

PRIORITY FOCUS



IN THIS ISSUE:

July 13, 2007
Issue #27-2007

- Page 3: HCD to Host Workshop on Enterprise Zone Application Preparation
- Page 4: Web Seminar on Secure Community Reentry Facilities
Latino Caucus to Host 2007 Summer Conference and 6th Annual Golf Classic
- Page 5: July 2007 Issue of *Focus on Housing* Published
On-Camera Media Training Available for City Officials at the Annual Conference
- Page 6: Find a Bill, Legislators, Leg Committee, or Ask League Leg Staff
Legislative Bill Summaries

BUSY WEEK FOR EMINENT DOMAIN ISSUES

In the wake of Proposition 90 last November, the League has been supporting an eminent domain reform package to provide meaningful relief on the issues raised in the U.S. Supreme Court decision *Kelo v. City of New London*. Assembly Member Hector De La Torre (D-Los Angeles) has introduced that package as author of both ACA 8 and AB 887. Actions were taken on both bills in recent days, as well as another constitutional amendment the League opposes:

ACA 8 (De La Torre). This League-supported constitutional amendment would limit the ability of local agencies to take owner occupied homes for purposes related to economic development. Last week ACA 8 passed out of the Assembly Committee on Judiciary and has been referred to the Assembly Committee on Local Government. *For more, see Page 2.*



LEAGUE TAKES POSITION ON SB 375

On Monday, July 9, SB 375 (Steinberg) passed out of the Assembly Committee on Transportation and goes next to the Assembly Committee on Appropriations. The League's executive committee reluctantly took an "oppose unless amended" position prior to Monday's hearing. *For more, see Page 2.*



PROPOSITION 1B IMPLEMENTATION UPDATE Proposition 1B Related Bills Move Closer to the Governor's Desk

Legislative hearings this week resulted in several Proposition 1B implementation bills moving closer to the Governor's desk. *For more, see Page 3.*

AB 887 (De La Torre). This is the League-supported companion measure to ACA 8 designed to address a special set of issues that arise when a redevelopment agency takes a small business. AB 887 passed out of both the Senate Local Government and the Senate Judiciary Committees this week.

ACA 2 (Walters). This League-opposed measure would have prohibited nearly all uses of eminent domain related to redevelopment and was defeated this week in the Assembly Committee on Judiciary.

Although much progress has been made, there is still more work ahead on eminent domain reform. ACA 8 will need the support of a number of Republicans to secure the two-thirds vote needed to place the measure on the ballot. League staff and others are engaged in sensitive negotiations to achieve this goal. No further action is likely in the next few weeks because of the Legislature's immediate budget focus.

'League Takes Position On SB 375' Continued from Page 1...

The intent of SB 375 is to align transportation funds with regional strategies designed to reduce reliance on automotive use and vehicle miles traveled. This will help achieve the landmark greenhouse gas reduction goals established by AB 32 (Nuñez) which passed last year. The League remains supportive of the stated intent of the bill, and since the April 17 version of the legislation has worked with the author and sponsors to make sure that city concerns would be addressed in the legislative process.

League Objectives with SB 375:

- Protect Local Land Use Authority. The League seeks clear assurances that SB 375 does not directly or indirectly undercut local land use authority when a regional agency develops and adopts a "preferred growth scenario" to reduce greenhouse gas emissions from vehicles. The bill now says explicitly that "nothing in a preferred growth scenario shall be interpreted as superseding or interfering with the exercise of the land use authority of cities and counties within the region".
- Ensure Full Participation. The League wants to ensure that any role of the regional transportation planning agencies in adopting approaches—and allocating funding—to projects supporting greenhouse gas reductions reflects a "bottoms up" process involving full participation and agreement of its participating cities and counties.
- Realistic Emission Reduction Targets. It is imperative to the League that if regional targets for emissions reductions are established by the Air Resources Board, that those targets are neither excessive nor arbitrary but are realistic. They also must be established as part of a collaborative process involving local governments, transportation agencies, the business sector and other stakeholders with knowledge and experience in land use and transportation policy.
- Treatment of Specific Lands. The League wants to make sure that local land use powers are not infringed upon by provisions in the bill which exclude certain lands (parks, open space, lands subject to conservation or agricultural easements, etc.) from a regional "preferred growth scenario" adopted by regional transportation planning agencies.
- Reduce Surprises. And finally, the League wants to ensure that all remaining vagueness in SB 375's language is removed to guarantee that there are no surprises for local governments based upon future litigation.

