

PRIORITY FOCUS



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CITY OFFICIALS NEEDED TO GATHER SIGNATURES FOR HOMEOWNERS PROTECTION ACT

By Chris McKenzie

Three years ago, city officials across California gathered signatures to qualify Proposition 65 for the Nov. 2004 ballot. That process led to the approval of Proposition 1A, the constitutional amendment that protects local government revenue from the being raided by the state, which was endorsed by 84 percent of the voters. The success of that campaign showed the state what a group of determined community leaders can do to address a serious wrong.

We must implement this strategy once again, this time on the issue of eminent domain reform. *For more, see Page 2.*

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CITY OFFICIALS JOIN PROTEST AGAINST JARVIS ANTI-RENT CONTROL MEASURE

On Tuesday, Oct. 30, local elected city officials joined with senior citizen groups, tenant rights advocates and mobile home residents to protest the Apartment Owners Association of California (AOAC)'s nearly \$200,000 in contributions to the so-called "California Property Owner and Farmland Protection Act" (CPOFPA).

The measure, similar to the failed Proposition 90 from the Nov. 2006 election, is supported by wealthy apartment owners, mobile park owners and the Howard Jarvis Taxpayer Association (among others). It is slated for the June 2008 ballot. *For more, see Page 2.*

'Homeowners Protection' Continued from Page 1...

Last session, the California Legislature failed to approve an eminent domain reform amendment due to the objections of special interests that are fielding a deceptive initiative for the June 2008 ballot. As a result, the people will need to take matters into their own hands to achieve this goal, and the League of California Cities strongly supports the **Homeowners Protection Act**, an initiative that provides honest, straightforward eminent domain reform.

Members of the League of California Cities' board of directors are actively involved in gathering signatures on their personal time to qualify the **Homeowners Protection Act** for the June 2008 ballot, and I urge you to join the board in its efforts.

The **Homeowners Protection Act** will prohibit state and local governments from using eminent domain to take a home to transfer it to a private developer. Unlike a competing, deceptive measure called the California Property Owners and Farmland Protection Act (CPOFPA), the **Homeowners Protection Act** does not apply to water or other public works projects.

CPOFPA is supported by a group of landlords and other special interests, and it is riddled with hidden agendas. Its sponsors want you to believe that CPOFPA is about eminent domain when it's actually a cynical attempt to abolish local land use regulations, environmental protections, rent control and affordable housing laws and other renter protections, and to obstruct future water projects.

The **Homeowners Protection Act** is the real eminent domain reform initiative measure supported by the League and a broad coalition of homeowners, labor, business, local government groups, seniors and environmentalists. The League is requesting everyone's help to put this measure on the ballot.

Please contact your League regional public affairs manager (look yours up at www.cacities.org/legresources) to volunteer to help with signature gathering. It will help qualify the **Homeowners Protection Act** and stop the phony reform initiative.

Remember to follow the strict laws that prohibit the use of public funds for such activities. For some helpful guidelines, see "Working on a Ballot Measure Campaign: Important Do's and Don'ts for City Officials and City Employees," on Page 3.

Chris McKenzie is the executive director of the League of California Cities.

'City Officials Join Protest' Continued from Page 1...



Just like Prop. 90, supporters of CPOFPA are using eminent domain as a "trojan horse" to enact drastic changes to abolish rent control, affordable housing laws and other renter protections. CPOFPA also contains poorly drafted provisions that could stop future water projects, destroy local land-use planning and erode environmental protections.

The protest and accompanying news conference was held at AOAC's convention at the Los Angeles Convention Center. Inside, apartment owners were discussing campaign plans to pass the measure.

The protest outside had a noticeable impact on local media. The army of local officials and angry seniors and tenant advocates armed with homemade picket signs attracted news coverage from local Los Angeles TV, radio and print media outlets including:

- **Univision**
- **KFWB Radio**
- **Downtown News (weekly newspaper)**
- **Hoy (Spanish newspaper)**

The Homeowners Protection Act

The League is part of a coalition supporting the **Homeowners Protection Act** to place it on the June 2008 ballot. The coalition includes homeowners, labor, business, environmental groups, seniors and local government. The **Homeowners Protection Act** offers real eminent domain reform by prohibiting state and local governments from using eminent domain to secure a home to transfer to a private developer.

Working on a Ballot Measure Campaign: Important Do's and Don'ts for City Officials and City Employees

There are two simple, but very important rules city officials and employees should follow if they want to get involved in campaign activities in support of the **Homeowners Protection Act** and to defeat the California Property Owners and Farmland Protection Act (CPOFPA):

1. **Don't use public funds.** All contributions to the campaign of your time and resources must be made with non-public funds. That means no public facilities or equipment (phones, computers, e-mail accounts, vehicles, copy machines or any other equipment) may be used to plan or promote ballot measure activities, including fundraising. No public funds may be used in support of your campaign activities.
2. **Campaign on your own time and keep good records.** Track your time and your use of private equipment used in ballot measure activities, so you are able to document that no public funds were used.

