

05/07/2013

Regular Meeting

Public Comment

**Refridgerator Recycling
Information**



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SATURDAY, MAY 18, IS A SPECIAL PICK UP DAY JUST FOR EASTERN SIERRA CUSTOMERS

HOW YOU QUALIFY:

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- Have the appliance at your SCE service address
- The appliance must work (cool) and be 10–32 cubic feet

HOW THE PROGRAM WORKS:

- We pick up and recycle your appliance for FREE
- You receive a \$35 check for your refrigerator or freezer
- Save up to approximately \$100 a year in electricity costs if you dispose of a spare refrigerator or \$135 a year if you dispose of a spare freezer.

IT'S THAT EASY!

To schedule your FREE pick-up, simply call

(800) 234-9722 or go online to

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Questions: High Sierra Energy Foundation (760) 934-4650



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with Mendocino, Lake, Butte, and Inyo and Mono Counties

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*Public
comment*

05/07/2013

Regular Meeting

Department Reports

Finance

Audit Report

Information

Hard copy in clerk's
Office. Also posted
on Finance Office
webpage.

**COUNTY OF MONO
AUDIT REPORT
FOR THE YEAR ENDED
JUNE 30, 2012**

Hard copy in clerk's
office. Also posted
on Finance Office
webpage.

COUNTY OF MONO
SINGLE AUDIT REPORT
JUNE 30, 2012

Hard copy in clerks
office. Also posted
on Finance Office
webpage.

COUNTY OF MONO

**Management Report
For the Year Ended June 30, 2012**

05/07/2013

Regular Meeting

Department Reports

Clerk-Recorder

Information about

CRAC SB 391

CRAC SB 391 – Talking Points

Senate Bill 391, entitled the California Homes and Jobs Act of 2013, was introduced by Assemblyman Desaulnier. If enacted, a fee of \$75 would be imposed on the recordation of all real estate documents, excluding documents recorded “in connection with” a real estate transaction. Since the proposed fee is considered a tax under State law, it will need a 2/3 vote of the Legislature. In 2012 SB 1220 (which was almost identical to the current SB 391) the bill failed on a party line vote in the Senate falling two votes short of passage.

- This fee is per document – not per transaction. For example, a family with a primary loan and a line of credit refinancing to achieve a lower monthly payment would need to record, at a minimum, a Deed of Trust, Subordination, Substitution of Trustee and Reconveyance. SB 391 would impose an additional \$75 tax on *every* document recorded. In this scenario, the family would pay an additional \$300 in recording fees for a single transaction.
- SB 391 specifically exempts the imposition of the \$75 tax on documents recorded “in connection with” a real estate purchase or transfer. Therefore, SB 391 would exempt a person purchasing a million dollar home, yet the widow recording an affidavit of her husband's death, a contractor recording a lien for unpaid services rendered, a family struggling to refinance a high interest rate loan or a miner recording his annual work assessments would be bearing the burden of funding this project. In addition, the exemption language is vague and likely to cause implementation problems.
- SB 391 would place an undue burden on county recorders to deal with public inquiries and differentiate what is considered “in connection with a transfer.” If there is an assignment or financial instrument recorded one month after the sale of a property, can it still be considered “in connection with” the transfer? What happens if the customer objects to the fee? Recorders will encounter a significant increase of staff time to collect fees, oversee the program, and address unsatisfied customers who have questions and/or complaints.
- Recorder staff will encounter a significant increase of staff time collecting fees for a function that it does not perform, oversee the program and address unsatisfied customers who have questions or complaints.
- Recorders oppose the bill regardless of whether there's an administrative reimbursement because this fee is unrelated to our offices, overly burdensome and punitive to property owners.
- The current statutory maximum recording fee is \$10. This bill would impose an additional \$75 – that is a **750% increase!**

Dept Reports
Clerks Office

- This bill would increase the cost for homeowners who are already in default. Between the time a Notice of Default is recorded and the homeowner cures the delinquency just prior to foreclosure, an average of five documents are filed with the County Recorder. These costs are generally recoverable against a borrower when they reinstate or pay off the loan. Thus, the borrower could be charged up to an additional \$375, when they are already experiencing financial difficulties and are struggling to maintain homeownership. Californians are experiencing the highest foreclosure rates in 70 years.
- Any disincentive to record documents is divergent to the very purpose for which the land records system was designed. Congress and legislatures designed a system of recording documents into a single public repository to provide a way for Californians to prove home ownership. Any member of the public can research the records to determine who has the legal rights to a home. However, documents can be valid and legally binding even if they are not recorded. Therefore a person who cannot afford to pay the additional \$75 tax may legally decide not to record a document, consequently never providing notice to subsequent purchasers or lenders that a change in ownership has taken place. Weakening of the land records system in an already depressed market will perpetuate the state's chronic housing crisis. The legislature should carefully weigh the profound implications that this type of hindrance would have on the free market housing economy.
- Funding for low-income and affordable housing programs has historically been distributed to compact urbanized areas. SB 391 has no provision to guarantee that any percentage of the funds collected would be distributed to rural communities. Californians who choose to live in small communities would be required to pay a tax for a service that will most likely never benefit them. Note: that very few rural counties had redevelopment agencies prior to their abolition.
- Many California mines provide valuable resources that cannot be found in other parts of the world. In order to locate and hold a mining claim in California, notices must be filed annually by prescribed deadlines. Mines are often held and worked by small independent prospectors who are trying to eek out a meager living. If a miner cannot afford to file his annual notice in the time period required by law, he will lose his rights to work his claim. Requiring resource related industries to pay an additional \$75 per document, per year, would create an unreasonable burden on this valuable industry.



April 18, 2012

TO: The Honorable Mark DeSaulnier, Member, California State Senate

FROM: California Bankers Association
California Land Title Association
California Mortgage Bankers Association

RE: Opposition to Senate Bill 1220: New Tax on Homeowners

The trade organizations referenced above respectfully oppose your Senate Bill 1220, a bill that enacts the Housing Opportunity Trust Fund Act of 2012. The bill imposes a new \$75 TAX for the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. Revenues generated under the bill, minus any administrative costs, are sent quarterly to the Department of Housing and Community Development for deposit in the Housing Opportunity Trust Fund, which the bill creates within the State Treasury.