Cities are Urged to Examine SB 375 Closely as it Moves Forward

Cities should take a close look at SB 375 and help assess its impacts on your city. As explained above, the bill is set to be heard next in the Assembly Committee on Appropriations where the

focus will be on fiscal impacts of the measure. This hearing will likely be scheduled in late August when the Legislature returns from its summer break. However, if the budget is not passed and the Legislature works through its scheduled summer recess, the bill may have an earlier hearing date. During this time, the League will continue to work with the authors and sponsors to ensure that these issues are adequately addressed or advocate that the measure become a two-year bill. We will keep you posted.

'Proposition 1B Implementation Update' Continued from Page 1...

Passed in November 2006, Prop. 1B provides \$19.92 billion for various transportation projects to rebuild California. Of the total amount, \$1 billion is allocated for cities and \$1 billion for counties for streets and road projects.

The development of the \$1 billion State-Local Partnership Program and \$3.1 billion "goods movement" and air quality programs are underway. In addition, the allocation schedule of the \$4 billion for public transit, intercity, commuter rail and waterborne transit still needs to be established.

Related Legislation and Current Status

The allocation of the Prop. 1B local street and road funds is currently being negotiated with the legislative leadership and the Governor. The League of California Cities continues to advocate for the allocation of the full \$1 billion for cities in FY 2007-08.

The League is sponsoring SB 286 (Lowenthal and Dutton) to provide a framework for the program and establish accountability and oversight for use of the bond money. SB 286 passed out of the Assembly Committee on Transportation this week with unanimous bi-partisan support and is now headed to the Assembly Committee on Appropriations.

There are two measures in the Legislature that attempt to define the \$1 billion State-Local Partnership Program which requires a local match to access bond fund: AB 1351 (Levine) and SB 748 (Corbett). These bills differ in the criteria for eligible matching funds.

AB 1351 includes only sales tax dedicated to transportation as a match, thus limiting the program only to "self-help" counties. SB 748, on the other hand, broadens the local match to also include all voter approved taxes and fees, bridge tolls and Uniform Developer fees.

SB 748 passed out of the Assembly Committee on Transportation this week with a vote of 8-3 with Democrats supporting the bill and Republicans opposing. AB 1351 passed out of the Senate Transportation and Housing Committee as well with a vote of 7-3. Both bills will now be considered by the appropriate Appropriations Committee in the Senate and Assembly.

The \$3.1 billion "goods movement" and air quality program are encompassed in Sen. Lowenthal's SB 9 and SB 19. Both measures passed out of the Assembly Committee on Transportation Committee and will be scheduled to be heard in the Assembly Committee on Appropriations. It is not yet determined if the bills will ultimately be incorporated into budget trailer language or debated further to define the "goods movement" program under Prop. 1B.

HCD to Host Workshop on Enterprise Zone Application Preparation

The California Department of Housing and Community Development (HCD) is hosting a Enterprise Zone designation workshop on Monday, July 16, in Los Angeles. The workshop will provide an overview of the designation process and offer suggestions on how to prepare an effective application.

The workshop will be held at 1200 West 7th Street, 4th Floor, Room 4C, from 9:30 a.m. to noon. To attend the workshop, or to obtain an Enterprise Zone application, contact Tammy Tran at (916) 322-1112 or ttran@hcd.ca.gov.

The Enterprise Zone program targets economically distressed areas throughout California. Special state and local incentives encourage business investment and promote the creation of new jobs. The purpose of the program is to provide tax incentives to businesses and allow private sector market forces to revive the local economy.

Web Seminar on Secure Community Reentry Facilities

The California Department of Corrections and Rehabilitation (CDCR), in partnership with the League and other statewide associations, is hosting an informational Web Seminar on Secure Community Reentry Facilities on Monday, July 16. The Webinar (a Web based seminar) will focus on AB 900 (Solorio and Aghazarian), a comprehensive prison reform and rehabilitation package recently passed by the Legislature. The legislation provides funding for 16,000 jail inmate beds in local reentry facilities. Reentry facilities will be built in cities, counties or regions willing to partner with CDCR to accomplish the reentry legislation's goals. These are facilities to house prisoners within one year of their release date. They are designed to give inmates access to rehabilitative, vocational, psychiatric and other services that will ensure their success upon their release.

