

PRIORITY

FOCUS

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

August 11, 2006
Issue #32-2006

SB 1322 RAISES GROUP HOMES ISSUE FOR SEVEN OR MORE PEOPLE

Local agencies face significant limitations in approving group homes, which include residences for various special needs populations that house six or fewer people. Under SB 1322 (Cedillo), however, local agency discretion would be limited on special needs facilities that serve seven or more people. Moreover, there is no size cap on the limit: a 200 bed facility is treated the same as an eight bed facility. *For more, see Page 2.*

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FEDERAL TELECOM UPDATE: SENATE RELEASES H.R. 5252 DRAFT

On August 4, Senate Commerce Committee staff released a draft of the cable/telecom bill (H.R. 5252) as they propose to report it out of Committee. The bill continues to present major problems for local agencies and the communities they serve, including network neutrality issues and a lack of build-out provisions. Additional issues include pre-emption of cell phone taxes and taxes on the Internet. *For more, see Page 2.*

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AB 2987 SET FOR AUGUST 14 HEARING

AB 2987 (Núñez /Levine), the telephone-company sponsored cable franchise bill, is set for hearing in the Senate Appropriations Committee on Monday, August 14. *For more, see Page 3.*

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What This Bill Does

This bill would confine local agency discretion in three main ways:

- It adds "special needs facilities" to the anti-NIMBY law, which limits the extent to which local agencies can deny or condition a project. Particularly critical here is the limitation on local agencies ability to place reasonable conditions on the project that are related to unique site concerns. There are a lot of impacts and safety issues associated with the operation of larger special needs facilities and local agencies need to retain the discretion to address these as they arise.
- The bill is currently amended to allow potential users of emergency shelters to sue under the anti-NIMBY law and if successful, win attorneys fees. The League understands, however, that the author has argued, and the Assembly Local Government Committee has agreed, that this provision should have been extended to all special care facilities, including social rehabilitation and adult day program facilities. As a result, the bill will be amended shortly to reflect this change.
- The bill amends the housing element to require local agencies to zone land by-right for emergency shelters and transitional housing. This is a little backwards from the current housing element process, where local agencies get the chance to make a plan, then if it does not comply with the housing element, the local agency must live with by-right zoning until the element is in compliance. Instead, SB 1322 will require by-right zoning at the outset on the threat of by-right zoning.

Request for Letters, Contact Your Legislator

SB 1322 will come up in the Assembly Appropriations Committee next week. Given its likely fiscal impact, it is expected to be placed in the Suspense File. Assuming the bill moves out of the Suspense File, the next opportunity to address this issue will be on the Floor of the Assembly and then the Senate.

The League is requesting that local officials contact their legislators and register their opposition to this bill. The League's letter and a sample form letter are available by looking up SB 1322 using the League's website bill search function – www.cacities.org/billsearch.

H.R. 5252 Continued from Page 1...

As a result, all national municipal groups, the National Conference of State Legislatures and the National Governor's Association continue to oppose the bill. While Sen. Ted Stevens (R-Alaska) continues to come up short of the 60 votes needed to bring it to the floor, municipalities need to keep the pressure on their senators during the current recess, as the phone companies are working hard on the other side.

The League and many national groups continue to analyze the 287 page bill. For those who would like to read it, the bill can be found at www.cacities.org/telecom. Below is a quick summary of the August 4 draft of H.R. 5252, courtesy of Varnum Law:

The bill purports to abrogate existing cable franchises issued by municipalities or states (by allowing the current cable company to get the new national franchise which "supercede[s] the existing franchise agreement" as soon as a competing provider starts providing service).

The bill nationalizes cable franchising by requiring the Federal Communications Commission (FCC) to issue a standard franchise application whose use by municipalities is mandatory. Municipalities "must grant" such applications within 90 days of receipt, and failure to do so leads

to them being deemed granted without financial support for government, educational, and school channels.

Like the prior House bill, the current bill allows essentially any interested provider to obtain a national franchise and to select the municipalities in which they are authorized to provide service. The bill also classifies AT&T's Internet protocol television service as a cable service. There are no requirements specifying where and how build-out of services should occur under the franchise, although Senate floor amendments that will propose changing this are likely.

"Redlining" groups on the basis of income, race, or religion is prohibited, unless excused by "technical feasibility, commercial feasibility, operational limitations, or physical barriers." Enforcement authority rests exclusively with the state attorney general, and remedies may not use "quotas, goals, or timetables." The exceptions and enforcement provisions make these redlining provisions problematic.

The national franchisee must provide as many government, educational, and public channels as the incumbent, with the number increasing every 15 years, plus financial support for them equal to the greater of one percent of gross revenues or that already provided by the incumbent (including lump-sum or one-time payments). Municipalities may require the continuation of existing I-NETS (communications networks provided by cable companies for municipal use), but may not require new ones.

The Senate bill provides for a franchise fee based on 5 percent of gross revenues, and audits to verify compliance. On rights-of-way, franchisees must agree to comply with municipal regulations regarding their "use and occupation," including police powers, that are consistent with the bill.

No local law can effectively prohibit the provision of cable service (wording similar to current telecommunications statutes, which have spawned some litigation). Also the Senate bill requires the FCC to issue new consumer protection rules, which must include penalties payable to subscribers for violations, and municipalities can enforce such rules.

If you have any questions, please feel free to contact, League Legislative Analyst Genevieve Morelos at (916) 658-8254, or via e-mail at gmorelos@cacities.org.

AB 2987 Continued from Page 1...

An August 7 amended version of the bill appeared in print this week. The amendments reflect changes adopted June 27 by the Senate Energy, Utilities and Communications (E, U & C) Committee.

The League has just received and is reviewing additional amendments covering the issues of funding support and the number of channels available for public, education and government ("PEG") stations, and funding for I-Net systems. These are issues that Sen. Joe Simitian and other members of the Senate E, U & C Committee insisted be addressed in negotiations during July. The League and others presented extensive information to legislative staff regarding community concerns with these issues. Presumably, these amendments will be in print within the next few days. For information on the League's PEG and I-Net concerns, see "AB 2987: PEG and I-Net Concerns," on Page 4.

The bill is likely to be sent to the Appropriations Committee Suspense File, based upon the anticipated new costs to the state to establish a new bureaucracy at the California Public Utilities Commission to the state-issued franchise program. The committee will likely take up the Suspense File and pass AB 2987 within the week.

We will post updated information and our analysis on the amendments on the League website as soon as our analysis is complete (www.cacities.org/ab2987). We will also update the online Advocacy Center (www.cacities.org/advocacycenter) with new sample letters and talking points.