The financial services industry has long supported affordable housing efforts that have served a critical role in the financing of low-to-moderate income housing projects. Though the enactment of *ABX1 26 (Blumenfeld) [Chapter 5, Statutes of 2011]* eliminated redevelopment agencies, we hope that the Legislature renews its commitment to affordable housing and that we can be part of the solution to do so. Unfortunately, we do not believe that the new, targeted TAX imposed by your measure is the right approach.

Under your measure, a new \$75 TAX is imposed on the recordation of "real estate instruments," which includes, but is not limited to, the following documents: grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps easements, and covenants, conditions and restrictions. In Los Angeles County alone, where the cost for filing a deed of trust with the County Recorder is already set at the statutory maximum of \$10, SB 1220 imposes an additional \$75- a **new tax rate of 750 percent!** And because the revenue generated from this measure does nothing to benefit the entities who pay the charge, SB 1220 creates a new tax under voter-approved Proposition 26 (2010).

*The Honorable Mark DeSaulnier
Opposition to Senate Bill 1220
April 18, 2012
Page 2*

Ultimately, the tax imposed by your measure will be paid by home owners, at a time when the dream of homeownership is becoming increasingly elusive. The new TAX will likely be contemplated and factored into loan origination costs which will stifle economic growth, particularly in a struggling real estate market. This is particularly alarming given that interest rates are likely to rise, down payments are increasing, conforming loan limits are likely to be reduced, and there is little private, secondary market capital interest in real estate lending. In addition, SB 1220 will increase the cost for homeowners who are already in default. As required by law, numerous documents are recorded once a Notice of Default (NOD) is issued. Between the time the NOD is recorded and the homeowner cures the delinquency just prior to foreclosure, an average of five documents are filed with the County Recorder. The recording costs for these documents are generally recoverable against a borrower when they reinstate or pay off the loan prior to a sale. Thus, the borrower could be charged up to an additional \$375 if they reinstate or otherwise cure the default. This measure will impose new costs on homeowners that are already experiencing financial difficulties and are struggling to maintain homeownership.

For the reasons stated above, we must respectfully oppose SB 1220 and urge a **NO** vote when it is heard in the Assembly Committee on Transportation and Housing.

Thank you.

cc: All Members, Senate Committee on Transportation and Housing
Mark Stivers, Consultant, Senate Committee on Transportation and Housing
Doug Yoakam, Policy Consultant, Senate Republican Caucus
All Members, Senate Committee on Governance and Finance
Colin Grinnell, Consultant, Senate Committee on Governance and Finance



Government Affairs Consulting

TO: Senator Mark DeSaulnier, Chair, Senate Transportation and Housing Committee
Members, Senate Transportation and Housing Committee

FROM: Gregg Cook and Rob Grossglauser

DATE: April 1, 2013

SUBJECT: **Senate Bill 391** **OPPOSE (Funding Method)**

On behalf of our client, the **County Recorders' Association of California (CRAC)**, we regret to inform you of our opposition to Senate Bill 391 and respectfully request your 'NO' vote in committee. Senate Bill 391 would enact the *California Homes and Jobs Act of 2013* relating to the need for permanent ongoing sources of funding dedicated to affordable housing development. The bill would impose a \$75.00 fee on recorded documents.

Recorders agree with the author's policy concerns and the need to finance and build affordable housing but we believe the funding mechanism is misdirected. Imposing a \$75.00 fee on recorded documents would add to the already substantial recording costs and places additional financial burdens at the expense of ordinary Californians. For example, a family with a primary loan and a line of credit, refinancing to achieve a lower monthly payment would need to record, at a minimum, a Deed of Trust, Subordination, Substitution of Trustee and Reconveyance. SB 391 would impose a \$75 fee on *every* document recorded. In this scenario, the family would pay an additional \$300 in recording fees for a single transaction. The current statutory maximum recording fee is \$10 for the first page of a document. SB 391 would be a 3000% increase on a family that may already be struggling to remain in their home

SB 391 specifically exempts the imposition of the \$75 fee on documents recorded "in connection with" a real estate purchase or transfer. Therefore, SB 391 would exempt a person purchasing a million dollar home, yet the widow recording an affidavit of her husband's death, a contractor recording a lien for unpaid services rendered, a family struggling to refinance a high interest rate loan or a miner recording his annual work assessments would be bearing the burden of funding this project. In addition, the exemption language is vague and likely to cause implementation problems.

SB 391 would place an undue burden on county recorders to deal with public inquiries and differentiate what is considered "in connection with a transfer." If there is an assignment or financial instrument recorded one month after the sale of a property, can it still be considered "in connection with" the transfer? What happens if the customer objects to the fee? Recorders will encounter a significant increase of staff time to collect fees, oversee the program, and address unsatisfied customers who have questions and/or complaints. There is mention in the bill of deducting "actual and necessary administrative costs incurred by the county recorder." The legislative platform for the County Recorders Association of California requires a direct cost recovery mechanism for Recorders if additional tasks are imposed.

SB 391 does not directly involve a fee associated with the recorder's function, the fee could cost a Californian hundreds of dollars for a single transaction, and the fee creates a complete exemption on documents "in connection with a transfer" that complicates implementation. For these reasons, the County Recorders' Association of California respectfully requests a 'NO' vote on **Senate Bill 391**.





COUNTY OF INYO, STATE OF CALIFORNIA

KAMMI FOOTE, CLERK-RECORDER, REGISTRAR OF VOTERS

Telephone: (760) 873-8481, (760) 878-0223, (760) 876-5559, (800) 447-4696 P. O. Drawer F, Independence, CA 93526
168 N. Edwards St., Independence, CA

April 1, 2013

Honorable Mark DeSaulnier
State Capitol, Room 5035
Sacramento, CA 95814

Re: SB 391 – California Homes and Jobs Act

OPPOSE

To Honorable Mark DeSaulnier, Member, California State Senate

I am writing today to express my strong opposition to Senate Bill 391, the California Homes and Jobs Act. Although I commend you for seeking solutions to the current housing crisis, I have grave concerns with the funding mechanism portion of this bill for the following reasons:

1. The \$75 tax is per document, not per transaction

Multiple different documents may need to be recorded in a single real estate transaction. As an example, a family with a primary loan and a line of credit refinancing to achieve a lower monthly payment would need to record, at a minimum, a Deed of Trust, Subordination, Substitution of Trustee and Reconveyance. The current statutory maximum recording fee is \$10 for the first page of a document. SB 391 would impose an additional \$75 tax on *every* document recorded. In this scenario, the family would pay an additional \$300 in recording fees for a single transaction. That is a 3000% tax increase on a family that may already be struggling financially to remain in their home.

