



COUNTY OF MARIN
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Board of Supervisors
County of Marin
3501 Civic Center Drive, Room 329
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SUBJECT: (1) Adopt Resolutions of Support for Propositions 21 and 25, and Resolutions of Opposition for Propositions 23 and 26; (2) Discuss Propositions 19 and 22 and Provide Direction to Staff

Dear Board Members:

BACKGROUND: There are nine propositions on the November, 2010 statewide ballot. Consistent with your Board's legislative platform and previous policy direction, staff is recommending support for Propositions 21 and 25, and we are recommending opposition to Propositions 23 and 26. A brief summary of these propositions is listed below. Board resolutions reflecting these positions are enclosed as Attachments A-D.

Summary of Ballot Initiatives to SUPPORT:

Proposition 21 would establish an \$18 annual vehicle license surcharge on all vehicles registered in the state, the proceeds of which would be dedicated towards the maintenance and operations of state parks and wildlife programs. If approved, California residents would receive free access to all state parks.

Proposition 25 would change the legislative vote requirement necessary to pass the state budget from two-thirds to a simple majority. It also provides that if the Legislature fails to pass a budget bill by June 15 of each year, all members of the Legislature will permanently forfeit any reimbursement for salary and expenses for every day until the day the budget bill is ultimately passed.

Summary of Ballot Initiatives to OPPOSE:

Proposition 23 would suspend AB 32, California's state law requiring reduced greenhouse gas emissions that cause global warming, until California's unemployment rate drops to 5.5% or less for a full year.

Proposition 26 would increase the legislative vote requirement to two-thirds for state levies and charges, with limited exceptions, and for certain taxes currently subject to majority vote.

POLICY DISCUSSION CONCERNING PROPOSITIONS 19 & 21:

In addition, your Board requested on September 21 additional information and analysis related to Propositions 19 and 22. What follows is a brief summary of the propositions, including arguments for and against.

Proposition 19 – “Changes California Law to Legalize Marijuana and Allow it to be Regulated and Taxed”

This measure asks voters to allow people 21 years of age or older to possess, cultivate, or transport marijuana for personal use. It also grants local government broad authority to regulate and tax the commercial production and sale of marijuana to people 21 years of age or older. The measure prohibits people from possessing marijuana on school grounds, using it in public, smoking it while minors are present, or providing it to anyone under 21 years of age. It also maintains current prohibitions against driving while impaired.

Staff analysis: Proponents of this measure argue that marijuana prohibition has been a public policy failure, resulting in the growth of criminal organizations engaged in its illicit production, and broad disregard for the law by otherwise law-abiding state residents. Proponents also argue that marijuana prohibition has created a distraction for law enforcement officials, preventing them from focusing on more serious issues such as violent crime and property crime. Under this argument, legalization will enable law enforcement to focus on more serious crimes while simultaneously starving the product's producers of their revenue sources. Proponents also contend that legalization will be a boon to California's economy by creating jobs and tourism, while also generating taxes and revenues for local governments that choose to authorize its production or distribution within their jurisdictions.

Opposition to the measure comes on several fronts. Some oppose the measure on purely ethical grounds, arguing that marijuana is an illicit substance and that its legalization will send the wrong signal to our state's residents. Some opponents also argue that legalization will lead to increased use, resulting in increases in the perceived social costs associated with marijuana use. Additionally, marijuana continues to remain illegal under federal law, thereby ensuring further conflict with the Federal government should the measure pass. Other groups oppose this specific measure because of the vague language with which it was written, and the diffuse regulatory framework that it would create. By deferring broad regulatory authority to local agencies, it is unknown how any newly created local ordinances regulating marijuana would interact with future state regulations, all of which could potentially lead to increased litigation and workloads for County Counsel offices. It is primarily for these latter reasons that CSAC chose to oppose the measure. Conversations with the Sheriff's Department indicate that Marin County Sheriff Robert Doyle is opposed to the measure as well. ABAG has not taken a position on the issue.

Proposition 22 – “Prohibits the State from Taking Funds Used for Transportation or Local Government Projects and Services”

Proposition 22 would amend the State Constitution to prohibit the State from shifting, taking, borrowing, or restricting the use of tax revenues dedicated by law to fund local government services, community redevelopment projects, or transportation projects and services. It also would prohibit the State from delaying the distribution of tax revenues for these purposes even when the Governor deems it necessary due to a severe state fiscal hardship.

Staff analysis: Proposition 22 was placed on the ballot by a coalition of local government interests led by the League of California Cities. The measure is intended to provide greater certainty to specific local government revenue streams; specifically, those related to property tax, redevelopment, transportation, and transit. The Proposition would prohibit the suspension of Proposition 1A, as well as borrowing from Proposition 42 transportation funds. The measure also adds constitutional protections to prevent the state from raiding or

shifting redevelopment funds. In short, the measure is intended to protect local government finances from fluctuations in the state budget.

California State Association of Counties (CSAC) staff analysis notes that removing transportation and redevelopment funding and property tax borrowing from the state budget equation would have implications for county funding. The Legislature "would have to either cut even more deeply in health, human services, public safety, and land conservation programs...or raise taxes by that much more. And based on past experience, the Legislature would likely try to mitigate the deeper cuts as much as possible by making counties responsible for at least some of what was previously the state's responsibility." The CSAC Executive Board did not take a formal position on this measure. It held a vigorous discussion of the issue, with supervisors advocating for either opposition or a neutral position. No board member spoke in favor of the initiative. During the CSAC discussion, concerns primarily centered on the negative impacts that would likely result from the initiative's effort to lock down significant additional portions of the state budget, putting at greater risk state funding for vital county programs, especially in the health and human services and public safety arenas.

The Urban Counties Caucus (UCC) voted 5-3 to oppose the measure, noting that "While urban counties appreciate that this Initiative would protect some revenues from being taken as part of the budget process – including transportation, redevelopment and local taxes, it does not protect many of the programs that counties provide to the most vulnerable citizens of California." Three individual counties – San Bernardino, Riverside, and Stanislaus – have endorsed the measure. Many Labor, housing, and business groups also support Proposition 22. Contra Costa County opposes the measure.

RECOMMENDATION: It is recommended that your Board review and adopt the attached resolutions related to Propositions 21, 23, 25, and 26 (Attachments A-D). It is also recommended that your Board review and discuss Proposition 19 and 22, and provide policy direction to staff regarding a position on these measures.

Should you have any questions, feel free to contact me or Eric Engelbart of my staff.

Respectfully submitted,



Matthew Hyndel
County Administrator

Attachments: A) Resolution Supporting Proposition 21
B) Resolution Supporting Proposition 25
C) Resolution Opposing Proposition 23
D) Resolution Opposing Proposition 26
Copies of LAO analysis and ballot language for Propositions 19 and 22