies as area and local voluntary health planning agencies (Cal.Atty.Gen., Indexed Letter, No. IL 72-79 (April 4, 1979).) The Act is a matter of statewide concern and, therefore, applies equally to charter and general law cities. (*San Diego Union* v. *City Council* (1983) 146 Cal.App.3d 947, 957.)

The Act does not apply to the judicial branch of government or boards and commissions which are an adjunct to the judiciary. (See Cal.Atty.Gen., Indexed Letter, No. IL 75-109 (June 3, 1975); Cal.Atty.Gen., Indexed Letter, No. IL 62-46 (May 15, 1962); Cal.Atty.Gen., Indexed Letter, No. IL 60-16 (February 14, 1960).) This office has also concluded the Act is not applicable to county central committees of a political party because they are neither public entities nor are they included in any of the special statutory provisions of the Act. (59 Ops.Cal.Atty.Gen. 162, 164 (1976).)

2. Legislative Bodies

Having concluded that the Act applies to bodies that are "local" in character, we turn now to a discussion of the requirement that such local bodies qualify as "legislative bodies" within the meaning of the Act. The term "legislative body" is not used in its technical sense in the Act. (§ 54952.) The Act's application is not limited to boards and commissions insofar as they perform "legislative" functions. Bodies that perform actions which are primarily executive or quasi-judicial in nature are also subject to the Act as well. (61 Ops.Cal.Atty.Gen. 220 (1978); 57 Ops.Cal.Atty.Gen. 189 (1974).)

In the past, the different types of bodies covered by the Act were set forth in several Government Code sections. This approach led to confusion with respect to the interrelationship between these sections and exemptions contained within them. (*Freedom Newspapers* v. *Orange County Employees Retirement System* (1993) 6 Cal.4th 821.) In 1994, the Legislature amended the Act to consolidate, into a single section, all of the provisions defining those bodies that are subject to the Act's requirements. (§ 54952.) By so doing, the Legislature hoped to clarify the definitions and the exemptions contained in them.

Below is a discussion of the various types of bodies that are defined as "legislative bodies" for purposes of the Act.

A. Governing Bodies

The governing bodies of local government agencies are the most basic type of body subject to the Act's requirements. These include the board of supervisors of a county, the city council of a city or the governing board of a district. (§ 54952(a).) In addition, the Act expressly applies to local bodies created by state or federal statute. (§54952(a).) The board of directors for a joint powers authority would be covered as a governing body of a local agency; joint powers authorities are also covered because they are created according to a procedure established by state law. (§ 6500 et seq.)

B. Subsidiary Bodies

Any board, commission, committee or other body of a local agency created by charter, ordinance, resolution or formal action of a legislative body is itself a legislative body. (§ 54952(b).) Generally, this is the case regardless of whether the body is permanent or temporary, advisory or decisionmaking. However, there is a specific exemption for an advisory committee which is comprised solely of less than a quorum of the members of the legislative body that created the advisory body. (§ 54952(b).) This exception does not apply if the advisory committee is a standing committee. (§ 54952(b).) A standing committee is a committee which has continuing jurisdiction over a particular subject matter (e.g., budget, finance, legislation) or if the committee's meeting schedule is fixed by charter, ordinance, resolution or other formal action of the legislative body that created it. (See examples, *infra,* p. 6.)

The term "formal action" is used twice in section 54952(b) in connection with advisory committees and standing committees. The term "formal action of a legislative body" appears to be a term intended to distinguish between the official actions of the body and the informal actions of particular board members. For example, in *Joiner* v. *City of Sebastopol* (1981) 125 Cal.App.3d 799, 805, the court concluded that the city council had taken formal action by designating two of its members to sit on an advisory committee and establish the committee's agenda, even though the council did not act by formal resolution. Similarly, in *Frazer* v. *Dixon Unified School District* (1993) 18 Cal.App.4th 781, 792-793, the court indicated that a school board's authorization to the superintendent to appoint a committee under specified circumstances constituted a creation of an advisory committee by formal action of the board. "Formal action of a legislative body" is not limited to a formal resolution or a formal vote by the body.

When a legislative body designates less than a quorum of its members that does not constitute a standing committee to meet with representatives of another legislative body to exchange information and report back to their respective bodies, a meeting between the representatives would be exempt from the Act. (*Joiner* v. *City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.) However, if a legislative body designates less than a quorum of its members to meet with representatives of another legislative body to

perform a task, such as the making of a recommendation, an advisory committee consisting of the representatives from both bodies would be created. Such a committee would be subject to the open meeting and notice provisions of the Act. (*Joiner* v. *City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.) The fact that the advisory committee was contingent upon the second body's compliance does not detract from the conclusion that the creation of the committee must be attributed to the first body's action. (*Joiner* v. *City of Sebastopol* (1981) 125 Cal.App.3d 799, 805.)

The following illustrates how section 54952(b) operates. A city council creates four bodies to address various city problems.

- Commission comprised of councilmembers, the city manager and interested citizens: This committee is covered by the Act because there is no exemption for it regardless of whether it is decisionmaking or advisory in nature.

- Advisory committee comprised of two councilmembers for the purpose of reviewing all issues related to parks and recreation in the city on an ongoing basis: This committee is a standing committee which is subject to the Act's requirements because it has continuing jurisdiction over issues related to parks and recreation in the city.

- Advisory committee comprised of two city councilmembers for the purpose of producing a report in six months on downtown traffic congestion: This committee is an exempt advisory committee because it is comprised solely of less than a quorum of the members of the city council. It is not a standing committee because it is charged with accomplishing a specific task in a short period of time, i.e., it is a limited term ad hoc committee.

- Advisory committee comprised of two councilmembers to meet on the second Monday of each month pursuant to city council resolution: This committee is subject to the Act as a standing committee because its meeting schedule is fixed by the city council.

C. Private or Nonprofit Corporations and Other Entities

Under specified circumstances, meetings of boards, commissions, committees or other multi-member bodies that govern private corporations, limited liability companies or other entities may become subject to the open meeting requirements of the Act. Ordinarily, these private corporations or other entities will be nonprofit corporations. In some instances, they are created by the governmental entity to support the efforts of the governmental entity. Other times they are privately created and, to some degree, may partner with a governmental entity to accomplish a common goal. (See Ed. Code, § 47604(a) [concerning possible application to charter schools].) The circumstances

that determine whether nonprofit corporations or other entities are governed by the Brown Act are set forth in section 54952(c).

The Act expressly applies to private corporations, limited liability companies and other entities that are created by the legislative body for the purpose of exercising authority which can be lawfully delegated to them. (§ 54952(c)(1); *Epstein* v. *Hollywood Entertainment District II Business Improvement District* (2000) 85 Cal.App.4th 152 [Property Owners Association covered because it received money from taxes on property and businesses within the Business Improvement District, and it was structured to assume certain administrative functions ordinarily performed by the city]; 85 Ops.Cal.Atty.Gen. 55 (2002) [Act covered private nonprofit corporation formed for the purpose of providing programming for a cable television channel set aside for educational use by a cable operator pursuant to its franchise agreement with a city and subsequently designated by the city to provide the programming services]; 81 Ops.Cal.Atty.Gen. 281, 290 (1998) [community redevelopment agency created nonprofit entity and delegated authority to it].) Typically, the entities subject to this subdivision will be nonprofit corporations established jointly by various government entities for the purpose of constructing, operating or maintaining a public works project or public facility. (*International Longshoremen's & Warehousemen's Union* v. *Los Angeles Expert Terminal, Inc.* (1999) 69 Cal.App.4th 287, 294.)

The Act also applies to the meetings of entities which receive funds from a local agency where the legislative body for the local agency appoints one of its members to the governing board of the entity as a voting member of the board. (§ 54952(c)(2).) The Act does not apply to boards of a nonprofit corporation or other entity where the legislative body appoints someone other than one of its own members to the governing body of such entity. It continues to be the law that the mere receipt of public funds by a nonprofit corporation or other entity does not subject it to the requirements of the Act.

D. Hospital Lessees

The Act expressly applies to the meetings of lessees of hospitals pursuant to Health and Safety Code section 32121, subdivision (p), where the hospital or any part of it was first leased after January 1, 1994, where the lessee exercises any delegated authority of a local government agency, whether or not the lessee was organized and operated by the local government agency or a delegated authority. (§ 54952(d).)

CHAPTER III.

MEETING DEFINED

The term "meeting" is defined in section 54952.2 and expressly discusses several types of meeting formats. First, the term "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate upon any matter which is under the subject matter jurisdiction of the agency. (§ 54952.2(a).) Under this definition, face to face gatherings of a legislative body in which issues under the subject matter jurisdiction of the body are discussed, decided or voted upon are meetings subject to the Brown Act. Informal gatherings such as lunches or social gatherings also would constitute meetings if issues under the subject matter jurisdiction of the body are discussed or decided by the member of the body. Second, the Act specifically prohibits any use of direct communication, personal intermediaries or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken. (§ 54952.2(b).) Most often this type of meeting is conducted through a series of communications by individual members or less-than-a-quorum groups, ultimately involving a majority of the body's members. These meetings are called serial meetings. The Act also expressly excludes specified gatherings from its definition of a meeting. (§ 54952.2(c).)

Specific issues relating to these meeting formats are discussed below.

1. Face to Face Meetings

The definition of the term "meeting" contained in section 54952.2(a) includes any congregation of a majority of the members of a body at the same time and place to hear, discuss or deliberate on any issue under the subject matter jurisdiction of the body. This definition makes it clear that the body need not take any action in order for a gathering to be defined as a meeting. A gathering is a meeting if a majority of the members of the body merely receive information or discuss their views on an issue. A meeting also covers a body's deliberations, including the consideration, analysis or debate of an issue, and any vote which may ultimately be taken. Under this construction, any gathering of a majority of the members of a body to receive information, hear a proposal, discuss an issue or take any action on an issue under the subject matter jurisdiction of the body is a meeting subject to the notice and open meeting requirements of the Act.

Under section 54952.2, as well as prior case law, a gathering need not be formally convened in order to be covered by the Act. In *Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs*. (1968) 263 Cal.App.2d 41, the court held that a luncheon gathering which included five county supervisors, the county counsel, a variety of county officers, and representatives of a union to discuss a strike which was under way against the county was a meeting within

the meaning of the Act. Therefore, the meeting should have been noticed and members of the media and public should have been admitted to witness the meeting. In reaching its conclusion, the court stated:

> "An informal conference or caucus permits crystallization of secret decisions to a point just short of ceremonial acceptance. There is rarely any purpose to a nonpublic pre-meeting conference except to conduct some part of the decisional process behind closed doors. Only by embracing the collective inquiry and discussion stages, as well as the ultimate step of official action, can an open meeting regulation frustrate these evasive devices. As operative criteria, formality and informality are alien to the law's design, exposing it to the very evasions it was designed to prevent. Construed in the light of the Brown Act's objectives, the term 'meeting' extends to informal sessions or conferences of the board members designed for the discussion of public business. The Elks Club luncheon, attended by the Sacramento County Board of Supervisors, was such a meeting." (*Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs*. (1968) 263 Cal.App.2d 41, 50-51; see also 42 Ops.Cal.Atty.Gen. 61 (1963) ["informal," "study," "discussion," "informational," "factfinding," or "precouncil" gatherings of a quorum of the members of a board are within the scope of the Act as meetings].)

The Act contains the following specific exemptions.

A. Conferences and Retreats

The Act exempts conferences and similar gatherings, which are open to the public, that involve issues of interest to the public or to public agencies of the type represented by the legislative body in question, so long as the majority of the members of the legislative body do not discuss among themselves, other than as part of the scheduled program, any issues of a specific nature which are within the subject matter jurisdiction of the legislative body. (§ 54952.2(c)(2).) However, the conference need not necessarily be a conference of public agencies to fall within the exemption; rather, the gathering could be a conference of media outlets, environmental organizations, health care entities, social welfare organizations so long as the subject of the conference is related to the body's jurisdiction. The exemption for conferences does contain two limitations. First, a majority of the members of the legislative body in attendance at the conference may not caucus or discuss among themselves business of a specific nature within the body's jurisdiction. However, members may enter into discussions on issues or business affecting their local agency in a public forum as part of the scheduled program of the conference. Second, the conference must be open to the public, although the exemption specifically provides that a member of the public need not be provided with free admission where others are charged a fee.

Agency retreats, unlike conferences, do not involve a number of public agencies and interested individuals apart from the legislative body itself. Therefore, retreats continue to be subject to the open meeting and notice requirements of the Act.

B. Other Public Meetings

When a majority of a legislative body attends an open and publicized meeting held by a person or organization, other than the local agency on a matter of local interest, the legislative body is not deemed to be conducting a meeting, so long as the members in attendance do not discuss among themselves, other than as part of the scheduled program, issues of a specific nature related to the subject matter jurisdiction of the body. (§ 54952.2(c)(3).) This exception applies to attendance at a meeting conducted by a private individual, or private organization, so long as the meeting concerns issues of local interest and is open to the public and well publicized in advance. Under the terms of the exception, members of a legislative body who attend a meeting conducted by another person or organization may not caucus or discuss among themselves specific business within the body's jurisdiction. However, a member of the legislative body may discuss issues related to the purpose of the meeting during public testimony. Candidate debates including incumbents and challengers would be permitted under this exception.

C. Meetings of Other Legislative Bodies

When a majority of the legislative body attends an open and noticed meeting of another legislative body of the same or a different local agency, the legislative body is not deemed to be conducting a meeting, so long as the members in attendance do not discuss, among themselves, other than as part of the scheduled meeting, issues of a specific nature related to the subject matter jurisdiction of the body. (§ 54952.2(c)(4).) Thus, when a majority of a planning commission attends a meeting of the city council for the same city, it need not treat such attendance as a meeting of the planning commission for purposes of the Act. Similarly, when a majority of the members of a city council attend a meeting of the county board of supervisors, the city council is not conducting a meeting within the meaning of the Act. However, if two bodies conduct a joint meeting, each body should notice the meeting as a joint meeting of the two bodies. This exception, which is contained in section 54952.2(c)(4), does not apply when a majority of the members of a parent legislative body attend a meeting of a standing committee of the parent body. However, section 54952.2(c)(6) specifically addresses this issue. It provides that a majority of the parent body may attend an open and noticed meeting of a standing committee so long as the members who are not members of the standing committee and which cause a majority of the parent body to be present, attend only as observers. In 81 Ops.Cal.Atty.Gen. 156, 158 (1998), this office concluded that persons who attended solely as observers could not address the

committee by testifying, asking questions or providing information. In addition, the opinion concluded that observers could not sit at the dias.

D. Social or Ceremonial Occasions

Attendance by a majority of the members of the legislative body at a purely social or ceremonial occasion is not deemed to be a meeting, so long as the members do not discuss among themselves specific business within the jurisdiction of the body. (§ 54952.2(c)(5).) This has long been the law in California. (*Sacramento Newspaper Guild* v. *Sacramento County Bd.* of *Suprs.* (1968) 263 Cal.App.2d 41; 43 Ops.Cal.Atty.Gen. 36, 38 (1964).) In practice, this prohibition may sometimes be difficult to observe since persons attending social or ceremonial occasions frequently wish to discuss specific issues with their governmental officials. However, where a majority of a legislative body is present, the members must not discuss specific business within the jurisdiction of the body to avoid violating the Act.

2. Serial Meetings

The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their elected representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their elected representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.

The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); *Stockton Newspapers, Inc.* v. *Redevelopment Agency* (1985) 171 Cal.App.3d 95, 103.) This provision raises two questions: first, what is a serial meeting for purposes of this definition; and second, what does it mean to develop a concurrence as to action to be taken.

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of the legislative body, but which taken as a whole involves a majority of the body's members. For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting in the case of a five-person body. Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In addition, a serial meeting occurs when intermediaries for board members have a meeting to discuss issues. For example, when a representative of member A meets with representatives of members B and C to discuss an agenda item, the members have conducted a serial meeting through their representatives as intermediaries. The statutory definition also applies to situations in which technological devices are used to connect people at the same time

who are in different locations (but see the discussion below concerning the exception for teleconference meetings).

Once serial communications are found to exist, it must be determined whether the communications were used to develop a concurrence as to action to be taken. If the serial communications were not used to develop a concurrence as to action to be taken, the serial communications do not constitute a meeting and the Act is not applicable. In construing these terms, one should be mindful of the ultimate purposes of the Act -- to provide the public with an opportunity to monitor and participate in the decision-making processes of boards and commissions. As such, substantive conversations among members concerning an agenda item prior to a public meeting probably would be viewed as contributing to the development of a concurrence as to the ultimate action to be taken. Conversations which advance or clarify a member's understanding of an issue, or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications which contribute to the development of a concurrence as to action to be taken by the legislative body. Accordingly, with respect to items that have been placed on an agenda or that are likely to be placed upon an agenda, members of legislative bodies should avoid serial communications of a substantive nature concerning such items.

Problems arise when systematic communications begin to occur which involve members of the board acquiring substantive information for an upcoming meeting or engaging in debate, discussion, lobbying or any other aspect of the deliberative process either among themselves or with staff. For example, executive officers may wish to brief their members on policy decisions and background events concerning proposed agenda items. This office believes that a court could determine that such communications violate the Act, because such discussions are part of the deliberative process. If these communications are permitted to occur in private, a large part of the process by which members reach their decisions may have occurred outside the public eye. Under these circumstances, the public would be able only to witness a shorthand version of the deliberative process, and its ability to monitor and contribute to the decision-making process would be curtailed. Therefore, we recommend that when the executive director is faced with this situation, he or she prepare a memorandum outlining the issues for all of the members of the board as well as the public. In this way, the serial meeting violation may be avoided and everyone will have the benefit of reacting to the same information.

However, this office does not think that the prohibition against serial meetings would prevent an executive officer from planning upcoming meetings by discussing times, dates, and placement of matters on the agenda. It also appears that an executive officer may receive spontaneous input from any of the board members with respect to these or other matters so long as a quorum is not involved.

The express language of the statute concerning serial meetings largely codifies case law developed by the courts and the opinions issued by this office in the past. In *Frazer* v. *Dixon Unified School District* (1993) 18 Cal.App.4th 781, 796-798, the court concluded that the Act applies equally to the deliberations of a body and its decision to take action. If a collective commitment were a necessary component of every meeting, the body could conduct most or all of its deliberation behind closed doors so long as the body did not actually reach agreement prior to consideration in public session. Accordingly, the court concluded that the collective acquisition of information constituted a meeting. The court cited briefing sessions as examples of deliberative meetings which are subject to the Act's requirements, and contrasted these sessions with activities that fall outside the purview of the Act, such as the passive receipt of an individual's mail or the solitary review of a memorandum by an individual board member.

In *Stockton Newspapers, Inc.* v. *Redevelopment Agency* (1985) 171 Cal.App.3d 95, 105, the court concluded that a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting. In that case, the attorney individually polled the members of the body for their approval on a real estate transaction. The court concluded that even though the meeting was conducted in a serial fashion, it nevertheless was a meeting for the purposes of the Act. (See also, 65 Ops.Cal.Atty.Gen. 63, 66 (1982); 63 Ops.Cal.Atty.Gen. 820, 828-829 (1980).)

3. Individual Contacts Between Members of the Public and Board Members

The prohibition against serial meetings must be reconciled with the exemption for individual contacts and communications contained in section 54952.2(c)(1). Individual contacts or communications between a member of a legislative body and any other person are specifically exempt from the definition of a meeting. (§ 54952.2(c)(1).) The purpose of this exception appears to be to protect the constitutional rights of individuals to contact their government representatives regarding issues which concern them. To harmonize this exemption with the serial meeting prohibition, the term "any other person" is construed to mean any person other than a board member or agency employee. Thus, while this provision exempts from the Act's coverage conversations between board members and members of the public, it does not exempt conversations among board members, or between board members and their staff.

By using the words "individual contacts or conversations" it appears that the Legislature was attempting to ensure that individual contacts would not be defined as a meeting, while still preventing the members of a body from orchestrating contacts between a private party and a quorum of the body. Accordingly, if a member of the public requests a conversation with an individual member of the board, who then acts independently of the board and its other members in deciding whether to talk with the member of the public, no meeting will have occurred even if the member of the public ultimately meets with a quorum of the body.

4. Teleconference Meetings

The prohibition against serial meetings specifically exempts teleconference meetings conducted according to the procedures set forth in section 54953(b). All other teleconference meetings are prohibited. (§ 54952.2(b).)

A teleconference meeting is a meeting in which one or more members of the body attend the meeting from a remote location via electronic means, transmitting audio or audio/video. A meeting is not subject to the teleconference meeting requirements where only the staff members or other persons retained to advise the body appear from remote locations via audio or audio/visual transmission, where it is in the public interest to do so. A local agency may, at its discretion, permit the public to attend its meetings from additional remote locations.

Section 54953(b) authorizes the conduct of meetings by legislative bodies through teleconferencing under specified circumstances. Teleconferencing may be used for all purposes in conjunction with any meeting within the subject matter jurisdiction of the body. However, at least a quorum of the members of the body must participate from locations that are within the boundaries over which the body exercises jurisdiction. All votes taken during a teleconference meeting must be conducted by rollcall.

The biggest issue surrounding the use of teleconference meetings concerns the public's access to the meeting. The Act requires that each teleconference location must be fully accessible to members of the public. This means that members of the body who choose to utilize their homes or offices as teleconference locations must open these locations to the public and accommodate any member of the public who wishes to attend the meeting at that location. Moreover, members of the public must be able to hear the meeting and testify from each location. Finally, the teleconference location must be accessible to the disabled. Because of these requirements, most agencies choose to utilize official or public meeting facilities for their remote teleconference sites.

When a body elects to use teleconferencing, it must post an agenda at each teleconference location and list each teleconference location in the notice and agenda. Each teleconference meeting must be conducted in such a manner so as to protect the statutory and constitutional rights of the public. Each teleconference meeting agenda must ensure the public's right to testify at each teleconference location in accordance with section 54954.3.

In 84 Ops.Cal.Atty.Gen. 181 (2001), a disabled boardmember asked if, under the federal Americans with Disabilities Act, a body were required to utilize the teleconference meeting provisions to permit him to participate in a meeting where his disability prevented him from attending. In this situation, the public would not receive notice of the teleconference meeting location nor would they have access to the remote site from where the disabled member would attend. Under these circumstances, this office concluded that the teleconference provisions were not available because the public would not have access to the remote site.

5. Writings as Meetings

Historically, meetings have not commonly occurred through written instruments; however, the court found that circulation of a proposal among board members for their review and signature was found to be a meeting in violation of the Act when a majority of the members of a legislative body signed the document. (*Common Cause* v. *Stirling* (1983) 147 Cal.App.3d 518, 523-524.) However, the emergence of e-mail as a simple and effective means of communication has raised this issue in a fresh context. In 84 Ops.Cal.Atty.Gen. 30 (2001), this office concluded that a majority of a body would violate the Act if they e-mailed each other regarding current issues under the body's jurisdiction even if the e-mails were also sent to the secretary and chairperson of the agency, the e-mails were posted on the agency's Internet Web site, and a printed version of each e-mail was reported at the next public meeting of the body. The opinion concluded that these safeguards were not sufficient to satisfy either the express wording of the Act or some of its purposes. Specifically, such e-mail communications would not be available to persons who do not have Internet access. Even if a person had Internet access, the deliberations on a particular issue could be completed before an interested person had an opportunity to become involved.

