

FOCUS

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

July 28, 2006
Issue #30-2006

TELECOM UPDATE: CONGRESS ADJOURNS FOR SUMMER RECESS

Congress adjourns on Friday, July 28, for a month-long August recess, having taken no further action on the telecommunications reform legislation passed on June 28 by the Senate Commerce, Science, and Transportation Committee. The text of the measure (the Advanced Telecommunications and Opportunity Reform-Consumers' Choice and Broadband Deployment Act of 2006) has yet to be released. *For more, see Page 5.*

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IMPORTANT PROPOSITION 218 DECISION ISSUED BY THE CALIFORNIA SUPREME COURT

The California Supreme Court has held for the first time that water service rates are subject to Proposition 218. While the Court's ruling only specifically covered water rates, its reasoning would likely also apply to sewer rates and garbage collection rates. *For more, see Page 3.*

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PUBLIC HEARINGS SCHEDULED FOR THE GOVERNOR'S HIGH RISK SEX OFFENDER TASK FORCE'S RECOMMENDATIONS

A number of public hearings have been scheduled in August to hear recommendations issued by Gov. Schwarzenegger's High Risk Sex Offender Task Force. *For more, see Page 2.*

**WANT MORE DETAILS
ON BILLS?**

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

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TELECOM IN THE NEWS

Net Neutrality Advocates Pressuring Those Who Voted Against Amendment

A number of organizations are contacting the 11 Republican senators that voted against the net neutrality amendment to H.R. 5252 to express their displeasure over the vote. The organizations are concerned over equal access to the Internet which may be impeded by the bill if signed into law.

To read the full article, visit www.cio.com and search for "Net Neutrality Advocates Pressure Lawmakers."

Telecommunications Professor Stands Up for Net Neutrality

Frustrated that the net neutrality amendment failed to pass on an 11-11 Senate Commerce Committee vote earlier this month, a telecommunications professor argues that an Internet without neutrality would be like letting some consumers speed along in the fast lane, but the majority stuck on the "bumper-to-bumper" service lane.

For more, visit www.jsonline.com and search for "Internet Speed Must Not be Based on Ability to Pay."

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.

HEARINGS from page 1

The hearings are scheduled as follows:

- Monday, August 7 - Sacramento, location and time TBD (North)
- Tuesday, August 8 - Fresno, location and time TBD (Central Valley)
- Wednesday, August 9 - Orange, location and time TBD (South)

The High Risk Sex Offender Task Force was formed pursuant to the Governor's Executive Order S-08-06 issued on May 15, to provide recommendations on the following four issues relating to high risk sex offenders:

- Notification to local law enforcement and officials prior to release from a state correctional institution;
- Placement planning for paroled sex offenders that is compliant with state law, and consistent with public safety;
- Monitoring and supervision of high risk sex offenders; and
- Enforcement of all parole requirements and special conditions of parole.

Task force members include leadership from the California District Attorneys Association, California State Sheriffs Association, California Police Chiefs Association, California State Association of Counties, League of California Cities (represented by League President Alex Padilla), Chief Probation Officers of California, California Division of Adult Parole Operations, California Department of Corrections and Rehabilitation (CDCR), and a victim's advocate group. The task force is co-chaired by Assemblymembers Rudy Bermudez and Todd Spitzer.

For further information relating to the task force, please contact Kathy Prizmich at kathy.prizmich@cdcr.ca.gov or (916) 322-1610.

SECOND ANNUAL ILG LUNCHEON SYMPOSIUM ON SEPTEMBER 7

Does it sometimes seem that people don't understand how many positive things your city does and the role the city plays in the community's quality of life? Do you find that people immediately default to negative perceptions about government and those who serve in government?

If so, the Institute for Local Government's Second Annual Luncheon Symposium is for you.

To be held on September 7 at the League of California Cities' annual conference in San Diego, the symposium's main topic will be "How to Talk About Government," and is designed to help effectively communicate about the positive role government plays in the lives of community members. Come hear about the groundbreaking research being conducted by the Demos Center for the Public Sector and The FrameWorks Institute concerning public attitudes about government and ways to promote trust and confidence among your constituents.

The symposium will be held from 11:15 a.m. to 12:45 p.m. In addition, for those wanting further information, there will be a post-symposium discussion from 2:30 p.m. to 4 p.m. - a great opportunity for speakers and attendees to share their insights about effectively communicating about government.

Cost for the symposium is \$40, which covers lunch. To sign up, check the "ILG Luncheon" box on your annual conference registration form before you submit it. For more information, please visit the Institute for Local Government's website at www.ca-ilg.org.

You're working hard to serve your community and make it even better. Let's get the word out.

PROP. 218 from page 1

Prior to this decision, city attorneys were split into separate camps – one believing that utility rates were subject to Prop. 218 and the other believing they were not. The Supreme Court's ruling has resolved that split.

The court further held that water rates could be the subject of local initiatives to reduce or repeal the rates. This raises the question as to whether it would be permissible for the voters to reduce water rates where the proceeds from those rates are pledged to bonds or other uses if the reduced rates would not permit the agency to meet its obligations to bondholders. This question will likely be resolved through future litigation.

Another consequence of the Supreme Court's decision is that water rates are subject to the Proposition 218's majority protest ballot requirement. This may cause some concern for agencies that adopted rate increases prior to this decision without complying with the majority protest requirement. These agencies may need to revisit these prior rate increases.

Additionally, the decision raises other issues that may only be resolved by future litigation. The League will continue to monitor the fallout from this case.

The case is *Bighorn-Desert View Water Agency v. Virgil*, 2006 WL 2042597. The League would like to thank Janet Morningstar, Michael Colantuono with Colantuono & Levin, Daniel Hentschke, General Counsel for the San Diego County Water Authority, and Jennifer Henning, Litigation Counsel for the California State Association of Counties (CSAC) for writing the friend-of-the-court brief on the League's behalf.

Our Mission

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

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 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.

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; or fax all portions of the attached form to (916) 658-8240.**

CAPIO VOLUNTEERS HELP STAFF MEDIA ROOM

For the 17th consecutive year, volunteers from the California Association of Public Information Officials (CAPIO) will help staff the League's media room throughout the event. In addition to the popular on-camera interview training for conference attendees, volunteers will coordinate on-site media relations, produce two daily newsletters and issue "hometown" news releases to update local media outlets throughout the state about their respective representative's participation in the conference.

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TELECOM from page 1.....

The bill has been renumbered H.R. 5252, to match the number of the House-passed telecommunications reform measure. While this may seem confusing, it is not an uncommon practice and it is important to remember that two distinct bills with very different content remain—the House-passed bill (H.R. 5252) and the Senate Commerce, Science and Transportation Committee-approved legislation (formerly S. 2686, now numbered H.R. 5252).

Sen. Ron Wyden (D-Ore.) has placed a hold on 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.

The committee-passed bill incorporates 11 titles that address a variety of communications issues. These issues made it difficult for the sponsor of the legislation, committee chairman Ted Stevens (R-Alaska), to find broad support for the measure among his colleagues.

Sen. Stevens faces a short calendar when Congress returns in September that may not provide him with enough time to encourage the support necessary to pass the measure should it reach the Senate floor. For an overview of the Steven's bill please visit the Telecom page on the League website (www.cacities.org/telecom) and search for the story entitled "**Federal Telecom Update: Senate Committee Passes National Cable Franchise Measure.**"

The League continues to work with the national groups in Washington, D.C., on California cities' concerns with the House and Senate measures. We will have a sample letter of opposition to H.R. 5252 plus messages to present to your senators as they return to their districts on recess in next week's edition of *Priority Focus*.