

FOCUS

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

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END OF SESSION: YOUR ATTENTION NEEDED!

The Legislature has one more week to wrap up its work for the 2005-06 session. It's a hectic time, with some alarming late session plays. This year, these include efforts to undo important workers compensation reforms and the disappointing fizzling out of hard-fought flood protection bills. (See "Flood Bills Held Hostage: Is This the End of the Levee Road or Not?")

For more, see Page 8.

FLOOD BILLS HELD HOSTAGE: IS THIS THE END OF THE LEVEE ROAD OR NOT?

With less than a week to go before the first anniversary of the devastation wrought by Hurricane Katrina and the failure of levees in New Orleans, it appears that the California Legislature will commemorate the event by – doing nothing. Or, at least that is what the Senate leadership has decided. Whether this is the final decision remains to be seen, as conflicting rumors buzz throughout the Capitol. *For more, see Page 8.*

ANNUAL CONFERENCE SPOTLIGHT: DIVERSITY CAUCUSES AND OTHER NETWORKING EVENTS

The League of California Cities 108th Annual Conference is less than two weeks away! Most attendees are now aware of the informative general session keynote speakers and break-out sessions that are being held at the San Diego Convention Center. (Visit our website at www.cacities.org/ac to view a detailed program.) But the conference also offers valuable opportunities to network with your peers. *For more, see Page 9.*

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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ARB PROPOSES NEW RULES FOR DIESEL POWERED OFF-ROAD VEHICLES

In July, the California Air Resources Board (ARB) released regulatory concepts for existing and new in-use, diesel powered off-road equipment to reduce diesel particulate matter (PM) emissions in California. The proposed rules would require owners of off-road equipment of more than 25 horsepower to meet a particulate standard by 2009 or 2010 depending on fleet size.

Such equipment is used in construction, mining, and industrial operations. The measure will not cover equipment used in agricultural operations or equipment that is already covered by another measure or agreement.

The proposed rule will group both the public and private sector into small, medium, or large fleets based on the total horsepower of all equipment owned. It then requires fleets to meet fleet average emission targets by certain dates. Compliance dates start in 2009 (large fleets only), 2010 (medium fleets), and 2015 (small fleets), and end in 2020 for large and medium fleets and 2025 for small fleets.

Because this rule may impact public agencies, cities are encouraged to review the proposed rule and send their comments to ARB. Information about the proposed rule may be found at the ARB website, www.arb.ca.gov.

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PROP. 42 FIX INITIATIVE QUALIFIES FOR JUNE 2008 BALLOT

COMMITMENT TO PROP. 1A AS A FIX TO GAS TAX LOOPHOLE REMAINS

A Proposition 42 "fix" initiative has qualified for the June 2008 ballot, but the measure will not receive support by its original sponsors.

The measure, sponsored by Californians to Improve Traffic Now, was earlier this year seen as a solution to fix the Prop. 42 gas tax loophole that allowed the Legislature to divert funds from the sales tax on gasoline to non-transportation purposes. The League of California Cities is a member of the coalition, and supported the push for an initiative. The passage of Proposition 1A by the Legislature in May, however, placed an alternative Prop. 42 "fix" on the November 2006 ballot.

The legislative alternative was supported by the League as well as Californians to Improve Traffic Now, which agreed to not submit the rest of the approximately 300,000 signatures it had gathered to qualify its initiative. Ironically, the coalition learned this week that they had already submitted enough signatures for its measure to qualify.

"If we could withdraw the signatures – then or now – we would," said Jim Earp, executive director of the California Alliance for Jobs and co-chair of Californians to Improve Traffic Now. "But it's not possible. Irrespective, our commitment stands. Prop. 1A is the solution to close the gas tax loophole and passing this measure is our top priority."

This means the June 2008 Prop. 42 gas tax loophole fix will become an "orphaned" initiative – regardless of whether or not voters support Prop. 1A this November.

The League urges cities to work to support Prop. 1A, as well as the other infrastructure funding measures on the ballot: Propositions 1B through 1E, and Proposition 84. All are needed to provide funding to work on critical infrastructure issues affecting cities. The League is preparing a sample resolution that cities can adopt expressing support for the entire infrastructure package.

