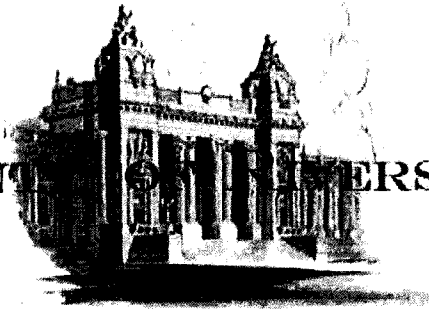


COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 21, 2017

The Honorable Cecilia Aguiar-Curry, Chair
Assembly Local Government Committee
State Capitol, Room 5144
Sacramento, California 95814

**Re: SB 649 (Hueso): Wireless Telecommunications Facilities
As amended June 20, 2017
Set for hearing June 28, 2017 – Assembly Local Government Committee
County of Riverside: OPPOSE – Per Legislative Platform**

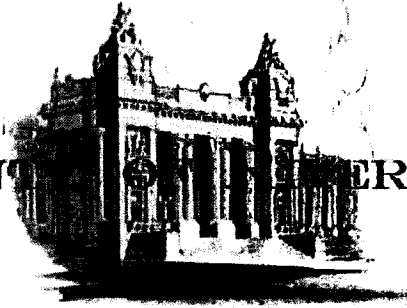
Dear Assembly Member Aguiar-Curry:

On behalf of the Riverside County Board of Supervisors, I write to communicate our opposition to SB 649 by Senator Ben Hueso, a measure that seeks to prohibit the local consideration of certain impacts of “small cell” wireless communications facilities during the permitting process. The County is opposed to efforts to limit local control of siting of these wireless communication facilities.

SB 649 would tie the hands of cities and counties by prohibiting discretionary review of “small cell” wireless communications facilities, regardless of whether they are collocated on existing structures or located on new structures, including those within the public right of way. Essentially this would allow such facilities in all zones as a use by-right. Recent amendments fail to address the significant concerns that local governments have raised in previous debates on this measure; in fact, the County considers new language that prohibits regulation on the public right-of-way for communications facilities particularly objectionable.

The County is not opposed to the deployment of wireless communications facilities to ensure that our residents have access to telecommunications and improved technology services. However, we are mindful of our role to protect the safety and health of the public, as well as impacts to the environment and aesthetic view, that are inherent in the local planning process. SB 649 undermines those efforts unnecessarily. We respectfully suggest that telecommunications companies that wish to deploy small cells work with us to ensure our dual goals of quick approvals, that meet local public health and safety requirements, are reached successfully.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

For these reasons, we are opposed to SB 649. Should you have any questions about our position, please do not hesitate to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Sincerely,

John F. Tavaglione
Chairman, Riverside County Board of Supervisors

Cc: The Honorable Ben Hueso, California State Senate
Members and Consultants, Assembly Local Government Committee
County of Riverside Delegation

AMENDED IN ASSEMBLY JUNE 20, 2017

AMENDED IN SENATE MAY 2, 2017

AMENDED IN SENATE MARCH 28, 2017

SENATE BILL

No. 649

Introduced by Senator Hueso

(Principal coauthor: Assembly Member Quirk)

(Coauthor: Senator Dodd)

(Coauthor: Assembly Member Dababneh)

February 17, 2017

An act to amend Section 65964 of, and to add ~~Section~~ *Sections* 65964.2 and 65964.5 to, the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL'S DIGEST

SB 649, as amended, Hueso. Wireless telecommunications facilities.

Under existing law, a wireless telecommunications collocation facility, as specified, is subject to a city or county discretionary permit and is required to comply with specified criteria, but a collocation facility, which is the placement or installation of wireless facilities, including antennas and related equipment, on or immediately adjacent to that wireless telecommunications collocation facility, is a permitted use not subject to a city or county discretionary permit.

This bill would provide that a small cell is a permitted use, subject only to a specified permitting process adopted by a city or county, if the small cell meets specified requirements. By imposing new duties on local agencies, this bill would impose a state-mandated local program. The bill would authorize a city or county to require an encroachment permit or a building permit, and any additional ministerial permits, for

a small cell, as specified. *The bill would authorize a city or county to charge 3 types of fees: an annual administrative permit fee, an annual attachment rate, or a on-time reimbursement fee. The bill would require the city or county to comply with notice and hearing requirements before imposing the annual attachment rate. The bill would require an action or proceeding to challenge a fee imposed under the provisions of this bill to be commenced within 120 days of the effective date of the ordinance or resolution. The bill would define the term “small cell” for these purposes.*

This bill would prohibit a city or county from adopting or enforcing any regulation on the placement or operation of a communications facility in the rights-of-way by a provider that is authorized by state law to operate in the rights-of-way or from regulating that service or imposing any tax, fee, or charge, except as provided in specified provisions of law or as specifically required by law.

Under existing law, a city or county, as a condition of approval of an application for a permit for construction or reconstruction of a development project for a wireless telecommunications facility, may not require an escrow deposit for removal of a wireless telecommunications facility or any component thereof, unreasonably limit the duration of any permit for a wireless telecommunications facility, or require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county, as specified.

This bill would require permits for these facilities to be renewed for equivalent durations, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares that, to ensure
- 2 that communities across the state have access to the most advanced
- 3 wireless communications technologies and the transformative
- 4 solutions that robust wireless *and wireline* connectivity enables,

1 such as Smart Communities and the Internet of Things, California
2 should work in coordination with federal, state, and local officials
3 to create a statewide framework for the deployment of advanced
4 wireless communications infrastructure in California that does all
5 of the following:

6 (a) Reaffirms local governments' historic role and authority
7 with respect to ~~wireless~~ wireless communications infrastructure siting and
8 construction generally.

9 (b) Reaffirms that deployment of telecommunications facilities
10 in the rights-of-way is a matter of statewide concern, subject to a
11 statewide franchise, and that expeditious deployment of
12 telecommunications networks generally is a matter of both
13 statewide and national concern.

14 (c) Recognizes that the impact on local interests from individual
15 small wireless facilities will be sufficiently minor and that such
16 deployments should be a permitted use statewide and should not
17 be subject to discretionary zoning review.

18 (d) Requires expiring permits for these facilities to be renewed
19 so long as the site maintains compliance with use conditions
20 adopted at the time the site was originally approved.

21 (e) Requires providers to obtain all applicable building or
22 encroachment permits and comply with all related health, safety,
23 and objective aesthetic requirements for small wireless facility
24 deployments on a ministerial basis.

25 (f) Grants providers fair, reasonable, nondiscriminatory, and
26 nonexclusive access to locally owned utility poles, streetlights,
27 and other suitable host infrastructure located within the public
28 ~~right-of-way~~ *rights-of-way* and in other local public places such
29 as stadiums, parks, campuses, hospitals, transit stations, and public
30 buildings consistent with all applicable health and safety
31 requirements, including Public Utilities Commission General Order
32 95.