AB 2987: PEG AND I-NET CONCERNS

- Amount of PEG funding (maximum of 1 percent in the bill is too low, should be closer to 3 percent the League has proposed)
 - Number of PEG Channels (should be minimum of four or five vs. three in bill)
 - Insure that all video operators "pick up, convert & carry" PEG channels/programming vs. placing that expense on Cities and Schools
 - Eliminate "trigger language" for new channels (new channels should be activated upon written notice by cities and three to six month notice period as in newer cable TV franchises vs. AB 2987 language)
 - Customer Service enforcement (cities should be able to continue to assess liquidated damages every day that a problem continues until the customer service/video provider problem is fixed vs. a cap of three days in the bill – you can't motivate multi-billion dollar companies like AT&T, Verizon & Comcast with a \$1,500 fine!)
 - Fiber I-Nets (should continue beyond the end of a franchise/franchising since many cities paid for them with taxpayer dollars vs. current bill language)
 - Emergency Alert Override by city (should retain ability for cities to override in case of local disaster vs. FCC language in AB 2987)
 - Bill should provide for a city-issued video franchise with state standards vs. state-issued (to avoid Prop 218 and future state revenue raid issues)
 - Bundling language so that there is a process to assign a value for video service in Franchise Fee calculations on so-called "triple play" and other video/internet/phone service bundles
 - Continuation and provision of free basic video service "drops" to city, county and school sites (bill is now silent on this question)
 - Build-Out: AB 2987 should include a requirement for build out to 90 percent of a city or service area in seven years vs. language in bill (20 percent – 50 percent of any given city or area, a big issue for less dense and rural areas)
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GOVERNOR'S CORRECTIONS REFORM PACKAGE INTRODUCED

Gov. Arnold Schwarzenegger and the California Department of Corrections and Rehabilitation (CDCR) have released corrections reform proposals for consideration by the Legislature during a special legislative session.

The session was called by the Governor to address the urgent issues of recidivism and overcrowding in California's adult prisons and juvenile facilities and began on Monday, August 7. The proposals are outlined in five Assembly Bills (ABX2-1, ABX2-2, ABX2-3, ABX2-4, and ABX2-5) and focus on increasing prison capacity through facility construction, and public/private contracts, in an effort to provide additional rehabilitation opportunities. (See "Administration Corrections Reform Proposals," Page 5.)

Hearing Dates Uncertain – and Time Running Out

It is still unclear when the reform measures will be considered by the Legislature. But according to the Assembly Public Safety Committee, both the Senate and Assembly committees tasked with reviewing the corrections proposals will hold informational hearings next week. The Select Committee on Population Management and Capacity will meet on Tuesday, August 15, at 9:30 a.m. or upon adjournment of session in Room 4203.

The committee will also meet on Wednesday, August 16, at 9:30 a.m. or upon adjournment of session in Room 4203.

Assembly Speaker Fabian Núñez appointed Assemblymember Mark Leno to chair the Assembly review committee, and Senate President pro Tem Don Perata appointed Sen. Mike Machado as chair of the Senate Select Committee on Prison Population Management and Capacity.

Keeping in mind that the Legislature is scheduled to adjourn August 31, it appears that there is a lot of work to do between now and then if any of these proposals stand a chance of moving forward.

ADMINISTRATION CORRECTIONS REFORM PROPOSALS

- **Construction of Two New Prisons and Re-Entry Facilities**

ABX2-4 by Assemblymember Nicole Parra includes approximately \$2.3 billion in revenue bonds for the construction of two new state prisons, located adjacent to existing prison facilities, and for Community Re-entry Program Facilities, which would be constructed only upon the request, and site determination, of a local entity.

The re-entry facilities would provide a combined 5,000 beds (500 beds at 10 facilities) for parole violators and inmates who are within 90 days of being paroled. CDCR would like to partner with cities and counties to identify sites where these facilities could be built and managed by the state. However, ABX2-4 stipulates that CDCR may also contract with a local entity for the operation of a re-entry program.

According to CDCR, the purpose of the re-entry facilities is to break California's entrenched cycle of parolee failure. The desired outcome is to reduce post-release criminal behavior of high risk offenders by returning parolees to their county of last legal residence, and to scale back the failure rate of at-risk parolees revoked with no new prison term.

- **Increased Housing Capacity in Existing Prisons and Related Infrastructure Renovations**

In addition to providing authority to reactivate the closed Northern California Women's Facility in Stockton to house male inmates, ABX2-2, authored by Assemblymember Todd Spitzer, would provide almost \$2.5 billion in revenue bonds for the construction of new housing units and prison support buildings at existing prison facilities.

ABX2-2 would also authorize the appropriation of \$238 million out of the state's General Fund to renovate and expand infrastructure systems at existing prison facilities, and to convert female inmate facilities to house male inmates.

- **Establishment of a Female Offender Program**

ABX2-1, authored by Assemblymember Sally Lieber, establishes a new community-based Female Offender Program for non-serious, non-violent inmates. The program includes community correctional centers to house inmates closer to their communities, halfway house facilities to support the transition from prison to the community, and halfway back facilities designed to address the needs of parole violators who need more restrictive sanctions.

Program facilities would initially be located in Alameda, Fresno, Los Angeles, Sacramento, San Bernardino, and San Diego Counties, due to the significant number of female inmates from these areas.

- **Expedited Training for Correctional Officers and Establishing a Southern California Training Facility**

This proposal would authorize CDCR to perform psychological screening of correctional officer applicants, which is aimed at increasing recruitment by reducing the amount of time needed to completely evaluate an applicant.

Outlined in ABX2-5 (Bermudez), the proposal would also authorize the issuance of \$55 million in revenue bonds to establish and construct a Correctional Officer Training Academy in Southern California.

- **Undocumented Criminal Aliens in California's Corrections System**

AB2X-3, authored by Assemblymember John Benoit, requires the Secretary of CDCR to request that the United States Attorney General take any undocumented criminal alien serving prison time in California in to federal custody for deportation. AB2X-3 would also require CDCR to charge the federal government for the full cost of incarcerating a deportable criminal, if custody of the deportable criminal is not assumed.

- **Design-Build Construction Authority and Related Provisions for Expediting Construction Projects**

In addition to the legislative proposals listed above, this proposal would authorize CDCR to utilize design-build contracting, and would also allow CDCR to expedite contracting processes for architectural, engineering and construction management services.

