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Honorable Board of Supervisors
Marin County Civic Center
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Re: **Consider Board Positions Regarding Propositions 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 65, 66, and 67 appearing on the November 8, 2016 Statewide Ballot**

Dear Supervisors:

RECOMMENDATION: Adopt attached resolutions supporting or opposing Propositions 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 65, 66, and 67 appearing on the November 8, 2016 ballot.

BACKGROUND: There are 17 propositions on the November 8, 2016 statewide ballot. Consistent with direction from your Board at your meeting of September 20, 2016, we return to your Board at this time with proposed resolutions indicating your Board's "Support" or "Oppose" position on 13 of these measures. Your Board indicated a preference for "No Position" regarding the remaining four measures.

Summary background information can be found in Attachment A, a Quick-Reference Guide prepared by the California Secretary of State. The full [Official Voter Information Guide](http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf) (224 pages) is available from the Secretary of State's website at: <http://vig.cdn.sos.ca.gov/2016/general/en/pdf/complete-vig.pdf>. Specific ballot language is also available from the Secretary of State at: <http://www.sos.ca.gov/elections/ballot-measures/qualified-ballot-measures/>.

PROPOSITION 52, regarding hospital fees, would require voter approval of changes to the hospital fee program. A Quality Assurance Fee was established in 2009 and is a payment made by private hospitals to the state. The state uses these funds to leverage federal funding for health care services, including for low-income children's health coverage.

Consistent with the California State Association of Counties (CSAC), and with Board policy in favor of preserving and enhancing funding for children's health coverage and services, it is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 52.

PROPOSITION 53, regarding revenue bonds, would require statewide voter approval before any revenue bonds can be issued or sold by the state for projects that are financed, owned, operated or managed by the state or any joint agency created by or including the state, if the bond amount exceeds \$2 billion.

CSAC concludes that, although ballot language limits impacts to state projects, counties could be impacted where they enter into a Joint Powers Authority (JPA) with the state – for example the Bay Area Toll Authority. In addition, revenue bonds are repaid by "users" of a project who benefit. Requiring statewide voter approval on local

or regional projects ultimately paid for by users within a local region is not consistent with local control policies.

Consistent with CSAC and the local control elements of the Legislative Plan, it is recommended that your Board approve the attached resolution indicating your Board's **OPPOSE** position on Proposition 53 due to concerns related to erosion of local control.

PROPOSITION 54, regarding state legislative procedures, would prohibit the Legislature from passing any bill unless it has been in print and published on the Internet for at least 72 hours before the vote, except in cases of public emergency.

The County of Marin has previously been subject at times to late and often complex "gut and amend" legislation potentially affecting local property tax revenues, with little to no time for staff analysis.

It is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 54.

PROPOSITION 55, commonly referred to as the "Proposition 30 tax extension," would extend by twelve years (from 2018 to 2030) the temporary personal income tax increases enacted in 2012 on earnings over \$250,000 for single filers (\$500,000 for joint filers) as implemented by Proposition 30.

Consistent with CSAC, and with Board policy to preserve and enhance funding for health services to low-income populations and prekindergarten and early childhood development programs, it is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 55.

PROPOSITION 56, regarding cigarette taxes, would increase cigarette taxes by \$2.00 per pack, from \$0.87 per pack to \$2.87 per pack, with an equivalent increase on other tobacco products and electronic cigarettes containing nicotine. The revenues raised would be predominantly used for additional spending on Medi-Cal and to backfill any losses to state and local First 5 Commissions.

Consistent with CSAC, and with prior Board policy discouraging tobacco use and raising funds for health needs and prevention efforts, it is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 56.

PROPOSITION 57 is Governor Brown's sentencing reform proposal to increase parole chances for felons convicted of non-violent crimes. It would allow parole consideration for persons convicted of nonviolent felonies upon completion of full prison term for primary offense by authorizing the Department of Corrections and Rehabilitation to award sentence credits for rehabilitation, good behavior, or educational achievements. It would also provide juvenile court judges to make determination, upon prosecutor motion, whether juveniles age 14 and older should be prosecuted and sentenced as adults.

It is recommended that your Board consider the attached resolution indicating your Board's **SUPPORT** position on Proposition 57.