33 (g) Provides for full recovery by local governments of the costs
34 of attaching small wireless facilities to utility poles, streetlights,
35 and other suitable host infrastructure in a manner that is consistent
36 with existing federal and state laws governing utility pole
37 attachments generally.

38 (h) Permits local governments to charge wireless permit fees
39 that are fair, reasonable, nondiscriminatory, and cost based.

1 (i) Advances technological and competitive neutrality while not
2 adding new requirements on competing providers that do not exist
3 today.

4 SEC. 2. Section 65964 of the Government Code is amended
5 to read:

6 65964. As a condition of approval of an application for a permit
7 for construction or reconstruction for a development project for a
8 wireless telecommunications facility, as defined in Section 65850.6,
9 a city or county shall not do any of the following:

10 (a) Require an escrow deposit for removal of a wireless
11 telecommunications facility or any component thereof. However,
12 a performance bond or other surety or another form of security
13 may be required, so long as the amount of the bond security is
14 rationally related to the cost of removal. In establishing the amount
15 of the security, the city or county shall take into consideration
16 information provided by the permit applicant regarding the cost
17 of removal.

18 (b) Unreasonably limit the duration of any permit for a wireless
19 telecommunications facility. Limits of less than 10 years are
20 presumed to be unreasonable absent public safety reasons or
21 substantial land use reasons. However, cities and counties may
22 establish a build-out period for a site. A permit shall be renewed
23 for an equivalent ~~duration~~ *durations* unless the city or county makes
24 a finding that the wireless telecommunications facility does not
25 comply with the codes and permit conditions applicable at the time
26 the permit was initially approved.

27 (c) Require that all wireless telecommunications facilities be
28 limited to sites owned by particular parties within the jurisdiction
29 of the city or county.

30 SEC. 3. Section 65964.2 is added to the Government Code, to
31 read:

32 65964.2. (a) A small cell shall be a permitted use subject only
33 to a permitting process adopted by a city or county pursuant to
34 subdivision (b) if it satisfies the following requirements:

35 (1) The small cell is located in the public ~~right-of-way~~
36 *rights-of-way* in any zone or in any zone that includes a commercial
37 or industrial use.

38 (2) The small cell complies with all applicable federal, state,
39 and local health and safety regulations, including ~~compliance with~~

1 the federal Americans with Disabilities Act of 1990 (42 U.S.C.
2 Sec. 12101 et seq.).

3 (3) The small cell is not located on a fire department facility.

4 (b) (1) A city or county may require that the small cell be
5 approved pursuant to a building permit or its functional equivalent
6 in connection with placement outside of the public ~~right-of-way~~
7 *rights-of-way* or an encroachment permit or its functional
8 equivalent issued consistent with Sections 7901 and 7901.1 of the
9 Public Utilities Code for the placement in public rights-of-way,
10 and any additional ministerial permits, provided that all permits
11 are issued within the timeframes required by state and federal law.

12 (2) Permits issued pursuant to this subdivision may be subject
13 to the following:

14 (A) The same ~~administrative~~ permit requirements as for similar
15 construction projects and applied in a nondiscriminatory manner.

16 (B) A requirement to submit additional information showing
17 that the small cell complies with the Federal Communications
18 Commission's regulations concerning radio frequency emissions
19 referenced in Section 332(c)(7)(B)(iv) of Title 47 of the United
20 States Code.

21 (C) A condition that the applicable permit may be rescinded if
22 construction is not substantially commenced within one year.
23 Absent a showing of good cause, an applicant under this section
24 may not renew the permit or resubmit an application to develop a
25 small cell at the same location within six months of ~~recession~~
26 *rescission*.

27 (D) A condition that small cells no longer used to provide
28 service shall be removed at no cost to the city or county.

29 (E) Compliance with building codes, including building code
30 structural requirements.

31 (F) A condition that the applicant pay all electricity costs
32 associated with the operation of the small cell.

33 (G) A condition to comply with feasible design and collocation
34 standards on a small cell to be installed on property not in the
35 ~~right-of-way~~ *rights-of-way*.

36 (3) Permits issued pursuant to this subdivision shall not be
37 subject to:

38 (A) Requirements to provide additional services, directly or
39 indirectly, including, but not limited to, in-kind contributions from
40 the applicant such as reserving fiber, conduit, or pole space.

1 (B) The submission of any additional information other than
2 that required of similar construction projects, except as specifically
3 provided in this section.

4 (C) Limitations on routine maintenance or the replacement of
5 small cells with small cells that are substantially similar, the same
6 size or smaller.

7 (D) The regulation of any micro wireless facilities mounted on
8 a span of wire.

9 *(4) Notwithstanding any other provision of this section, a city
10 or county shall not impose permitting requirements or fees on the
11 installation, placement, maintenance, or replacement of micro
12 wireless facilities that are suspended, whether embedded or
13 attached, on cables or lines that are strung between existing utility
14 poles in compliance with state safety codes.*

15 (c) A city or county shall not preclude the leasing or licensing
16 of its vertical infrastructure located in public ~~right-of-way~~
17 ~~rights-of-way~~ or public utility easements under the terms set forth
18 in this ~~paragraph~~ *subdivision*. Vertical infrastructure shall be made
19 available for the placement of small cells under fair and reasonable
20 fees, *subject to the requirements in subdivision (d)*, terms, and
21 conditions, which may include feasible design and collocation
22 standards. A city or county may reserve capacity on vertical
23 infrastructure if the city or county adopts a resolution finding,
24 based on substantial evidence in the record, that the capacity is
25 needed for projected city or county uses. ~~Fees shall be tiered or
26 flat and within a range of \$100 to \$850 per small cell per year,
27 indexed for inflation from the effective date of this section.~~

28 *(d) (1) A city or county may charge the following fees:*

29 *(A) An annual administrative permit fee not to exceed two
30 hundred fifty dollars (\$250) for each small cell attached to city or
31 county vertical infrastructure.*

32 *(B) An annual attachment rate that does not exceed an amount
33 resulting from the following requirements:*

34 *(i) The city or county shall calculate the rate by multiplying the
35 percentage of the total usable space that would be occupied by
36 the attachment by the annual costs of ownership of the vertical
37 infrastructure and its anchor, if any.*

38 *(ii) The city or county shall not levy a rate that exceeds the
39 estimated amount required to provide use of the vertical
40 infrastructure for which the annual recurring rate is levied. If the*

1 rate creates revenues in excess of actual costs, the city or county
2 shall use those revenues to reduce the rate.