Lastly, this proposal would exempt CDCR from some provisions of the California Environmental Quality Act (CEQA). Specifically, an Environmental Impact Report (EIR) prepared for construction projects authorized in the special session will not be required to consider alternative sites for projects, or potential alternative uses for a project site. The EIR would only be required to consider existing projects as part of a cumulative impact analysis.

At press time, legislative language was not available for this proposal.

'ALL POLITICS IS LOCAL' – LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE BEGINS SEPT. 6

The 107th League of California Cities' Annual Conference will begin on September 6 at the San Diego Convention Center in San Diego and run through September 9. More than 2,000 attendees from over 400 California cities are expected to attend, bringing together elected and appointed officials, city staff and all departments to serve the grassroots interests of local municipalities.

Under this year's theme, "**All Politics Is Local**," - a statement that emphasizes the importance of city officials working together toward our common goals - the annual conference is a special combination of training, dialogue and networking events.

The key speakers at this year's general sessions are Kevin Carroll, author of *Rules of the Red Rubber Ball: Find and Sustain Your Life's Work*, who will present the opening keynote address; and John Avlon, former speechwriter for Mayor Rudolph Giuliani who will deliver the keynote on the conference's second day. The League has also invited California's gubernatorial candidates to speak on the September 8 closing General Session.

For more information on the conference, and a preliminary schedule, visit www.cacities.org/ac. Advance registration is closed, but registration will be available on-site! Registration costs for city officials are \$435 for the full conference or \$250 for one day. Please note that spouse/guest registration is \$100. All questions can be directed to (916) 658-8291.

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 September 6-9, in San Diego.

Your 45-minute training session will include a short, on-camera interview, where instructors will ask you questions about issues 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, September 7 and 8, and three sessions on Saturday, September 9**. The training will be held in the League Media Room at the San Diego 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 Sprenger at (916) 658-8278 to reserve a training session.**

Reservations will be accepted on a **paid** first-come, first-served basis. Please note that, while there is no charge for the training, in an attempt to address the problem of "no-shows", **there is a \$20 charge, refundable as a \$20 CityBooks coupon for those who attend the training. No refunds or coupons will be issued for "no shows."**

Available On-Camera Interview Training Session Times

Thursday, September 7

2 p.m. – 2:45 p.m.

Friday, September 8

9 a.m. – 9:45 a.m.

10 a.m. – 10:45 a.m.

11 a.m. – 11:45 a.m.

2 p.m. – 2:45 p.m.

3 p.m. – 3:45 p.m.

Saturday, September 9

8 a.m. – 8:45 a.m.

10 a.m. – 10:45 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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LEAGUE TELECOM PUBLICATION WINS A 2006 COMMUNICATION GOLD CIRCLE AWARD

The League's *Western City Magazine* has won a 2006 Communication Gold Circle Award from the American Society for Association Managers (ASAE), for the feature article "How the Telecommunications Revolution Will Affect Your City."

The award was given in the category of "Writing for an Association Budget Greater Than \$2 Million." The article was one of more than 250 total entries for the ASAE Gold Circle Awards from over 160 organizations. "How the Telecommunications Revolution Will Affect Your City" was a collaborative effort by League communications and legislative staff, with contributions by numerous League members knowledgeable in the area of telecommunications. The goal of the article was to educate city officials on the sweeping telecommunications reform legislation that the League correctly anticipated would be introduced in 2006 at both the state and national levels.

The awards will be presented at a special reception on Saturday, August 19, at the Boston Convention & Exhibition Center in Boston, Mass.

To view the League's award-winning feature article, visit www.cacities.org/telecom.

KEEPING UP: RANDY HAMILTON, LONG-TIME FIGURE IN LOCAL GOVERNMENT AND ACADEMIC CIRCLES, PASSES AWAY

On Friday, August 4, Randy Hamilton passed away at his home in Oakland. Randy was a member of the League of California Cities staff in the 1960s. After leaving the League, he went on to a distinguished career in academia, founding the School of Public Administration at Golden Gate University and then holding the position of visiting scholar for the past 15 years at the University of California, Berkeley.

Randy continued to have close ties throughout his career with city managers, public administrators and local elected officials in California and many other states. No memorial service is planned. The League expresses its condolences to the Hamilton Family.

COMMUNITY MEDIA CONFERENCE SET FOR OCTOBER

The Alliance for Community Media (ACM) Western Region Board is hosting "Community Media: This Way Forward" – a regional conference focused on community media and technology – on October 27-28 in San Jose.

The conference will feature more than 25 workshops at the Hilton San Jose on a variety of subjects including telecommunications legislation, emerging digital media tools, innovative government and educational channels and much more. The event's luncheon keynote speaker will be Norm Solomon, a renowned media critic and author. The Wave film festival awards will also be held in conjunction with the conference on Friday, October 27, at the new San Jose City Hall and Rotunda.

Early-bird registration cost is \$135 for ACM members and \$150 for non-members through October 5. A conference hotel rate of \$99 is also available through the early-bird registration period. For more information on the conference, and to register, visit www.acmwest.org.

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

Visit (and bookmark!) the League's [Legislative Resources](http://www.cacities.org/legresources) 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

ENVIRONMENTAL QUALITY

AB 802 (Wolk). Flood Control. General Plans. AB 802, supported by the League, would require cities and counties to update their General Plans to better address flood safety issues. Much of the language in AB 802 is consistent with what is currently included in the General Plan Guidelines, which suggest optional criteria to include in general plans to address flooding. The concept of AB 802 is to ensure that all general plans address basic flood related issues so that cities and counties can plan accordingly.

AB 802 is now on the Senate Appropriations Committee Suspense File, but is anticipated to move to the Senate Floor soon. At this point, AB 802 has no known opposition. **Staff:** Yvonne Hunter; **Status:** SenAppr Suspense File; **Position:** Support.

AB 1899 (Wolk). Show Me the Flood Protection. AB 1899 is a work in progress – and is now residing on the Senate Appropriations Committee Suspense File. Limited to the Sacramento-San Joaquin River valleys, the intent of AB 1899 is to ensure that new development in areas that could flood to a depth of three feet or more have adequate flood protection. This includes "firm" 100 year protection, as well as plans to achieve 200 year protection.

Over the summer legislative recess, numerous meetings have been held among interested stakeholders, the Administration and Assemblymember Wolk's office to consider alternative concepts. At this time, legislative language is not yet available, but it is clear that the bill in its current form will undergo fairly significant amendments.

The League has participated in those meetings. We have raised a number of significant issues which the League will use to evaluate what position to ultimately take on the bill as it moves forward. Those issues are listed on the League's June 20 and June 28 letters to the author. It is likely that this will be an issue that is resolved – or not – in the last days of the session. Stay tuned! **Staff:** Yvonne Hunter; **Status:** SenAppr Suspense File; **Position:** Pending.