In the case of *Roberts* v. *City of Palmdale* (1993) 5 Cal.4th 363, 381, the California Supreme Court stated that a memorandum from a body's attorney to the members of the body did not constitute a meeting under the Act. The court concluded that this one-way memorandum, which represented a confidential attorney-client communication exempt from disclosure under the California Public Records Act, was outside the coverage of the Act. Under the California Public Records Act, the memorandum was expressly exempt from disclosure pursuant to section 6254(k). Had the members of the body sought to meet and discuss the memorandum, such a meeting would have been subject to the Act and could have been conducted in closed session only if it qualified under the pending litigation exception contained in section 54956.9. Any other conversations between the members of the body and the attorney concerning the exempt memorandum would be subject to the serial meeting restrictions discussed previously.

CHAPTER IV.

NOTICE AND AGENDA REQUIREMENTS

The Brown Act provides for three different types of meetings. Regular meetings occur at a time and location generally set by ordinance, resolution, or by-laws. At least 72 hours prior to a regular meeting, an agenda must be posted which contains a brief general description of each item to be transacted or discussed at the meeting. Special meetings may be called at any time but notice must be received at least 24 hours prior to the meeting by all members of the body and by all media outlets that have requested notice in writing. Emergency meetings, which are extraordinarily rare, may be called upon one-hour notice to media outlets that have requested notice in writing.

In addition to the pre-meeting notices and agendas discussed above, the Act requires two other types of disclosures. First, prior to meeting in closed session, a representative of the body must orally announce the items to be discussed in closed session. (§ 54957.7(a).) Generally, this requirement may be satisfied by referring to the numbered item on the agenda which describes the closed session in question. However, when the agency is meeting in closed session because of significant exposure to pending litigation as described in section 54956.9(b), the statement may need to include additional information as set forth in that section. (See discussion of pending litigation *infra.)*

Second, at the conclusion of each closed session, the agency must reconvene into open session. If any final decisions have been made in the closed-session meeting, a report may be required. (§ 54957.1.)

The Act also contains specific requirements with respect to adjourning or continuing meetings. (§§ 54955; 54955.1.) Lastly, unless specifically exempted, all meetings must be conducted within the geographical boundaries of the body's jurisdiction. (§ 54954(b).)

1. Regular Meetings

Each legislative body, except for advisory bodies and standing committees, shall provide for the time and place for regular meetings by ordinance, resolution, or by-laws. (§ 54954(a).) If a body calls a meeting at a time or place other than the time or place specified for regular meetings, it is either a special or emergency meeting. Accordingly, the body must satisfy the appropriate notice requirement, and should indicate the type of meeting on the notice. Even where it is not required, the body may wish to provide additional notice in the form of the type of notice and agenda provided for a regular meeting.

Meetings of advisory bodies and standing committees for which 72-hour notice is provided, pursuant to section 54954.2, are considered regular meetings. (§ 54954(a).)

A. Agenda Requirement

At least 72 hours prior to a regular meeting, the body must post an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed session. (§ 54954.2(a).) The Act makes it clear that discussion items must be placed on the agenda, as well as items which may be the subject of action by the body.

The purpose of the brief general description is to inform interested members of the public about the subject matter under consideration so that they can determine whether to monitor or participate in the meeting of the body. In *Carlson* v. *Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, the court interpreted the agenda requirements

set forth in section 966 of the Education Code. That section required ". . . [a] list of items that will constitute the agenda for all regular meetings shall be posted. . . ." (*Carlson* v. *Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 199.) In interpreting this section, the court stated:

> "In the instant case, the school board's agenda contained as one item the language 'Continuation school site change.' This was entirely inadequate notice to a citizenry which may have been concerned over a school *closure.*
>
> "On this point alone, we think the trial court was correct because the agenda item, though not deceitful, was entirely misleading and inadequate to show the whole scope of the board's intended plans. It would have taken relatively little effort to add to the agenda that this 'school site change' also included the discontinuance of elementary education at Canyon View and the transfer of those students to Ponderosa School." (*Carlson* v. *Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 200, original emphasis; see also 67 Ops.Cal.Atty.Gen. 84, 87 (1984).)

However, the Legislature in section 54954.2 placed an important gloss on the requirement to provide a brief general description. That section expressly provides that the brief general description generally need not exceed 20 words in length. Thus, absent special circumstances, the legislative body may use a short description of less than 20 words to provide essential information about the item to members of the public. Where necessary, legislative bodies are free to provide a more detailed description, but as a general rule, they need not feel any obligation to do so (for more information about closed-session agenda description, see discussion *infra*).

In 78 Ops.Cal.Atty.Gen. 327, 331-332 (1995), this office concluded that the 72-hour notice requirement mandates local agencies to post their notices in locations which are accessible 24 hours a day for the 72 hours prior to the meeting. Accordingly, notices cannot be placed in buildings which are locked for some portion of the 72 hours immediately prior to the meeting.

The agenda requirement does not apply when certain unnoticed topics are discussed at a noticed meeting. For example, there is an exception for when a member of the body or a member of its staff, on his or her own initiative, or in response to a question from the public, asks a question for clarification, makes a brief announcement or makes a brief report on his or her own activities. (§ 54954.2(a).) In addition, any member of the body or the body as a whole, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff

to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (§ 54954.2(a).)

Section 54954.2 also contains specific procedures by which the agenda requirement may be avoided in other specified circumstances as well. (§ 54954.2(b).)

B. Exceptions to Agenda Requirements

The Act identifies three situations in which a body is permitted to discuss or take action on a matter at a regular meeting where the matter was not first described on a duly noticed agenda. (§ 54954.2(b).) Prior to discussing a matter which was not previously placed on an agenda, the item must be publicly identified so that interested members of the public can monitor or participate in the consideration of the item in question.

The body may discuss a nonagenda item at a regular meeting if, by majority vote, the body determines that the matter in question constitutes an emergency pursuant to section 54956.5. (§ 54954.2(b)(1).) Any discussion held pursuant to this exception must be conducted in open session, since emergency meetings held pursuant to section 54956.5 cannot be conducted in closed session.

The body may discuss an item which was not previously placed upon an agenda at a regular meeting, when the body determines that there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. (§ 54954.2(b)(2).) However, the Act specifies that in order to take advantage of this agenda exception, the need for immediate action must have come to the attention of the local "agency" after the agenda had already been posted. (§ 54954.2(b)(2).) The Legislature's choice of the term "agency" rather than "body" seems calculated to limit use of this exception by prohibiting its usage if the local agency, i.e. staff, and not merely the body, had knowledge of the situation requiring action prior to the posting of the agenda. Lastly, the determination that a need for immediate action exists must be made by two-thirds of the members present or, if two-thirds of the body is not present, by a unanimous vote of those remaining. (§ 54954.2(b)(2).)

Finally, where an item has been posted on an agenda for a prior meeting, the item may be continued to a subsequent meeting that is held within five days of the meeting for which the item was properly posted. Under these circumstances, the items need not be posted for the subsequent meeting. (§ 54954.2(b)(3); see also, §§ 54955-55.1 [concerning adjournment and continuances], *infra* at p. 25.)

C. Public Testimony

Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the legislative body on any item under the subject matter

jurisdiction of the body. With respect to any item which is already on the agenda, or in connection with any item which the body will consider pursuant to the exceptions contained in section 54954.2(b), the public must be given the opportunity to comment before or during the legislative body's consideration of the item. (§ 54954.3(a).) The public testimony requirement appears to apply to closed sessions as well as open meetings, but see section 11125.7(d) of the Bagley-Keene Act, concerning state bodies, which was added in 1993 to expressly provide otherwise. Accordingly, this office believes that it would be prudent for legislative bodies to afford the public an opportunity to comment on closed-session items prior to the body's adjournment into closed session. The only exception to the public testimony requirement is where a committee comprised solely of members of the legislative body has previously considered the item at a public meeting in which all members of the public were afforded the opportunity to comment on the item before or during the committee's consideration of it, so long as the item has not substantially changed since the committee's hearing. (§ 54954.3(a).)

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. (§ 54954.3(a).) The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)

The Act specifically authorizes the legislative body to adopt regulations to assist in processing comments from the public. The body may establish procedures for public comment as well as specifying reasonable time limitations on particular topics or individual speakers. So long as the body acts fairly with respect to the interest of the public and competing factions, it has great discretion in regulating the time and manner, as distinguished from the content, of testimony by interested members of the public. (§ 54954.3(b).)

When a member of the public testifies before a legislative body, the body may not prohibit the individual from criticizing the policies, procedures, programs or services of the agency or the acts or omissions of the legislative body. (§ 54954.3(c).) This provision does not confer on members of the public any privilege or protection not otherwise provided by law.

Public meetings of governmental bodies have been found to be limited public fora. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal* v.

Vista Unified School Dist. (1997) 973 F.Supp. 951; *Baca* v. *Moreno Valley Unified School Dist.* (1996) 936 F.Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination, and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue.

In 78 Ops.Cal.Atty.Gen. 224, 230 (1995), this office opined that the body could prohibit a speaker from making comments that were outside the body's jurisdiction. However, when applying this opinion, the body must take into account the court's broad decisions as discussed above.

2. Special Meetings

Under the Act, the presiding officer or a majority of the body may call a special meeting. So long as substantive consideration of agenda items does not occur, a majority may meet without providing notice to the public in order to call the meeting and prepare the agenda. (*216 Sutter Bay Associates* v. *County of Sutter* (1997) 58 Cal.App.4th 860, 881-882.) Notice of a special meeting must be provided 24 hours in advance of the meeting to all of the legislative body members and to all media outlets who have requested notification. (§ 54956; 53 Ops.Cal.Atty.Gen. 245, 246 (1970).) The notice also must be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The notice should indicate that the meeting is being called as a special meeting, and shall state the time, place, and business to be transacted at the meeting. No other business shall be considered at the special meeting. Notice is required even if the meeting is conducted in closed session, and, even if no action is taken. A member of the local body may waive failure to receive notice of the meeting by filing a written waiver prior to the meeting or by being present at the meeting.

At every special meeting, the legislative body shall provide the public with an opportunity to address the body on any item described in the notice before or during consideration of that item. (§ 54954.3(a).) The special meeting notice shall describe the public's rights to so comment. (§ 54954.3(a).)

3. Emergency Meetings

When a majority of the legislative body determines that an emergency situation exists, it may call an emergency meeting. (§ 54956.5.) The Act defines an emergency as a crippling activity, work stoppage or other activity which severely impairs public health, safety or both. (§ 54956.5(a)(1).) Absent a dire emergency, telephonic notice must be provided to all media outlets that have requested that they receive notice of any special meetings called pursuant to section 54956 at least one hour prior to the meeting. (§ 54956.5(b).) In the case of a dire emergency, notice need only be provided at or near the time that notice is provided to the members of the body. (§ 54956.5(b).) A dire emergency is a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and

significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body. (§ 54956.5(a)(2).)

In the event telephone services are not working, the notice requirements are waived, but a report must be given to media outlets as soon as possible after the meeting. Except for the 24-hour notice requirement, the provisions of section 54956 relating to special meetings apply to the conduct of emergency meetings. (§ 54956.5(d).) At the conclusion of the meeting, the minutes of the meeting, a list of persons who the legislative body notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible. (§ 54956.5(e).)

As a general rule, emergency meetings may not be held in closed session. However, a legislative body may meet in closed session for purposes of consulting with law enforcement or security officials under section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present. (§ 54956.5(c).)

4. Closed Sessions

There are three types of "notice" obligations that accompany the conduct of a closed-session as a part of a duly noticed meeting. First, each item to be transacted or discussed in a closed session must be briefly described on an agenda for the meeting. (§ 54954.2(a).) Second, prior to adjourning into closed session, a representative of the legislative body must orally announce the items to be discussed in closed session. (§ 54957.7(a).) This requirement may be satisfied by merely referring to the relevant portion of the written agenda for the meeting. However, the Act contains specific additional requirements for closed sessions regarding pending litigation where the body believes it is subject to a significant exposure to potential litigation. (§ 54956.9(b)(3).) Third, once the closed session has been completed, the agency must reconvene in open session, where it may be required to report votes and actions taken in closed session. (§ 54957.1.) These requirements are discussed in detail below.

A. Agenda Requirement

At least 72 hours prior to each regular meeting, legislative bodies must prepare an agenda containing a brief general description of each item to be transacted or discussed, including items which will be handled in closed session. (§ 54954.2(a).) A description of each item generally need not exceed 20 words, although the description must be sufficient to provide interested persons with an understanding of the subject matter which will be considered. *(Carlson* v. *Paradise Unified School Dist.* (1971) 18 Cal.App.3d 196, 200.) In the case of pending litigation, the legislative body must make reference in the agenda or publicly announce the specific subsection of section 54956.9 under which the closed session is being held. (§ 54956.9(c).)

In order to assist legislative bodies in preparing agendas for closed-session meetings, the Legislature enacted section 54954.5 which establishes a model format for closed-session agendas. Use of the model format is strictly voluntary on the part of the body. However, substantial compliance with the model format assures the legislative body that it will not be found in violation of the agenda requirements of section 54954.2. Substantial compliance with the model format in section 54954.5, therefore, provides a "safe harbor" from liability under the Act's agenda requirements. Substantial compliance is satisfied by including the information contained in the model format, irrespective of the form in which it is ultimately presented. (§ 54954.5.)

The model format, which comprises the safe harbor provisions, adopts a fill-in-the-blank approach. The format is well suited to placement on a personal computer where descriptive information concerning specific agenda items can be inserted as appropriate. The safe harbor provisions concerning real property negotiations are set forth below and are illustrative of the format. (All of the safe harbor provisions are contained in the appendix in § 54954.5.)

> (b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:
>
> CONFERENCE WITH REAL PROPERTY NEGOTIATORS
>
> Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)
>
> Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)
>
> Negotiating parties: (Specify name of party (not agent))
>
> Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

It is noteworthy that the closed-session provisions concerning negotiations specifically require the body to identify the individuals who will be attending the closed session as negotiators. (§§ 54956.8; 54957.6)

The safe harbor provisions concerning litigation and personnel have been tailored to protect the confidentiality interests of the agency, and employees who potentially are the subject of discipline. Thus, the safe harbor provisions require less specificity when the agenda deals with such matters.

Although the safe harbor provisions are primarily designed to fulfill the agenda requirements for regular meetings, the provisions also can be used in connection with closed sessions at special meetings called pursuant to section 54956. (§ 54954.5.)

B. Oral Announcement Prior to Closed Sessions

In addition to the agenda requirement for regular and special meetings, the Act requires a representative of the legislative body to orally announce the items to be discussed in closed session prior to any closed-session meeting. (§ 54957.7(a).) This requirement may be satisfied by referring to the item by number as it appears on the agenda.

However, such a referral usually would not be sufficient in the case of a closed session concerning significant exposure to litigation.

Pursuant to section 54956.9, a closed session may be conducted in order to permit an agency to receive advice from its legal counsel. When the impetus for such a closed session is the agency's exposure to potential litigation, the Act carefully regulates the circumstances under which a closed session may be called, and the types of announcement which must accompany such a meeting. (§ 54956.9(b)(3).) These required disclosures may be made as a part of the written agenda or as a part of the oral announcement made prior to any closed session. These requirements do not mandate disclosure of privileged communications exempt from disclosure under the Public Records Act. (§ 54956.9(b)(3)(F).) A summary of the disclosure requirements surrounding closed sessions based on an agency's exposure to potential litigation is set forth below.

- Where the agency believes that facts creating significant exposure to litigation are not known to potential plaintiffs, the facts need not be disclosed. (§ 54956.9(b)(3)(A).)

- Where facts (e.g., an accident, disaster, incident, or transaction) creating significant exposure to litigation are known to potential plaintiffs, the facts must be publicly stated on the agenda or announced. (§ 54956.9(b)(3)(B).)

- Where the agency receives a claim or other written communication threatening litigation, reference to the claim or communication must be publicly stated on the agenda or announced, and the claim or

communication must be available for public inspection pursuant to section 54957.5. (§ 54956.9(b)(3)(C).)

- Where a person makes a statement in an open and public meeting threatening litigation, reference to the statement must be publicly stated on the agenda or announced. (§ 54956.9(b)(3)(D).)

- Where a person makes a statement outside of an open and public meeting threatening litigation, the agency may not conduct a closed session unless an agency official having knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting. Reference to the statement must be publicly stated on the agenda or announced, and the record must be available for public inspection pursuant to section 54957.5. However, the record, or the disclosable part thereof, need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making a threat on their behalf, or identify a public employee who is the alleged perpetrator of any such conduct, unless the identity of the person has been publicly disclosed. (§ 54956.9(b)(3)(E).)

C. Report at the Conclusion of Closed Sessions

Once a closed session has been completed, the legislative body must convene in open session. (§ 54957.7(b).) If the legislative body took final action in the closed session, the body may be required to make a report of the action taken and the vote thereon to the public at the open session. (§ 54957.1(a).) The report may be made either orally or in writing. (§ 54957.1(b).) In the case of a contract or settlement of a lawsuit, copies of the document also must be disclosed as soon as possible. (§ 54957.1(b) and (c).) If final action is contingent upon another party, the legislative body is under no obligation to release a report about the closed session. Once the other party has acted, making the decision final, the legislative body is under an obligation to respond to inquiries for information by providing a report of the action. (§ 54957.1(a).)

With respect to litigation, approval given to the body's legal counsel to defend, to seek or refrain from seeking appellate review, or to appear as amicus curiae in any case resulting from a closed-session meeting held pursuant to section 54956.9 shall be reported in open session. (§ 54957.l(a)(2).) The report shall identify the adverse parties and the substance of the litigation. Where the body has decided to initiate litigation or intervene in an existing case, the report shall indicate that fact but need not identify the action, the parties, or other particulars. The report shall specify that once the litigation or intervention has been formally commenced, the body must, upon inquiry, disclose such information, unless to do so would jeopardize service of process or existing settlement negotiations. (§ 54957.l(a)(2).)

With respect to a personnel decision, any action taken to appoint or employ an individual must be reported at the meeting. Such a report would ordinarily include the name of the individual, but the Act specifically requires that the name of the position be reported. (§ 54957.1(a)(5).) In *Gillespie* v. *San Francisco Pub. Library Comm'n* (1998) 67 Cal.App.4th 1165, a library commission met in closed session to nominate three candidates for consideration by the mayor for appointment as city librarian. Plaintiff contended that the commission was required to announce the names of the nominees at the conclusion of the closed session. The court held that the requirement to announce appointments was not applicable because the commission had merely made a recommendation, not an appointment.

With respect to a dismissal or a refusal to renew an employment contract, the report shall be deferred until the first public meeting after the exhaustion of administrative remedies.

With respect to labor negotiations conducted pursuant to section 54957.6, the approval of an agreement concluding labor negotiations shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties. (§ 54957.l(a)(6).)

No action for injury to a reputational, liberty, or other personal interest may be commenced by an employee or former employee based upon the report made by the legislative body in an attempt to comply with section 54957.1. (§ 54957.1(e).)

5. Adjournments and Continuances

Regular and special meetings may be adjourned to a future date. (§ 54955.) If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. (§ 54954.2(b)(3).) If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to section 54954.2. Hearings continued pursuant to section 54955.1 are subject to the same procedures.

When a meeting is adjourned to a subsequent date, notice of the adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When less than a quorum of a body appears at a noticed meeting, the body may either meet as a committee of the parent body or adjourn to a future date pursuant to the provisions of sections 54955 or 54954.2(b)(3). If no members of the legislative body appear at a noticed meeting, the clerk may adjourn the meeting to a future date and provide notice to members of the legislative body and to the media in accordance with the special meeting notice provisions set forth in section 54956.

6. Location of Meetings

As a general rule, regular and special meetings shall be held within the boundaries of the territory over which the legislative body has jurisdiction. (§ 54954(b).) Accordingly, a city council must meet within the city; a county board of supervisors must meet within the county; and boards of directors for special districts must meet within the special district. Gatherings which are not meetings, as set forth in section 54952.2(c) (e.g., conferences, social activities, and attendance at open and public meetings held by others) are not subject to the Act, and therefore are not covered by the boundary restriction. In addition, the Act contains a number of specific exemptions from the boundary requirement. (§ 54954.) The fact that a meeting is exempt from the boundary requirement does not exempt the legislative body from the notice and open meeting requirements of the Act. A summary of the boundary exemptions is set forth below.

A legislative body must meet within its boundaries except to do any of the following:

- Comply with state or federal law or any court order. (§ 54954(b)(1).)
- Inspect real property located outside the jurisdiction or personal property which would be inconvenient to bring inside the jurisdiction. (§ 54954(b)(2).)
- Participate in meetings or discussions of multiagency significance so long as the meetings are held in the jurisdiction of one of the agencies and proper notice is provided by all bodies subject to the Act. (§ 54954(b)(3).)
- Meet in the nearest available facility if the legislative body has no meeting facility within the jurisdiction, or at the principal office of the legislative body if they are located outside the jurisdiction. (§ 54954(b)(4).)
- Meet with federal or California officials on a legislative or regulatory issue affecting the local agency and over which the state or federal officials have jurisdiction. (§ 54954(b)(5).)
- Meet in or nearby a facility owned by the local agency so long as the topic of the meeting is directly related to the facility itself. (§ 54954(b)(6).)
- Visit the office of the body's legal counsel for a closed session held on pending litigation held pursuant to section 54956.9, when to do so would reduce legal fees or costs. (§ 54954(b)(7).)

In addition to the foregoing, governing boards of school districts have the following exemptions from the requirement to meet within their boundaries:

- Attend a conference on nonadversarial collective bargaining techniques. (§ 54954(c)(1).)

- Interview a potential employee from another district or interview the public from another district about the employment of a superintendent from that district. (§ 54954(c)(2) and (c)(3).)

Joint powers agencies must meet within the jurisdiction of one of its member agencies unless an exemption contained in section 54954(b) is applicable. (§ 54954(d).) A joint powers agency with members throughout the state may meet anywhere in the state.

Where a meeting place is unsafe because of emergency circumstances, the presiding officer of the legislative body shall designate the meeting place pursuant to specified notice requirements. (§ 54954(e).)

7. Special Procedures Regarding Taxes and Assessments

Section 54954.6 establishes a series of procedures which must be followed when a legislative body proposes new or increased taxes or assessments. These procedures are in addition to the notice and open meeting requirements contained elsewhere in the Act.

CHAPTER V.

RIGHTS OF THE PUBLIC

Under the Brown Act, a member of the public can attend a meeting of a legislative body without having to register or give other information as a condition of attendance. (§ 54953.3; see also 27 Ops.Cal.Atty.Gen. 123 (1956).) If a register, questionnaire or similar document is posted or circulated at a meeting, it must clearly state that completion of the document is voluntary and not a precondition for attendance. (§ 54953.3.) A legislative body may not prohibit any person attending an open meeting from video recording, audio recording or broadcasting the proceedings, absent a reasonable finding that such activity would constitute a disruption of the proceedings. (§§ 54953.5, 54953.6; *Nevens* v. *City of Chino* (1965) 233 Cal.App.2d 775, 779; see also § 6091.)

Under the Act, the public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. (§ 54954.3(a).) In 80 Ops.Cal.Atty.Gen. 247, 248-252 (1997), this office concluded under a similar provision in the Bagley-Keene Act that the public's right to comment on all agenda items

applied to quasi-judicial proceedings as well as quasi-legislative proceedings. In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. (§ 54954.3(a).) However, this office concluded that a body could prohibit a member of the public from speaking on a matter that was outside the jurisdiction of the body. (78 Ops.Cal.Atty.Gen. 224, 230 (1995).)

