



Report to the City Council  
Council Meeting of October 11, 2016

Agenda Section: Consent

**Subject:** Consideration and proposed approval of resolutions supporting the League of California Cities (LOCC) Board of Directors decision at its meeting on June 24-25 that carefully reviewed ballot measures affecting California cities expected to be on the November 2016 statewide ballot:

- a. Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment
- b. Supporting Proposition 54 California Legislature Transparency Act of 2016

CEQA Determination: Not a CEQA Project

Prepared By:

Cindy Black, City Clerk

Approved By:

Jennifer Phillips, City Manager

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**DISCUSSION**

The City received a request from League of California Cities North Bay Division Regional Public Affairs Manager Nancy Hall Bennett for Council resolutions supporting the League of California Cities Board of Directors positions on two ballot.

**Proposition 53 Revenue Bonds: Statewide Voter Approval - Constitutional Amendment**

This measure would require statewide voter approval prior to the state issuing or selling any revenue bonds of \$2 billion or more for state projects that are financed, owned, operated or managed by the state or a joint agency created by or for the state.

League Position: Oppose

This measure would make it more difficult for state, regional, and local public agencies to use revenue from a common funding source to finance critical infrastructure projects. This concern is valid as cities and counties could also be members to joint powers agencies created by the state. Additionally, the broadest interpretation could prevent critical state improvements in a community, even under the \$2 billion threshold, as long as they're "proximate, physically joined/connected, and/or cannot be complete without the other project."

Regional projects (such as the Bay Bridge) subject to the threshold would require a statewide vote. Thus, regional and local projects would be subject to the control of voters

in other areas of the state even when they are neither impacted by the projects nor required to pay for them.

Local Precedent Concern: While the immediate impact on a city from this proposal can be debated, its enactment would set a legal and policy precedent of having revenue bonds subject to public votes. Such a precedent could lead to future efforts to expand such a requirement to apply to local government revenue bonds in the future, further limiting local flexibility.

**Proposition 54 California Legislature Transparency Act of 2016.**

This measure would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless it is a case of public emergency. The Legislature would be required to record all proceedings (except closed sessions) and make available online.

League Position: Support

The League supports this measure because it will improve the transparency of the California's legislative process. Last-minute bills and amendments can often be harmful to local agencies and communities. Complex measures are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.

The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better laws, while thwarting political favoritism and power grabs. Additional access for the public to recordings of legislative proceedings will enhance transparency and accountability.

**FISCAL IMPACT**

Not applicable

**RECOMMENDED ACTION**

It is recommended for Council to support the League of California Cities Board of Directors positions and adopt the proposed resolutions.

**ATTACHMENTS**

1. Request from LOCC North Bay Division Regional Public Affairs Manager Nancy Hall Bennett
2. Proposition 53 Fact Sheet and the full text initiative
3. Proposition 54 Fact Sheet and the full text initiative
4. Resolution Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment
5. Resolution Supporting Proposition 54 California Legislature Transparency Act of 2016

**Cindy Black**

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**Subject:** FW: Sample City Resolutions- Propositions 53 & 54  
**Attachments:** LOCC 2016 Ballot Positions.docx; SAMPLE RESOLUTION IN OPPOSITION OF PROPOSITION 53.pdf; SAMPLE RESOLUTION IN SUPPORT OF PROPOSITION 54.pdf

**From:** Nancy Hall Bennett [<mailto:nbennett@cacities.org>]  
**Sent:** Thursday, September 15, 2016 8:24 AM  
**Subject:** Sample City Resolutions- Propositions 53 & 54

North Bay Cities:

This summer, the League reviewed eight ballot measures affecting cities which will be on the November statewide ballot. The full list of positions is attached. Of these measures, the League Board has directed us to actively engaged on:

- **Oppose: Proposition 53 Revenue Bonds: Statewide Voter Approval- Constitutional Amendment**
- **Support: Proposition 54 California Legislature Transparency Act of 2016**

I have attached sample city resolutions and information below on these two measures. If your city council votes to adopt these resolutions, please send me a copy at [nbennett@cacities.org](mailto:nbennett@cacities.org). Feel free to call or email me if you have any questions.

