

PRIORITY FOCUS



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Editor's Note: Due to the League of California Cities' Annual Conference being held next week, Priority Focus will not publish on its regular day of Friday, Sept. 7. Publication will resume on Friday, Sept. 14.

ACA 8 AMENDED TO GIVE EMINENT DOMAIN PROTECTION TO CHURCHES

Assembly Constitutional Amendment (ACA) 8, the eminent domain reform measure carried by Assembly Member Hector De La Torre, D-South Gate, was amended to prohibit the taking of churches through eminent domain. *For more, see Page 2.*

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SB 375 BECOMES A TWO-YEAR BILL

On Thursday, Aug. 30, the Assembly Committee on Appropriations met to review suspense bills, including SB 375 (Steinberg), a measure the League opposed because insufficient time had been given to a broad discussion of the important local land use authority and transportation funding issues in the bill.

Sen. Darrel Steinberg requested that the bill be left on the suspense file. This effectively makes SB 375 a two-year bill, which gives time to address ambiguities and differences the League raised with bill's author and sponsor. *For more, see Page 3.*

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LEAGUE ANNUAL CONFERENCE SET FOR NEXT WEEK

The League of California Cities' 109th annual conference opens next week in Sacramento. Under the theme "Shaping California's Future," more than 2,000 mayors, council members and city officials are expected to attend to discuss important issues related to cities. *For more, see Page 3.*

'ACA 8' Continued from Page 1...

ACA 8 was heard in the Assembly Committee on Appropriations on Thursday, Aug. 30, where the amendment was adopted. With this amendment, ACA 8 now contains strong new protections against the taking of homes, churches and small businesses through eminent domain for transfer to another private party.

"We've been working in earnest with my Republican and Democratic colleagues to find a way to protect churches and places of worship, said Assembly Member De La Torre in a news release issued by Californians for Eminent Domain Reform, the coalition backing ACA 8 and its companion statutory measure, Assembly Bill (AB) 887.

"I am hopeful that these amendments bring us one step closer to garnering the necessary two-thirds vote in both houses of the Legislature to present this strong reform package to the voters in 2008."

If ACA 8 becomes law, as amended, it would:

- Prohibit the use of eminent domain to acquire an owner-occupied home (including townhomes, condos and duplexes) for transfer to another private party
- Prohibit the use of eminent domain to acquire a church/house of worship to transfer to another private party. Churches/houses of worship are defined as "all real property used exclusively by the owner for religious worship if the property qualifies for tax exemption under the California Constitution for houses of religious worship"
- Prohibit government from using eminent domain to acquire a small business to transfer to another private party, unless the small business owner is first given the opportunity to participate in the revitalization plan to eliminate blight
- Give the original owner the right to repurchase a home or small business property acquired by eminent domain if the government doesn't use the property for a public use

AB 887 Info

AB 887 (De La Torre) would provide enhanced protections for small business owners confronted with eminent domain. Some key provisions of the bill include:

- If the small business does not participate in the revitalization plan, it can choose between relocating or receiving the value of the business. If the small business relocates, it will receive:
 - o Fair market value of the real property plus all reasonable moving expenses, expenses to re-establish the business at a new location and compensation for the increased cost of rent or mortgage payments for up to three years
- If the small business does not elect to relocate or cannot be relocated and remain economically viable, it will be bought out and compensated:
 - o Fair market value of the real property (if owned by the small business) and
 - o 125 percent of the value of the business

What's Next

ACA 8 will next be heard on the Assembly Floor. If it receives the necessary two-thirds vote, the measure will be sent to the Senate. AB 887 is awaiting a vote on the Senate floor and if passed, will be sent back to the Assembly.

The League of California Cities will continue to issue updates on this issue through the League Web site (www.cacities.org) and future issues of *Priority Focus*.

'SB 375' Continued from Page 1...

The League commends Sen. Steinberg for his leadership and his decision to give the process more time. The League remains committed to further work on the legislation and larger issues of climate change with Sen. Steinberg, the Legislature and the Schwarzenegger Administration into the fall. California cities are already working on innovative strategies to help mitigate emissions and improve environmental quality.

One of SB 375's major goals is to reduce vehicle miles traveled as part of how California addresses green house gas (GHG) reduction. Last year's AB 32 (Núñez) established emission reduction targets from all sources of 25 percent to 1990 levels by 2020.

The League also thanks the many city officials who helped lobby on SB 375 by sending letters to Sen. Steinberg, and working with League regional public affairs managers to express their concerns.