HIGHLIGHTS OF THE LEAGUE'S JULY BOARD MEETING

The League of California Cities' July board of directors meeting was a productive one, with the board taking positions on a number of upcoming November ballot measures. Held on July 28-29 in Monterey, the following are the highlights from the meeting:

November Ballot Measures. The board reviewed the 13 propositions that have qualified for the statewide ballot this November. Measures dealing with redistricting and term limits are pending in the Legislature and may yet qualify. The board established or confirmed the following League positions:

- Prop. 1A – Transportation Fund – **Support**
- Prop. 1B – Transportation Bond – **Support**
- Prop. 1C – Housing Bond – **Support**
- Prop. 1D – Education Bond – **Support**
- Prop. 1E – Flood Control Bond – **Support**
- Prop. 83 – Sex Offenders; Sexually Violent Predators – **Referred to Committee**
- Prop. 85 – Abortion Waiting and Notification – **No Position**
- Prop. 86 – Tax on Cigarettes – **Support**
- Prop. 87 – Alternative Energy; Tax on California Oil – **No Position**
- Prop. 88 – Education Funding; Real Property Parcel Tax – **No Position**
- Prop. 89 – Campaign Finance – **Referred to Committee**
- Prop. 90 – Eminent Domain - **Oppose**

For more information on these measures, visit www.cacities.org/ballotmeasures.

Note: Long-standing League policy states that the League should take action only on matters that are of broad municipal interest, and to select only issues upon which a large majority of cities are on one side or the other. The board is trying to focus the League's resources toward the issues that are of greatest importance to cities. The two measures that were referred to committees will be considered by the board when it meets in September.

San Diego to Host 2006 Annual Conference. "All Politics is Local" is the theme for the 2006 League annual conference to be held on September 6-9, in San Diego. The annual conference offers unique opportunities for training, dialogue and networking. Key speakers include Kevin Carroll, author of *Rules of the Red Rubber Ball: Find and Sustain Your Life's Work*, and John Avlon, former speechwriter for Mayor Rudolph Giuliani. California gubernatorial candidates have been invited to the closing general session on September 8.

On Thursday evening, September 7, the conference will hold the inaugural "League of California Cities Leadership Gala" benefiting CITIPAC. Entry to this **Casino Night Gala** will be free, but everyone will need to purchase a \$25 ticket to play. Please encourage city officials to mark their calendars and plan to attend. Everyone who attends the conference will want to support this fun and worthwhile activity.

For more information on the annual conference, including the preliminary schedule, visit www.cacities.org/ac.

Mayor Ron Loveridge Endorsed for NLC Office. It has been many years since the National League of Cities (NLC) had an officer from California. The League board reviewed the candidacy of two California city officials who sought the League's endorsement for the office of NLC Second Vice President and elected to support Mayor Ron Loveridge of Riverside.

City officials throughout California are encouraged to attend the NLC conference that will be held in Reno, Nev., this December to support this infrequent opportunity for California to become more involved in NLC leadership. Mayor Loveridge, who was president of the League of California Cities in 2004, will be an outstanding NLC leader and representative of California.

2006 CALIFORNIA CIVIC LEADERSHIP INSTITUTE WRAPPING UP

The League of California Cities is pleased to announce it has nearly completed the 2006 workplan for the California Civic Leadership Institute (CCLI) program. More than 20 city officials have participated in the second year of CCLI – an example of the educational program's continuing growth and success.



CCLI participants gathered at Stevenson Falls, near Shaver Lake.

Presented by the League Partners Program, CCLI is designed to educate small groups of city officials on the pressing issues California faces on a statewide level and how these issues can be integrated with the need to maintain local control and the primacy of local government. Placing particular emphasis on infrastructure issues, CCLI's goal is to help cultivate leadership and potential future legislators to have a better understanding of these issues, and develop lasting bonds among our state's rising leaders.

CCLI participants come from a variety of backgrounds and both sides of the political aisle, providing a broad depth of experience and a collegial atmosphere to the program.

"This class of CCLI participants are recognized as both regional leaders as well as potential state leaders," said League Public Affairs Director Mike Madrid. "We are very enthusiastic to have had them as a part of this year's program."

2006 Training Focuses on Infrastructure, Health Care

Two sessions were conducted on the critical infrastructure issues of housing, energy and transportation. The League hopes that these discussions have prepared CCLI participants to become regional leaders and stronger advocates on these topics. The sessions were held at Southern California Edison's Big Creek facility and included an exclusive tour of the hydroelectric power generators Edison operates in the mountains around Shaver Lake.

