

PRIORITY FOCUS



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SENATE SCHEDULED TO HEAR TWO LEAGUE-SPONSORED BILLS NEXT WEEK Measures Concern Public Safety and Local Transportation Priorities

Two League-sponsored bills are scheduled to be heard in the Senate next week. SB 266 (Steinberg, D-Sacramento) would allow vehicles to be seized from people engaged in illegal motor vehicle speed contests. SB 286 (Lowenthal, D-Long Beach and Dutton, R-Inland Empire) outlines the allocation schedule for the \$2 billion in bond funds for cities and counties for local transportation priorities. *For more, see Page 2.*



LEAGUE OPPOSES SB 964 (ROMERO)

Bill Would Impede City Officials' Communication with City Councils

The League of California Cities is opposing SB 964, a bill authored by Sen. Gloria Romero (D-Los Angeles). A broad-sweeping measure, if signed into law, SB 964 would significantly limit the ability of city officials to communicate with city councils outside an open and public meeting. *For more, see Page 3.*



AB 2987 UPDATE: WHERE THINGS STAND ON THE TELECOM FRONT

In 2006, the California Legislature enacted a completely new franchising law for companies intending to provide video services to the state's residents – AB 2987, the Digital Infrastructure and Video Competition Act of 2006.

For cities, a number of questions exist on the law's implementation, what the law does and who has authority on franchising issues. The following summary provides some clarification. *For more, see Page 2.*

League-Sponsored Bills, Continued from Page 1...

Tragedies resulting from illegal street racing have become far too common in California. To address this growing public safety issue, many local governments have enacted street racing ordinances. Co-sponsored by the League and the city of Elk Grove, SB 266 is another tool to help combat street racing. If signed into law, SB 266 would allow the vehicles of those who take part in these races to be confiscated.

The measure also would allow for the release of a vehicle used in a street race to an innocent registered owner or community property interest owner. This measure strikes a balance between the need for cities to have the option of keeping nuisance vehicles used in speed contests off the streets, while allowing other owners of the vehicle not involved in illegal activity continued use of the vehicle.

SB 266 will be heard in the Senate Public Safety Committee on Tuesday, April 24. The League urges cities to review this legislation and contact your legislators in support of it.

Transportation Bond Implementation

SB 286 is a bill that defines an allocation schedule for the \$2 billion included in Proposition 1B as a direct allocation to cities and counties. Specifically, SB 286 guarantees that every city will receive at least half of their Prop. 1B funds to spend in the next two fiscal years - the 2007-08 Prop. 42 "gap" year and 2008-09.

Funding in these two years is extremely important, because without significant funding in the 2007-08 Prop 42 "gap" year, cities and counties will not receive any funds for local streets and roads. SB 286 allocates any remaining money (funds not spent in 2007-08 and 2008-09) to cities no later than Jan. 1, 2010 for fiscal years 2009-10 and 2010-11.

In addition, SB 286 provides that a city may receive up to the entire amount of its share of Prop. 1B funds in the next two fiscal years if the ability to spend the funds is demonstrated. Every city would also be guaranteed at least \$400,000 in the first two years of the program.

This measure will be heard in the Senate Transportation and Housing Committee on Tuesday, April 24. The League believes endorsement of SB 286 is paramount and encourages cities to review the bill and give it their support.

AB 2987 Update, Continued from Page 1...

What AB 2987 Does

AB 2987 pre-empts local franchises and establishes the California Public Utilities Commission (CPUC) as the sole franchising authority in California for video service providers. We expect this state paradigm to stay in place and set the policy for years to come.

The Public Right-of-Way

Local government still controls the public right-of-way. The current law, applicable to telephone companies performing construction in the public right-of-way, is the same standard adopted in AB 2987.

The provisions of AB 2987 require the local entity to allow the holder of a state franchise to install, construct, and maintain a network within the public rights-of-way under the same time, place, and manner provisions as those governing telephone corporations under applicable state and federal law.

Encroachment Permits

AB 2987 requires a local entity to either approve or deny an application from a holder of a state franchise for an encroachment permit within 60 days of receiving a completed application. An application for an encroachment permit is complete when the applicant has complied with all statutory requirements, including the California Environmental Quality Act (CEQA). If the local entity denies an application for an encroachment permit it shall furnish to the applicant a detailed explanation of the reason for the denial.

Customer Service

Enforcement of customer service standards is still under the authority of local governments. However, the authority in AB 2987 is weak in comparison with the authority local governments had under local franchise agreements.

The local entity shall enforce all of the customer service and protection standards with respect to complaints received from residents within the local entity's jurisdiction, but it may not adopt or seek to enforce any additional or different customer service or other performance standards.

