

8.A-1

May 21, 2004  
Issue #20-2004

**LEAGUE ASKS FOR LETTERS IN OPPOSITION TO AB 2406**

A bill that could dramatically increase local fire protection staffing costs passed out of the Assembly Appropriations Committee on May 19 without addressing the League's biggest concerns with the bill. **This bill will be heard on the Assembly Floor next week. The League urges cities to send letters to their Assembly Members, asking them to OPPOSE the measure. For more, see page 3.**



**SB 744 (DUNN) ASSIGNED TO COMMITTEE!  
OPPOSITION LETTERS NEEDED!**

Now is the time for local governments to record their opposition to SB 744. The measure has just been assigned to the Assembly Local Government Committee, and the League anticipates that it will be heard on June 9<sup>th</sup>.

SB 744 gives the California Department of Housing and Community Development (HCD) the authority to overturn local land use decisions after hearing appeals from housing development applicants who were previously denied approval or granted approval with conditions for a local agencies. HCD is empowered to overrule local decisions that the agency considers to be "not reasonable or consistent with local housing needs."

**If cities are to make their voices heard - now is the time!** For more, see page 4.

**Hot Bills**

**Act Now**

- **AB 2406**  
(Bermudez). Fire Safety. Position: Oppose.
- **SB 444** (Dunn). Planning:Housing. Position: Oppose.

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

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## BALLOT MEASURE UPDATE

One week following the LOCAL coalition's endorsement of Governor Schwarzenegger's budget/constitutional protection package there was progress on several fronts to further develop the proposal and widen support for it.

- The group of legal and fiscal experts working on technical issues met to draft further refinements to the language for the constitutional measure, in preparation for submitting the package to the legislature for consideration.

- League Executive Director Chris McKenzie spoke at a breakfast of potential major donors hosted by LA County Supervisors Antonovich and Knabe, and Los Angeles Councilmember Smith. Held at the California Club in Los Angeles, over 40 attendees from a cross-section of businesses participated in a discussion of the LOCAL initiative and the governor's alternative proposal. The co-hosts spoke favorably of the package negotiated with the governor, and participants expressed interest in supporting our efforts.

- League lobbyists, joined by other lobbyists representing local government agencies, contacted most legislators to brief them on the package and urge their support for it. Legislators are being asked to reject any amendments that would alter the basic construct of the constitutional measure. LOCAL lobbyists are stressing that attempts to use the constitutional measure to push additional fiscal reform concepts such as a sales tax-property tax swap would lead to the coalition's opposition of the measure, and a return to LOCAL support of the initiative for which LOCAL has already submitted signatures to place the measure on the November 2004 ballot.

- Regional fundraisers continued to set up events or meetings with potential donors throughout the state. Individual local officials continue to send out fundraising letters or make fundraising calls on their personal time.

**City Officials: We Need You!** Please contact your legislators to urge their support for quick passage of the package – without amendments that would alter the key “deal points” reached between LOCAL and the governor. A draft letter or talking points is available on the League's Website Advocacy Center: [www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter).

## CALPERS BOARD VOTES ON SIGNIFICANT ISSUES AFFECTING CONTRACTING AGENCIES 38 HOSPITALS DROPPED

The CalPERS Board voted on Wednesday, May 19, to significantly change the structure of its health benefits program. These decisions will directly impact cities and counties that contract with CalPERS for health insurance services.

The CalPERS Board also voted, by recommendation from staff, to drop 38 high-cost hospitals from its statewide network of 225. The move is seen as an attempt to send a message to Sutter Medical Group and others that their high costs for hospital services will not be tolerated in the CalPERS health system.

In total, 13 Sutter hospitals were dropped, as well as others run by Catholic Healthcare West, Sharp and Tenet. The decision was expected to save \$36 million next year and \$50 million thereafter. CalPERS Board members clarified that they would welcome back any hospitals if they lowered their prices.

For a complete list of hospitals and information on which areas will be most affected visit the Employee Relations web page at [www.cacities.org/er](http://www.cacities.org/er), or email contact Amy Brown at [browna@cacities.org](mailto:browna@cacities.org) and email your fax number.

### Regional Pricing

The CalPERS Board also voted to implement regional pricing for contracting agencies in the PEMHCA program for 2005. This mechanism allows the Board and staff to structure the premium payments so they are lower in the southern portions in California and higher in the Northern agencies. Approve regional factors for contracting agencies will be capped at 10% and smoothed to adjust for the 10% cap.