2. The \$75 tax is exempt on home purchases

SB 391 specifically exempts the imposition of the \$75 tax on documents recorded in connection with a real estate purchase. Therefore, SB 391 would exempt a person purchasing a million dollar home, yet the widow recording an affidavit of her husband's death, a contractor recording a lien for unpaid services rendered, a family struggling to refinance a high interest rate loan or a miner recording his annual work assessments would be bearing the burden of funding this low-income housing project. In essence, the parties that are often least able to pay the tax will be the only ones required to do so.

3. Rural communities will most likely never benefit from the housing programs funded through this tax

Funding for low-income and affordable housing programs has historically been distributed to compact urbanized areas. SB 391 has no provision to guarantee that any percentage of the funds collected would be distributed to rural communities. Californians who choose to live in small communities would be required to

pay a tax for a service that will most likely never benefit them.

4. Resource related industries would be unreasonably impacted

Many California mines provide valuable resources that cannot be found in other parts of the world. In order to locate and hold a mining claim in California, notices must be filed annually by prescribed deadlines. Mines are often held and worked by small independent prospectors who are trying to eek out a meager living. If a miner cannot afford to file his annual notice in the time period required by law, he will lose his rights to work his claim. Requiring resource related industries to pay an additional \$75 per document, per year, would create an unreasonable burden on this valuable industry.

5. Any disincentive to record documents weakens the ability to prove homeownership

Any disincentive to record documents is divergent to the very purpose for which the land records system was designed. Congress and legislatures designed a system of recording documents into a single public repository to provide a way for Californians to prove home ownership. Any member of the public can research the records to determine who has the legal rights to a home. However, documents can be valid and legally binding even if they are not recorded. Therefore a person who cannot afford to pay the additional \$75 tax may legally decide not to record a document, consequently never providing notice to subsequent purchasers or lenders that a change in ownership has taken place. Weakening of the land records system in an already depressed market will perpetuate the state's chronic housing crisis. The legislature should carefully weigh the profound implications that this type of hindrance would have on the free market housing economy.

For the reasons stated above, **I strongly oppose SB 391**, the California Homes and Jobs Act. Please feel free to contact me at (760) 878-0224 with any questions.

Sincerely,

Kammi Foote, Inyo County Clerk/Recorder

+ submit a news tip

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Home > Opinion > Local Views Headlines

OPINION: Don't raise taxes on real estate paperwork



The best way to promote affordable housing is to reduce regulations on homebuilders, spurring competition and driving down prices for everyone through free enterprise. Unfortunately, the tax hike in Senate Bill 391 would do the opposite.

11



1



BY MICHELLE STEEL April 18, 2013; 06:36 PM Comments (0)

Despite its good intentions, a new legislative proposal working its way through the capitol would have disastrous consequences for private property rights in California.

Senate Bill 391, written by Sen. Mark DeSaulnier, D-Concord, would

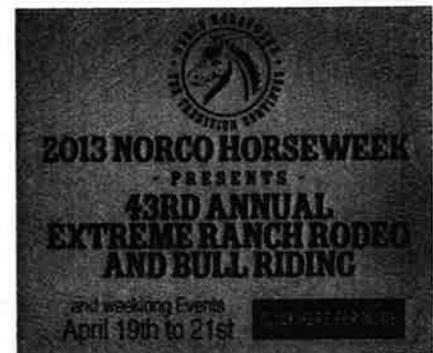
Today's Poll

What's this?

We've seen many reports of wild animals such as bears and mountain lions in Southern California neighborhoods. What about yours?

- I have seen more wild animals in my neighborhood this year
I have seen fewer wild animals
It's about the same
I see animals, but nothing exciting - just stray cats and lost poodles
I don't know

Submit



Trending



RIALTO: Man shoots stripper in face, kills self



RIVERSIDE:

Bus driver MENTONE: Fontana man killed in crash

in A man was killed Monday afternoon after he flipped his pickup off an embankment



increase taxes on recorded real estate documents by \$75 per document, hitting low- to middle-income Californians especially hard, while also placing a disproportionate burden on rural property owners. And it would weaken our state's private property system.

The sponsor of this tax increase has called it the "California Homes and Jobs Act," because revenues collected — estimated at about \$500 million per year — are supposed to subsidize the construction of "affordable" housing projects, putting needy Californians in new homes while providing jobs for our struggling construction industry. Unfortunately, it won't have that effect.

Today, a family looking to refinance their home needs — on average — to file four separate documents with their local recorder. Under current law, a county recorder charges a base recording fee of up to \$40. Under SB 391, it would rise to an additional \$300, a 750 percent increase on a family that may already be unable to afford their home.

In the best-case scenario, the family struggling to refinance their home could theoretically benefit from the new tax. They might live in an urban area, such as Long Beach, Oakland or San Jose and be direct beneficiaries of new "affordable" housing projects built with the tax revenue collected.

But what if that family lives in a rural area? They would still be required to file the same documents and pay the same higher taxes, but they would never see new housing projects in their neighborhoods. Their increased expenses would subsidize housing units and jobs in cities sometimes far away from them.

In reality, very few are likely to benefit from the new recording tax, with most Californians only seeing increased costs and little to no benefit. A 2004 study by the Reason Foundation found that "affordable" housing programs in the Bay Area actually reduced new housing production and increased the price of new homes sold at market rates. This is because government subsidies for projects such as "affordable" housing don't actually reduce the cost of building a new home or apartment complex, and they don't lower the rent. They simply cover those costs with someone else's money taken as taxes, and they restrict the supply of market-rate housing.

Under SB 391, Some Californians may end up being able to live in a home that they could not otherwise afford, and some real estate developers and construction workers — lucky enough to land a government contract — may get work building the new projects. But they will do so only at the expense of many more Californians who will be forced to pay increased taxes for recording their documents, and therefore be left with less money to pay their own rent, or mortgage, or anything else.

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Fox Performing Arts Center, Riverside

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he flipped his pickup off an embankment

And these won't be the wealthiest residents might be able to afford a few extra dollars to record a document, but the least well off, who may not be able to.