AB 1951 (Goldberg). Capital Facilities Fees. AB 1951 (Goldberg) would clarify that municipal utilities may charge other public agencies capital facilities fees. Copies of the League's letters supporting AB 1951 are available on the League's website. Cities with municipal electric, gas, water, and sewer utilities should be sure they have sent letters of support to their senators and assembly members. AB 1951 is scheduled to be heard in the Senate Appropriations Committee next week. **Staff:** Yvonne Hunter; **Status:** SenAppr; **Position:** Support.

PUBLIC SAFETY

SB 412 (Figueroa). Massage Therapy. The League is now neutral on SB 412 (Figueroa). This measure would propose a system to certify massage therapists who meet specific educational and professional qualifications. It would prohibit local governments from regulating anyone who is a certified massage therapist, but would permit local governments to regulate anyone who wishes to operate as a massage therapist, but who is not certified.

The bill would also permit local governments to regulate the business where the certified massage therapists operate, as long as the regulation is non-discriminatory (i.e., does not impose stricter land use requirements than other professional businesses such as a physical therapists businesses).

As recently amended, SB 412 clarifies that a local government may adopt an ordinance to regulate anyone who is not a certified massage therapist. Local governments may also enforce the requirements of the state certification and may shut down any massage therapy business in which illegal activity occurs. The League's neutral position was adopted in late July by the League's board of directors after a lengthy discussion. The California State Association of Counties (CSAC) is also neutral on SB 412, which passed out of the Assembly Appropriations Committee this week and is now pending on the Assembly Floor. **Staff:** Yvonne Hunter; **Status:** Assembly Floor; **Position:** Neutral.

SB 1430. (Alquist). The Local Pandemic and Emergency Health Preparedness Act of 2006. SB 1430 will ensure local government control in the case of an emergency health and public safety crisis. SB 1430 further allows local resources to be used in an efficient and effective manner in the case of an emergency.

Current law allows the Director of the State Department of Health Services, or the local health officer, to declare a county health emergency in the event a release, spill, escape, or entry of hazardous or medical waste. SB 1430 would extend current law to include a threat or spread of a contagious, infectious, or communicable disease, chemical agent, non-communicable biological agent, or radioactive agent, such as an avian flu outbreak or act of bioterrorism.

SB 1430 also grants local health officers the ability to issue a pre-event order to local first responders to immediately issue an isolation of exposed individuals, which will aid in the prevention of further spread of diseases and/or agents that pose a public health and safety crisis. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Support.

SB 148 (Scott). Alcoholic Beverages. Licensing Restrictions. SB 148 would provide additional bases from which the Department of Alcoholic Beverage Control (ABC) to revoke or suspend alcoholic beverage licenses. Under current law, cities or counties can only enforce zoning ordinances that were present when a licensee obtained a license for alcohol sales. It does not, however, give cities the ability to change the law and enforce it. SB 148 would allow ABC to suspend or revoke an alcoholic beverage license if the licensee fails to correct objectionable conditions cited by a district attorney, city attorney or county counsel.

SB 148 would also assist cities and counties throughout California in addressing repeated public safety problems often associated with nuisance liquor stores such as vandalism, littering, loitering, graffiti, excessive loud noises, public drunkenness and lewd conduct. SB 148 will allow cities to more effectively enforce their laws and also allow liquor storeowners a reasonable amount of time to comply with any change in law. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr, 8/16; **Position:** Support.

TRANSPORTATION

SB 1404 (Machado). Vehicles. Parking Violations. Street Cleaning. SB 1404 would add Section 22507.6 to the Vehicle Code to specify that a person is not in violation of a local ordinance if they park in an area with posted restrictions for street cleaning or sweeping, unless street cleaning occurs during the posted time period. The League is opposed to this measure for several reasons:

- SB 1404 is unnecessary and attempts to interfere with a city's authority to provide services to residents. Cities in California do not believe that there is a problem with current street cleaning programs that requires state intervention of a local service. Under current law, cities have the right to provide and manage services within their jurisdictions, and resolving any local issues should be left up to the entities responsible for providing purely local services.

Residents and cities alike benefit from a predictable, posted schedule to allow local jurisdictions the flexibility to provide services in addition to street cleaning during specific times, including tree trimming, street repair, and utility line maintenance.

In addition, if a city resident believes that a parking ticket was issued undeservedly, current law provides an appeals process that allows dismissal of a contested parking ticket. In fact, Sections 40202 and 40215 of the Vehicle Code provide that a ticket may be dismissed, at the request of review, within 21 days after the issuance of a parking violation if the issuing officer or agency determines that, in the interest of justice, the notice of parking violation should be cancelled.

- SB 1404 attempts to strip away authority to enforce local ordinances for services that a city has the right to provide. Cities provide street sweeping and cleaning services in accordance with local conditions and available resources. Statewide regulation of street sweeping, as proposed in SB 1404, would be a one-size-fits-all approach that doesn't reflect the uniqueness of each city, doesn't take into account the many varied street sweeping programs that exist, and doesn't give authority to local governing bodies to provide services as demanded by city residents.
- SB 1404 holds cities to specific maintenance times without taking into account other issues that may interfere with street sweeping. Issues that may effect street sweeping occurring on a designated and posted day and time include employee illness, equipment breakdown, or a city-wide emergency such as flooding, that would require diversion of personnel to meet urgent community needs. Additionally, a city may choose to use the time the street is clear to provide other services besides street cleaning.
- SB 1404 has the potential to set a slippery slope and could create a tendency to disregard other posted parking restrictions and laws. On the surface, it appears that this legislation is a small issue because it applies only to street sweeping and cleaning. However, one could use the logic outlined in this legislation to park in a red zone (fire hydrant area), a loading area or a handicap space and contest the ticket if a fire department didn't actually need to use the fire hydrant, a delivery wasn't actually made, or a disabled person didn't need to park in the handicapped space. Additionally, one could argue that they don't have to stop at a stop sign if no cross-traffic is present.

Almost 80 percent of Californians live within city boundaries and have an expectation of services that must be provided to maintain a clean and healthy environment. Cities should have the authority to continue providing the best services possible to residents of their communities based on local needs. **Staff:** Liisa Lawson Stark; **Status:** AsmFlr; **Position:** Oppose.

Send a Letter in Support of a League Position! Here's Who to Contact:
For legislators' phone numbers, addresses and e-mail please see the Advocacy Center.