Thank you,  
Nancy Hall Bennett

**Proposition 53 Revenue Bonds: Statewide Voter Approval - Constitutional Amendment**

This measure would require statewide voter approval prior to the state issuing or selling any revenue bonds of \$2 billion or more for state projects that are financed, owned, operated or managed by the state or a joint agency created by or for the state.

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Regional projects (such as the Bay Bridge) subject to the threshold would require a statewide vote. Thus, regional and local projects would be subject to the control of voters in other areas of the state even when they are neither impacted by the projects nor required to pay for them.

*Local Precedent Concern:* While the immediate impact on a city from this proposal can be debated, its enactment would set a legal and policy precedent of having revenue bonds subject to public votes. Such a

precedent could lead to future efforts to expand such a requirement to apply to local government revenue bonds in the future, further limiting local flexibility.

[Proposition Text](#)

[No on Prop 53 Fact Sheet](#)

[Local Projects at Risk](#)

[No on Prop 53 Website](#)

**Proposition 54 California Legislature Transparency Act of 2016.**

This measure would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless it is a case of public emergency. The Legislature would be required to record all proceedings (except closed sessions) and make available online.

**League Position: Support**

The League supports this measure because it will improve the transparency of the California's legislative process. Last-minute bills and amendments can often be harmful to local agencies and communities. Complex measures are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.

The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better laws, while thwarting political favoritism and power grabs. Additional access for the public to recordings of legislative proceedings will enhance transparency and accountability.

[Proposition Text](#)

[Yes on Prop 54 Fact Sheet](#)

[Frequently Asked Questions](#)

[Yes on Prop 54 Website](#)

# NO 53 ON PROP

**Stop Attack on Local Control**

www.NoProp53.com

## PROP 53 UNDERMINES LOCAL CONTROL AND VITAL INFRASTRUCTURE

Prop 53 is opposed by a broad, bipartisan coalition of organizations including the California Professional Firefighters, California Chamber of Commerce, California Hospital Association, California State Sheriffs Association, firefighters, paramedics, family farmers, environmentalists, law enforcement, and local governments. Prop 53 takes away local control by requiring a statewide vote even for some local infrastructure projects. The measure would add new layers of bureaucracy and red tape that will delay or derail needed improvements to critical infrastructure, including after emergencies and natural disasters. Here are some facts:

### Prop 53 Erodes Local Control by Requiring Statewide Vote for Some Local Projects

- Under this measure, cities and towns that want to come together with the state and form a JPA to issue revenue bonds to upgrade local water systems, roads, bridges, and universities would have to put their project on a statewide ballot.
- That means voters in faraway regions could veto some local projects your community needs and supports – even though those distant voters don't use, won't pay for, and don't care about your local community improvements.
- That's why groups representing California's cities, counties and local water agencies, including the League of California Cities and Association of California Water Agencies, all oppose Prop 53.

### Prop 53 Jeopardizes Ability to Repair Outdated Infrastructure

- Our communities already suffer from a massive backlog of local infrastructure needs, including outdated water supply and delivery systems, unsafe bridges, overpasses and freeways, and community hospitals that need to be upgraded to make them earthquake safe.

*Reliable Infrastructure is critical to public safety. This measure erodes local control and creates new hurdles that could block communities from upgrading critical infrastructure such as bridges, water systems and hospitals."*

*- Sheriff Donny Youngblood, President, California State Sheriffs' Association*

### Prop 53 Threatens Water Supply and Drought Preparedness

- The Association of California Water Agencies says: "Prop 53 could threaten a wide range of local water projects including storage, desalination, recycling and other vital projects to protect our water supply and access to clean, safe drinking water. Prop 53 will definitely impede our ability to prepare for future droughts."

