

CC28

CITY COUNCIL MEETING  
MARCH 14, 1984  
21

COMMENTS BY  
CITY COUNCIL  
MEMBERS

CONCERNS RE  
STATE MANDATED  
PROGRAMS

Following introduction of the matter by Council Member Pinkerton, regarding State mandated costs for the checking of City Wells, Council on motion of Council Member Reid, Pinkerton second, directed that a letter be sent to Assemblyman Phil Isenberg supporting Assembly Constitutional Amendment No. 35 (Bader), which amendment would provide that if there were State mandated programs without State-appropriated funds, that the local agency could comply with the State mandate on a voluntary basis until said funds were appropriated.

Assembly Constitutional Amendment No. 35

- 1 (e) For the purposes of this section, the Board of
- 2 Control shall consist of the following members:
- 3 (1) The Controller, acting as an ex officio member.
- 4 (2) The Director of General Services, acting as an ex
- 5 officio member.
- 6 (3) A member appointed by and serving at the
- 7 pleasure of the Governor, who may be a state officer.
- 8 (4) Two members representing local agencies,
- 9 appointed by the Governor for terms of two years.

Introduced by Assemblyman Bader

March 3, 1983

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Assembly Constitutional Amendment No. 35—A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by amending Section 6 of Article XIII B thereof, relating to state-mandated local programs.

LEGISLATIVE COUNSEL'S DIGEST

ACA 35, as introduced, Bader. State-mandated local programs.

Existing provisions of the California Constitution require that, whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall reimburse the local government for the cost of the program or increased level of service, except for specified exemptions.

This measure would instead provide that whenever the Legislature or any state agency mandates any increased cost, the state shall pay the local government for the increased cost.

This measure defines the membership of the Board of Control for purposes of this section and requires the board to determine whether appropriations made, in enacting state-mandated local programs, are sufficient to pay for the cost of the mandated programs.

This measure would further enable the board to determine that appropriations are insufficient and so declare thereby causing the state mandate to be voluntary until the board determines that sufficient funds have been appropriated.

This measure would also require the board to investigate all state-mandated local programs enacted after July 1, 1975, to

determine if they are sufficiently funded, as specified, and if not, cause the duty of the local entities to carry out the program, to be voluntary if funding is not provided by the next succeeding fiscal year.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring, That*  
 2 *the Legislature of the State of California at its 1983-84*  
 3 *Regular Session commencing on the sixth day of*  
 4 *December, 1982, two-thirds of the members elected to*  
 5 *each of the two houses voting therefor, hereby proposes*  
 6 *to the people of the State of California that the*  
 7 *Constitution of the state be amended by amending*  
 8 *Section 6 of Article XIII B thereof to read:*

9 SEC. 6. (a) Whenever the Legislature or any state  
 10 agency mandates a new program or higher level of  
 11 service any increased cost on any local government, the  
 12 state shall provide a subvention of funds to reimburse  
 13 such pay the local government for the costs of such  
 14 program or increased level of service the increased cost,  
 15 except that the Legislature may, but need not, provide  
 16 such subvention of funds for the following mandates:

17 ~~(a)~~  
 18 (1) Legislative mandates requested by the local  
 19 agency affected;

20 ~~(b)~~  
 21 (2) Legislation defining a new crime or changing an  
 22 existing definition of a crime; or

23 ~~(c)~~  
 24 (3) Legislative mandates enacted prior to January 1,  
 25 1975, or executive orders or regulations initially  
 26 implementing legislation enacted prior to January 1,  
 27 1975.

28 (b) *The Board of Control, within 90 days of the*  
 29 *enactment of the state-mandated local program or the*  
 30 *effective date of the statute, whichever is later, shall*  
 31 *determine whether the appropriation is sufficient to pay*  
 32 *for the cost of the mandated program.*

33 (1) *If the board determines that the appropriation is*

1 *sufficient, it shall so declare.*

2 (2) *If the board determines that the appropriation is*  
 3 *insufficient it shall so declare, and the local entity's duty*  
 4 *to carry out the state-mandated local program shall be*  
 5 *suspended and compliance with the mandate shall be*  
 6 *voluntary until the board determines that sufficient funds*  
 7 *have been appropriated.*

8 (c) *The Board of Control shall monitor each*  
 9 *state-mandated local program enacted by the Legislature*  
 10 *for continued funding and shall determine whether the*  
 11 *level of funding remains sufficient to pay for the cost of*  
 12 *the state-mandated local program. If the board*  
 13 *determines that funding has become insufficient it shall*  
 14 *so declare, and the local entity's duty to carry out the*  
 15 *state-mandated local program shall be suspended and*  
 16 *compliance with the mandate shall be voluntary until the*  
 17 *board determines that sufficient funds have been*  
 18 *appropriated.*

19 (d) *The Board of Control shall investigate all*  
 20 *state-mandated local programs, as specified in*  
 21 *subdivision (a), enacted after July 1, 1975, to determine*  
 22 *whether the state-mandated local programs have been*  
 23 *funded and, if so, whether the funding has been and*  
 24 *continues to be sufficient to pay for the cost of the*  
 25 *programs. If the board determines that a state-mandated*  
 26 *program was not funded or that the funding has been or*  
 27 *has become insufficient to pay for the cost of the*  
 28 *state-mandated local program, the board shall so declare*  
 29 *and shall calculate the current cost of the state-mandated*  
 30 *local program and shall report these amounts to the*  
 31 *Legislature. If, by the commencement of the next*  
 32 *succeeding fiscal year, the Legislature has not*  
 33 *appropriated an amount sufficient to pay the local*  
 34 *entities for the current cost of the identified*  
 35 *state-mandated local programs, the duty of the local*  
 36 *entity to carry out any state-mandated local program*  
 37 *which has not been funded, or has been insufficiently*  
 38 *funded, shall be suspended and compliance with the*  
 39 *mandate shall be voluntary until the board determines*  
 40 *that sufficient funds have been appropriated.*

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
ROBERT C. MURPHY  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

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ALICE M. REIMCHE  
City Clerk

RONALD M. STEIN  
City Attorney

March 26, 1984

Assemblyman Phil Isenberg  
State Capitol  
Sacramento, CA 95814

Re: Assembly Constitutional Amendment No. 35 (Bader)

Dear Assemblyman Isenberg:

We would respectfully ask you to support Assembly Constitutional Amendment No. 35 (Bader) (copy attached). As you will note, said Constitutional Amendment would provide that if there were State mandated programs without State-appropriated funds, that the local agency could comply with the State mandate on a voluntary basis until said funds were appropriated. Stated more clearly, if the State mandates a program, the State would have to pay for same. It is the belief of this Council that where the State has mandated a program, it is unfair to have the bill with the SB90 disclaimer. Certainly a local agency has the ability to increase fees, however, as you are aware, in many instances, it is unfair to the citizens of the Local Agency to continually increase fees in order to pay for State mandated services.

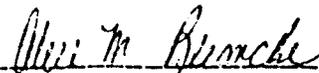
Further, it is the belief of this Council that the continued increases in State mandated programs without the State funds is a direct contravention of the spirit (if not the letter) of Proposition 13.

It is our understanding that ACA No. 35 was defeated March 19, 1984 by a 6 - 5 vote. However, we would ask that you take whatever course is necessary to reintroduce this bill. Thank you very much.

Very truly yours,

CITY COUNCIL OF THE CITY OF LODI

By



Alice M. Reimche  
City Clerk

RMS:vc