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ANALYSIS, COMMENTARY & UPDATES
PRIORITY FOCUS
ON LEGISLATIVE AND POLICY ISSUES THAT AFFECT CALIFORNIA CITIES

March 19, 2004
Issue #17-2004

**SIGNATURE GATHERING COUNTDOWN: 30 DAYS TO QUALIFY
THE LOCAL INITIATIVE - HAVE YOU DONE YOUR PART?
MARCH 27 – SIGNATURE SATURDAY – THE SEQUEL!**

**Hot Bills
Act Now**

There are no Hot Bills at this time.

With less than one month remaining to submit signatures to qualify the Local Taxpayers and Public Safety Protection Act for the November '04 ballot, the question for all city officials and our coalition partners is this: have you done your part to collect signatures? For more, see page 2.

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STARS SHINE ON "SIGNATURE SATURDAY"

Individual efforts make the difference in reaching signature gathering goals. That's the lesson of the LOCAL Initiative Campaign's first "Signature Saturday" event on March 13. The collective efforts are important, but it's clear that it is the individual commitments which are making our signature-gathering drive a success.

Following are stories of "Signature Stars" of the LOCAL coalition, but the coalition would like to first recognize all who are working to help us reach the 1 million signature mark – working on their own personal time, and without using public resources. The journey of a thousand miles begins with a single step – remember every signature counts, so please contribute. For more, see page 4.

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**CALPERS BOARD PASSES COST NEUTRALITY CONTROLS
FOR EMPLOYERS FOR AIR TIME BENEFIT**

At its March 18 Board meeting, the CalPERS Board voted unanimously to calculate the additional air time for employees under AB 719 to ensure that the benefit be cost neutral to the employer. For more, see page 6.

Want more details on these and other bills? Log on to the League of California Cities Web site at www.cacities.org/legtracking.

SIGNATURE GATHERING from page 1

Remember, every volunteer signature we gather saves the campaign \$2.50 per signature – money that can be used later in the campaign to educate the voters and ultimately pass our measure! We need your help - your personal time, provided without the use of public resources – to ramp up volunteer signature gathering efforts!

If you missed Super Signature Saturday last weekend, mark your calendar for March 27 – the Super Saturday Sequel.

• **IT'S UP TO YOU!** For years, people who provide and rely on local services have railed against the state's takeaways of local revenues. We now have an opportunity to stop the state's unbridled takeaway of local funds and give the voters the final say. Working together, we CAN do this – but everyone must do their part. This is not a job for "the other guy"... Your help is needed! Give a few hours of your personal time to contribute to this important work.

• **DO THE MATH:** If we can recruit 5,000 volunteers to collect just 2 signatures per day for the next thirty days, we can collect 300,000 signatures. With the collective membership of all the LOCAL coalition participating organizations – and with your help – we can recruit these volunteers and easily meet our volunteer signature goals. We have many volunteers across the state doing their part. Are you?

HELP GATHER SIGNATURES TODAY

♦ **Volunteer at the next Second Super Saturday signature gathering event in your area.** Last week's Super Saturday events pulled in tens of thousands of volunteer signatures. Let's double those efforts next time. Volunteer today for the event on March 27th by contacting your League regional representative.

♦ **Don't stop there!** Carry a petition with you on Sunday, Monday and every day for the next 3 weeks. Set a personal goal: 1, 2 or 3 signatures a day! Do you have a petition that you can take with you everywhere you go (outside of city hall, and on your personal time)?

♦ **Turn in those petitions!** Don't hold back - turn in even half-filled petitions so we can keep track of how we're doing. Go to www.protectlocalservices.com/cityreps.php to get contact information on how to return your petitions once you've gotten even a few signatures.



A UC Davis voter signs the LOCAL petition in downtown Sacramento.

♦ **Contact a League regional representative today** to obtain petitions, and get plugged into other local signature gathering efforts. Or you can request petitions from the LOCAL campaign hotline, 800-827-9086 or by emailing the campaign at info@protectlocalservices.com

♦ **Encourage everyone you know to sign the blue petition!**

Remember the rules: Use personal time only. No public resources (fax or copy machines, computers, email) may be used.

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

IMPLEMENTATION OF SB 621 (BATTIN) INDIAN GAMING— CITY IMPACTS

For cities impacted by Indian casinos: mitigation funds could soon be on the way.

The State Controller's Office is currently establishing policies and procedures for the distribution of \$25 million from the Indian Gaming Special Distribution Fund (SDF), established by SB 621, Battin, Chapter 858, Statutes of 2003. The funds are paid by the state Indian tribes to the state pursuant to the terms of gaming compacts, and dedicated to local agencies to mitigate the impacts of Indian casinos. The legislation requires that if the funds are not allocated by the end of each fiscal year they will revert back to the SDF.

SB 621 allocates monies into separate Tribal accounts. Any project funded requires the approval of a seven member Indian Gaming Local Community Benefit Committee and Tribal sponsorship with consultation from local governments. No project may be approved unless the Tribe has approved and sponsored the project.

Concerns have been brought to the League's attention that any delays in the process could impact eligible mitigation projects. Please let the League know if your city has any concerns regarding the state or local process by contacting Liisa Lawson at llawson@cacities.org.

RETURN TO WORK AFTER RETIREMENT

CalPERS has changed its return to work provisions for retirees in order to maintain the organization's tax-exempt status with the IRS. The implications for local agencies that hire back retirees are minimal and should not cause serious complications.

A retiree who retires BEFORE their Normal Retirement Age (i.e. 55 at a 2% at 55 benefit formula, or 60 at a 2% at 60 benefit formula), cannot work for a PERS public agency for 60 days after they separate from service, with Board discretion to increase it to 90 days. If they retire at or older than their Normal Retirement Age, they can be re-hired right away under current retirement provisions (i.e. up to 960 hours per year).

A CalPERS member who:

1. has retired prior to normal retirement age,
2. has a bona fide separation from service,
3. decided to re-enter the workforce,
4. found a job with a CalPERS employer as a retired annuitant, and
5. is able to start work prior to 60 days after retirement could experience a loss of earnings during the remaining 60 day period.

EMPLOYER - An employer who wishes to hire a retiree that meets the above circumstances would have to wait until the remainder of the 60 days has expired prior to employing them as a retired annuitant. For more information, visit the CalPERS website at www.calpers.ca.gov and click on the March 16th agenda for the Benefits and Program Administration Committee, or contact Amy Brown at 916-658-8279.

**2004 L.O.C.A.L LEGISLATIVE ACTION DAYS
MAY 12-13 AT THE SHERATON HOTEL IN SACRAMENTO**

**REGISTER ONLINE NOW!
WWW.CALOCAL.ORG**

SIGNATURE STARS from page 1

"Low Hanging Fruit" Brings Your Goals Within Reach

Approaching those that you know is a great first step in signature gathering. At last year's League Annual Conference, author Malcolm Gladwell described "Mavens" at work in our society, individuals who connect us through their own large network of friends, family and associates. **City Manager Cathy Standiford of La Palma** has used her "Maven status" to become a real signature star, collecting signatures from not only Orange County, but San Diego, Los Angeles and Imperial Counties as well.

"I found that word of mouth has been my most effective tool," said Standiford, who is also an involved member of the professional organization Soroptimist International. "I carry petitions around with me everywhere I go; to church, when I speak to Soroptimist meetings, and in my daily routine." Standiford has also found that by having the petitions close at hand, and by practicing her "elevator speech" — a concise explanation of the initiative's goals — she has additionally been able to recruit new signature gatherers. By explaining to her chiropractor the importance of the LOCAL initiative, Standiford boasts that the doctor not only signed, but asked for blank petitions he could circulate to patients in his office. "For me, it's thinking about the people I know and just making the ask." She suggests, "Use the relationships you already have, have an elevator speech, and then carry the petitions with you everywhere."



Signature Saturday volunteers in Manhattan Beach: (l-r) Steve Napolitano, Councilmember; Dennis Groat, Fire Chief; Andrew Harrod, Police Lieutenant; Bruce Moe, Finance Director.

Councilmember Susan Seamans of Rolling Hills Estates agrees, "I've been taking petitions to meetings where people know me and I have not had anyone refuse to sign." Seamans is involved in her community through the Rotary Club, and takes every opportunity to pitch the LOCAL. Seamans concluded by praising her League Regional Representative for her organization of the division's volunteer signature gathering drive.

Stars Shine Over Every Division on Signature Saturday

The **Peninsula Division** was loaded with "Stars" on Signature Saturday. Eleven Peninsula Division cities participated, gathering close to 2,500 signatures. "Stars" were found in every city - especially the **Foster City, San Carlos and Los Gatos Chambers of Commerce**. Local elected officials and staff were joined by citizen volunteers in **Belmont, Burlingame, Daly City, San Mateo and Santa Clara**, while **Councilmember Kathleen King and City Manager Dave Anderson** continued their great effort in **Saratoga**.

Cities without formal Signature Saturday sites sent representatives to help out in neighboring cities. Los Gatos' "Stars" were assisted by **Monte Sereno Mayor Erin Garner and Councilmember David Baxter; Los Altos Hills City Manager Maureen Cassingham, Administrative Services Director Sarah Joiner and Cindy Higby; Santa Clara County Fire Chief Ben Lopes and San Carlos' Leslie Parks**.

"Participating in this initiative has been a real eye opener. The general public doesn't understand how their services are paid for but once given the information they 'get it,'" said Los Gatos **City Manager Debra Figone**.

