



City of La Quinta

TO: The Honorable Mayor and Members of the City Council

FROM: M. Katherine Jenson, City Attorney

DATE: January 21, 2014

SUBJECT: SUMMARY OF SB553 AND AB382

At the December 17, 2013 City Council meeting, the City Attorney was asked to provide additional information on two of the bills briefly summarized by the City Clerk. This report provides that follow up information.

Senate Bill 553 enacts specific election procedures for the approval of property-related fees and charges covered by Proposition 218. This would include the proposed actions relating to La Quinta's Landscaping and Lighting District. The new provisions in the California Government Code require local agencies to delegate the voter approval process to either the agency's elections official (e.g., for La Quinta, the City Clerk) or the county elections official. If the county elections official oversees the election, the local agency will be required to reimburse the county for the costs of the election. When an agency submits a fee or charge for approval by affected property owners by mail (e.g., an assessment for landscape and lighting), the bill also imposes safeguards and transparency measures during the tabulation of ballots.

There are several requirements imposed for ballots and tabulation, but the major ones are: (1) the envelope must state "OFFICIAL BALLOT ENCLOSED" in no smaller than 16 point font; (2) the ballot must include the agency's address for return, the date and location where ballots are tabulated, a place where the person returning must indicate his/her name, parcel, and support; (3) the ballots must be tabulated in a location accessible to the public; (4) the ballot must be in a form that remains sealed; (5) an impartial person shall tabulate the ballots, but this can be the clerk of the agency; (6) ballots shall

be unsealed and tabulated in public view to permit all interested persons to meaningfully monitor the tabulation process; (7) the ballot tabulation can be continued to a different time and location in certain circumstances; and (8) the ballots shall be preserved for at least two years.

Assembly Bill 382 adds prescribed documents dealing with alternative investments within the exceptions to the requirement for disclosure of documents related to public meetings. Alternative investments means an investment in a private equity fund, venture fund, hedge fund, or absolute return fund. La Quinta does not have any such investments, so for now, this bill does not affect the City.