

3-11-2002

LOCAL FUNDS AND REVENUES FOR  
LOCAL GOVERNMENT SERVICES.  
INITIATIVE CONSTITUTIONAL  
AMENDMENT.

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Management Services  
Notary Public  
Political Reform  
Uniform Commercial Code



**BILL JONES**  
*Secretary of State*  
*State of California*

**ELECTIONS DIVISION**  
(916) 657-2166  
1500 - 11<sup>th</sup> STREET  
SACRAMENTO, CA 95814  
Voter Registration Hotline  
1-800-345-VOTE  
For Hearing and Speech Impaired  
Only  
1-800-833-8683  
e-mail: [comments@ss.ca.gov](mailto:comments@ss.ca.gov)

March 11, 2002

TO: ALL REGISTRARS OF VOTERS OR COUNTY CLERKS AND PROPONENTS  
(02074)

FROM: *Brianna Lierman*  
BRIANNA LIERMAN  
ELECTIONS ANALYST

SUBJECT: **INITIATIVE #959**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**LOCAL FUNDS AND REVENUES FOR LOCAL GOVERNMENT SERVICES.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponents of the above-named measure are:

Christopher K. McKenzie  
Catherine A. Smith  
Steven C. Szalay  
c/o Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
770 "L" Street, Suite 800  
Sacramento, CA 95814  
(916) 446-6752

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#959

LOCAL FUNDS AND REVENUES FOR LOCAL GOVERNMENT SERVICES.  
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

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1. Minimum number of signatures required: ..... 670,816  
California Constitution, Article II, Section 8(b)
  
2. Official Summary Date:..... Thursday, 03/11/02  
Elections Code section (EC§) 336
  
3. Petitions Sections:
  - a. First day Proponent can circulate Sections for  
signatures (EC §336) ..... Monday, 03/11/02
  
  - b. Last day Proponent can circulate and file  
with the county. All sections are to be filed at the  
same time within each county (EC §336, 9030(a)) ..... Thursday, 08/08/02
  
  - c. Last day for county to determine total number of  
signatures affixed to petitions and to transmit total  
to the Secretary of State (EC §9030(b))..... Tuesday, 08/20/02  
  
(If the Proponent files the petition with the county on a date prior to 08/08/02,  
the county has eight working days from the filing of the petition to determine the  
total number of signatures affixed to the petition and to transmit the total to the  
Secretary of State) (EC §9030(b)).
  
  - d. Secretary of State determines whether the total number  
of signatures filed with all county clerks/registrars of  
voters meets the minimum number of required signatures,  
and notifies the counties ..... Thursday, 08/29/02\*
  
  - e. Last day for county to determine total number of qualified  
voters who signed the petition, and to transmit certificate  
with a blank copy of the petition to the Secretary of State  
(EC §9030(d)(e)) ..... Tuesday, 10/15/02

\* Date varies based on receipt of county verification.

**INITIATIVE #959**  
**Circulating and Filing Schedule continued:**

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(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/29/02, the last day is no later than the thirtieth day after the county's receipt of notification). (EC §9030(d)(e)).

- f. If the signature count is more than 737,898 or less than 637,275 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 637,275 and 737,898 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures (EC §9030(f)(g); 9031(a)) ..... Friday, 10/25/02\*
  
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). ..... Wednesday, 12/11/02

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 10/25/02, the last day is no later than the thirtieth working day after the county's receipt of notification) (EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033) ..... Sunday, 12/15/02\*

\* Date varies based on receipt of county certification.

## IMPORTANT POINTS

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- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100,101,104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Please refer to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

**BILL LOCKYER**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



1300 I STREET, SUITE 125  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
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Facsimile: (916) 324-8835  
(916) 324-5490

March 11, 2002

**FILED**  
In the office of the Secretary of State  
of the State of California

**MAR 11 2002**

BILL JONES, Secretary of State  
By Brian W. Lerman  
Deputy Secretary of State

Bill Jones  
Secretary of State  
1500 - 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, California 95814

RE: Initiative Title and Summary  
SUBJECT: LOCAL FUNDS AND REVENUES FOR LOCAL GOVERNMENT SERVICES.  
INITIATIVE CONSTITUTIONAL AMENDMENT.  
FILE NO: SA2002RF0004

Dear Mr. Jones:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponents of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponents, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the names and address of the proponents are as stated on the declaration of service.

Sincerely,

Handwritten signature of Tricia Knight in cursive script.