In the **Redwood Empire, Mayor Pro Tem Dan Gjerde of Fort Bragg**, who was profiled last week together with **Mayor Jere Melo**, reports that the pair have continued their drive and have surpassed 800 signatures.

In the **Monterey Bay Division Councilmember Tony Bruscia of Hollister** is starring with 259

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signatures. Bruscia has been a fixture for weeks in front of his local grocery store, and stepped up his efforts on Signature Saturday.

Councilmember Stephany Aguilar of Scotts Valley is close behind with 219 signatures, and was among the first in her division to take part in the signature drive. Aguilar spread the word about the LOCAL initiative within her community and (on her own time) rallied her friends and colleagues for Signature Saturday. As a result, a majority of her council as well as the city manager participated and turned in more signatures than any other Monterey Bay Signature Saturday location.

Coalition Partners Contribute to the Effort

The **Monterey Peninsula Regional Park District** has collected 261 signatures and **North Monterey County Firefighters** have brought in 238 signatures. With the help of its many supporters, the **Monterey Bay Division** is nearly half way to its signature goal.

In the **Los Angeles Division, SEIU Local 347** helped collect signatures on Signature Saturday, canvassing local shopping centers close to their union offices. Local 347 represents city employees in the cities of Santa Ana and Los Angeles, as well as about 14 other cities in Los Angeles County.

Signature Saturday II – Saturday March 27

The LOCAL coalition will hold its second Signature Saturday statewide event on Saturday, March 27. Everyone interested in protecting local services should join in the effort, whether it's at a Signature Saturday location, or just encouraging registered voters from among your friends and family to sign a petition. Every signature counts!

Please devote some of your personal time to help your city by joining in the effort to qualify this initiative for the November ballot. Please contact your regional rep to find out how you can help. With your help, we **CAN DO IT!**

Remember: Be sure to check the "Legal Do's and Don'ts" of signature gathering and other ballot measure advocacy activities, posted on the Initiative page of the League's website at

www.cacities.org/initiative. The two basic rules: Don't use public resources (including city phones, faxes, emails, equipment, facilities); and you must be on personal time when you engage in campaign activities.

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's new "Issues and Advocacy" page (www.cacities.org/issuesandadvocacy) – a one-stop location to access information about legislation, policy issues and related developments. You can track information on bills (www.cacities.org/legtracking), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center, research League policy positions, access useful related links, and much more.

PUBLIC SAFETY

AB 1884 (Spitzer). Privacy Offenses. Immunity. **AB 1884** adds city attorney prosecutors to the designated list of law enforcement officers permitted to record or overhear communications for investigative purposes. Currently, city attorneys are allowed to record confidential communications, but must receive approval from the Attorney General or District Attorney to do so on a case-by-case basis. In light of heavy caseloads, the ability to get timely permission to do this is now proving to be more difficult and lengthy. There are 12 cities in California with prosecutorial authority in the state, and it is reasonable that they should be granted the right to record communications for investigative purposes directly. The ability to record confidential communications is an invaluable tool. Delays in investigations can be lost opportunities to conduct and gather important evidence, unnecessarily jeopardizing public safety. **Staff:** Natasha Fooman; **Status:** AsPubSfty 3/23; **Position:** Support.

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CALPERS from page 1

Since AB 719 passed last year, CalPERS has been researching issues related specifically to the purchase type of the air time bill. Under current law, the calculation methodology for all service credit purchase types are intended to be fully member-funded. The interest rate proposed to be charged on installment purchases of air time has been at 6% (the rate of interest credited to employee accounts). The Board voted to change the interest charged to employees to 8.25% to ensure that the employer would not be picking up the 2.25% difference. (This potential actuarial loss would have been reflected in future employer rates.) The Board voted to uphold the legislative intent of AB 719 which was very clear in stating that the provisions of the bill were intended to be cost-neutral to the employer, and that the employee would pay the full present value cost of the additional service credit.

Harriet Commons of the City of Fremont did an outstanding job at presenting to the Board the problems with charging the employee 6% instead of 8.25%, and how that would be reflected as an increase in future employer rates. For more information on how your city can get involved in future CalPERS Board issues, please contact Amy Brown at 916-658-8279, email abrown@cacities.org.

Economic Development Handbook

Economic Development, Business Growth & Decline, and The Strategic Planning Process

NEW: A tool to help educate city officials about ways to tackle serious economic policy issues.

Plus:

- Best practices and case studies
- Secrets for developing economic development success
- Tools for understanding and analyzing a community's economic base
- Developing and implementing a strategic economic development plan
- Benchmarking tools and tips on putting it all together.

This publication is available from the League for \$15. There is a ten percent discount on orders of five or more.

Questions? Contact League Publications at 916/658-8257 or order online at: www.cacities.org/store.

For legislators' phone numbers, addresses and e-mail please see the League's website (www.cacities.org/advocacycenter).

March 26, 2004
Issue #12-2004

SUPPORT GROWS FOR LOCAL INITIATIVE

The list of supporters for the Local Taxpayers and Public Safety Protection Act (the LOCAL initiative) is getting longer every week. There are 275 cities that have sent in resolutions supporting the measure (see "Cities With Resolutions" article), with more arriving every week. The list of individuals and organizations joining the LOCAL coalition is growing too. There are now 182 individuals, 10 state elected officials, 10 companies, 82 organizational members (includes unions, state wide orgs, etc.), and 373 local government organizations (cities, counties, non-public safety special districts). (For the latest information on the coalition list, visit the coalition website at www.protectlocalservices.com.) For more, see page 6.

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SECOND SUPER SATURDAY – MARCH 27

A sequel to the March 13 Signature Saturday drive is scheduled to take place this Saturday, March 27, at dozens of statewide locations. The April 16 signature deadline is just three weeks away, and thousands of signatures are still needed from LOCAL volunteers. Every signature raised by a volunteer will save \$2.50 - \$3.50 (or possibly more!) in paid signature gathering – funds that will be needed for advertising as election day draws nearer. For more, see page 7.

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HERE WE GO AGAIN: AB 2702 (STEINBERG) SECOND UNITS / HOUSING ON SCHOOL SITES

Last year, over 100 local governments sent letters opposing AB 1160 (Steinberg), a measure which imposed many onerous mandates on local second unit laws, slashed parking standards for density-bonus projects, and removed local discretion over housing on school sites. The collective efforts of cities helped prevent the movement of this measure last year, but the author has introduced a similar measure, AB 2702, which raises many of the same issues. AB 2702 is set for hearing April 14th in the Assembly Local Government Committee, if it passes that committee, it will be heard in the Assembly Housing Committee on April 21st. For more, see page 5.

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BOE HEARING ON LAND'S END ISSUE

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VLF HARDSHIP FUNDS RELEASED

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ATTACHMENT: RESOLUTIONS PASSED

Hot Bills

Act Now

■ **AB 2293 (Wolk).**
■ **Emergency Medical**
■ **Services. Position:**
■ **Support/Co-Sponsor**
■ **with CSAC**

Want more details on these and other bills? Log on to the League of California Cities Web site at www.cacities.org/legtracking.

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LEAGUE'S PRODUCTION-BASED HOUSING CERTIFICATION BILL SET FOR APRIL 14 HEARING

The Assembly Local Government Committee has set April 14 as the hearing date for **AB 2980 (Salinas)**, a League-sponsored bill that would grant regulatory relief from state Department of Housing and Community Development (HCD) reviews of local housing elements for those communities which commit to hit a targeted production level of affordable housing.

Cities are strongly urged to send letters of support on the measure, and to consider attending the hearing in Sacramento. AB 2980 will be heard by the same committee and on the same day as another bill the League is closely monitoring (and actively opposing) AB 2702 (Steinberg). Thus, a trip to Sacramento on April 14th would give cities the opportunity to voice their opinions on these two issues of critical importance.

While Assemblyman Salinas is expected to make several minor changes to AB 2980 between now and April 14th, the core concept underlying the bill will remain the same. One change: the threshold for qualifying for production-based certification has been slightly increased from 15% to 20%. This threshold has been a major source of controversy during negotiations. Building industry organizations consider even the 15% standard to be too high, while the Sacramento region is advancing a similar proposal that sets the threshold at 10%.

Meanwhile, housing advocates insist that all the proposed standards fall far short of what they expect in order to justify release from HCD oversight.

Other minor changes to the bill involve provisions for more public review and discussion as part of the production-based certification projects, and language that would authorize HCD to audit jurisdictions if, after three years, they suspect may be acting in bad faith.

Requested Action For Cities:

1. Send Support Letters: Most of the time land use legislation is oriented toward removing local authority, this is a positive bill that seeks to restore local authority to cities that are doing what

they can on affordable housing. It will take a major effort by local governments to achieve positive changes to housing element law. If your city supported **AB 980** last year, please send a support letter on **AB 2980**. All other cities are encouraged to support this proposal. Sample letters are available on the League's website.

2. Pack your bags. Plan to attend the Assembly Local Government Committee and convey your support for this measure on April 14th.

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BOE HEARING ON LAND'S END ISSUE

The State Board of Equalization (BOE) has called an interested parties meeting on April 1 at BOE offices in Sacramento to discuss the Land's End request for a seller's permit. Essentially, Land's End plans to set up a credit office in a California city and wishes to establish that office as its point of sale for catalog and internet purchases by California residents.