The Act specifically authorizes the legislative body to adopt regulations to assist in processing comments from the public. The body may establish general procedures for public comment as well as specifying reasonable time limitations on particular topics or individual speakers. So long as the body acts fairly with respect to the interest of the public and competing factions, it has great discretion in regulating the time and manner, as distinguished from the content, of testimony by interested members of the public. (§ 54954.3(b).)

The Act provides that the legislative body shall not prohibit a member of the public from criticizing the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. (§ 54954.3(c).) Public meetings of governmental bodies have been found to be limited public fora. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal* v. *Vista Unified School Dist.* (1997) 973 F.Supp. 951; *Baca* v. *Moreno Valley Unified School Dist.* (1996) 936 F.Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination, and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialogue.

Despite the public's rights to attend meetings as discussed above, a legislative body may exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion. Where removal of the disruptive persons is not sufficient to restore order, the body may clear the room of all persons. (§ 54957.9.) However, in such situations, media personnel not involved in the disturbance must be permitted to attend the session as continued. (§ 54957.9.)

Agendas or any other writings, except for records exempt from disclosure under section 6254 of the Public Records Act, distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public upon request, and shall be made available without delay to members of the public in accordance with the provisions of section 54957.5. If materials are provided prior to a meeting, the materials should, upon request and without delay, be made available to the public upon request at the time of distribution to the body. (§ 54957.5(a).) If the materials are distributed to the members of the body by the agency at the meeting, the materials should be available to the public at that time as well. Materials provided at the meeting by a person, who is not a member of the body or employee of the local agency, must be made available by the body to the public at the conclusion of the meeting. (§ 54957.5(b).)

Members of the public who make written requests for documents which were finally approved in a closed session generally may receive copies of such documents at the conclusion of the meeting. (§ 54957.1(b).) This right to obtain documents does not include documents which are exempt from disclosure pursuant to section 6254 of the Public Records Act. (*Roberts* v. *City of Palmdale* (1993) 5 Cal.4th 363, 370-373; Cal.Atty.Gen., Indexed Letter, No. IL 77-67 (April 28, 1977).) Pursuant to section 6253(c), a fee equal to the direct cost of duplication may be charged to any person requesting a copy of a public record. (§ 54957.5(c)); *North County Parents Organization for Children with Special Needs* v. *California Department of Education* (1994) 23 Cal.App.4th 144, 147-148.) In the *North County* case, the court indicated that a pro rata share of equipment and conceivably personnel expenses directly involved in actually duplicating a record could be included in calculating the fee. However, research and retrieval costs may not be included in the fee. Thus, the direct cost of actually photocopying a record may be recovered, but associated costs such as the cost of research, redaction and retrieval may not be recovered.

In addition, members of the public may request in writing that the agenda or all of the documents comprising the meeting packet be mailed to them for a cost not to exceed the actual cost of providing the service. (§ 54954.1.) Upon receipt of such a written request, the agency shall mail the requested documents, provided that they are not exempt from disclosure pursuant to section 6254, to the requester at the time the agenda is posted or when the documents are provided to a majority of the members of the legislative body, whichever occurs first. The request must be renewed annually and failure of the requester to receive such documents does not invalidate any action which was the subject of the records.

If an agency records an open meeting either on video or audio tapes, the tapes and a tape recorder must be made available to the public if a request is made. (§ 54953.5(b).) The agency is not required to prepare a transcript, but if one were prepared, the public generally would have the right to receive copies upon request. (64 Ops.Cal.Atty.Gen. 317, 321 (1981).) If the agency wishes to destroy the tapes after 30 days, it may do so without regard to the limitations imposed by section 34090. (§ 54953.5(b).)

Except as specifically authorized by the Act, the legislative body may not impose fees to defray its costs in carrying out the provisions of the Act. (§ 54956.6.)

A legislative body may not conduct any meeting or function in any facility where racial or other discrimination is practiced, or which is inaccessible to disabled persons, or where members of the public must pay to attend the meeting. (§ 54961.) A facility is accessible if it fully satisfies the accessibility requirements of Government Code section 4450 et seq. or Health and Safety Code section 19955 et seq., as well as the federal Americans with Disabilities Act of 1990. (§ 54953.2) If a meeting facility is inaccessible, the meeting must be moved to an accessible facility.

The Act requires that agendas, agenda packets, and other writings distributed to members of a legislative body be made available in appropriate alternative formats to persons with a disability and that the agendas include information on the availability of disability-related aids or services to enable

the person to participate in the public meeting consistent with the Americans with Disabilities Act. (§§ 54954.1, 54954.2, 54957.5.) Legislative bodies may go beyond the minimal requirements of the Act and provide greater public access to their meetings. (§ 54953.7.) Elected legislative bodies may impose greater access requirements on agencies under their jurisdiction. (§ 54953.7.)

CHAPTER VI.

PERMISSIBLE CLOSED SESSIONS

1. Introduction

A. Narrow Construction

Under the Brown Act, closed sessions must be expressly authorized by explicit statutory provisions. Prior to the enactment of section 54962, the courts and this office had recognized impliedly authorized justifications for closed sessions. *(Sutter Sensible Planning, Inc.* v. *Board of Supervisors* (1981) 122 Cal.App.3d 813; *Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41.) However, that legislation made it clear that closed sessions cannot be conducted unless they are expressly authorized by statute. Although confidential communication privileges continue to exist in other statutes such as the Public Records Act and Evidence Code section 1040, these provisions no longer can impliedly authorize a closed session.

Since closed sessions are an exception to open meeting requirements, the authority for such sessions has been narrowly construed. The law evinces a strong bias in favor of open meetings, and court decisions and opinions of this office have buttressed that legislative intent. (§ 54950.) The fact that material may be sensitive, embarrassing or controversial does not justify application of a closed session unless it is authorized by some specific exception. *(Rowen* v. *Santa Clara Unified School District* (1981) 121 Cal.App.3d 231, 235.) Rather, in many circumstances these characteristics may be further evidence of the need for public scrutiny and participation in discussing such matters. (See Civ. Code, § 47(b) [regarding privileged publication of defamatory remarks in a legislative proceeding].)

In 61 Ops.Cal.Atty.Gen. 220, 226 (1978), we concluded that meetings of the Board of Police Commissioners could not, as a general proposition, be held in closed session, even though the matters to be discussed were sensitive and the commission considered their disclosure contrary to the public interest.

The Act does not contain a general exemption for quasi-judicial deliberations, and this office concluded that such an exemption was not generally authorized by implication. In 71 Ops.Cal.Atty.Gen. 96, 106 (1988), this office concluded that the deliberations of a hearing board of an air pollution control district, after it has conducted a public hearing on a variance, order of abatement or permit appeal, must be conducted in public. The opinion further stated that the board was prohibited from conducting such deliberations in a closed session with the board's counsel or the board's attorney member. Similarly, in 57 Ops.Cal.Atty.Gen. 189, 192 (1974), this office opined that county boards of education could not meet in closed session to deliberate when deciding appeals from decisions of local school boards refusing to enter into interdistrict attendance agreements.

B. Semi-Closed Meetings

In 46 Ops.Cal.Atty.Gen. 34, 35 (1965), this office also concluded that meetings could not be semi-closed. Thus, certain interested members of the public may not be admitted to a closed session while the remainder of the public is excluded. Nor would it be proper for an investigative committee of a grand jury performing its duties of investigating the county's business to be admitted to a closed session. (Cal.Atty.Gen., Indexed Letter, No. IL 70-184 (October 9, 1970).) As a general rule, closed sessions may involve only the membership of the body in question plus any additional support staff which may be required (e.g., attorney required to provide legal advice; supervisor or witnesses may be required in connection with disciplinary proceeding; labor negotiator required for consultation). Persons without an official role in the meeting should not be present.

C. Secret Ballots

Secret ballots are expressly prohibited by section 54953(c). This office has long disapproved secret ballot voting in open meetings and the casting of mail ballots. Thus, items under consideration which are not subject to a specific closed meeting exception must be conducted in a fully open forum. (68 Ops.Cal.Atty.Gen. 65 (1985).) One aspect of the public's right to scrutinize and participate in public hearings is their right to witness the decision-making process. If votes are secretly cast, the public is deprived of a portion of its right. (See also 59 Ops.Cal.Atty.Gen. 619, 621-622 (1976).) However, it is the view of this office that members of a body may cast their ballots either orally or in writing so long as the written ballots are marked and tallied in open session and the ballots are disclosable public records.

D. Confidentiality of Closed Session

Section 54963 provides that a person may not disclose confidential information that has been acquired by attending a proper closed session to a person not entitled to receive it, unless the disclosure is authorized by the legislative body.

For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body to meet lawfully in closed session.

If this prohibition is violated, it may be enforced by relying upon current available legal remedies including the following:

- Injunctive relief to prevent the disclosure of confidential information.

- Disciplinary action against an employee who has willfully disclosed confidential information in violation of this prohibition. Such disciplinary action must be first preceded by training or notice of the prohibition.

- Referral of a member of a legislative body who has willfully disclosed confidential information to the grand jury.

However, section 54963 provides that no action may be taken against a person for any of the following:

- Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts that are necessary to establish the illegality of an action taken by a legislative body or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were ultimately to be taken by the legislative body.

- Expressing an opinion concerning the propriety or legality of actions taken by a legislative body in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

- Disclosing information acquired by being present in a closed session that is not confidential information.

- Disclosing information under the whistle blower statutes contained in Labor Code section 1102.5 or Government Code section 53296.

(See *Kleitman* v. *Superior Court* (1999) 74 Cal.App.4th 324, 335, fn. 9 [where the court found that the contents of a closed session were privileged information and applied Evidence Code 1040(b)(1), which provides an absolute privilege for confidential government information to prevent compelled disclosure in a civil proceeding]; 76 Ops.Cal.Atty.Gen. 289, 290-291 (1993); 80 Ops.Cal.Atty.Gen. 231, 235 (1997).)

2. Authorized Exceptions

All closed sessions must be conducted pursuant to expressly authorized statutory exceptions. (§ 54962.) As stated previously, the closed session exception to open meeting laws has been narrowly construed by the courts.

A. Personnel Exception

The purpose of the personnel exception is to avoid undue publicity or embarrassment for public employees and to allow full and candid discussion of such employees by the body in question. (*Fischer* v. *Los Angeles Unified School Dist.* (1999) 70 Cal.App.4th 87, 96; *San Diego Union* v. *City Council* (1983) 146 Cal.App.3d 947, 955; 61 Ops.Cal.Atty.Gen. 283, 291 (1978).) Accordingly, the Act provides for closed sessions regarding the appointment, employment, evaluation of performance, discipline or dismissal of a public employee. (§ 54957.)

In *Gillespie* v. *San Francisco Pub. Library Comm'n* (1998) 67 Cal.App.4th 1165, the Library Commission conducted a closed-session meeting to consider appointment of a new city librarian. Although the mayor actually makes the appointment, the city charter requires the Library Commission to participate in the appointment process. The court held that the Commission's closed-session meeting under the personnel exception for the purpose of nominating three candidates for consideration by the mayor was proper.

In 80 Ops.Cal.Atty.Gen. 308, 311 (1997), this office concluded that the personnel exception could be utilized by an advisory committee created by a school district to provide it with recommendations on the employment of a new superintendent after conducting interviews and deliberations on the applicants. However, a body may not conduct a closed session where it is not assigned responsibility in connection with the decision. Accordingly, this office concluded that a county board of education may not conduct a closed session on a personnel decision where that decision rested solely with the superintendent, and not with the board. (85 Ops.Cal.Atty.Gen. 77 (2002).)

Under the Act, an employee may request and require a public hearing where the purpose of the closed session is to discuss specific charges or complaints against the employee. Under the Act, the employee must be given at least 24-hour written notice

of any meeting to hear specific charges or complaints against the employee, or any action taken at the meeting will be null and void. (§ 54957.)

In *Fischer* v. *Los Angeles Unified School Dist.* (1999) 70 Cal.App.4th 87, 100, the court determined that an employee had the right to receive the 24-hour notice only when the body was considering complaints and charges brought by a third person or an employee. The court specifically distinguished these hearings concerning complaints or charges from closed-session meetings to consider the appointment, employment, evaluation of performance, discipline or dismissal of an employee. In these latter instances, the court indicated that the body need not provide 24-hour notice to the individuals in question. Thus, when complaints or charges are not pending, this office opined that the Act permits the holding of a closed session to discuss an employee's job performance irrespective of the employee's desires. (61 Ops.Cal.Atty.Gen. 283, 291(1978).) In *Duval* v. *Board of Trustees* (2001) 93 Cal.App.4th 902, 909-910, the court found that an employee evaluation could – be comprehensive or focus on specific instances of conduct; include consideration of the process to be followed in conducting the evaluation; provide feedback to the employee; and, establish goals for future performance.

In *Fischer* v. *Los Angeles Unified School Dist.* (1999) 70 Cal.App.4th 87, 101-102, the court concluded that charges or complaints brought against a person generally involve something in the nature of an accusation. An evaluation of performance conducted in the normal course of the employer's business usually does not involve communications resembling an accusation. Thus, a review of a probationary employee to determine whether permanent status will be conferred does not involve complaints or charges since no cause need be shown, no reason given and no appeal granted. Under these circumstances, the employee has no right to be present in a closed session to consider whether to grant permanent status. (See also 78 Ops.Cal.Atty.Gen. 218 (1995) [review of evaluation and denial of tenure]; *Furtado* v. *Sierra Community College* (1998) 68 Cal.App.4th 876 [review of evaluation and dismissal of nontenured employee].) These reviews of probationary teachers retain their evaluative nature even though allegations of misconduct may be a part of the evaluation. These citations are in contrast to *Bell* v. *Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, where the school superintendent brought a complaint against a teacher before the school board in a context unrelated to a performance evaluation. In that case, the court found that the 24-hour notice was required.

In *Bollinger* v. *San Diego Civil Service Comm.* (1999) 71 Cal.App.4th 568, an employee was demoted. The demotion was appealed and a hearing officer conducted a hearing and prepared a report for the full reviewing body to consider in closed session. The employee contended that he should have been provided with 24-hour notice of the hearing officer's report and his right to make the hearing public. The court concluded that the body was not hearing complaints or charges, but was merely

deliberating after a proper evidentiary proceeding had been conducted by the hearing officer. The court found that the employee had the opportunity to contest or present any information during the hearing, and therefore, neither due process nor the Brown Act required that he receive notice prior to the closed session. The court found that, as a general matter, the language of the Act and the legislative history supported the conclusion that a body may deliberate in closed session after a public hearing to hear charges and complaints.

Care must be exercised to analyze the status of the individual involved in a closed session subject to the personnel exception. If the person is not an "employee," all action must be taken in public session. The Act defines the term "employee" to include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body or other independent contractors. (§ 54957.) Thus, the personnel exception not only applies to civil service employees or their equivalent, it includes department heads and other high-ranking local officers. The exception applies to such officials irrespective of whether they are appointed to an office or merely serve by contract (e.g., contract city attorney). The key issue is whether the individual functions under the normal supervision and reporting requirements for an officer or employee, as opposed to that of an independent contractor who performs a task free of such day to day constraints. Accordingly, an independent contractor who performs a study or constructs a building or project must be selected in an open session of the legislative body. (See, e.g., *Rowen* v. *Santa Clara Unified School District* (1981) 121 Cal.App.3d 231, 233 [which concluded under prior law that discussions regarding the qualifications of an independent contractor to sell surplus land for the district should have been conducted in public].)

In no case does the term "employee" include elected officers or persons appointed to fill a vacancy of an elected office. Elected officers who are separately appointed to preside over their boards are not employees within the meaning of the Act. Therefore, complaints against such presiding officers may not be discussed in a closed session. (See also 61 Ops.Cal.Atty.Gen. 10 (1978).)

The courts and this office have consistently maintained that the personnel exception must be used in connection with the consideration of a particular employee. The exemption is not available for across-the-board decisions or evaluations of employees, classifications and salary structures. In *Santa Clara Federation of Teachers* v. *Governing Board* (1981) 116 Cal.App.3d 831, 846, the court concluded that a board's consideration of a hearing officer's decision concerning teacher layoff policy must be conducted in open session.

In 63 Ops.Cal.Atty.Gen. 153 (1980), we concluded that abstract discussions concerning the creation of a new administrative position and the workload of existing positions

were inappropriate for a closed session. However, had the workload discussions involved the evaluation of the performance of specific employees, a closed session would have been proper for that portion of the discussion.

In *Lucas* v. *Board of Trustees* (1971) 18 Cal.App.3d 988, 990, the court determined that a decision not to rehire a district superintendent of a high school district was properly made in closed session. Also, in 59 Ops.Cal.Atty.Gen. 532, 536 (1976), we concluded that the use of a closed session by a school district governing board to discuss and evaluate the performance of its superintendent was appropriate. In both situations, the superintendent was found to be an "employee."

In *San Diego Union* v. *City Council* (1983) 146 Cal.App.3d 947, the court broke new ground in delineating the subjects which are appropriate for consideration in closed sessions under the personnel exception. There, the court considered whether the city council could meet in closed session to discuss the job performances and salary levels of certain employees. The court concluded that a closed session was appropriate for the purpose of reviewing an employee's job performance and making the threshold decision of whether any salary increase should be granted. However, all discussions concerning the amount of any salary increase should be held in public session.

The court specifically rejected the argument that the terms "employment" or "performance" as used in section 54957 should be interpreted to include salary level determinations. The court stated, "Salaries and other terms of compensation constitute municipal budgetary matters of substantial public interest warranting open discussion and eventual electoral public ratification." (*San Diego Union* v. *City Council* (1983) 146 Cal.App.3d 947, 955.) The court stated that although an individual's job performance could be considered in closed session, there were a variety of other factors that must be considered in determining the appropriate salary level (e.g., availability of funds; other funding priorities; relative compensation of similar positions elsewhere, both inside and outside of the jurisdiction).

The *San Diego Union* decision has now been codified in section 54957, which states, "[C]losed sessions held pursuant to this section shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline." Although the amount of any proposed increase in an employee's compensation may not be considered in closed session, the employee's job performance may be discussed in closed session, including the threshold decision of whether the employee should receive a raise.

To the extent there are bona fide negotiations between a legislative body and an unrepresented individual who is a current or prospective employee of the body, the body may meet with its representative to provide instructions on how to conduct the negotiations. (§ 54957.6.) However, if the board is merely setting the salary without

entering into bona fide negotiations, this section is inapplicable. The instructions to the negotiator may include consideration of an agency's available funds and funding priorities, insofar as such discussions relate to providing instructions to the local agency's negotiator. However, closed sessions under section 54957.6 may not include a final decision concerning an unrepresented employee's compensation.

B. Pending Litigation and the Attorney-Client Privilege

(1) Historical Background

In 1953, the Legislature enacted the Act but did not make any provisions for closed sessions in connection with litigation or the attorney-client privilege. In 1968, the court, in *Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 57, reasoned that the Act was not intended to impliedly repeal preexisting and well-established laws relating to privileges and confidentiality. Accordingly, the attorney-client privilege impliedly authorized closed sessions for legislative bodies to confer with their attorneys.

In 1984, the Legislature enacted SB 2216, chapter 1126, which added section 54956.9 to the Act. That section expressly authorized closed sessions in connection with pending litigation and created specific procedures and definitions for implementing these closed sessions.

In 1987, the Legislature enacted SB 200, chapter 1320, to provide that the expressly authorized exemption regarding pending litigation is the exclusive expression of the attorney-client privilege for purposes of conducting closed-session meetings. The legislation also provided that no closed session may be held unless it is expressly authorized by statute. (§ 54962.) This provision means that other confidentiality privileges may not be relied upon as implicit authorization for closed sessions.

(2) Pending Litigation Exception

The codified pending litigation exception relating to local bodies is contained in section 54956.9. This section authorizes bodies to conduct closed sessions with their legal counsel to discuss pending litigation when discussion in open session would prejudice the agency in that litigation. "Litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body, hearing officer or arbitrator. For the purpose of this section, litigation is pending when any of the following occurs: litigation to which the agency is a party has been initiated formally (§ 54956.9(a); 69 Ops.Cal.Atty.Gen. 232, 240 (1986) [issuance of tentative cease and desist order initiates an adjudicatory proceeding]; the agency has decided or is meeting to

decide whether to initiate litigation (§ 54956.9(c); or in the opinion of the legislative body on advice of its legal counsel, there is a significant exposure to litigation if matters related to specific facts and circumstances are discussed in open session (§ 54956.9(b)(1). Agencies are also authorized to meet in closed session to consider whether a significant exposure to litigation exists, based on specific facts and circumstances. (§ 54956.9(b)(2); see 71 Ops.Cal.Atty.Gen. 96, 105 (1988) [mere possibility of judicial review does not constitute significant exposure to litigation based on existing facts and circumstances].) For purposes of section 54956.9(b)(1) and (b)(2), "existing facts and circumstances" are specifically defined in section 54956.9(b)(3), along with the requirement to disclose certain information regarding the facts and circumstances prior to the holding of a closed session. (See Chapter IV, part 4(B) of this pamphlet for a description of the disclosure requirements.)

Existing facts and circumstances which create a significant exposure to litigation consist only of the following:

- The agency believes that facts creating significant exposure to litigation are not known to potential plaintiffs. (§ 54956.9(b)(3)(A).

- Facts (e.g., an accident, disaster, incident, or transaction) creating significant exposure to litigation are known to potential plaintiffs. (§ 54956.9(b)(3)(B).)

- A claim or other written communication threatening litigation is received by the agency. (§ 54956.9(b)(3)(C).)

- A person makes a statement in an open and public meeting threatening litigation. (§ 54956.9(b)(3)(D).)

- A person makes a statement outside of an open and public meeting threatening litigation, and an agency official having knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting. (§ 54956.9(b)(3)(E).)

Prior to conducting a closed session under the pending litigation exception, the body must state on the agenda or publicly announce the subdivision of section 54956.9 which authorizes the session. If litigation has already been initiated, the body must state the title of the litigation unless to do so would jeopardize service of process or settlement negotiations. (§ 54956.9(c).)

In 75 Ops.Cal.Atty.Gen. 14, 20 (1992), this office concluded that the pending litigation exception could be invoked by a body to deliberate upon or take

action concerning the settlement of litigation. The court, in *Sacramento Newspaper Guild,* stated:

> "In settlement advice, the attorney's professional task is to provide his client a frank appraisal of strength and weakness, gains and risks, hopes and fears." *(Sacramento Newspaper Guild* v. *Sacramento County Bd. of Suprs.* (1968) 263 Cal.App.2d 41, 56.)

Elaborating on this reasoning, this office's opinion concluded:

> "Unless section 54956.9 were given a strained and unnatural construction, the wording of the statute permits individual members of a legislative body not only to deliberate and exchange opinions *with counsel* but also *among themselves* in the presence of counsel. As we noted in 69 Ops.Cal.Atty.Gen. 232, 239, *supra,* the pending litigation exception fills the need to discuss confidentially with counsel 'the strength and weaknesses of the local' agency's position in the litigation. And as articulated by the court in *Sacramento Newspaper Guild, Inc., supra,* with respect to both 'settlement and avoidance of litigation,' these are 'particularly sensitive activities, whose conduct would be grossly confounded, often made impossible, by undiscriminating insistence on open lawyer-client conferences.' (263 Cal.App.2d at p. 56.)" (75 Ops.Cal.Atty.Gen. 14, 18-19 (1992).) (Original emphasis.)