The Do's: City officials and city employees **MAY**:

- Work on the campaign during their personal time, including lunch hours, coffee breaks, vacations, etc.
- Make a campaign contribution to a ballot measure campaign committee using personal funds, and/or attend a campaign fundraiser during personal time.
- Help gather signatures for an initiative during personal time.
- Make public appearances during personal time advocating the ballot measure.
- Have the city council adopt a resolution at a public meeting that officially endorses or opposes a ballot measure and confirms the prohibition on using government funds for political purposes.

The Don'ts. City officials and city employees may **NOT**:

- Distribute campaign literature through the city's internal mail system.
- Place campaign literature on employee bulletin boards, on the city's Web site, or elsewhere on city government premises.
- Make public appearances speaking in favor of the ballot measure during compensated work hours.
- Make telephone calls about the campaign during compensated work hours.
- Walk precincts, draft campaign ads, or perform other campaign tasks during compensated work hours, or assign subordinates to do same.
- Add a link from the city Web site to a campaign Web site.
- Send or receive campaign-related e-mails on city computers.
- Urge other city employees to vote for the measure during compensated work hours.
- Use city copy machines, telephones, fax machines, computers, stationery, etc. for campaign purposes.

Additional Information

A good rule of thumb is to check with your city attorney if you are not sure what you can do as a city official or city staff involved in a campaign.

If you have questions, please contact your League regional public affairs manager. A complete list of the League's public affairs managers can be found by visiting www.cacities.org/legresources and scrolling down to "Regional Public Affairs Managers."

Op-Ed: Purported 'Eminent Domain' Measure Has Hidden Provisions That Would Sink Future Water Projects in California

By Timothy Quinn

California faces a water crisis that threatens our economy and our environment. From record-dry conditions to court-ordered cuts in water deliveries, our water system faces challenges that could affect water supplies in every region of the state in the near future.

Addressing this crisis will require thoughtful policy and a comprehensive solution. The last thing we need is a stealth ballot initiative that could block needed projects that are part of that solution.

That's why it is particularly alarming that a looming ballot initiative -- ostensibly dealing with an issue unrelated to water -- could literally derail efforts to build the infrastructure and other water projects we need to ensure an adequate supply of safe, clean drinking water.

On its face, the so-called California Property Owners and Farmland Protection Act (CPOFPA) prohibits government from taking or damaging private property for private use. However, the problem lies with how its proponents have defined "private use" in the fine print of the measure.

Rather than simply stop eminent domain for private development, CPOFPA defines private use in such a way that could effectively make it illegal to use eminent domain to acquire land and water to develop public water projects. Proposed section 19(b)(3)(ii) defines "private use" as including:

"transfer of ownership, occupancy or use of private property or associated property rights to a public agency for the consumption of natural resources..."

This single provision could jeopardize a great number of water infrastructure projects that we need, including:

- Acquisition of land for reservoirs, groundwater and surface water storage projects
- Construction of a new Delta conveyance system (more than 25 million Californians and 2.5 million acres of farmland receive water conveyed through the Delta)
- Right-of-way for pipelines and canals to deliver water to new homes and businesses

Proponents of CPOFPA may claim this was not their intent, or that the language is being misconstrued. However, what matters to the courts (where the issue will ultimately be resolved if the measure passes) is the language in the initiative itself. In this case, the language very clearly prohibits eminent domain "for the consumption of natural resources," for example, as in the acquisition of property that might be necessary for a reservoir project.

Analysis by three separate committees of the Association of California Water Agencies (ACWA) all came to the same conclusion: CPOFPA contains language that is sufficiently ambiguous to derail needed water projects around the state. That's why ACWA's board of directors recently voted overwhelmingly to oppose the measure, even before its qualification.

Without new water storage projects and other infrastructure improvements, California will not have the water system it needs to support our economy, our environment, businesses or residents.

It is unfortunate that the proponents overreached or misstepped, but they have. This measure is at odds with ensuring a reliable water system for California and should be opposed by those who care about our economy and our environment.

Timothy Quinn is the executive director of the Association of California Water Agencies.

Congress Passes Seven-Year Extension of Internet Tax Moratorium

On Wednesday, Oct. 31, President Bush signed into law H.R. 3678, the Internet Tax Freedom Amendments Act of 2007. The bill extends the current moratorium on Internet access taxes that would have expired on Nov. 1, until 2014.

In addition, H.R. 3678 amends the current definition of Internet access to make clear that the moratorium applies only to the service that connects a user to the Internet – not to goods and services sold over the Internet.

Originally, the bill only extended the moratorium until 2011. However, the U.S. Senate increased the extension to seven years on Oct. 25. Following that session, the legislation went back to the U.S. House of Representatives, where it was unanimously approved on Oct. 30, without amendment.