The issue as framed by BOE is:

"Should a sales tax permit be issued to out-of-state retailers who currently collect and report use tax, based on the retailer's in-state location where the retailer's sole activity is performing customer credit checks or a similar function which previously has not been considered sales negotiation? If so, the incidence of tax would shift from consumers to the retailer, and the allocation of the local portion of the tax collected would shift from cities and counties where the buyers reside to the local government where the credit check activity is performed. The issue may result in proposed amendments to Regulations 1620, 1699, 1802 and possibly other regulations."

The meeting notice and staff report on this issue may be found at : <http://www.boe.ca.gov/meetings/pdf/1620dp.pdf> City officials may attend in person or via teleconference. Individuals that plan on attending should notify BOE staff so the meeting room and conference line can accommodate all interested parties.

CALIFORNIA PENSION FINANCING PROGRAMS UPDATE – NEW FINANCING PROGRAM

A web-hosted conference call has been scheduled on **Thursday, April 1, 2004 at 10:00 AM** to discuss a new **short-term pension financing program** and to provide an update on the California Communities' Pension Obligation Bond Program. The presentation will last approximately 30 minutes and will be followed by an open question and answer period.

The Agenda will include discussions about:

1. **New** financing program offered through the California Statewide Communities Development Authority (CSCDA) will provide short-term funding of 2004-05 Normal Cost pension contributions:

- CalPERS Employers (and some non-CalPERS Employers) can receive approximately a 4% discount on Normal Cost contributions for 2004-05 fiscal year payments paid to CalPERS on July 1, 2004.

- 1.35%* Tax and Revenue Anticipation Notes (taxable rate) can be issued through the existing CSCDA TRANS program to finance the discounted Normal Contribution paid to CalPERS.

*Current market taxable one year fixed rate

1. **Update** on CSCDA's long term **Pension Obligation Bond Program**

- Approximately \$500 million of POBs are expected to be issued through CSCDA in June 2004 for California cities and counties.

- Details about a September 2004 issuance will be discussed on the web-hosted conference call.

Instructions to participate in the web-hosted conference call are:

Telephone Conference Call

- Dial 1-800-470-5906
- Ask for the "California Communities Pension Obligation Bond" conference call
- This is an operator assisted call; please dial in 5 to 10 minutes prior to the start of the call.

Web Hosting Access Information

- Go to the following Web Meeting URL:

<https://www.callinfo.com/interface/participantLogin.jsp?host=gcc>

- In the Phone Number field type in: 8663654406 (do not enter a "1" prior to the number, or dashes between numbers)

- In the Access Code field type in: 3624137

- Please register by entering your name, email address, phone number and local agency name.

- Click on Register to enter the Web Meeting.

If you cannot participate in the Web-hosted conference call

A recording of the call will be available at about 12:00 PM on Thursday, April 1, 2004. An e-mail with instructions to access the recorded Web-hosted call will be distributed after the call.

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VLF HARDSHIP FUNDS RELEASED

The State Controller's Office distributed funds to 23 local agencies that qualified for VLF hardship relief. Though the hardship provisions were included in the 2003-04 budget trailer bill, the related appropriation was not included. Recently chaptered SB 1057 included the appropriation for the hardship cases.

The hardship applications were approved on the specific circumstances noted in the original legislation: (1)VLF pledged as security for indebtedness; (2)VLF revenues exceed 37 percent of general revenues; and (3)newly incorporated cities. Cities that received hardship funding included: (1)Apple Valley, Gardena, South Gate, Susanville, Vallejo; (2)Avenal, Calipatria, Corcoran, Huron, Laguna Woods, McFarland, Orange Cove, Parlier, Soledad, Wasco; (3)Aliso Viejo, Citrus Heights, Elk Grove, Goleta, Oakley, Rancho Cordova, Rancho Santa Margarita.

"ETHICS CODE HALL OF FAME" LIST GROWS

Calistoga is the most recent addition to the Institute for Local Self Government's online "Ethics Code Hall of Fame" (www.ilsg.org/trust). The effort is an outgrowth of the League's Ethics Education Task Force recommendations last fall.

Adopting a value-based code of ethics offers cities an opportunity to focus on ethics issues in a positive way. Adopting and regularly updating a city's code of ethics enables city leaders to demonstrate their commitment to ethics in public service.

The "Hall of Fame" currently features eight cities and their ethics codes:

- Calistoga
- Fresno
- Mountain View
- Santa Clara
- Sonoma
- Sunnyvale
- Thousand Oaks
- Woodside

The Institute is aware that a number of cities are in the process of adopting ethics codes, so watch the site over the coming months for additional hall of famers.

In December, the Institute published a process-oriented guide to adopting ethics codes. This publication is available in electronic form from the Institute's website without charge.

If your city has adopted or updated its ethics code in the past year, the Institute would like to add it to the "Hall of Fame." Please contact Institute staff (speersi@cacities.org) with a copy of your code. The Institute hopes the list will grow and underscore the breadth of cities' commitment to ethical values in public service.

"360° OF CHANGE" — TRANSFORMING LOCAL GOVERNMENT CONFERENCE, JUNE 10-12

The Innovation Group (www.ig.org) has announced its 10th Annual Transforming Local Government (TLG) conference, titled "**360° of Change**". The conference is co-hosted by the cities of Reno, Sparks and Washoe County, Nevada, and will take place at the Reno Hilton, June 10-12, 2004.

The TLG conference brings together local government elected officials and management staff from all over the country to share ideas and establish collaborative opportunities that encourage innovative and effective service in the public sector. This year's conference boasts a roster of keynote speakers that include Howard Putnam, former CEO of Southwest Airlines, and internationally acclaimed author Margaret Wheatley, expert on progressive organizational practices.

Learning Sessions will include the following: Energy Enterprise: Proactive Energy Management Strategies, Entrepreneurial Spirit: Conducting Local Government as a Business, United Outreach: Alliance to Strengthen the Quality of Community, Change Management: Courageous Cultural Shifts Towards Seamless Service, among others.

For more information on the conference program visit the TLG website at www.ig.org or contact Nicole Lamboley, City of Reno at 775.334.2423.

Our Mission

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

COMING IN WESTERN CITY IN APRIL 2004 AB 2702 from page 1

"Six Requirements for Inventing a Successful Future", by Ron Loveridge. Why adapting to change and planning for the future are so critically important for cities now.

"Lakewood Plan Creates Cities Through Municipal Contracting Arrangements", by Todd Rogers and D. J. Waldie. Once a radically new form of municipal organization, the Lakewood Plan is now part of every city's toolkit of solutions for delivering services in difficult times. Ironically, its success galvanizes contracting's loudest critics, and as a result cities' ability to contract for services is at risk.

"Everyday Ethics for Local Officials: Ethics and Conference Attendance Issues". What should you do if you suspect a fellow council member is not doing what they should at a conference? This article considers the ramifications of unethical behavior and conference attendance, and includes a handy pocket brochure with an ethical checklist for public officials.

"Partners in Democracy: The Inland Empire Team Embraces New Partners", by Nancy Cisneros. How the League's Inland Empire Division built a powerful coalition that includes labor, business, seniors, nonprofits and community-based organizations, and what the coalition is doing to support the Local Taxpayers and Public Safety Protection Act.

PLUS:
"West Hollywood Lights Up Libraries and Children's Minds"
"Sacramento Demonstrates that Partnerships Make the Community Stronger"
"Walnut Creek Puts Teens in Charge of Online Magazine"

AND MORE!

The issues raised in AB 2702 have become a bit tiresome for cities. The legislature has neither investigated the effects of AB 1866, nor the topic of second units in any deliberative way. Less than nine months have passed since the effective date of AB 1866 (Wright), of 2001, which required all second unit applications to be ministerial. We question the wisdom of reopening the second unit debate without providing sufficient time to evaluate the impacts of AB 1866, particularly since AB 2702 simply proposes yet another rewrite of local ordinances and imposes a one-size-fits-all approach on every community in the state. This comes also at a time when the Governor's budget proposes to shift an additional \$1.3 billion in local property tax to the state to help cover the state's ongoing deficit.

AB 2702 does the following:

Second Units:

- 1) Repeals and completely revises existing second unit law, raising questions about the validity of all existing ordinances.
- 2) Mandates that second units be allowed in all residential zones. Currently local governments have flexibility to decide in which zones to allow second units. Review by city attorneys indicates that these provisions will supercede CC&Rs within homeowner associations.
- 3) States that local governments may impose "greater restrictions " on units in "nonresidential zones." This confusing language implies that these housing units must also be permitted in commercial, industrial, and all other local zones.
- 4) Prohibits local governments from imposing height, setback, lot coverage, fees, and other requirements that may "unreasonably restrict" the rights of a property owner to construct and maintain a second unit on their property. This provision throws into question the validity of any generally applicable ordinance, provides property owners with the ability to question any provision of a local ordinance, and establishes potential "takings" claims against local governments.
- 5) Prohibits local governments from restricting second unit occupancy to seniors or family members. Besides limiting incentives for senior housing, this measure directly conflicts with 65852.1 of the Government Code, which promotes the construction of

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Some legislators are among the supporters, in part as a response to specific requests from their city officials. Assemblyman Gene Mullin of San Francisco recently expressed his support, winning praise from the San Mateo Daily Journal newspaper. A March 25 editorial entitled, "Assemblyman deserves credit for supporting cities", observed the following:

"The Local Taxpayers and Public Safety Protection Act will place a strong control on the state government. If the budget needs to be cut, if cities and counties need to pay money back to Sacramento to fill education budget shortfalls, then the voters can decide if it's necessary. Mullin has seen the wisdom of the act and for that he deserves praise."