### Prop 53 Contains No Exemptions for Emergencies or Natural Disasters

- Because Prop 53 fails to contain an exemption for emergencies, in cases of an earthquake or flood, local governments and the state may need to wait as long as two years in order to get voter approval to begin rebuilding damaged or destroyed roads, freeways, bridges, hospitals and water delivery systems.

*California Professional Firefighters, representing 30,000 firefighters and paramedics, warns: "Prop 53 irresponsibly fails to contain an exemption for natural disasters or major emergencies. That flaw could delay our state's ability to rebuild critical infrastructure following earthquakes, wildfires, floods or other natural or man-made disasters."*

**Prop 53 Makes No Fiscal Sense.**

- Private investors bear the financial risk for revenue bonds, not the state or its general fund. And revenue bonds are repaid by users of a project who directly benefit, not taxpayers. For instance, repairs to a bridge would be paid by tolls on the bridge, or customers in a specific water district would pay to build a water recycling plant, not taxpayers. It makes no sense to have a statewide election on projects not financed by taxpayers for which the state and local governments bear none of the financial risk.

**Prop 53 is Financed and Promoted by Multi-millionaire with a Personal Agenda**

- This measure is financed entirely by one multi-millionaire and his family, who are spending millions in an attempt to disrupt a single water infrastructure project. Irrespective of one's position on that single project, his initiative has far-reaching, negative implications for other infrastructure projects throughout California. We cannot allow one wealthy person to abuse the initiative system to push his narrow personal agenda.

**Paid for by No on Prop 53 – Californians to Protect Local Control, a coalition of public safety, local government, business and labor organizations, and taxpayers. Major funding by California Construction Industry Labor Management Cooperation Trust and Members' Voice of the State Building and Construction Trades Council of California (Committee).**

January 7, 2015

**RECEIVED**

**JAN 07 2015**

**INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE**

**VIA PERSONAL DELIVERY**

The Honorable Kamala D. Harris  
Attorney General  
1300 I Street, 17th Floor, P.O. Box 944255  
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Constitutional  
Amendment

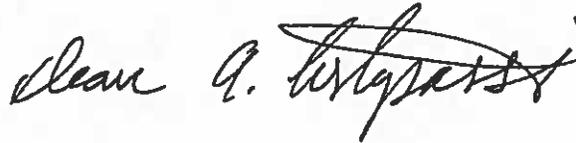
Dear Ms. Harris:

Pursuant to Article II, Section 10(d) of the California Constitution, I hereby submit the attached proposed Initiative Constitutional Amendment, entitled the "No Blank Checks Initiative," to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to Section 9608 of the California Elections Code. My address as a registered voter is attached to this letter, along with a check for \$200.00.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Dean A. Cortopassi". The signature is written in dark ink and is positioned centrally below the word "Sincerely,".

Dean Cortopassi, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

**Section 1. Title.**

This Act shall be known and may be cited as the No Blank Checks Initiative.

**Section 2. Findings and Declarations.**

The People of the State of California find and declare as follows:

(a) The politicians in Sacramento have mortgaged our future with long-term bond debt obligations that will take taxpayers, our children, and future generations decades to pay off.

(b) Under current rules, the sale of state bonds only needs to be approved by voters if they will be repaid out of the state's general revenues. But state politicians can sell billions of dollars of additional bond debt without ever getting the voters' approval if the bonds will be repaid with specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents. The politicians should not be allowed to issue blank checks Californians have to pay for. Voters must provide prior approval for all major state bond sale decisions, because voters are the ones who ultimately pay the bill.

(c) According to a 2014 report from California's independent, nonpartisan Legislative Analyst's Office, the State of California is carrying \$340 billion in public debt. (*Legislative Analyst's Office*, "Addressing California's Key Liabilities," Mar. 7, 2014.) Interest and principal payments on our long-term debt obligations will cripple the state if we keep spending the way we do now—reducing cash available for public safety, schools, and other vital state programs.