FOCUS

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

**August 18, 2006
Issue #33-2006**

CITY OFFICIALS KEY TO DEFEATING PROP. 90

With the election a little over two months away, it's critical that League members stay engaged and active in the campaign to defeat Proposition 90. There are several ways for local officials to get involved:
For more, see Page 8.

TWO MORE WEEKS: WATCH FOR 'HOT BILLS'

"Hot August Nights" has a special meaning in Sacramento – referring both to the weather and to the heated push at the State Capitol to kill or pass bills before the August 31 final recess of the 2005-06 legislative session. This is the time for anyone concerned with legislation to pay close attention.
For more, see Page 5.

UPDATE ON H.R. 5252 (SENATE FEDERAL TELECOM BILL): TIME TO WRITE OUR SENATORS

With AB 2987 (Nunez/Levine) sailing through the Legislature without addressing community concerns, (see "Two More Weeks: Watch for 'Hot Bills'") what happens to similar legislation pending in Congress becomes even more important for California cities. While the League is strongly opposed to AB 2987, there are also serious concerns with H.R. 5252 – and as currently written, the federal bill would pre-empt AB 2987.
For more, see Page 9.

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**WANT MORE DETAILS
ON BILLS?**

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

7TH ANNUAL RACE EQUALITY AND INCLUSIVE COMMUNITIES WEEK

The National League of Cities (NLC) has designated the week of September 25-29 as the 7th Annual Race Equality and Inclusive Communities Week.

The week will be used to showcase what cities are doing nationwide to promote racial and ethnic equality and inclusive communities. NLC will highlight the roles and practices of cities in *Nation's Cities Weekly* and online at www.nlc.org and encourages all cities and state municipal leagues to take part.

In addition, NLC is also offering a free Race Equality and Inclusive Communities Kit that will provide information and ideas. Visit www.nlc.org to download the kit.

The Partnership for Working Toward Inclusive Communities

By participating in Race Equality and Inclusive Communities Week, cities and organizations will also be joining NLC's **Partnership for Working Toward Inclusive Communities**, led by NLC President James C. Hunt, council member from Clarksburg, West Virginia. The goal of the partnership is to connect cities work on equality, fairness, and democratic governance. Cities that have already signed up for the partnership are welcomed and encouraged to participate in the week through activities in their cities.

For more information, contact NLC at (202) 626-3172 or via e-mail at hoene@nlc.org.

HOMELAND SECURITY FUNDING FOR FIRST RESPONDERS: FEDERAL COMMERCIAL EQUIPMENT DIRECT ASSISTANCE PROGRAM NOW ACCEPTING APPLICATIONS

The U.S. Department of Homeland Security (DHS) has announced that the application period for the FY 2006 Commercial Equipment Direct Assistance Program (CEDAP) is open and will run through September 15.

CEDAP will deliver more than \$32 million in equipment to first responders in selected rural and smaller communities who are typically not eligible for funding through the department's Urban Areas Security Initiative (UASI) grant program. CEDAP provides technology and equipment, together with training and technical assistance, to help enhance first responder capabilities nationwide.

Eligible applicants include law enforcement agencies, fire, and other emergency responders who demonstrate in their application that the equipment will be used to improve their ability and capacity to respond to a major critical incident or improve their ability to work with other first responder.

Once the application form is submitted, it undergoes several steps, including approval by the applicant's respective State Administrative Agency (SAA), and a review board composed of subject matter experts. For more information on how to obtain and submit an application for a FY 2006 CEDAP award, call (202) 282-8010.

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.

GOVERNOR EMPLOYS ENHANCED SECURITY MEASURES TO PROTECT CALIFORNIA

The League of California Cities has been updated by the Governor's Office and other state officials on pertinent homeland security issues surrounding the recently thwarted plot to bomb multiple overseas flights from Britain to the United States.

The following are some of the measures that have been taken to secure the safety of California's citizens and the state's infrastructure:

- The Governor deployed California National Guard members to the San Francisco (SFO), Oakland, and Los Angeles (LAX) international airports to assist local law enforcement in security. National Guard members have also assisted the Governor's Office of Emergency Services in security measures as needed.
- The Governor's Office of Emergency Services (OES) will continue to monitor the situation and to keep statewide local law enforcement and fire officials informed on developments. Local first responders have been informed of fire/rescue mutual aid programs.
- The California Highway Patrol (CHP) will continue to communicate with law enforcement agencies, as well as offer assistance and resources. CHP will also continue to monitor the ports, truck inspections stations, bridges, highways, and other infrastructure components.

For further information, visit www.governor.ca.gov. The League will continue to provide updates as developments occur.

Our Mission

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

GOVERNOR SIGNS RENEGOTIATED GAMING COMPACT

On August 8, Gov. Arnold Schwarzenegger signed a renegotiated gaming compact with the Agua Caliente Band of Cahuilla Indians. In a win for local governments, the compact requires the tribe to reach intergovernmental agreements with Riverside County and any impacted cities to account for and mitigate the effect of gaming facilities on law enforcement, fire protection, and public services.

The compact also permits the tribe to operate an additional 3,000 slot machines and the ability to establish a third casino on their tribal lands if it can demonstrate community support. The amended compact must now be ratified by the State Legislature.

The League will continue to monitor the compact and its progress through the Legislature.

LEAGUE ANNUAL CONFERENCE – HAS YOUR CITY DESIGNATED A VOTING DELEGATE AND ALTERNATE?

Does your city want to vote on the resolutions that will be considered at this year's Annual Conference? If so, it must, by city council action, designate a voting delegate (and alternate) in order to participate. More than 300 cities have made their designations. Has yours?

If not, you still have a chance. Although the deadline to return the voting delegate forms has passed, cities may still fax completed forms to the League of California Cities office through September 1 and bring the original to the Voting Delegate desk at the conference in San Diego. Forms are available on the League website at www.cacities.org/resolutions.

Questions about voting delegates should be directed to Debbie Kinsey at (916) 658-8221 or dkinsey@cacities.org.

CITY ATTORNEYS' TRACK AT ANNUAL CONFERENCE: UPDATES ON PROPOSITION 90, PROPOSITION 218 AND UTILITY USERS TAX

The City Attorneys' Department Legal Track at the Annual Conference will include presentations on issues of particular interest to elected officials, city managers, city clerks, finance directors, public works directors, planners and others. On Friday, September 8, the department will have a presentation at its 9:15 a.m. session on Proposition 90, the so-called "Protect Our Homes Initiative." Ken MacVey, with the law firm of Best Best & Krieger will be presenting.