The initiative continues to garner press coverage at a steady rate, with stories often linking local government concerns with the state budget to their strong support for the initiative. (Some of the recent news clips are posted on the campaign website: www.protectlocalservices.com.)

"It's clear that we're making good progress building a coalition, and in the signature gathering effort needed to qualify the measure for the ballot," said League Executive Director Chris McKenzie.

"I urge city officials to help with the signature gathering work. We have now 20 days left to qualify the measure. We need each and every city official to help. What we do in the next 20 days will help determine what happens in our cities for the next 20 years."

"I also urge city officials to ask their legislators and the Governor to support this measure," add McKenzie. "Letters and phone calls to the Governor are very important. And if your legislators haven't endorsed yet, strongly encourage them to do so."

"If they have already endorsed it, be sure to thank them."

DOES YOUR CITY SUPPORT THE STATEWIDE BALLOT MEASURE?

The League would like to add your city to the growing list of those cities in support of our statewide ballot initiative—"The Local Taxpayers and Public Safety Protection Act!" We currently have a count of 275 cities with supporting resolutions [*please see attached list*]. We know there are more cities out there with resolutions! We'd like to be able to list all California cities in support of this important ballot measure. Please send us a copy of your resolution in support of the initiative today! A sample resolution is on our Web site by way of the following directions:

- Access the League Web site www.cacities.org/initiative.
- Scroll down to first bullet—"Pass a resolution supporting the initiative—PDF"

You may keep the same wording as written in the sample resolution or tool it to your city's satisfaction. Please send your city resolution to:

Mimi Sharpe, Executive Assistant, email: sharpem@cacities.org; FAX: 916-658-8240; Phone: 916-658-8232

If you do **not** have a resolution, but are still in support of the ballot measure, please don't hesitate to contact the above staff member. We also list those cities/organizations in support of our ballot measure though they may not have a formal resolution [*see attached list*].

**2004 L.O.C.A.L. LEGISLATIVE
ACTION DAYS MAY 12-13 AT THE
SHERATON HOTEL IN SACRAMENTO**

**REGISTER ONLINE NOW!
WWW.CALOCAL.ORG**

SUPER SATURDAY from page 1

For city officials who haven't yet volunteered to help collect signatures for the LOCAL initiative, **NOW IS THE TIME!!!**

For information on locations and how you can be a part of Signature Saturday, please contact your League regional representative, or visit the campaign website at www.protectlocalservices.com. (Look for the Signature Saturday link on the Website home page.)

The Future of Local Services is Up to Us!

For years the people who provide and rely on local services have railed against the state's takeaways of local revenues. We now have an opportunity to stop the state's unbridled raids on local funds. **Working together, we CAN do it!!**

"STARS" SHINING IN SIGNATURE GATHERING EFFORT

As the April 15 deadline approaches, the combined efforts of city officials and their coalition partners are paying off, helping the LOCAL campaign gain the 1 million signatures needed to qualify the Local Taxpayers and Public Safety Protection Act for the November ballot. Many volunteers are "Signature Stars" – proving that, working on their personal time, and without using public resources, they are able to gather large numbers of signatures.

"Cities of Stars" Lead the Way

The *City of San Luis Obispo* is filled with signature stars, with many city staff devoting their spare time to support the LOCAL initiative. Galvanized city officials have shattered an original city goal of 300 signatures thanks to this support – the city has now turned in close to 1,000 signatures. Principal Administrative Analyst for the city Betsy Kiser said, "The council and the city manager have supported the initiative from the beginning." Recalling the 2003 budget cycle, in which *City*

STARS CON'D

Manager Ken Hampian and his staff were forced to make \$7 million in cuts, Kiser affirmed, "We stand to lose a lot." Kiser said their experience with last year's budget process was a factor in her colleagues seizing on the LOCAL initiative as an opportunity to protect the viability of her city.

Working together, San Luis Obispo city officials and their staff have relentlessly pursued signatures at every opportunity in their off hours. *Mayor Dave Romero* has been on the agendas of lunch and after-hours meetings of local groups. With the assistance of Kiser and other staff, also working on their personal time, he has gathered hundreds of signatures at each meeting. "We all understand the cuts and why we have to make them," said Kiser, "and we feel this is the best opportunity to protect our city."

The *City of Signal Hill* has also been exemplary in the signature gathering effort. *Councilmember Larry Forester, City Manager Ken Farfsing and Deputy City Manager Debbie Rich* have led their city, gathering signatures at the gym, at birthday parties, in their neighborhoods and everywhere they go on their own time. Signal Hill is a city of just over 10,000 residents, but has turned in over 500 signatures to qualify the initiative.

"The biggest step was when our city manager on board," said Forester. "He was best able to convey how important the measure is to our existence as a city." Forester concluded that the city of Signal Hill understands state raids mean for local services, and understands how critical the LOCAL initiative is to preventing them in the future.

Councilmember Peter Jukusky of Williams stresses that he and his fellow city officials are committed to doing their part to meet the goals of their city and those of Colusa County. Jukusky and his fellow council members have teamed with *County Supervisor Bill Waite, Williams Police Chief Jon Shortle, and Fire Chief Jeff Gilbert* in pursuing signatures across their county. "We're just a few among many volunteers, but we know this is what we need to do," said Jukusky, who believes that community interest in protecting their

Continued on Page 8

8. A-14

STARS from page 7

local services is strong.

Local Events Pay Dividends

Hillsborough Council members Tom Kasten and Kitty Mullooly took petitions to the Concours Dinner Dance this week, Hillsborough's primary fundraising event to support their public schools. These "best dressed" signature gatherers - the event was black tie - were assisted by Tom's wife, Kendra, in running a petition booth both before and after dinner. Staying close to midnight, the team was able to garner 300 signatures, covering eight counties. Kasten said of his wife, "Kendra was tenacious in her zeal to gain signatures for the ballot initiative. She studied the materials and then convinced people of the importance of the initiative and signed them up."

Arriving at 6:30 a.m. on a foggy Sunday morning, **East Palo Alto Councilmember Duane Bay, Los Altos City Clerk Susan Kitchens and San Mateo's Economic Development Manager Diana Whitecar** joined the Peninsula Division's Regional Representative to gather signatures at the San Jose Mercury News' 27th Annual Walk/Run. The event benefits schools and was attended by thousands of participants and spectators. 175 signatures were collected before the group departed at noon. Thanks to **Burlingame City Manager Jim Nantell** for negotiating the donated booth space and the eye-catching "Save Local Tax Dollars" sign.

Signature Gathering Success Begins with You!

With just three weeks left to go in the signature gathering effort, many thousands of signatures are still needed to qualify the LOCAL initiative. Our Signature Stars will continue to shine until the deadline, but new volunteers are needed every day if the initiative is to qualify. **Laguna Woods Mayor Bob Ring**, who has turned in over 700 signatures, offers this advice: "The first thing you should do is talk to your friends - I've gotten over 100 signatures just from people I'd normally see anyway."

On his personal time, Ring has set up his

petition table outside meetings throughout his city, and reports an overwhelmingly positive response. "Most people just say 'Yeah, that's a great idea, lets do keep our money close!'" The LOCAL initiative has proved it is not a "hard sell," but the importance of having more volunteers cannot be understated.

Signature Saturday II - Saturday March 27

The LOCAL coalition will hold its second Signature Saturday statewide event on Saturday, March 27. The Initiative still needs your help! Here are three easy places you can gather signatures:

- Signature Saturday Location
- Among your Friends, Family and Neighbors
- Rotary or Other Social Club

Every signature counts! Please devote some of your personal time to help your city by joining in the effort to qualify this initiative for the November ballot.

Please contact your League regional rep to find out how you can help, or visit the campaign website for a list of locations and times, (www.protectlocalservices.com). With your help, we CAN DO IT!

Remember: Be sure to check the "Legal Do's and Don'ts" of signature gathering and other ballot measure advocacy activities, posted on the Initiative page of the League's website at www.cacities.org/initiative. The two basic rules: Don't use public resources (including city phones, faxes, emails, equipment, facilities); and you must be on personal time when you engage in campaign activities.

For more information on this and other League issues, visit www.cacities.org.

AB 2702 from page 5

second units for seniors in the state.

6) Prohibits a local government from establishing a minimum or maximum size requirement that is less than 600 square feet, unless requested by the property owner. Local governments currently have the flexibility to establish their own size requirements to match local housing stock, lot sizes, topography, density and other issues. Why should the state attempt to dictate a universal standard?

7) Reduces local parking requirements by limiting parking to one space per unit, and prohibits local governments from requiring covered parking. Existing law allows parking at one space per bedroom, but allows flexibility to match existing neighborhood standards. Elimination of the covered parking issue may conflict with specific neighborhood standards as well as CC&R's in homeowner associations. Reduced parking can exacerbate local parking conditions, impede traffic flow, and alter neighborhood standards. Parking should continue to remain a local decision.

School Housing: AB 2707 pre-empts local zoning affecting housing on school sites, by stating that when a school district agrees to allow single-family or multifamily housing to be built on a school site, the density shall be the maximum density allowed on any multifamily-zoned parcel within 300 feet or within the community plan, plus increases for density bonus projects. Besides usurping local zoning authority, this is irresponsible planning with no understanding of location, traffic, site conditions, or other local issues. Should a 10-story apartment building be built on a school playground in San Francisco? Why isn't this a local issue?