(d) Moreover, voters are rarely told the true costs of bond-funded projects. We were originally told that the bullet train would cost \$9 billion. But now the estimated cost has ballooned to nearly \$70 billion. (*Los Angeles Times*, "The Hazy Future of California's Bullet Train," Jan. 14, 2014.)

(e) This measure puts the brakes on our state's public debt crisis by giving the voters a say in all major state bond debt proposals that must be repaid through specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents.

***Section 3. Statement of Purpose.***

The purpose of this measure is to bring the state's public debt crisis under control by giving the voters a say in all major state bond-funded projects that will be paid off through specific revenues streams or higher taxes, fees, rates, tolls, or rents collected from Californians, their children, and future generations.

***Section 4. Section 1.6 is added to Article XVI of the California Constitution, to read:***

Section 1.6. (a) Notwithstanding any other provision of law, all revenue bonds issued or sold by the State in an amount either singly or in the aggregate over two billion dollars (\$2,000,000,000) for any single project financed, owned, operated, or managed by the State must first be approved by the voters at a statewide election. "State" means the State of California, any agency or department thereof, and any joint powers agency or similar body created by the State or in which the State is a member. "State" as used herein does not include a city, county, city and county, school district, community college district, or special district. For purposes of this section, "special district" refers only to public entities formed for the performance of local governmental functions within limited boundaries.

(b) A single project for which state revenue bonds are issued or sold in an amount over two billion dollars (\$2,000,000,000) may not be divided into, or deemed to be, multiple separate projects in order to avoid the voter approval requirements contained in this section. For purposes of this section, multiple allegedly separate projects shall be deemed to constitute a single project including, but not limited to, in the following circumstances: (1) where the allegedly separate projects will be physically or geographically proximate to each other; or (2) where the allegedly separate projects will be physically joined or connected to each other; or (3) where one allegedly separate project cannot accomplish its stated purpose without the completion of another allegedly separate project.

(c) The two billion dollar (\$2,000,000,000) threshold contained in this section shall be adjusted annually to reflect any increase or decrease in inflation as measured by the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics. The Treasurer's Office shall calculate and publish the adjustments required by this subdivision.

***Section 5. Liberal Construction.***

This act shall be liberally construed in order to effectuate its purposes.

***Section 6. Conflicting Measures.***

(a) In the event that this measure and another measure or measures relating to voter approval requirements for state bonds shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded in whole or in part by any other conflicting initiative approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

***Section 7. Severability.***

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

***Section 8. Legal Defense.***

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint

independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

**Endorsements:**

League of Women Voters of California  
 California State Conference of the NAACP  
 California Common Cause  
 Californians Aware  
 League of California Cities  
 First Amendment Coalition  
 California Forward  
 California Chamber of Commerce  
 California Black Chamber of Commerce  
 California Business Roundtable  
 NFIB California  
 La Raza Roundtable de California  
 Latin Business Association of California  
 Hispanic 100  
 Howard Jarvis Taxpayers Association  
 California Taxpayers Association  
 Small Business Action Committee  
 Los Angeles Area Chamber of Commerce  
 San Francisco Chamber of Commerce  
 Fresno Chamber of Commerce  
 San Jose/Silicon Valley NAACP  
 Monterey County Business Council  
 Valley Contractors Exchange  
 The R Street Institute

\*Partial List

## GIVE POWER BACK TO VOTERS, NOT THE SPECIAL INTERESTS

Proposition 54 would rein in the special interests, give voters more access to the legislative process, and make sure legislators are working for the voters, not the special interests.

### *Special interests have too much influence in the Legislature*

Special interests at the State Capitol routinely make last-minute changes to legislation to push through political favors without public comment or discussion. Hundreds of pages of legislation are drafted behind closed doors, dropped onto lawmakers' desks, and put to an immediate vote before anyone can read it. This creates reckless legislation benefiting a few special interests at the expense of voters.