Franchise Fees

Franchise fees are set at five percent of gross revenues and will go directly to cities as they did before.

League Efforts

The League has heard from many local entities about the telecom survey the industry put out with cooperation from the League. Telephone companies continue to request that cities fill out the survey. While it is encouraged that you fill out the survey and the League believes it will help with implementation, it remains completely voluntary on the part of the local municipality.

If there are agreements that other cities have that they would like to share, or you have further questions on this issue, contact League Legislative Representative P. Anthony Thomas at athomas@cacities.org.

Helpful Links:

- CPUC Rulemaking on AB 2987 – www.cpuc.ca.gov (search under “documents,” then “final decisions”)
- League Summary on AB 2987 – www.cacities.org/telecom

SB 964, Continued from Page 1...

This bill presents a myriad of problems for local government. Specifically, the bill is broadly worded to prohibit agency staff communications with a majority of the governing body that “advances or clarifies a member’s understanding of an issue.”

The League views the sweep of this bill as prohibiting the following common agency communications:

- Summary reports of the upcoming week’s events and other items of interest from the agency’s executive to the legislative body (which are typically public records)
- Memorandum from agency staff to the legislative staff unless the communication is part of an agenda packet and relates to an item on an agenda

- Attorney-client privileged legal communications from the agency's legal counsel
- Informational briefings between agency staff and individual legislative body members (recently found to be lawful under *Wolfe v. City of Fremont*)
- Any materials in support of a closed session that would not otherwise be included in the agenda packet. Therefore, all closed session materials would have to be presented to the legislative body in closed session, or included in the agenda packet that is a public record
- Draft reports prepared by agency employees or consultants

The League will continue to oppose legislation that claims to enhance open and public meetings that in practice, unnecessarily complicates the ability of a local governing body to properly communicate and function on behalf of their citizens.

SB 964 will be heard in the Senate Local Government Committee on Wednesday, April 25.

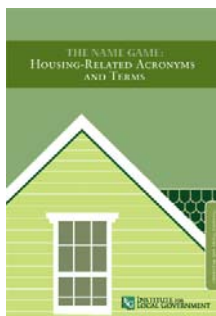
League City Attorneys' Department to Meet in Monterey Spring Conference Scheduled for May 2-4

The League of California Cities' City Attorneys' Department will hold its annual Spring Conference on May 2-4 in Monterey. This year's program features a wide-range of topics, including sessions on Utility User Taxes (UUTs), mobile home park conversions, AB 2987 implementation, and much more!

Additional areas of discussion at the conference will include Proposition 218, bond disclosure issues, architect and engineer design liability, the Public Records Act, substance abuse recovery facilities, housing element certification and stormwater control law. The Spring Conference is the premier education event providing California city attorneys with information tailored to their specific and immediate needs.

Online registration is now closed for this event, but on-site registration will be available. The cost for city attorneys, deputy city attorneys and assistant city attorneys is \$500. For more information, additional price structures, and a listing of sessions, visit www.cacities.org/events to download the conference announcement.

Institute for Local Government Releases New Housing Publication



The Institute for Local Government (ILG), the nonprofit research arm of the League of California Cities and California State Association of Counties, has published *The Name Game: Housing-Related Acronyms and Terms*.

The publication is designed to assist local officials by defining key terms associated with housing policy options and issues.

Copies of *The Name Game: Housing-Related Acronyms and Terms* have been mailed to city and county planning directors. In addition, the publication is available online without charge at www.ca-ilg.org/housingacronyms.

Additional hardcopy versions of the publication may be ordered from ILG for \$5 for a set of five or at discounted bulk rates. Visit www.ca-ilg.org/ilgpubs for more details.

ILG would like to express its gratitude McDonough Holland & Allen PC for its generous financial support for the project.

Find a Bill, Legislators, Leg Committee – or Ask League Leg Staff

Visit (and bookmark!) the League's Legislative Resources Web 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.

Legislative Bill Summaries

PUBLIC SAFETY

AB 57 (Soto). Highways. Safe Routes to School Construction Program. AB 57 eliminates the sunset date for the "Safe Routes to School" construction program within the California Department of Transportation (Caltrans), thereby making the program permanent.

The League encourages cities to promote healthy lifestyles and supports measures that provide opportunities for local jurisdictions to construct safe bicycle and pedestrian access projects. AB 57 would provide continued grants for local governments to build transportation projects to encourage children to travel to and from school on foot or by bicycle.