3 (iii) For purposes of this subparagraph:

4 (I) "Annual costs of ownership" means the annual capital costs
5 and annual operating costs of the vertical infrastructure, which
6 shall be the average costs of all similar vertical infrastructure
7 owned or controlled by the city or county. The basis for the
8 computation of annual capital costs shall be historical capital
9 costs less depreciation. The accounting upon which the historical
10 capital costs are determined shall include a credit for all
11 reimbursed capital costs. Depreciation shall be based upon the
12 average service life of the vertical infrastructure. Annual cost of
13 ownership does not include costs for any property not necessary
14 for use by the small cell.

15 (II) "Usable space" means the space above the minimum grade
16 that can be used for the attachment of antennas and associated
17 ancillary equipment.

18 (C) A one-time reimbursement fee for actual costs incurred by
19 the city or county for rearrangements performed at the request of
20 the small cell provider.

21 (2) A city or county shall comply with the following before
22 adopting or increasing the rate described in subparagraph (B) of
23 paragraph (1):

24 (A) At least 14 days before the hearing described in
25 subparagraph (C), the city or county shall provide notice of the
26 time and place of the meeting, including a general explanation of
27 the matter to be considered.

28 (B) At least 10 days before the hearing described in
29 subparagraph (C), the city or county shall make available to the
30 public data indicating the cost, or estimated cost, to make vertical
31 structures available for use under this section if the city or county
32 adopts or increases the proposed rate.

33 (C) The city or county shall, as a part of a regularly scheduled
34 public meeting, hold at least one open and public hearing at which
35 time the city or county shall permit the public to make oral or
36 written presentations relating to the rate. The city or county shall
37 include a description of the rate in the notice and agenda of the
38 public meeting in accordance with the Ralph M. Brown Act
39 (Chapter 9 (commencing with Section 54950.5) of Part 1 of
40 Division 2 of Title 5).

1 (D) The city or county may approve the ordinance or resolution
2 to adopt or increase the rate at a regularly scheduled open meeting
3 that occurs at least 30 days after the initial public meeting
4 described in subparagraph (C).

5 (3) A judicial action or proceeding to attack, review, set aside,
6 void, or annul an ordinance or resolution adopting, or increasing,
7 a fee described in this subdivision, shall be commenced within 120
8 days of the effective date of the ordinance or resolution adopting
9 or increasing the fee. A city or county or interested person shall
10 bring an action described in this paragraph pursuant to Chapter
11 9 (commencing with Section 860) of Title 10 of Part 2 of the Code
12 of Civil Procedure in a court of competent jurisdiction.

13 (4) This subdivision does not prohibit a wireless service provider
14 and a city or county from mutually agreeing to an annual
15 administrative permit fee or attachment rate that is less than the
16 fees or rates established above.

17 ~~(d)~~

18 (e) A city or county shall not discriminate against the
19 deployment of a small cell on property owned by the city or county
20 and shall make space available on property not located in the public
21 ~~right-of-way~~ rights-of-way under terms and conditions that are no
22 less favorable than the terms and conditions under which the space
23 is made available for comparable commercial projects or uses.
24 These installations shall be subject to reasonable and
25 nondiscriminatory rates, terms, and conditions, which may include
26 feasible design and collocation standards.

27 ~~(e) Nothing in this section shall be construed to~~

28 (f) This section does not alter, modify, or amend any franchise
29 or franchise requirements under state or federal law, including
30 Section 65964.5.

31 ~~(f)~~

32 (g) For purposes of this section, the following terms have the
33 following meanings:

34 (1) "Micro wireless facility" means a small cell that is no larger
35 than 24 inches long, 15 inches in width, 12 inches in height, and
36 that has an exterior antenna, if any, no longer than 11 inches.

37 ~~(h)~~

38 (2) (A) "Small cell" means a wireless telecommunications
39 facility, as defined in paragraph (2) of subdivision (d) of Section

- 1 65850.6, ~~using or a wireless facility that uses~~ licensed or unlicensed
2 spectrum ~~and~~ that meets the following qualifications:
- 3 (i) ~~All antennas—~~*The small cell antennas* on the structure,
4 excluding the associated equipment, total no more than six cubic
5 feet in volume, whether ~~in a single an~~ array or separate.
- 6 (ii) ~~(I) The associated equipment on pole structures does not~~
7 ~~exceed 21 cubic feet provided that any individual piece of~~
8 ~~associated equipment or pole structures do not exceed nine cubic~~
9 ~~feet.~~
- 10 (ii) *Any individual piece of associated equipment on pole*
11 *structures does not exceed nine cubic feet.*
- 12 (iii) *The cumulative total of associated equipment on pole*
13 *structures does not exceed 21 cubic feet.*
- 14 (iv) *The cumulative total of any ground-mounted equipment*
15 *along with the associated equipment on any pole or nonpole*
16 *structure does not exceed 35 cubic feet.*
- 17 ~~(H)~~
- 18 (v) The following types of associated ancillary equipment are
19 not included in the calculation of equipment volume:
- 20 ~~(ia)~~
- 21 (I) Electric meters and any required pedestal.
- 22 ~~(ib)~~
- 23 (II) Concealment elements.
- 24 ~~(ic)~~
- 25 (III) Any telecommunications demarcation box.
- 26 ~~(id)~~
- 27 (IV) Grounding equipment.
- 28 ~~(ie)~~
- 29 (V) Power transfer switch.
- 30 ~~(if)~~
- 31 (VI) Cutoff switch.
- 32 ~~(ig)~~
- 33 (VII) Vertical cable runs for the connection of power and other
34 services.
- 35 (VIII) *Equipment concealed within an existing building or*
36 *structure.*
- 37 (B) “Small cell” includes a micro wireless ~~facility that is no~~
38 ~~larger than 24 inches long, 15 inches in width, 12 inches in height,~~
39 ~~and that has an exterior antenna, if any, no longer than 11 inches.~~
40 *facility.*

1 (C) “Small cell” does not include either of the following:

2 ~~(i) Coaxial or fiber optic cables that do not exclusively provide~~
3 ~~service to that small cell.~~

4 (i) *Wireline backhaul facility, which is defined to mean a facility*
5 *used for the transport of communications data by wire from*
6 *wireless facilities to a network.*

7 (ii) *Coaxial or fiber optic cables that are not immediately*
8 *adjacent to or directly associated with a particular antenna or*
9 *collocation.*

10 ~~(ii)~~

11 (iii) *Wireless facilities placed in any historic district listed in*
12 *the National Park Service Certified State or Local Historic Districts*
13 *or in any historical district listed on the California Register of*
14 *Historical Resources or placed in coastal zones subject to the*
15 *jurisdiction of the California Coastal Commission.*

16 (iv) *The underlying vertical infrastructure.*

17 ~~(2)~~

18 (3) (A) “Vertical infrastructure” means all poles or similar
19 facilities owned or controlled by a city or county that are in the
20 ~~public right-of-way~~ *rights-of-way* or public utility easements and
21 meant for, or used in whole or in part for, communications service,
22 electric service, lighting, traffic control, or similar functions.