What City Officials Can Do:

- 1) **Pick up the phone.** Call your Assembly Member and ask them why this poorly contemplated legislation is even being considered in the light of the recent enactment of AB 1866, the lack of any comprehensive research to support these proposals, and the state's multi-billion dollar deficit?
- 2) **Put it in writing.** Send a brief opposition letter to the author (sample on League's website).
- 3) **Pack your bags.** Plan to attend the Assembly Local Government Committee and convey your concerns on April 14th.
- 4) **Tell your neighbors.** Make sure that local residents and homeowner groups are aware of these proposals, and how the state legislature is trying to re-write your ordinances in Sacramento.

Legislative Bill Action
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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's new "Issues and Advocacy" page (www.cacities.org/issuesandadvocacy) – a one-stop location to access information about legislation, policy issues and related developments. You can track information on bills (www.cacities.org/legtracking), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center, research League policy positions, access useful related links, and much more.

TRANSPORTATION, COMMUNICATIONS AND PUBLIC WORKS

AB 1663 (Dutra) Vehicle: Additional Registration Fees. This bill passed out of Senate Transportation on 3/23/04 by a vote of 7-2. As Amended 1/14/04. AB 1663 extends the repeal date of January 1, 2005 till January 1, 2010 for the local vehicle theft program and thus continues the \$1 vehicle registration fee used to fund the program. Additionally, it removes the requirement that the California Highway Patrol (CHP) compiles and reports all quarterly county expenditure and activity reports on the program to the Legislature and participating counties on an annual basis. Furthermore, AB 1663 requires CHP to continue to collect the expenditure and activity reports and submit a composite report to the Legislature on or before January 1, 2009. The extension of the repeal date, as provided by AB 1663 will ensure that cities are able to fund programs that target vehicle theft. **Staff:** Natasha Fooman; **Status:** SenApps; **Pending Position:** Support.

AB 2628 (Pavley) Vehicles: Preferential Lanes. As introduced, this bill would allow single-

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Legislative Bill Action

occupant, hybrid-electric vehicles that are certified as Advanced Technology Partial Zero Emission Vehicles (AT PZEVs – a clean emission standard), and achieve fuel economy of at least 45 miles per gallon (mpg), to use HOV lanes until the year 2008. This bill would only take effect if the federal government approves legislation that would allow states to take this action without penalty.

Existing federal and state laws only allow single-occupancy vehicles to use HOV lanes if those vehicles are Inherently Low Emission Vehicles (ILEV) in accordance with US EPA standards. Legislation is pending in Congress that would allow single-occupancy low emission and energy efficient vehicles (vehicles with 45 mpg or better) to use HOV lanes in a state if that state chooses to allow the use. This bill would prepare California for single-occupancy HEV use in HOV lanes should the federal law be enacted. The Sponsors of the bill are Governor Arnold Schwarzenegger and State Treasurer Phil Angelides.

Please let us know if your city is in support, opposition or has any concerns on this bill by contacting Genevieve Morelos at gmorelos@cacities.org or at 916-658-8254. **Staff:** Natasha Fooman; **Status:** AsTrans, 3/12/04; **Position:** Review and Comment.

AB 2353 (Leslie) Neighborhood Electric Vehicles. The City of Lincoln is the sponsor of this bill. This bill would revise the provisions relating to a golf cart transportation plan to instead authorize a city or county to establish a neighborhood electric vehicle (NEV) transportation plan subject to the same review process. The bill would define "neighborhood electric vehicle" to have the same meaning as the above definition of "low-speed vehicle." The bill, among other things, would provide for the plan to authorize the use of state highways by NEVs under certain conditions. The bill would authorize a city or county to authorize the operation of neighborhood electric vehicles by disabled persons or persons 50 years of age or older within the jurisdiction of the city or county through issuance of a permit and identifica-

tion sticker, and would exempt those persons from the requirement to obtain a driver's license for operation of those vehicles within that jurisdiction.

Please let us know if your city is in support, opposition or has any concerns on this bill by contacting Genevieve Morelos at gmorelos@cacities.org or at 916-658-8254. **Staff:** Natasha Fooman; **Status:** AsTrans, 4/12/04; **Position:** Review and Comment.

AB 2375 (Harman) The Design Build Procurement Program. The sponsor of the bill is the American Institute of Architects California Council (AIACC). Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law authorizes specified state agencies, cities, counties, and school districts to implement alternative procedures for the awarding of contracts on a design-build basis.

AB 2375 establishes the Design-Contract-Build Procurement Program to provide state and local agencies with the option of using the design-contract-build procurement process, as provided in this bill, or an existing design-bid-build procurement process.

AB 2375 authorizes a public agency, to procure any infrastructure project using the design-contract-build project delivery method that would be in lieu of any requirement that the construction be subject to competitive bidding, if the public agency makes a finding that this delivery method is appropriate for that infrastructure project.

The bill details the elements of a one-step or two-step selection process that a public agency would be authorized to use, including requirements for requests for qualifications, requests for proposal, evaluating proposals, the selection process, the posting of performance bonds, and making progress payments.

Legislative Bill Action

According to the sponsor, this bill allows all public entities the option of using an alternative project delivery method that maintains the direct contractual relationship between the design professional and client, and allows the contractor to be selected prior to the preparation of the construction documents and according to qualifications. The AIACC intends to offer amendments to AB 2375 to limit this bill's application to buildings only. According to the sponsor they want to make this a design bid build.

Please let us know if your city is in support, opposition or has any concerns on this bill by contacting Genevieve Morelos at gmorelos@cacities.org or at 916-658-8254. **Staff:** Natasha Fooman; **Status:** AsTrans, 4/12/04; **Position:** Review and Comment.

PUBLIC SAFETY

AB 1814 (Oropeza). Grand Theft. Existing law provides that every person who feloniously steals, takes, or carries away specified money, labor, or real or personal property is guilty of grand theft. AB 1814, in addition, would provide that every person who feloniously steals, takes, or carries away *cargo* of another is guilty of grand theft.

AB 1814 defines "cargo" as "any goods, wares, products, or manufactured merchandise that has been loaded into a trailer, rail car, or cargo container, awaiting or in transit, valued at more than \$400." The Federal Bureau of Investigation (FBI) has called cargo crime "the fastest growing crime problem in the United States." It is believed the growth of cargo theft is due to lax penalties, high profit, and low risk of tracing the stolen goods. In California, cargo theft is estimated to account for between \$1 million to \$2 million in losses every business day, an amount much higher than any other state. AB 1814 will help affected law enforcement agencies accurately track this type of grand theft, and will assist in providing the necessary resources to the law enforcement agencies

that protect our ports. **Staff:** Natasha Fooman, **Status:** AsmFlr; **Position:** Support.

AB 1884 (Spitzer). Privacy Offenses. Immunity. AB 1884 adds city attorney prosecutors to the designated list of law enforcement officers permitted to record or overhear communications for investigative purposes. Currently, city attorneys are allowed to record confidential communications, but must receive approval from the Attorney General or District Attorney to do so on a case-by-case basis. The ability to record confidential communications is an invaluable tool. Delays in investigations can be lost opportunities to conduct and gather important evidence, unnecessarily jeopardizing public safety. **Staff:** Natasha Fooman, **Status:** ASM Floor, **Position:** Support.

AB 1924 (Bogh). Fire Prevention. Penalties. AB 1924 increases the fines for Public Resources Code violations relating to fire and the danger associated with the spread of fire. Specifically, AB 1924 1) Increases the minimum fine from \$50 to \$100, and the maximum fine from \$1,000 to \$2,000, for any person convicted of entering upon any land which has been closed to the public by Governor's proclamation due to conditions tending to cause or allow the rapid spread of fire; 2) Increases the fine from a maximum of \$200 to \$500 for a first conviction for violating flammable waste restrictions relating to solid waste facilities; and, 3) Increases the minimum fine from \$250 to \$500 and the maximum fine from \$1,000 to \$2,000 for a second or subsequent conviction of violating flammable waste restrictions relating to solid waste facilities. Though trash burning is currently illegal, the fines are low and do not serve as a deterrent. AB 1924 will increase the fines for illegal burning, making state law tougher to deter the illegal burning that occurs across California. AB 1924 gives cities and counties more authority to enforce laws prohibiting illegal burning. **Staff:** Natasha Fooman, **Status:** AsmFlr; **Position:** Support.

AB 2293 (Wolk). Emergency Medical Services. AB 2293 is a result of collaborative work by

Legislative Bill Action

the League of California Cities and California State Association of Counties to resolve much of the conflict between local governments on emergency medical service (EMS) issues. For the last twenty years, cities and counties have had substantial conflicts regarding EMS, specifically over which of these governing entities has authority for establishing the level and provider of emergency ambulance service. Several lawsuits, including one that reached the state supreme court, have resulted. Although the Supreme Court case (*City of San Bernardino vs. County of San Bernardino*) found in favor of the counties, debate has continued to pit county local EMS agencies (LEMSAs) against the cities and fire service in various parts of the state.