The opinion went on to state that a body:

> ". . . must be able to confer with its attorney and then decide in private such matters as the upper and lower limits with respect to settlement, whether to accept a settlement or make a counter offer, or even whether to settle at all. These are matters which will depend upon the strength and weakness of the individual case as developed from conferring with counsel. A local agency of necessity must be able to decide and instruct its counsel with respect to these matters in private." (75 Ops.Cal.Atty.Gen. 14, 19-20 (1992).)

This interpretation is supported by section 54957.l(a)(3), which requires the body to disclose settlements where the body accepts a signed settlement agreement in closed session unless the agreement must be approved by another party or the court. Under the pending litigation exception, it appears that a

body generally must be a party or a potential party to litigation in order to meet in closed session with its attorney. In addition, it is possible that a legislative body may receive advice from its legal counsel concerning the body's participation in litigation as an amicus curiae, even though the language of section 54956.9 does not clearly authorize a closed session in such circumstances. (§ 54957.1.) When a government entity such as a city or a county is sued, or when government officials such as a city council or a board of supervisors are sued in their official capacities, questions may arise concerning what other city or county entities or officials may be considered parties for purposes of the pending litigation exception. 67 Ops.Cal.Atty.Gen. 111, 116-117 (1984), which was issued prior to the enactment of section 54956.9, suggests that when the county is a party to a lawsuit, an advisory body to the board of supervisors on the general subject matter of the lawsuit also may be a party or a potential party for the purposes of conducting a closed-session meeting to receive advice from its attorney.

In 69 Ops.Cal.Atty.Gen. 232 (1986), this office considered the circumstances in which a decision by one city body to meet in public on matters related to pending litigation waived the right of all other bodies of that city to conduct closed sessions concerning the same pending litigation. Our opinion concluded that one city body's decision to meet in public session regarding pending litigation is not necessarily a bar to other city bodies who wish to exercise their right to confer with their attorney in closed session. Specifically, we concluded that the city public works board did not and could not waive the city council's right to meet with its attorney in closed session.

Lastly, it should be emphasized that the purpose of the pending litigation exception is to permit a body to meet with its attorney under certain defined circumstances. If the attorney is not present (either in person or by teleconference means), the closed session may not be conducted. It should also be emphasized that the purpose of the exception is to permit the body to receive legal advice and make litigation decisions only; it is not to be used as a subterfuge to reach nonlitigation oriented policy decisions. (71 Ops.Cal.Atty.Gen. 96, 104-105 (1988).)

Since the purpose of the pending litigation exception is to protect confidential attorney-client communications, our opinion in 62 Ops.Cal.Atty.Gen. 150 (1979) continues to be applicable insofar as it concluded that nonconfidential communications between an attorney and his or her client are not protected. In that opinion, two boards which were adversaries in a lawsuit, along with their counsel, sought to meet in closed session for purposes of negotiating a settlement to that lawsuit. Thus, it was the negotiations, rather than confidential communications between the lawyer and the client, which the

bodies sought to protect. Accordingly, we concluded that a closed session was not appropriate for these negotiations.

This office also concluded that Evidence Code section 1152 (which renders inadmissible for the purpose of proving liability, evidence of the conduct or statements of a litigant during settlement negotiations) does not authorize the holding of a joint closed session between two legislative bodies, engaged in litigation against each other, for the purpose of conducting settlement negotiations. Section 1152 has as its purpose the fostering of settlements of disputes rather than the protection of confidential communications. (62 Ops.Cal.Atty.Gen. 150, 154-155 (1979).)

Settlement negotiations, however, may be conducted by the attorneys for the respective litigating bodies, and a closed session, pursuant to the pending litigation exception, may be held by each body to consult with its attorney about the settlement. (62 Ops.Cal.Atty.Gen. 150, 154-155 (1979).)

It is important to remember that the requirements of the pending litigation exception only apply to communications in the context of a meeting. Written one way confidential attorney-client advice is not a meeting, and therefore, is not subject to the Brown Act. (*Roberts* v. *City of Palmdale* (1993) 5 Cal.4th 363; see page 15 of this pamphlet.) Also, negotiations conducted by a limited term ad hoc advisory committee comprised solely of less than a quorum of the body is not subject to the Act. (See page 5 of this pamphlet.) To the extent that either of these avenues is pursued one must be careful to avoid serial communications that would constitute a violation of the Act. (See page 11 of this pamphlet.)

C. Real Property Negotiations Exception

The Act contains provisions concerning the circumstances under which a body may meet in closed session to grant authority to its negotiator concerning the price and terms of payment in real property negotiations. (§ 54956.8.) Since the Act requires the body to report, at the conclusion of the closed session, the approval of an agreement concluding real property negotiations where the body's action renders the agreement final, the body's power to grant authority to its negotiator also includes the power to finalize any agreement so negotiated. (§§ 54956.8 and 54957.1.)

The exception for real property negotiations permits the body to meet in closed session to advise its negotiator concerning the "price" and "terms of payment" in connection with the purchase, sale, lease or exchange of property by or for the agency. In *Kleitman* v. *Superior Court* (1999) 74 Cal.App.4th 324, the court indicated that the purpose for the exception arises out of the realities of the commercial market place and the need

to prevent the person with whom the local government is negotiating from sitting in on the session at which the negotiating terms are developed. (*Kleitman* v. *Superior Court* (1999) 74 Cal.App.4th 324, 331; see also *Shapiro* v. *San Diego City Council* (2002) 96 Cal.App.4th 904.)

The closed session, however, must be preceded by an open session in which the body identifies the real property in question, the individual who will act as its negotiator, and the persons with whom its negotiator may negotiate. In 73 Ops.Cal.Atty.Gen. 1, 5 (1990), this office concluded that a district interested in purchasing property could not identify 700 prospective parcels, but must specifically identify the actual parcels subject to negotiation so that the public would have the opportunity to voice any objection to the proposed transaction. Eminent domain proceedings are not subject to section 54956.8, and a body may hold closed sessions to discuss eminent domain proceedings with its attorney under the pending litigation exception.

Depending on the circumstances, the agency may designate a member of the body, a staff person, the agency's attorney or another person to serve as its negotiator.

D. Labor Negotiations Exception

The Act provides for closed sessions to enable a legislative body to meet with its negotiator concerning discussions with employee organizations and unrepresented employees regarding salaries and fringe benefits. (§ 54957.6(a).) However, prior to the closed session, the body must meet in open session and identify its negotiators. The purpose of the closed session is to permit the body to review its position and instruct its negotiator concerning the conduct of labor negotiations with current or prospective employees. During the closed session, the legislative body may approve an agreement concluding labor negotiations with its represented employees. (See § 54957.1(a)(6).) However, closed sessions with the negotiator may not include final action on the proposed compensation of one or more unrepresented employees.

The scope of the closed session held with the negotiator pursuant to section 54957.6 is limited to issues concerning salaries, salary schedules, and compensation paid in the form of fringe benefits. In addition, for represented employees, the legislative body also may grant authority to its negotiator concerning any other matter within the statutorily-provided scope of representation. Closed session discussions under the labor negotiations exception may include consideration of an agency's available funds and funding priorities, so long as such discussions relate to providing instructions to the local agency's designated negotiator. It should be emphasized that the labor negotiations exception applies only to actual bona fide labor negotiations, and a closed session may not be conducted where a legislative body merely wishes to set the salary of an employee.

The body may appoint from its membership one or more members constituting less than a quorum, to act as its negotiator, with whom it may meet and confer in closed session under the provisions of section 54957.6. (57 Ops.Cal.Atty.Gen. 209, 212 (1974).) However, if a body decides to conduct its meet-and-confer sessions itself without using a negotiator, the legislative body may not meet in closed session to review and decide upon its bargaining position. (57 Ops.Cal.Atty.Gen. 209, 212 (1974).) In addition, the legislative body as a whole may meet in closed session with a state conciliator who has intervened in the negotiations. (§ 54957.6(a); see also, 51 Ops.Cal.Atty.Gen. 201 (1968).)

For purposes of section 54957.6, the term "employee" not only refers to rank and file, but also includes an officer or an independent contractor who functions as an officer or employee. The term "employee" does not include any elected official, member of a legislative body, or other independent contractors. (§ 54957.6(b).)

E. Public Security Exception

The Act permits local agencies to meet in closed session with the Attorney General, district attorney, agency counsel, sheriff, or chief of police or their deputies, or a security consultant or a security operations manager on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities. (§ 54957.)

F. License Application Exception

The Act establishes special provisions for the consideration of license applications by persons with criminal records. (§ 54956.7.)

3. Minute Book

The Act provides for the discretionary keeping of a minute book with respect to closed sessions. (§ 54957.2.) The minute book is confidential and shall be available only to members of the legislative body or to a court in connection with litigation involving an alleged violation of the Act during a closed session. (§ 54957.2.) Neither the minute book nor the information which it memorializes may be released by the body's members. (Cal.Atty.Gen., Indexed Letter, No. IL 76-201 (October 20, 1976).) However, the minutes of an improper closed session are not confidential. (*Register Div. of Freedom Newspapers, Inc.* v. *County of Orange* (1984) 158 Cal.App.3d 893, 907-908.)

Under the Act, the recording of closed sessions is authorized by section 54957.2 only to the extent that such recording is accomplished with the knowledge or consent of the other participants in the closed session, pursuant to the requirements of Penal Code section 632. (62 Ops.Cal.Atty.Gen. 292 (1979).)

CHAPTER VII.

PENALTIES AND REMEDIES FOR VIOLATION OF THE ACT

If a person or member of the media believes a violation of open meeting laws has occurred or is about to occur, he or she may wish to contact the local body, the attorney for that body, a superior agency or the district attorney. If such contacts are not successful in resolving the concerns, the complainant may wish to consider one of the remedies or penalties provided by the Legislature to combat violations of the Act. These include criminal penalties, civil injunctive relief and the award of attorney's fees. In addition, with certain statutory exceptions, actions taken in violation of the Brown Act may be declared null and void by a court.

1. Criminal Penalties

The Act provides criminal misdemeanor penalties for certain violations. Specifically, the Act punishes attendance by a member of a body at a meeting where action is taken in violation of the Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled. (§ 54959.) The term "action taken" as defined by section 54952.6 includes a collective decision, commitment or promise by a majority of the members of a body. The fact that the decision is tentative rather than final does not shield participants from criminal liability; whether "action"within the meaning of the statute was taken would be a factual question in each case. (61 Ops.Cal.Atty.Gen. 283, 292-293 (1978).) Mere deliberation without the taking of some action will not trigger a criminal penalty.

2. Civil Remedies

A. Injunctive, Mandatory or Declaratory Relief

The Act provides two distinct types of civil remedies:

(1) Injunction, mandamus or declaratory relief to prevent or stop violations or threatened violations. (§ 54960.)

(2) Action to void past acts of the body. (§ 54960.1.)

These remedies are discussed in turn below.

The district attorney or any interested person also may seek injunctive, mandatory or declaratory relief in a superior court. (§ 54960.) An "interested person" may include, in addition to the public, a public entity or its officers. Unlike the criminal remedy, these civil remedies do not require that the body take action or that the members act with a specific intent to deprive the public of information to which the members know that the public is entitled.

In granting complainants the power to seek injunctive, mandatory or declaratory relief, the Legislature indicated on the face of the statute that such remedies were available to stop or prevent violations of the Act. (§ 54960.) This point was reiterated by the California Supreme Court in the case of *Regents of the University of California* v. *Superior Court* (1999) 20 Cal.4th 509, 522, where it concluded that these remedies were not available to redress the past actions of a body. However, with respect to state agencies, the Legislature quickly acted to supersede this interpretation. (See § 11130.)

A body may not always announce its intended action so as to give rise to an action for injunctive, mandatory or declaratory relief. Under these circumstances, the plaintiff may seek to support its case by demonstrating that a pattern of past conduct indicates the existence of present or future violations. (*Shapiro* v. *San Diego City Council* (2002) 96 Cal.App.4th 904; *Duval* v. *Board of Trustees* (2001) 93 Cal.App.4th 902, 906.) Alternatively, the body may seek to demonstrate that there is a current controversy that is evidenced by past practices of the body, and the body has not renunciated such practices. (*CAUSE* v. *City of San Diego* (1997) 56 Cal.App.4th 1024, 1029.) The court indicated that since the city would not admit to a violation it was likely that the current practices would continue. The court in *Common Cause* v. *Stirling* (1983) 147 Cal.App.3d 518, 524, concluded that courts may presume that a municipality will continue similar practices in light of the city attorney's refusal to admit the violation.

Where a legislative body has committed a violation of the Act concerning the conduct of closed sessions subject to the Act, a court may order the body to tape record future closed sessions pursuant to the procedures set forth in section 54960(b).

B. Voidability of Action

Either interested persons or the district attorney may seek to have actions taken in violation of the Act declared null and void by a court. (§ 54960.1.) In *Boyle* v. *City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1118, the court ruled that merely conferring with and giving direction to staff, where no vote was taken and no decision made, did not constitute action that could be adjudged null and void.

The Act specifically provides that before a suit can be initiated, the complainant must make within 90 days a written demand to the board to cure or correct the violation, unless the action was taken in an open session but in violation of section 54954.2 (agenda requirements), in which case the written demand shall be made within 30 days from the date the action was taken. (§ 54960.1(c)(1); *County of Del Norte* v. *City of Crescent City* (1999) 71 Cal.App.4th 965, 978; *Bell* v. *Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, 684.) The Act further provides that if the board refuses or fails to cure or correct a violation of sections 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 within 30 days from receipt of the written demand, the complainant may file a suit to have the action adjudged null and void. (§ 54960.1(c)(3).) Suits under this section must be brought within 15 days after receipt of the body's decision to cure or correct, or not to cure or correct; or 15 days after the expiration of the 30-day period for the body to cure or correct -- whichever is earlier. (§ 54960.1(c)(4); see *Boyle* v. *City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1117, fn. 5.) Once an action is challenged, a body nevertheless may cure or correct that action without prejudice and, where a lawsuit has been filed, may have the suit dismissed. (§ 54960.1(e); see *Boyle* v. *City of Redondo Beach* (1999) 70 Cal.App.4th 1109; *Bell* v. *Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, 685.) Since a violation may be cured or corrected after a lawsuit has been filed, the plaintiff need not wait for an answer to its demand that a body cure or correct an action before filing suit. (See *Bell* v. *Vista Unified School Dist.* (2000) 82 Cal.App.4th 672 [where the demand and the lawsuit were filed on the same day].)

Exemptions are provided in connection with decisions involving bonds, taxes and contracts on which there has been detrimental reliance. (§ 54960.1(d).) Also, actions "in substantial compliance" with the requirements of the Brown Act are exempt. (§ 54960.1(d)(1); see *County of Del Norte* v. *City of Crescent City* (1999) 71 Cal.App.4th 965, 978-979.) Persons having actual notice of matters to be considered at a meeting, within statutorily prescribed time periods in advance of a meeting, are barred from suing to have an action declared null and void. (§ 54960.1(d)(5).)

In a case concerning a similar provision of the open meeting law governing state agencies, the California Supreme Court found that the time deadlines for notification and initiation of a legal action could not be extended, even if the defendant fraudulently concealed violations of the open meeting law. The Court concluded that the time deadlines were intended to balance two conflicting policies: the desire to permit nullification of an agency's decisions on the one hand, and the need not to imperil the finality of agency decisions, on the other. Extension of the time deadlines would disturb this balance. (*Regents of the University of California* v. *Superior Court* (1999) 20 Cal.4th 509, 527.)

For a summary of the foregoing time deadlines for filing a suit to void an action taken by a body see Appendix A.

C. Attorney Fees

The Act provides for the award of attorney fees. (§ 54960.5.)

The Act provides that a plaintiff may receive attorney fees, but the award is against the agency, not the individual member or members who violated the Act. The defendant agency also may receive attorney fees when it prevails in a final determination and when the proceeding against the agency is frivolous and without merit. (*Sutter Sensible Planning, Inc.* v. *Board of Supervisors* (1981) 122 Cal.App.3d 813, 825-826; *Frazer* v. *Dixon Unified School Dist.* (1993) 18 Cal.App.4th 781, 800.)

The provision authorizing the award of attorney fees and court costs applies to both trial court and appellate court litigation. (*Boyle* v. *City* of *Redondo Beach* (1999) 70 Cal.App.4th 1109, 1121-1122; *International Longshoremen's & Warehousemen's Union* v. *Los Angeles Expert Terminal, Inc.* (1999) 69 Cal.App.4th 287, 302-304.) However, the award of fees is in the nature of a sanction and therefore, due process must be observed in the making of the award. Accordingly, the court must make written findings in order for a reviewing court to determine whether the awarding court properly exercised its discretion. (*Boyle* v. *City* of *Redondo Beach* (1999) 70 Cal.App.4th 1109.)

In *Common Cause* v. *Stirling* (1981) 119 Cal.App.3d 658, the trial court measured the petition for attorney fees under section 54960.5 against the standards established in Code of Civil Procedure section 1021.5, regarding the enforcement of an important right affecting the public interest.

Since the trial court concluded that attorney fees would not have been justified under section 1021.5, it refused to grant an award under the Act. The appellate court reversed, stating that even though recoveries would be small under normal principles, the damage was to the public integrity and, therefore, the Legislature had determined that public funds should be made available to pay for attorney fees to enforce these laws. Factors which should be considered in determining whether an award of attorney fees would be "unjust" and, therefore, should not be made, include the effect of such an award on settlement, the necessity for the lawsuit, the lack of injury to the public, the likelihood that the problem would have been solved by other means, and the likelihood that the problem would reoccur in the absence of the lawsuit.

The case was remanded to the trial court which still concluded that the plaintiff was not entitled to attorney fees. The matter once again was appealed, and the appellate court reversed the trial court a second time. (*Common Cause* v. *Stirling* (1983) 147 Cal.App.3d 518.) The court held that the plaintiff was entitled to attorney fees because it had established a legal principle on behalf of the public.

In *International Longshoremen's* & *Warehousemen's Union* v. *Los Angeles Expert Terminal, Inc*. (1999) 69 Cal.App.4th 287, 302, the court upheld an award of attorney fees because without the suit, violations of the Brown Act would have been ongoing. There, a for profit corporation claimed that it was not subject to the Brown Act. Plaintiffs demonstrated that the Act was applicable because the entity was created by a city council in order to exercise delegated governmental authority.

The award of fees may reflect market rates even though the prevailing party's attorney fees were lower. (*International Longshoremen's* & *Warehousemen's Union* v. *Los Angeles Expert Terminal, Inc.* (1999) 69 Cal.App.4th 287, 303.)

APPENDIX A

TIME DEADLINES

FOR FILING A SUIT TO VOID AN ACTION TAKEN BY A BODY

An action is taken that a district attorney or interested person believes is in violation of:

- general open meeting requirement (§ 54953)
- agenda requirements for regular meetings (§ 54954.2)
- safe harbor notice provisions for closed sessions (§ 54954.5)
- procedures for new taxes and assessments (§ 54954.6)
- requirements for special meetings (§ 54956)
- requirements for emergency meetings (§ 54956.5)

Complainant must make written demand to the body to cure or correct within:

A. 30 days of the action if it were in open session, but in violation of agenda requirements.

B. 90 days of the action in all other situations.

Once the body receives demand, it has 30 days to cure or correct the violation.

If the body fails to cure or correct within this 30-day period, interested person may file suit to void the action.

The action must be filed within 15 days of:

A. Receipt of decision to cure or correct or refusal to do so.

B. End of 30-day period to cure or correct.

APPENDIX B

THE RALPH M. BROWN ACT

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THE RALPH M. BROWN ACT

54950. Policy declaration

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

54950.5. Title

This chapter shall be known as the Ralph M. Brown Act.

54951. Definition of local agency

As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

54952. Definition of legislative body

As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company, or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

54952.1. Definition of member of a legislative body

Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

54952.2. Definition of meeting

(a) As used in this chapter, "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.

(b) Except as authorized pursuant to Section 54953, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item by the members of the legislative body is prohibited.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person.

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among

themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

54952.6. Definition of action taken

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

54952.7. Copies of Act; Distribution

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

54953. Open meetings required; Teleconferencing; Secret ballots

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) No legislative body shall take action by secret ballot, whether preliminary or final.

54953.2. Meeting; Disability rights

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

54953.1. Grand jury testimony by members

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

54953.3. Conditions to attendance at meetings

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

54953.5. Recording meetings

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

54953.6. Broadcasting meetings

No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

54953.7. Greater access to meetings permitted

Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

54954. Notice of regular meetings; Boundary restrictions for all meetings

(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.

(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:

(1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.

(2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.

(3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.

(4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.

(5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.

(6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.

(7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district except under the circumstances enumerated in subdivision (b), or to do any of the following:

(1) Attend a conference on nonadversarial collective bargaining techniques.

(2) Interview members of the public residing in another district with reference to the trustees' potential employment of the superintendent of that district.

(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

54954.1. Agenda information provided by mail; Fee

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

54954.2. Agenda requirements; Regular meetings

(a) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on

his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

54954.3. Public's right to testify at meetings

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

54954.4. Reimbursement of costs

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

54954.5. Safe harbor agenda for closed sessions

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiating parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment, or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision (b) of Section 54956.9.)

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discussed in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence of a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

or

Unrepresented employee: (Specify position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW/PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET

Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)

Estimated date of public disclosure: (Specify month and year)

HEARINGS

Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:

CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW

(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

54954.6. New taxes and/or assessments; Procedural requirements

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities, or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased general tax shall be accomplished by placing a display advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new

or increased general taxes. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization assessment roll, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The estimated amount of the assessment per parcel. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessment will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts, or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (2) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as to not delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to the assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIIIC or XIIID of the California Constitution is not subject to the notice and hearing requirements of this section.

54955. Adjournment

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

54955.1. Continuance

Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent

meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

54956. Special meetings

A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

54956.5. Emergency meetings

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.

(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

54956.6. Fees

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

54956.7. Closed session; License application of rehabilitated criminal

Whenever a legislative body of a local agency determines that it is necessary to discuss and determine whether an applicant for a license or license renewal, who has a criminal record, is sufficiently rehabilitated to obtain the license, the legislative body may hold a closed session with the applicant and the applicant's attorney, if any, for the purpose of holding the discussion and making the determination. If the legislative body determines, as a result of the closed session, that the issuance or renewal of the license should be denied, the applicant shall be offered the opportunity to withdraw the application. If the applicant withdraws the application, no record shall be kept of the discussions or decisions made at the closed session and all matters relating to the closed session shall be confidential. If the applicant does not withdraw the application, the legislative body shall take action at the public meeting during which the closed session is held or at its next public meeting denying the application for the license but all matters relating to the closed session are confidential and shall not

be disclosed without the consent of the applicant, except in an action by an applicant who has been denied a license challenging the denial of the license.

54956.8. Closed session; Real property negotiations

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

54956.86. Closed session; Health claims

Notwithstanding any other provision of this chapter, a legislative body of a local agency which provides services pursuant to Section 14087.3 of the Welfare and Institutions Code may hold a closed session to hear a charge or complaint from a member enrolled in its health plan if the member does not wish to have his or her name, medical status, or other information that is protected by federal law publicly disclosed. Prior to holding a closed session pursuant to this section, the legislative body shall inform the member, in writing, of his or her right to have the charge or complaint heard in an open session rather than a closed session.

54956.87. Record exempt; Closed session; County health plan

(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulae or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board

of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.

(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (c) of Section 32106 of the Health and Safety Code, shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.

