

PRIORITY FOCUS



IN THIS ISSUE:

March 7, 2008
Issue #10-2008

- Page 3:** Interested in Serving on the League Board of Directors?
Court Holds Public Employees Relations Board Has Exclusive Jurisdiction Over Labor Disputes
- Page 4:** Sustainable Cities Feature: Ventura's Green TV
- Page 5:** HCD Releases Final Prop. 1C Infill Guidelines
Climate Leadership Opportunities for Local Officials
- Page 6:** Find a Bill, Legislators, Leg Committee, or Ask League Leg Staff

NLC 2008 CONGRESSIONAL CITY CONFERENCE BEGINS NEXT WEEK

The 2008 National League of Cities (NLC) Congressional City Conference is next week, March 8-12, in Washington, D.C. The League of California Cities is organizing a number of important events during the conference. *For more, see Page 2.*



CITY-BY-CITY ESTIMATES OF IMPACTS OF LAO'S PROPOSED SHIFT OF CITY PUBLIC SAFETY FUNDING FOR PAROLE COSTS

A provision in the Legislative Analyst Elizabeth Hill's recently released alternative budget proposal would shift state parole responsibilities to counties and fund it by taking away city public safety dollars.

City officials will want to review the League's analysis of the Legislative Analyst's Office's (LAO) proposal, which includes city-by-city estimates of the potential impact. The analysis is available on the League's Web site at www.cacities.org/resource_files/26631.LAOanalysis080225.pdf. *For more, see Page 2.*



LEAGUE PRESIDENT APPOINTS BOARD OF DIRECTORS NOMINATING COMMITTEE

Jim Madaffer, president and San Diego city council member, has appointed the 2008 Board of Directors Nominating Committee. *For more, see Page 2.*

'NLC' Continued from Page 1...

California city officials who are attending the NLC conference should mark their calendars for the following activities.

Monday, March 10

- 6-7:30 p.m. - League Reception, Washington Hilton, Lincoln East Room

Tuesday, March 11

- 4 p.m. - Meeting with California Senator Barbara Boxer, Dirksen Senate Office Building, Room 406
- 6-8 p.m. - Capitol Hill Reception for California City Officials and California Congressional Delegation, Tortilla Coast, 400 1st Street, SE

Wednesday, March 12

- 9:30-10:30 a.m. - Roundtable discussion on energy with the California Congressional Delegation, HC-6 in the U.S. Capitol Building.
 - o Please note that you must bring valid photo identification to gain entrance to the U.S. Capitol Building

'LAO's Budget Proposal' Continued from Page 1...

Take Action!

- Immediately review the potential impact to your city with your police chief (or fire chief if applicable).
- Ask your police chief (or fire chief if applicable) to call your Assembly Member and Senator and explain what these proposed cuts would mean to your city's public safety department(s).
 - o The Legislative Council Web site has a database of legislators. Search for your's at www.leginfo.ca.gov.

What's Next

The Assembly Budget Subcommittee #4 is scheduled to hold a hearing on the LAO parole proposal on Wednesday, March 12. The League encourages city officials to contact their Assembly Members now because it is crucial that legislators understand what these cuts will mean for cities in their districts.

'Nominating Committee' Continued from Page 1...

Appointed to the Committee and charged with the responsibility of nominating League officers and at-large directors, are: Jere Melo (chair), council member, Fort Bragg; James Ridenour, mayor, Modesto; Sedalia Sanders, council member, El Centro; Stephany Aguilar, mayor, Scotts Valley; Mike Segala, council member, Suisun City; Richard Dixon, mayor, Lake Forest; Robert Jehn, council member, Cloverdale; Miguel Ucovich, council member, Loomis; Art Madrid, mayor, La Mesa; Terry Henderson, council member, La Quinta; and Kay Vinson, city clerk, Murrieta.

The Nominating Committee will meet on July 25 before the July 25-26 board meeting to interview the 10 finalists for at-large and all second vice president candidates.

The Committee's recommendations will be announced during the opening session of the League's annual conference in Long Beach on Sept. 24.

Interested in Serving on the League Board of Directors?