EIT cert by CWEA Opens: Mon, 4/15/13 @ APPROX 12:00 PM; Open ... [read more](#)

Instead of benefiting from new homes or jobs, hardworking Californians and their families may have to choose between recording the documents they need to easily prove the ownership of their properties or not recording the documents and spending those hundreds of dollars in taxes on something else. This will have the unintended consequence of harming the accuracy of county land records, and causing serious harm to our system of private property rights, which relies on transparent and easily searchable public records.

The best way to promote affordable housing is to reduce regulations on homebuilders, spurring competition and driving down prices for everyone through free enterprise. Unfortunately, this tax hike would do the opposite. I urge legislators to reject Senate Bill 391.

Michelle Steel represents District 3, which includes much of inland Southern California, on the state Board of Equalization.

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OPINION: Don't raise taxes on real estate paperwork

OPINION: Push Legislature to support basic public safety fixes

OPINION: California drives away businesses, tax receipts

OPINION: Don't condemn pension commitments to public workers

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RIVERSIDE: Dog owners seek \$350,000 in 'Brad Pitt' killing

RIALTO: Man shoots stripper in face, kills self

MEDICAL MARIJUANA: Illinois House passes pro-dispensary rules

TENNIS: For a day, King's Wilson, Centennial's Braksator turn rivals



Photos



HSGT SOFTBALL: King 7, Santiago 6 in extra innings



HSGT BASEBALL: Citrus Valley 10, Notre Dame 4



CORONA: Iron Gladiator Championships

Comments

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RECOMMENDED FOR YOU MENTONE: Fontana man killed in crash

A man was killed Monday afternoon after he flipped his pickup off an embankment

SENATE GOVERNANCE & FINANCE COMMITTEE
Senator Lois Wolk, Chair

BILL NO: SB 391
AUTHOR: DeSaulnier
VERSION: 4/2/13
CONSULTANT: Grinnell

HEARING: 4/24/13
FISCAL: Yes
TAX LEVY: No

CALIFORNIA HOMES AND JOBS ACT OF 2013

Enacts the California Homes and Jobs Act; applies a \$75 fee on recorded real estate documents.

Background and Existing Law

The California Constitution prohibits transaction taxes or sales taxes on transfers of real property (Article XIII A, Section 4); however, in 1967, the Legislature authorized counties to approve an ordinance to impose a documentary transfer tax (DTT), which applies to deeds of transfer of realty within that jurisdiction, and is based on the value of the transfer. In counties, the rate is fifty-five cents (\$0.55) for each five hundred dollars (\$500) of value. All of California's 58 counties apply the tax, which is modeled after the repealed Federal Documentary Stamp Tax. Cities may also enact ordinances to impose a DTT: non-charter cities within a County that impose a DTT may apply its tax at half of the rate of the county and applies it as a credit against the county rate. Charter cities may impose a DTT at a higher rate under the municipal affairs doctrine in the California Constitution (Article XI, Section 5). If they do so at a higher rate than the non-charter rate, then the city DTT does not serve as a credit against the county tax. Exemptions exist for public agencies acquiring land, land acquired as a result of a plan of reorganization or adjustment such as bankruptcy, and certain transfers in lieu of foreclosure, among others.

The Government Code prescribes additional fees that county recorders charge when recording a change in ownership of a property. The law exempts public agencies from paying these fees.

In 2006, voters enacted the Housing and Emergency Shelter Trust Fund Act, which authorized the sale of \$2.85 billion in general obligation bonds for various housing projects (Proposition 1C), on top of \$2.1 billion in general obligation bonds approved in 2002 (Proposition 46). According to the State Treasurer, the state has sold almost all Proposition 46 bonds, but \$1.26 billion of Proposition 1C authorized bonds have not yet been sold.

Citing a significant State General Fund deficit, Governor Brown's 2011-12 budget proposed eliminating RDAs and returning billions of dollars of property tax revenues to schools, cities, and counties to fund core services. Among the statutory changes that the Legislature adopted to implement the 2011-12 budget, AB X1 26 (Blumenfield, 2011) dissolved all RDAs. The California Supreme Court's 2011 ruling in California Redevelopment Association v. Matosantos upheld AB X1 26, but invalidated AB X1 27 (Blumenfield, 2011), which would have allowed most RDAs to avoid dissolution. RDAs' dissolution deprived many local governments of the primary tool they used to increase the supply of affordable housing.

Proposed Law

Senate Bill 391 enacts the California Homes and Jobs Act of 2013, which creates the California Homes and Jobs Trust Fund in the State Treasury. The Legislature may appropriate moneys in the fund to support development, acquisition, rehabilitation, and preservation of low and moderate income households.

SB 391 imposes a fee of \$75 whenever a person records a real estate instrument, paper, or notice required or permitted by law to be recorded, including:

- Deeds, grant deeds, trustee deeds, or deeds of trust,
- Reconveyance, and quit claim deeds,
- Fictitious deeds of trust,
- Assignment of deed of trust,
- Request for notice, and notice of default,
- Abstract of judgment,
- Subordination agreement,
- Declaration or abandonment of homestead,
- Release or discharge of lien or easement,
- Notice of trustee sale,
- Notice of completion,
- UCC financing statement
- Mechanics' lien,
- Maps
- Covenants, conditions, and restrictions.

The measure specifically excludes from the fee any document recorded in connection with a transfer subject to a documentary transfer tax, essentially exempting property transfers.

The bill provides that the fees shall be sent quarterly with the Department of Housing and Community Development for deposit in the Fund. Counties must pay interest at the legal rate for any funds not paid within 30 days of the end of the quarter.

The measure requires the Bureau of State Audits to conduct periodic audits to ensure that the annual allocation to individual programs is awarded in a timely fashion beginning two years from the bill's effective date. The Department of Housing and Community Development must include in its currently required annual report how funds raised by the fee spent, and post the report on its website.

The measure also makes legislative findings and declarations.

State Revenue Impact

No estimate.

