

FOCUS

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

April 28, 2006
Issue #17-2006

HOT BILLS

OPPOSE AB 2987

(Nunez). Cable and video service.

TELECOM REFORM MEASURES PASS MILESTONES IN WASHINGTON D.C. AND SACRAMENTO

Key committees in Congress and the California Legislature took action on telecommunications reform this week. *For more, see Page 4.*

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LEAGUE LEGISLATIVE ACTION DAYS, MAY 17-18 SHERATON GRAND HOTEL, SACRAMENTO

Help support the League's package of incentive-based housing bills! Sign up NOW to attend the League's annual Legislative Action Days in Sacramento. *For more, see Page 6.*

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TELECOMMUNICATIONS 'COLLOCATION' BILL CLEARS SENATE POLICY COMMITTEE

SB 1627 (Kehoe) would allow wireless telecommunications companies to collocate their wireless facilities on a non-discretionary basis. The bill passed out of the Senate Environmental committee this week. It will now proceed to the Senate Appropriations Committee. The League of California Cities has taken an "Oppose Unless Amended" position on the bill, because in its current form, the bill pre-empts local government authority to regulate collocation. *For more, see Page 6.*

WANT MORE DETAILS ON BILLS?

Visit the League of California Cities website at www.cacities.org/billsearch.

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LEGISLATIVE BILL SUMMARIES

TELECOM IN THE NEWS

AT&T Establishes Grassroots E-mail Letter Writing Campaign

AT&T, in an effort to promote Project Lightspeed, the teleco's broadband Internet and TV endeavor, has organized a grassroots e-mail letter writing campaign to public officials.

To read the article, visit www.nwherald.com and search for "**Residents E-mail Officials About Cable Competition.**"

Will AT&T Scale Back Project Lightspeed?

Analysts in the telecommunications industry are predicting that AT&T may have to scale back its Project Lightspeed project. Its current Video Digital Subscriber Line (VDSL) model only allots for six megabytes per second of broadband to the home (25 megabytes of data to the home overall), which is a concern for AT&T.

To read more, visit www.dslreports.com and search for "**AT&T Realizing 25Mbps Not Enough.**"

Additional background information on this topic can be found at www.arstechnica.com/news.ars. Search for "**AT&T to Slow Down Fiber Rollout?**"

GOP Turns Back COPE Network Neutrality Amendment

On Wednesday, April 26, House Commerce Committee Republicans, along with four Democrats, voted 34-22 to defeat an amendment to the Communications Opportunity, Promotion and Efficiency Act of 2006 (COPE Act) that would have prohibited broadband providers from charging content and service providers different rates based on bandwidth consumption.

To read more on this issue, visit www.internetnews.com and search for "**GOP Gets Its Way on Net Neutrality.**"

MoveOn.org Campaigns for Network

Neutrality

MoveOn.org, a grassroots civic advocacy organization, has begun work campaigning against Internet providers such as AT&T and Verizon that are seeking passage of a bill that would gut "Network Neutrality" on the Internet.

Network Neutrality is the safeguard that prevents Internet providers from choosing which websites open most easily for you based on which site pays that provider more.

For more information, visit www.civic.moveon.org/save_the_internet/.

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SENATE LOCAL GOVERNMENT COMMITTEE REVISES LEGISLATIVE RESEARCH GUIDE

The Senate Local Government Committee has revised *Quick List* – a guide that provides help in researching statutes.

Created by the Senate Local Government Committee, this annotated glossary of local-government statutes includes 60 key state laws, statutory citations, and handy references. Plus, the guide includes step-by-step directions for retrieving public documents and a list of helpful websites.

Quick List can be found under "Links of Interest to Cities" on the League website at www.cacities.org. For more information and ordering, contact the Senate Publications and Flags Office at (916) 651-1538.

Our Mission

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

KEEPING UP: GRIJALVA NAMED DIRECTOR OF CALIFORNIA'S DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Former League of California Cities Fire Chiefs Department President Ruben Grijalva has been appointed director of California's Department of Forestry and Fire Protection. Announced by Gov. Schwarzenegger on Friday, April 21, the governor recognized Grijalva's dedicated public service as a key factor in his appointment to the post.

"While serving in my administration, Ruben has proven himself to be an accomplished leader and dedicated public servant," said Schwarzenegger. "His commitment to responsibly managing California's wildlands and continuing to improve our fire protection capabilities makes him the ideal individual for this important position."