TRICIA KNIGHT  
Initiative Coordinator

For **BILL LOCKYER**  
Attorney General

TK:cw  
Enclosures

Date: March 11, 2002  
File No.: SA2002RF0004

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

LOCAL FUNDS AND REVENUES FOR LOCAL GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT. Specifies funds and revenues available to cities, counties and special districts for health, safety and other services. Excludes redevelopment agencies, school or community college districts. Establishes base amount; provides annual adjustments based on cost of living and population. Prohibits Legislature and state agencies from reducing base amount of specified local governments and special districts funds and revenues available for appropriation for public health, safety or other services. Requires local governments to establish and implement financial accountability processes. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: This initiative would have the following major fiscal effects: (1) Significant restrictions on state authority over local government finances; and (2) Higher local resources than otherwise would have been the case - potentially several billions of dollars annually. Commensurate fiscal impact on the state, in the form of reduced spending on non-local government programs and/or higher state taxes.

January 14, 2002

**RECEIVED**  
JAN 15 2002

Tricia Knight  
Initiative Coordinator  
Office of Attorney General  
1300 I Street  
Sacramento, CA 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Community Public Health and Safety Protection Act – (Option 3)

Dear Ms. Knight:

We are the proponents for the Community Public Health and Safety Protection Act (Option 3) filed with your office and are registered voters residing in Sacramento County. We request that the Attorney General prepare a title and summary for this initiative measure.

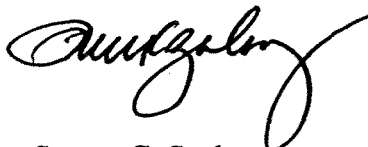
Please forward any questions you may have concerning this measure to Cathy Christian at:

Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP  
770 L Street, Ste. 800  
Sacramento, CA 95814  
(916) 446-6752

Cordially,



Christopher K. McKenzie



Steven C. Szalay



Catherine A. Smith



**Section One. Short Title.**

This amendment to the California Constitution shall be known and may be cited as the Community Public Health and Safety Protection Act.

**Section Two. Findings and Declarations.**

(a) The People of the State of California find that providing life-saving emergency medical care and trauma services, frontline law enforcement, criminal justice, fire protection and other services such as libraries, road and street maintenance and repair are the top priorities of local governments. Reliable funding for these services is essential for the security, well-being and quality of life of all Californians.

(b) Recently, however, a series of court rulings and actions by the state government have allowed the State to take or shift local tax revenues away from local governments to pay for state programs. Thus, the state government could now take away local revenues anytime it chooses, forcing local governments to either raise local fees or taxes to maintain local services at acceptable levels or reduce the budgets and staff levels for local services.

(c) The Community Public Health and Safety Protection Act is designed to help assure that the local financial resources used today to support community public safety and public health services and other vital local services will continue to be available in the future. The Act will accomplish this goal by:

(1) Preventing the state government from taking away or diverting local revenues that are used by local governments to pay for public safety and public health services and other local services;

(2) Creating new government accountability and public right-to-know requirements for the government spending and budget process related to local public safety and public health services and other local services, and annual audits to help assure that local government spending complies with public spending priorities for these services.

**Section Three. Article XIII E is hereby added to the California Constitution to read as follows:**

Sec. 1. Prohibition on Taking Local Financial Resources from Public Safety, Public Health, and Other Local Government Services. Neither the Legislature nor any state agency shall take any action, as further defined in Section 3, that reduces any Local Financial Resource of a Local Government that is available for appropriation by that Local Government for Public Safety, Public Health, and/or for Other Local Government Services.

Sec. 2. Definitions. For purposes of this Act:

- (a) "Base Amount" means that amount of revenue or funds from a Local Financial Resource, lawfully available for appropriation by a Local Government for Public Safety, Public Health, and/or Other Local Government Services, in the fiscal year immediately preceding the fiscal year in which the action of the Legislature reducing that Local Financial Resource takes effect. The Base Amount for each Local Financial Resource, other than a State Subvention, shall be adjusted to the current fiscal year by the change in the cost of living, as defined in paragraph (2) of subdivision (e) of Section 8 of Article XIII B, and change in population as defined in Section 7901 of the Government Code, as that section read on January 1, 2001.
- (b) "Local Government" means any city, county, city and county, and special district.
- (c) "Local Financial Resource" means the following revenue or funds available for appropriation by a Local Government: State Subventions; the ad valorem tax on real property; fines and forfeitures for crimes (distributed pursuant to Sections 1463 through 1465.6 of the Penal Code and Article 3 of Chapter 1 of Division 17 of the Vehicle Code); and locally adopted and approved taxes (such as the Bradley-Burns Uniform Sales and Use Tax). Federal grants, state grants, the proceeds of state bonds allocated to Local Governments, and revenues loaned from the State to Local Governments, are not Local Financial Resources.
- (d) "Other Local Government Services" means all services, activities and programs, other than Public Health Services and Public Safety Services, for which a Local Government appropriates Local Financial Resources.
- (e) "Public Health Services" includes services such as communicable disease control activities; surveillance of biological, chemical and other public health threats; trauma care; clinical medical services; and emergency department services.
- (f) "Public Safety Services" includes services such as emergency medical services, airport and port security, sheriff, police, fire, hazardous materials and emergency response, criminal justice services and programs, and emergency communications.
- (g) "Special District" means an agency of the State, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions with limited geographic boundaries, but not including redevelopment agencies, school districts, or community college districts.
- (h) "State Subvention" means money received by a Local Government from the State, the use of which is either restricted or unrestricted, pursuant to a Constitutional provision or a statute in effect on January 1, 2002 which describes an on-going program which is eligible for funding (such as money received pursuant to Chapters 1 through 5, commencing with Section 10701, of Part 5 of Division 2 of the Revenue and Taxation Code; and money received pursuant to Chapter 6, commencing with Section 17600, of Part 5 of Division 9 of the Welfare and Institutions Code; money allocated by the State to each Supplemental Law Enforcement Services Fund created pursuant to Government

Code sections 30061 et seq.; and money allocated by the State to certain county sheriffs pursuant to Government Code section 30070).

Sec. 3. Construction of Section 1. Whenever the Legislature or any state agency reduces the Base Amount, as defined in Section 2(a), of a Local Financial Resource available for appropriation by a Local Government for Public Safety, Public Health or Other Local Government Services by taking any action, including but not limited to, the following, such action(s) shall violate Section 1 of this Article:

- (a) Redistributes from one Local Government to another or to a state-created fund, reduces, or reallocates, revenues or funds derived from the (i) ad valorem property tax or (ii) any local tax;
- (b) Reduces, eliminates, or fails to appropriate a State Subvention (such as revenue required to be appropriated to a county Supplement Law Enforcement Services Fund) including, but not limited to (i) that amount of revenue required to be allocated to a Local Government pursuant to a statutory formula as it read on January 1, 2002; or (ii) that amount of revenue appropriated for the State Subvention and allocated to a Local Government pursuant to the law in effect in the 2001-2002 fiscal year, unless the Legislature adopts a statutory allocation formula for the allocation of that subvention after January 1, 2002 that provides for an identical or greater amount of revenue;
- (c) Increases any Local Government's statutory share of funding of a program or services that the Local Government is required to jointly fund with the State at a specified level.

#### Section 4. Accountability and Audit Requirements.

- (a) Each Local Government shall be accountable to the public for the expenditure of Local Financial Resources for Public Safety Services, Public Health Services and Other Local Government Services. Each Local Government shall establish and implement an accountability program which does all of the following: (i) provides the public with the opportunity to contribute to the development of each fiscal year's goals for Public Safety Services, Public Health Services, or Other Local Government Programs; (ii) informs the public of the Local Financial Resources that will be appropriated for Public Safety Services, Public Health Services, or Other Local Government Programs; and (iii) produces a written description of those service goals and spending priorities. Subsequent to the close of each fiscal year, each Local Government shall issue a written report describing how its provision of Public Safety Services, Public Health Services, and Other Local Government Services achieved its goals; and how its expenditure conformed to its spending priorities, noting any deviations from the goals for services and spending priorities and the reasons therefor.

- (b) At the end of its fiscal year, each Local Government shall undergo a financial audit and shall present the findings of the audit at a public meeting.
- (c) The requirements of this section 4 do not supersede, preempt or otherwise modify budget process or accountability measures adopted either prior to or subsequent to the effective date of this section, by a city or county with a voter-approved charter.

**Section Four. Construction.** This measure shall be liberally construed to effectuate its purpose of providing adequate funds to Local Governments to fund public safety and public health services. This measure shall not be construed to provide independent authority to the Legislature or any entity of state government to reduce or reallocate revenues or funds derived from locally adopted taxes. This measure shall not be construed to amend, modify or change in any way the amounts of revenue otherwise required to be applied by the State for the support of school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution.

**Section Five. Severability.** If any part of this measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications that reasonably can be given effect without the invalid provision or application.

**Section Six. Prevailing Measure.** If any other measure on the statewide general election ballot on November 2, 2002 conflicts with or is inconsistent with the provisions of Article XIII E of the California Constitution added by this Act, the provisions of Article XIII E shall take precedence over such inconsistent provisions.