Comments

1. Purpose of the bill. According to the author, "Everyone in California needs a safe and affordable place to call home. For U.S. military veterans, former foster youth, families with children, people with disabilities, seniors on fixed incomes, and other vulnerable Californians, however, the housing crisis isn't over. Millions of Californians are caught in the "perfect storm" – mortgages remain out of reach, credit standards have tightened, and the foreclosure crisis has pushed more people into a rental market already suffering from decades of short supply – leading to record-setting rent increases. The most vulnerable risk joining the more than 130,000 Californians who are homeless on any given night. Moreover, rents and mortgages within the reach of working families are critical to maintaining California's business competitiveness. Numerous business groups say California needs to increase the supply of housing options affordable to workers so companies can compete for the talent that drives California's economy. At the same time, California's investment in affordable homes has dried up. State agencies have awarded nearly all of the voter-approved bond funding for affordable housing. Likewise, the elimination of redevelopment agencies has cut off funding from the low- and moderate-income housing set aside. The California Homes and Jobs Act begins to restore California's historic investments in affordable homes by creating an ongoing, pay-as-you-go source of funding dedicated to affordable housing development. The act will:

- Create 29,000 jobs annually, primarily in the beleaguered construction sector.
- Help businesses attract and retain the talent that fuels California's economy.
- Leverage an additional \$2.78 billion in federal and local funding and bank loans to build affordable homes and create jobs.
- Deploy these dollars in California communities through a successful private/public partnership model.

- Get California building again to create affordable home options for all Californians."

2. Who pays? An old piece of tax policy wisdom attributed to Louisiana Governor Russell Long states that, "Don't tax you, don't tax me, tax the man behind the tree." SB 391 assesses a fee of \$75 whenever a person records one of a specified list of documents with the county to pay for public housing programs, except for documents that transfer deeds of realty. As such, the responsibility to pay for housing programs, previously paid for out by a combination of redevelopment funds, state bonds, federal funds, and proceeds from local exactions, is shifted onto the individuals recording these documents, which includes property owners, lenders, and borrowers, among others. While resources for public housing programs have rapidly dried up, is it appropriate to saddle a part of one class of taxpayer with the burden to pay for affordable housing? For example, a contractor filing a mechanics' lien to secure payment for services has to pay the fee, but the individual purchasing a luxury home does not. *The Committee may wish to consider* whether the correct group of taxpayers should bear the general, public cost of providing affordable housing.

3. Magic words. While SB 391 states that the charge it imposes is a fee, Legislative Counsel has keyed the measure a tax increase for the purposes of Section III of Article XIII A of the California Constitution. As such, the measure requires the approval of 2/3 of the membership of the Senate and the Assembly to be enacted. Prior to 2010, specified fees could be enacted by majority vote, but this authority was significantly limited by Proposition 26 (2010).

4. Show me the money! Joint Rule 37.4 prescribes that any bill requiring action by the Bureau of State Audits, as SB 391 does, contain an appropriation for the cost of any audit. The Committee may wish to consider amending the bill to provide the appropriation.

5. Do it again. SB 391 is almost identical to SB 1220 (DeSaulnier, 2012), which the Committee approved last year. However, the measure received only 25 votes, two short of the 2/3 necessary, on the Senate Floor.

Support and Opposition (04/18/13)

Support: California Housing Consortium (sponsor); Housing California (sponsor); AARP; Abode Communities; A Community of Friends; Alameda County Board of Supervisors; Alameda County Developmental Disabilities Council; Alpha Construction Company; AMCAL Multi-Housing; American Baptist Homes of the West; Amity Foundation; Amstutz Associates; Angelus Plaza; Ashwood Construction; Asian Pacific Environmental Network; Association of Regional Center Agencies; Asthma Coalition of Los Angeles County; Bay Area Business Roundtable; Bay Area Community Land Trust; Bay Area Council; Bay Area Regional Health Inequities Initiative; BRIDGE Housing; Burbank Housing Development Corporation; Cabrillo Economic Development Corporation; Cahill Contractors; California Apartment Association;

California Association of Housing Authorities; California Association of Local Housing Finance Agencies; California Building Industry Association; California Coalition for Rural Housing; California Coalition for Youth; California Conference of Carpenters; California Council for Affordable Housing; California Council of Community Mental Health Agencies; California Disability Services Association; California Housing Partnership Corporation; California Partnership to End Domestic Violence; California Police Chiefs Association; California Reinvestment Coalition; California Rural Legal Assistance Foundation; Bill Lockyer, California State Treasurer; Casa Major; Century Housing; Century Villages at Cabrillo; Cesar Chavez Foundation; CHISPA; City of Emeryville; City of Jurupa Valley; City of Lynwood; City of Oakland; City of Oxnard; City of Pasadena; City of Riverside; City of San Joaquin; City of San Jose; City of San Mateo; City of Santa Barbara; City of Santa Monica; City of West Hollywood; Coachella Valley Housing Coalition; Community Corporation of Santa Monica; Community Health Improvement Partners; Community Housing Opportunities Corporation; Community Housing Works; Community Working Group; Contra Costa Health Services; Corporation for Supportive Housing; County of Alameda; County of Contra Costa; Curtom-Dunsmuir; DMB Pacific Ventures; Domus Development; EAH Housing; East Bay Developmental Disabilities Legislative Coalition; East Bay Housing Organizations; East LA Community Corporation; Ecumenical Council Pasadena Area Congregations; Eden Housing; Enterprise Community Partners; Environmental Health Coalition; Episcopal Community Services of San Francisco; First Place for Youth; Foundation for Affordable Housing; Fullerton Chamber of Commerce; Gonzalez Goodale Architects; Habitat for Humanity California; Habitat for Humanity Greater San Francisco; Habitat for Humanity Inland Valley; Habitat for Humanity Pomona Valley; Habitat for Humanity Riverside; Habitat for Humanity San Gabriel Valley; Habitat for Humanity San Luis Obispo County; Habitat for Humanity Santa Cruz County; Hamilton Family Center; Highridge Costa Housing Partners; Hollywood Community Housing Corporation; Home Builders Association of Tulare/Kings Counties; Home Start; Homes for Life Foundation; Housing Authority for the City of San Buenaventura; Housing Choices Coalition for People with Developmental Disabilities; Housing Leadership Council of San Mateo County; ICON Builders; InnerCity Struggle; Interfaith Community Services; International Association for Women of Color Day; Jamboree Housing Corporation; John Stewart Company; Kennedy Commission; The KTG Group; Larkin Street Youth Services; Laurin Associates; Lauterbach and Associates; LeSar Development Consultants; LifeSTEPS; LINC Housing; Little Tokyo Service Center; Loaves and Fishes; Local Initiatives Support Corporation; Los Angeles Area Chamber of Commerce; Los Angeles Business Council; Los Angeles Business Leaders Task Force on Homelessness; Los Angeles Community Action Network; L.A. Family Housing; LA Voice; Law Foundation of Silicon Valley; Leading Age California; League of Women Voters of California; Lutheran Office of Public Policy; Mammoth Lakes Housing; Marin Workforce Housing Trust; Mental Health America of Los Angeles; Mercy Housing MidPen Housing Corporation; Move LA; Multicultural Communities for Mobility; Mutual Housing California; Nancy Lewis Associates; National Community Renaissance; National Council of La Raza; National Housing Law Project; Natural Resources Defense Council; Neighborhood Housing Services of Los Angeles County; Neighborhood Partnership Housing Services; NeighborWorks Orange County; Nevada/California Indian Housing Association; Non-Profit Housing Association of Northern California; Northern Circle Indian Housing Authority; Northern California Community Loan Fund; Opportune Companies; Orange County Business Council; Orange County Housing Trust; Pacific Clinics; Palm Communities; Pasadena Public Health Department; Peninsula Interfaith Action; Penny Lane Centers; People Assisting the Homeless; Peoples' Self-Help Housing Corporation; PolicyLink; Public Advocates; Related California; Resources for Community Development; Ruiz Brothers Construction Co.; Rural Community Assistance Corporation; Rural Communities Housing Development Corporation; Sacramento Homeless Organizing Committee; Sacramento Housing Alliance; St. Joseph Center; St. Paul's Senior Home and Services; San Benito County Housing and Economic Development Department; San Gabriel Valley Consortium on Homelessness; San Luis Obispo County Housing Trust Fund; Self-Help Enterprises; Service Employees International Union (SEIU) California State Council;