Grijalva served as the president of the League's Fire Chiefs Department in 2003. His most recent public service has been as acting director of the Department of Forestry and Fire Protection since January. He is currently the chair of the State Board of Fire Services.

Prior service includes a 14-year stint with the city of Palo Alto Fire Department from 1990 to 2004, first as assistant fire chief and later as fire chief and 14 years of service (1976-1990) with the Department of Public Safety for the city of Sunnyvale.

The League congratulates Ruben on his new appointment.

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.

WESTERN CITY MAGAZINE WINS CAPIO 'EXCELLENCE IN COMMUNICATIONS' AWARDS

The League of California Cities won two awards last week from the California Association of Public Information Officials (CAPIO).

CAPIO announced the awards last week during the organization's "Excellence in Communications" Awards Ceremony at the Doral Resort in Cathedral City. Forty-one finalists in 11 categories received top honors from a total of 92 entries.

The League won a First Place Award for Excellence in the category of writing for the November 2005 *Western City* story, "How the Telecommunications Revolution Will Affect Your City." The story was written by League staff, with input and assistance from a number of League members knowledgeable about telecommunications issues.

A reprint of the story has been widely distributed by the League in an effort to educate city officials about the nature of telecommunications reform debate.

The League also won a third place award in the "Special Publication" category for *Western City Magazine*.

According to CAPIO Awards Chairman Mark Dennis, "This year's finalists set high standards and CAPIO awards are fitting symbols of an organization's commitment to quality."

CAPIO's 11 award categories are designed to showcase outstanding communications strategies, products and skills in print, video, on the Internet and in public.

SENATE LEADER'S STATED INFRASTRUCTURE DEADLINE NEARS

Senate pro Tem Don Perata has stated publicly that an infrastructure package must be passed by early May—before the release of the governor's revision of the state budget (the "May Revise") and the ensuing heavy budget debates. This would ensure that a package appears on the November ballot and partisan election campaigns begin to play a role in the passage of a bi-partisan legislative package.

Earlier this week, there was speculation at the Capitol that the Senate might vote on an infrastructure package during the Senate's Floor Session on Thursday, April 27. That session, however, concluded without a vote and many legislators have returned to their home districts.

The League continues to hear that there is consensus on several pieces of an infrastructure package including transportation, flood protection, levee repair and education, but details are still being worked out. No language has been available to review.

At the time of this writing, the League is also aware of discussions taking place among Senate leaders regarding funding, and a housing component as well. Democrats have made it clear that this is one of their priorities.

With the governor's May Revise release date just two weeks away, it appears at this point that there is no urgency to vote on a package without ensuring bi-partisan consensus.

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In Congress, the House Energy and Commerce Committee conducted a mark up of the Communications Promotion and Enhancement Act of 2006 ("COPE") this week and the measure passed out of the Committee. It is headed to the House floor on Thursday, May 4.

Authored by Committee Chairman Joe Barton, R-Texas, and Bobby Rush, D-Ill., this measure would establish a national franchise for new telecommunications video providers, regulated by the Federal Communications Commission (FCC). The bill would allow current providers who operate under a local franchise to shift to the national franchise if a competitor began offering service in the same service area.

The panel rejected amendments that would have added language aimed at including build out requirements for telecom providers. The proposal also strengthens anti-discrimination provisions. These include a League-supported compromise amendment by Congresswoman Hilda Solis (D-Calif.) to include build out provisions, which failed on a vote of 33-23. The compromise amendment would have phased build out after five years in a franchise area if a company's service has been subscribed to by 15 percent of the households it reaches.

California representatives on the Committee, Mary Bono (R-45) and George Radanovich (R-19), voted against the build out provision. Without the amendment or similar language, the bill contains no build out requirements. Build out requirements are necessary to ensure all areas in a community will have access to those services.

As Congresswoman Solis indicated in her remarks, "Without this amendment, many neighborhoods will not share in cable competition and will risk seeing worse service and higher prices for their existing cable services."

Chairman Barton did agree to somewhat strengthened anti-discrimination provisions that could impose greater restrictions on new video entrants. The anti-discrimination provisions

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require national franchises to cover the same areas as the existing cable operator(s). New entrants would not have to offer service within their entire areas but would have to abide by anti-discrimination rules within those regions.

