

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # X.A.

Urgent

Routine

CEO Concurs with Recommendation YES NO

(Information Attached)

AGENDA DATE January 19, 2010

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt a Resolution Supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010

STAFF RECOMMENDATIONS:

Approve a Resolution supporting the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010

FISCAL IMPACT:

Approval of the Resolution in itself will have no fiscal impact on Stanislaus County. Successful passage of the proposed Statewide Ballot Initiative could have a significant positive financial impact on Stanislaus County and the services delivered to the community through the establishment of regulations that would restrict the unilateral taking of locally generated revenue by the State of California

BOARD ACTION AS FOLLOWS:

No. 2010-041

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None


1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

DISCUSSION:

California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects. These local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit.

Despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years. This year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services.

Since State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot. Approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit.

Public agencies across the State will be requested to support and to formally endorse the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment. The passage of the resolution would also authorize the listing of Stanislaus County as a public agency formally in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.

POLICY ISSUES:

It is expected that if the ballot initiative is approved by voters in November, 2010, locally generated funding would remain with local jurisdictions and would enable local agencies to more effectively address the needs of their constituency. This would support each of the identified priorities of the Stanislaus County Board of Supervisors.

STAFFING IMPACT:

There is no staffing impact associated with this item.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: January 19, 2010

No. 2010-041

On motion of Supervisor Monteith Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

Item # X.A

THE FOLLOWING RESOLUTION WAS ADOPTED:

RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION
PROTECTION ACT OF 2010

WHEREAS, California voters have repeatedly and overwhelmingly passed separate ballot measures to stop State raids of local government funds, and to dedicate the taxes on gasoline to fund local and state transportation improvement projects; and,

WHEREAS, these local government funds are critical to provide the police and fire, emergency response, parks, libraries, and other vital local services that residents rely upon every day, and gas tax funds are vital to maintain and improve local streets and roads, to make road safety improvements, relieve traffic congestion, and provide mass transit; and,

WHEREAS, despite the fact that voters have repeatedly passed measures to prevent the State from taking these revenues dedicated to funding local government services and transportation improvement projects, the State Legislature has seized and borrowed billions of dollars in local government and transportation funds in the past few years; and,

WHEREAS, this year's borrowing and raids of local government, redevelopment and transit funds, as well as previous, ongoing raids of local government and transportation funds have lead to severe consequences, such as layoffs of police, fire and paramedic first responders, fire station closures, stalled economic development, healthcare cutbacks, delays in road safety improvements, public transit fare increases and cutbacks in public transit services; and,

WHEREAS, State politicians in Sacramento have continued to ignore the will of the voters, and current law provides no penalties when state politicians take or borrow these locally-dedicated funds; and,

WHEREAS, a coalition of local government, transportation and transit advocates recently filed a constitutional amendment with the California Attorney General, called the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010, for potential placement on California's November 2010 statewide ballot; and,

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
Stanislaus County Board of Supervisors,
State of California



File No.

WHEREAS, approval of this ballot initiative would close loopholes and change the constitution to further prevent State politicians in Sacramento from seizing, diverting, shifting, borrowing, transferring, suspending or otherwise taking or interfering with tax revenues dedicated to funding local government services, including redevelopment, or dedicated to transportation improvement projects and mass transit,

THEREFORE, BE IT RESOLVED that the Stanislaus County Board of Supervisors formally endorses the Local Taxpayer, Public Safety and Transportation Protection Act of 2010, a proposed constitutional amendment,

BE IT FURTHER RESOLVED that we hereby authorize the listing of Stanislaus County in support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010.



Leg. X.A.

To: Central Valley Division Member

Fr: Stephen Qualls, League of California Cities Regional Public Affairs Manager

Re: November 2010 Ballot Measure Petitions

Enclosed you will find 10 petitions, signature gathering instruction sheets, initiative information sheet, information on how to get involved in the effort, and a return envelope for completed petitions. I included 10 petitions in the hope that you would be willing to collect 100 signatures toward this effort. If every one of the 131 elected Mayors and Council Members in the Central Valley Division gathered just 100 signatures or 10 petitions, we would well on our way to our regional goal of 16,000. I encourage you to reach out to your colleagues in the city who may want to also help this effort. Please direct them to me for petitions and additional information.