A final session centered on the future of health care in California will take place at the League's Annual Conference on September 6 in San Diego.



Former Assembly Speaker Bob Hertzberg speaks to a CCLI Session in Sacramento on August 11.

As part of the 2006 CCLI program, the League also hosted a special session for city officials who have won their party's primary nomination this year, and who are well on their way to holding legislative office this December, when newly elected legislators take office. Speakers for this session, held in Sacramento on August 10 and 11, included: former Assembly Speaker Bob Hertzberg, former Senate Minority Leader Jim Brulte, political consultants Matt Rexroad and Garry South, and various other policy experts, prominent lobbyists and members of the media.

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SENATE CELL PHONE BILL MOVES THROUGH THE LEGISLATURE

After months of meetings and a number of policy exchanges, Senate Bill 1627 (Kehoe) was passed off the Senate floor on August 23. As we reported last week, because of changes made to the bill, the League has changed its position from "Oppose Unless Amended" to "Neutral."

As originally proposed, the bill presented serious concerns for cities. But thanks to a team effort between League staff, City of San Carlos Assistant City Manager Brian Moura and Jonathan Kramer, chief executive officer of the Kramer Firm, the bill is now distinctly different.

SB 1627 now does the following:

- The bill will continue to call for public hearings on all future collocations projects.
- The wireless carrier must fully disclose all plans for a collocation site including how many panels they plan on providing.
- **The city can approve, disapprove or amend all future collocations projects.** Once a collocation project has been approved, the wireless carrier **cannot go back and make any changes to what has been agreed to.** However, the city cannot **go back and make any changes to what was originally agreed to.** This ensures that the city and the wireless carrier are exact on their plans and both are allowed one opportunity to get it correct.
- Whenever a panel is added to a new site, the wireless company must notify the public (per the area designated by the city) at the wireless company's expense.
- The build-out period for a collocation project shall be between the wireless provider and the local agency (city or county).
- This is a forward moving bill meaning that all future collocation projects will be germane to SB 1627 from January 1, 2007. All current projects will adhere to the current rules via the local agency.

In the original version of the bill, it would have (in most cases) required local government to issue non-discretionary permits to collocate additional new wireless facilities on existing wireless towers within 60 to 180 days of a completed application and EIR review. Worse yet, the new collocated facilities could have increased the existing wireless site size by "any" amount without the ability for local government to object.

Today, the bill is markedly different. Its most detrimental original elements have been replaced with genuine local government planning tools. The retroactive elements initially proposed are now eliminated, mandatory approval is no longer an element of the bill, and the prohibition of conditioning a permit to allow for local government antennas has been removed.

The bill does retain a prohibition on local governments specifying that all wireless telecommunication facilities be limited to sites owned by particular parties within the jurisdiction. However, the measure does not impact any broad land use controls, such as a prohibition that wireless sites not be placed in residential zones.

As a result, this bill offers local government and wireless carriers a mostly-optional planning tool to streamline future collocation elements.

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"CCLI has become an important and valuable program for the League and its members," Madrid added. "We can learn from knowledgeable speakers, as well as pool our collective wisdom, share new ideas among ourselves and build lasting bonds that will strengthen the future leadership of California."

COMMENTS REQUESTED ON WASTE BOARD'S FIVE-YEAR TIRE PLAN

The California Integrated Waste Management Board (CIWMB) is seeking comments on its next five-year plan revision regarding its regulatory program for the management of waste and used tires. Public workshops on the revision will be held September 28 in Sacramento and October 24 in Diamond Bar.

Taking the comments received at these public workshops, CIWMB staff will develop project summaries and proposed budgets that will be discussed at a workshop in January 2007. Every two years, CIWMB is required to update and submit to the Legislature a Five-Year Plan including project information and proposed budget allocations as a part of its waste and used tires program responsibilities.

Written comments are being accepted until October 19 and can be sent to Sally French at 1001 I Street, P.O. Box 4025, Sacramento, CA 95812, or by e-mail to tiregrants@ciwmb.ca.gov. If you have any questions regarding the workshops, please contact Sally French at: (916) 341-6432.

To view the notice and additional information on the Five-Year Plan, visit their website at www.ciwmb.ca.gov.

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UNDERSTANDING THE NEW BOOKING FEE PROCESS: FACT SHEET AVAILABLE

A new fact sheet on understanding the new booking fee process is now available on the League's website. Created by League Fiscal Policy Advisor Michael Coleman, the fact sheet provides an overview of booking fees and the changes that will go into affect regarding them on July 1, 2007.