The committee also rejected amendments that would have retained local governments' control and oversight over their local streets and sidewalks—their public rights-of-way. Instead, the bill gives the Federal Communications Commission (FCC), 3,000 miles away in Washington, D.C., control and oversight.

The League urges cities to call their Representatives and ask for a “NO” vote unless the bill is amended to meet these concerns. As the full House is expected to take this measure up next week, it is important to act immediately.

In making these calls, please refer to the Video Franchising Truth White Paper, located at www.nlc.org, which lays out the real facts and myths on key local government amendments, prepared by the National League of Cities, U.S. Conference of Mayors, and additional local and state organizations.

Assembly Committee Passes AB 2987

Also this week, the Assembly Utilities and Commerce Committee passed on a 10-0 vote (with one member not voting) AB 2987, authored by Assembly Speaker Fabian Núñez and committee chairman Lloyd Levine (D-Van Nuys).

The vote to move the bill out of committee came after a lengthy hearing of more than two hours. During that time, supporters and opponents argued about whether the measure would achieve its stated goals of promoting competition in video services, providing consumers with more choice, lowering prices, speeding the deployment of new communication and broadband technologies, creating jobs and benefiting the California economy.

The committee action was not unexpected, particularly given the influence of the two authors. In meetings with the Speaker's staff, the League had received a receptive hearing of some, if not necessarily all local agency issues and concerns. League staff was informed that the bill would likely be placed on the Assembly Appropriations Suspense File (reserved for bills with significant fiscal impacts).

During its time on the suspense file, concerns raised by local agencies and others would be considered. These concerns include: build-out provisions (protection against red-lining), consumer protection, maintaining public, education and government (PEG) programming and stations, institutional (INET) services for schools, libraries and other governmental buildings, definition of gross revenues and other issues.

The League urges cities to review this measure, and to write to their legislators about the impacts that the bill would have on their city. To access a sample letter and talking points, visit the League's website at www.cacities.org/telecom, or the League's online Advocacy Center at www.cacities.org/advocacycenter.

Tips for Effective Advocacy

Remember that personal contacts with your representatives are going to carry the most weight – a phone call, a visit to the district office, some type of personal meeting. You can use the talking points on the League's Advocacy Center to help get the conversation going. Second in the order of effectiveness: a faxed letter – on your letterhead – sent to your member.

Finally, if you don't have time for the other options, use e-mail. It's available on the Advocacy Center to make it easy for you to be an advocate for your city. It's much better than not writing at all.

LEG ACTION DAYS from page 1 SB 1627 from page 1

Join hundreds of local officials and state officials to meet one-on-one with legislators to urge them to work with us on telecommunications reform that protects local communities; funding for infrastructure; protecting redevelopment agencies' authority to work for our cities; housing legislation; and other important issues for cities. Confirmed speakers include: Assemblymember John Laird, Chair, Assembly Budget Committee; Sen. Bob Dutton, Vice Chair, Senate Revenue and Taxation Committee; California Housing and Community Development Director Lynn Jacobs; and Terry Abbott, Division Chief of Local Assistance, California Department of Transportation.

Registration is free – but we do need a count for our May 17 Legislative Reception and other events. Visit www.cacities.org to view the initial program agenda. Register online at www.cacities.org/events.

Issue Papers: Download background materials that will aid in your legislative lobbying on the Legislative Action Days webpage on the League website – www.cacities.org/lad.

- Housing & Infrastructure
- Telecommunications Reform
- Transportation & Infrastructure

A fourth document, Eminent Domain & Redevelopment, will be available in the near future.

Need to Preserve Local Discretion and Public Review. Generally, local agencies are not opposed to collocation and may prefer collocation rather than adding a new structure. There are times, however, that even a small collocation project that supports additional antenna space will be seen as aesthetically displeasing.

The League is working to ensure that the following provisions are added to the bill:

- No pre-emption of the local discretionary process
- No pre-emption of local authority to regulate collocation based upon aesthetics
- Allow the public continued input on placement through the local hearing process

Currently, the bill is being amended and the League will review those amendments and evaluate whether they meet the needs and concerns of local government. The League has been in contact with the bill's sponsor, T-Mobile, and welcome additional conversations to ensure that local governments retain their authority to regulate how the process is done, where any new structure will be placed and that the process allows public input.

The League will continue to engage the bill and follow-up in *Priority Focus* when the amendments are in print.

THE 2006 CITY HALL DIRECTORY IS NOW AVAILABLE!

Don't miss this opportunity to get the League's most useful reference tool. 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.