The League of California Cities welcomes nominations from elected officials interested in serving in five at-large positions (two-year term) or second vice president (one-year term). All nominees for second vice president must have previously served on the board of directors.

If you are interested in submitting your name (or another elected official's name) for nomination to the League board of directors, please provide the information requested on the Nominating Form, along with a bio and a letter requesting consideration, to the League's Sacramento headquarters.

Materials are due on or before the end of business on Friday, May 16, 2008.

Nomination materials can be found on the League's Web site at www.cacities.org/board or obtained by contacting Mimi Sharpe at (916) 658-8232 or e-mail sharpem@cacities.org.

Nomination applications should be sent to:

Mimi Sharpe
League of California Cities
1400 K Street
Sacramento, CA 95814

Or by fax: (916) 658-8240 attn: Mimi Sharpe

Or by e-mail: sharpem@cacities.org

Court Holds Public Employees Relations Board Has Exclusive Jurisdiction Over Labor Disputes

In the June 8, 2007 issue, *Priority Focus* reported on a trio of cases regarding the jurisdiction of the Public Employee Relations Board (PERB) over labor disputes between public agencies and their employees, and in particular, a decision issued in a case involving the City and County of San Francisco. The 6th District Court of Appeal recently issued a decision in one of these cases that PERB has exclusive initial jurisdiction over labor disputes involving employees with job duties essential to preserving the public health and safety.

The labor dispute at issue involved the City of San Jose and the Operating Engineers union. The union gave San Jose 72 hours notice of its intent to picket various public facilities, including the city's wastewater treatment plant. The city sought an emergency injunction from the Superior Court to prevent the union from picketing the plant, and to prevent certain employees, such as wastewater treatment plant operators, from going on strike because these positions are essential to preserving the public health and safety.

The Superior Court declined to hear the matter, concluding that under state law, PERB had exclusive initial jurisdiction over the labor dispute. San Jose appealed this determination to the Court of Appeal, which issued a decision upholding the Superior Court's determination.

The Court of Appeal examined the state law creating PERB and concluded that the Legislature intended for PERB to have exclusive initial jurisdiction over public sector labor disputes, even where the employees involved have job duties essential to preserving the public health and safety.

The Court concluded that PERB was uniquely suited to adjudicate these labor disputes, and that it had the capability to quickly consider such disputes where the public health and safety may be implicated. Lastly, the Court concluded that PERB had the authority to grant binding injunctive relief in appropriate circumstances.

This decision follows the previous decision from the 1st District Court of Appeal pertaining to the City and County of San Francisco. (This decision was reported in the June 8, 2007 *Priority*

Focus.) That decision held PERB has exclusive jurisdiction over a labor dispute even where the city charter allowed either party to refer the dispute to binding arbitration.

A decision has not been issued in the third case involving PERB jurisdiction. This remaining case concerns Contra Costa County and concerns a fact pattern similar to the one in the San Jose case. It is currently before the 1st District Court of Appeal.

Two cases for which decisions have been issued are: *City of San Jose v. Operating Engineers Local No. 3*, 2008 WL 56820 and *City and County of San Francisco v. Int'l Union of Operating Engineers, Local 39*, 151 Cal. App. 4th 938. The remaining case is *County of Contra Costa v. Public Employees Union Local No. 1*, Case No. A115095.

Sustainable Cities Feature: Ventura's Green TV

"Lights, camera, action," might not be words you'd expect to hear from a city environmental services superintendent. But that's exactly what Ventura's Ray Olson says in his spare time to the volunteer actors, camera operators and editors who help him create a series of funny videos with an environmental theme for the city.

Olson, who heads up Ventura's environmental services unit, started making the videos in 1998. His 22 minute programs, which air on Ventura's public access channel, publicize the city's message about conservation in an amusing way.

The shows cover everything from recycling to energy efficiency. Olson makes them entertaining by using campy parodies of genres to tell the message. He's done everything from reality TV to westerns, science fiction, 1940s detective dramas, horror monster movies and even silent movies.

