

FOCUS

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

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**The Legislature is
in recess until
August 15.**

MTBE IN COMPREHENSIVE ENERGY BILL, H.R. 6

The League is urging city officials to contact their representatives and Senators Barbara Boxer and Dianne Feinstein about H.R. 6, an energy bill Congress is working on to send to President George W. Bush. *For more, see Page 2.*

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FEINSTEIN FIGHTS TO MAINTAIN CRITICAL LOCAL GOVERNMENT TOOL

California Senator Dianne Feinstein proved once again this week that she understands the tools that city officials need to restore blighted areas, build affordable housing, create jobs and restore public safety. *For more, see Page 3.*

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LEAGUE AND WASTE BOARD COLLABORATE ON WEB BASED E- WASTE SEMINAR FOR LOCAL GOVERNMENT OFFICIALS

Local government officials and staff are invited to participate in an exciting new educational joint venture - an online web seminar - to learn about California's new electronic waste recycling program. "E-Waste Recycling for Local Governments" is a joint effort between the League and the California Integrated Waste Management Board (CIWMB). *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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The four online 60-minute sessions will be offered during August and September. Module 1, open only to local governments that are not yet approved e-waste collectors, will be offered on August 17 or August 30. Module 2, open to all local governments, will be offered on September 7 or September 15.

Attending presentations via the Internet provides local government representatives with the opportunity to access needed information from the comfort and convenience of their home or office. Just dial a toll-free number to enter a virtual classroom with other attendees and log on to the visual portion online. It's as easy as point, dial and click. Handouts can be printed directly from the logged in area of the virtual classroom.

Presenters will include CIWMB staff members, and the interactive format will allow attendees to ask questions and share information. The sessions will be recorded and available for future viewing.

This pilot project web seminar is offered free to attendees. However, future web seminars may include a modest charge to cover production and technical costs. Enrollment is open only to representatives from local government and is limited, so you are encouraged to sign up early. The E-Waste webinar announcements have been sent electronically to city and other local government officials. Copies of the announcement are also available on the League's web site at www.cacities.org/resource_files.

Cities should OPPOSE amendments to the bill that would exempt manufacturers of methyl tertiary butyl ether (MTBE) from any liability for contamination of local drinking water supplies, despite the Senate's position to the contrary.

Under the agreement that is currently being considered, city county and other local agencies would be prevented from filing "defective product" lawsuits to recover cleanup costs. Numerous cities in the United States are engaged in active litigation on this legal principle.

If signed into law, the MTBE manufacturers' liability exemption would cost local taxpayers nationwide an estimated \$29 billion to clean up and replace local water supplies. This would represent one of the largest unfounded mandates passed down from Congress to local taxpayers in recent history.

Take Action!

Contact Senators Barbara Boxer and Dianne Feinstein, and your representatives, to strongly urge them to strip any MTBE liability exemption from H.R. 6. For a sample letter on talking points on this issue log on to the League's Online Advocacy Center, www.cacities.org/advocacycenter.

Any agreement on MTBE must include the principles of full cost recovery to community water systems; funds to pay for cleaning up drinking water, not just removing leaking tanks; no unfounded mandate on local governments; no bailout for MTBE producers; and no cleanup funds should be subject to annual appropriations.

THE **2005 CITY HALL DIRECTORY** IS NOW AVAILABLE

Don't miss this opportunity to get one of the League's most useful reference tools! This comprehensive California directory provides important contact information for mayors, council members and city department heads. The directory also features the League's staff directory, League partners, affiliate organizations and a wide variety of advertisers.

Purchase this publication on-line at www.cacities.org/store or call (916) 658-8257 for an order form. City officials price \$30, non-city official price \$65, plus shipping & handling.

FEINSTEIN from page 1.....

This week Senator Feinstein joined with Louisiana Senator Mary Landrieu, in persuading Missouri Senator Christopher Bond to defer action on an amendment to a Senate Appropriations Committee mark-up. The mark-up would have denied any federal funding for local projects if city councils or county commissions used the power of eminent domain in condemning property for the benefit of private redevelopers. His proposal was a reaction to a recent U.S. Supreme Court ruling that endorsed the condemnation power by local officials for private projects.

Senators Feinstein and Landrieu objected to the amendment on the grounds that it had not been adequately aired by the committee, and won a pledge by Bond to defer action on it until the bill reaches the Senate floor.

The two senators said that more time was needed to research the impacts that the amendment would have on cities' ability to engage in economic development, and to develop the information needed for an informed decision.

Please Thank Senator Feinstein

City officials should be sure to thank Senator Feinstein for standing up for cities' responsible use of eminent domain. Among the points to make are the following:

- **California is not Connecticut.** The Boyd amendment would unfairly punish a state like California, which already has strong laws on the books protecting property owners and restricting the use of eminent domain. Eminent domain is rarely used; redevelopment agencies may only use it as a last resort, and only where there is a clear finding of blight, as defined by state law. Land does not qualify simply because it is not being put to its optimum use or may be more valuable for other uses.

- **The Amendment Is a Job Killer.** California is in the midst of an economic recovery. Cutting off federal funding for projects that may require some

use of eminent domain under California's already restrictive laws would kill valuable construction and other jobs that redevelopment projects create. Redevelopment is a significant economic and job-generating resource for California and local communities, responsible for more than **\$31.84 billion in economic activity and generating or maintaining 310,000 full and part-time jobs in a single year.**

- **The Amendment Would Undermine Efforts to Build Affordable Housing.** Federal funds available for affordable housing would be unusable in some cases if redevelopment agencies were stripped of the ability to use eminent domain as a last resort. After the federal government, redevelopment is the biggest funder of affordable housing projects in the state. And redevelopment is sometimes the only tool a community has to jump start revitalization of downtrodden, blighted communities.

According to information from the state Department of Housing and Community Development and the State Controller, redevelopment has been responsible for the construction of 63,406 units of affordable housing units since 1994. Another 20,048 units of low- and moderate-income housing are expected to be built or refurbished as part of redevelopment projects over the next two years. Since 1997-98, agencies have assisted 88,711 households obtain affordable housing; 45% of this activity occurred in the last two reporting years.

- **Tell Your Local Story.** Provide Senator Feinstein with the information she needs to protect the use of eminent domain under the restrictions currently in place here in California. Explain how eminent domain is a seldom used, but critical tool to bring parties to the table to build affordable housing, remove blight, and create jobs. Describe the specific redevelopment projects in your city that have included new housing, improved public safety, generated jobs and economic activity.

THE LEAGUE SEEKS YOUR INPUT ON WEBSITE

Do you use the League of California Cities' website? If so, we'd like to know what you think about it!

The League has posted a short, five-minute-or-less online website survey so that website users can let us know how well the site works for them, and what services they find most valuable.

If you use the site - whether frequently or only occasionally – please help us by participating in this short survey. Data from the survey is collected anonymously.

To take the survey, please visit the League's website at www.cacities.org. Thank you!

2005 LEAGUE ANNUAL CONFERENCE: OCTOBER 6-8, MOSCONE CONVENTION CENTER, SAN FRANCISCO

Plan now to attend the League's 2005 Annual Conference this fall - the first time it has been in San Francisco since 1997.

Make your reservations through our online system at www.cacities.org/ac.