

COUNCIL COMMITTEE MINUTES

Concurrent Special Committee Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento and the Parking Authority of the City of Sacramento.

COMMITTEE NAME: LAW AND LEGISLATION

MEETING DATE: June 15, 1993

MEETING TIME: 1:00 p.m.

LOCATION: 915 I STREET, 2ND FLOOR, COUNCIL CHAMBER

I HEREBY CALL Special Meetings of the Sacramento City Council, Redevelopment Agency of the City of Sacramento, Housing Authority of the City of Sacramento, and Parking Authority of the City of Sacramento to be conducted concurrently with the Council committee meetings listed below, which are incorporated herein by reference. The Special Meetings are called to permit Members who are not on the listed committees to attend the meetings and participate in the discussions. In the event five (5) or more members of the City Council are present at a Committee meeting, only those items listed on the agenda can be acted on or discussed.

The meeting was called to order at 1:15 p.m.

PRESENT: Committeemembers Fargo, Ortiz, Pane, Pannell.

Item 1 was postponed until Ken Emanuels, the City's Legislative Advocate, arrives.

2. Bills relating to controlled substance offenses: asset forfeiture.

A. SB 1158 (Maddy)

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD:
Moved: Pane
Seconded: Ortiz
Ayes: Pane, Ortiz, Fargo, Pannell

B. AB 114 (Burton)

RECOMMENDATION OF STAFF: Oppose

COMMITTEE ACTION: Opposed

VOTING RECORD:
Moved: Ortiz
Seconded: Pane
Ayes: Ortiz, Pane, Fargo, Pannell

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2. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Claudia Evans of the City's Police Department discussed these two bills relating to controlled substance offenses: asset forfeiture. She stated that SB 1158 would extend the existing law for an additional five years. She said that AB 114 would dramatically limit the property which could be seized from drug trade and that any seized property may well go to the state because of its budget deficit. Pane moved to support SB 1158, Ortiz seconded the motion, and it was unanimously supported. Ortiz moved to oppose AB 114, Pane seconded the motion, and it was unanimously opposed.

3. United States Senate Bill 414 relating to the Brady Handgun Violence Prevention Act.

RECOMMENDATION OF STAFF: Support.

COMMITTEE ACTION: Supported.

VOTING RECORD: Moved: Ortiz
Seconded: Pane
Ayes: Ortiz, Pane, Fargo, Pannell

MINUTES:

Claudia Evans of the Police Department discussed this bill, noting that the Mayor had requested that it go before this Committee. She explained that this bill would require a five-day waiting period nationwide for purchase of handguns. She went on to say that this bill would not affect California, as California has a 15-day waiting period already in effect, but that it would make surrounding states more in compliance with our current laws. There was some discussion regarding provisions in the Brady bill relating to mental health. Ms. Evans explained that if a person is placed on a 5150 hold for mental illness, he or she is not allowed to purchase a gun. Ortiz moved to support United States Senate Bill 414, Pane seconded the motion, and it was unanimously supported.

4. AB 110 (Peace) relating to workers' compensation claims.

RECOMMENDATION OF STAFF: Support.

COMMITTEE ACTION: Supported as amended.

VOTING RECORD: Moved: Pannell
Seconded: Fargo
Ayes: Pannell, Fargo, Ortiz
Noes: Pane

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4. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Diane Balter, Deputy City Attorney, explained that this bill is part of the workers comp reform which is intended to make California more competitive, and it has the potential for saving the City significant amounts of money. She said the major provision is the reduction in stress claims, both by requiring that at least 10% of the injury be work-related and also prohibiting claims made after a person is terminated. There was some discussion as to whether or not to postpone this item, since there was no one present from the City's workers comp division to answer questions. Pane pointed out that there are a couple of other bills on this subject right now, and he was concerned that this staff report may not be as up-to-date as it could be. Ortiz stated that the Committee is asked to take a position on this particular bill, and that the Committee could take a position on the other bills as they come before it. Pannell moved to support AB 110, as it would benefit the City. Fargo seconded the motion. Ortiz said she had questions and feels some discussion should address the guaranteed profit rate to insurance companies, which is a good chunk of the problem; this bill is only a piece of the answer. Pane said the financial effect on the City should be taken into consideration, and that he would like to hear from the City's Legislative Advocate about the whole picture. There was considerable discussion about the entire workers comp situation where it relates to the City, and it was decided to focus at this time on this particular bill.

Ken Emanuels, the City's Legislative Advocate, explained that in this bill the City and County public safety employees (police and fire) have been separated out from other employees where it relates to stress, and that otherwise the City is in the same category as private businesses. He pointed out that the measure by Pat Johnson on the Senate side does not distinguish between the two. Pane expressed his feeling that the Committee should not support AB 110 without the other related bills in front of it. Ortiz said she feels the Committee should take a position on the bill before it, then get the other bills before the Committee at a later date.

Chair Fargo suggested the motion be amended to state that the Committee supports the stress-related portion of this bill. Pannell moved to support AB 110 as to the stress-related portion of that bill, Fargo seconded the motion, and Ortiz concurred. Pane voted against AB 110, for a final vote of 3-1 in support.