Since petitions cannot be circulated inside City Hall, please coordinate your efforts on your personal time at various functions you attend. You may also wish to engage members of the community who feel strongly about the protection of local government funding.

Again, a tremendous thank you to you for your willingness to serve on this effort. Let me know if you come into contact with people with whom I should follow-up as well as any community groups or speaking opportunities in the upcoming months. Call with any questions.

Stephen



Central Valley Division Signature Gathering Instructions

The Central Valley Division has a goal of 16,000 signatures to be gathered between **January 4, 2010 and April 12, 2010**, which gives the region just 14 weeks to collect signatures.

Weekly goals are set around 2,000 to keep pace in reaching the overall goal. Therefore, it is critical to turn in all completed or partially completed sheets on a weekly basis. The sheets do not have to be filled to return – even if there is one or two signatures, send it in to keep the tallies accurate.

Your due date for petitions is January 29th 2010, three weeks from the day they have been sent to you. Remember to turn in petitions within the three week time line or sooner.

Here are a few simple instructions to remember when gathering signatures and returning petitions.

1. Review the signature gathering guidelines (attached). Make sure all signers are from the same county and guidelines are followed when collecting them.
2. Turn in petitions as soon as each petition is completed. If you stop gathering signatures for a day or two, **please mail or have Stephen Qualls pick up the ones you have - both full and partially full sheets.** Weekly statewide tallies will be added to increase or decrease the paid signature gathering effort. We must send our collected signatures for tabulation immediately.
3. **Stephen will be mailing a packet of signed petitions every Friday to Sacramento. Please have petitions in mail to Stephen by Wednesday or contact Stephen at 209-614-0118 to arrange for pickup or mail them to P.O. Box 785 Hughson, Ca.95326.**

4. Weekly tabulations will be posted so the region may monitor its progress.
5. Please inform Stephen if you are aware of gatherings or large venues between now and April 12th where volunteers may go to collect in high volume – i.e. street fairs, festivals, events etc.
6. Make this fun and remember why you are doing it!!



www.savelocalservices.com

Questions & Answers About the Local Taxpayer, Public Safety and Transportation Protection Act

WHAT IS YOUR MEASURE AND WHAT DOES IT PROPOSE TO DO?

The Local Taxpayer, Public Safety and Transportation Protection Act is a constitutional amendment that we are working to place on California's November 2010 statewide ballot. The initiative would stop the State from raiding or borrowing funding for local public safety, transportation, transit and other essential local government services. Specifically, the measure would:

- ✓ **Prohibit the State from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services.** The measure would close loopholes to prevent the taking of funds currently dedicated to cities, counties, special districts and redevelopment agencies. It would also end the State's fiscally irresponsible practice of borrowing local government property tax funds.
- ✓ **Protect vital, dedicated transportation and public transit funds from State raids.** The measure would prevent State borrowing, taking or redirecting of the state sales tax on gasoline (Prop 42 funds) and Highway User Tax on gasoline (HUTA) funds that voters have dedicated to transportation maintenance and improvements. It would also prevent the State from redirecting or taking public transit funds.
- ✓ **Protect local taxpayers** by keeping more of our local tax dollars local where there's more accountability to voters, and by ensuring once and for all that our gas taxes go to fund road improvements. The measure also reduces pressure for local tax and fee increases that become necessary when the State redirects local funds.

WHY IS IT NEEDED?

Unfortunately, the State has continued its irresponsible practice of taking and borrowing local taxpayer dollars and dedicated transportation funds. The 2009/10 state budget borrows and takes approximately \$5 billion in city, county, transit, redevelopment and special district funds this year despite the fact that voters have overwhelmingly passed ballot measures to keep local funding at the local level to provide essential local services. This year's raids and previous, ongoing state raids and borrowing jeopardize the services Californians need most, including police, fire and emergency 911 services; local economic development and redevelopment; mass transit like buses and commuter rail; and transportation improvements like road repairs and congestion relief. We need to pass this measure to protect these vital local services from State raids and borrowing.

ISN'T FUNDING FOR LOCAL GOVERNMENT AND TRANSPORTATION ALREADY PROTECTED FROM STATE RAIDS?

California voters have overwhelmingly passed separate measures to prevent the State from raiding local government and transportation funds. However, each and every year the State attempts to take or borrow local government, transportation and transit funding using loopholes, or illegal funding diversions that have only been stopped after expensive and lengthy court battles. This year alone, the Legislature:

- Borrowed approximately \$2 billion in property taxes from local governments, despite no clear path to repay these funds.