PROPOSITION 59, regarding campaign finance reform, would indicate whether voters approve of California State Legislators using what influence they have over federal issues to overturn *Citizens United v. Federal Election Commission* and "to make clear that corporations should not have the same constitutional rights as human beings."

Consistent with prior Board policy, including a 2012 Board resolution urging a constitutional amendment to overturn *Citizens United*, it is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 59 to affirm the Board's opposition to the *Citizens United* ruling.

PROPOSITION 61, regarding prescription drug costs, would prohibit state agencies from paying more for a prescription drug than the lowest price paid for the same drug by the U.S. Department of Veterans Affairs. This would apply to any program where the state is the ultimate payer for a drug, even if the state does not purchase the drug directly. It would exempt certain purchases of prescription drugs funded through Medi-Cal.

It is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 61.

PROPOSITION 62 would repeal the death penalty in California as maximum punishment for persons found guilty of murder and would replace it with life imprisonment without the possibility of parole.

It is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 62.

PROPOSITION 63, regarding stricter gun control and background checks, would prohibit the possession of large-capacity ammunition magazines, and would require their disposal by sale to dealer, destruction, or removal from state. It would require most individuals to pass a background check before purchasing ammunition and require most ammunition sales be made through licensed ammunition vendors and reported to the Department of Justice (DOJ). It would require lost or stolen firearms and ammunition be reported to law enforcement agencies and prohibit persons convicted of stealing a firearm from possessing firearms. It would also require DOJ to provide information about prohibited persons to the federal National Instant Criminal Background Check System.

Based on prior Board policy support and consistency with the Legislative Plan, including efforts to reduce harm caused by gun violence, it is recommended that your Board approve the attached resolution indicating your Board's **SUPPORT** position on Proposition 63.

PROPOSITION 65, regarding the grocery bag tax, would redirect the fees collected by grocery and other retail stores through the sale of carryout bags to the Wildlife Conservation Board to support environmental projects. Proposition 65 states that if Proposition 67 (the Plastic Bag Ban Referendum) gets more "yes" votes than Proposition 65, revenue is kept by the retailers. However, if Proposition 65 gets more "yes" votes, the revenue goes to the state for environmental purposes.

CSAC opposes Proposition 65, concluding that "It is unclear the specific motivation for this measure and it will undoubtedly cause confusion for consumers, stores and local

governments” if passed. It is also “unclear how much of the funds collected would be directed towards programs that directly benefit local governments.”

Consistent with CSAC and with prior Board policy, it is recommended that your Board approve the attached resolution indicating your Board’s **OPPOSE** position on Proposition 65 to affirm support of Senate Bill (SB) 270 and also the policy of extended producer responsibility.

PROPOSITION 66, which regards speeding up the death penalty process, would change procedures governing state court appeals challenging death penalty convictions and sentences. This measure would maintain the death penalty but seeks to shorten the time that the legal challenges to death sentences take. The State's other voter approved measure related to death penalty (Proposition 62, discussed earlier) is null and void if this measure receives more affirmative votes.

Because Proposition 62 is null and void if Proposition 66 receives more affirmative votes, it is recommended that your Board approve the attached resolution indicating your Board’s **OPPOSE** position on Proposition 66.

PROPOSITION 67, which is the plastic bag referendum, would ratify SB 270, prohibiting single-use plastic bags. SB 270 would have gone into effect on July 1, 2015; however, its implementation was suspended in February 2015 when a referendum qualified for the state ballot (Proposition 67). Your Board has long been an advocate of “extended producer responsibility” and supported SB 270 in 2014 to prohibit single-use plastic bags as the predominate form of marine debris in our oceans and water ways.

Consistent with CSAC and with prior Board policy, it is recommended that your Board approve the attached resolution indicating your Board’s **SUPPORT** position on Proposition 67 to ratify SB 270’s ban on single-use plastic bags statewide.

Please feel free to contact us should you have any questions or concerns regarding any of the above ballot measures.

Submitted by:



Ralph P. Hernandez
Management and Budget Analyst

Reviewed by:



Daniel Eilerman
Assistant County Administrator

Attachment A: Quick-Reference Guide, California Secretary of State