Also, although the State Constitution says legislative meetings are supposed to be open to the public, few people are able to attend those meetings in person. Many proceedings go completely unobserved by the public and press, often leaving no record of what was said. These off-the-record meetings only benefit the lobbyists paid to strike backroom deals while the public interest is cut out of the process.

### *Proposition 54 would give power back to the voters*

Proposition 54 would restore legislative transparency and level the playing field for the average voter to hold politicians accountable – by doing three things:

**1. Each bill must be in print and posted online for at least 72 hours before it may pass out of either house**

This 72-hour notice period would give legislators time to review the legislation, hear from their constituents, and be held accountable for the votes they ultimately cast.

The initiative would prohibit any bill from being passed by either house of the Legislature until it has been printed and posted online for at least 72 hours. The bill must be printed and posted in its final form before being voted on by either house, so that all amendments to the bill are made public for at least 72 hours before any floor vote.

This would end the practice of special interests sneaking new legislation through the process without public comment or review. And by bringing new legislation out into the light of day, this initiative would deter political favoritism and allow a responsible evaluation of new policies before they become law.

The initiative would even specify that, if either house breaks the 72-hour rule by passing a bill without 72 hours' notice, then the bill cannot become a statute.

The initiative allows exceptions to the notice period for cases of emergency when legislation is needed immediately.

**2. *Requires the Legislature to post online a video record of every legislative meeting that is supposed to be open to the public***

The initiative would require the Legislature to post a complete video record of each meeting within 24 hours of the meeting's adjournment, allowing citizens to watch legislative meetings and keep informed. The videos would be kept online, freely available for public viewing, for at least 20 years. This would become a valuable resource for the public, the press, and the academic community.

Hundreds of local governments already do this. So why can't the State Legislature?

Any costs of making or keeping these videos would be absorbed by the Legislature's existing budget so there would be no impact on taxpayers. And these costs would be minor, according to the nonpartisan Legislative Analyst, comprising less than one-percent of the Legislature's existing budget. Plus the Legislature's budget is projected to grow independently next year by enough to easily absorb the costs of this initiative without compromising the level of resources currently available to lawmakers.

**3. *Allows all individuals to create and share their own recordings of legislative proceedings***

In addition to creating an official video record, this initiative would guarantee the right of all individuals to freely make their own recordings of any legislative meeting that is supposed to be open to the public, and share the video with any members of the public who are interested. This has been allowed in meetings of city councils and other local boards for years – So why can't the State Legislature catch up?

This initiative would liberate the potential of basic modern technology to hold the Legislature accountable for its actions (and its required recording of those actions) and give all citizens the tools they need to be informed and participate in the political process.

By enacting these commonsense reforms, Proposition 54 would ensure legislative proceedings are conducted fairly and openly, and enable the public to observe and share what is happening in the Legislature so citizens may more fully participate in the political process.

# Hold Politicians Accountable

November 16, 2015

Initiative Coordinator  
Office of the Attorney General  
State of California  
PO Box 994255  
Sacramento, CA 94244-25550

**RECEIVED**

NOV 16 2015

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Amendments: Proposed Initiative 15-0083

Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:

*Charles T. Munger, Jr.*

CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

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State of California  
PO Box 994255  
Sacramento, CA 94244-25550

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SUBMITTED BY:

CHARLES T. MUNGER, JR.

A handwritten signature in black ink, appearing to read 'Sam Blakeslee', with a long horizontal stroke extending to the right.

SAM BLAKESLEE

Enclosures

## Initiative Measure to Be Submitted Directly to the Voters

**SECTION 1. Title.**

This act shall be known and may be cited as the California Legislature Transparency Act.