Currently, the Emergency Medical Services System and the Pre-hospital Emergency Medical Care Personnel Act, permit each county to establish an emergency medical services program under which the county is required to designate a local emergency medical services EMS agency. The act authorizes each county to establish an emergency medical care committee and also authorizes the county to prescribe its membership. To resolve conflicts associated with current law, AB 2293 puts a local advisory committee and appeals process for EMS issues into law. The model's primary features include:

- Each local EMS agency will have an Emergency Medical Care Committee (EMCC) with a prescribed membership that achieves a balance between city and county perspectives. The EMCC reviews and evaluates the local EMS plan.
- The EMCC serves as the first level appeals body for complaints including, but not limited to, transportation, exclusive operating areas, contracts and RFP competition.
- If the EMCC decision is not acceptable to the complainant, the issue is referred to the State EMS Commission. That Commission will forward its recommendation to the local Board of Supervisors, which retains the final decision authority.

The League believes that much of the conflict over EMS governance can be resolved if stakeholders are able to participate in EMS system design and evaluation, and if complainants are given a fair and open hearing. AB 2293 provides the framework for a solution to these long-standing perceived conflicts between cities and counties, the fire service and LEMSAs. **Staff:** Natasha Fooman; **Status:** AsHlth, 3/30; **Position:** Support/Co-Sponsor with CSAC.

Revised Edition

Navigating The Legislative Process

***Deadlines, Procedures and
Common Terms***

**NEW: An overview of the budget process
and special sessions**

Plus:

- A description of the legislative process
- Tips on writing an effective letter and testifying before a legislative committee
- Suggestions on how to participate in the League legislative program
- A glossary of commonly used legislative and budget terms
- A legislative calendar listing key state budget dates for city officials

This publication is available from the League for \$5. There is a ten percent discount on orders of five or more.

Questions? Contact League Publications at
916/658-8257
Or order online at: www.cacities.org/store

**CITIES THAT HAVE PASSED RESOLUTIONS SUPPORTING
THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT**

Adelanto	Coronado	Hillsborough	Monrovia
Agoura Hills	Coming	Holtville	Monterey
Alameda	Corte Madera	Huntington Beach	Monterey Park
Albany	Cotati	Huntington Park	Moreno Valley
Alhambra	Covina	Imperial Beach	Morgan Hill
Alturas	Culver City	Indio	Morro Bay
American Canyon	Daly City	Industry	Mt. Shasta
Anderson	Danville	Irwindale	Murrieta
Antioch	Davis	Jackson	Napa
Apple Valley	Delano	Kingsburg	National City
Arcadia	Del Mar	La Canada	Nevada City
Arcata	Diamond Bar	Flintridge	Norwalk
Arroyo Grande	Dixon	Lafayette	Novato
Atherton	Dorris	La Habra	Oakley
Atwater	Dublin	La Palma	Ojai
Auburn	Dunsmuir	La Quinta	Ontario
Bakersfield	El Cajon	La Verne	Orland
Banning	El Cerrito	Laguna Hills	Pacifica
Barstow	El Monte	Laguna Palms	Palm Desert
Bellflower	El Segundo	Laguna Woods	Palos Verdes
Belmont	Elk Grove	Lake Elsinore	Estates
Belvedere	Emeryville	Lake Forest	Paradise
Big Bear Lake	Encinitas	Lakeport	Paramount
Biggs	Escalon	Lancaster	Pasadena
Bishop	Escondido	Larkspur	Petaluma
Blythe	Etna	Lathrop	Pico Rivera
Brawley	Eureka	Lawndale	Piedmont
Brea	Fairfield	Lemon Grove	Pinole
Brentwood	Farmersville	Lemoore	Pittsburg
Buellton	Ferndale	Lincoln	Pleasanton
California City	Fillmore	Live Oak	Point Arena
Calistoga	Fontana	Livingston	Pomona
Camarillo	Fountain Valley	Lodi	Porterville
Capitola	Foster City	Loma Linda	Portola
Carlsbad	Fort Bragg	Lomita	Poway
Carson	Fort Jones	Lompoc	Rancho Cordova
Cathedral City	Fortuna	Loomis	Rancho
Chico	Fowler	Los Alamitos	Cucamonga
Chino	Fremont	Los Altos Hills	Rancho Mirage
Chino Hills	Fresno	Los Gatos	Rancho Palos
Chowchill	Fullerton	Manhattan Beach	Verdes
Claremont	Galt	Marina	Rancho Santa
Clayton	Gardena	Martinez	Margarita
Clearlake	Gilroy	Marysville	Red Bluff
Clovis	Goleta	Maywood	Redding
Coalinga	Grass Valley	Merced	Redlands
Colfax	Hawthorne	Mill Valley	Redondo Beach
Colton	Hayward	Millbrae	Ridgecrest
Colusa	Hercules	Milpitas	Rio Dell
Concord	Hermosa Beach	Mission Viejo	Ripon

8.A-20

Riverside	San Ramon	South Lake Tahoe	Walnut Creek
Rocklin	Sand City	South San Francisco	Wasco
Rohnert Park	Santa Ana	St. Helena	Watsonville
Rolling Hills Estates	Santa Barbara	Sunnyvale	Weed
Rosemead	Santa Clara	Susanville	West Covina
Roseville	Santa Clarita	Tehachapi	West Hollywood
Salinas	Santa Fe Springs	Tehama	West Sacramento
San Anselmo	Santa Margarita	Temecula	Whittier
San Bruno	Santa Maria	Thousand Oaks	Williams
San Clemente	Santa Paula	Torrance	Willits
San Dimas	Santa Rosa	Tiburon	Willows
Sanger	Santee	Tracy	Windsor
San Bernardino	Saratoga	Truckee	Winters
San Juan Bautista	Sausalito	Tulare	Woodlake
San Leandro	Scotts Valley	Turlock	Yountville
San Luis Obispo	Sebastopol	Twentynine Palms	Yreka
San Marcos	Selma	Union City	Yuba City
San Mateo	Shasta Lake	Vacaville	Yucca Valley
San Pablo	Sierra Madre	Visalia	
San Rafael	Solana Beach	Vista	
	Solvang		

Organizations/Agencies and Others with Resolutions in Support:

Economic Development Corp of Southwest
California Association of Professional Employees (CAPE)
CRA (Calif Redevelop. Assoc)
Marina Coast Water District
Riverside County
San Mateo County Association of Realtors
Santa Cruz County
South Bay Cities COG
Yuba County

Cities and Other Organizations/Agencies in Support of Ballot Measure Without Resolutions:

ABAG (Association of Bay Area Governments)
City of Berkeley
CAPE (California Association of Professional Employees)
Contra Costa Mayor's Conference
City of Highland
SAMCAR (San Mateo County Association of Realtors)
SEIU, Local 1292

ANALYSIS, COMMENTARY & UPDATES
PRIORITY FOCUS
ON LEGISLATIVE AND POLICY ISSUES THAT AFFECT CALIFORNIA CITIES

April 2, 2004
Issue #13 2004

SUPPORT GROWS FOR LOCAL INITIATIVE

The list of supporters for the Local Taxpayers and Public Safety Protection Act (the LOCAL initiative) is getting longer every week – as seen in a growing number of petition signatures and formal endorsements. There are now 300 cities that have passed resolutions or motions endorsing the measure. They are joined by hundreds of endorsements from labor unions, counties, special districts and other organizations and individuals. *For more, see page 4.*



SIGNATURE STARS – SUPER SATURDAY II

Supporters of the of the Local Taxpayers and Public Safety Protection Act (the LOCAL initiative) blitzed the state with a second “Super Signature Saturday” event this week. Hundreds of city officials and coalition partners worked at dozens of booths statewide, gathering signatures at parks, farmers’ markets, post offices and malls to qualify the LOCAL initiative for the November 2004 ballot. All volunteer signature gathers used their personal time, and no public resources. *For more, see page 5.*



LEAGUE, CSAC DATA SHOWS DECLINING WORKERS’ COMP CLAIMS, BUT SOARING COSTS

LEGISLATURE RECESSES WITHOUT A WORKERS’ COMP DEAL

The League and the California State Association of Counties (CSAC) held a joint press briefing on workers’ compensation April 1, even as the legislature recessed for ten days without having met the Governor’s deadline for agreement on a workers’ compensation reform package.

Legislative leaders are reported in the press as saying that there are just a few outstanding issues to resolve on the package, and that they may be coming back to Sacramento next week to finish up a deal. The Governor has vowed to take a workers’ compensation reform initiative to the voters if the legislature fails to act. *For more, see page 2.*

**Hot Bills
Act Now**

**AB 2404 (Steinberg).
Girls’ Sports. Equal
Opportunity in Local
Athletic Programs.
Position: Review and
Comment.**

Want more details on
these and other bills?
Log on to the League of
California Cities Web site
at www.cacities.org/legtracking.

Page 2 **CAMPAIGNING FOR PUBLIC OFFICE EFFECTIVELY AND ETHICALLY**
Page 3 **RECENT LEGAL ADVOCACY ACTIVITIES**
Page 4 **LEAGUE AFRICAN-AMERICAN CAUCUS RECEPTION-FORUM, FRIDAY, APRIL 23**
Page 8 **LEGISLATIVE BILL SUMMARIES**

CAMPAIGNING FOR PUBLIC OFFICE EFFECTIVELY AND ETHICALLY

On April 17, candidates for local office can get practical, nuts-and-bolts information on how to successfully run for local office from seasoned campaign veterans. Co-sponsored by the Los Angeles County Division and the Institute for Local Self Government, this seminar will share cutting-edge political research that shows candidates can campaign effectively and ethically for public office.