Paid for by Californians to Protect Local Taxpayers and Vital Services, a coalition of taxpayers, public safety, local government, transportation, business and labor, with major funding from the League of California Cities (non-public funds)

1121 L Street, #803 – Sacramento, CA 95814

- Took \$2.05 billion in local redevelopment funds, despite a recent Superior Court ruling that says these types of raids are unconstitutional.
- Shifted \$910 million in transit funding away from local transit agencies. The courts have since ruled these types of raids are unconstitutional.
- Voted to take more than \$1 billion of the local government share of the Highway User Tax (HUTA) to repay state bond debt (but the measure stalled in Assembly). These are funds that have always been used to finance local road repairs and maintenance.
- Took action to eliminate the state sales tax on gasoline (Prop 42 funds) and HUTA and replace with a gasoline “fee” that would have no constitutional protection from future raids by the legislature (the Governor ultimately vetoed this measure).
- Threatened to borrow Prop 42 transportation funds to address the State's deficit.

Our measure would close loopholes in current law that the legislature has exploited to take or divert local funds. And it would tighten sections of the law to prevent illegal State funding raids of local government and transportation funds before they happen.

WHY DOES YOUR MEASURE PREVENT THE STATE FROM BORROWING LOCAL GOVERNMENT AND TRANSPORTATION FUNDS?

The local government revenue protection measure in 2004 (Prop 1A) and the transportation revenue protection measure in 2006 (Prop 1A) included provisions that allow the State to borrow these funds during fiscal emergencies. However, after several budget cycles it is clear that these borrowing provisions are not only bad for local governments and transportation services, but fiscally irresponsible for the State. Borrowing these dedicated funds only plunges our state deeper into debt because the funds must to be repaid, *with interest* within three years.

The borrowing was meant to provide an outlet in short-term budget emergencies, but it's instead being used to paper over structural budget problems. For example, the State has no clear way to pay back the \$2 billion plus interest in local property taxes that the State is borrowing as part of this year's 2009-2010 State budget, yet lawmakers borrowed these funds anyway.

What's more, because the State has the authority to borrow local government and transportation funds, it creates mass uncertainty for cities and counties who need to plan and pass their local budgets, and for transportation and transit planners who aren't sure if they can rely on these revenues in any given year.

DOES THIS MEASURE INCREASE OR DECREASE REVENUES FOR LOCAL GOVERNMENTS OR FOR TRANSPORTATION AND TRANSIT?

This measure does not increase or decrease the existing revenues that are dedicated to local government, transportation and transit funds. It simply prevents the State from borrowing or raiding *existing* local government, transportation and transit revenues that voters have dedicated to these services.

WON'T THIS MAKE OUR STATE'S BUDGET SYSTEM EVEN WORSE BY FURTHER PUTTING A LOCK BOX ON BILLIONS OF DOLLARS IN FUNDING?

First, these are revenues that have historically been dedicated to cities, counties and special districts to fund local government services. It's fiscally irresponsible for State Government to raid funds from local governments.

Second, it's important to remember that these are funds that voters have ALREADY dedicated to local government, transportation and transit services. We are not dedicating any NEW funding for these services, but instead ensuring that the will of voters is upheld by protecting local government and transportation funds from further State raids and borrowing.

This reform is fiscally responsible and a key step in long-term reform for California. The State has gotten itself into this deep fiscal mess in large part because lawmakers have relied on budget gimmicks like tapping into voter-protected funds and borrowing which only pushes our problems into the future.

HOW DOES THIS MEASURE FIT INTO THE NEED FOR BROAD REFORM OF STATE GOVERNMENT IN CALIFORNIA?

This measure is a necessary and responsible first step toward fiscal reform in California. Virtually everyone agrees that State reforms must include the restoration of more local control over local tax dollars, and moving services closer to the people at the local level. This measure ensures local control, predictability, and accountability for local tax dollars that are used to provide the most essential local services.

WILL THIS MEASURE IMPACT FUNDING FOR PUBLIC SCHOOLS, HEALTHCARE OR OTHER SERVICES?

No. This measure does not take away funding from schools or any other service funded by the State because it only protects EXISTING funds that are already dedicated to local services like public safety and transportation. And this measure in no-way alters Proposition 98, which guarantees funding levels for K-14 schools.

