



CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION  
CNPA Services, Inc.

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March 20, 2012

Honorable Richard Gordon  
California State Assembly  
State Capitol Room, 5175  
Sacramento, California 95814

**RE: Oppose AB 1957**

Dear Assemblyman Gordon:

I regret to inform you the California Newspaper Publishers Association opposes your Assembly Bill 1957, which would give county treasurers, upon passage of a resolution by the county board of supervisors, the option of not publishing the annual list of delinquent taxpayers in a newspaper of general circulation. The bill would, instead, allow a county to pass a resolution that would require the list to be posted to the county's regularly maintained Internet web site, so long as it first publishes a brief newspaper notice directing people to the government website. CNPA opposes AB 1957 because it would harm the public's right to know about important government processes and harm private property rights.

AB 1957 was amended March 15 to affect the law on county treasurers' continuing education requirements and chargeable interest rates. CNPA does not oppose these two unrelated changes to the law.

The delinquent taxpayers notice required to be published in a newspaper of general circulation in the affected community contains the assessor's parcel number, the delinquent taxpayer's name, the street address and amount due. While your bill would put this information on a government website that most people will never visit for any reason, newspapers thrust this essential information into the affected community. The notice published and distributed in newspapers people want and seek out deputizes the entire community – neighbors, friends, relatives, churches, community groups and self-interested business professionals – everyone, to help get the taxes paid and keep the property from being sold by the government at auction.

It is fundamentally important that names and addresses are included in this published notice. This notice published in the community's newspaper creates social pressure on the taxpayer and

his or her loved ones to pay the tax and keep the property from being sold at auction. This is the information that catches the attention of the property owner, renters, neighbors, real estate brokers, investors and others who help get the situation resolved. Publication of the list in the newspaper creates a shame factor that cannot be duplicated by a brief referral ad to an obscure government website. Disassociating the public notice from the news will eliminate the desired impact of the notice and instead turn the tax collector into a property collector and seller.

It is impossible to argue that AB 1957 improves the quality of this public notice. The bill would objectively make this information hard to get – a person would have to read the newspaper, locate the brief advertisement with the government URL, make the almost telepathic connection that they have a need to get to the website either to protect their own interests or help protect someone else's, find a computer, fire it up and type in the URL, then sift through an otherwise alien and unfamiliar government website looking for the list – a website they likely would never otherwise visit.

Both the sponsor County Treasurers Association and your staff have admitted to CNPA the sole rationale for the bill is to decrease costs -- even though the taxpayer or property is ultimately responsible for the publication costs, not the county.

Allowing public notices to be solely posted on an Internet website is a breach of the public trust and private property rights. To provide actual notice to the public about government actions like tax and fee increases, land use and environmental decisions, the expenditure of public funds and the delinquent taxpayer notices that can lead to a government seizure and sale of someone's home, public notices must have these attributes:

- Publication is in a forum independent of the government.
- The published notice is a preserved and secure tangible record that is archived.
- The notice is conveniently accessible by all segments of society.
- Publication is verifiable (by way of an affidavit of publication).

Posting delinquent taxpayer information solely on a government website on the Internet has none of these elements of permanency, reliability and accessibility. Posting on a government website deprives the notice of the independence that protects against tampering, alteration, political bias and post-deadline posting. In the case of tax delinquency notices, where the ultimate conclusion can be a government auction of someone's property, due process and fairness considerations require the notice to be published by an independent third party.

From common knowledge, we know the vast and dynamic Internet is all about change. On the Internet nothing appears permanent and everything is subject to move, change or cease to exist without notice or explanation. Connections fail, servers crash, links die and websites are hacked.

When ink is pressed to paper thousands of times and physically distributed into the community, though, the notice is either right or wrong, but it will never be right one moment and wrong the next, or vice versa. The tangible, permanent proof is in the printing!

In spite of improvements in technology and the state and federal government's best efforts, the digital divide persists. According to an August 2011 Pew Internet & American Life report, only 62 percent of adult Americans have broadband Internet connections at home. Because of age, poverty or choice, a significant percentage of the population simply does not have access to the Internet. Finally, when public notices are published in a newspaper of general circulation, that newspaper provides the city or county with an affidavit of publication; an independent and permanent record that publication occurred.

Publication of verifiable notices widely distributed in a community independent of the advertising public agency protects the property owner, the process and the agency.

California's community newspapers offer, on a daily or weekly basis, a relatively small, well-edited package of information that is relevant and interesting to those who actually seek and want the information. Californians continue to pick up "their" printed and published newspaper from their porch, a news rack, or from a pile in the local coffee shop to read about sports, from the NFL to Little League, city council or school district meetings, national and international news, gardening, skiing, biking, fishing, weather, traffic, the police blotter, the economy, the environment, crosswords and comics, just about everything, and that includes public notices.

People continue to depend on newspapers to be informed about important community events, such as the opening of a new business, the approval of a new ordinance, an estate or property sale or a list of property owners behind on their taxes. People in a community have an expectation that both news and the information that is typically communicated through public notice advertisements will be published and accessible to them in their local newspaper. It is newspapers that give public notices prominence. Posting public notices on an obscure government website amid all the clutter and chatter of the vast Internet is a sure-fire way to secrete this vital and local information from the public.

AB 1957 goes exactly the wrong direction for Californians and their need for credible, reliable and trusted information about government activities. On behalf of the hundreds of CNPA

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member newspapers of general circulation completely invested in serving their communities, we must respectfully oppose your bill.

Sincerely,



Thomas W. Newton  
CNPA Executive Director

cc: Ralph Alldredge, CNPA President, Publisher, *Calaveras Enterprise*  
Karlene Goller, CNPA Governmental Affairs Committee Chairwoman, Vice President  
and Deputy General Counsel, *Los Angeles Times*  
James W. Ewert, CNPA Legal Counsel  
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