It is clear that if contracting agencies in low cost areas continue to leave CalPERS, costs will

*Continued on Page 5*

## INTERESTED IN SERVING ON THE LEAGUE BOARD OF DIRECTORS?

The League of California Cities welcomes nominations from elected officials interested in serving one of **five** at-large positions (two-year term), or Second Vice President (one-year term). All nominees for Second Vice President must have previously served on the Board of Directors.

The League Board of Directors consists of the League officers (President, First Vice President, Second Vice President, Immediate Past President and Executive Director), a representative from each of the League's sixteen divisions, a representative from each of the League's eleven functional departments, the mayors or designees of the mayors of the eight largest cities by population (listed as Large City appointments), and ten At-Large positions, at least one of which shall be a small city representative (under 12,000 population). In the event a large city representative is elected as an officer, the board may elect additional At-Large members for one-year terms. City officials serving on the National League of Cities Board of Directors also serve on the League's Board for the duration of their two-year term. All travel-related expenses to attend League board meetings are reimbursed by the League.

The League Board of Directors meets on a quarterly basis at locations throughout the state. Nominees are expected to make a commitment to attend all meetings. League officers also serve automatically as members of the board of directors of the City/County/School (CCS) Partnership, which meets a minimum of four times a year. All travel-related expenses to attend CCS Partnership board meeting are reimbursed by the League.

During the League's 2004 Annual Conference (September 17-19, in Long Beach), the Board of Directors Nominating Committee (to be announced) will recommend a slate of city officials for consideration by the Board of Directors for election to serve on the 2004-2005 Board of Directors. Nominees will be contacted by mail prior to the Annual Conference.

If you are interested in submitting your name (or another elected official's name) for nomination

to the League Board of Directors, please provide the information requested on the Nomination Form, along with a bio and letter requesting consideration, to the League's Sacramento headquarters on or before end of business on **Wednesday, July 14, 2004**. Nomination materials can be found on the League's website at [www.cacities.org](http://www.cacities.org) or can be obtained by contacting League Staff Mimi Sharpe at 916/658-8232 or [sharpem@cacities.org](mailto:sharpem@cacities.org).

### AB 2406 from page 1 •••••

AB 2406 requires the State Fire Marshal to compare each fire department's National Fire Incident Reporting System, NFIRS (which would include specific response time and staffing objectives) to the highly controversial staffing "standards" adopted in 2001 by the National Fire Protection Association (NFPA 1710). Unfortunately, this standard is virtually impossible to meet and was opposed by most local officials in California and across the country because it is a one-size-fits-all-policy that is unsuitable for many jurisdictions. AB 2406 would not be fiscally feasible for cities, counties, and special districts without a fire station located every mile and a half.

The inclusion of mandated reporting requirements further increases the potential fiscal impacts of AB 2406 on state and local governments, and also creates a perception that would increase liability for cities, counties and special districts. Significant on-going state-reimbursable costs to local fire departments will be necessary – totaling nearly \$7 million per year for increased reporting requirements; and significant on-going costs of \$200,000 GF to the State Fire Marshall for staff to compile, analyze, and publish data.

**An opposition letter is available to download at [www.cacities.org/legtracking](http://www.cacities.org/legtracking). Please fax letters of opposition to your Assembly Member to express your opposition to this bill ASAP! Don't forget to cc: your Senator and the League.**

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## RECENT LEGAL ADVOCACY

The League would like to provide special thanks to the individuals listed below, who wrote friend-of-the-court letters or briefs 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](http://www.cacities.org/recentfilings).

### PREEMPTION

#### Local Anti-Predatory Lending Ordinances

The League filed a friend-of-the-court brief with the California Supreme Court urging the court to uphold a lower court decision concluding that a city's anti-predatory lending was not preempted by state law.

The League thanks **John Fellows, City Attorney, Torrance**, for writing the brief on behalf of the League. The name of the case is *AFSA v. City of Oakland*, No. S199869.

#### Local Self Service Tobacco Ban Ordinances

The League filed a friend-of-the-court brief with the court of appeal urging the court to uphold a lower court decision concluding that a city's ordinance banning self-service tobacco products was not preempted by federal law.