Sierra Business Council; Sierra Club California; Silicon Valley Leadership Group; Skid Row Housing Trust; Sonoma County Task Force for the Homeless; Southeast Asian Community Alliance; Southern California Association of Non-Profit Housing; SPUR; Stand Up for Neighborly Novato; State Independent Living Council; State Treasurer Bill Lockyer; Step Up on Second; Sun Country Builders; Sunseri Construction; Tenderloin Neighborhood Development Corporation; Thai Community Development Center; Thomas Safran and Associates; T.R.U.S.T. South LA; Turning Point Community Programs; United Homeless Healthcare Partners; United States Veterans Initiative; United Ways of California; United Way of Fresno County; United Way of Greater Los Angeles; Valley Economic Development Center; Venice Community Housing Corporation; Visionary Home Builders; Wakeland Housing and Development Corporation; Walton Construction Services; Western Center on Law and Poverty; Women Organizing Resources, Knowledge, and Services (WORKS);

Opposition: Board of Equalization Member Michelle Steel; Board of Equalization Member George Runner; Butte County Clerk-Recorder; Calaveras County Clerk-Recorder; California Land Surveyors Association; California Land Title Association; City of Cypress; Colusa County Clerk Recorder; Contra Costa County Clerk-Recorder; County Recorders' Association of California; County of Lassen; County of Orange; El Dorado County Recorder-Clerk; Hamman Real Estate; Inyo County Clerk Recorder; Marin County Assessor-Recorder-Clerk; National Notary Association; Nevada County Clerk-Recorder; Plumas County Clerk; San Bernardino County Recorder-Clerk; San Luis Obispo County Clerk-Recorder; Sonoma County Clerk-Recorder-Assessor; Stanislaus County Clerk-Recorder;

05/07/2013

Regular Meeting

Item #8a

Information

Technology

Request from Town of

Mammoth Lakes for a

Rule 20A Loan

DEPARTMENT OF TRANSPORTATION

DISTRICT 9
500 SOUTH MAIN STREET
BISHOP, CA 93514
www.dot.ca.gov



*Flex your power!
Be energy efficient!*

May 2, 2013

Mono County Board of Supervisors
Byng Hunt, Chairman
P.O. Box 715
Bridgeport, CA 93517

Dear Chairman Hunt:

The California Department of Transportation (Caltrans) is in favor of the Town of Mammoth Lakes pursuing funds to relocate utilities underground along State Route (SR) 203. Subject utility lines are not within Caltrans right of way and are located mainly on the north side of the highway with several locations on the south side being impacted as well.

Caltrans recognizes that undergrounding utilities may improve the safety and appearance of the highway in various ways. Downed power poles and/or lines could fall onto SR 203 resulting in increased labor and costs for Caltrans Traffic Operations and Maintenance crews. Additionally, the aesthetics of the route will likely be enhanced as a result of the viewshed no longer being interrupted by fifty-five feet tall power poles and the lines connecting them.

Caltrans values a cooperative working relationship with the Mono County Board of Supervisors and the Town of Mammoth Lakes. You may contact me at (760) 872-0650 or terry.erlwein@dot.ca.gov, with any questions.

Sincerely,

A handwritten signature in black ink that reads "Terry Erlwein PE".

Terry Erlwein
District Traffic Operations Engineer



Mammoth Lakes Fire Protection District
Post Office Box 5, 3150 Main Street
Mammoth Lakes, CA 93546
760-934-2300 Fax- 760-934-9210

May 3, 2013

Town of Mammoth Lakes
Ms. Jen Daugherty, Associate Planner
PO Box 1609
Mammoth Lakes, CA 93546

Re: Comments on Request Rule 20A Allocation Loan from Mono County

The Mammoth Lakes Fire Protection District (Fire District) would like to encourage Mono County to work with the Town of Mammoth Lakes on the proposed loan of Rule 20A monies for the Main Street/Highway 203 Powerline Undergrounding Project. The project consists of undergrounding approximately 1,200 feet of overhead power lines along the north right-of-way of Main Street/State Route 203 from Mountain Boulevard west towards Viewpoint Road. The Project will improve public life safety and service reliability by reducing the potential of downed power lines caused by earthquakes, high winds, heavy snowfall and accidents.

The Fire District has responded to several incidents in this area due to downed powerlines or vehicle accidents involving these powerpoles. In each case, Main Street/Highway 203 has had to be closed for extensive periods of time until the issue could be resolved. By loaning the allocation for the project to go forward in a timely manner, the life safety of residents and guests can be properly addressed.

The Fire District endorses the Town's request for the loan and hopes that the County will support the opportunity to improve the safety of our community. If there are any questions or if additional information is needed, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Brent J. Harper".