**SECTION 2. Findings and Declarations.**

The People of the State of California hereby find and declare that:

- a. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and highly desirable that citizens be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
- b. However, last-minute amendments to bills are frequently used to push through political favors without comment or with little advance notice.
- c. Moreover, complex bills are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.
- d. Further, although our Constitution currently provides that the proceedings of each house and the committees thereof shall be open and public, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
- e. Yet, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
- f. Accordingly, to foster disclosure, deliberation, debate, and decorum in our legislative proceedings, to keep our citizens fully informed, and to ensure that legislative proceedings are conducted fairly and openly, our Constitution should guarantee the right of all persons, including members of the press, to freely record legislative proceedings and to broadcast, post, or otherwise transmit those recordings.
- g. To supplement this right to record legislative proceedings, the Legislature itself should also be required to make and post audiovisual recordings of *all* public proceedings to the Internet *and* to maintain an archive of these recordings, which will be a valuable resource for the public, the press, and the academic community for generations to come.
- h. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
- i. The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better bills while thwarting political favoritism and power grabs.
- j. These measures will have nominal cost to taxpayers, while promoting greater transparency in our legislative proceedings to benefit the People.

**SECTION 3. Statement of Purpose.**

In enacting this measure, the People of the State of California intend the following:

- a. To enable we, the People, to observe through the Internet what is happening and has happened in any and all of the Legislature's public proceedings so as to obtain the information necessary to participate in the political process and to hold our elected representatives accountable for their actions.

- b. To enable we, the People, to record and to post or otherwise transmit our own recordings of those legislative proceedings in order to encourage fairness in the proceedings, deliberation in our representatives' decision-making, and accountability.
- c. To give us, the People, and our representatives the necessary time to carefully evaluate the strengths and weaknesses of the final version of a bill before a vote by imposing a 72-hour public notice period between the time that the final version is made available to the Legislature and the public, and the time that a vote is taken, except in cases of a true emergency declared by the Governor.

**SECTION 4. Amendments to Article IV of the California Constitution.**

Section 4.1. Section 7 of Article IV of the Constitution is amended to read:

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) Except as provided in paragraph (3), the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.

(2) Commencing on January 1 of the second calendar year following the adoption of this paragraph, the Legislature shall also cause audiovisual recordings to be made of all proceedings subject to paragraph (1) in their entirety, shall make such recordings public through the Internet within 24 hours after the proceedings have been recessed or adjourned for the day, and shall maintain an archive of said recordings, which shall be accessible to the public through the Internet and downloadable for a period of no less than 20 years as specified by statute.

(3) Notwithstanding paragraphs (1) and (2) However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(42) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(53) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and ~~shall prescribe that, when~~ in the case of a closed session is held pursuant to paragraph (31), shall prescribe that reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

Section 4.2. Section 8 of Article IV of the Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)(1) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring.

(2) No bill may be passed or ultimately become a statute unless until the bill with any amendments has been printed, and distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except that this notice period may be waived if the Governor has submitted to the Legislature a written statement that dispensing with this notice period for that bill is necessary to address a state of emergency, as defined in paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that has been declared by the Governor, and the house considering the bill thereafter dispenses with the notice period for that bill by a separate rollcall vote entered in the journal, two thirds of the membership concurring, prior to the vote on the bill.

(3) No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

## SECTION 5. Amendments of the Government Code

Section 5.1. Section 9026.5 of the Government Code is amended to read as follows:

~~9026.5. Televised or other audiovisual recordings of public proceedings~~~~Television signal of Assembly;~~  
~~prohibited use; violation~~

~~(a) Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof may be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof. No television signal generated by the Assembly shall be used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors.~~

~~As used in this section, "commercial purpose" does not include either of the following:~~

~~(1) The use of any television signal generated by the Assembly by an accredited news organization or any nonprofit organization for educational or public affairs programming.~~

~~(2) As authorized by the Assembly, the transmission by a third party to paid subscribers of an unedited video feed of the television signal generated by the Assembly.~~

~~(b) The Legislature's costs of complying with paragraph (2) of subdivision (c) of Section 7 and of paragraph (2) of subdivision (b) of Section 8 of Article IV of the California Constitution shall be included as part of the total aggregate expenditures allowed under Section 7.5 of Article IV of the California Constitution. ~~Any person or organization who violates this section is guilty of a misdemeanor.~~~~

Section 5.2. Section 10248 of the Government Code is amended to read as follows:

10248. Public computer network; required legislative information

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.