For a copy of the fact sheet, visit www.cacities.org/ps.

GOVERNOR'S HIGH RISK SEX OFFENDER TASK FORCE RELEASES RECOMMENDATIONS

After holding several intensive meetings and three public hearings throughout California this summer, the Governor's High Risk Sex Offender Task Force presented its final set of 10 recommendations, which were presented to Governor Schwarzenegger on Tuesday, August 15.

Those recommendations are as follows:

1. California should have a consistent definition of a High Risk Sex Offender (HRSO). The Task Force recommended: "An HRSO is a convicted sex offender who has been deemed by the CDCR (California Department of Corrections and Rehabilitation) to pose a higher risk to commit a new sex offense in the community." A parolee under Penal Code 290 will be considered a HRSO "for purposes of adult parole based on the score from a validated risk assessment tool(s), and/or the known criminal history and/or other relevant criteria established by the CDCR."
2. All Penal Code 290 sex offender registrants must be assessed for a risk to re-offend and be determined if the individual is an HRSO. The assessment should take place no later than 120 days (or sooner if possible) prior to release on parole with assessments on a continual basis thereafter.
3. All inmates required to register as sex offenders and deemed HRSOs should be required to receive "appropriate specialized sex offender treatment as warranted while incarcerated."
4. The CDCR should be required to notify victims of 90 days prior to the release of a HRSO. From that point, victims should have at least 21 days to challenge the HRSO residential placement. At 60 days prior to the HRSO's release, local law enforcement should be notified by mail and another method, such as e-mail, fax, or telephone. The Task Force recommends that local law enforce-

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ment should relay the notice to the community of the HRSO residential placement in an ample manner.

5. HRSOs should be supervised on parole according to the "Containment Model," which focuses on "'containing' offenders in a tight supervision and treatment network with active monitoring and enforcement of rules." Besides parole supervision, treatment therapies in conjunction with polygraph tests are to be used under this method. More importantly, all HRSOs should be placed on GPS monitoring.

6. In collaboration with local law enforcement, CDCR should create a community education outreach program to publicize HRSO issues.

7. A legislative change should occur with regard to the Megan's Law Website in order to identify HRSOs that are on parole and those monitored by GPS.

8. The CDCR should report back to the Governor within 90 days regarding the fiscal and programmatic impact of the Task Force's recommendations.

9. The CDCR should establish a permanent Sex Offender Management Board to review CDCR's practices regarding the goals of the Task Force.

10. The CDCR should continue its work with local law enforcement and communities to find "appropriate and equitable housing solutions" for paroled HRSOs. The Task Force recommends a continuance to properly address these issues.

Visit the CDCR web site at www.cdcr.ca.gov for the High Risk Sex Offender Task Force's full report.

The Governor also issued Executive Order S-15-06 on August 15. The Governor called for the creation of the High Risk Sex Offender and Sexually Violent Predator (HRSOSVP) Task Force to

address the implementation of the recommendations from the HRSOTF. In addition, the new Task Force will review the "current statutory requirements and state and local policies on placement, notification and monitoring of sex offenders."

Further, in addition to representatives from stakeholder groups that participated in the former Task Force, the Secretary of Health and Human Services and a representative from the California Department of Mental Health will also join the new Task Force. The HRSOSVP Task Force must issue its recommendations no later than December 1.

The League will continue to keep you updated on the new Task Force's developments.

THE 2006 CITY HALL DIRECTORY IS NOW AVAILABLE!

Don't miss this opportunity to get the League's most useful reference tool. This comprehensive California directory provides important contact information for mayors, council members and city department heads. The directory also features the League's staff directory, League partners, affiliate organizations and a wide variety of advertisers.

INFORMATION YOU NEED, RIGHT AT YOUR FINGERTIPS!

Purchase this publication online at www.cacities.org/store or call (916) 658-8257 for an order form. City officials price \$30, non-city officials price \$65, plus shipping & handling.

END OF SESSION from page 1..... FLOOD from page 1

It's a time for city officials to pay close attention to what their legislators are doing, and to be prepared to weigh in with phone calls and faxes to prevent votes that could seriously harm cities' efforts to protect their communities. Visit www.cacities.org/billsearch for the latest updates on bills, and copies of League letters of oppose or support written on key measures.

