

CALIFORNIA LEGISLATURE
2015–16 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, August 9, 2016

TWO HUNDRED THIRTY-SECOND SESSION DAY

SIX HUNDRED EIGHTEENTH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of rollcall votes. All amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. All Senate amendments to Assembly measures considered by the Assembly on this day are on file with the Secretary of the Senate and available on request. A list of all measures amended and on which amendments were offered in the Assembly is shown on the final page of this day's Assembly Journal.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

(Corrected 10-7-16)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, August 9, 2016

The Assembly met at 7 a.m.
Hon. Richard S. Gordon, Assembly Member, 24th District,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Reading Clerk Kathleen M. Lewis reading.

ROLLCALL

The following were placed upon the morning rollcall—73:

Achadjian	Cooper	Holden	Quirk
Alejo	Dababneh	Irwin	Ridley-Thomas
Allen	Dahle	Jones	Rodriguez
Arambula	Daly	Jones-Sawyer	Salas
Atkins	Dodd	Kim	Santiago
Baker	Eggman	Lackey	Steinorth
Bigelow	Frazier	Linder	Stone
Bloom	Gallagher	Lopez	Thurmond
Bonilla	Garcia, C.	Low	Ting
Bonta	Garcia, E.	Maienschein	Wagner
Brough	Gatto	Mathis	Waldron
Brown	Gipson	Mayes	Weber
Burke	Gomez	McCarty	Wilk
Calderon	Gonzalez	Medina	Williams
Chau	Gordon	Nazarian	Wood
Chávez	Gray	Obernoite	Mr. Speaker
Chiu	Grove	O'Donnell	
Chu	Hadley	Olsen	
Cooley	Harper	Patterson	

Quorum present.

At 1:21 p.m., Hon. David Chiu, 17th District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Levine and Mullin.

Because of illness, per diem waived for the 2015–16 Session (Assembly Journal, page 63): Assembly Member Beth Gaines.

On personal business, and waiving per diem: Assembly Member Melendez.

Because of illness: Assembly Members Campos, Chang, and Roger Hernández.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

July 7, 2016

*The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Rendon: I respectfully request permission to be excused from Check-in Session on Tuesday, August 9 and Wednesday, August 10, 2016, on legislative business. Thank you for your consideration of this request.

MARC LEVINE, Assembly Member
Tenth District

August 8, 2016

*The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I respectfully request to be dismissed from Check-in Session on August 9, 2016, to attend a legislative meeting with the Local Carpenters Union. Thank you for your consideration of this request, and please contact Hugh Bower in my Capitol office at (916) 319-2022 should any questions arise.

Sincerely,

KEVIN MULLIN, Assembly Member
Twenty-second District

REPORTS

The following letter of transmittal was presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2015-116
August 9, 2016

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning the city of Irvine's management of the Orange County Great Park contract performance review (park review).

This report concludes that poor governance of the park review, which ultimately cost the city about \$1.7 million, compromised the review's credibility. Specifically, Irvine did not ensure that the park review was conducted according to the industry standards most appropriate for achieving the city's goals. City council members had stressed the importance of an independent audit. However, the standards under which Irvine chose to conduct the park review did not require the

independence or rigor intrinsic to an audit. Further, the city's request for proposal for the park review did not stipulate that Irvine was seeking bids for an audit.

Also, Irvine did not always follow its policies and procedures when selecting and overseeing the consultants performing the park review. Specifically, in 2013 Irvine altered the way it selected a consultant to perform the review. Toward the end of a competitive process to select a consultant for the park review, Irvine modified its selection and evaluation process by augmenting the scores of one bidder, and by including interview performance in its scoring and finalizing the methodology used to calculate scores after it had conducted the interviews. This, coupled with not notifying bidders of the changes to the process, unnecessarily cast doubt on the impartiality of Irvine's selection of the consultant that would conduct the park review. Further, Irvine's disjointed management of its contracts with consultants for the park review limited transparency related to the review's cost and scope, and it also led to cost overruns.

Additionally, in January 2013, the city council unnecessarily created an advisory committee—a subcommittee composed of two city council members—to oversee the park review. State law allows the creation of such committees and allows them to conduct their business without adhering to state open meeting laws. Although we found no evidence to conclude that the subcommittee operated outside of its legal authority, we found that the subcommittee added little value to the process. For example, Irvine contracted with outside law firms who undertook many of the oversight activities that the subcommittee should have performed. Further, we found little evidence that the subcommittee advised the city council, even though the role of an advisory committee, in the context of open meeting laws, is to counsel, suggest, or advise. We believe Irvine would have been better served had the city council chosen not to establish a subcommittee for this high-profile review, but instead chosen to deliberate and decide openly at city council meetings the issues regarding the park review. Greater transparency could have increased public confidence in the park review.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Local Government.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Governmental Organization, on Monday, August 15, 2016, at 11 a.m., in Room 4202;

Jobs, Economic Development, and the Economy, on Thursday, August 18, 2016, in Room 3162, upon adjournment of Floor Session.

AUTHOR'S AMENDMENTS **Committee on Budget**

August 9, 2016

Mr. Speaker: The Chair of your Committee on Budget reports:

Senate Bill No. 854

With author's amendments with the recommendation: Amend, and re-refer to the committee.

TING, Chair

SENATE BILL NO. 854—An act to amend Section 44393 of the Education Code, to amend Section 65057 of the Government Code, to amend Sections 10507.8 and 20651.7 of the Public Contract Code, and to amend Section 34 of Chapter 24 of, and to amend Section 39 of Chapter 29 of, the Statutes of 2016, relating to education, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

Committee on Transportation

August 9, 2016

Mr. Speaker: The Chair of your Committee on Transportation reports:

Senate Concurrent Resolution No. 139

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FRAZIER, Chair

SENATE CONCURRENT RESOLUTION NO. 139—Relative to the Merle Haggard Memorial Overpass.

Resolution read.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; resolution ordered reprinted, and to be re-referred to the committee.

CONSIDERATION OF DAILY FILE

SENATE BILLS RETURNED TO SECOND READING FILE PURSUANT TO THE RULES

Pursuant to the Assembly Rules, the following Senate bill was this day on the second reading file:

Senate Bill No. 1442, ordered to the Consent Calendar.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 404—An act relating to fines.

Bill read second time, and ordered to third reading.

SENATE BILL NO. 1172—An act to repeal Chapter 211 of the Statutes of 1919, relating to tidelands and submerged lands in the Bay of San Francisco, and making an appropriation therefor.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ADJOURNMENT

At 3:30 p.m., the Assembly adjourned until 7 a.m., Wednesday, August 10, 2016.

ANTHONY RENDON, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON AUGUST 9, 2016**

The following measures were amended in the Assembly on this day:

SB RN

854 1623421

1172 1622793

SCR RN

139 1622008

Daily Total: 3**Cumulative Total: 5071**

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