The lobbying effort on SB 375 came together through a broad coalition which included local government, transportation groups, business and taxpayer groups. The League acknowledges the work the entire coalition contributed to this lobbying effort.

'Annual Conference' Continued from Page 1...

The conference will run Sept. 5-8, and features sessions on a number of hot topics, including housing and infrastructure, eminent domain, climate change, economic development, and leadership and government.

Featured general session speakers will include Mark Sanborn, president of Sanborn & Associates, an idea lab dedicated to developing leaders in business and life; Greg Nickels, mayor of Seattle, who will present "Climate Change – Protecting Future Generations by Acting Now;" and Sir Ken Robinson, Ph.D., an internationally recognized leader in the development of creativity, innovation and human resources.

Diversity Caucuses to Host Various Receptions

The annual conference will also feature a number of receptions hosted by the League's diversity caucuses. See below for the details (all held the evening of Friday, Sept. 7):

- The African-American Caucus Inaugural Annual Conference Bash will be held 9 p.m. to 1 a.m. at Chops, located at 11th and L
- The Asian Pacific Islanders Caucus Karaoke Reception takes place from 9 p.m. to 11 p.m. at the Capitol View Room on the 15th Floor of the Hyatt Regency Hotel
- The Gay, Lesbian Bisexual, Transgender Caucus Networking Reception will be held from 7:30 p.m. to 9:30 p.m. at the Hyatt Ballrooms at the Hotel Parlare Euro Lounge on the 2nd Level
- The Latino Caucus will host its 17th Annual Gala Award Reception from 7 p.m. to 10 p.m. at the California Railroad Museum in Old Sacramento

For more information on the annual conference, visit www.cacities.org/ac.

Flood Protection Proposal Update

There are a number of flood control proposals winding their way through the legislative process this year. Although the final details are still being worked out, the League of California Cities is leaning towards supporting a package of bills that includes SB 5 (Machado)/AB 5 (Wolk) (note that SB 5 and AB 5 will be amended over Labor Day weekend to have identical language), SB 17 (Florez) and AB 162 (Wolk).

If this package of bills is signed into law, it would allow continued development of flood prone areas while also requiring flood management agencies to achieve 200-year flood protection for those areas.

As of late August, the language in SB 5/AB 5 would only apply to cities with flood hazard areas of greater than three foot depth in a 200-year flood scenario. This means that in a 200-year flood the water levels would reach three-foot depth.

Cities the League has identified in these flood hazard areas are Sacramento, West Sacramento, Yuba City, Marysville, Stockton and Lathrop. The League has been working with these cities to make sure the language of the bill will work for those cities. In addition, none of the bills assign liability to cities in case there is a failure of the state system of flood control.

Background on Flood Protection

Over the last several years, members of the Legislature have been pushing legislation to require flood management agencies (including cities) to upgrade their flood protection surrounding existing developments and mitigating development on parcels of land where there is not adequate protection.

This effort is a response to Hurricane Katrina and a desire to protect people who live or will live in these flood prone areas. The League has invested a significant amount of time developing flood control policy and working on the best language to allow cities who are affected by the flood control proposals.

California Attorney General Settles CEQA Lawsuit with San Bernardino County

California Attorney General Edmund G. Brown announced a settlement with San Bernardino County on Aug. 21, in regard to a lawsuit the attorney general filed contesting the county's new general plan under the California Environmental Protection Act (CEQA).

The lawsuit contended that the general plan, which establishes guidelines for land use development in the county through 2030, did not have sufficient analysis on the development's impact on climate change and mechanisms for mitigation.

The settlement includes a greenhouse gas reduction plan for the county which identifies emission sources and establishes emission reduction targets. With the agreement, San Bernardino starts a 30-month process to engage the public in reducing emissions related to land use decisions and county government operations.

The plan mandates that the county must conduct an inventory of known emission sources as well as those which can be reasonably discovered. The county is also responsible for identifying its emissions levels from the year 1990 and today, and must estimate what the levels will be in 2020. AB 32 (Núñez), which passed last year, sets emission reduction targets for the state of 25 percent to 1990 levels by the year 2020.

City officials should review the settlement for more information on the local emission reduction mechanisms. The settlement can be found on the attorney general's Web site at www.ag.ca.gov. Search for the term "San Bernardino County" in the upper right hand corner.