Seminar sessions include:

- Developing Your Campaign Message
- Building Your Campaign Organization
- Fundraising
- Voter Contact Strategies
- Complying with the Elections Laws

Speakers include a former Governor's spokesperson as well as the former chair of the Fair Political Practices Commission. The written materials will be topnotch as well.

Additional information about the program and a registration form are available at www.ilsq.org/trust. The program is one of the recommendations of the League's Ethics Education Task Force.

The registration deadline is **April 9** on a first-come, first-served basis. The fee is \$100 for the daylong seminar (which, as a campaign related activity, must be paid for from non-city funds).

This is definitely the most affordable campaign advice local candidates can get—let everyone you know who's interested in running for local office (city, county or special district) know about this terrific opportunity to get their campaigns off to a strong start.

A similar seminar is planned for June 12 in northern California (more information to follow).

WORKERS' COMP from page 1

The League/CSAC press briefing reported on the results of a survey of workers' compensation costs experienced over the past four years by 81 cities and 39 counties. The data documents alarming growth in local governments' workers' compensation costs – even though the number of claims filed is declining, and local governments are able to hold down insurance rates by self-insuring.

"Cities' and counties' average costs went up 66 percent over the past four years," said League Legislative Representative Amy Brown, "and we project a further increase of 33% this year. Medical costs went up 73 percent over the same period, even though our claims are down 1 percent.

"The fact that we are self insured, and don't face soaring insurance rates, shows clearly that the problem of soaring workers' comp costs is not solely a problem of insurance rates."

Of even greater concern, the cities and counties reported that they anticipate a 33 percent increase in medical costs over the current fiscal year.

"City and county taxpayers just can't afford these cost increases," said League Executive Director Chris McKenzie. "Local government services are already being slashed as the state continues to take local funds to patch up its own deficit. These additional workers' compensation costs create added pressure to cut local services."

"We strongly support the Governor's current push for workers' comp reform in the legislature this year," said McKenzie. "If the legislature can't pass reform, we'll support the Governor's initiative."

"The important thing is to not let this problem linger," added Brown. We support the Governor's and the legislature's efforts to reform this badly broken system, and want them to do it now."

Information on survey is available on the League's Website at www.cacities.org/employeerelations.

RECENT LEGAL ADVOCACY ACTIVITIES

Orange County 2% Property Tax Case Reversed – Billions Remain with Counties

Following a united and coordinated friend-of-the-court effort involving numerous public agencies, cities and counties breathed a collective sigh of relief after a court of appeal reversed a trial court ruling involving the way the Orange County Assessor assesses property. The trial court concluded that a county assessor could not "recapture" property taxes beyond Proposition 13's 2% inflation cap in years where property values increased to offset previous years where property values were either flat or had dropped. The trial court's ruling jeopardized billions of dollars of property taxes collected by assessor's throughout the state using similar practices.

The court of appeal reversed the trial court decision, and concluded that the 2% per year increase was cumulative and based on the original purchase price, rather than declined interim assessed values due to temporary market conditions. The court of appeal ruling relieves counties of the administrative and fiscal burden of refunding billions of dollars to property owners at a time when public resources are already scarce, and enables local governments to continue to provide vital local services.

The League thanks **Andy Freeman** with the **San Diego County Counsel's Office** and **Ruth Sorenson** formerly with the **California State Association of Counties** for writing the friend-of-the-court brief on behalf of the League and CSAC to the court of appeal. The name of the case is *County of Orange v. Bezaire*.

Temporary Employees Meeting Common Law Employee Definition are Entitled to PERS Enrollment

In a narrow decision the California Supreme Court recently concluded that public agencies are required to enroll any individuals that are considered common law employees in CalPERS, unless

they are excluded by a statutory provision of the Public Employees Retirement Law, or the participating parties have contracted otherwise.

The case involved individuals that worked for a public agency, but were paid their salaries by a private contractor. The court concluded that the payment of the workers' salaries by a private contractor does not exclude workers that meet the common law employee definition from CalPERS enrollment. Public agencies interested in avoiding CalPERS enrollment for temporary employees should take care in structuring the employment relationship to ensure that the individuals would not be considered common law employees.

The League thanks **Terry Roemer** and **Art Hartinger** with **Meyers Nave Riback Silver & Wilson** for writing the friend-of-the-court brief on behalf of joining cities to the California Supreme Court. The name of the case is *Metropolitan Water District of Southern California v. Superior Court (Carqill)* 32 Cal. 4th 291, 9 Cal. Rptr. 3d 857 (Feb. 26, 2004)..

City's Hiring of Temporary Police Officers Not Subject to Meet and Confer Provisions

The court of appeal recently concluded that a city's decision to hire retired peace officers to fill a severe and unexpected short-term staffing shortage of police officers was an appropriate managerial decision, and therefore the city was not required to meet and confer with the police union before implementing the policy. The court noted that the positions could not be filled through the ordinary recruitment process, and the city's action was a managerial decision to maintain the existing level of public safety in the community.

The League thanks **Jeff Sloan**, **Charles Sakai** and **Felicia Reid** with **Curiale Dellaverson Hirschfeld Kraemer & Sloan** for writing the brief on behalf of the League. The name of the case is *Sacramento Police Officers Association v. City of Sacramento*, currently unpublished (3d Dist. Mar. 30, 2004).

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Board of Equalization Board Member Bill Leonard recently endorsed the measure, along with 13 legislators. Each new endorsement adds momentum to the LOCAL coalition, and we thank these legislators for their support:

- Jeffrey Denham, State Senator, 12th District
- Tom Torlakson, State Senator, 7th District
- Russ Bogh, Assemblymember, 58th District
- Ellen M. Corbett, Assemblymember, 18th District
- Bob Dutton, Assemblymember, 63rd District
- Bonnie Garcia, Assemblymember, 80th District
- Guy S. Houston, Assemblymember, 15th District
- John Longville, Assemblymember, 62nd District
- Barbara Matthews, Assemblymember, 17th District
- Gene Mullin, Assemblymember, 19th District
- Allan Nakanishi, Assemblymember, 10th District
- Nicole M. Parra, Assemblymember, 30th District
- Patricia Wiggins, Assemblymember, 7th District

If your legislators are absent from this list, we urge you to contact them and ask for their support of the initiative! Visit www.cacities.org/advocacycenter for legislator contact information. Visit the coalition website at www.protectlocalservices.com for a complete list of coalition partners.

L.A. Mayor Spearheads High Visibility Signature Gathering Effort

Los Angeles Mayor Jim Hahn joined SEIU Local 347 members in signature gathering March 31 in front of Los Angeles City Hall. Hahn gathered signatures on his lunch hour, joined by Los Angeles Fire Chief William Bamattre. Major network television and radio press covered the event, including NBC and ABC affiliates, as well as the Los Angeles Daily News and Spanish language newspaper La Opinion.

Mayor Hahn will continue to work on signature gathering this weekend in his hometown of San

Pedro, along with his sister, Los Angeles City Councilmember Janice Hahn. They will be joining Los Angeles City Firefighters at a signature gathering event scheduled to run from 10 a.m. to 2 p.m.

Fundraising Events

The **South Bay** cities of the **Los Angeles Division** and their LOCAL coalition partners held a highly successful fundraiser this week in Redondo Beach. Approximately 60 people attended the event, among them a number of local businesses. Speakers included Long Beach Mayor Beverly O'Neill; Steve Szalay, Executive Director of the California State Association of Counties; Geoffrey Neill from the California Special Districts Association; Michael Gin from Los Angeles Supervisor Don Knabe's office; and League Executive Director Chris McKenzie.

All the speakers addressed the critical need to protect local revenues to pay for essential local services. They emphasized the importance of the volunteer signature gathering effort and encouraged participants to participate. They also recognized the businesses and unions who had contributed to the initiative.

The next fundraising event will be held in Orange County on April 29. For information, please call 714.972.0077, or check the campaign website at www.protectlocalservices.com.

LEAGUE AFRICAN-AMERICAN CAUCUS RECEPTION-FORUM, FRIDAY, APRIL 23

The African-American Caucus of the League is planning a reception-forum on Friday, April 23, at the Crowne Plaza Hotel near LAX from 5:00 to 10:00 p.m. The gathering will focus on the future activities of the caucus as well as roles it may play in helping secure stable local revenue sources. For more information contact E. Timothy Parker, Council Member, Newman, at 209-862-3725, ext. 56; e-mail at planz2@aol.com; or Lodema Bee, beel@cacities.org at the League of California Cities at 626-305-0001.

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The campaign must turn in 598,105 valid signatures by April 15 to qualify the measure for the November 2004 ballot – so **your help is needed!** The campaign consultants advise that we need to collect about 1 million signatures to ensure that we achieve the required number of valid signatures.

Every signature our volunteers can acquire saves the campaign about \$2.50 – money that will be needed for advertising as the November election draws closer. **We urge all those interested in protecting local services to use some of their personal time over the next two weeks to gather signatures.** As our Signature Stars have shown us, starting with your friends and family is a quick and easy way to help us reach our goal.

Got Signed Petitions?

Please, turn them in quickly! Don't hold them back, hoping you'll get more signatures later. Early signatures matter — they help the campaign keep track of how close we are to reaching our goal. Please check with your **League regional representative** on the best method to get your petitions submitted for counting. In some cases, the regional rep may want to pick them up. In other cases, it may be much more efficient if you can mail them to a designated location. But please, keep them moving!