New Bill Search feature: a "progress bar," on each bill page. This bar provides a quick visual update on where the bill is in the legislative process. Check it out!

AB 2987: One More Push!

One bill that deserves one last effort is AB 2987 (Núñez/Levine), the telecommunications reform bill that shifts cable video and Internet franchising authority to the state. The bill received 102 amendments this week; disappointingly, these amendments do little or nothing to address the many concerns the League and others have raised with the bill.

The League urges city officials to make one more push on this measure. We ask that you call your legislators – both senators and assembly members – and urge a NO vote on the bill. Ask them: do you really know what you are voting on? One hundred two amendments – and insufficient time to analyze what they mean! Have you consulted with your community? Do you understand how your constituents will be affected by this poorly drafted, telephone-company sponsored measure? Check the League's website for a copy of our Floor Alert letter (look up AB 2987 under the "Bill Search" function), and visit the Advocacy Center for talking points!

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

Many of the flood bills introduced this year are Assembly bills that now reside in the Senate – where they can be held hostage. These are:

- AB 802 (Wolk), dealing with general plans (and supported by the League)
- AB 1665 (Laird), dealing with flood risk notification and a variety of technical flood issues (with the League neutral)
- AB 2500 (Laird), dealing with response plans for flood emergencies (and supported in concept by the League)
- AB 1899 (Wolk), the so-called "show me the flood protection" proposal (for which the League does not yet have a position)
- AB 1528 (Jones), dealing with liability (and opposed by the League);
- AB 3022 (Umberg), dealing with flood risk notification and insurance

The one major Senate bill, SB 1796 (Florez), is pending in the Assembly, where it is likely to be held hostage too. The League is neutral on this bill, which deals with reorganizing the State Reclamation Board.

Over the last few weeks, the word from the Capitol was that efforts were underway to combine all of the flood bills into one mega or omnibus flood bill. It was unclear whether or not SB 1796 would be part of the package. Numerous groups, including the League, expressed concern about such an approach, since bills with no opposition and considerable support, such as AB 802, AB 1665 and AB 2500, could be lost as the opposition piles on to the mega-flood measure because of inclusion of the controversial pieces. The controversial bills include AB 1899, SB 1796 and AB 1528.

While negotiations have continued throughout the last few weeks on AB 1899, early this week, the Administration unveiled its proposal for AB 1899, as well as SB 1796. The language offered for AB 1899 includes several concepts that were suggested previously by the Administration, but never were actually provided in language form.

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The League has indicated that while some of the proposed concepts appear promising, some are completely unacceptable.

According to a recent article in the *Sacramento Bee*, “[Senate President Pro Tem Don] Perata, angered by last-minute amendments proposed by Gov. Arnold Schwarzenegger for two of the bills, said he has shelved the entire package and will not resume negotiations. ‘When complicated policy is rushed through in the last minute, we inevitably screw up,’ said Perata, D-Oakland.”

Sen. Perata was quoted as saying, “I’m telling you, it’s not a chess move — it’s done.”

Chess move or not, it is disappointing that the whole package could be shelved primarily because of two controversial bills, AB 1899 and SB 1796. There remain those in the Capitol who observe that enough time still remains to “cobble together” an acceptable package or that the non-controversial hostages will be released and allowed to move to the Governor’s desk.

As they say, “it ain’t over ‘til it’s over” and the end of session song has been sung. Remember, the firm deadline is midnight Thursday August 31. Stay tuned.

FIND A BILL, LEGISLATORS, LEG COMMITTEE - OR ASK LEG STAFF

Visit (and bookmark!) the League’s Legislative Resources page (www.cacities.org/legresources). You’ll find a roster and contact information for the League’s legislative staff; the online Bill Search program, background materials on lobbying your legislators, and more.

Diversity Caucuses Welcome You

The League’s newest diversity caucus — the Gay, Lesbian, Bisexual, Transgender Local Officials (GLBTLO) Caucus — has a breakfast event on Thursday, September 7, at 7 a.m. in Room 25 A. In addition, the African American Caucus is hosting a luncheon beginning at 11:30 a.m. at the Seaview Room in the San Diego Marriott Hotel & Marina. The Legislative Black Caucus Chair, Assemblymember Mervyn Dymally, is scheduled to deliver an address, as is Janice Riddick, Esquire. For more information about the luncheon, Caucus President Timothy Parker can be reached at (209) 862-3725.