23 (B) For purposes of this paragraph, the term “controlled” means
24 having the right to allow subleases or sublicensing. A city or county
25 may impose feasible design or collocation standards for small cells
26 placed on vertical infrastructure, including the placement of
27 associated equipment on the vertical infrastructure or the ground.

28 ~~(g)~~

29 (h) *Existing agreements between a wireless service provider,*
30 *or its agents and assigns, and a city, a county, or a city or county’s*
31 *agents and assigns, regarding the leasing or licensing of vertical*
32 *infrastructure entered into ~~prior to~~ before the effective operative*
33 *date of this section remain in effect, subject to applicable*
34 *termination provisions. ~~The operator of a small cell may accept~~*
35 *the rates of this section for small cells that are the subject of an*
36 *application submitted after the agreement is terminated pursuant*
37 *to the terms of the agreement. ~~or other provisions in the existing~~*
38 *agreement, or unless otherwise modified by mutual agreement of*
39 *the parties. A wireless service provider may require the rates of*
40 *this section for new small cells sites that are deployed after the*

1 *operative date of this section in accordance with applicable change*
2 *of law provisions in the existing agreements.*

3 (h)

4 (i) *Nothing in this section shall be construed to authorize or*
5 *impose an obligation to charge a use fee different than those that*
6 *authorized by Part 2 (commencing with Section 9510) of Division*
7 *4.8 of the Public Utilities Code on a local publicly owned electric*
8 *utility.*

9 (j) *This section does not change or remove any obligation by*
10 *the owner or operator of a small cell to comply with a local*
11 *publicly owned electric utility's reasonable and feasible safety,*
12 *reliability, and engineering policies.*

13 (k) *A city or county shall consult with the utility director of a*
14 *local publicly owned electric utility when adopting an ordinance*
15 *or establishing permitting processes consistent with this section*
16 *that impact the local publicly owned electric utility.*

17 (l) *Except as provided in subdivisions (a) and (b), nothing in*
18 *this section shall be construed to modify the rules and*
19 *compensation structure that have been adopted for an attachment*
20 *to a utility pole owned by an electrical corporation or telephone*
21 *corporation, as those terms are defined in Section 216 of the Public*
22 *Utilities Code pursuant to state and federal law, including, but*
23 *not limited to, decisions of the Public Utility Commission adopting*
24 *rules and a compensation structure for an attachment to a utility*
25 *pole owned by an electrical corporation or telephone corporation,*
26 *as those terms are defined in Section 216 of the Public Utilities*
27 *Code.*

28 (m) *Nothing in this section shall be construed to modify any*
29 *applicable rules adopted by the Public Utilities Commission,*
30 *including General Order 95 requirements, regarding the*
31 *attachment of wireless facilities to a utility pole owned by an*
32 *electrical corporation or telephone corporation, as those terms*
33 *are defined in Section 216 of the Public Utilities Code*

34 (i)

35 (n) *The Legislature finds and declares that small cells, as defined*
36 *in this section, have a significant economic impact in California*
37 *and are not a municipal affair as that term is used in Section 5 of*
38 *Article XI of the California Constitution, but are a matter of*
39 *statewide concern.*

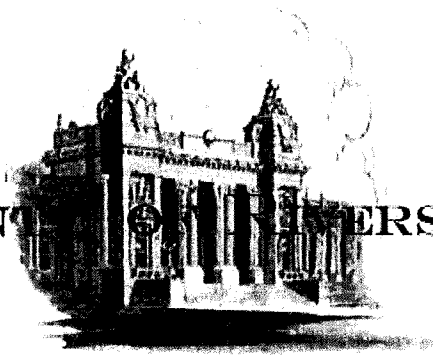
1 *SEC. 4. Section 65964.5 is added to the Government Code, to*
2 *read:*

3 *65964.5. Except as provided in Sections 65964, 65964.2, and*
4 *65850.6, or as specifically required by state law, a city or county*
5 *may not adopt or enforce any regulation on the placement or*
6 *operation of communications facilities in the rights-of-way by a*
7 *provider authorized by state law to operate in the rights-of-way,*
8 *and may not regulate any communications services or impose or*
9 *collect any tax, fee, or charge not specifically authorized under*
10 *state law.*

11 ~~SEC. 4.~~

12 *SEC. 5. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *a local agency or school district has the authority to levy service*
15 *charges, fees, or assessments sufficient to pay for the program or*
16 *level of service mandated by this act, within the meaning of Section*
17 *17556 of the Government Code.*

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Henry Stern, Chair
Senate Elections and Constitutional Amendments Committee
State Capitol, Room 3070
Sacramento, CA 95814

**Re: SCA 12 (Mendoza) – Counties: governing body: county executive
As amended June 27, 2017
Set for hearing July 12, 2017 - Senate Elections and Constitutional Amendments Committee
County of Riverside: OPPOSE – Per Legislative Platform**

Dear Senator Stern:

On behalf of the Riverside County Board of Supervisors, I write to respectfully express our strong opposition to SCA 12, a measure by Senator Tony Mendoza that seeks voter approval to expand the number of supervisorial districts and to create a directly elected county executive officer in a county with a population of five million or more after the 2020 census. Currently, these provisions would only apply to the County of Los Angeles. While SCA 12 does not have an immediate impact on the County of Riverside, we are concerned about the setting of precedent by which the Legislature authorizes a statewide vote on matters that are explicitly local in nature. Our view is that decisions about the structure of county government should reside squarely with its residents, not voters in unaffected jurisdictions.

The County of Los Angeles is governed under a county charter, the contents of which are voter-approved. We understand that the County has considered both expansion of the board of supervisors and directly electing a county executive on numerous occasions over many years. In all instances, these efforts have failed. Regardless of the reasons for those failures, the question was properly posed to the appropriate electorate. The process for a charter amendment remains available to supporters of SCA 12 and should be utilized before seeking legislative approval for such an unconventional approach.

We have additional concerns about the concept of an elected chief executive officer for California counties. County chief executives currently provide important administrative functions to implement policies set forth by the board of supervisors; they are trained managers who operate in a non-partisan manner to administer a wide variety of programs and services to Californians. Simply substituting an appointed chief executive with an elected one will result in a scenario where political dynamics will likely take priority over expertise and doing so may not, in fact, result in improved results or performance.



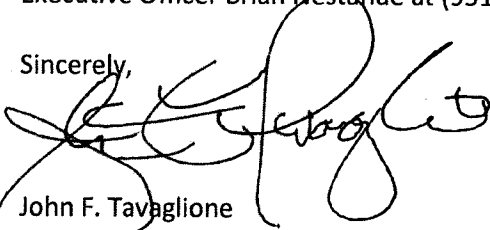
COUNTY OF RIVERSIDE

Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

For these reasons, we are gravely concerned about the near- and long-term implications of SCA 12. Should you have any questions about our position, please do not hesitate to contact Deputy County Executive Officer Brian Nestande at (951) 955-1110 or bnestande@rivco.org.