Also on Friday, as part of the 11 a.m. session, the department will have presentations on utility users taxes as well as a Proposition 218 update. Betsy Strauss, special counsel to the League of California Cities, will provide an update on the latest legal developments affecting utility user taxes (UUTs). At the same session, Michael Colantuono of the law firm of Colantuono & Levin will provide an update on Proposition 218 litigation, including the recent Supreme Court case of *Bighorn-Desert View Water Agency v. Verjil*.

The entire City Attorneys' Department Legal Track program can be found by going to: www.cacities.org/attorneys and clicking on "Education."

ILG 'NEWSWIRE'

To check out ILG's latest activities, please visit www.ca-ilg.org/newswire by clicking on this link or pasting the address to your browser.

HOW TO TALK ABOUT GOVERNMENT: LAST CHANCE TO SIGN UP FOR ILG SYMPOSIUM LUNCH AT ANNUAL CONFERENCE!

Want to hear cutting edge research on communications strategies to encourage positive and supportive reactions to public agencies? Join us at the Institute for Local Government's luncheon on Thursday, September 7 at the League's Annual Conference in San Diego from 11:15 a.m. to 12:45 p.m. Tickets for the event are \$40 per person, which covers lunch.

Deadline for signing up is September 1 (when we need to commit to a final lunch purchase—sorry, no onsite registrations). For more information and to sign-up, visit www.ca-ilg.org/symposium, download or print the "Last Minute Sign-up Form" and fax it to (916) 444-7535 or e-mail it to kjensen@ca-ilg.org with your payment information. Don't miss this once-in-a-lifetime opportunity!

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LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE: ALL POLITICS IS LOCAL

The 107th League of California Cities' Annual Conference will take place in San Diego this year, beginning on September 6 and running through September 9, at the San Diego Convention Center.

Under this year's theme, "**All Politics Is Local**," - a statement that emphasizes the importance of city officials working together toward our common goals - the annual conference is a special combination of training, dialogue and networking events. More than 2,000 attendees are expected at the conference, representing over 400 California cities.

San Diego Mayor Jerry Sanders, League President Alex Padilla, Fort Bragg Council Member Jere Melo, National League of Cities President James Hunt and League Executive Director Chris McKenzie are all scheduled to speak at the conference's opening session. The keynote speakers at this year's general sessions are Kevin Carroll, author of *Rules of the Red Rubber Ball: Find and Sustain Your Life's Work*, who will present the opening keynote address; John Avlon, former speechwriter for Mayor Rudolph Giuliani who will deliver the keynote on the conference's second day.

California's gubernatorial candidates have also been invited to speak at the conference's closing general session on September 8.

For more information on the conference, and a preliminary schedule, visit www.cacities.org/ac. Advance registration is closed, but registration will be available on-site! Registration costs for city officials are \$435 for the full conference or \$250 for one day. Please note that spouse/guest registration is \$100. All questions can be directed to (916) 658-8291.

HOT BILLS from page 1.....

Bills that you thought had died in a committee can suddenly be resurrected. Other innocuous bills that had been stagnating on the Senate or Assembly floor could suddenly appear with all the old language removed, replaced by new and very alarming language (a "gut-and-amend").

With two weeks left in the legislative session, the League has already spotted a few bills that illustrate the creative nature of law-making during this time of the year. In other cases, we are closely monitoring to catch changes to bills that could concern cities.

The following provides an update on some of "hot" bills that cities should be aware of. Updated information on all of these bills is available on the Bill Search section of the League's website (www.cacities.org/billsearch).

Hot Bills to Watch

TELECOMMUNICATIONS

AB 2987 (Núñez/Levine), as amended August 7. Cable and video service. League position: Oppose.

This bill passed off the Senate Appropriations Committee Suspense File on August 17, with no opposing votes. Amendments were taken in committee to address only those issues that the telephone companies sponsoring the bill agreed could be taken up, and only in a manner acceptable to them. The League and the many other organizations with serious concerns about the bill still do not have final amendments so that we can report what amendments were taken. The bill now moves to the Senate floor for vote, before returning to the Assembly for vote to concur with Senate amendments.

SB 1627 (Kehoe), as amended August 10. Wireless communications facilities. New League Position: Neutral.

This is NOT a gut-and-amend; recent amendments are the result of extensive work by the

Continued on Page 6

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League and others. The goal of the bill is to streamline local approval processes to co-locate antennas, towers and telecommunications devices on existing structures. With August 10 amendments that allow a local agency to limit to less than 10 years the term of a permit for public safety reasons or substantial land use concerns, the League has removed its opposition to the bill.

EMPLOYEE RELATIONS

AB 3026 (Lieber), as amended August 16.
Workers Compensation: Peace Officers.
League position: Oppose.

This is another "gut-and-amend," which we alerted cities to last week. This bill would substantively exempt local agency peace officer employees from the managed medical care provisions that were included in the 2004 workers' compensation reforms contained in SB 899 (Poochigian). In addition, the bill contains provisions that could significantly increase extended leave benefits for local agency peace officer employees. The bill would mandate huge costs upon local agencies that we believe are claimable as reimbursable state mandates.

We urge cities to write to their senator to ask for a NO vote on this measure. Also, write your assemblymember with the same message and write the Governor to urge a veto if the bill is passed by the Legislature.

This bill is on the Senate floor and could be brought up at any time. (It may first be sent to the Senate Labor and Industrial Relations Committee for a quick hearing prior to being re-sent to the Senate floor – but this would happen quickly, perhaps all within one day.) Visit www.cacities.org/billsearch and look up AB 3026 to view both a joint League/local agency letter and a sample letter.

LAND USE AND HOUSING

SB 1206 (Kehoe), as amended August 8.
Redevelopment. League position: Oppose.

This bill continues to meddle with the standard for "blight" in determining a redevelopment area by requiring findings that each blight factor is significantly worse in the blighted area than the rest of the city. Ironically, this will make blight findings most difficult in large and less affluent communities.

SB 1322 (Cedillo), as amended August 7.
Housing. League position: Oppose.

This bill would require agencies to identify by-right zoning in the housing element for emergency shelters and expand application of the anti-NIMBY law to special needs facilities housing seven or more people. There is no limit on the size. A special needs facility includes social rehabilitation facilities and adult day program facilities.

AB 2511 (Jones), as amended August 7.
Land use: Housing. League position: Oppose.

This bill would impose sanctions on local governments who fail to file annually a yet-to-be-completed form with the California Department of Housing and Community Development describing their compliance on their housing element.

PUBLIC SAFETY

AB 1405, (Evans)- as amended August 14.
Local Fire Department Staffing Standards.
League position: Oppose.

