

CITY OF LOS ANGELES
CALIFORNIA

HOLLY L. WOLCOTT
Interim City Clerk



ERIC GARCETTI
MAYOR

Office of the
CITY CLERK

Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
General Information - (213) 978-1133
Fax: (213) 978-1040

SHANNON HOPPE
Council and Public Services
Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

January 28, 2014

To All Interested Parties:

Chief Legislative Analyst

I HEREBY CERTIFY that the City Council adopted the action(s), as attached, under
Council File No. 13-0002-S140, at its meeting held January 22, 2014.

City Clerk
srb

cc: 8 Certified copies sent to Sacramento Representatives

Mayor's Time Stamp
2014 JAN 24 PM 12:12
CITY OF LOS ANGELES

City Clerk's Time Stamp
CITY CLERK'S OFFICE
2014 JAN 24 AM 11:49
CITY CLERK
BY _____ DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 13-0002-S140

COUNCIL DISTRICT _____

COUNCIL APPROVAL DATE January 22, 2014

RE: LEGISLATION OR ADMINISTRATIVE ACTIONS THAT WOULD CLARIFY FOR LOCAL GOVERNMENT THE PROVISION IN SB 1186 THAT REQUIRES LOCAL GOVERNMENTS TO IMPOSE A \$1 PER YEAR STATE-MANDATED FEE

LAST DAY FOR MAYOR TO ACT FEB 03 2014
[10 Day Charter requirement as per Charter Section 231(h)]

DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

APPROVED ✓

*DISAPPROVED

*Transmit objections in writing pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL

1/26/14

E. G. [Signature]
MAYOR

RECEIVED
CITY CLERK'S OFFICE
2014 JAN 28 AM 11:17
CITY CLERK
BY _____ DEPUTY

RESOLUTION

21

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in 2012, the California State Legislature approved and the Governor signed SB 1186 (Steinberg), a measure intended to increase compliance with laws on disabled access and to protect small businesses that make a good faith effort to comply with the law from predatory litigation practices that try to scare a business into a quick settlement; and

WHEREAS, while SB 1186 is an important step towards disabled access compliance that balances the needs of business and the disabled community, it contained an ancillary state mandate requiring local government to levy and collect an annual \$1 fee from any applicant for a local business license or equivalent instrument or permit, and any applicant for the renewal of a business license or equivalent instrument or permit to fund the Certified Access Specialist program and for state and local educational programs to assist building owners to understand and meet their compliance obligations; and

WHEREAS, the measure allows local government to retain a small percentage (5%) from this levy to cover a portion of the significant cost of billing, processing, and collecting this new state-mandated fee; and

WHEREAS, SB 1186 appears to mandate universal application of this state fee to all businesses, failing to recognize existing local government policies that distinguish between certain types of businesses, exempting some from business taxes to encourage economic development in targeted areas or business categories; and

WHEREAS, the City of Los Angeles has a long-established commitment to stringent enforcement of laws protecting the access rights of persons with disabilities, including a dedicated Department on Disability responsible for ensuring full access to employment, programs, facilities and services for all City residents, and an appointed Board of Disability Access Appeals that oversees compliance issues; and

WHEREAS, legislative or administrative clarification, or relief, is needed regarding the implementation of the state's mandatory \$1 disability access related fee to ensure that the generation of sufficient funds for disability access compliance does not impinge on other local priorities such as business and economic development, and to ensure that, if this state-mandated fee continues, then local government is fully reimbursed for the cost of administering and collecting this state-mandated fee.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program SPONSORSHIP of State Legislation and/or pursuit of administrative actions that would clarify for local government the provision in SB 1186 (Chapter 383, Statutes of 2012) that requires local governments to impose a \$1 per year state-mandated fee to fund disabled access compliance and awareness, to either relieve local government of this state-mandated fee burden or fully reimburse local government for the cost of administering and collecting this state fee.

PRESENTED BY: Mitchell Englander Paul Krekorian
Mitchell Englander Paul Krekorian
Councilmember, 12th District Councilmember, 2nd District

SECONDED BY: [Signature]

Subt. Reso
ADOPTED
IN LIEU OF REG.
RESO JAN 22 2014
LOS ANGELES CITY COUNCIL

ORIGINAL

JAN 22 2014