INFORMATION YOU NEED, RIGHT AT YOUR FINGERTIPS!

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

Legislative Bill Action

The following are summaries of just a few of the legislative bills that are currently being acted upon by the League of California Cities. For more information about these and other bills, please **visit** the League website to access information about legislation, policy issues and related developments. You can track information on bills (www.cacities.org/billsearch), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center (www.cacities.org/advocacycenter), research League policy positions, access useful related links, and much more.

TRANSPORTATION

SB 1404 (Machado). Vehicles. Parking Violations. Street Cleaning. SB 1404 would add Section 40216 to the Vehicle Code to require cities to prove street sweeping occurred on the date a street sweeping violation ticket was issued. Further, the bill would also declare that the regulation of parking violations of an ordinance for street cleaning is in need of uniform statewide regulation.

Under the bill, the burden of proof would be placed on a city to prove that the city provided street cleaning services on the day all parking violation notices are issued. SB 1404 would hold cities to specific maintenance times without taking into account other issues that may interfere with street sweeping. Finally, SB 1404 has the potential to set a slippery slope and could create a tendency to disregard other posted parking restrictions and laws. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Oppose.

SB 1431 (Cox). Public Contracts. Design-build Contracting. Cities, Counties and Special Districts. SB 1431 would allow cities, upon approval of the city council, to utilize design-build contracting until January 1, 2017. Currently, this method of contracting is available only to some cities in California. The League supports allowing cities options to use design-build contracting in order to bring efficiency to public contracting. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

SB 1812 (Runner) Department of Transportation. Surface Transportation Project Deliv-

ery Pilot Program. SB 1812 would allow California to participate in a federal pilot program intended to speed delivery of needed transportation projects, and provide cost savings without weakening environmental protection. SB 1812 would allow Caltrans to take on the current role of the Federal Highway Administration (FHWA) in approving these environmental documents.

Caltrans will be required, as a condition of the pilot project, to comply with federal laws, regulations, and FHWA guidance documents and policy directives as if it were the FHWA. This new opportunity will not reduce environmental review, but will expedite project delivery and avoid escalating costs caused by delays. **Staff:** Liisa Lawson Stark; **Status:** SenAppr; **Position:** Support.

PUBLIC SAFETY

AB 1873 (Torrico). Child Protection. Safe Surrender. AB 1873 would allow 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 2310 (Torrico) Fire Works Regulations. Local Law Enforcement. AB 2310 would allow

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Legislative Bill Action

local agencies, including fire departments, to seize illegal fireworks and impose a fine or penalty on individuals for possessing them for personal use. AB 2310 also would allow the imposition of penalties through a citation for possession in amounts that are only enough for personal use. This new infraction would allow penalties to be collected without requiring local prosecutors to pursue criminal prosecution.

In addition, the fine would be used to reimburse local agencies for disposal and administrative costs, and a portion of the fine will be given to the State Fire Marshal for a statewide disposal program. AB 2310 is a good public safety measure that allows local agencies to better protect our communities. **Staff:** Liisa Lawson Stark; **Status:** AsmAppr; **Position:** Support.

WANT TO SEND A LETTER IN SUPPORT OF A LEAGUE POSITION? HERE'S WHO TO CALL:

ASSEMBLY APPROPRIATIONS (18)—

Chu (Chair), Runner (Vice Chair), Bass, Berg, Calderon, De La Torre, Emmerson, Haynes, Karnette, Klehs, Leno, Nakanishi, Nation, Oropeza, Ridley–Thomas, Saldaña, Walters, and Yee. Chief Consultant: Geoff Long. Principal Consultants: Julie Sallie–Gray, Steve Archibald, Scott Bain, Chuck Nicol, Kimberly Rodriguez, Stephen Shea. Secretary: Laura Lynn Gondek. Phone: (916) 319–2081. Room: 2114.

SENATE APPROPRIATIONS (13)—

Murray (Chair), Aanestad (Vice–Chair), Alarcon, Alquist, Ashburn, Battin, Dutton, Escutia, Florez, Ortiz, Poochigian, Romero and Torlakson. Staff Director: Bob Franzoia. Consultants: Miriam Barcellona Ingenito, John Decker, Nora Lynn, Mark McKenzie, John Miller and Maureen Ortiz. Assistant: Sally Ann Romo and Krimilda Hodson. Phone: (916) 651–4101. Room: 2206.