Webinar participants from across California will learn about reentry facilities and the role of interested local agencies. The program will provide an outline for the next steps involved with locating reentry facilities. There will be an interactive question and answer session with state leaders from working on corrections and prison reform.

Register Now

For additional information and registration for the Webinar please visit:
www.cce.csus.edu/cdcrwebinar

Additional details are as follows:

Event Date: Monday, July 16 2007
Event Time: 10:30am – 11:30am PT
Event Site: www.cce.csus.edu/cdcrwebinar

Latino Caucus to Host 2007 Summer Conference and 6th Annual Golf Classic

The League of California Cities' Latino Caucus is hosting its 2007 Summer Conference and 6th Annual Golf Classic on July 26-27, in conjunction with the League's 2007 Mayors & City Council Members Executive Forum in Monterey.

The conference (consisting of a forum titled "No Nonsense: This is How Affordable Housing Works") and reception is scheduled for Thursday, July 26, at the Portola Plaza Hotel in Monterey. The forum will take place in the Serra Ballroom from 10-11:30 a.m. and will feature Amerland Group President and Chief Executive Officer Ruben Islas.

A joint reception will be held in the De Anza Ballroom in the De Anza Ballroom at 5:30 p.m. Join elected officials from throughout California (including members of fellow League caucuses) for an evening of networking.

The 6th Annual Golf Classic will be held on Friday, July 27 at Rancho Cañada Golf Course in Carmel. Registration begins at 11 a.m., with a 1 p.m. start time. Registration includes a post-game reception, prizes, a box lunch, golf cart and beverages.

For more information and to RSVP, call (916) 669-1343, or e-mail CalLatinoCaucus@aol.com.

July 2007 Issue of *Focus on Housing* Published

The July 2007 edition of *Focus on Housing*, the League of California Cities' monthly electronic newsletter on affordable housing, was published on Monday, July 2. The new issue features a Q&A interview with Assembly Majority Leader Karen Bass, a roundup of housing news from across California, and much more.

To access this month's issue and for all back issues of *Focus on Housing*, visit www.imakenews.com/focusonhousing. Communications Specialist Brian Heaton (bheaton@cacities.org) serves as managing editor and principal writer. League Communications Director Eva Spiegel (espiegel@cacities.org) is the editor-in-chief.

For more information, or to submit information or story ideas, please contact Brian at the e-mail address above.

On-Camera Media Training Available for City Officials at the Annual Conference

Do you need to deliver your city's message more effectively during media interviews? If so, take advantage of this free opportunity for professional on-camera media training at the League's Annual Conference on Sept. 5-8, in Sacramento.

This 45-minute training session will include a short, on-camera interview, where instructors will ask 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, Sept. 6 and 7, and three sessions on Saturday, Sept. 8. The training will be held in the League Press Room at the Sacramento 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. **All reservations must be made by Thursday, July 19.** After this date call Eva Spiegel at (916) 658-8228 to inquire about reservations.

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."

On-Camera Interview Training Session Times (Still Available)

Thursday, Sept. 6

9 a.m. – 9:45 a.m.

Friday, Sept. 7

10 a.m. – 10:45 a.m.

11 a.m. – 11:45 a.m.

1 p.m. – 1:45 p.m.

2 p.m. – 2:45 p.m.

3 p.m. – 3:45 p.m.

Saturday, Sept. 8

8 a.m. – 8:45 a.m.

9 a.m. – 9:45 a.m.

10 a.m. – 10:45 a.m.

***If you get voicemail when making a reservation please:**

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

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.

Legislative Bill Summaries

PUBLIC SAFETY

AB 81 (Torrico). Child Protection. Safe Surrender. AB 81 allows a local fire agency, upon approval of the appropriate governing board, to designate safe-surrender sites for accepting physical custody of a minor child 30 days old or younger. City fire departments have an established history of operating safe-surrender sites in coordination with the county. Allowing local fire agencies to designate safe-surrender sites will likely expand the program based on circumstances and conditions specific to the community.

Staff: Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Support.

