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**SB-88 State government.** (2017-2018)

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**Senate Bill No. 88**

**CHAPTER 51**

An act to add Section 14678.7 to, and to repeal and amend Section 6253.2 of, the Government Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[ Approved by Governor July 10, 2017. Filed with Secretary of State July 10, 2017. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 88, Committee on Budget and Fiscal Review. State government.

(1) The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. The act exempts from public inspection specified information regarding persons paid by the state to provide in-home supportive services. Existing law requires copies of names, addresses, home telephone numbers, and personal cellular telephone numbers of those persons to be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights, as specified.

This bill would additionally require copies of personal email addresses of those persons to be made available to an exclusive bargaining agent and to any labor organization seeking representation rights. By increasing the duties of local officials with respect to the disclosure of public records, this bill would impose a state-mandated local program.

(2) Existing law generally authorizes the Director of General Services, with the consent of the agency concerned, to let any real property owned by the state for a period not to exceed 5 years. Existing law authorizes the Department of General Services to acquire real property to operate and maintain motor vehicle parking facilities, as specified. Existing law authorizes the department to enter into arrangements with other public and state agencies for joint use of these parking facilities, as specified. Existing law requires the department to deposit revenues received from parking fees at motor vehicle parking facilities owned by the department or other state agencies in the General Fund for expenditure by the department for the construction, operation, and maintenance of motor vehicle parking facilities under the jurisdiction of the department or any other state agency, and thereby creates a continuously appropriated fund.

This bill would authorize the department to enter into one or more leases, as lessor or lessee, and other related agreements with the Capitol Area Development Authority (CADA) under which CADA will be responsible for developing a parking structure and retail space that is located on specified property located in the City of Sacramento. The bill would require the R Street parking structure project to comply with specified requirements. The bill would authorize CADA to enter into a financing arrangement for the development, design, and construction of the R Street parking structure project through the California Infrastructure and Economic Development Bank, subject to specified requirements. The bill would authorize the department to charge state employees and the general public for use of the structure. The bill would require the department to deposit parking revenues into the Motor Vehicle Parking Facilities Money Account. By depositing additional revenue into a continuously appropriated fund, this bill would make an appropriation. The bill would provide that funds deposited into the Motor Vehicle Parking Facilities Money

Account are available, upon appropriation by the Legislature, to the department to make specified lease payments, and then to be used consistent with the purposes of the Motor Vehicle Parking Facilities Money Account.

(3) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(4) 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.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 6253.2 of the Government Code, as amended by Section 1 of Chapter 830 of the Statutes of 2016, is repealed.

**SEC. 2.** Section 6253.2 of the Government Code, as amended by Section 2 of Chapter 830 of the Statutes of 2016, is amended to read:

**6253.2.** (a) Notwithstanding any other provision of this chapter to the contrary, information regarding persons paid by the state to provide in-home supportive services pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code or personal care services pursuant to Section 14132.95 of the Welfare and Institutions Code, is not subject to public disclosure pursuant to this chapter, except as provided in subdivision (b).

(b) Copies of names, addresses, home telephone numbers, personal cellular telephone numbers, and personal email addresses of persons described in subdivision (a) shall be made available, upon request, to an exclusive bargaining agent and to any labor organization seeking representation rights pursuant to subdivision (c) of Section 12301.6 or Section 12302.25 of the Welfare and Institutions Code or Chapter 10 (commencing with Section 3500) of Division 4 of Title 1. This information shall not be used by the receiving entity for any purpose other than the employee organizing, representation, and assistance activities of the labor organization.

(c) This section applies solely to individuals who provide services under the In-Home Supportive Services Program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code) or the Personal Care Services Program pursuant to Section 14132.95 of the Welfare and Institutions Code.

(d) Nothing in this section is intended to alter or shall be interpreted to alter the rights of parties under the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4) or any other labor relations law.

**SEC. 3.** Section 14678.7 is added to the Government Code, to read:

**14678.7.** (a) For purposes of this section:

(1) "8th and 9th Street property" means property that the department is authorized to acquire, in partnership with CADA, pursuant to Item 7760-301-0666 of Section 2.0 the Budget Act of 2017.

(2) "CADA" means the Capitol Area Development Authority.

(3) "IBank" means the California Infrastructure and Economic Development Bank.

(4) "R Street property" means state-owned property located at 805 R Street (APN 006-0266-014) in the City of Sacramento.

(5) "R Street parking structure project" means the project authorized by this section for the design and construction of a parking structure and retail space for the purpose of allowing the development of a parking structure for state employees and the general public as well as to compliment local efforts to increase evening and weekend visitation in downtown Sacramento.

(b) Notwithstanding Section 14670, the department may enter into one or more leases, as lessor or lessee, and other related agreements with CADA under which CADA will be responsible for developing a parking structure with approximately 800 parking

spaces and retail space that is located on the R Street property and the 8th and 9th Street property, subject to the following requirements:

(1) CADA shall demolish any improvements currently located on the R Street property.

(2) The total state costs for the R street parking structure project, excluding any financing costs, shall not exceed thirty million dollars (\$30,000,000).

(3) The Department of Finance shall approve the terms of any lease and related agreements entered into pursuant to this section related to the R Street parking structure project.

(4) The amount of any lease payments that the department makes to CADA pursuant to this section shall be commensurate with CADA's costs of development and financing of the R Street parking structure project.

(5) The director shall notify the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or his or her designee, in writing of the director's intention to enter into the leases or agreements authorized by this section no later than 30 days before entering into the leases or agreements, or not sooner than any lesser time as the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may determine.

(c) After having secured the necessary leasing and contractual arrangements with the department for development, financing, and operations, CADA may enter into a financing arrangement for the development, design, and construction of the R Street parking structure project through the IBank utilizing the IBank's Infrastructure State Revolving Fund Program, subject to the following requirements:

(1) The project shall be subject to all requirements of the Bergeson-Peace Infrastructure and Economic Development Bank Act (Division 1 (commencing with Section 63000) of Title 6.7) and the Criteria, Priorities and Guidelines established by IBank.

(2) The repayment terms of the financing arrangement shall not exceed 30 years. Upon full repayment of any financial arrangement entered into pursuant to this subdivision, any lease entered into between the department and CADA shall cease and title to the R Street parking structure shall vest in the state.

(d) Upon completion of the R Street parking structure, the department may charge state employees and the general public for use of the parking structure. The department shall deposit all revenues generated from the R Street parking structure into the Motor Vehicle Parking Facilities Money Account. Notwithstanding Section 14678, all funds deposited into the Motor Vehicle Parking Facilities Money Account are available, upon appropriation by the Legislature, to the department to be used, until any financing arrangement entered into pursuant to subdivision (c) is repaid in full, to make lease payments to CADA, and, after that event, to the department to be used consistent with the Motor Vehicle Parking Facilities Money Account and Section 14678.

**SEC. 4.** The Legislature finds and declares that Sections 1 and 2 of this act, which amend and repeal Section 6253.2 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

In order for exclusive representatives to discharge their legal duties and communicate with persons who provide in-home supportive services, it is necessary that public agencies provide information regarding those persons to exclusive representatives. By authorizing the disclosure of the email addresses of persons who provide in-home supportive services to exclusive representatives, this bill furthers the purposes of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

**SEC. 5.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district under this act would result from a legislative mandate that is within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution.

**SEC. 6.** This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.