The League thanks **Karen Leaf** with the **California Attorney General's Office** for allowing the League to join the Attorney General's brief. The name of the case is *Cigarettes Cheaper v. City of San Jose*, No. H026141 (6<sup>th</sup> Dist.).

#### Timely Requests for Hearing Under CEQA Required

The League filed a friend-of-the-court brief urging the court of appeal to uphold a lower court decision concluding that parties challenging CEQA claims must file a timely request for hearing (within 90 days as provided under CEQA) or their claims will be dismissed.

The League thanks **Dan Hentschke, General Counsel** with the **San Diego County Water Authority** for writing the brief on behalf of the League and the Association of California Water Agencies. The name of the case is *Nacimiento Regional Water Mgmt Adv. Comm. v. Monterey County Water Resources Agency*, No. A104687 (1<sup>st</sup> Dist.).

## SB 744 from page 1 .....

Local officials must remind state legislators of the importance of local democracy, particularly where land use decisions are concerned. With the fight against SB 744 now in the Assembly, cities are strongly urged to send an opposition letter on SB 744 to:

- Your Assembly Member. Visit the advocacy section on the League's website to find your representative, and a sample letter is available at [www.cacities.org/hced](http://www.cacities.org/hced).
- Copy the Chair and members of the Assembly Local Government Committee and the Assembly Housing and Community Development Committee. Addresses are available at [www.cacities.org/hced](http://www.cacities.org/hced).
- Copy the League of California Cities, attn: Dan Carrigg.

The League would especially like to thank the following cities that have already taken a position in opposition to SB 744: Adelanto, Agoura Hills, Alameda, Alhambra, Antioch, Apple Valley, Arcadia, Arcata, Arroyo Grande, Barstow, Belmont, Bellflower, Brea, Burlingame, Campbell, Chino Hills, Claremont, Clovis, Coalinga, Concord, Coronado, Cotati, Daly City, Davis, El Cajon, Elk Grove, Encinitas, Fairfield, Fortuna, Fremont, Fountain Valley, Gardena, Grass Valley, Grover Beach, Hanford, Hawthorne, Hemet, Hermosa Beach, Highland, La Canada Flintridge, La Quinta, Lafayette, Lake Forest, Lakeport, Lakewood, Lawndale, Lincoln, Los Gatos, Manhattan Beach, Merced, Mission Viejo, Monrovia, Moorpark, Moreno Valley, Murrieta, Napa, Oakley, Ontario, Norwalk, Palm Desert, Palo Alto, Paradise, Pasadena, Pleasanton, Pomona, Portola Valley, Poway, Redding, Redondo Beach, Redwood City, Roseville, Saratoga, San Bernardino, San Buenaventura, San Luis Obispo, San Mateo, San Pablo, Santa Clara, Santa Maria, St. Helena, Signal Hill, Sunnyvale, Temecula, Torrance, Visalia, Walnut, Windsor, Yuba City, League of California Cities Orange County Division, the Las Virgenes-Malibu Council of Governments (Agoura Hills, Calabasas, Hidden Hills, Malibu and Westlake Villiage), South Bay Cities, and City/County Association of Governments of San Mateo County.

If you have taken a position on SB 744 and are not listed here, please fax or email a copy of your letter to Jessica Mullan with the League ASAP.

Please don't hesitate to contact Jessica Mullan with the League [jmullan@cacities.org](mailto:jmullan@cacities.org), 916.658.8243, fax 916.658.8240 if you have additional questions on SB 744.

**PERS from page 2** .....

increase for remaining members because the risk pool changes as agencies in low cost areas withdraw from CalPERS.

The Board adopted five regions for use in pricing premiums for contracting agencies (Los Angeles Area, Bay Area/Sacramento, Other Northern California, Other Southern California, and Out-of-State), and

The following is a summary of the regional pricing plan:

- Regional pricing is for the Basic plans only.
- Regional pricing will not affect contracting agency Medicare-eligible retirees because we are not recommending regional pricing for the Medicare-coordinated plans. County variation is significantly less for Medicare retirees since Medicare reimburses providers based on fee schedules and the Medicare-coordinated plans cover only applicable co-payments, coinsurance and deductibles.
- Regional pricing for contracting agencies does not affect the state rate because we will continue to base the state rate on the entire CalPERS pool.
- Adopting regional pricing is more likely to protect early retirees because contracting agencies will pay an amount more closely aligned with the market and, therefore, may be less likely to exit CalPERS and cancel early retiree coverage.
- With or without regional pricing for contracting agencies, CalPERS health premiums will increase as contracting agencies in lower cost areas withdraw; this will increase costs for those that remain.