AB 104 (Solario). Criminal Records. City Attorneys. AB 104 clarifies current law so that a city attorney can request criminal history records from the Attorney General's Office for the purpose of filing a civil injunction or drug abatement action.

Gang members and drug dealers plague communities with violent crimes and illegal drugs. The League supports legislation that hinders such nuisances as gang activity and the selling of drugs. AB 104 will allow local governments the ability to increase enforcement resources against gangs and drug dealers by removing any potential legal barriers from city attorneys handling civil injunctions. **Staff:** Liisa Lawson Stark, **Status:** Enrolled; **Position:** Support.

AB 1509 (Spitzer). Sex Offenders. Community Placement. AB 1509 amends Penal Code Section 3003 to guarantee that victims of Sexually Violent Predators (SVP), or those who are victims of continuous sexual abuse, have the right to insist that parolees not be placed within 35 miles of the actual residence of the victim. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

SB 604 (Cox). Prisoners. Local Cost Reimbursements. SB 604 requires the California State Controller to pay interest upon reimbursement claims filed by cities and counties for costs incurred in connection with state prisons and prisoners. Specifically, SB 604 requires the Controller to pay accrued interest on claims made by cities and counties for reimbursement of costs connected to state prisons and prisoners, if the payment is made more than 90 days after receipt of a reimbursement claim.

Delayed payment on reimbursement claims related to state prisons and prisoners puts a financial burden on already-strapped cities and counties. Under the current system, local officials must incur the costs first, and then file for reimbursement with the Controller, a process that can take many months. Smaller cities are hit particularly hard by delays in reimbursement payments due to limited tax base and resources. SB 604 will ensure that cities and counties are reimbursed and/or compensated for costs incurred in connection with state prisons and prisoners. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Support.

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS

AB 468 (Ruskin). Abandoned Vehicle Abatement. AB 468 revises current statute relating to the Abandoned Vehicle Abatement Program. Specifically, AB 468 clarifies the definition of “abatement” for service authorities that administer this program to provide more flexibility to use the fees imposed on vehicle registration, as well as the moneys received from the Abandoned Vehicle Trust Fund, for the abatement and removal, or the disposal of abandoned vehicles.

To date, the abandoned vehicle removal programs in place have been quite successful. However, a recent interpretation of the current statute by the CHP has called into question the activities of many countywide authorities’ activities. Their interpretation suggests that a countywide authority could only use the fees for the removal of vehicles, removal meaning the towing and destroying of abandoned vehicles. It is imperative for the health and safety of all California citizens, that the service authorities be allowed more flexibility to remove vehicles without these vehicles necessarily being destroyed. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

AB 945 (Carter). Transportation Needs Assessment. AB 945 would require the California Transportation Commission (CTC) to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis. The legislation requires the process to be done every five years. An on-gong needs assessment is necessary to evaluate where our transportation infrastructure stands because of California’s continual population growth and increasing vehicle miles traveled in the state. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

SB 619 (Migden). Retention Proceeds. SB 619 would require that contract retention proceeds not exceed five percent of the payment of all contracts entered into after January 2008, between a public entity and an original contractor, between an original contractor and a subcontractor, and between all subcontractors. This bill removes the authority of public entities to decide the appropriate amount of retention.

Local agencies commonly reduce retention to five percent at 50 percent completion of public works projects, if adequate progress is being made and the contractor is acting in good faith. However, SB 619 would require local agencies to reduce retention regardless of the progress or good faith of the contractor, thus protecting potential bad actors either unknown to the public agency or even known “bad actors”. Thus, this measure protects those contractors and places at risk the public interest and public funds.

The League has had many discussions in recent years regarding similar proposals (AB 1949: Conroy, 1996, vetoed; AB 940: Miller, 1997, vetoed; AB 806: Keeley, 1999, vetoed); however, we continue to express concern over these measures because we have yet to see specific examples where 10 percent retention is problematic. On the other hand, we have specific examples from cities opposed to these proposals because in certain instances current retention of 10 percent is inadequate. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Oppose.

SB 717 (Perata). Transportation Investment Fund. SB 717 will continuously authorize 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 under Proposition 42. 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. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Support.

Want To Send A Letter In Support Of A League Position? Here’s Who To Call:

SENATE APPROPRIATIONS COMMITTEE—(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.

ASSEMBLY COMMITTEE ON 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.