5. AB 898 (Costa) relating to the issuance of various enforcement orders for violations of the Porter-Cologne Water Quality Control Act.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Ortiz
Seconded: Pane
Ayes: Ortiz, Pane, Pannell, Fargo

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5. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Don Dodge, Director of Utilities, brought this bill before the Committee. He explained that this bill would exempt a local public entity, including the City, which owns and operates a sewer system, from cleanup liability under State law for soil and groundwater pollution caused by another party's introduction of pollutants into the sewer, and requested Committee support. Ortiz moved to support AB 898, Pane seconded the motion, and it was unanimously supported.

6. SB 855 (Greene) relating to the creation of the Sacramento County Regional Solid Waste Management District to manage and coordinate activities related to solid waste.

RECOMMENDATION OF STAFF: Support

COMMITTEE ACTION: Supported

VOTING RECORD: Moved: Pane
Seconded: Pannell
Ayes: Pane, Pannell, Ortiz, Fargo

MINUTES:

John Medina, Director of Public Works, introduced Warren Hurada, a Deputy Director for the County Public Works Department, who presented this bill to the Committee. Mr. Hurada explained that SB 855 would create the Sacramento County Regional Solid Waste Management District, and then explained the tracking of this bill through the Senate. Pane moved to support this bill, Pannell seconded the motion, and it was unanimously supported.

7. A. An ordinance amending Title 25 of the Sacramento City Code relating to penalties, fines, fees and related charges for parking, traffic and related violations, and declaring the ordinance to be an emergency ordinance, to become effective immediately.

B. A resolution amending the City of Sacramento Fee and Charge report to establish the schedule of parking fines, penalties, and administrative fees pursuant to Section 25 of the Sacramento City Code.

RECOMMENDATION OF STAFF: Support and forward to Council.

COMMITTEE ACTION: Supported as amended and forwarded to Council.

VOTING RECORD: Moved: Pane
Seconded: Pannell
Ayes: Pane, Pannell, Ortiz, Fargo

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7. ITEM CONTINUED FROM PREVIOUS PAGE.

MINUTES:

Mark Morgan, Parking Administrator, explained that this proposed ordinance is in compliance with AB 408, adopted last year, which transfers authority from the County to the City to set parking citations and related functions. He said this becomes valid July 1, which is why this is an emergency ordinance. He explained that the fines have been increased mostly by \$2.00, and the truck parking in residential areas is increased from \$14 to \$75 to emphasize the severity of this violation. He said other procedures due to AB 408 would be presented to the Council this afternoon. He noted that this would generate approximately \$336,000.00 this year, which would help offset the parking fund shortfall. Pannell said he only sees the new fines listed, and that he would like to see what the old fines were for comparison. There was considerable discussion about the fine amounts, particularly the fine for truck parking.

John Medina, Director of Public Works, informed the Committee that his department will be putting out a proposal request for a consultant to handle the collection of these fines and perform follow-up to aggressively go after those who don't pay their fines. He said the proposal allows for a cost-per-citation payment.

Fargo questioned why this item is coming before the Committee and Council so late, since it has to be in effect July 1. Mr. Medina said they have been working on this for some time, and were unaware of the 30-day processing period for ordinances, which is why it is an emergency ordinance.

There was more discussion regarding the amounts set for parking violations, and how some violations are much more serious than others and that those fines should be higher than set forth. Mr. Medina stated that some of the fines were set by the Vehicle Code, and now the City has the opportunity to set its own rates, although some of the fines have been set by the State which the City can't change.

Pannell pointed out that he would like to see the increase in revenue from these fines be used to work toward enforcement of violations during the off-hours, particularly trucks in residential areas.

Mr. Medina suggested that the change be made from \$75.00 to \$100.00 for trucks parked in residential areas, and all of the other fines, because of the time constraints, be brought back before the Council for review in the future. Pane moved to support the ordinance, with the one amendment, Pannell seconded the motion, and it was unanimously supported. This will go to Council this afternoon with the Committee's recommendation.

1. Legislative update by Ken Emanuels, the City's Legislative Advocate. (D-all)

RECOMMENDATION OF STAFF: File. —

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D-all
presentation
NO note ()*
N/A ()*

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1. ITEM CONTINUED FROM PREVIOUS PAGE.

key words

MINUTES:

Mr. Emanuels gave a brief summary of the budget negotiations in the State. He explained that at this point there is no agreement between administration and the legislative budget conference committee. He said there are very few legislators who are willing to cut local governments by \$2.6 million, and the Governor has a real problem selling his program based on sales tax which may or may not be passed. He concluded that at this time there is no prospect of a budget being passed right away.

Diane Balter, Deputy City Attorney, noted that there are two bills on the Brown Act. The author of SB 1140 (Calderone) is asking for our support. She explained this is a Brown Act reform bill (not the Kopp bill). The League's City Attorney's Department has spent a lot of time working on clarification so that people don't get caught in technicalities they don't understand. She asked whether this bill could go before the Council next Tuesday without going before the Committee. Chair Fargo said this makes good sense, and to go ahead and do that.

The meeting was adjourned at 2:03 p.m.

Heather Fargo
HEATHER FARGO, Chair

ATTEST:

Judy Sanders
JUDY SANDERS, Secretary