~~(6)~~(7) All vote information concerning each bill in each current legislative session.

~~(7)~~(8) Any veto message concerning a bill in each current legislative session.

~~(8)~~(9) The California Codes.

~~(9)~~(10) The California Constitution.

~~(10)~~(11) All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

## **SECTION 6. Defense of Initiative Measure.**

Section 6.1. Section 12511.5 is added to the Government Code to read as follows:

### Section 12511.5. Defense of the California Legislature Transparency Act

If an action is brought challenging, in whole or in part, the validity of the California Legislature Transparency Act, the following shall apply:

(a) The Legislature shall continue to comply with the act unless it is declared unconstitutional pursuant to a final judgment of an appellate court.

(b) Except as set forth in subdivision (c), the Attorney General shall defend against any action challenging, in whole or in part, the validity of the act, and shall have an unconditional right to intervene in any action addressing the validity of the act.

(c) If the Attorney General declines to defend the validity of the act in any action, the Attorney General shall nonetheless file an appeal from, or seek review of, any judgment of any court that determines that the act is invalid, in whole or in part, if necessary or appropriate to preserve the State's standing to defend the law in conformity with the Attorney General's constitutional duty to see that the laws of the State are adequately enforced.

(d) The official proponents of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponents are also authorized to act on the State's behalf in asserting the State's interest in the validity of the act in any such action and to appeal from any judgment invalidating the act.

(e) Nothing in this section precludes other public officials from asserting the State's interest in the validity of the act.

**SECTION 7. Repeal of any Conflicting Statute Proposed at the Primary Election.**

If the Legislature places a measure on the ballot for the June 2016 primary election that is approved by a majority of votes thereon, any provision of that measure that is inconsistent with, or interferes in any way with, the purpose or provisions adopted by this initiative measure shall be rendered void and without legal effect.

**SECTION 8. Severability.**

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect the other provisions or applications that can be given effect in the absence of the invalid provision or application. Without limiting in any way the generality of the foregoing, the voters declare (1) that the amendments to Section 7 of Article IV of the California Constitution are severable from the amendments to Section 8 of Article IV of the California Constitution, (2) that the Legislature's obligations to cause to be made, to make public, and to maintain audiovisual recordings of legislative proceedings are severable from the right of any person to record the proceedings and broadcast or otherwise transmit such recordings pursuant to the amendments to Section 7 of Article IV, (3) that the right to record proceedings is severable from the right to broadcast or otherwise transmit the recordings, and (4) that the statutory amendments of this initiative measure are severable from the constitutional amendments.

**SECTION 9. Amendments.**

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend Government Code section 10248, subdivision (a)(6) to extend the time that recordings shall remain accessible to the public through the Internet and downloadable by passing a statute by a rollcall vote entered in the journal, a majority of the membership of each house concurring.

**SECTION 10. Conflicting Ballot Propositions.**

(a) In the event that this initiative measure and any other measure or measures that relate to the transparency of the legislative process with respect to any of the matters addressed herein are approved by a majority of voters at the same election, and this initiative measure receives a greater number of affirmative votes than any other such measure or measures, this initiative measure shall control in its entirety and the other measure or measures shall be rendered void and without legal effect.

(b) If this initiative measure and a statutory measure placed on the ballot by the Legislature are approved by a majority of voters at the same election, the constitutional amendments in this initiative measure shall control over any statutory measure placed on the ballot by the Legislature to the extent that the statutory measure conflicts with, is inconsistent with, or interferes with the purpose, intent, or provisions of this initiative measure.

(c) If this initiative measure is approved by voters but is superseded in whole or in part by any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this initiative measure, to the extent superseded by the subsequently invalidated provisions of the conflicting measure, shall be self-executing and given the full force of law.