Sincerely,



John F. Tavaglione
Chairman, Riverside County Board of Supervisors

Cc: The Honorable Tony Mendoza, California State Senate
Members and Consultants, Senate Elections and Constitutional Amendments Committee
County of Riverside Delegation

AMENDED IN SENATE JUNE 27, 2017

Senate Constitutional Amendment

No. 12

**Introduced by Senator Mendoza
(Principal coauthor: Senator Wilk)
(Coauthors: Senators Allen, Bradford, Galgiani, Hertzberg, Hill,
Hueso, Leyva, and Wiener)**

April 27, 2017

Senate Constitutional Amendment No. 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of, and adding Sections 4.5 and 4.6 to, Article XI thereof, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SCA 12, as amended, Mendoza. Counties: governing body: county executive.

(1) The California Constitution requires that a county charter provide for a governing body of 5 or more members, elected by district, at large, or at large with a requirement that they reside in a district, and provide for the compensation, terms, and removal of members of the governing body. Existing law also requires a general law county to have a board of supervisors consisting of 5 members, and requires, except as provided, each member of the board of supervisors to be elected by the district which the member represents.

This measure would, commencing January 1, 2022, in a county that is found at a decennial United States census, beginning with the 2020 United States census, to have a population of more than 5,000,000, require, and deem any applicable law, including a county charter, to require, a governing body consisting of *the greater of either 5 members or a sufficient number of members so as to ensure that each member*

represents a district containing a population equivalent to no more than 2 districts in the United States House of Representatives. The measure would require that the members of the governing body serve for a term of 4 years and limit election to the governing body to no more than 3 terms. The measure would also provide that, in such a county, the expenditures for the governing body and its staff may not exceed, for any subsequent fiscal year after the release of the census finding that the county has a population of more than 5,000,000, the amount that was allocated for the expenses of the governing body and its staff in the county's adopted budget for the fiscal year in which that same census was conducted, unless adjusted as provided.

(2) The California Constitution additionally requires that a county charter provide for an elected sheriff, an elected district attorney, an elected assessor, and other officers.

This measure would require a county that is found at a decennial United States census, beginning with the 2020 United States census, to have a population of more than 5,000,000, to have an elected county executive. The measure would provide for the election of the county executive to a term of 6 years at a general election, and would limit election to that office to no more than 2 terms. The measure would require the county executive to appoint, supervise, and dismiss any appointed department head, and to appoint the members of county commissions, subject to confirmation by the governing body of the county. The measure would additionally require the county executive to develop and submit the county budget to the governing body, for approval or amendment by that body, and to approve, with or without line-item vetoes, the budget as transmitted back by the governing body.

(3) The California Constitution provides that charter counties are subject to statutes that relate to apportioning population of governing body districts.

This measure would recast this provision to provide that charter counties are subject to federal, state, and local laws that relate to apportioning population of governing body districts.

(4) This measure would also make other technical, nonsubstantive changes.

(5) This measure would declare that its provisions are severable.

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

1 WHEREAS, California's counties are creations of the state and
2 their governance is mandated by the California Constitution, and
3 changes to certain aspects of their governance require amendment
4 of the California Constitution; and

5 WHEREAS, California's counties are governed by elected
6 members of a board of supervisors; and

7 WHEREAS, The number of members of the board of supervisors
8 in most counties has remained unchanged for more than a century
9 despite enormous increases in the county's population which, in
10 some cases, are greater than the population of individual states in
11 the Union; and

12 WHEREAS, It is a well-recognized principle that residents are
13 more efficiently able to access their representatives for assistance
14 for services and to hold them better accountable when the ratio of
15 residents to each elected representative on a governing body is
16 smaller rather than larger; and

17 WHEREAS, It is important to restrain the costs of governance
18 by restricting the fiscal impact of any changes in any county's
19 board of supervisors and the creation of an elected county executive
20 position; and

21 WHEREAS, It is therefore the intent of the people, in adopting
22 this measure, to make all of the following changes with regard to
23 the county board of supervisors in each county having a population
24 of more than 5,000,000 at each decennial United States census:

25 (a) Increase democratic representation by making an effort to
26 substantially reduce the population in each supervisorial district
27 to approximate the combined population of two congressional
28 districts;

29 (b) Establish smaller supervisorial districts, to provide greater
30 opportunities for public participation in local government that
31 provide safety, health, transportation, and other vital services;

32 (c) By creating a county executive position to separate the
33 legislative and executive functions of the County of Los Angeles,
34 consistent with the Los Angeles County Civil Grand Jury's July
35 2016 Report recommending changes for the governance of the
36 County of Los Angeles given the county's complexity of
37 populations, demographics, services, and financing sources, among
38 other matters;

39 (d) To control the costs and size of county government through
40 restriction of future costs for the board of supervisors and the

1 proposed elected county executive to current respective budgets;
2 now, therefore, be it

3 *Resolved by the Senate, the Assembly concurring,* That the
4 Legislature of the State of California at its 2017–18 Regular
5 Session commencing on the fifth day of December 2016, two-thirds
6 of the membership of each house concurring, hereby proposes to
7 the people of the State of California, that the Constitution of the
8 State be amended as follows:

9 First—That Section 4 of Article XI thereof is amended to read:

10 SEC. 4. County charters shall provide for:

11 (a) Except as otherwise provided in Section 4.5, a governing
12 body of five or more members, elected (1) by district or, (2) at
13 large, or (3) at large, with a requirement that each member reside
14 in a district. Charter counties are subject to federal, state, and local
15 laws that relate to apportioning population of governing body
16 districts.

17 (b) Except as otherwise provided in Section 4.5, the
18 compensation, terms, and removal of members of the governing
19 body. If a county charter provides for the Legislature to prescribe
20 the salary of the governing body, compensation shall be prescribed
21 by the governing body by ordinance.

22 (c) An elected sheriff, an elected district attorney, an elected
23 assessor, other officers, their election or appointment,
24 compensation, terms, and removal, except as otherwise provided
25 in Section 4.6.

26 (d) The performance of functions required by statute.

27 (e) The powers and duties of governing bodies and all other
28 county officers, and for consolidation and segregation of county
29 officers, and for the manner of filling all vacancies occurring in
30 those offices.

31 (f) The fixing and regulation by governing bodies, by ordinance,
32 of the appointment and number of assistants, deputies, clerks,
33 attachés, and other persons to be employed, and for the prescribing
34 and regulating by such bodies of the powers, duties, qualifications,
35 and compensation of such persons, the times at which, and terms
36 for which they shall be appointed, and the manner of their
37 appointment and removal.