"Signature Stars" Shining, Veterans and Newcomers!

City officials and LOCAL coalition members are showing every day that gathering signatures can be fun, and even easy! They're coming up with multiple ways to get those LOCAL petitions filled out – using only personal time, and without public resources — as seen in the examples below.

Orange County Division

Councilmember Patsy Marshall of Buena Park has been a true star throughout the signa-

ture gathering effort. Having pledged to raise 1,000 signatures, Marshall admitted, "The petitions are as much a part of me as my eyeglasses." The councilmember takes petitions with her everywhere she goes on her own time, gatherings at the American Legion, Lyon's club, chamber of commerce breakfasts – even in line at the grocery store! "Most people agree wholeheartedly with the initiative," Marshall said, though she makes a point to always have campaign literature on hand for those who like to "do their homework." Marshall also thanked her fellow city officials for their help in the signature gathering effort.

Peninsula Division

Signature Saturday II Super Stars were in abundance in the **Peninsula Division** this past weekend. The five-member **Burlingame City Council - Mayor Rosalie O'Mahoney, Vice Mayor Joe Galligan, Councilmembers Mike Coffey, Cathy Baylock and Terry Nagel** - have collected close to 600 signatures. To date, Burlingame volunteers have turned in more than 1,300 signatures.

Farmer's Markets have proven to be very effective signature gathering spots in the Peninsula Division. **Mountain View Councilmembers Mike Kasperzak, Matt Pear, Nick Galiotto and City Manager Kevin Duggan** staked out their Sunday market, while **Sunnyvale Councilmember Ron Swegles and Finance Director Mary Bradley** reached 245 people at their Farmer's Market. Signature gatherers were also out in force in **Belmont, Foster City, Gilroy, San Bruno, San Carlos Santa Clara and San Mateo.**

The **Peninsula Division** is also not without its own individual Stars. **Santa Clara Councilmember Aldyth Parle** never leaves home without her blue petitions, and is responsible for independently gathering several hundred signatures. As her Division's Campaign Co-Chair, Parle has also recruited the city's firefighters and private citizens as signature gatherers. Likewise, **Palo Alto Councilmember Judy Kleinberg**, has

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found it "easy and fun" to gather signatures, and has had good results in front of her neighborhood Whole Foods Market.

San Diego Division

The **City of San Marcos**, led by the efforts of **City Manager Rick Gittings** and **Assistant City Manager Paul Malone**, have surpassed their goal of 550 by gathering over 2,000 signatures. Malone credits the efforts of many city employees, firefighters, department heads, as well as his own participation in Super Saturday events.

Other **San Diego Division** cities that have surpassed their goals and keep on going:

Coronado — **Councilmember Frank Tierney** has become a fixture in front of the city's Vons supermarket.

Del Mar — **Mayor Richard Earnest** has been collecting at every possible occasion and spending his Saturdays at the Farmer's Market.

El Cajon — **City Manager Bill Garrett** has led efforts among his city colleagues.

Santee — **Councilmember John Minto** has organized another Super Saturday for April 3rd with the help of volunteers among Santee firefighters.

Vista — **Mayor Morris Vance, City Manager Rita Geldert and Assistant City Manager Rick Dudley** have been hitting every possible meeting and event, aided by enthusiastic volunteers among fellow councilmembers and city staff.

Los Angeles Division

Los Angeles Mayor Jim Hahn continues to be a Signature Star. Mayor Hahn joined Service Employees International Union (SEIU) Local 347 members in signature gathering Wednesday in front of the Los Angeles City Hall. Local 347 represents City of Los Angeles employees. Major network television, print and radio press covered the event, please see "Support Grows for Local Initiative" article for more on this and Mayor Hahn's other upcoming efforts.

Other L.A. Division Stars

West Hollywood employee unions are encouraging their members to take petitions home this weekend to get signatures from family and friends.

Hermosa Beach staff volunteered to collect signatures at the mayor's State of the City address last Thursday evening. The mayor made the initiative a key focus of his address, which received news coverage in the weekly *Beach Reporter*.

City officials from Palos Verdes Estates collected signatures this week at the Malaga Homeowners Association meeting and the Republican Women's Club.

Rolling Hills Estates volunteers collected signatures Thursday morning at the Peninsula Rotary Club meeting.

In **Manhattan Beach** four of the five councilmembers were joined by senior staff and both fire and police union leaders in signature gathering at a local supermarket.

Santa Monica City Employees Coalition is collecting signatures at a union meeting next Tuesday.

Redondo Beach volunteers collected signatures this week at their Redondo Community Roundtable meeting.

All five councilmembers in Rolling Hills Estates are personally collecting signatures on their travels in the community.

Rosemead Councilmember Margaret Clark, and West Covina Mayor Mike Miller and Councilmember Ben Wong continue to be Signature Stars, not only participating in Super Signature Saturday events but also gathering signatures on a continuing basis.

City of Duarte Mayor John Fasana has

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RECENT COURT FILINGS

organized precinct walks. It was so fruitful that he is planning to do it again this weekend.

City of Covina has several Stars: **City Manager Paul Philips, Assistant City Manager Karen Gallivan and City Clerk Rosie Fabian.**

El Monte City Manager Juan Mireles is a Star – and so are his staff, who volunteered to accompany him on a recent Saturday to go out and gather signatures.

City of Claremont has many Stars – they've pledge to collect 2,000 signatures. **Human Services Deputy Director Nancy Matthews'** star shines exceptionally brightly.

The City of Pasadena Management Employees Association has spent the past several weeks standing outside of City Hall after work to collect signatures as people go home at the end of the day.

Monrovia City Manager Scott Ochoa and his staff took some vacation time to collect signatures on a recent weekday and collected close to 100 signatures. They are planning to do it again next week and the City Council will join them this time.

How Can You Help?

Contact a League regional representative today to obtain petitions, and get plugged into other local signature gathering efforts. Or you can request petitions from the LOCAL campaign hotline, 800-827-9086, or by emailing the campaign at info@protectlocalservices.com

Remember. Be sure to check the "Legal Do's and Don'ts" of signature gathering and other ballot measure advocacy activities, posted on the Initiative page of the League's website at www.cacities.org/initiative. **The two basic rules:** Don't use public resources (including city phones, faxes, emails, equipment, facilities); and you must be on personal time when you engage in campaign activities.

The League would like to provide special thanks to the individuals listed below, who wrote friend-of-the-court letters or briefs, for their efforts on behalf of the League. League action and a brief summary of the case appear below. Copies of the filings are available at www.cacities.org/recentfilings.

Local Regulation of Wireless Antenna Locations

The League filed a friend-of-the-court brief with the Ninth Circuit Court of Appeals in a case involving the authority local governments to regulate the siting of wireless facilities under the Telecommunications Act of 1996. The League thanks **Scott Grossberg and Javan Rad with Cihigoyenette, Grossberg & Clouse** for writing the brief on behalf of the League, the National League of Cities, IMLA and numerous other state Leagues. The brief advocates that local governments should have the authority to regulate construction of wireless facilities consistent with home rule principles

The name of the case is *MetroPCS v. City and County of San Francisco*, Nos. 03-16759, 3-16760, __F.3d__(9th Cir.).

Red Light Photo Enforcement Challenges

The League recently urged the California Supreme Court to hear a case involving whether individuals that voluntarily plead guilty to running a red light and pay the fine may later challenge their conviction and seek refunds of the fines in a civil lawsuit.

The League is urging the Supreme Court to hear the case because of the significant fiscal impact to cities, and the importance of finality when a guilty plea is entered involving traffic and other municipal infractions. The League thanks **Rafal Ofierski, Deputy City Attorney, City and County of San Francisco**, for writing the friend-of-the-court letter brief to the California Supreme Court.

The name of the case is *City of San Diego v. Superior Court (Cook)*, No. S122894.

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's new "Issues and Advocacy" page (www.cacities.org/issuesandadvocacy)** – a one-stop location to access information about legislation, policy issues and related developments. You can track information on bills (www.cacities.org/legtracking), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center, research League policy positions, access useful related links, and much more.

ernments. Federal law, embodied in the thirty-year old Title IX has been limited to public education institutions that receive federal funding, but not local governments.

City parks and recreation departments should review the text of **AB 2404** very carefully and send their comments to the League's Sacramento office. Please include information on what your city is doing now to ensure equitable access to boys and girls for city athletic programs, including use of city fields by community groups. The League is coordinating evaluation and, where appropriate, action on this bill with the California Parks and Recreation Society (CPRS). **AB 2404** passed the Assembly Judiciary Committee this week. **Staff:** Yvonne Hunter, **Status:** AsApps, **Position:** Review and Comment.

COMMUNITY SERVICES

AB 2404 (Steinberg). Girls' Sports. Equal Opportunity in Local Athletic Programs. **AB 2404** would extend to local government sports programs the same equal access rules that apply to educational institutions as they are laid out in federal law (Title IX) and in legislation enacted last year (AB 833 – Steinberg – Chapter 660, Statutes of 2003). Among other provisions, it would prohibit cities, counties and special districts from discriminating against any person on the basis of sex or gender in the operation, conduct or administration of community youth athletic programs and activities or in the allocation of park and recreation facilities and resources that support these programs. The bill includes a number of specific procedural steps the local government must take to implement these requirements.

According to the analysis prepared by the Assembly Judiciary Committee, where the bill was heard this week, **AB 2404** applies existing state and federal law in this area to local gov-

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