The diversity caucus networking events continue on Friday, September 8, at 6 p.m., with the Latino Caucus’ 16th Annual Gala Award Reception, at the Bayside Pavilion in the San Diego Marriott Hotel & Marina. Conference attendees are invited to join the Latino Caucus as it honors latino leaders from throughout California and the advancement of Past Caucus President Maria Alegria to the presidency of the League. The event will include live music and hors d’oeuvres.

The Asian-Pacific Islander Caucus is once again hosting its popular karaoke reception, at 8:30 p.m. on Friday, in the San Diego Marriott Hotel & Marina’s Marina Ballroom. Join your colleagues for this fun and popular event.

Consistent with the League’s bylaws, membership in all the diversity caucuses and participation in their events is open to **all** League members.

Restaurants Open Their Doors for Host City Reception

This year’s **Host City Reception** is being held on Fourth Avenue in San Diego’s historic Gaslamp Quarter. Starting at **5 p.m. on Thursday, September 7**, join your colleagues in visiting a number of restaurants, as Fourth Avenue will be open exclusively to conference attendees! Host venues and sponsors for this event include Aub-

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ergine, sponsored by SDG&E, a SEMPRA Energy Utility; Chive, sponsored by Cox Communications; Dublin Square, sponsored by Centre City Development Corporation (CCDC); La Cantina, sponsored by the City of San Diego; Sushi Bar Nippon, sponsored by Rural Metro; and Café Sevilla, sponsored by EDCO Burrtec.

Casino Night Gala

On Thursday evening, September 7, from 7p.m. - 11 p.m. the conference will hold the inaugural "League of California Cities Leadership Gala" benefiting CITIPAC. Entry to this **Casino Night Gala** will be free, but everyone will need to purchase a \$25 ticket to play. Everyone who attends the conference will want to support this fun and worthwhile activity, which will help support the League's ballot measure advocacy activities.

'Death by Chocolate'

Back by popular demand is the "**Death by Chocolate**" reception – a great way to wind up two intense days of conference sessions. The reception will be held **Friday evening, September 8, from 7 p.m. -8:30 p.m.**, in the Seaview Ballroom at the San Diego Marriott Hotel & Marina. The League thanks the following League Partners for once again sponsoring this unusual and fun event: Waste Management, Inc. (primary sponsor); Kinsell, Newcomb & DeDios (supporter); Starbucks (supporter); University of California, Los Angeles/University of California, Davis; and the Willdan Group of Companies.

Our Mission

Restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

The following are summaries of just a few of the legislative bills that are currently being acted upon by the League of California Cities. For more information about these and other bills, please **visit the League website's new "Issues and Advocacy" page (www.cacities.org/issuesandadvocacy)** – a one-stop location to access information about legislation, policy issues and related developments.

You can track information on bills (www.cacities.org/legtracking), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center, research League policy positions, access useful related links, and much more.

ADMINISTRATIVE SERVICES

SB 1818 (Alarcon). Attorneys Fees. Big-Box Lawsuits. SB 1818 would permit cities that prevail in a lawsuit brought by a big box retailer to recover attorneys fees, under limited circumstances. In many situations, the large retailer, with very deep pockets and able to pursue lengthy and costly litigation, uses the threat of a lawsuit to pressure or intimidate a local government to abandon a proposed ordinance or modify it to reflect the wishes of the retailer. While this is bad enough for any situation, it is especially difficult for small or cash-strapped cities who cannot afford to defend a frivolous lawsuit.

SB 1818 passed off the Assembly Floor after a difficult debate, and is now pending in the Senate for concurrence in Assembly amendments. Cities should contact their senators and urge an Aye vote on SB 1818. **Staff:** Yvonne Hunter; **Status:** SenFlr; **Position:** Support.

SB 1179 (Morrow). Skateparks. Liability. Signed by Governor.

SB 1179 was signed by the Governor and now becomes Chapter 140, Statutes of 2006. This

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Legislative Bill Action

modest measure would change the age threshold from 14 years old to 12 years old that provides limited immunity to public agencies for injuries to skateboarders performing a trick, stunt or luge in a skatepark. It would also extend the sunset date for this limited liability by four years – from 2008 to 2012. The League thanks Sen. Morrow for his persistence in moving ahead with this issue. **Staff:** Yvonne Hunter **Status:** Signed by Governor **Position:** **Support.**

PUBLIC WORKS

AB 573 (Wolk). Indemnification. Design Professionals. AB 573 would restrict the types of indemnification clauses that may be included in a public agency contract with a design or engineering professional or firm. Instead, it would specify an indemnification provision that does not allow a public agency to adequately manage its potential liability, thus limiting the options available to public agencies to protect their taxpayers.