The construction of bicycle and pedestrian safety and traffic calming projects such as sidewalks, trails, bike lanes, and intersection improvements are integral components for safe travel for children walking to and from school. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** **Support.**

AB 325 (Nava). Peace Officers. Recruitment. AB 325 would create a Peace Officer Recruitment and Retention Commission for the purpose of developing recommendations for the Governor and the Legislature on what measures the state can take to address the shortage of peace officers in California. In addition, the Commission will develop and implement a pilot project in Napa, Ventura, and Los Angeles Counties aimed towards advertising the benefits of a career in law enforcement.

Currently, there are approximately 10,000 vacant peace officer positions in California, which is a major public safety issue. With California's increasing population, coupled with law enforcement shortages, communities will likely face an increase in crime, leaving law enforcement unable to adequately respond.

The League of California Cities supports any measure which seeks to rectify a shortage of peace officers in California. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** **Support.**

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS

AB 642 (Wolk) Design-Build. Counties, Cities, and Special Districts. AB 642 would allow cities, upon approval of the city council, to utilize design-build contracting until Jan. 1, 2018. Currently, this method of contracting is available only to some cities in California. The League supports allowing cities options to use design-build contracting in order to bring efficiency to public contracting.

Design-build contracting has shown it is effective in reducing project cost and expediting project completion. This bill would allow cities to use design-build if a local agency desired, allowing cities the option of a more efficient process. **Staff:** Liisa Lawson Stark; **Status:** AsmLGov, Hearing April 25; **Position:** **Support.**

SB 445 (Torlakson). Road User Task Force. SB 445 establishes a Road Users Task Force to analyze how increased use of alternative fuels and increased vehicle fuel efficiency will affect revenues for the construction, maintenance, and operation of highways, local streets, roads and transit systems.

Current funding mechanisms for California's transportation systems fall far short of needs, both short and long-term. When needs outweigh available resources, it is imperative that state and local governments, as well as other transportation stakeholders, work cooperatively to identify alternative ways to fund those needs to ensure a long-term seamless transportation system for our state.

SB 445 will provide an opportunity to transportation stakeholders, as well as the public, together with the goal of providing specific recommendation to fund California's transportation needs in the future, which is essential for continued economic prosperity. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

SB 717 (Perata). Transportation Investment Fund. SB 717 continuously authorizes sales tax revenue derived from the sale of motor vehicle fuels to be transferred to the Transportation Investment Fund (TIF) beginning in fiscal year 2008-09.

SB 717 would also maintain the current distribution formula of the tax revenues at 20 percent to the Public Transit Account (PTA), 40 percent to the State Transportation Improvement Program (STIP), and 40 percent to cities and counties (20 percent to cities and 20 percent to counties) for street and road purposes. The League supports continuous funding for local transportation needs. SB 717 ensures an equitable and continuous distribution of TIF funds to state, local, and transit systems.

A permanent shift of sales tax on gasoline for transportation purposes and the agreed upon formula under Proposition 42 will ensure that cities and counties can preserve, maintain, and rehabilitate the local street and road system. **Staff:** Liisa Lawson Stark; **Status:** SenRev&Tax, Hearing April 25; **Position:** Support.

Want to Send a Letter in Support of a League Position? Here's Who to Call:

Assembly Appropriations (18)—Leno (Chair), Walters (Vice Chair), Caballero, Davis, DeSaulnier, Emmerson, Huffman, Karnette, Krekorian, La Malfa, Levine, Lieu, Ma, Nakanishi, Nava, Runner, Solorio, and 1 Democratic vacancy. Chief Consultant: Geoff Long. Principal Consultants: Mary Adér, Steve Archibald, Chuck Nicol, Kimberly Rodriguez, Julie Salley–Gray, Brad Williams. Secretary: Laura Lynn Gondek. Phone: (916) 319–2081. Room: 2114.

Assembly Local Government (7)—Caballero (Chair), Houston (Vice Chair), De La Torre, Lieber, Saldaña, Smyth, and Soto. Secretary: Dixie Petty. Phone: (916) 319–3958. 1020 N Street, Room: 157.

Senate Appropriations (17)—Torlakson (Chair), Cox (Vice Chair), Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Dutton, Florez, Kuehl, Oropeza, Ridley–Thomas, Runner, Yee and vacancy. Phone: (916) 651–4101. Room: 2206.

Senate Revenue and Taxation (8)—Oropeza (Chair), Cogdill (Vice Chair), Alquist, Corbett, Harman, Machado, Runner and Scott. Staff Director: Gayle Miller. Consultant: Colin Grinnell. Assistant: Marisa Lanchester. Phone: (916) 651–4119. Room: 408.