38 (g) Whenever any county has framed and adopted a charter, and
39 the same shall have been approved by the Legislature as herein
40 provided, the general laws adopted by the Legislature in pursuance

1 of subdivision (b) of Section 1 of this article, shall, as to such
2 county, be superseded by said charter as to matters for which,
3 under this section it is competent to make provision in such charter,
4 and for which provision is made therein, except as herein otherwise
5 expressly provided.

6 (h) Charter counties shall have all the powers that are provided
7 by this Constitution or by statute for counties.

8 Second—That Section 4.5 is added to Article XI thereof, to
9 read:

10 SEC. 4.5. (a) Commencing January 1, 2022, in a county that
11 is found at a decennial United States census, beginning with the
12 2020 United States census, to have a population of more than
13 5,000,000, there is required, and any applicable law, including a
14 county charter, shall be deemed to require, the following:

15 (1) The governing body shall consist of *the greater of either*
16 *five members or* a sufficient number of members, elected by
17 district, so as to ensure that each member of the governing body
18 represents, to the extent practicable, a district containing a
19 population approximately equivalent to no more than two districts
20 in the United States House of Representatives. Each member of
21 the governing body shall reside within the district that he or she
22 represents.

23 (2) (A) Except as provided in subparagraph (B), the
24 expenditures for the governing body and its staff shall not exceed,
25 for any subsequent fiscal year after the release of the census finding
26 a population of more than 5,000,000, the amount that was allocated
27 for the expenses of the governing body and its staff in the county's
28 adopted budget for the fiscal year in which that same census was
29 conducted.

30 (B) Notwithstanding subparagraph (A), the expenditures for the
31 governing body and its staff may be adjusted for either of the
32 following reasons:

33 (i) To account for inflation, as reflected in annual changes in
34 the California Consumer Price Index.

35 (ii) To address contingencies *that were unaccounted for during*
36 *or that could not have been anticipated in* the fiscal year in which
37 the census was conducted.

38 (3) Members of the governing body shall serve for terms of four
39 years. A member of the governing body shall not serve more than
40 three terms, whether or not those terms are consecutive.

1 (b) Any members of the governing body required by this section
2 in addition to those required by any other law, including an existing
3 charter, shall first be elected at a general election occurring on or
4 after January 1, 2022. Those additional members shall serve for
5 the same term and subject to the same provisions of the applicable
6 law or charter to the governing body, except that no more than
7 one-half of the additional members elected on or after January 1,
8 2022, may serve a shortened term so as to provide for staggered
9 terms.

10 Third—That Section 4.6 is added to Article XI thereof, to read:

11 SEC. 4.6. (a) (1) A county that is found at a decennial United
12 States census beginning with the 2020 United States census to
13 have a population of more than 5,000,000 shall have an elected
14 county executive who shall serve a term of six years. The county
15 executive shall not serve more than two terms, whether or not those
16 terms are consecutive. The election of the county executive shall
17 occur at a general election.

18 (2) (A) Except as provided in subparagraph (B), the budget for
19 the county executive for the first fiscal year in which that office
20 is in existence pursuant to this section shall be based upon the
21 budget of the chief executive officer or his or her equivalent, if
22 any, in the fiscal year in which this section was added.

23 (B) Notwithstanding subparagraph (A), the amount of
24 expenditures for the governing body may be adjusted for any fiscal
25 year for either of the following reasons:

26 (i) To account for inflation, as reflected in annual changes in
27 the California Consumer Price Index.

28 (ii) To address contingencies *that were unaccounted for during*
29 *or that could not have been anticipated in the first* fiscal year in
30 which this section was added.

31 (C) The salary of the county executive shall be the same as the
32 salary paid to the presiding judge of the superior court with
33 jurisdiction over the county and may be adjusted in the same
34 manner. This subparagraph shall not be construed as a limitation
35 on the authority of the Legislature to set the compensation for
36 judges of courts of record pursuant to Section 19 of Article VI.

37 (b) (1) (A) The county executive shall appoint, supervise, and
38 dismiss any person appointed to the position of department head,
39 or its equivalent.

1 (B) The governing body of the county may overrule any
2 appointment or dismissal made pursuant to this paragraph by a
3 two-thirds vote of its entire membership. The governing body shall
4 notify the county executive of its intent to overrule and shall take
5 action within 30 calendar days of the date of notification. During
6 the 30 calendar days, the county executive's appointment or
7 dismissal action shall be suspended.

8 (2) The county executive shall appoint the members of any
9 commission of the county, subject to confirmation by the governing
10 body of the county.

11 ~~(c) (1) The county executive, within 45 days of the adoption~~
12 ~~of the annual state budget pursuant to Section 12 of Article IV,~~
13 ~~On or before June 30 of each year, the county executive shall~~
14 ~~develop and submit to the governing body of the county an annual~~
15 ~~budget for the county.~~

16 (2) Within ~~90~~ 60 days of receipt of the budget pursuant to
17 paragraph (1), the governing body of the county shall review and
18 approve the budget, with or without amendments, and transmit the
19 budget to the county executive for review and final approval.

20 (3) (A) Within 15 days of receipt of the budget pursuant to
21 paragraph (2), the county executive shall either:

22 (i) Approve the budget as transmitted by the board of supervisors
23 pursuant to paragraph (2).

24 (ii) Approve the budget with any line-item vetoes.

25 (B) Upon taking an action pursuant to clause (i) or (ii), the
26 county executive shall return the budget to the governing body of
27 the county along with the action taken.

28 (4) The governing body of the county may, within 15 days of
29 an approval of a budget with a line-item veto pursuant to clause
30 (ii) of subparagraph (A) of paragraph (3), override the veto by a
31 two-thirds vote of its entire membership.

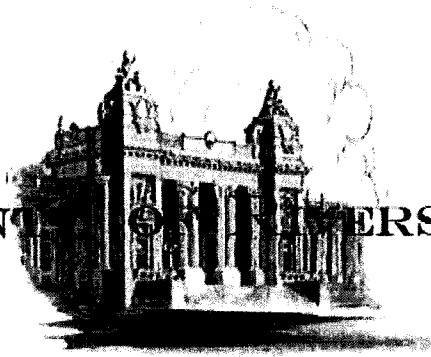
32 (5) An approved budget may be amended as follows:

33 (A) By a proposal of the county executive. The county executive
34 shall present any proposed amendments to the governing body of
35 the county. The governing body shall review any proposed
36 amendment presented by the county executive, and may approve
37 any amendments by a two-thirds vote of its entire membership.

38 (B) By the governing body, which shall approve any amendment
39 to an approved budget by a two-thirds vote of its entire
40 membership.