BRENT J. HARPER
Fire Chief

#8a

05/07/2013

Regular Meeting

Item #9a

Board of Supervisors

Digital 395 Report

Mono County Board Meeting Notes

- **164 Crowley Lake Dr. – Westech**
 - Recompaction and Cleanup Complete
 - Compaction testing canceled yesterday due to rain, testing Thursday
- **Sierra Business Park – Westech**
 - Staging Area permit required for reclaiming
 - Westech has the approved permit from Mono County Code Enforcement
- **M102 – Larson Lane – RBC**
 - Pending mediation settlement agreement
 - Westech backup plan pending mediation settlement agreement
- **M103 – Burchum Flats – RBC**
 - Compaction, Restoration, and Cleanup pending mediation settlement agreement
 - (1) Hazardous section to be addressed ASAP by Westech
- **M100 – Kleven and RBC**
 - Kleven sections complete
 - RBC sections pending mediation settlement agreement
 - Westech backup plan pending mediation settlement agreement
- **M103 – Burchum Flats – RBC**
 - Compaction, Restoration, and Cleanup pending mediation settlement agreement
 - Westech backup plan pending mediation settlement agreement
 - (1) Hazardous section to be addressed ASAP by Westech
- **M106 – RBC**
 - A/C repair for unmarked water line
 - Submitted to OCIP
 - A/C plant to open soon
 - Matt Holbrook to follow up with repair schedule
- **M108 – Green Creek Rd – RBC**
 - Restoration, Compaction, and Cleanup pending mediation settlement agreement
 - Westech backup plan pending mediation settlement agreement
 - Damaged Culvert submitted to OCIP
 - Matt Holbrook to follow up with repair schedule
- **M111 – Lee Vining – Kleven**
 - Compaction and testing occurred yesterday
 - A/C repair to be performed by Kleven
 - A/C plant to open soon
- **M118 & M119 – Westech**
 - Compaction, testing, and restoration being performed by Westech
 - 1st compaction tests started approximately 1 month ago
- **M123 – Westech**
 - Restoration, cleanup, compaction and testing required
 - Pending BLM notification for WSA
- **M109 – Virginia Lakes – RBC/Kleven/Westech**
 - Last week of May scheduled for Final compaction and testing
 - A/C repair ASAP
 - A/C plant to open soon

#9a

05/07/2013

Regular Meeting

Item #12b

Clerk of the Board

**Publication of Mono
County Notices**

Exhibit A (legal) cost per week	\$	20.00	\$	5.88	
Exhibit B (display) cost per week	\$	\$342 color/\$258 B&W	\$	\$300 color	
Display Rates for 1x					The Sheet provided a copy of the actual ad they published; Mammoth Times' sample is a mock-up of what a color ad would look like
Full Page	\$	479.00		See note at right	Mammoth Times' charge of \$7.23 is per column inch (height x width x \$7.23) no additional charge for color
Full Page Color	\$	636.00		\$ 407	
3/4 Page	\$	372.00			
3/4 Page Color	\$	497.00		\$ 425	
Mid-Full	\$	321.00			
Mid-Full Color	\$	426.00		\$ 302	
1/2 Page	\$	275.00			
1/2 Page Color	\$	359.00		\$ 300	
3/8 Page	\$	225.00			
3/8 Page Color	\$	288.00		\$ 220	
1/4 Page	\$	155.00			
1/4 Page Color	\$	197.00		\$ 150	
1/8 Page	\$	89.00			
1/8 Page Color	\$	118.00		\$ 100	
1/16 Page	\$	54.00			
1/16 Page Color	\$	74.00		\$ 48	
1/32 Page	\$	31.00			
1/32 Page Color	\$	46.00			
Proof of General Circulation	Case 16850/2009		Case 10314/1992		
County Business License	Lic. No: 3033		Lic. No: 2233		

lab



May 7, 2013

APRIL MAMMOTH TIMES RETURN:

APRIL - 1ST WEEK: 413 Total papers picked up: 3,787

APRIL - 2ND WEEK: 447 Total papers picked up: 3,753

APRIL - 3RD WEEK: 456 Total papers picked up: 3,744

APRIL - 4TH WEEK: 471 Total papers picked up: 3,729

AVERAGE WEEKLY RETURN FOR APRIL: 446

#12b

05/07/2013

Regular Meeting

Item #13b

Community

Development –

Planning Division

**Gen. Plan Amendment 13-001, Double
Eagle Transient Rental Overlay District**

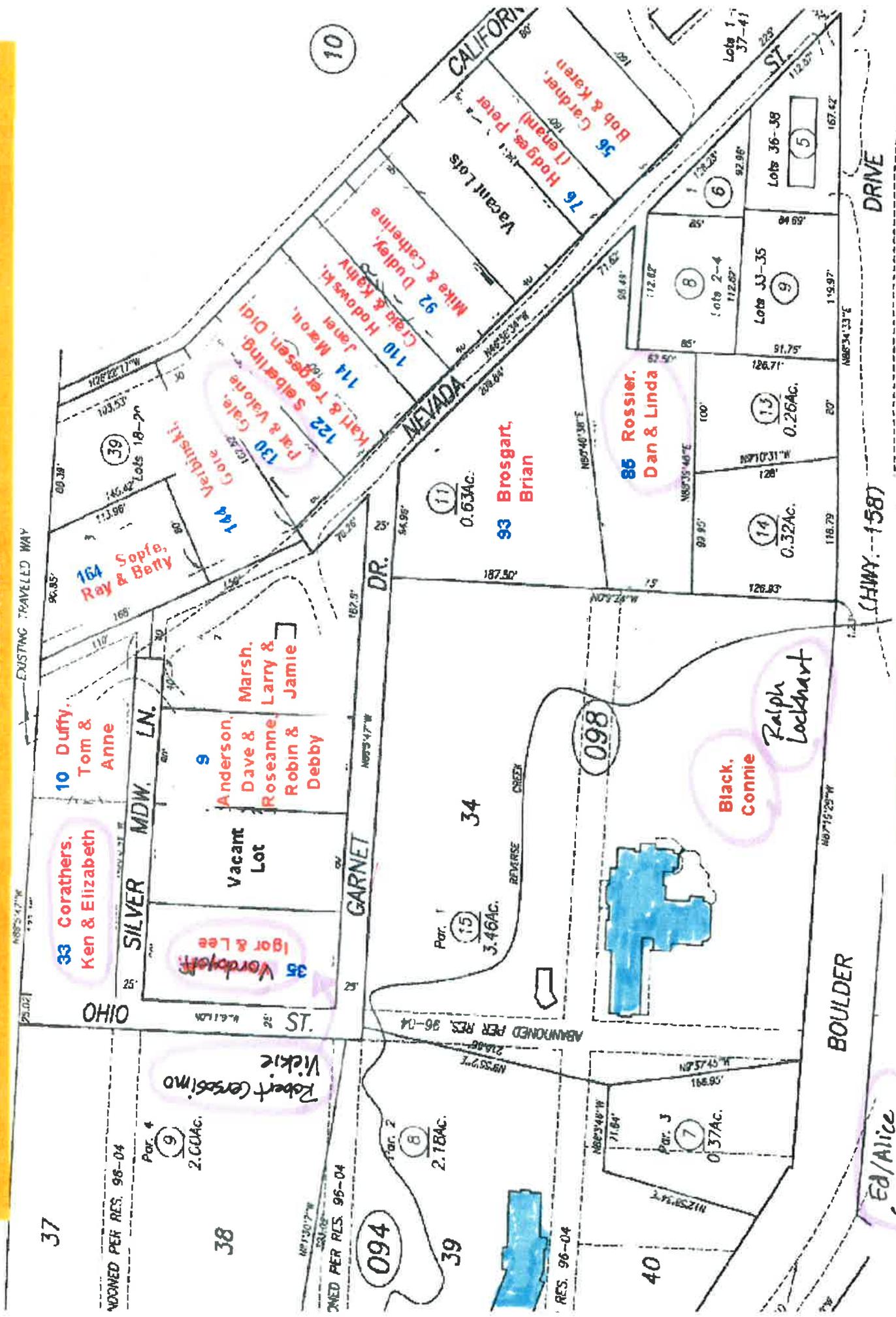


© 2013 Google

Imagery Date: 7/10/2011 37°45'54.74" N 119°07'06.70" W elev

NEVADA STREET - SILVER MEADOW LANE HOMEOWNERS

JUL 2012



Double Eagle Resort

Ed/Alice Suszynski

Black, Connie

Ralph Lockhart

85 Rossier, Dan & Linda

93 Brosgart, Brian

10 Duffy, Tom & Anne

9 Anderson, Dave & Roseanne, Robin & Debby

33 Corathers, Ken & Elizabeth

35 Vordyoff, Igor & Lee

164 Sopfe, Ray & Betty

Robert Cersimo, Vickie

11 0.63AC.

15 3.46AC.

8 2.18AC.

9 2.00AC.

14 0.32AC.

13 0.26AC.

8 Lots 2-4

9 Lots 33-35

5 Lots 36-38

37

38

39

40

094

098

10

EUSTING TRAVELED WAY

DR.

NEVADA

CALIFORNIA

BOULDER

(HWY. 158)

DRIVE

WOODNED PER RES. 96-04

WOODNED PER RES. 96-04

RES. 96-04

ABANDONED PER RES. 96-04

OHIO ST

SILVER MDW LN.

GARNET DR.

DR.

REVERSE CREEK

HWY. 158

ST

Ralph Lockhart

From: Robert Cersosimo [sendingchi@aol.com]
Sent: Tuesday, May 07, 2013 12:21 PM
To: rlockhart@doubleeagle.com
Subject: Ranch house rental

Hello,

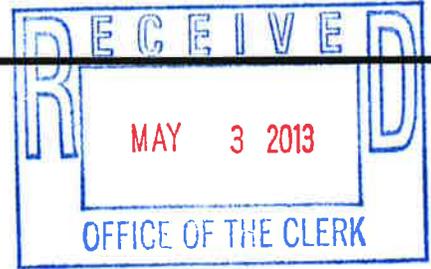
We live nearest the Ranch house on Silver Meadow Lane.

We are in favor of the Black's renting the Double Eagle Ranch property, on a nightly basis.

Yours truly,

Robert Cersosimo and Vicki Hamasaka

Lynda Roberts



From: ken corathers [kcorathers@hotmail.com]
Sent: Friday, May 03, 2013 2:05 PM
To: Ralph Lockhart; Lynda Roberts
Subject: Nightly Rentals at Double Eagle Properties

Mono County Board of Supervisors:

We have no objections to a change of zoning to allow nightly rentals of any of the Double Eagle properties, in fact we are surprised to learn that is not already the case. We have not had nor can we imagine any adverse impacts to us or our neighborhood due to nightly rental. And in the unlikely event that there were, I am confident that Double Eagle Resort management would respond to our concerns. I should note that we share a common property boundary with the Double Eagle Ranch.

I might add that we have found both Ralph Lockhart and Connie Black to be very responsive to any concerns we have had with planning of the Double Eagles operations.

Respectfully,
Ken and Elizabeth Corathers
30 Silver Meadow Lane
June Lake

Lynda Roberts

Item # 136

From: HeinrichsFour@aol.com
Sent: Monday, May 06, 2013 6:23 PM
To: Lynda Roberts
Cc: timalpers@schat.net
Subject: Double Eagle TOT Overlay.

Lynda,
Can you please give this to the Board? Sorry for the late email.

Dear Board of Supervisors,

We would like to express our support of the agenda item regarding the Double Eagle's request for approval regarding the TOT Overlay program. We believe this will provide June Lake with additional nightly rentals which are badly needed and will provide the County with additional TOT tax.

It is our hope that you will accept/approve this item.

Sincerely,
Al and Patti Heinrich
June Lake Residents

Connie A. Black

From: HeinrichsFour@aol.com
Sent: Monday, May 06, 2013 6:24 PM
To: cblack@doubleeagle.com; rlockhart@doubleeagle.com
Subject: Fwd: Double Eagle TOT Overlay.

FYI

From: HeinrichsFour@aol.com
To: rlockhart@doubleeagle.com; rlockhart@doubleeagle.com
CC: timalpers@schat.net
Sent: 5/6/2013 6:23:14 P.M. Pacific Daylight Time
Subj: Double Eagle TOT Overlay.

Lynda,
Can you please give this to the Board? Sorry for the late email.

Dear Board of Supervisors,

We would like to express our support of the agenda item regarding the Double Eagle's request for approval regarding the TOT Overlay program. We believe this will provide June Lake with additional nightly rentals which are badly needed and will provide the County with additional TOT tax.

It is our hope that you will accept/approve this item.

Sincerely,
Al and Patti Heinrich
June Lake Residents