

FOCUS

Analysis, Commentary and Updates on Legislative and Policy Issues that Affect California Cities

August 12, 2005
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**The Legislature is
in recess until
August 15.**

SENATE HEARING TO CONSIDER EMINENT DOMAIN

Sen. Christine Kehoe (San Diego), chairperson of the Senate Local Government Committee, announced this week that her committee will hold an informational hearing on Wednesday, August 17, to examine the how the recent Supreme Court ruling on eminent domain in *Kelo v. City of New London* affects California's local governments. *For more, see Page 3.*

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LEGISLATURE RETURNS AUGUST 15 'HEAD'S UP' TIME FOR CITIES!

Legislators return to the State Capitol on Monday, August 15, for four weeks of session before their September 9 recess for the year. They will then reconvene on January 4 for the second year of the 2005-06 session. *For more, see Page 2.*

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ON-CAMERA MEDIA TRAINING AVAILABLE FOR CITY OFFICIALS AT THE ANNUAL CONFERENCE

Do you need training to deliver your city's message more effectively during media interviews? Take advantage of this free opportunity for on-camera media training at the League's Annual Conference on October 5-8, in San Francisco. *For more, see Page 4.*

**WANT MORE DETAILS
ON BILLS?**

Visit the League of
California Cities
website at
[www.cacities.org/
billsearch](http://www.cacities.org/billsearch).

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These few weeks are usually the most intense of the entire year, with legislators and lobbyists scrambling to accomplish as much as possible before the recess begins. This is often the time when bills can change dramatically, when amendments can transform a relatively benign bill into one that carries significant impacts. This is also the time when one hears the term “gut and amend” – the process by which the substance of a bill is deleted and new content added, dramatically altering the scope and impact of the measure.

It’s a time for vigilance, and often a time when a quick response is needed to “surprise” amendments. League staff will be monitoring bills on a daily basis, and will keep members informed of changes that could affect cities. We ask that you be prepared to respond quickly in response to League alerts – calling your legislators to explain how a measure could affect your city. As always, we will try to supply you both with background information and specific talking points.

Here is an update on some key issues of concern to cities:

Eminent Domain. Likely to be a major topic (see “Senate Hearing to Consider Eminent Domain”).

Transportation Funding. The League will be working with the California State Association of Counties (CSAC) and other transportation stakeholders to ensure that approximately \$5 billion of California’s share of the increased federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA LU) transportation revenues recently signed into law by President Bush is put into local transportation projects quickly. There is likely to be an implementation measure in the Legislature; we will provide additional information soon, and ask that cities work to support its quick passage.

VLF Funding for New Cities or Annexations. There may be some movement on this front. We will keep you apprised of any developments.

Housing/Land Use Reform. The League’s Housing/General Plan Task Force has been meeting over the past year with representatives from the builders to discuss changes to the planning and approval process for new housing, and ways to generate additional funding for local governments to pay for the services and infrastructure needs of new residents. The League’s task force has generated a number of ideas, but much more work is needed to analyze these and other alternatives. At the same time, Senate Pro Tempore Perata has two measures on regional growth plans (SB 832) and CEQA reform as it relates to infill development (SB 1024). League staff and other stakeholders have recently participated in meetings with the senator’s staff on these measures to discuss various alternative approaches. There may be some movement on these measures over the next few weeks.

Telecommunications Reform. This is a hot topic, and there’s strong pressure from segments of the telecommunications industry for reform measures to move. There are several bills in this area, but we expect that – as we reported several weeks ago – they are likely to be the subject of interim hearings during the legislative recess by the Assembly Utilities and Commerce Committee, chaired by Assemblyman Lloyd Levine (Van Nuys).

Pension reform. Discussions on this issue are likely to be postponed until the fall, or until early next year.

Again, we will keep you informed about any movement on these or other measures that could affect cities. We ask that you be prepared to respond quickly to League alerts, with phone calls to your legislators to make sure they know how various measures could impact your ability to deliver services in your city.

For more information on this and other League issues, visit www.cacities.org.

EMINENT DOMAIN HEARING from page 1

The committee plans to hear testimony from five attorneys: one from the Attorney General's office to explain what the Supreme Court ruling contained; two representing property rights interests; and two representing public agencies. Bill Higgins from the League's research arm, the Institute for Local Government, will be one of the public agency attorneys.

The committee staff has prepared background materials suggesting that the committee members consider the testimony presented in light of specific questions relating to the frequency and manner in which eminent domain is used in California and whether statutory changes are needed to further restrict its use.

Senate Likely to Introduce Legislation. The League has learned that Senator Kehoe is likely to introduce two bills dealing with eminent domain:

- **A two-year moratorium** on the use of eminent domain to take owner-occupied residential property for private use. During the period of the moratorium, the California Research Bureau would be asked to analyze the use of eminent domain in California, starting in 1996. This measure would be an urgency statute, allowing it to take effect immediately upon its passing and being signed into law by the governor.
- **A constitutional amendment** to restrict the use of eminent domain when it involves taking private property and making it available for future private uses. (The Governor's signature is not required.)