(c) The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.

(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

54956.9. Closed session; Pending litigation

Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(a) Litigation, to which the local agency is a party, has been initiated formally.

(b) (1) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(2) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (1) of this subdivision.

(3) For purposes of paragraphs (1) and (2), "existing facts and circumstances" shall consist only of one of the following:

(A) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(B) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(C) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(D) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(E) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(F) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(c) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the subdivision of this section that authorizes the closed session. If the session is closed pursuant to subdivision (a), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

§ 54956.95. Closed session; Insurance liability

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

54957. Closed session; Personnel and threat to public security

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions with the Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security

operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

(b) (1) Subject to paragraph (2), nothing contained in this chapter shall be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. Nothing in this subdivision shall limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

§ 54957.1. Report at conclusion of closed session

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as specified below:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as specified below:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in paragraph (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

54957.2. Minutes of closed session

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

54957.5. Agendas and other materials; Public records

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.7, or 6254.22.

(b) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(c) Nothing in this chapter shall be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). Nothing in this chapter shall be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

54957.6. Closed session; Labor negotiations

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency’s designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency’s designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

54957.7. Announcement prior to closed sessions

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

54957.8. Closed session; Multijurisdictional drug enforcement agency

Nothing contained in this chapter shall be construed to prevent the legislative body of a multijurisdictional drug law enforcement agency, or an advisory body of a multijurisdictional drug law enforcement agency, from holding closed sessions to discuss the case records of any ongoing criminal

investigation of the multijurisdictional drug law enforcement agency or of any party to the joint powers agreement, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.

"Multijurisdictional drug law enforcement agency," for purposes of this section, means a joint powers entity formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, which provides drug law enforcement services for the parties to the joint powers agreement.

The Legislature finds and declares that this section is within the public interest, in that its provisions are necessary to prevent the impairment of ongoing law enforcement investigations, to protect witnesses and informants, and to permit the discussion of effective courses of action in particular cases.

54957.9. Disruption of meeting

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

54957.10. Closed session; Deferred Compensation Plan; Early withdrawal

Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

54958. Act supercedes conflicting laws

The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

54959. Violation of Act; Criminal penalty

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the

public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

54960. Violation of Act; Civil remedies

(a) The district attorney or any interested person may commence an action by mandamus, injunction or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to actions or threatened future action of the legislative body, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to tape record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to tape record its closed sessions and preserve the tape recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) (1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The tapes shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the tape is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session which has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency which has custody and control of the tape recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency which has custody and control of the recording.

(ii) An affidavit which contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications which are protected by the attorney-client privilege.

54960.1. Violation of Act; Actions declared null and void

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960 or 54960.1 where it is found that a legislative body of the local agency has violated this chapter. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

54961. Discrimination; Disabled access; Fees for attendance; Disclosure of victims

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

54962. Closed session; Express authorization required

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code as they apply to hospitals, or by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

54963. Closed session; Disclosure of confidential information

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grandjury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.

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Attorney General's Office
Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550
1 (800) 952-5225

Contract Report

Hillsborough City School District

Measure H Bond Program

Reporting Period - Contracts: 3/5/2025 to 6/8/2025 and Expenses thru 6/10/2025

Contract Number	Contractor	Status	Acct Number	Object Code	Current Amount	Spent	Outstanding Encumbrance
926	**Classroom Technology (All School Sites)**						
PO251623	DIGITAL VIEW INC	Open	21-9106-0-0000-8500-6401-	6401	$25,075.41	$0.00	$25,075.41
PO251624	DIGITAL VIEW INC	Open	21-9106-0-0000-8500-6401-	6401	$3,234.50	$0.00	$3,234.50
PO251624	DIGITAL VIEW INC	Open	21-9106-0-0000-8500-6401-	6401	$3,234.50	$0.00	$3,234.50
PO251624	DIGITAL VIEW INC	Open	21-9106-0-0000-8500-6401-	6401	$3,234.50	$0.00	$3,234.50
			Total:		**$34,778.91**	**$0.00**	**$34,778.91**
927	**South A Pod Finishes Remodel**						
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$17,235.00	$17,235.00	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$12,926.10	$12,926.10	$0.00
			Total:		**$30,161.10**	**$30,161.10**	**$0.00**
928	**District Management Costs**						
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$22,890.00	$22,890.00	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$13,464.75	$13,464.75	$0.00
			Total:		**$36,354.75**	**$36,354.75**	**$0.00**
929	**Furniture Replacement (All School Sites)**						
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$1,078.00	$1,078.00	$0.00
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$1,078.00	$1,078.00	$0.00
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$1,078.00	$1,078.00	$0.00
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$1,078.00	$1,078.00	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$807.89	$807.89	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$807.89	$807.89	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$807.89	$807.89	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$807.89	$807.89	$0.00
			Total:		**$7,543.56**	**$7,543.56**	**$0.00**

Measure H Bond Program

Reporting Period - Contracts: 3/5/2025 to 6/8/2025 and Expenses thru 6/10/2025

Contract Number	Contractor	Status	Acct Number	Object Code	Current Amount	Spent	Outstanding Encumbrance
932	**Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom**						
PO251474	CYPRESS ENGINEERING GROUP LLC	Closed	21-9106-0-0000-8500-6262-	6262	$17,300.00	$0.00	$0.00
PO251474	CYPRESS ENGINEERING GROUP LLC	Closed	21-9106-0-0000-8500-6261-	6261	$17,300.00	$0.00	$0.00
PO251506	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$2,050.70	$2,050.70	$0.00
PO251541	NINYO and MOORE GEOTECHNICAL and E	Closed	21-9106-0-0000-8500-6262-	6262	$4,400.00	$4,400.00	$0.00
PO251542	NINYO and MOORE GEOTECHNICAL and E	Closed	21-9106-0-0000-8500-6262-	6262	$4,400.00	$4,400.00	$0.00
PO251543	NINYO and MOORE GEOTECHNICAL and E	Closed	21-9106-0-0000-8500-6262-	6262	$7,650.00	$7,650.00	$0.00
PO251651	MILLENNIUM CONSULTING ASSOCIAT	Open	21-9106-0-0000-8500-6262-	6262	$15,651.00	$13,717.26	$1,933.74
PO251653	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$1,642.50	$1,642.50	$0.00
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$37,701.00	$37,701.00	$0.00
PO251760	WRNS STUDIO	Closed	21-9106-0-0000-8500-6211-	6211	$52,200.00	$52,200.00	$0.00
PO251761	WRNS STUDIO	Closed	21-9106-0-0000-8500-6211-	6211	$55,500.00	$55,500.00	$0.00
PO251786	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$1,485.00	$1,485.00	$0.00
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$18,850.65	$18,850.65	$0.00
PO251902	RAFFO, LARRY	Open	21-9106-0-0000-8500-5807-	5807	$1,215.00	$0.00	$1,215.00
			Total:		**$237,345.85**	**$199,597.11**	**$3,148.74**
933	**West MPR Replacement**						
PO251472	CYPRESS ENGINEERING GROUP LLC	Closed	21-9106-0-0000-8500-6262-	6262	$11,300.00	$0.00	$0.00
PO251472	CYPRESS ENGINEERING GROUP LLC	Closed	21-9106-0-0000-8500-6261-	6261	$11,300.00	$0.00	$0.00
PO251506	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$559.30	$559.30	$0.00
PO251514	NINYO and MOORE GEOTECHNICAL and E	Closed	21-9106-0-0000-8500-6262-	6262	$6,650.00	$6,650.00	$0.00
PO251653	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$630.00	$630.00	$0.00
PO251661	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$35,008.00	$35,008.00	$0.00
PO251693	GEOCON CONSULTANTS INC	Open	21-9106-0-0000-8500-6262-	6262	$34,265.00	$1,750.00	$32,515.00
PO251695	SAN MATEO COUNTY ENVIRONMENTAL	Closed	21-9106-0-0000-8500-6225-	6225	$2,211.00	$2,211.00	$0.00
PO251722	NINYO and MOORE GEOTECHNICAL and E	Closed	21-9106-0-0000-8500-6262-	6262	$7,500.00	$7,000.00	$0.00

Measure H Bond Program

Reporting Period - Contracts: 3/5/2025 to 6/8/2025 and Expenses thru 6/10/2025

Contract Number	Contractor	Status	Acct Number	Object Code	Current Amount	Spent	Outstanding Encumbrance
933	**West MPR Replacement**						
PO251786	RAFFO, LARRY	Closed	21-9106-0-0000-8500-5807-	5807	$810.00	$810.00	$0.00
PO251810	--none--	Open	21-9106-0-0000-8500-6233-	6233	$1,500.00	$982.50	$517.50
PO251875	VAN PELT CONSTRUCTION SERVICES	Closed	21-9106-0-0000-8500-6234-	6234	$18,850.65	$18,850.65	$0.00
PO251902	RAFFO, LARRY	Open	21-9106-0-0000-8500-5807-	5807	$787.50	$0.00	$787.50
			Total:		**$131,371.45**	**$74,451.45**	**$33,820.00**
			Grand Total:		**$477,555.62**	**$348,107.97**	**$71,747.65**

BMET Expense List

Hillsborough City School District

Measure H Bond Program

BMET Expenses Date Paid between 3/5/2025 and 6/8/2025

Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
926-Classroom Technology (All School Sites)												
TSE CONSTRUCTION	Invoice	Paid	25000139	PO251164	2025829	3/3/2025	3/6/2025	3/6/2025	611118	6219	A	$1,119.12
TSE CONSTRUCTION	Invoice	Paid	25000139	PO251164	2025829	3/3/2025	3/6/2025	3/6/2025	611118	6219	A	$1,119.12
TSE CONSTRUCTION	Invoice	Paid	25000139	PO251164	2025829	3/3/2025	3/6/2025	3/6/2025	611118	6219	A	$2,238.22
									Project Total:			**$4,476.46**
927-South A Pod Finishes Remodel												
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$17,235.00
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$12,926.10
ASF ELECTRIC INC	Invoice	Paid	PO251432	PO251432	PO251432	4/22/2025	4/22/2025	4/22/2025	622201	6210	A	$4,500.00
ASF ELECTRIC INC	Invoice	Paid	25000144	PO250936	4809	1/3/2025	3/11/2025	3/11/2025	611833	6210	A	$22,540.00
									Project Total:			**$57,201.10**
928-District Management Costs												
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$241.66
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$18.08
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$80.60
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$241.66
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$18.08
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$107.11
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$241.66
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$24.03
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$0.86
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$25.05
	Invoice	Paid	PYB053025	PYB053025	PYB053025	5/30/2025	5/30/2025	5/30/2025		3000	A	$587.63
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$0.65
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$18.85
	Invoice	Paid	PYB043025	PYB043025	PYB043025	4/30/2025	4/30/2025	4/30/2025		3000	A	$471.97
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$0.65
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$18.85

Measure H Bond Program

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Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
	Invoice	Paid	PY033125	PY033125	PY033125	3/31/2025	3/31/2025	3/31/2025		2000	A	$1,744.80
	Invoice	Paid	PY053025	PY053025	PY053025	5/30/2025	5/30/2025	5/30/2025		2000	A	$2,172.40
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$471.97
	Invoice	Paid	PYB033125	PYB033125	PYB033125	3/31/2025	3/31/2025	3/31/2025		3000	A	$80.60
	Invoice	Paid	PY043025	PY043025	PY043025	4/30/2025	4/30/2025	4/30/2025		2000	A	$1,744.80
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$13,464.75
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$22,890.00
CHAVAN and ASSOCIATE	Invoice	Paid	PO250014	PO250014	PO250014	4/24/2025	4/24/2025	4/24/2025	623039	5823	A	$1,950.00
									Project Total:			**$46,616.71**

929-Furniture Replacement (All School Sites)

VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$807.89
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$807.89
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$807.89
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$1,078.00
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$807.89
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$1,078.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$1,078.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$1,078.00
									Project Total:			**$7,543.56**

931-West Waterline Replacement

VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$2,692.95
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$16,158.00
CYPRESS ENGINEERIN	Invoice	Paid	PO250138	PO250138	PO250138	5/20/2025	5/20/2025	5/20/2025	629661	6210	A	$1,920.00
CYPRESS ENGINEERIN	Invoice	Paid	PO250137	PO250137	PO250137	5/20/2025	5/20/2025	5/20/2025	629662	6210	A	$1,910.00
									Project Total:			**$22,680.95**

932-Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom

RAFFO, LARRY	Invoice	Paid	25000156	PO251653	MAR 2025	3/31/2025	4/15/2025	4/15/2025	620783	5807	A	$1,642.50

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Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
WRNS STUDIO	Invoice	Paid	PO251760	PO251760	PO251760	6/3/2025	6/3/2025	6/3/2025	634438	6211	A	$52,200.00
WRNS STUDIO	Invoice	Paid	PO251761	PO251761	PO251761	6/3/2025	6/3/2025	6/3/2025	634438	6211	A	$55,500.00
RAFFO, LARRY	Invoice	Paid	PO251786	PO251786	PO251786	5/13/2025	5/13/2025	5/13/2025	627770	5807	A	$1,485.00
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$18,850.65
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$37,701.00
DUDEK	Invoice	Paid	25000148	PO251441	202500966	3/29/2025	3/18/2025	3/18/2025	613737	6233	A	$686.25
DUDEK	Invoice	Paid	PO251441	PO251441	PO251441	5/15/2025	5/15/2025	5/15/2025	628899	6233	A	$5,447.50
RAFFO, LARRY	Invoice	Paid	25000144	PO251506	FEB 25 TIMESHEET	3/7/2025	3/11/2025	3/11/2025	611827	5807	A	$2,050.70
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251541	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$4,400.00
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251542	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$4,400.00
MILLENNIUM CONSULTI	Invoice	Paid	PO251651	PO251651	PO251651	5/22/2025	5/22/2025	5/22/2025	630782	6262	A	$2,056.75
MILLENNIUM CONSULTI	Invoice	Paid	PO251651	PO251651	PO251651	5/20/2025	5/20/2025	5/20/2025	629664	6262	A	$11,660.51
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251543	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$7,650.00
QUATTROCCHI KWOK A	Invoice	Paid	PO250151	PO250151	PO250151	5/13/2025	5/13/2025	5/13/2025	627767	6211	A	$20,630.10
BRELJE and RACE	Invoice	Paid	PO251406	PO251406	PO251406	5/22/2025	5/22/2025	5/22/2025	630783	6210	A	$31,500.00
BRELJE and RACE	Invoice	Paid	PO251406	PO251406	PO251406	6/5/2025	6/5/2025	6/5/2025	635227	6210	A	$6,300.00
SUBTRONIC CORPORAT	Invoice	Paid	25000139	PO250627	35779	10/31/2024	3/6/2025	3/6/2025	611117	5819	A	$27,862.00
QUATTROCCHI KWOK A	Invoice	Paid	25000152	PO250151	27232	3/10/2025	4/1/2025	4/1/2025	617683	6211	A	$38,064.45
QUATTROCCHI KWOK A	Invoice	Paid	25000148	PO250151	27116	2/7/2025	3/20/2025	3/20/2025	614534	6211	A	$100,637.65
QUATTROCCHI KWOK A	Invoice	Paid	PO250151	PO250151	PO250151	5/20/2025	5/20/2025	5/20/2025	629665	6211	A	$541,193.24
									Project Total:			**$971,918.30**

933-West MPR Replacement

RAFFO, LARRY	Invoice	Paid	PO251786	PO251786	PO251786	5/13/2025	5/13/2025	5/13/2025	627770	5807	A	$810.00
	Invoice	Paid	PO251810	PO251810	PO251810	5/22/2025	5/22/2025	5/22/2025	630781	6233	A	$512.50
	Invoice	Paid	PO251810	PO251810	PO251810	5/15/2025	5/15/2025	5/15/2025	628898	6233	A	$470.00
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$18,850.65
RAFFO, LARRY	Invoice	Paid	25000156	PO251653	MAR 2025	3/31/2025	4/15/2025	4/15/2025	620783	5807	A	$630.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$35,008.00
GEOCON CONSULTANT	Invoice	Paid	PO251693	PO251693	PO251693	6/3/2025	6/3/2025	6/3/2025	634449	6262	A	$1,750.00

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Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
SAN MATEO COUNTY EN	Invoice	Paid	PO251695	PO251695	PO251695	4/22/2025	4/22/2025	4/22/2025	622210	6225	A	$2,211.00
NINYO and MOORE GEO	Invoice	Paid	PO251722	PO251722	PO251722	5/22/2025	5/22/2025	5/22/2025	630784	6262	A	$7,000.00
RAFFO, LARRY	Invoice	Paid	25000144	PO251506	FEB 25 TIMESHEET	3/7/2025	3/11/2025	3/11/2025	611827	5807	A	$559.30
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251514	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$6,650.00
DUDEK	Invoice	Paid	25000148	PO251440	202500966	3/29/2025	3/18/2025	3/18/2025	613737	6233	A	$1,655.00
DUDEK	Invoice	Paid	PO251440	PO251440	PO251440	5/15/2025	5/15/2025	5/15/2025	628899	6233	A	$5,169.30
GEO-ENGINEERING SOL	Invoice	Paid	PO250478	PO250478	PO250478	5/15/2025	5/15/2025	5/15/2025	628897	6233	A	$2,717.50
									Project Total:			**$83,993.25**

934-Roofing Repairs (All Sites)

VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
DAILY JOURNAL CORPO	Invoice	Paid	PO251713	PO251713	PO251713	4/24/2025	4/24/2025	4/24/2025	623040	6242	A	$208.34
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
FINNEY ARCHITECTS IN	Invoice	Paid	PO251622	PO251622	PO251622	5/20/2025	5/20/2025	5/20/2025	629663	6211	A	$17,589.06
CED BAY AREA	Invoice	Paid	PO251647	PO251647	PO251647	5/20/2025	5/20/2025	5/20/2025	629660	6410	A	$1,023.56
DIVISION OF THE STATE	Invoice	Paid	25000156	PO251648	01 14168	2/27/2025	4/15/2025	4/15/2025	620784	6221	A	$11,063.92
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251539	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$3,900.00
NINYO and MOORE GEO	Invoice	Paid	PO251540	PO251540	PO251540	6/5/2025	6/5/2025	6/5/2025	635222	6262	A	$3,900.00
FINNEY ARCHITECTS IN	Invoice	Paid	PO251622	PO251622	PO251622	5/6/2025	5/6/2025	5/6/2025	626030	6211	A	$216,931.74
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/1/2025	5/1/2025	5/1/2025	625152	6211	A	$97,730.14
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/20/2025	5/20/2025	5/20/2025	629663	6211	A	$7,924.06
NINYO and MOORE GEO	Invoice	Paid	PO250284	PO250284	PO250284	5/8/2025	5/8/2025	5/8/2025	627081	6211	A	$802.50
									Project Total:			**$402,543.04**

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Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
935-HVAC Replacements and Improvements (All Sites)												
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
DAILY JOURNAL CORPO	Invoice	Paid	PO251713	PO251713	PO251713	4/24/2025	4/24/2025	4/24/2025	623040	6242	A	$208.33
RAFFO, LARRY	Invoice	Paid	PO251786	PO251786	PO251786	5/13/2025	5/13/2025	5/13/2025	627770	5807	A	$776.25
RAFFO, LARRY	Invoice	Paid	PO251786	PO251786	PO251786	5/13/2025	5/13/2025	5/13/2025	627770	5807	A	$776.25
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$4,039.43
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
FINNEY ARCHITECTS IN	Invoice	Paid	PO251622	PO251622	PO251622	5/20/2025	5/20/2025	5/20/2025	629663	6211	A	$17,589.06
CED BAY AREA	Invoice	Paid	PO251647	PO251647	PO251647	5/20/2025	5/20/2025	5/20/2025	629660	6410	A	$1,023.57
DIVISION OF THE STATE	Invoice	Paid	25000156	PO251648	01 14168	2/27/2025	4/15/2025	4/15/2025	620784	6221	A	$11,063.92
RAFFO, LARRY	Invoice	Paid	25000156	PO251653	MAR 2025	3/31/2025	4/15/2025	4/15/2025	620783	5807	A	$709.20
RAFFO, LARRY	Invoice	Paid	25000156	PO251653	MAR 2025	3/31/2025	4/15/2025	4/15/2025	620783	5807	A	$708.30
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$6,328.00
NINYO and MOORE GEO	Invoice	Paid	25000157	PO251539	300961	3/26/2025	4/17/2025	4/17/2025	621667	6262	A	$3,900.00
NINYO and MOORE GEO	Invoice	Paid	PO251540	PO251540	PO251540	6/5/2025	6/5/2025	6/5/2025	635222	6262	A	$3,900.00
FINNEY ARCHITECTS IN	Invoice	Paid	PO251622	PO251622	PO251622	5/6/2025	5/6/2025	5/6/2025	626030	6211	A	$216,931.74
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/1/2025	5/1/2025	5/1/2025	625152	6211	A	$97,730.14
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/20/2025	5/20/2025	5/20/2025	629663	6211	A	$7,924.07
NINYO and MOORE GEO	Invoice	Paid	PO250284	PO250284	PO250284	5/8/2025	5/8/2025	5/8/2025	627081	6211	A	$802.50
CYPRESS ENGINEERIN	Invoice	Paid	PO250122	PO250122	PO250122	5/20/2025	5/20/2025	5/20/2025	629661	6210	A	$1,360.00
									Project Total:			**$406,873.05**
TULARE COUNTY OF ED	Invoice	Paid	PO251363	PO251363	PO251363	6/3/2025	6/3/2025	6/3/2025	634437	5818	A	$6,000.00
TULARE COUNTY OF ED	Invoice	Paid	PO251363	PO251363	PO251363	6/3/2025	6/3/2025	6/3/2025	634437	5818	A	$5,500.00

BMET Expense List

Hillsborough City School District

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Project / Payee	Expense Type	Status	JENumber	PONumber	Invoice #	Invoice Date	Voucher Date	Check Date	Check Number	Object Code	Bond Series	Amount
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/20/2025	5/20/2025	5/20/2025	629663	6211	A	$7,924.06
FINNEY ARCHITECTS IN	Invoice	Paid	PO251473	PO251473	PO251473	5/1/2025	5/1/2025	5/1/2025	625152	6211	A	$97,730.13
VAN PELT CONSTRUCTI	Invoice	Paid	25000157	PO251661	DEC 24 TO MARCH 25	12/31/2024	4/17/2025	4/17/2025	621670	6234	A	$24,237.00
AMS.NET INC	Invoice	Paid	PO251692	PO251692	PO251692	6/5/2025	6/5/2025	6/5/2025	635220	5818	A	$15,961.85
AMS.NET INC	Invoice	Paid	PO251692	PO251692	PO251692	6/5/2025	6/5/2025	6/5/2025	635220	6410	A	$46,602.33
DAILY JOURNAL CORPO	Invoice	Paid	PO251713	PO251713	PO251713	4/24/2025	4/24/2025	4/24/2025	623040	6242	A	$208.33
VAN PELT CONSTRUCTI	Invoice	Paid	PO251875	PO251875	PO251875	6/3/2025	6/3/2025	6/3/2025	634421	6234	A	$5,385.90
TULARE COUNTY OF ED	Invoice	Paid	PO251363	PO251363	PO251363	6/3/2025	6/3/2025	6/3/2025	634437	5818	A	$4,000.00
TULARE COUNTY OF ED	Invoice	Paid	25000148	PO251363	252633	2/20/2025	3/20/2025	3/20/2025	614535	5818	A	$7,500.00
TULARE COUNTY OF ED	Invoice	Paid	25000148	PO251363	252633	2/20/2025	3/20/2025	3/20/2025	614535	5818	A	$10,000.00
TULARE COUNTY OF ED	Invoice	Paid	PO251363	PO251363	PO251363	6/3/2025	6/3/2025	6/3/2025	634437	5818	A	$5,500.00
TULARE COUNTY OF ED	Invoice	Paid	PO251363	PO251363	PO251363	6/3/2025	6/3/2025	6/3/2025	634437	5818	A	$4,000.00
GUPTA LLC	Invoice	Paid	25000148	PO251263	7895	3/7/2025	3/18/2025	3/18/2025	613741	6242	A	$745.00
TULARE COUNTY OF ED	Invoice	Paid	25000148	PO251363	252633	2/20/2025	3/20/2025	3/20/2025	614535	5818	A	$7,500.00
AMS.NET INC	Invoice	Paid	PO251258	PO251258	PO251258	5/13/2025	5/13/2025	5/13/2025	627763	6410	A	$5,258.26
AMS.NET INC	Invoice	Paid	PO251258	PO251258	PO251258	4/29/2025	4/29/2025	4/29/2025	624304	6410	A	$26,989.76
											Project Total:	**$281,042.62**
											Grand Total:	**$2,284,889.04**