Although some cities oppose AB 573 because it would limit their options regarding indemnification for design professionals, there are also some cities that have indicated that they can live with the bill without negative impacts. However, the League remains opposed to AB 573 because it limits the options available to local governments to negotiate contracts on a case by case basis.

AB 573 has passed the Legislature and is now on the Governor's desk, awaiting his action. **Staff:** Yvonne Hunter; **Status:** Gov's Dsk; **Position:** **Oppose.**

ENVIRONMENTAL

AB 2951 (Goldberg). Capital Facilities Fees. AB 2951 would clarify existing law that cities or special districts with municipal utilities (i.e., water, sewer, gas or electric) may charge other public agencies capital facilities fees. This hotly contested measure is facing stiff opposition from the education

community. All cities with municipal utilities should call their senator and assembly member and urge an Aye vote on AB 2951. **Staff:** Yvonne Hunter; **Status:** SenFlr; **Position:** **Support.**

SB 1733 (Aanestad). Water Quality. Due Process. Small Cities. SB 1733 passed the Assembly this week on an overwhelming bipartisan vote. It would provide more flexibility for regional water quality control boards to permit small cities with financial hardship to direct all or a portion of mandatory minimum penalties for water quality violations towards a compliance project.

Additionally, it would clarify existing law that public agencies have the same due process rights as others in proceedings before the state or regional boards. The bill now returns to the Senate for concurrence in Assembly amendments. With the addition of the provision dealing with due process for public agencies, SB 1733 now benefits all cities. Please be sure your senator has been contacted and asked to vote AYE on SB 1733. **Staff:** Yvonne Hunter; **Status:** SenFlr; **Position:** **Support.**

Stay Up-to-Date on Bills That May Impact Your City

www.cacities.org/billsearch

Become a regular user of the League's online Legislative Tracking System. The League's website is your gateway to all the information you need: bills sorted by subject areas, showing the bill history, current status, committee analyses, votes, and much more. You can even view League letters of support or opposition, and access the League lobbyist working on the bill.

'NO ON PROP. 90' COALITION TOPS 100 MEMBERS - AND CONTINUES TO GROW!

The "No on Prop. 90" coalition announced today that more than 100 diverse organizations representing homeowners, taxpayers, public safety, business, labor, seniors, environmentalists, educators, local governments and property rights advocates have joined in opposing Prop. 90.

The list of organizations opposed to Prop. 90 is growing daily, and includes diverse groups that normally disagree on many policy matters. They do, however, all agree on one thing: Proposition 90 is bad for taxpayers, and bad for our state.

Among the recent endorsements to the No on 90 campaign this past week are:

- California Black Chamber of Commerce
- Ventura County Taxpayers Association
- California State Sheriffs' Association
- California Manufacturers & Technology Association
- California Association of REALTORS
- Los Angeles Business Council
- Gray Panthers California
- State Building & Construction Trades Council of California
- California Teamsters Public Affairs Council
- National Trust for Historic Preservation
- California Coastal Commission

These groups join the League of California Homeowners, the California Fire Chiefs, California Police Chiefs, League of Women Voters of California, California Small Business Association, The Nature Conservancy, The California League of Conservation Voters of California and more than 100 homeowner, taxpayer, small business, public safety, environmental, agriculture, labor, senior, local government and other groups that have come to the conclusion that Prop. 90 is flawed policy that must be defeated.

For a complete coalition list, visit www.NoProp90.com.

CITY OFFICIALS: Find out how you can help defeat this badly flawed measure. Visit the League's website (www.cacities.org/Prop90) to find out how you can help. Be sure to also read "[Working on a Ballot Measure Campaign: The Do's and Don'ts](#)" on the same webpage.

Note: *This story was produced using non-public funds of the League of California Cities. Public officials are urged to avoid using public funds and equipment in supporting or opposing any ballot measure, including Prop. 90. We urge you to send your private e-mail address to your [League Regional Representative](#) for regular updates on the "No on Prop. 90" campaign and information on how you can help with your personal time and resources.*

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