In a western parody, the hero arrives in town with his own recycling bin. The sheriff, who owns the town dump, tells the hero to clear out of town by high-noon. Meanwhile, the hero has convinced the town folk that they need recycling. In the final showdown, the hero runs the sheriff out of town and sets up a recycling program.

Olson now has a reusable archive of 60 different shows. Each is done with an evergreen message so it can be rebroadcast again and again. Annually, these programs get about 2000 hours of airtime.

Olson's Inspiration

For years, Ventura used traditional means to communicate its environmental message to residents. Olson had an epiphany about 10 years ago when paying for an ad about composting in the local paper. He realized that he could reach more people more efficiently by making TV programs with environmental themes than running an ad in the paper. Pencil it out, Olson determined that by using volunteers, the production cost for each show would run about the same as placing an ad, \$800 when he began, \$1,300 today.

When Olson started, he had no video production experience and has learned the craft over many years of trial and error. He writes the scripts and a couple of young technologically savvy city staffers help shoot and edit the programs. Volunteers serve as the actors, which has been a great way to engage residents with the city and its programs.

City Wide Focus on Conservation

Ventura's green TV programming is just one part of the city's environmental commitment. In the last two years, the city has reduced electricity use at city facilities by 25 percent. Ventura's fleet of hybrid vehicles helps save 1,500 gallons of gas annually.

With a diversion rate of 67 percent of all waste, one of the highest in the state, Ventura's efforts are making a sizable impact on the environment. Residents can even recycle their old tennis shoes.

In one year, the material the city recycles creates the following benefits:

- Saves enough energy to provide the power needs of 5,300 households;
- Reduces the amount of pollution emitted into the air by 899 tons;
- Reduces the amount of pollution released into the water by 147 tons;
- Saves more than 324,000 trees by recycling paper; and
- Reduces greenhouse gas emissions by 37,000 tons (the equivalent of removing 7,400 cars from the road).

More information about Ventura's program can be found on the city's Web site at www.cityofventura.net/GreenVentura.

HCD Releases Final Prop. 1C Infill Guidelines

City officials will want to review the final Proposition 1C Infill Guidelines released last week by the Department of Housing and Community Development (HCD).

Prop. 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, includes a grant program to promote infill housing development. The Infill Infrastructure Grant Program provides financial assistance for the infrastructure improvements needed to support the development of new infill housing.

The final Infill Guidelines are located on HCD's Web site at www.hcd.ca.gov/fa/iig.

Climate Leadership Opportunities for Local Officials

If your city is looking for ways to reduce greenhouse gas (GHG) emissions and save money, the Institute for Local Government's (ILG) new Best Practices Framework is a resource of sustainable ideas, actions and opportunities.

The Best Practices Framework was produced by ILG's California Climate Action Network (CCAN), which offers local officials a variety of sample policies and resources on climate change.

CCAN's Best Practices Framework includes 10 action GHG reduction categories for local governments:

1. Energy Efficiency and Conservation
2. Waste Reduction and Recycling
3. Climate-Friendly Purchasing
4. Renewable Energy and Low-Carbon Fuels
5. Land Use and Community Design
6. Efficient Transportation
7. Green Building
8. Water and Wastewater Systems
9. Storing and Offsetting Carbon Emissions
10. Promoting Community and Individual Action

The new framework can be found on ILG's Web site at www.ca-ilg.org/climatepractices.

ILG wants city officials to review the Best Practices Framework. City officials can send their feedback to climatechange@ca-ilg.org.

Share Your City's Story with ILG

Many cities have already launched innovative and exciting initiatives in these areas. ILG wants to know if your city has examples to share because other communities can benefit from your experience. Send your city's policies, sample documents and any other relevant materials to climatechange@ca-ilg.org.

ILG has more information about this program online at www.ca-ilg.org/climateresources.

Background

The Best Practices Framework is the result of extensive collaboration over the past year by CCAN and a wide array of technical advisors from local government, investor-owned and municipal utilities, the waste management industry, non-profit organizations, state agencies and other partners.

ILG is the 501(c)(3) research affiliate for the California State Association of Counties and League of California Cities.

More information about ILG can be found at www.ca-ilg.org.

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

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