Notes:

Status=Paid
BondSeries=A
Funding Sources=Measure H
ExpenseType=Invoice,JE,Transfer

Project Funding Sources Recap and Balance Report

Hillsborough City School District

Measure H Bond Program
Reporting Period: Inception through 6/11/2025

Project	Funding Source	A Budget	B Costs To Date	C Outstanding Encumbrance	D=B+C Est. at Completion	E=A-D Remaining Balance
South Elementary						
927: South A Pod Finishes Remodel						
	Measure H	$1,000,000	$456,790	$24,500	$481,290	$518,710
	927 Totals:	**$1,000,000**	**$456,790**	**$24,500**	**$481,290**	**$518,710**
	South Elementary Totals:	**$1,000,000**	**$456,790**	**$24,500**	**$481,290**	**$518,710**
West Elementary						
931: West Waterline Replacement						
	Measure H	$1,100,000	$157,989	$32,360	$190,348	$909,652
	931 Totals:	**$1,100,000**	**$157,989**	**$32,360**	**$190,348**	**$909,652**
933: West MPR Replacement						
	Measure H	$22,400,000	$1,045,046	$82,552	$1,127,597	$21,272,403
	933 Totals:	**$22,400,000**	**$1,045,046**	**$82,552**	**$1,127,597**	**$21,272,403**
	West Elementary Totals:	**$23,500,000**	**$1,203,035**	**$114,911**	**$1,317,946**	**$22,182,054**
Crocker Middle						
932: Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom						
	Measure H	$45,450,000	$1,746,893	$963,081	$2,709,974	$42,740,026
	932 Totals:	**$45,450,000**	**$1,746,893**	**$963,081**	**$2,709,974**	**$42,740,026**
936: Sand Channel Drainage New Natural Turf						
	Measure H	$2,000,000	$24,545	$0	$24,545	$1,975,455
	936 Totals:	**$2,000,000**	**$24,545**	**$0**	**$24,545**	**$1,975,455**
	Crocker Middle Totals:	**$47,450,000**	**$1,771,438**	**$963,081**	**$2,734,519**	**$44,715,481**
Bridge School						
930: Bridge School Remodel						
	Measure H	$250,000	$9,447	$7,300	$16,747	$233,254
	930 Totals:	**$250,000**	**$9,447**	**$7,300**	**$16,747**	**$233,254**
	Bridge School Totals:	**$250,000**	**$9,447**	**$7,300**	**$16,747**	**$233,254**
District-Wide						
925: South and North School Painting						
	Measure H	$700,000	$449,792	$0	$449,792	$250,208
	925 Totals:	**$700,000**	**$449,792**	**$0**	**$449,792**	**$250,208**
926: Classroom Technology (All School Sites)						
	Measure H	$3,000,000	$1,932,017	$708,672	$2,640,689	$359,311
	926 Totals:	**$3,000,000**	**$1,932,017**	**$708,672**	**$2,640,689**	**$359,311**
929: Furniture Replacement (All School Sites)						
	Measure H	$4,000,000	$276,079	$0	$276,079	$3,723,921
	929 Totals:	**$4,000,000**	**$276,079**	**$0**	**$276,079**	**$3,723,921**

Project Funding Sources Recap and Balance Report

Hillsborough City School District

Measure H Bond Program

Reporting Period: Inception through 6/11/2025

Project	Funding Source	A Budget	B Costs To Date	C Outstanding Encumbrance	D=B+C Est. at Completion	E=A-D Remaining Balance
934: Roofing Repairs (All Sites)						
	Measure H	$14,250,000	$6,734,249	$948,662	$7,682,911	$6,567,089
	934 Totals:	**$14,250,000**	**$6,734,249**	**$948,662**	**$7,682,911**	**$6,567,089**
935: HVAC Replacements and Improvements (All Sites)						
	Measure H	$17,250,000	$7,372,521	$4,553,629	$11,926,150	$5,323,850
	935 Totals:	**$17,250,000**	**$7,372,521**	**$4,553,629**	**$11,926,150**	**$5,323,850**
999: Program Contingency						
	Measure H	$3,250,000	$0	$0	$0	$3,250,000
	999 Totals:	**$3,250,000**	**$0**	**$0**	**$0**	**$3,250,000**
	District-Wide Totals:	**$42,450,000**	**$16,764,657**	**$6,210,963**	**$22,975,620**	**$19,474,380**
District Office						
928: District Management Costs						
	Measure H	$4,200,000	$661,404	$18,425	$679,829	$3,520,171
	928 Totals:	**$4,200,000**	**$661,404**	**$18,425**	**$679,829**	**$3,520,171**
	District Office Totals:	**$4,200,000**	**$661,404**	**$18,425**	**$679,829**	**$3,520,171**
	Measure H Bond Program Totals:	**$118,850,000**	**$20,866,770**	**$7,339,181**	**$28,205,950**	**$90,644,050**

Definitions:

Budget:	Total Funds allocated from all funding sources
Costs to Date:	Total Expenditures to Date (Includes all invoices)
Outstanding Encumbrance:	Total Amount of Funds currently under contract less Costs to Date
Estimate at Completion:	Total Amount of Actual Expenditures
Remaining Balance:	Budget less Estimate at Completion

Notes:

- The data in this report is valid as of the time of printing (see date stamp on report)
- Retentions are included in Costs To Date (as if already paid)
- Rounding factors may apply

Quarterly Summary Bond Report

Hillsborough City School District

Measure H Bond Program

Reporting Period: Inception through 6/8/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
North Elementary						
Pending						
TBD-04	North School Jungle Remodel	$2,500,000	$0	$0	$0	$2,500,000
	Total Pending	**$2,500,000**	**$0**	**$0**	**$0**	**$2,500,000**
	North Elementary Totals	**$2,500,000**	**$0**	**$0**	**$0**	**$2,500,000**
South Elementary						
Pending						
TBD-03	South Pre-School Remodel	$500,000	$0	$0	$0	$500,000
TBD-09	South Classroom 4/5 Remodel	$8,000,000	$0	$0	$0	$8,000,000
	Total Pending	**$8,500,000**	**$0**	**$0**	**$0**	**$8,500,000**
Active						
927	South A Pod Finishes Remodel	$1,000,000	$57,201	$103,565	$456,790	$543,210
	Total Active	**$1,000,000**	**$57,201**	**$103,565**	**$456,790**	**$543,210**
	South Elementary Totals	**$9,500,000**	**$57,201**	**$103,565**	**$456,790**	**$9,043,210**
West Elementary						
Pending						
TBD-05	West Library Modernization	$1,000,000	$0	$0	$0	$1,000,000
	Total Pending	**$1,000,000**	**$0**	**$0**	**$0**	**$1,000,000**
Active						
931	West Waterline Replacement	$1,100,000	$22,681	$40,711	$157,989	$942,011
933	West MPR Replacement	$22,400,000	$83,993	$783,763	$1,045,046	$21,354,954
	Total Active	**$23,500,000**	**$106,674**	**$824,474**	**$1,203,035**	**$22,296,965**
Cancelled						
TBD-06	West Staff Bathrooms	$0	$0	$0	$0	$0
	Total Cancelled	**$0**	**$0**	**$0**	**$0**	**$0**

See last page for definitions and notes

Measure H Bond Program

Reporting Period: Inception through 6/8/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
	West Elementary Totals	**$24,500,000**	**$106,674**	**$824,474**	**$1,203,035**	**$23,296,965**
Crocker Middle						
Active						
932	Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom	$45,450,000	$971,918	$1,517,902	$1,746,893	$43,703,107
936	Sand Channel Drainage New Natural Turf	$2,000,000	$0	$0	$24,545	$1,975,455
	Total Active	**$47,450,000**	**$971,918**	**$1,517,902**	**$1,771,438**	**$45,678,562**
	Crocker Middle Totals	**$47,450,000**	**$971,918**	**$1,517,902**	**$1,771,438**	**$45,678,562**
Bridge School						
Active						
930	Bridge School Remodel	$250,000	$0	$0	$9,447	$240,554
	Total Active	**$250,000**	**$0**	**$0**	**$9,447**	**$240,554**
	Bridge School Totals	**$250,000**	**$0**	**$0**	**$9,447**	**$240,554**
District-Wide						
Pending						
TBD-08	Fire Alarm Replacement District Wide	$4,000,000	$0	$0	$0	$4,000,000
	Total Pending	**$4,000,000**	**$0**	**$0**	**$0**	**$4,000,000**
Active						
925	South and North School Painting	$700,000	$0	$0	$449,792	$250,208
926	Classroom Technology (All School Sites)	$3,000,000	$4,476	$790,791	$1,932,017	$1,067,983
929	Furniture Replacement (All School Sites)	$4,000,000	$7,544	$143,949	$276,079	$3,723,921
934	Roofing Repairs (All Sites)	$14,250,000	$402,543	$6,456,471	$6,734,249	$7,515,751
935	HVAC Replacements and Improvements (All Sites)	$17,250,000	$406,873	$7,058,811	$7,372,521	$9,877,479
999	Program Contingency	$3,250,000	$0	$0	$0	$3,250,000
	Total Active	**$42,450,000**	**$821,436**	**$14,450,021**	**$16,764,657**	**$25,685,343**
	District-Wide Totals	**$46,450,000**	**$821,436**	**$14,450,021**	**$16,764,657**	**$29,685,343**

See last page for definitions and notes

Measure H Bond Program

Reporting Period: Inception through 6/8/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
District Office						
Pending						
TBD-01	Emergency Power Remediation	$1,500,000	$0	$0	$0	$1,500,000
TBD-02	Security Cameras	$650,000	$0	$0	$0	$650,000
TBD-07	Modernization and Renovation of District Office	$5,000,000	$0	$0	$0	$5,000,000
	Total Pending	**$7,150,000**	**$0**	**$0**	**$0**	**$7,150,000**
Active						
928	District Management Costs	$4,200,000	$46,617	$98,043	$661,404	$3,538,596
	Total Active	**$4,200,000**	**$46,617**	**$98,043**	**$661,404**	**$3,538,596**
	District Office Totals	**$11,350,000**	**$46,617**	**$98,043**	**$661,404**	**$10,688,596**
District						
	Unallocated Interest Earnings	$0	$0	$0	$0	$0
	Measure H Bond Program List Totals:	**$142,000,000**	**$2,003,846**	**$16,994,006**	**$20,866,770**	**$121,133,230**

Report Notes & Definitions

Bond Expenses: Represents paid and accrued expenses through the reporting period end date.

Project numbers and names current as of the run date of the report.

Rounding factors may apply.

Hillsborough City School District

Construction Update

September 10, 2025

HCSD Construction Update - Summer 2025

North School, South School, West School, and Crocker Middle School

District Wide Security Upgrades: Security cameras are up and running for all sites including the District Office! First responders will have access to ActiveNet to assist in case of emergencies.

District Wide Heating, Ventilation, and Air Conditioning: All sites now have HVAC systems in place allowing for better classroom temperature control and improved air quality!

Hillsborough CITY SCHOOL DISTRICT

South School Construction Update

Heating, Ventilation, Air Conditioning (HVAC) and Roofing Completed

- All classrooms at South School now have air conditioning!
- For the i-Lab and the Music Room, the old large hanging heating units were removed and a new HVAC system was installed in the attic.
- In the Multipurpose Room, the new HVAC system was installed on the roof.
- In the Main Pod, a large hole was cut in the floor of the Library stage and the old heating system was dismantled and removed from that hole. The new HVAC unit was lowered through the opening and was assembled piece by piece in the basement of the Library.
- Once the new HVAC unit was installed, the hardwood floor of the stage was repaired, varnished, and looks like new!

Hillsborough CITY SCHOOL DISTRICT

South School Construction Update

New Roofing:

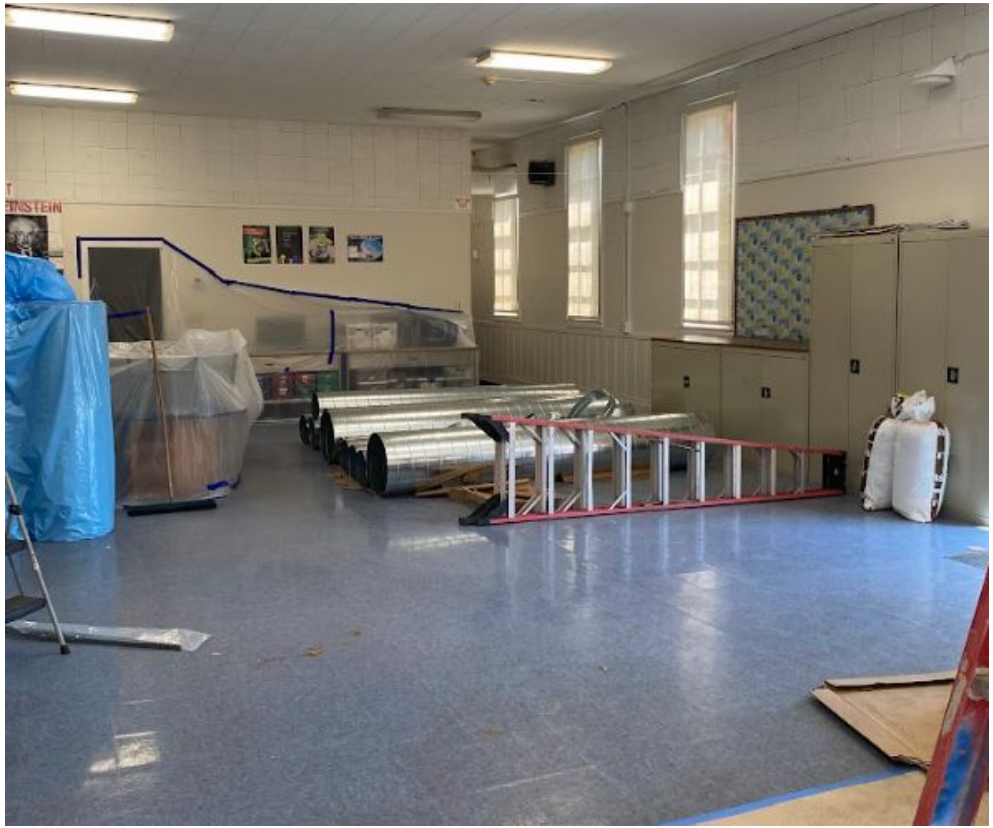
- All of the South School buildings, with the exception of the portables received entirely new shingled roofs.

Fire Alarm System:

- All buildings at South School, including the portables, received new Fire Alarm Systems including new wiring, strobes, lights, bells, and sensors.
- The system is still being finalized. We are still working to resolve issues with the beam detectors in the main pod building. Foot patrol fire watch is in place until the system is fully operational.

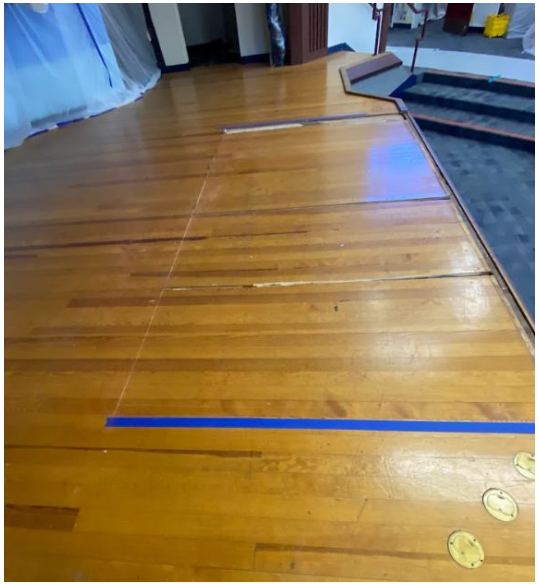
Hillsborough
CITY SCHOOL DISTRICT

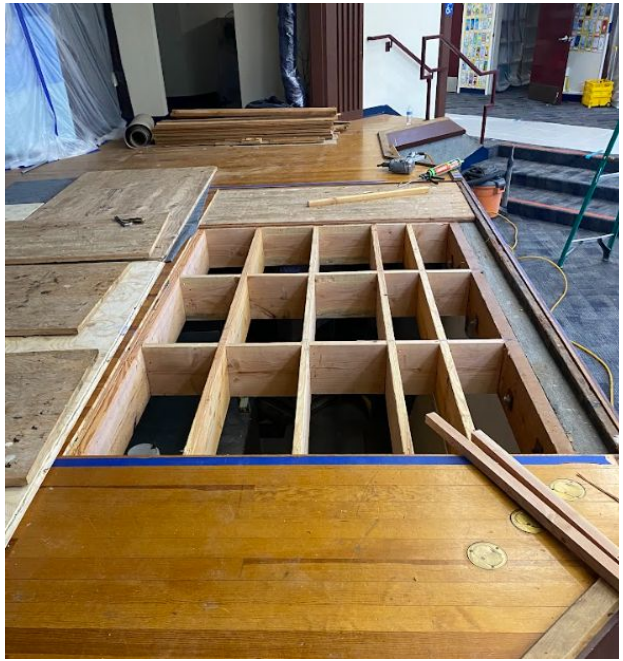
South School Construction Update



Hillsborough
CITY SCHOOL DISTRICT

South School Construction Update





Hillsborough CITY SCHOOL DISTRICT

West School Construction Update

Domestic Water Pipe Replaced

- An old problematic water pipe was abandoned and a new copper water pipe was installed to improve water flow and eliminate periodic breaks that caused student bathrooms to be shut down from time to time.

Sewer Lift Station Replaced

- The Sewer Lift Station* was entirely replaced with all new plumbing and mechanical equipment. The old lift station that was located in a fenced area on the lawn near the asphalt playground was removed and the new lift station is entirely underground. Sewer lines have been run to the location of the new MPR and will be connected as part of the project.

*Sewer Lift Stations ensure that wastewater flowers consistently, preventing backups and enabling the system to operate in areas where natural gravity flow isn't possible.

Hillsborough CITY SCHOOL DISTRICT

West School Construction Update

Heating, Ventilation, Air Conditioning (HVAC) and Roofing Completed

- Rooms 2A, 5A, and 6A received air conditioning units that were not able to be installed last summer. The roofs over these rooms were also replaced this summer. All of West School now has rooms with HVAC and new roofs.

New Staff Restroom

- The Staff /Teacher Dining Room has a completely renovated restroom. Temporary doors and temporary lighting, now in place, will be changed out when the new doors and lights arrive. Both the new doors and lights are “long lead” items meaning that while ordered far in advance, they still take a significantly long time to arrive.

Hillsborough
CITY SCHOOL DISTRICT

West School Construction Update

Hillsborough CITY SCHOOL DISTRICT

West School Construction Update

NEW West Multipurpose Room - MPR Update

- The two portables and the shed at the end of the classroom wing were all demolished and removed.
- The area for the new MPR is cleared and is now being graded. Foundation trenching will begin as soon as grading is completed. Trucks will be off-hauling excess dirt from the site for 3-4 weeks.
- Construction fencing is set-up and remain in the current configuration for the during of the project (through fall 2026).
- Blach Construction is aware of the school's drop-off and pick-up times and will do everything possible to not have trucks arriving or departing during that time.

Hillsborough
CITY SCHOOL DISTRICT

West School Construction Update

Hillsborough CITY SCHOOL DISTRICT

Crocker Middle School Construction Update

Heating, Ventilation, Air Conditioning (HVAC) and Roofing Completed

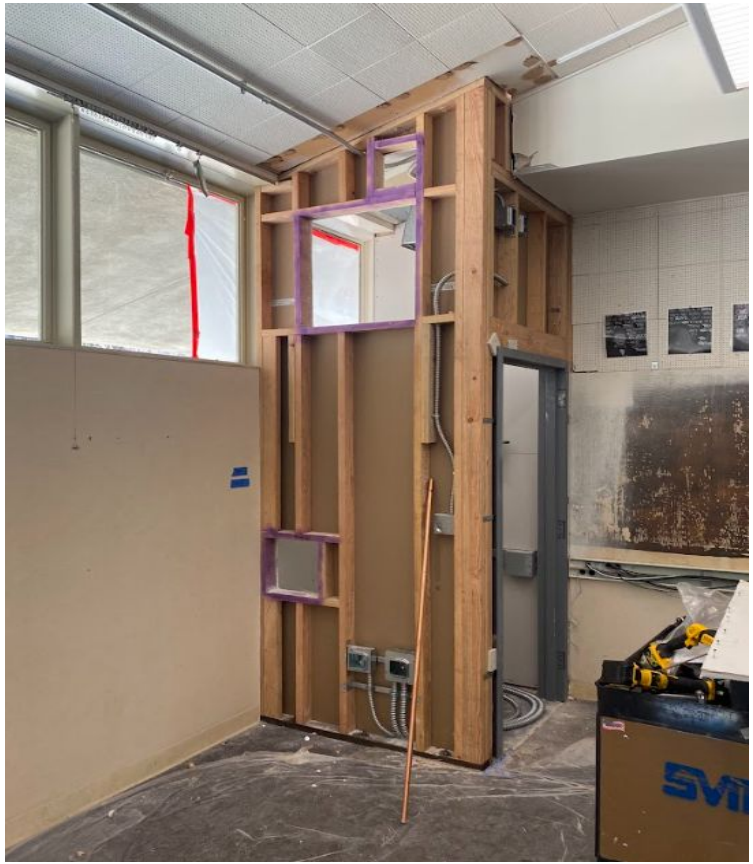
- All classrooms in the main building received new, individual HVAC units. Each classroom had the old furnace closet removed and new closets were constructed for the new HVAC unit.
- The new units are more compact - the closets are taller but smaller in width and depth, allowing more space in each classroom.
- Each unit can be controlled by the classroom teacher and temperatures in their classrooms can be adjusted within a set range.

New Roofing:

- The main classroom building has a completely new roof with new rain gutters. The Crocker Gymnasium also has a new roof.