HOW WILL THIS MEASURE IMPACT TAXPAYERS?

This measure provides further protections for *existing* revenues that voters have already dedicated to local government, transportation and transit services. It does not increase taxes. In fact, this measure protects taxpayers by keeping more of our tax dollars local where they're more accountable. And this measure decreases pressure for local tax and fee increases at the local government level that become needed when the state takes local revenues and local governments are forced to look for new revenues to protect vital services.



SIGNATURE GATHERING: THE BASIC RULES

- Individuals must be registered to vote in the state of California
- Use only black or blue ink
- Each petition must include registered voters from the same County
(Do NOT mix different counties on the same sheet. USE A SEPARATE SHEET)

SAMPLE PETITION

All signers of this petition must be registered in _____ County

New 1. Registration	Residence Print Your Name: _____ Address ONLY: _____ Sign as Registered to Vote: _____ City: _____ Zip: _____	
New 2. Registration	Residence Print Your Name: _____ Address ONLY: _____ Sign as Registered to Vote: _____ City: _____ Zip: _____	
New 3. Registration	Residence Print Your Name: _____ Address ONLY: _____ Sign as Registered to Vote: _____ City: _____ Zip: _____	
New 4. Registration	Residence Print Your Name: _____ Address ONLY: _____ Sign as Registered to Vote: _____ City: _____ Zip: _____	

CIRCULATOR DIRECTIONS

Fill-in the county where the collected signatures will be from on the **front and back page** of the petition pamphlet.

NOTE: all signers on a petition must be from the same county. Use separate petitions for different counties

Be sure name / address / city and zips are **complete and legible** and that they **signed** the petition.

Note: the 'New Registration' box is only for those that you also register to voter. You should enter the 6-digit number that appears near the voter's signature on the registration form in this box.

Everything in a "signature box" should be in the signer's **OWN HANDWRITING.**

You should **NOT** correct signer errors. You should instead have the signer **REWRITE** the complete information in **ANOTHER** "signature box," and then draw a line through the voided "signature box."

BE SURE to complete the declaration portion.

It is important to fill-in the dates between which you gathered the signatures.

AND the "executed on" date falls on or after the **last** day you gathered signatures **on this petition.**

DECLARATION OF CIRCULATOR (To be completed in circulator's own hand after above signatures have been obtained.)

I, _____, am registered to vote in the County of _____, or am qualified to register to vote in California. My residence address is _____. I circulated this section of the petition and witnessed each of the appended signatures being written. Each signature on this petition section is, to the best of my information and belief, the genuine signature of the person whose name it purports to be. All signatures on this document were obtained between the dates of _____ and _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, at _____, CA. Signature of Circulator _____

VOTER REGISTRATION: If an individual wishes to sign the petition, but needs to register or re-register to vote they must complete a Voter Registration Form.

- **Name, Address (including City, Zip and County), Date of Birth, Place of Birth (State or Country), Driver's License or Last 4 Digits of Social Security Number, Political Party, Voter Declaration with signature and date** must **ALL** be complete for the registration to be accepted by the registrar of voters.
- You must mail the registration card in no later than the day after you collect the signatures. If you receive double figure registration cards in a day, you should deliver them within three days to the appropriate county instead of mailing them.



MORE HELPFUL HINTS

Your most used phrase should be *“YOUR SIGNATURE JUST GETS THIS ON THE BALLOT”*.

Signature gathering is not the time to argue the merits of our initiative. If you find someone wants to have a heated discussion, offer to give them a copy of the title and summary, a fact sheet or a petition to read (if you have one to spare), and then MOVE ON.

A good rule of thumb is for every hour you spend in a crowded location you will gather approximately 25 signatures.

If you are a city employee or elected/appointed official, **do not collect signatures at city hall or on city time**. You must be on your own personal time and use your own resources. Signature gathering is permitted on the public sidewalk in front of city hall, before work, after work and during lunch.

**Questions? Need more petitions?
Ready to arrange pick up of completed petitions?
Please contact:**

Stephen Qualls 209-614-0118

You may also mail completed petitions to:

*Stephen Qualls
P.O.Box 785 Hughson, Ca.95326*

**ALL PETITIONS MUST BE MAILED
SO THAT PETITIONS ARE RECEIVED ON OR BEFORE
January 29th 2010**