- 1 (d) The governing body may override any action of the county
- 2 executive by a two-thirds vote of its entire membership.
- 3 Fourth—The provisions of this measure are severable. If any
- 4 provision of this measure or its application is held invalid, that
- 5 invalidity shall not affect other provisions or applications that can
- 6 be given effect without the invalid provision or application.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Sabrina Cervantes
State Capitol, Room 5164
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Cervantes:

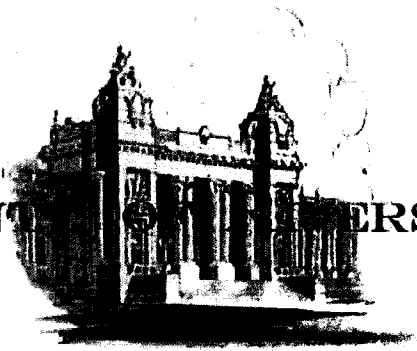
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

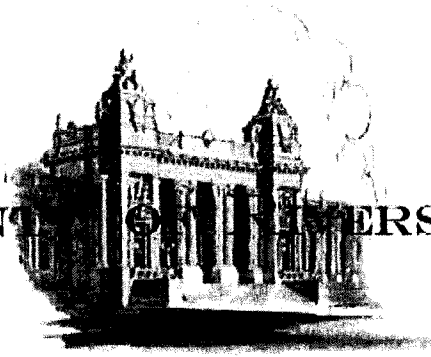
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Eduardo Garcia
State Capitol, Room 4140
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Garcia:

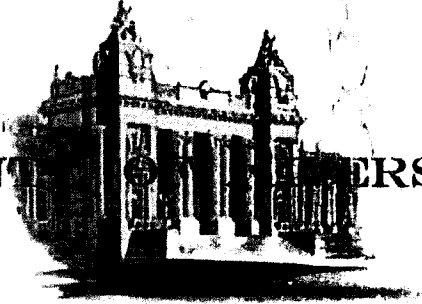
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

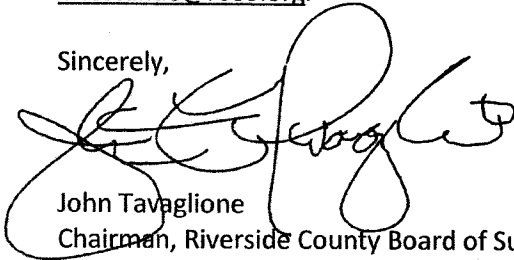
District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

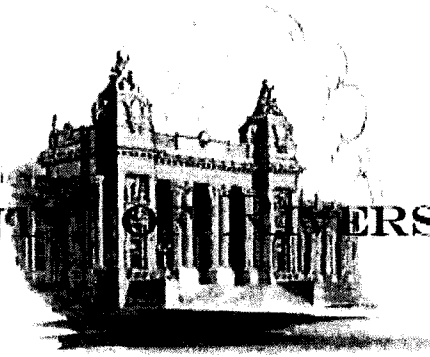
If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,



John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Chad Mayes
State Capitol, Room 3104
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Mayes:

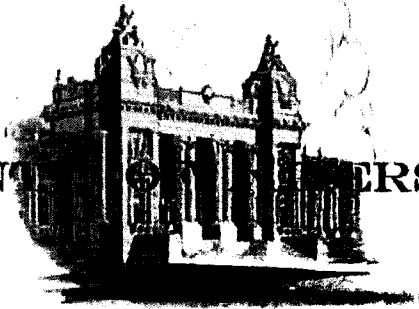
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

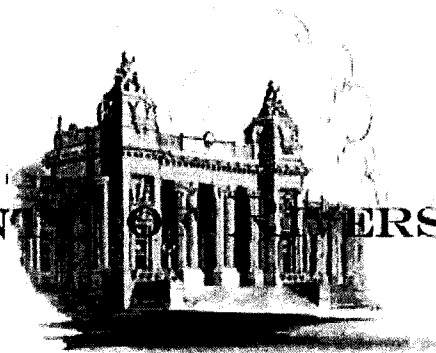
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Jose Medina
State Capitol, Room 2141
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Medina:

The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

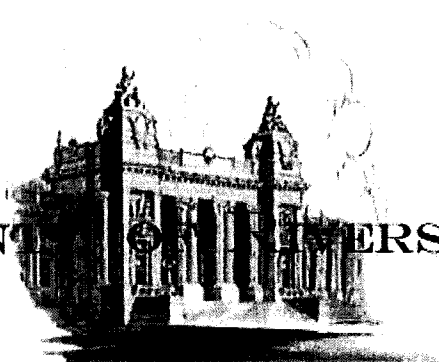
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Melissa A. Melendez
State Capitol, Room 3098
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Melendez:

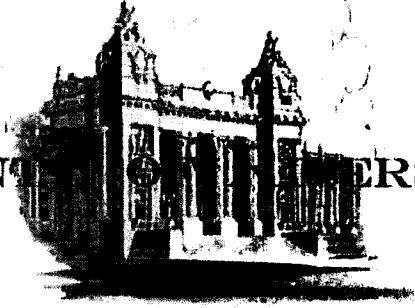
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

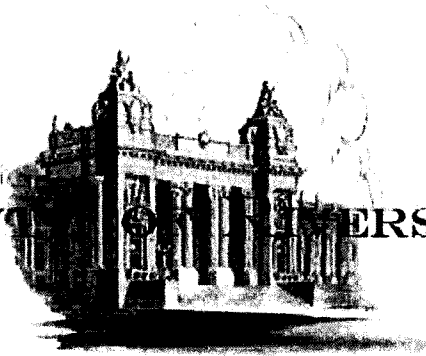
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter , please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Randy Voepel
State Capitol, Room 4009
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Voepel:

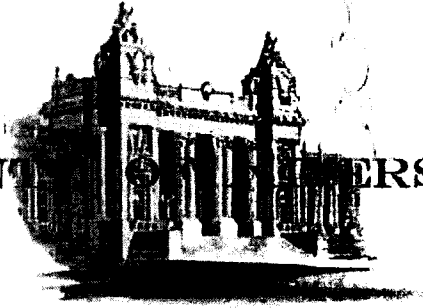
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

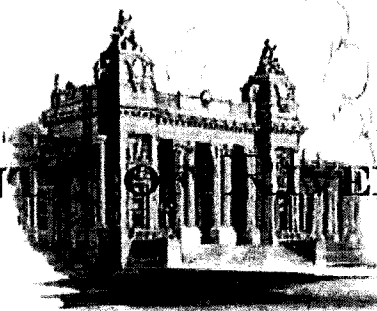
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Marie Waldron
State Capitol, Room 4130
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Assembly Member Waldron:

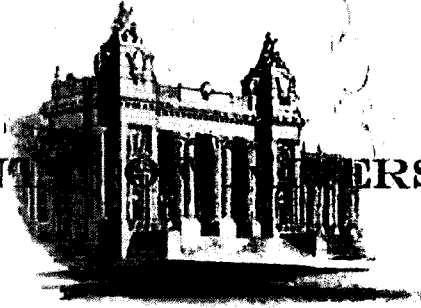
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

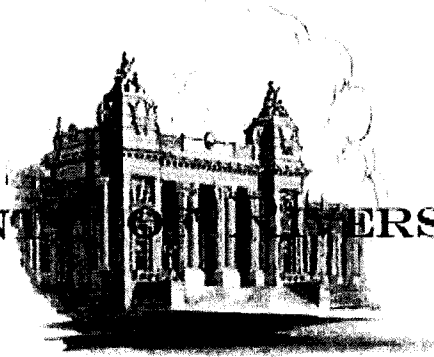
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Mike Morrell
State Capitol, Room 3056
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Senator Morrell:

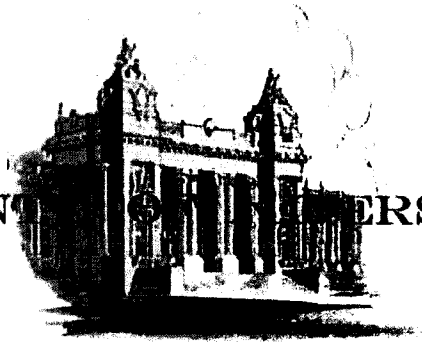
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

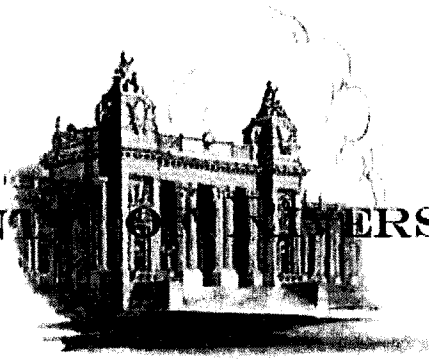
- The County **supports** the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County **supports** a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County **opposes** mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Richard Roth
State Capitol, Room 4034
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Senator Roth:

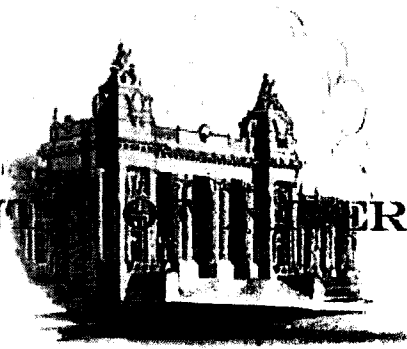
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

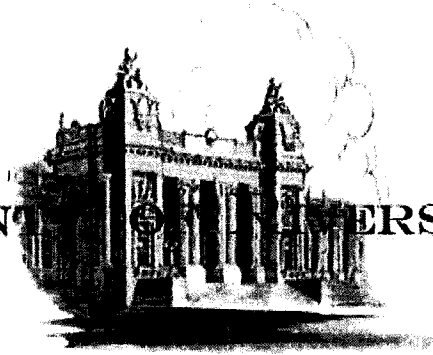
- The County *supports* the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County *supports* a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County *opposes* mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

June 28, 2017

The Honorable Jeff Stone
State Capitol, Room 4062
Sacramento, CA 95814

**Re: Cap-and-Trade Funding Equity
County of Riverside – Per Legislative Platform**

Dear Senator Stone:

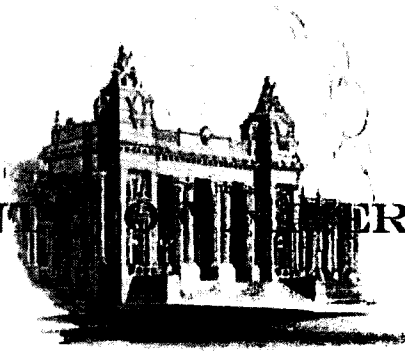
The County of Riverside continues to advocate for equity in cap-and-trade program funds. AB 32, the Global Warming Solutions Act of 2006, set forth the regulatory structure that would come to be referred to as cap-and-trade. Cap-and-trade is a market-based regulatory system designed to reduce greenhouse gas emission (GHGs) from multiple sources throughout the state. California's cap-and-trade program sets a firm limit, or cap, on GHGs to minimize the compliance costs of achieving goals put forth by AB 32 while further incentivizing reductions through investments in clean technologies.

Under the existing statutes, cap-and-trade authority is set to expire December 31, 2020. Accordingly, Governor Edmund G. Brown Jr. has stated the goal of extending cap-and-trade through 2030 as part of the Administration's 2017-18 budget; negotiations on the provisions of such an extension are currently in progress.

However, when considering the current cap-and-trade program, the County of Riverside is greatly concerned about the sustainability of the program's structure. In its current form, the distribution of proceeds from the cap-and-trade program, which are dispersed over thirty-plus programs that are administered by over a dozen state agencies, has only been subject to cursory legislative oversight and accountability. In reviewing the distribution of funds throughout the state, we have concluded that the Southern California region, which is home to 48% of the state's population and 67% of its disadvantaged communities, is being significantly underfunded in relation to its significant challenges to reach GHG reduction goals.

In closer examination of this matter, this disparity becomes more clear when the Southern California region has only received 29.7% (\$366 million) of the total 2016-2017 Greenhouse Gas Reduction Funds (GGRF) (\$1.234 billion as of May 2017), these numbers include funding from the Affordable Housing & Sustainable Communities Grant Program, Low Carbon Transportation, and Transit & Intercity Rail, available for distribution. In comparison to the rest of California which received 42.1% (\$520 million) and the High Speed Rail which received 28.2% (\$348 million) of the total GGRF as of May. Disparities of this nature place an undue burden on the region to make meaningful progress towards reducing GHG emissions.

COUNTY OF RIVERSIDE



Board of Supervisors

District 1	Kevin Jeffries 951-955-1010
District 2 Chairman	John F. Tavaglione 951-955-1020
District 3	Chuck Washington 951-955-1030
District 4	V. Manuel Perez 951-955-1040
District 5	Marion Ashley 951-955-1050

As a result, the County of Riverside takes the following policy approach:

- The County *supports* the establishment of a baseline equity threshold, based upon population, to be included within any legislation seeking to extend cap-and-trade.
- The County *supports* a regional equity component for allocation of cap-and-trade revenues commensurate with emissions reductions targets; and
- The County *opposes* mandated climate goals without the necessary allocation of resources to the Southern California region.

If you have any questions about the County's position on this matter, please do not hesitate to contact Deputy County Executive Officer, Brian Nestande at (951) 955-1110 or bnestande@rceo.org.

Sincerely,

John Tavaglione
Chairman, Riverside County Board of Supervisors