Hillsborough
CITY SCHOOL DISTRICT

Crocker Middle School Construction Update



Hillsborough CITY SCHOOL DISTRICT

Crocker Middle School Construction Update

Hillsborough CITY SCHOOL DISTRICT

Crocker Middle School Construction Update

The New Crocker Culinary Arts Classroom:

- In preparation for the replacement of the existing multipurpose room, the old staff workroom and adjoining conference room in the main classroom building were remodeled to host the Culinary Arts Program.
- Phase One of this project is complete which includes new electrical outlets, new sinks, hot water, a refrigerator, new paint and furnishings
- Phase Two of this project will start in June 2026 and will be completed by the start of the 2026-27 school year.
- Phase Two projects include: adding storage, relocating the new sink and new casework, installing new floors, furnishing the dining room area with new tables and chairs and adding new prep tables.

Hillsborough
CITY SCHOOL DISTRICT

Crocker Middle School Construction Update

Hillsborough CITY SCHOOL DISTRICT

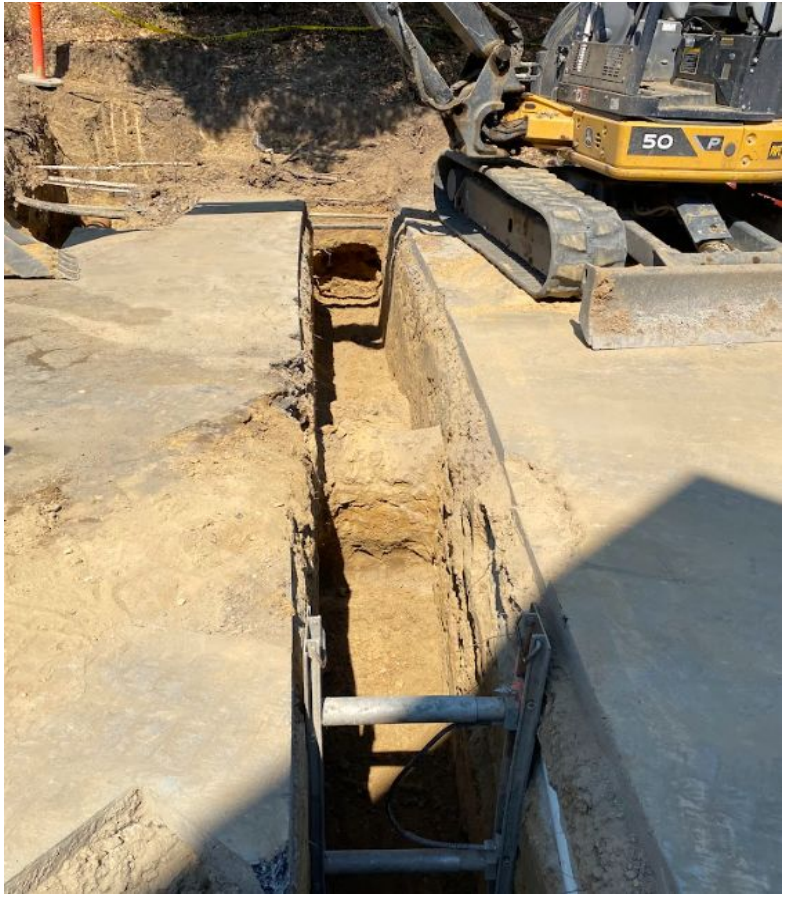
Crocker Middle School Construction Update

Town Waterline Rerouted:

- In preparation for the work to replace the existing Crocker Multipurpose Room, a large Town water main was discovered running through the Crocker Campus. The waterline needed to be rerouted to make way for future construction.
- After a series of meetings with the Town, the District's contractor, and District staff, drawings were prepared, permits granted, and final approvals received.
- Work began on August 15th and the final connections were made on August 25th. The water to the school and surrounding neighbors was shut down from 8 AM to 4 PM on the 25th and restarted without incident.
- The new water line is fully operational.

Hillsborough CITY SCHOOL DISTRICT

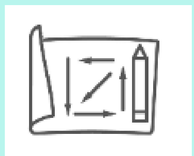
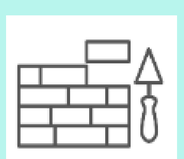
Crocker Middle School Construction Update



Hillsborough
CITY SCHOOL DISTRICT

Questions?

California K-12 Project Life Cycle: *many of the approvals & mile stones described here are mandated by the State of California*

Action step	Activities & Considerations	Duration	Recommending/ Approving Body	Approving Actions	Involved Team Members	Additional Consultanting Services	Additional Information
Implementation	Check Budget & Cashflow Define project Scope District Priorities	2-5 months	HCSD Facilities Team HCSD Board Approval	Discuss Scope budget and District Needs	HCSD Staff Program Manager HCSD Facilities Team	State Funding Consultant	Facilities Team is constantly looking at project priorities, estimates, current needs and cash flow in order to prioritize the order in which projects are implemented. Board discusses how a given project fits into the district needs, then discusses the scope of work and reviews the propsed budget.
Design	Architect Selection Community Engagement Schematic Design: Concept Design Development: Develop Details Construction Documents: Final Drawings Consultant Selection: Site evaluations	12-24 months	HCSD Facilities Team HCSD Board Approval	Discuss Community Engagement outcome & initial design Approve all vendor contracts	HCSD Staff Program Manager Architect Community HCSD Site Admin HCSD Facilities Team	Geotechnical Evaluation HazMat Testing CEQA Evalulation Legal Counsel (as needed) Topographic Survey Storm Water Planning (SWPPP)	Staff updates the Facilities Team on progress, community engagement efforts, and the scope of work to be designed Board discusses how a given project fits into the district needs, then discusses the scope of work and reviews the propsed budget.
 **Agency Approvals**	Division of the State Architect (DSA) Review Address DSA Comments Conduct DSA Back Check meeting California Department of Education (CDE) Review Address CDE Comments California Geological Survey (CGS) Review	5-10 months	DSA CDE (if seeking State Funding) DTSC (if seeking State Funding) CGS	Reviewing design for compliance with State laws governing School Construction Legally Reqired to begin work	HCSD Staff Program Manager Architect	Geotechnical Evaluation	Plans are submitted to the DSA for review/comment/approval. DSA is responsible for the review of equitable disability access compliance, structural design and fire/life safety systems. Thereview process can take many months and also includes the issuance of comments, the addressing of theses comments and a final appointment with DSA staff to finalize the plans for approval.
Construction Staff Selection	Contractor Selection: Hard Bid or Best Value Selection Inspector of Record Selection Special Inspection Selection HazMat Monitoring Selection Geotechnical Inspection Selection California Geological Survey (CGS) Review	2-3 months	HCSD Board Approval	Approve all vendor contracts	HCSD Staff Program Manager Architect		The District's selection of a contractor depends on the contract delivery method which can include a traditional hard bid or a proposal process based on best value
 **Construction**	Construction Inspection Update Community Regular Budget Checks Update Campus Admin Coordinate with DSA	6-24 months	DSA HCSD Board Approval	Regular site visits and reports uploaded Approval of Notice of Completion	HCSD Staff Construction & Program Manager Architect Inspector of Record HCSD Site Admin DSA Field Rep	Geotechnical Evaluation HazMat Testing CEQA Evalulation Legal Counsel (as needed) Storm Water Planning (SWPPP)	Construction, ongoing inspection and reporting Resolution of all punch list items, filing project completion paperwork with DSA, final payment, filing of the Notice of Completion with the county.

Measure H General Overview
December 2025

Measure H Financial Snapshot December 2025

- **Total Bond Amount: $140,000,000**
- **Interest Budgeted: $2,000,000**
- **Total Bonds Issued to Date: $74,000,000**
- **Total Expenditures to Date: $39,553,476**
- **Cash on Hand: $ 34,446,524**
- **Remaining Bond Budget: $102,446,524**
- **Next Bond Sale: Last Quarter of 2025 (completed)**

***Last bond sale complete in December, and the fund transfer is in progress; these numbers do not include funds that have not been transferred yet**

Measure H Projects

Crocker Middle School

In Planning:

- **New Multipurpose Room, New Outdoor Quad Area, New Administration Building and New School Frontage**: Quattrocchi Kwok Architects (QKA) finalized the design of the new facilities with continued input from both the site and district level facilities teams.QKA submitted plans to the Division of the State Architect (DSA) and we are in the process of making requested and required adjustments. Construction is expected to begin in the summer of 2026. In addition to these major changes to the campus, Crocker Middle School will also have a new Culinary Arts classroom and a new Makerspace classroom. **Estimated Cost: $45.5 M**

- **New Culinary Arts Classroom**: As the new Multi-purpose Room is under construction, programs previously housed in the MPR will be moved to another part of campus. The New Culinary Arts Classroom will be located near the current art classroom on the first floor of the Crocker main building where the current staff room is located. Architects from WRNS Studio developed the drawings for this dynamic new learning space. Phase I of construction was completed in August 2025. Phase II of the project is now underway with a completion date of September 2026. **Cost included in the Crocker MPR Project estimate.**

- **New Makerspace**: As the new Multi-purpose Room is under construction, programs previously housed in the MPR will be moved to another part of campus. The New Makerspace Classroom will be relocated to the current Crocker Lecture Hall. Architects from WRNS Studio are developing the drawings for this new creative learning lab in conjunction with the HCSD Facilities Team and Crocker Staff. Construction will begin during the 2025-26 school year. **Cost included in the Crocker MPR Project estimate.**

- **New Staff Workroom**: A portion of the current Crocker Office is now being used as the Staff Workroom. The current Crocker Office will remain in the same place until the new Administrative Office is completed. **Cost included in the Crocker MPR Project estimate.**

- **Crocker Field Upgrade**: The Facilities and Construction team continues its work on the Crocker Field project. The Board of Trustees approved the contract with Verde Design for the architectural services on this project. In October 2023, a topographic and underground survey was completed to help determine the placement of the field's design elements. Also, a geotechnical hazards report was completed in November 2023. Project Design will move forward in conjunction with the new Multi-purpose Room, Administrative Building and School Frontage projects. **Estimated Cost: $2M**

- **Fire Alarm Upgrade**: Our Fire Alarm System Project is currently in the design initiation phase. New systems will be installed on the Crocker Campus as the new Multi-purpose Room, Administrative Building and school frontage projects are completed. The project start date is TBD. **Estimated Cost Districtwide, excluding South School: $3.2M**

Completed:

- **Furniture Replacement**: After piloting and evaluating furniture samples over the past two years, decisions were made regarding new furniture for the school campus. Over the 2025 Thanksgiving Break, new furniture was delivered to the campus to rave reviews by educators and students! **Districtwide Estimated Cost: $4M**

- **Classroom Technology**: During the summer of 2023, SmartBoards were deployed into each classroom on the Crocker campus. All teachers received training on using the new SmartBoards and implementation is taking place across all classrooms. **Districtwide Cost: $1.966 M**

- **UPS Upgrades**: The District replaced its Uninterruptible Power Supply (UPS) systems with network technology to provide critical power backup for each site to keep the network functioning and allow it to safely be powered down despite power failures. **Districtwide Cost: $673,000**

- **Marquee Board**: A new marquee was installed on the Crocker campus, and will remain in the current location - on the Blacktop, until the new Multi-purpose Room, Administrative Building and school frontage projects have been completed. **Districtwide Cost: $375,000**

- **Security Camera and Safety Programs**: HCSD partnered directly with Verkada Security Systems and has installed security cameras on all campuses and at the District Office. Additionally, ActVNet First Responder Access was also completed, improving security and rapid response during emergencies. **Districtwide Cost: $501,000**

- **Roofing and HVAC**: The district completed work with architects and engineers, constructing new roofs on the main building and gymnasium and new HVAC units on the

main building ensuring comfortable learning environments year-round. Architectural drawings were submitted to DSA in December 2024. Construction took place and was completed in summer 2025. **Districtwide Cost: $26.1 M**

- **New Water Main**: A large Town of Hillsborough water main that ran under the existing Crocker MPR was rerouted in preparation for Summer 2026 ground breaking of the new Crocker MPR and administration building. **Cost: $510,000**

North School

In Planning:

- **Fire Alarm Upgrade**: Our Fire Alarm System Project is currently in the design initiation phase. The project start date is estimated to be summer 2027. **Estimated Cost Districtwide, excluding South School: $3.2M**

- **"North Jungle"**: The "North Jungle" is in the process of being completely renovated. Architects from Verde Design will work with the North School community in developing the designs for this new learning and playing space during the 2025-26 school year. **Estimated Cost: $2.5 M**

Completed:

- **Furniture Replacement**: After piloting and evaluating furniture samples over the past two years, decisions were made regarding new furniture for the school campus. Over the 2025 Thanksgiving Break, new furniture was delivered to the campus to rave reviews by educators and students! **Districtwide Estimated Cost: $4M**

- **Classroom Technology**: During the summer of 2023, SmartBoards were deployed into each classroom on the North School campus. All teachers received training on using the new SmartBoards and implementation is taking place across all classrooms. **Districtwide Cost: $1.966 M**

- **UPS Upgrades**: The District replaced its Uninterruptible Power Supply (UPS) systems with network technology to provide critical power backup for each site to keep the network functioning and allow it to safely be powered down despite power failures. **Districtwide Cost: $673,000**

- **Marquee Board**: A new Marquee Board was installed during the summer of 2024. The new Marquee Board is completely electronic so staff and parent volunteers are able to make changes to the messaging electronically. The Marquee Board is the same type and style that is used by the Town of Hillsborough allowing for consistency should any emergency messaging be needed across the town. **Districtwide Cost: $375,000**

- **Security Camera and Safety Programs**: HCSD partnered directly with Verkada Security Systems and has installed security cameras on all campuses and at the District

Office. Additionally, ActVNet First Responder Access was also completed, improving security and rapid response during emergencies. **Districtwide Cost: $501,000**

- **Roofing and HVAC**: New roofing has been installed across the North campus with the addition of new heating and air conditioning units. This timing could not have been better with the exceptionally hot days in October 2024. Additionally, contractors installed grating panels along the edges of the roofs towards the center of the campus. These grates were put in place to deter adventurous individuals from climbing onto the roofs from the stairways. **Districtwide Cost: $26.1M**

- **Painting:** During the summer of 2023, the exterior of the North campus was painted. Paint colors were chosen with the input of students, staff and parents. **Cost for North and South Schools: $450,000**

South School

In Planning:

- **South Preschool Relocation**: The South Preschool, currently located at the HCSD District Office, will move to the South School campus. The preschool will move into the former Tiger Learning Center located near the entrance of the school. The project start date is TBD. **Estimated Cost: $500,000**

- **New 4th and 5th Grade Classroom Buildings**: The current portable classrooms housing 4th and 5th grade classrooms will be removed and new classrooms will be built in the same location. The project start date is TBD. **Estimated Cost: $8 M**

Completed:

- **Furniture Replacement**: After piloting and evaluating furniture samples over the past two years, decisions were made regarding new furniture for the school campus. Over the 2025 Thanksgiving Break, new furniture was delivered to the campus to rave reviews by educators and students! **Districtwide Estimated Cost: $4M**

- **Classroom Technology**: During the summer of 2023, SmartBoards were deployed into each classroom on the South School campus. All teachers received training on using the new SmartBoards and implementation is taking place across all classrooms. **Districtwide Cost: $1.966 M**

- **UPS Upgrades**: The District replaced its Uninterruptible Power Supply (UPS) systems with network technology to provide critical power backup for each site to keep the network functioning and allow it to safely be powered down despite power failures. **Districtwide Cost: $673,000**

- **Marquee Board**: A new Marquee Board was installed during the summer of 2024. The new Marquee Board is completely electronic so staff and parent volunteers are able to make changes to the messaging electronically. The Marquee Board is the same type

and style that is used by the Town of Hillsborough allowing for consistency should any emergency messaging be needed across the town. **Districtwide Cost: $375,000**

- **Security Camera and Safety Programs**: HCSD partnered directly with Verkada Security Systems and has installed security cameras on all campuses and at the District Office. Additionally, ActVNet First Responder Access was also completed, improving security and rapid response during emergencies. **Districtwide Cost: $501,000**

- **Roofing and HVAC**: New roofing has been installed across the South School campus with the addition of new heating and air conditioning units in all classrooms and office spaces. **Districtwide Cost: $26.1M**

- **Painting:** During the summer of 2023, the exterior of the South School campus was painted. Paint colors were chosen with the input of students, staff and parents. **Cost for North and South Schools: $450,000**

- **Fire Alarm System Upgrade**: New fire alarm systems have been successfully installed on the South School Campus. **Cost: $845,000**

- **South School A-Pod Lighting and Flooring**: All light fixtures across the South School campus have been replaced with new LED lighting in every classroom. This new lighting system brings 4,000 kelvins for each fixture creating a brighter and more inviting atmosphere for learning. New flooring was also installed throughout the A-Pod. **Cost: $845,000**

West School

In Planning:

- **Conversion of the current West Multi-purpose Room to the New West School Library**: The current MPR will be re-imagined into a new learning space that will host the West Library.The project start date is TBD. **Estimated Cost: $1M**

- **Fire Alarm Upgrade**: New Fire Alarm Systems will be installed on the West School Campus concurrently with the construction of the new West School MPR. The anticipated start date on this project is summer 2026. **Estimated Cost Districtwide, excluding South School: $3.2M**

Under Construction:

- **New Multi-purpose Room (MPR)**: Work is well underway in the construction of the new West Multi-purpose Room. The completion date for the MPR is scheduled for fall 2026 **Cost Projection: $22.4 M**

Completed:

- **Staff Restrooms and Teacher Dining Room Renovations**: The two staff restrooms located in the MPR along with the Staff Dining Room also located in the MPR, were renovated this summer (2025). **Cost included in the West MPR Project estimate.**

- **Furniture Replacement**: After piloting and evaluating furniture samples over the past two years, decisions were made regarding new furniture for the school campus. Over the 2025 Thanksgiving Break, new furniture was delivered to the campus to rave reviews by educators and students! **Districtwide Estimated Cost: $4M**

- **Classroom Technology**: During the summer of 2023, SmartBoards were deployed into each classroom on the West School campus. All teachers received training on using the new SmartBoards and implementation is taking place across all classrooms. **Districtwide Cost: $1.966 M**

- **UPS Upgrades**: The District replaced its Uninterruptible Power Supply (UPS) systems with network technology to provide critical power backup for each site to keep the network functioning and allow it to safely be powered down despite power failures. **Districtwide Cost: $673,000**

- **Marquee Board**: A new Marquee Board was installed during the summer of 2024. The new Marquee Board is completely electronic so staff and parent volunteers are able to make changes to the messaging electronically. The Marquee Board is the same type and style that is used by the Town of Hillsborough allowing for consistency should any emergency messaging be needed across the town. **Districtwide Cost: $375,000**

- **Security Camera and Safety Programs**: HCSD partnered directly with Verkada Security Systems and has installed security cameras on all campuses and at the District Office. Additionally, ActVNet First Responder Access was also completed, improving security and rapid response during emergencies.**Districtwide Cost: $501,000**

- **Roofing and HVAC**: New roofing has been installed across the West School campus with the addition of new heating and air conditioning units. This timing could not have been better with the exceptionally hot days in October 2024. **Districtwide Cost: $14.5 M**

- **Underground Utility Line Upgrade**: Over its 75-year lifespan, certain sections of the waste line have subsided, leading to persistent backups and systemic inefficiencies. West underground utilities were constructed concurrently with the MPR, as the locations of both projects overlap one another. **Cost for Line Upgrade and Sewer Pipe Replacement: $ 230,000**

- **Sewer Pipe Replacement**:The long needed replacement of the West sewer line took place concurrently with the construction of the MPR, as the locations of both projects overlap one another. This project ensures West School's infrastructure's safety, efficiency, and reliability, providing an optimal learning environment for our students.**Cost for Line Upgrade and Sewer Pipe Replacement: $ 230,000**

District Office

Completed:

- **UPS Upgrades**: The District replaced its Uninterruptible Power Supply (UPS) systems with network technology to provide critical power backup for each site to keep the network functioning and allow it to safely be powered down despite power failures. **Districtwide Cost: $673,000**

Planning:

- **Emergency Power Remediation**: As part of the safety and security of all campuses, HCSD is purchasing mobile emergency generators that can be used on any campus in the case of an extended power outage. Generator purchase date is TBD. **Estimated Cost: $1.5 M**
- **HCSD District Office Renovation**: Renovations include more professional learning spaces for staff as well as conference spaces for both staff and community. Heating and air conditioning units will also be upgraded during this project. The project start date is TBD. **Estimated Cost: $5M**

Quarterly Project Detail

Hillsborough City School District

Measure H Bond Program

Reporting Period: Inception through 11/11/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
North Elementary						
Pending						
TBD-04	North School Jungle Remodel	$2,500,000	$0	$0	$0	$2,500,000
	Total Pending	**$2,500,000**	**$0**	**$0**	**$0**	**$2,500,000**
	North Elementary Totals	**$2,500,000**	**$0**	**$0**	**$0**	**$2,500,000**
South Elementary						
Pending						
TBD-03	South Pre-School Remodel	$500,000	$0	$0	$0	$500,000
TBD-09	South Classroom 4/5 Remodel	$8,000,000	$0	$0	$0	$8,000,000
	Total Pending	**$8,500,000**	**$0**	**$0**	**$0**	**$8,500,000**
Active						
927	South A Pod Finishes Remodel	$1,000,000	$13,465	$13,465	$502,847	$497,153
	Total Active	**$1,000,000**	**$13,465**	**$13,465**	**$502,847**	**$497,153**
	South Elementary Totals	**$9,500,000**	**$13,465**	**$13,465**	**$502,847**	**$8,997,153**
West Elementary						
Pending						
TBD-05	West Library Modernization	$1,000,000	$0	$0	$0	$1,000,000
	Total Pending	**$1,000,000**	**$0**	**$0**	**$0**	**$1,000,000**
Active						
931	West Waterline Replacement	$1,100,000	$31,689	$31,689	$210,384	$889,616
933	West MPR Replacement	$22,400,000	$3,126,027	$3,126,027	$6,179,238	$16,220,762
	Total Active	**$23,500,000**	**$3,157,716**	**$3,157,716**	**$6,389,622**	**$17,110,378**
	West Elementary Totals	**$24,500,000**	**$3,157,716**	**$3,157,716**	**$6,389,622**	**$18,110,378**

See last page for definitions and notes

Board of Trustees - Measure H Bond Program

Reporting Period: Inception through 11/11/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
Crocker Middle						
Active						
932	Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom	$45,450,000	$277,716	$277,716	$2,143,637	$43,306,363
936	Sand Channel Drainage New Natural Turf	$2,000,000	$0	$0	$24,545	$1,975,455
	Total Active	**$47,450,000**	**$277,716**	**$277,716**	**$2,168,182**	**$45,281,818**
	Crocker Middle Totals	**$47,450,000**	**$277,716**	**$277,716**	**$2,168,182**	**$45,281,818**
Bridge School						
Active						
930	Bridge School Remodel	$250,000	$0	$0	$9,447	$240,554
	Total Active	**$250,000**	**$0**	**$0**	**$9,447**	**$240,554**
	Bridge School Totals	**$250,000**	**$0**	**$0**	**$9,447**	**$240,554**
District-Wide						
Pending						
939	Fire Alarm Replacement District Wide	$4,000,000	$656,314	$656,314	$843,920	$3,156,080
	Total Pending	**$4,000,000**	**$656,314**	**$656,314**	**$843,920**	**$3,156,080**
Active						
925	South and North School Painting	$700,000	$2,693	$2,693	$452,485	$247,516
926	Classroom Technology (All School Sites)	$3,000,000	$0	$0	$1,966,518	$1,033,482
929	Furniture Replacement (All School Sites)	$4,000,000	$2,693	$2,693	$281,465	$3,718,535
934	Roofing Repairs (All Sites)	$14,250,000	$3,500,329	$3,500,329	$11,557,894	$2,692,106
935	HVAC Replacements and Improvements (All Sites)	$17,250,000	$5,843,669	$5,843,669	$14,539,657	$2,710,343
999	Program Contingency	$3,250,000	$0	$0	$0	$3,250,000
	Total Active	**$42,450,000**	**$9,349,384**	**$9,349,384**	**$28,798,018**	**$13,651,982**
	District-Wide Totals	**$46,450,000**	**$10,005,698**	**$10,005,698**	**$29,641,938**	**$16,808,062**

See last page for definitions and notes

Board of Trustees - Measure H Bond Program

Reporting Period: Inception through 11/11/2025

Status/Project Name		Budget	Quarter Expenses	Fiscal Year To Date Expenses	Program To Date Expenses	Budget Remaining
		A	*B*	*C*	*D*	*E = A - D*
District Office						
Pending						
940	Security Cameras	$650,000	$297,306	$297,306	$501,209	$148,791
TBD-01	Emergency Power Remediation	$1,500,000	$0	$0	$0	$1,500,000
TBD-07	Modernization and Renovation of District Office	$5,000,000	$0	$0	$0	$5,000,000
	Total Pending	**$7,150,000**	**$297,306**	**$297,306**	**$501,209**	**$6,648,791**
Active						
928	District Management Costs	$4,200,000	$19,053	$19,053	$340,232	$3,859,768
	Total Active	**$4,200,000**	**$19,053**	**$19,053**	**$340,232**	**$3,859,768**
	District Office Totals	**$11,350,000**	**$316,360**	**$316,360**	**$841,441**	**$10,508,559**
	Board of Trustees - Measure H Bond Program List Totals:	**$142,000,000**	**$13,770,955**	**$13,770,955**	**$39,553,476**	**$102,954,382**

Report Notes & Definitions

Bond Expenses: Represents paid and accrued expenses through the reporting period end date.