Legal Decisions Clarify Questions Regarding the Disclosure of Public Employee and Peace Officer Information

In companion decisions issued earlier this week, the California Supreme Court clarified the scope of the California Public Records Act (CPRA) regarding the disclosure of name, salary, and other personnel information related to public employees and peace officers.

The state Supreme Court ruled in *International Federation of Professional and Technical Engineers, Local 21 v. Superior Court*, that the names and salaries of public employees, including peace officers, can be disclosed under CPRA.

In the second case, *Commission on Peace Officer Standards and Training v. Superior Court*, the state Supreme Court determined that certain peace officer employee information (names, employing departments, and hiring and termination dates) that is stored by the commission, may also be disclosed.

The decisions closed the open legal question of whether this type of information is subject to disclosure, or whether its disclosure would violate any privacy interest the affected employees may have.

Litigation Details

In *International Federation of Professional and Technical Engineers, Local 21 v. Superior Court*, newspaper reporters, relying on CPRA, requested that the city of Oakland provide them with the names, job titles, and gross salaries of all city employees who earned \$100,000 or more in a fiscal year. The city disclosed the salary and overtime information for each job classification, but did not disclose individual names and corresponding salaries based on the belief that such disclosure was improper under CPRA.

CPRA's fundamental precept is that governmental records shall be disclosed to the public, upon request, unless there is a legal basis not to do so. The employees' group argued the salary information was could not be disclosed because it fell within the Act's exception for "[p]ersonnel, medical or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy."

The state Supreme Court ultimately concluded that disclosure of the information would not constitute an unwarranted invasion of privacy. Although some employees may prefer to keep their salaries private, this preference does not outweigh the public's interest in disclosure.

The purpose of CPRA is to give the public access to information that enables them to monitor the functioning of their government. In its decision, the state Supreme Court said, "It is difficult to imagine a more critical time for public scrutiny of its governmental decision-making process than when the latter is determining how it shall spend public funds." For this and other reasons, the state Supreme Court concluded the information was subject to disclosure.

Although the specific ruling addressed the disclosure of individuals earning \$100,000 or more, the state Supreme Court's reasoning would seem to apply broadly to all public employees.

In the second opinion, *Commission on Peace Officer Standards and Training v. Superior Court*, a newspaper reporter asked the commission for the names, employing departments, and hiring and termination dates of California peace officers that are listed in the commission's database.

The newspaper wanted the information in order to determine why and how often peace officers leave one agency in order to serve in another, whether particular agencies are better able to retain more experienced officers, and whether officers who are dismissed from one or more agencies nonetheless are hired by another.

The state Supreme Court concluded, in general, the information is subject to disclosure. Although it was acknowledged, however, there may be instances in which disclosure is not proper. In its ruling the state Supreme Court said "If the duties of a particular officer, such as one who is operating undercover, demand anonymity, the need to protect the officer's safety and

effectiveness would certainly justify the Commission in withholding information identifying him or her.”

The decisions can be accessed on the California Supreme Court’s Web site at www.courtinfo.ca.gov.

ASU Offers Workshop on Immigration and Government - Sept. 26-28

Arizona State University is offering a two-day workshop in Phoenix, Ariz., that will examine the impact of immigration on the Southwest. Set for Sept. 26-28, the workshop is titled “Immigration and the Public Sector: Your World is Changing...How will You Respond?” The conference will bring together over 200 public officials, administrators, immigration experts and senior academics.

The goal of the conference is to feature broad perspective by bridging immigration policy and practice. Participants will have an opportunity to examine the challenges local government faces associated with serving immigrants in terms of public health and safety, social welfare, infrastructure and more. Conference attendees will learn from public policy experts and their fellow public servants.

Large plenary sessions will feature nationally-recognized immigration experts. During the smaller break-out sessions, participants will have a chance to talk with their colleagues about how they face the challenge of serving new residents in their own communities.

Guest speakers include:

- Terry Goddard, attorney general, State of Arizona
- Harold “Bud” Hodgkinson, director, Center for Demographic Policy
- Linda Chavez, author and commentator
- Eliseo Medina, executive vice president, Service Employees International Union
- Alfredo Gutierrez, principal, Tequida & Gutierrez
- Richard De Uriarte, columnist, *Arizona Republic*

Register Now

The workshop costs \$485 and registration can be completed online at [http://ramseyexecutive.asu.edu/](http://ramseyexecutive.asu.edu) by clicking on Registration and Online Payment Forms. The conference will take place at the Crowne Plaza Hotel, located at I-17 and Peoria Ave., in Phoenix. For more information, please call (602) 496-1300.

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.