**CITY OF ST. HELENA**  
**RESOLUTION NO. 2016-**

**Resolution of the City Council of the City of St. Helena Opposing Proposition 53  
Revenue Bonds: Statewide Voter Approval – Constitutional Amendment**

**RECITALS**

1. California and its local communities have a backlog of essential infrastructure needs, including crumbling local streets and roads, unsafe bridges and overpasses, aging water supply infrastructure, inadequate public transportation systems, and overcrowded hospitals and universities; and
2. Proposition 53 on the November ballot would erode local control and undermine the ability of cities, counties and other local agencies and the state to form partnerships to finance the construction of some critical public infrastructure projects; and
3. This initiative would require a statewide vote on certain local infrastructure projects financed through revenue bonds, where local governments have joined in a Joint Powers Authority (JPA) in partnership with the state or where the state was involved in the creation of the JPA; and
4. By requiring a statewide vote on some local or regional projects, this initiative would erode local control by empowering voters in distant communities to reject projects which they do not use and do not fund; and
5. This measure could derail and delay [CITY]'s ability to make improvements to critical infrastructure, including after emergencies and natural disasters; and
6. No on 53 is a growing coalition of organizations representing local governments, water agencies, public safety leaders, businesses, labor unions, hospitals, family farmers, environmentalists and educators that have come together to officially oppose this initiative.

**RESOLUTION**

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. The City of St. Helena opposes Proposition 53 and will join No on 53 coalition.
2. The City Council directs staff to email a copy of this adopted resolution to Kyle Griffith of the No on 53 campaign at [kgriffith@bcfpublicaffairs.com](mailto:kgriffith@bcfpublicaffairs.com).

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

**Mayor Galbraith:** \_\_\_\_\_

**Vice Mayor White:** \_\_\_\_\_

**Councilmember Crull:** \_\_\_\_\_

**Councilmember Dohring:** \_\_\_\_\_

**Councilmember Pitts:** \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Alan Galbraith, Mayor

\_\_\_\_\_  
Cindy Black, City Clerk

**CITY OF ST. HELENA**

**RESOLUTION NO. 2016-**

**Resolution of the City Council of the City of St. Helena Supporting Proposition 54  
California Legislature Transparency Act of 2016**

**RECITALS**

1. It is essential to the maintenance of a democratic society that public business by the California Legislature be performed in an open and public manner and residents be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
2. Last-minute amendments to bills in the Legislature are frequently pushed through without sufficient opportunities for public comment, or advance notice, providing members of the Legislature with no realistic opportunity to review or debate them, resulting in ill-considered legislation.
3. Few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
4. With the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
5. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
6. Proposition 54, the California Legislature Transparency Act, prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. In addition, Proposition 54:
  - a. Allows this 72-hour notice period to be waived to address a state emergency declared by the Governor, followed by a two thirds vote of the legislative body, prior to action being taken on the measure for which the rules are being waved; and
  - b. Requires the Legislature, by January 1, 2019, to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter (excludes closed session meetings), and allows all recordings of public proceedings to be used for any legitimate purpose.

**RESOLUTION**

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. The City of St. Helena supports Proposition 54, the California Legislature Transparency Act and will join the Yes on 54 coalition.
2. The City Council directs staff to email a copy of this adopted resolution to Kristi K. Thielen with the Yes on 54 Campaign at [acostaconsulting.org](http://acostaconsulting.org)

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

**Mayor Galbraith:** \_\_\_\_\_  
**Vice Mayor White:** \_\_\_\_\_  
**Councilmember Crull:** \_\_\_\_\_  
**Councilmember Dohring:** \_\_\_\_\_  
**Councilmember Pitts:** \_\_\_\_\_

APPROVED:

ATTEST:

\_\_\_\_\_  
Alan Galbraith, Mayor

\_\_\_\_\_  
Cindy Black, City Clerk

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