The League thanks everyone who wrote letters and made calls to your representatives urging their support for this important legislation.

Editor's Note: At press time, H.R. 3678 had not yet been sent to the Government Printing Office which will assign the bill a Public Law number.

Local Groundwater Assistance Grant Program Now Accepting Applications

The Department of Water Resources has released its Proposal Solicitation Package (PSP) and a schedule of upcoming application workshops on the Local Groundwater Assistance Grant Program (AB 303 [Chapter 708 Statutes of 2000]). Cities are encouraged to review the grant program and to apply for funding if they are eligible.

The grants are available to conduct groundwater studies, monitoring, or groundwater management activities. A total of \$6.4 million is available, and the maximum grant amount is \$250,000 per applicant.

Applications for the grants are due on Dec. 11. More information on the program, PSP, and the workshops is available at www.grantsloans.water.ca.gov/grants, under "Local Groundwater Assistance."

Those attending the workshops will receive an explanation on the requirements for submitting applications and will have the opportunity to ask questions about program. The workshop dates and locations are below. In addition, a live Web broadcast will be available of the Nov. 16 workshop at the Web site listed below.

Thursday, Nov. 8 – 1 p.m.

Board Room
South Lake Tahoe Public Utility District
South Lake Tahoe

Tuesday, Nov. 13 – 1 p.m.

Pacific Conference Room
Hall of Justice
Ventura County Government Center
Ventura

Wednesday, Nov. 14 – 1 p.m.

Assembly/Leonardo Room
Corporation Yard, City of Clovis
Clovis

Friday, Nov. 16 – 1 p.m.

California EPA Building

Sierra Room

Sacramento

Web cast: www.calepa.ca.gov/broadcast

If you are viewing the Web cast, comments and questions during the meeting can be e-mailed to DWR_IRWM@water.ca.gov. Registration is not necessary to attend these meetings. For more information on the workshops, contact Harley H. Davis at hdavis@water.ca.gov or (916) 651-9229.

New Tool for Promoting Informed Involvement in the Land Use Process Available

The Institute for Local Government (ILG) has developed a new planning and public engagement tool for cities and counties. Nicknamed the “Land Use One-Pager Project,” these “one-pagers” offer local agencies a set of descriptions of common land use decisions, with the goal of promoting informed public participation in land use decision-making.

Local agencies can attach the one-pagers to public hearing notices or have them available in hard copy form at planning counters. They are also available as links to attach to e-mailed notices or as content for Web sites. All of the one-pagers are available in either .pdf or Microsoft Word format (if you want to customize them for your own agency’s needs) at www.ca-ilg.org/onepaggers.

ILG is grateful to Citrus Heights Director of Community Development Janet Ruggiero for suggesting this project and to all the peer reviewers that took part in the process. This effort was made possible by financial support from the law firm Burke, Williams, and Sorensen, LLP.

League Legislative Briefings Coming Up

The League of California Cities is hosting two briefing sessions in November. Scheduled for Wednesday, Nov. 28, in Pasadena and Thursday, Nov. 29, in San Jose, these identical briefings will focus on bills of note to city officials that passed in the previous legislative session.

Tentative session topics will include:

- Implementation of the State Infrastructure Bond Package
- The fate of ACA 8 and pending initiatives—What’s next on eminent domain and regulatory takings
- Climate Change: ARB Regulations, SB 375 (Steinberg), the attorney general’s lawsuits, California Environmental Quality Act (CEQA) Guidelines: Are you ready for this kind of “green heat?”
- Growing Pains: Legislation affecting redevelopment, flood control, environmental issues, housing and land use
- Employee relations and workers compensation
- Sex offender management, gang abatement, and prison overcrowding: local implications

The cost of attendance is \$140, which includes a luncheon. Registration and further information is available at www.cacities.org/events.

Nick Bollman Passes Away

Champion of Civic Engagement and Service Will be Missed

Nick Bollman, founder and former CEO of the California Center for Regional Leadership (CCRL) passed away at his Florida home on Saturday, Oct. 27. A long-time friend of the League of California Cities and cities in general, Bollman was only a year into his retirement.

Although retired, Bollman had kept active, remaining as an advisor to CCRL and working with the Center for Urban and Environmental Solutions at Florida Atlantic University. A warrior for good public policy, Bollman was working on climate change issues for Florida in his home office on his final day.

Plans for a memorial service and legacy fund in Bollman's name are underway. Further details will be forthcoming. For more information, contact CCRL through its Web site at www.calregions.org.

League Telephone System Upgrade Next Week

On Friday, Nov. 9, the League of California Cities will be transitioning to a new telephone system. While the League will make every attempt to keep interruptions to a minimum, there may be intermittent telephone service outages on that day. Thanks in advance for your understanding and flexibility.

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.