This is a classic example of "end-of-session gut-and-amend." Until August 14, this bill dealt with disaster relief, and was parked on the Senate floor, without coming up for hearing.

But on August 14, it was amended to increase the data reporting requirements of local fire agencies, and requiring that the State Fire Marshall compare that data to NFPA 1710— a voluntary standard produced by the National Fire Protection Association.

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HOT BILLS from page 6

This makes AB 1405 substantially similar to two previous bills: AB 2406 (Bermudez) of 2004, opposed by the League and subsequently vetoed by Gov. Schwarzenegger; and AB 260 (Bermudez) of 2005, which failed passage in the Assembly Appropriations Committee due to significant state mandated costs to local governments.

In his veto message on AB 2406 (Bermudez), the Governor stated, *"Fire protection service standards are directly dependent on the local decision-making process. Local agencies are in the best position to evaluate their conditions to match community needs with available resources."*

Additionally, the Governor vetoed AB 566 (Bermudez) last year, similar in scope to AB 1405, AB 260 and AB 2406 for similar reasons as noted above.

It is still unclear if this bill will move forward. It is currently in the Senate Rules Committee, and committee staff has indicated that because the bill was introduced so late in the session, does not contain an urgency clause, and would require numerous legislative rule waivers to be heard in the Legislature, it is not likely to go anywhere.

However, we encourage you to track this legislation closely. If the author is successful in moving the bill forward, it could have significant impacts on your city. Visit www.cacities.org/BillSearch to see details on the bill, and a copy of the League's letter of opposition.

REVENUE AND TAXATION

AB 777 (Núñez), as amended August 17, 2005. Taxes: credits: qualified motion picture production. League position: Watch.

This bill would authorize film production companies to take a credit against their personal income and income taxes, as a means of reducing incentives to the companies to film outside of California. The bill has been parked in the Senate Revenue and Taxation Committee since August of

2005. The League is watching the bill, in part because of reports that the bill could be leveraged by Republicans who are interested in expanding tax credits for businesses in a way that could potentially include both state and local taxes.

For example, an August 17 story published in *Capitol Weekly* entitled "Runner Calls for Deal on Runaway Productions," reported that "Senate minority leader Dick Ackerman, R-Irvine, confirmed that Republicans have been negotiating with the Speaker's office for six months and expect to have a package ready before the end of session. He said they were likely to roll in a research and development tax credit and a sales tax credit for manufacturer's (*sic*)."

The article goes on to quote Sen. George Runner, R-Antelope Valley: "If we could do \$70 million for Hollywood (the estimated cost of the AB 777 tax credits), it should be balanced out by \$70 million for other kinds of incentives. If the speaker would decide there is a dollar-for-dollar amount, a deal could be done."

There are two other "dead" bills to watch as potentially being folded into a tax credit package – both sponsored by Democrats. They are:

AB 2218 (Torrico), as amended May 17, 2006. Sales and use taxes: exemption: manufacturing equipment. League position: Watch.

AB 2033 (Lieu), as amended April 25, 2006. Income and bank and corporation taxes: credit: Joint Strike Fighter and Crew Exploration Vehicle. League position: Watch.

The League will continue to monitor these bills to identify any potential impacts on local revenues.

ENVIRONMENTAL QUALITY

AB 1899 (Wolk), as amended August 17 – Flood Protection. League position: No Position at This Time

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HOT BILLS from page 7

This "Show Me the Flood Protection" bill was amended on Thursday, August 17, and passed out of the Senate Appropriations Committee. While it would normally go next to the Senate Floor, it has been sent to the Senate Rules Committee, where a plan may play out to combine AB 1899 with other flood protection bills.

Candidates for possible inclusion in a mega-bill are: **AB 802 (Wolk), AB 1899 (Wolk), AB 1665 (Laird), AB 3022 (Umberg), AB 2500 (Laird), AB 1528 (Jones) and SB 1796 (Florez)**. It is unknown whether or not the issue of liability will move forward as a stand alone bill or be part of the mega-bill – or, not be included at all. The League has expressed concern about using the mega-bill approach, as have other interest groups. We'll keep cities posted.

AB 1899 is limited to greenfield areas within the Sacramento-San Joaquin River watershed areas, primarily those that are behind project levees and would flood to a depth of three feet should a levee fail. The recently adopted amendments respond to a number of the issues raised by the League, including the following issues:

The bill now uses the Federal Emergency Management Act (FEMA) definition of developed area and primarily covers proposed development outside of a "developed area." It also recognizes areas that are designated A99, AE or AR zones when requiring so-called "firm 100 year protection" and provides additional time for an area to plan for and achieve 200 year protection.

The League is studying the bill, with input from its flood control working group. Because the bill is now in Senate Rules Committee, the amended version is not available in print. However, a scanned version of the amendments adopted this week are available on the League's website at www.cacities.org/billsearch. Look up AB 1899 and scroll down to attachments, where the amendments are posted.

AB 2951 (Goldberg), as amended August 17. Capital Facilities Fees. League Position: Support.

As amended, AB 2951 passed out of the Senate Appropriations Committee this week with only one no vote. This highly controversial bill would clarify existing law regarding whether or not municipal utilities (i.e., energy, water, waste water) can charge other public agencies capital facilities fees. The opposition to the bill is led by the schools. However, the author, a major supporter of education, has taken a strong leadership role in moving ahead with AB 2951.

AB 2951 is now pending on the Senate Floor, where it will still face considerable opposition. **All cities should be sure they contact their Senators and Assembly Members and urge them to vote AYE on AB 2951.** Copies of League letters and technical information about the bill are available by looking up the bill on the League's website at www.cacities.org/billsearch.

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PROP. 90 from page 1

City officials can participate using their personal time and without using any public resources. (For details, see "Working on a Ballot Measure Campaign: The Do's and Don'ts." This article can be found on the League website at www.cacities.org/ballotmeasure.

1. **Help Fundraise.** Fundraising is key and we are working hard to raise the funds necessary to have an aggressive TV advertising and direct mail campaign closer to November and need your help. Contact your regional representative to see how you can become part of a local fundraising team.

2. **Be part of our chamber speakers bureau.** Our regional staff is busy lining up presentations to local chambers to educate them about the negative impacts Prop. 90 will have on local economies and businesses. Volunteer to make presentations to chambers in your community.

3. **Help with outreach to ethnic and community groups.** Leaders from social justice groups and low-income advocacy organizations have told us that ethnic elected officials are key to

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reaching minority voters. Many of you are already very engaged with your local advocacy groups and we encourage you to speak to them about Prop. 90.