Project numbers and names current as of the run date of the report.

Rounding factors may apply.

BMET Expense List Hillsborough City School District

Measure H Bond Program

BMET Expenses Date Paid between 7/1/2025 and 11/10/2025

Project/Payee	JE Number	PO Number	Voucher Date	Check#	Object Code		Amount
925 - South and North School Painting							
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
					Project Total:	**$**	**2,692.96**
927 - South A Pod Finishes Remodel							
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	10,771.80
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	2,692.95
						$	**13,464.75**
928 - District Management Costs							
	IFC26-00002		10/10/2025		2401	$	1,824.20
	IFC26-00002		10/10/2025		3202	$	489.07
	IFC26-00002		10/10/2025		3312	$	89.62
	IFC26-00002		10/10/2025		3322	$	20.96
	IFC26-00002		10/10/2025		3402	$	241.67
	IFC26-00002		10/10/2025		3502	$	0.72
	IFC26-00002		10/10/2025		3602	$	19.06
	IFC26-00003		10/10/2025		2401	$	1,824.20
	IFC26-00003		10/10/2025		3202	$	489.07
	IFC26-00003		10/10/2025		3312	$	89.62
	IFC26-00003		10/10/2025		3322	$	20.96
	IFC26-00003		10/10/2025		3402	$	241.67
	IFC26-00003		10/10/2025		3502	$	0.72
	IFC26-00003		10/10/2025		3602	$	19.06
	IFC26-00004		10/10/2025		2401	$	1,912.59
	IFC26-00004		10/10/2025		3202	$	512.77
	IFC26-00004		10/10/2025		3312	$	91.01
	IFC26-00004		10/10/2025		3322	$	21.28
	IFC26-00004		10/10/2025		3402	$	241.67
	IFC26-00004		10/10/2025		3502	$	0.73
	IFC26-00004		10/10/2025		3602	$	19.98
	PR26-00037		10/31/2025		2401	$	1,915.40
	PR26-00037		10/31/2025		3202	$	513.52
	PR26-00037		10/31/2025		3312	$	91.18
	PR26-00037		10/31/2025		3322	$	21.32
	PR26-00037		10/31/2025		3402	$	241.66
	PR26-00037		10/31/2025		3502	$	0.74
	PR26-00037		10/31/2025		3602	$	20.01
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	2,692.95
					Project Total:	**$**	**19,053.31**
929 - Furniture Replacement (All School Sites)							
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	673.24
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	673.24
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	673.24
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	673.24

						Project Total:	**$**	**2,692.96**
931 - West Waterline Replacement								
CIS INC		EX26-00326	PO26-00192	08/18/2025	708228	6261	$	2,300.00
CIS INC		EX26-00681	PO26-00192	09/18/2025	715516	6261	$	3,450.00
Cypress Engineering Group Llc		EX26-00873	PO26-00554	10/07/2025	720319	6210	$	4,584.00
Cypress Engineering Group Llc		EX26-00874	PO26-00555	10/07/2025	720319	6210	$	4,608.00
NINYO & MOORE GEOTECHNICAL & E		EX26-00716	PO26-00086	09/18/2025	715537	6262	$	3,221.25
NINYO & MOORE GEOTECHNICAL & E		EX26-00718	PO26-00086	09/22/2025	715991	6262	$	2,753.75
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	5,385.89
						Project Total:	**$**	**31,688.79**
932 - Crocker MPR Replacement and Drop-Off/Culinary, Maker, Workroom								
Ams.net Inc	C/o Fremont Bank	EX26-00877	PO26-00017	10/09/2025	720653	6410	$	389.27
Asbestos Management Group of C		EX26-00162	PO26-00088	07/24/2025	703652	6210	$	24,000.00
Brelje & Race	Consulting Engineer	EX26-00883	PO26-00568	10/09/2025	720657	6210	$	6,450.00
Geo-Engineering Solutions Inc		EX26-00684	PO26-00184	09/18/2025	715518	6262	$	4,240.00
Larry Raffo		EX26-00261	PO26-00186	08/11/2025	706947	5807	$	472.50
Larry Raffo		EX26-00568	PO26-00390	09/11/2025	713851	5807	$	585.00
Larry Raffo		EX26-00884	PO26-00571	10/09/2025	720658	5807	$	450.07
Meca Consulting Inc		EX26-01137	PO26-00661	10/23/2025	723832	6262	$	243.75
NINYO & MOORE GEOTECHNICAL & E		EX26-00880	PO26-00256	10/09/2025	720654	6261	$	2,566.87
NINYO & MOORE GEOTECHNICAL & E		EX26-00880	PO26-00256	10/09/2025	720654	6262	$	2,566.88
Pacific Gas & Electric		EX26-00065	PO26-00144	07/14/2025	701512	6261	$	3,500.00
Quattrocchi Kwok Architects		EX26-00364	PO26-00219	08/25/2025	709553	5819	$	64,745.11
Quattrocchi Kwok Architects		EX26-00719	PO26-00219	09/22/2025	715992	5819	$	38,875.00
Quattrocchi Kwok Architects		EX26-01148	PO26-00219	10/27/2025	724906	5819	$	37,218.63
Tse Construction		EX26-00625	PO26-00141	09/15/2025	714456	6210	$	46,462.50
Tse Construction		EX26-00881	PO26-00141	10/09/2025	720655	6210	$	18,521.35
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	16,157.70
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	10,771.78
Van Pelt Construction Services		EX26-01189	PO26-00685	11/03/2025	727065	6261	$	3,000.00
		AR26-00024		08/15/2025		6261	$	(3,500.00)
						Project Total:	**$**	**277,716.41**
933 - West MPR Replacement								
BLACH CONSTRUCTION		EX26-00313	PO26-00178	08/14/2025	707992	6200	$	878,850.63
BLACH CONSTRUCTION		EX26-00826	PO26-00178	09/30/2025	718842	6200	$	984,394.83
BLACH CONSTRUCTION		EX26-01188	PO26-00178	11/03/2025	727064	6200	$	1,100,218.35
CIS INC		EX26-00624	PO26-00087	09/15/2025	714455	6261	$	9,600.00
CIS INC		EX26-00680	PO26-00087	09/18/2025	715516	6261	$	12,000.00
CIS INC		EX26-01048	PO26-00087	10/20/2025	723017	6261	$	12,000.00
Geo-engineering Solutions Llc		EX26-00330	PO26-00168	08/18/2025	708231	6233	$	9,996.00
Geo-engineering Solutions Llc		EX26-00717	PO26-00168	09/22/2025	715990	6233	$	8,707.60
Geo-engineering Solutions Llc		EX26-01185	PO26-00168	10/30/2025	726760	6233	$	19,030.00
Geo-engineering Solutions Llc		EX26-00722	PO26-00311	09/23/2025	716595	6233	$	675.00
Larry Raffo		EX26-00261	PO26-00186	08/11/2025	706947	5807	$	2,115.00
Larry Raffo		EX26-00568	PO26-00390	09/11/2025	713851	5807	$	742.50
Larry Raffo		EX26-00884	PO26-00571	10/09/2025	720658	5807	$	1,080.18
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	21,543.58
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	10,771.75
Wrns Studio		EX26-00519	PO26-00310	09/08/2025	712974	6211	$	20,006.00
Wrns Studio		EX26-00882	PO26-00310	10/09/2025	720656	6211	$	34,296.00
						Project Total:	**$**	**3,126,027.42**

934 - Roofing Repairs (All Sites)

Allied Universal Security	EX26-01144	PO26-00570	10/27/2025	724902	5807	$	73.67
Beals Martin Inc	EX26-00322	PO26-00112	08/18/2025	708226	6210	$	367,514.49
Beals Martin Inc	EX26-01145	PO26-00112	10/27/2025	724903	6210	$	238,156.57
BLACH CONSTRUCTION	EX26-00324	PO26-00183	08/18/2025	708227	6210	$	1,121,035.26
BLACH CONSTRUCTION	EX26-00677	PO26-00183	09/18/2025	715514	6210	$	1,559,425.47
Ced Bay Area	EX26-00517	PO26-00281	09/08/2025	712972	6410	$	2,586.02
Christene Gatschet	EX26-00679	PO26-00063	09/18/2025	715515	6282	$	400.00
Christene Gatschet	EX26-00678	PO26-00067	09/18/2025	715515	6282	$	400.00
CIS INC	EX26-00346	PO26-00010	08/21/2025	708980	6261	$	1,627.50
CIS INC	EX26-01046	PO26-00010	10/20/2025	723017	6261	$	2,572.50
CIS INS	EX26-00365	PO26-00011	08/25/2025	709554	6261	$	1,470.00
CIS INS	EX26-00325	PO26-00012	08/18/2025	708228	6261	$	1,050.00
CIS INS	EX26-00623	PO26-00012	09/15/2025	714455	6261	$	2,257.50
Cypress Engineering Group Llc	EX26-00871	PO26-00552	10/07/2025	720319	6261	$	940.00
Cypress Engineering Group Llc	EX26-00871	PO26-00552	10/07/2025	720319	6262	$	940.00
Cypress Engineering Group Llc	EX26-00875	PO26-00556	10/07/2025	720319	6261	$	1,060.00
Cypress Engineering Group Llc	EX26-00875	PO26-00556	10/07/2025	720319	6262	$	1,060.00
Division Of The State Architec	EX26-00827	PO26-00519	10/02/2025	719160	6221	$	18,165.10
Finney Architects Inc	EX26-00362	PO26-00217	08/25/2025	709552	6211	$	52,767.18
Finney Architects Inc	EX26-00682	PO26-00217	09/18/2025	715517	6211	$	35,959.85
Finney Architects Inc	EX26-01049	PO26-00217	10/20/2025	723018	6211	$	8,989.97
Finney Architects Inc	EX26-00363	PO26-00218	08/25/2025	709552	6211	$	23,769.82
Finney Architects Inc	EX26-00683	PO26-00218	09/18/2025	715517	6211	$	16,198.69
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	135.00
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	360.00
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	236.25
Larry Raffo	EX26-00568	PO26-00390	09/11/2025	713851	5807	$	1,473.75
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	213.29
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	157.53
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	201.63
LAURIE ABATE	EX26-00687	PO26-00058	09/18/2025	715519	6282	$	465.00
LAURIE ABATE	EX26-00686	PO26-00062	09/18/2025	715519	6282	$	568.33
LAURIE ABATE	EX26-00685	PO26-00068	09/18/2025	715519	6282	$	645.83
LISA A FRY	EX26-00690	PO26-00057	09/18/2025	715520	6282	$	258.33
LISA A FRY	EX26-00689	PO26-00061	09/18/2025	715520	6282	$	439.17
LISA A FRY	EX26-00688	PO26-00066	09/18/2025	715520	6282	$	620.00
NINYO & MOORE GEOTECHNICAL & E	EX26-00879	PO26-00131	10/09/2025	720654	6261	$	1,106.25
NINYO & MOORE GEOTECHNICAL & E	EX26-00879	PO26-00131	10/09/2025	720654	6262	$	1,106.25
NINYO & MOORE GEOTECHNICAL & E	EX26-01050	PO26-00142	10/20/2025	723019	6210	$	5,900.00
NINYO & MOORE GEOTECHNICAL & E	EX26-00744	PO26-00166	09/24/2025	716951	6261	$	354.38
NINYO & MOORE GEOTECHNICAL & E	EX26-00744	PO26-00166	09/24/2025	716951	6262	$	354.38
NINYO & MOORE GEOTECHNICAL & E	EX26-00876	PO26-00166	10/07/2025	720320	6261	$	192.50
NINYO & MOORE GEOTECHNICAL & E	EX26-00876	PO26-00166	10/07/2025	720320	6262	$	192.50
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	5,385.90
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
					Project Total:	**$**	**3,500,329.48**

935 - HVAC Replacements and Improvements (All Sites)

Allied Universal Security	EX26-01144	PO26-00570	10/27/2025	724902	5807	$	73.66
Ascent Inc.	EX26-01184	PO26-00687	10/30/2025	726759	6410	$	1,245,890.63
Beals Martin Inc	EX26-00322	PO26-00112	08/18/2025	708226	6210	$	367,404.26
Beals Martin Inc	EX26-01145	PO26-00112	10/27/2025	724903	6210	$	238,085.14
BLACH CONSTRUCTION	EX26-00324	PO26-00183	08/18/2025	708227	6210	$	1,121,035.26
BLACH CONSTRUCTION	EX26-00677	PO26-00183	09/18/2025	715514	6210	$	1,559,425.47
BLACH CONSTRUCTION	EX26-00567	PO26-00362	09/11/2025	713850	6210	$	511,178.85
BLACH CONSTRUCTION	EX26-01146	PO26-00658	10/27/2025	724904	6261	$	591,836.00
Ced Bay Area	EX26-00517	PO26-00281	09/08/2025	712972	6410	$	2,586.02
Christene Gatschet	EX26-00679	PO26-00063	09/18/2025	715515	6282	$	400.00
Christene Gatschet	EX26-00678	PO26-00067	09/18/2025	715515	6282	$	400.01
CIS INC	EX26-00346	PO26-00010	08/21/2025	708980	6261	$	1,627.50
CIS INC	EX26-01046	PO26-00010	10/20/2025	723017	6261	$	2,572.50
CIS INS	EX26-00365	PO26-00011	08/25/2025	709554	6261	$	1,470.00
CIS INS	EX26-00325	PO26-00012	08/18/2025	708228	6261	$	1,050.00
CIS INS	EX26-00623	PO26-00012	09/15/2025	714455	6261	$	2,257.50
Cypress Engineering Group Llc	EX26-00871	PO26-00552	10/07/2025	720319	6261	$	940.00
Cypress Engineering Group Llc	EX26-00871	PO26-00552	10/07/2025	720319	6262	$	940.00
Cypress Engineering Group Llc	EX26-00875	PO26-00556	10/07/2025	720319	6261	$	1,060.00
Cypress Engineering Group Llc	EX26-00875	PO26-00556	10/07/2025	720319	6262	$	1,060.00
Division Of The State Architec	EX26-00827	PO26-00519	10/02/2025	719160	6221	$	18,165.10
Finney Architects Inc	EX26-00362	PO26-00217	08/25/2025	709552	6211	$	52,767.18
Finney Architects Inc	EX26-00682	PO26-00217	09/18/2025	715517	6211	$	35,959.86
Finney Architects Inc	EX26-01049	PO26-00217	10/20/2025	723018	6211	$	8,989.96
Finney Architects Inc	EX26-00363	PO26-00218	08/25/2025	709552	6211	$	23,769.82
Finney Architects Inc	EX26-00683	PO26-00218	09/18/2025	715517	6211	$	16,198.69
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	360.00
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	135.00
Larry Raffo	EX26-00261	PO26-00186	08/11/2025	706947	5807	$	236.25
Larry Raffo	EX26-00568	PO26-00390	09/11/2025	713851	5807	$	1,473.75
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	157.53
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	213.79
Larry Raffo	EX26-00884	PO26-00571	10/09/2025	720658	5807	$	202.53
LAURIE ABATE	EX26-00687	PO26-00058	09/18/2025	715519	6282	$	465.00
LAURIE ABATE	EX26-00686	PO26-00062	09/18/2025	715519	6282	$	568.33
LAURIE ABATE	EX26-00685	PO26-00068	09/18/2025	715519	6282	$	645.83
LISA A FRY	EX26-00690	PO26-00057	09/18/2025	715520	6282	$	258.33
LISA A FRY	EX26-00689	PO26-00061	09/18/2025	715520	6282	$	439.17
LISA A FRY	EX26-00688	PO26-00066	09/18/2025	715520	6282	$	620.00
NINYO & MOORE GEOTECHNICAL & E	EX26-00879	PO26-00131	10/09/2025	720654	6261	$	1,106.25
NINYO & MOORE GEOTECHNICAL & E	EX26-00879	PO26-00131	10/09/2025	720654	6262	$	1,106.25
NINYO & MOORE GEOTECHNICAL & E	EX26-01050	PO26-00142	10/20/2025	723019	6210	$	5,900.00
NINYO & MOORE GEOTECHNICAL & E	EX26-00744	PO26-00166	09/24/2025	716951	6261	$	354.37
NINYO & MOORE GEOTECHNICAL & E	EX26-00744	PO26-00166	09/24/2025	716951	6262	$	354.37
NINYO & MOORE GEOTECHNICAL & E	EX26-00876	PO26-00166	10/07/2025	720320	6261	$	192.50
NINYO & MOORE GEOTECHNICAL & E	EX26-00876	PO26-00166	10/07/2025	720320	6262	$	192.50
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	4,039.43
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	4,039.43
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	4,039.43
Van Pelt Construction Services	EX26-00887	PO26-00569	10/09/2025	720661	6234	$	4,039.43
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services	EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48

						Project Total:	**$**	**5,843,668.80**
939 - Fire Alarm Replacement District Wide								
Allied Universal Security		EX26-01144	PO26-00570	10/27/2025	724902	5807	$	73.67
Beals Martin Inc		EX26-00322	PO26-00112	08/18/2025	708226	6210	$	367,404.25
Beals Martin Inc		EX26-01145	PO26-00112	10/27/2025	724903	6210	$	238,085.14
Christene Gatschet		EX26-00679	PO26-00063	09/18/2025	715515	6282	$	400.00
Christene Gatschet		EX26-00678	PO26-00067	09/18/2025	715515	6282	$	399.99
Finney Architects Inc		EX26-00363	PO26-00218	08/25/2025	709552	6211	$	23,776.95
Finney Architects Inc		EX26-00683	PO26-00218	09/18/2025	715517	6211	$	16,203.55
Larry Raffo		EX26-00884	PO26-00571	10/09/2025	720658	5807	$	157.53
Larry Raffo		EX26-00884	PO26-00571	10/09/2025	720658	5807	$	203.42
LAURIE ABATE		EX26-00687	PO26-00058	09/18/2025	715519	6282	$	465.00
LAURIE ABATE		EX26-00686	PO26-00062	09/18/2025	715519	6282	$	568.34
LAURIE ABATE		EX26-00685	PO26-00068	09/18/2025	715519	6282	$	645.84
LISA A FRY		EX26-00690	PO26-00057	09/18/2025	715520	6282	$	258.34
LISA A FRY		EX26-00689	PO26-00061	09/18/2025	715520	6282	$	439.16
LISA A FRY		EX26-00688	PO26-00066	09/18/2025	715520	6282	$	620.00
NINYO & MOORE GEOTECHNICAL & E		EX26-00715	PO26-00020	09/18/2025	715537	6262	$	4,400.00
NINYO & MOORE GEOTECHNICAL & E		EX26-00879	PO26-00131	10/09/2025	720654	6261	$	1,106.25
NINYO & MOORE GEOTECHNICAL & E		EX26-00879	PO26-00131	10/09/2025	720654	6262	$	1,106.25
						Project Total:	**$**	**656,313.68**
940 - Security Cameras								
Ams.net Inc	C/o Fremont Bank	EX26-00676	PO26-00150	09/18/2025	715513	6410	$	42,415.81
Ams.net Inc	C/o Fremont Bank	EX26-00878	PO26-00150	10/09/2025	720653	6410	$	601.06
Ams.net Inc	C/o Fremont Bank	EX26-00675	PO26-00167	09/18/2025	715513	6410	$	10,019.50
Ams.net Inc	C/o Fremont Bank	EX26-00869	PO26-00167	10/07/2025	720318	6410	$	4,383.51
Ams.net Inc	C/o Fremont Bank	EX26-00256	PO26-00193	08/11/2025	706945	6410	$	18,750.06
Ams.net Inc	C/o Fremont Bank	EX26-00720	PO26-00193	09/23/2025	716594	6410	$	16,167.11
Ams.net Inc	C/o Fremont Bank	EX26-00257	PO26-00194	08/11/2025	706945	5818	$	21,144.88
Ams.net Inc	C/o Fremont Bank	EX26-00257	PO26-00194	08/11/2025	706945	6410	$	44,840.21
Ams.net Inc	C/o Fremont Bank	EX26-00258	PO26-00195	08/11/2025	706945	5818	$	18,819.21
Ams.net Inc	C/o Fremont Bank	EX26-00258	PO26-00195	08/11/2025	706945	6410	$	40,307.87
Ams.net Inc	C/o Fremont Bank	EX26-00797	PO26-00195	09/29/2025	718161	5818	$	404.05
Ams.net Inc	C/o Fremont Bank	EX26-00797	PO26-00195	09/29/2025	718161	6410	$	865.41
Ams.net Inc	C/o Fremont Bank	EX26-00255	PO26-00196	08/11/2025	706945	6410	$	30,875.37
Ams.net Inc	C/o Fremont Bank	EX26-00796	PO26-00196	09/29/2025	718161	6410	$	5,322.61
Ams.net Inc	C/o Fremont Bank	EX26-00721	PO26-00484	09/23/2025	716594	5818	$	4,555.94
Ams.net Inc	C/o Fremont Bank	EX26-00721	PO26-00484	09/23/2025	716594	6410	$	20,163.66
Ams.net Inc	C/o Fremont Bank	EX26-01183	PO26-00484	10/30/2025	726758	5818	$	1,099.82
Ams.net Inc	C/o Fremont Bank	EX26-01183	PO26-00484	10/30/2025	726758	6410	$	412.46
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	2,692.95
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	2,692.95
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	2,692.95
Van Pelt Construction Services		EX26-00887	PO26-00569	10/09/2025	720661	6234	$	2,692.95
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
Van Pelt Construction Services		EX26-01149	PO26-00610	10/27/2025	724907	6234	$	1,346.48
						Project Total:	**$**	**297,306.26**
						Grand Total:	**$**	**13,770,954.82**