McClintock, LaMalfa Likely to Attempt to Move SCA 15, ACA 22. Sen. Tom McClintock and Assemblymember Doug LaMalfa are expected to push for action early next week on their identical constitutional amendments, which would ban the use of eminent domain to take any kind of private property from one party and transferring it to another private party - even property damaged by natural disasters, environmentally hazardous properties, blighted properties taken to construct affordable housing, etc.

However, the introduction of two measures by Sen. Kehoe (with other members likely to sign on) means that the McClintock and LaMalfa measures will have competition and could become two-year bills, with action delayed until the start of 2006.

[Note: A staff person working for Assemblywoman Nicole Parra has informed the League that, after hearing from some of her local officials, Assemblywoman Parra has decided to remove her name from SCA 15 and ACA 22. The League thanks the assemblywoman for re-thinking her position on this issue, and we urge the city officials in her district to do the same.]

California is Not Connecticut - But Additional Research Needed. At its meeting in late July, the League board reaffirmed the League's opposition to further restrictions on the use of eminent domain, because requirements in California law that a redevelopment agency must make a finding of blight before initiating a taking already provide strong protections for property owners that go far beyond those in Connecticut. We do believe that additional research is needed to help document the responsible use of eminent domain in California and we encourage such studies.

What You Can Do. It is not necessary for city officials to make the trip to the State Capitol to attend this hearing. The committee has scheduled a two-hour hearing, and invited witnesses who can speak directly to the legal issues involved in *Ke/o*, and how they apply to the use of eminent domain in California.

What city officials can and most decidedly should do is to tell their legislators about the role that eminent domain has played in restoring blighted areas in your city. Describe the condition of the property before redevelopment. Be specific with the number of code violations, health and safety violations, crime statistics, pollution levels, etc.

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MEDIA TRAINING from page 1

Your 45-minute training session will include a short, on-camera interview, where instructors will ask you questions about an issue vital to your city, critique your "performance" and provide an opportunity for a follow-up interview. A DVD copy of your session will be available to take home for your own personal review.

The training session instructors are noted public information and media experts from cities throughout California. After this brief introductory session, you'll feel more comfortable with delivering your city's important messages in newspaper, radio and on-camera interviews.

Space is Limited! Register Today! The League expects a very high demand for these one-on-one sessions, which are limited to just **six sessions per day on Thursday and Friday, October 6 and 7, and three sessions on Saturday, October 8.** The training will be held in the League Media Room at the San Francisco Moscone West Convention Center, which is convenient to all conference sessions.

To take advantage of this outstanding opportunity, which can regularly cost thousands of dollars, **call League staff member Adrienne Schmeling at (916) 658-8278 to reserve a training session; or fax all portions of the attached form to (916) 658-8240.**

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CAPIO VOLUNTEERS HELP STAFF MEDIA ROOM

For the 16th consecutive year, volunteers from the California Association of Public Information Officials (CAPIO) will help staff the League's media room throughout the event. In addition to the popular on-camera interview training for conference attendees, volunteers will coordinate on-site media relations, produce two daily newsletters and issue "hometown" news releases to update local media outlets throughout the state about their respective representative's participation in the conference.

REGISTER TODAY FOR ON-CAMERA MEDIA TRAINING AT THE LEAGUE'S ANNUAL CONFERENCE

Reservations will be accepted on a **paid** first-come, first-served basis. Please note that this year, in an attempt to address the problem of "no-shows", **there is a \$25 charge, refundable as a \$25 CityBooks coupon for those who attend the training. No refunds or coupons will be issued for "no shows."**

On-Camera Interview Training Session Times

Thursday, October 6 and Friday, October 7

9 a.m. – 9:45 a.m.

10 a.m. – 10:45 a.m.

11 a.m. – 11:45 a.m.

1 p.m. – 1:45 p.m.

2 p.m. – 2:45 p.m.

3 p.m. – 3:45 p.m.

Saturday, October 8

9 a.m. – 9:45 a.m.

10 a.m. – 10:45 a.m.

11 a.m. – 11:45 a.m.

*If you get voicemail when making a reservation please:

1. Leave a message with your **two** preferred time slots.
2. Tell in some detail about an important issue facing your city so that we can prepare interview questions that are tailored to your community.
3. Leave your complete contact info including cell phone.

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Also, explain that eminent domain was used as a necessary last resort – as required by California law. Prepare a list of all the steps you took to work with the property owner and describe how you tried to get them to fix the problems before eminent domain. Describe how the area is better today because of redevelopment.

Help your legislators understand that California is not Connecticut; that both homeowners and other property owners enjoy strong protections against takings by redevelopment agencies. Explain how redevelopment efforts in your community – efforts that are strongly supported by citizens who are calling on their elected officials to clean up blighted areas – could be undermined by further restrictions on eminent domain as a rarely used, but necessary tool in restoring communities.

2005 LEAGUE ANNUAL CONFERENCE: OCTOBER 6-8, MOSCONE CONVENTION CENTER, SAN FRANCISCO

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**PLAN NOW TO ATTEND THE LEAGUE'S
2005 ANNUAL CONFERENCE THIS
FALL - THE FIRST TIME IT HAS BEEN
IN SAN FRANCISCO SINCE 1997.**

Participate in this important gathering of several thousand California city officials as they set policies, expand their knowledge and sharpen their skills to better serve their cities.

Make your reservations through our online system at www.cacities.org/ac.