Coalition Against Prop. 90 Continues to Grow

The opposition to Prop. 90 continues to grow as more groups learn about this deceptive and costly measure. In the last week, the following groups have pledged their opposition to Prop. 90 along with dozens of local elected officials:

- California State Sheriffs' Association
- Windsor Fire Protection District
- Ontario Chamber of Commerce
- California Tax Reform Association
- Ventura County Taxpayers Association
- San Diego Housing Federation
- Association of California School Administrators
- Western Center on Law & Poverty
- California Association of Sanitation Agencies

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

Time is short, and the actions we take in the next few weeks will literally shape California's landscape for the next few decades.

Unless we all come together in the next few weeks to raise the funds and run the campaign that is needed, California residents and local governments will live with the devastating consequences of Prop. 90 for a long time to come.

Note: This story is 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 email 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.

The League urges cities to write to California Sens. Barbara Boxer and Dianne Feinstein to thank them for their support for California cities' telecommunications reform priorities, but to ask them to continue to oppose this measure. A sample letter is available on the League's online Advocacy Center (www.cacities.org/advocacycenter).

Background on the Federal Telecom Bills

Two versions of telephone company-sponsored telecommunications legislation were introduced in Congress this year, one bill in the House and one in the Senate. The House bill, H.R. 5252, (Barton – Texas), which is a national franchise, passed out of the House in June in a form that is strongly opposed by the League, the National League of Cities and other local government organizations.

The Senate bill began as S. 2686 (Stevens – Alaska), but passed out of the Senate Commerce, Science, and Transportation Committee in late June renamed as H.R. 5252. As city officials compare the three bills, one thing to note is that AB 2987 is a state-issued franchise, while the Senate version of H.R. 5252 is a national franchise that is locally administered. Sen. Boxer, a member of the committee, worked with other senators to achieve some improvements in the bill, serious problems remain. These include the following:

- **Access for All Consumers.** The bill lacks build-out requirements that will ensure that 21st century telecommunications service will be available to all consumers.

- **Preserving Valuable City Services.** We are concerned with the potentially significant impact of the cell phone and tax moratorium amendments added during markup of the legislation.

- **Opt-outs for Bundled Services.** The bill allows video service providers who bundle their service with satellite services to opt out of the franchise negotiation process, thereby avoiding the obligation to compensate communities for and safe and responsible use of public rights of way.

The amended version of the bill finally became available on August 4, and is available on the

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Telecom Page on the League's website
(www.cacities.org/telecom).

Current Status. It is not clear that this bill will come up in the full Senate for a vote this year. This is because Sen. Ron Wyden (D-Ore.) has placed a hold the Senate committee-approved bill based on his concern with the bill's treatment of the issue of net neutrality. The hold signals the senator's intent to filibuster the legislation if it should be brought to the floor, until his concerns with the bill's net neutrality provisions are addressed. The Senate

requires 60 votes to overcome a filibuster, and it is not clear that the measure could rally the 41 votes necessary to end a filibuster as currently drafted.

Still, with the bill now available in its amended form, it is time to get your letters in to our senators. (For sample letter visit www.cacities.org/advocacycenter.) Please send copies to League Legislative Analyst Genevieve Morelos at gmorelos@cacities.org.

Legislative Bill Action

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

ENVIRONMENTAL

SB 1733 (Aanestad). Water Quality. Small Cities. **SB 1733** would clarify the definition of small communities in the mandatory minimum penalty (MMP) statute and confirm the Legislature's intent that public agencies be afforded due process rights when they participate as a party in a proceeding before the state or regional boards. In its current form, **SB 1733** now includes the MMP provisions as well as some of the provisions included in AB 362 (Aghazarian), also supported by the League.

SB 1733 unanimously passed out of the Assembly Appropriations Committee. It is jointly supported by the League, CSAC, the Regional Council of Rural Counties and the California Association of Sanitation Agencies. **Staff:** Yvonne Hunter; **Status:** Pending on AsmFlr; **Position:** **Support.**

ADMINISTRATIVE SERVICES

SB 1179 (Morrow). Recreational activities: skateboarding. Hey, dudes and dudettes – let's get on down to the skateboard park and celebrate! **SB 1179 (Morrow)** passed the Assembly on a vote of 71-0 and is now awaiting action by the Governor.

SB 1179 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.

Skateboarding is a part of California culture and cities throughout the state have responded to interest in their communities by building skateparks. These parks provide a place where

Legislative Bill Action

young and older skateboarders can demonstrate their artistic skateboarding skills. For many youth, the parks are a safe place to play or hang out. Increasingly, the age level of skateboarders in skateparks has become lower.

While cities are interested in providing a safe place for the youth to play, the potential liability cities face for injuries by skateboards performing in public skateparks continues to be a concern. Although cities require that helmets and pads be worn, the liability issue has at times put a chill on the ability and willingness of cities to expand existing or build new skateparks.

Interested cities should write the Governor and request that he sign SB 1179 and write Senator Morrow for his willingness to stick with the issue and move ahead with the bill. **Staff:** Yvonne Hunter. **Status:** Governor's Desk. **Position:** Request Signature.

TRANSPORTATION

SB 1404 (Machado). Vehicles. Parking Violations. Street Cleaning. SB 1404 adds Section 22507.6 to the Vehicle Code to specify that a person is not in violation of a local ordinance if they park in an area with posted restrictions for street cleaning or sweeping, unless street cleaning occurs during the posted time period. The League is opposed to this measure for several reasons:

- **SB 1404 is unnecessary and attempts to interfere with a city's authority to provide services to residents.** Under current law, cities have the right to provide and manage services within their jurisdictions, and resolving any local issues should be left up to the entities responsible for providing purely local services.

- **SB 1404 attempts to strip away authority to enforce local ordinances for services that a city has the right to provide.** Regulation of street sweeping, as proposed in SB 1404, would be a one-size-fits-all approach that doesn't reflect

the uniqueness of each city, doesn't take into account the many varied street sweeping programs that exist, and doesn't give authority to local governing bodies to provide services as demanded by city residents.

- **SB 1404 holds cities to specific maintenance times without taking into account other issues that may interfere with street sweeping.**

- **SB 1404 has the potential to set a slippery slope and could create a tendency to disregard other posted parking restrictions and laws.**

SB 1404 passed off of the Assembly Floor on August 17, 2006 and is headed to the Governor's desk. We encourage cities to write the governor and request his veto on a bill that imposes Sacramento judgments on cities. **Staff:** Liisa Lawson Stark; **Status:** To Governor; **Position:** Oppose.

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.