For a complete analysis of the impacts of regional pricing in your area, go to: [www.calpers.ca.gov](http://www.calpers.ca.gov)

**LEAGUE PUBLICATION AWARDED TOP HONORS FROM IABC**

The International Association of Business Communicators (IABC) hosted their annual Crystal Awards this week, and the League's updated *Navigating the Legislative Process*, received top honors in the special one-time publication category.

*Navigating the Legislative Process* is an educational tool that helps both city officials and citizens become more effective advocates before the legislature. The updated version includes a special section on the state budget.

The Awards committee remarked that the publication "effectively communicates difficult subject matter" and is both "user friendly" and "comprehensive."

*Navigating the Legislative Process* is available for purchase online at [www.cacities.org/store](http://www.cacities.org/store) or by calling 916.658.8257.

**LATINO CAUCUS JULY GOLF EVENT**

The League's Latino Caucus will be sponsoring its annual golf tournament immediately following the Mayors & Council Members Executive Forum on Friday afternoon July 30 in Monterey. If you are interested in playing, contact the Caucus at 916-669-1340, or email to [CallatinoCaucus@aof.com](mailto:CallatinoCaucus@aof.com).

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## 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](http://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](http://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.

### REVENUE AND TAXATION

**AB 2107 (Levine). Use Tax: Vehicles, vessels and aircraft.** Last year **AB 694** was introduced to close a loophole in the application of use tax on vehicles, vessels and aircraft. The bill died on the Senate floor at the end of the session last year. With concerns over closing the State budget gap, this issue has resurfaced. Currently, Californians can avoid paying use tax if they purchase a motorhome, yacht, or airplane just across the state border, use it there for 91 days and then bring it into California for its intended permanent home. **AB 2107** will require Californians to pay use tax if the property is subject to vehicle registration or property taxes and the vehicle, boat or plane was stored or used more than half time in the first 12 months of ownership. **Staff:** Dwight Stenbakken; **Status:** AsmFlr, Third Reading; **Position:** Support.

### TRANSPORTATION AND PUBLIC WORKS

**AB 2568 (Yee) Vehicles: Traffic Violations: Fines.** **AB 2568** establishes a safety enhancement double fine zone on a designated portion of State Route 1 in the City and County of San Francisco and increases fines for certain traffic violations that are committed along that route. A double fine zone improves traffic safety, and reduces traffic injuries and fatalities on those roadways with particular traffic enforcement problems by imposing significantly higher traffic fines as a deterrent. The League believes that **AB 2568** is necessary to improve pedestrian safety and compel greater compliance with traffic safety laws in San Francisco. **Staff:** Natasha Fooman; **Status:** SenTrans, Pending; **Position:** Support.

**AB 2858 (Ridley-Thomas) Charter-party carriers of Passengers: Drivers and Key Employees: Background Checks.** **AB 2858** requires background checks for shuttle, van, and bus drivers serving our state's airports and train stations. Additionally, this legislation requires the issuance of an identification credential to each applicant that successfully completes that criminal background investigation process and requires that all drivers employed by a charter-party carrier of passengers carry the identification credential at all times on airport property. Shuttle, van and bus drivers constitute a major portion of the daily traffic at the airport and nearly all the large vehicles found on a regular basis in the airport have access to the Central Terminal Area (CTA) even when the public is denied access. Given the longstanding concern about van and truck bombs it seems appropriate and prudent that background checks be undertaken of these drivers that regularly operate large commercial vehicles. **AB 2858** is a practical and viable step in assuring the safety, security, and service for travelers. The sponsor of the bill is the City of Los Angeles. **Staff:** Natasha Fooman; **Status:** AsApps, 5/19; **Position:** Support.

**AB 392 (Montanez) Environmental Justice and Community-Based Transportation Planning Grants.** **AB 392** among other things establishes the Environmental Justice Sub-account and the Community Based Transportation Planning (CBT) Sub-account in state law and specifies that the legislature may appropriate funds to support community-based transportation planning transportation purposes. The bill specifies that the grant funding may only be funded from funds transferred to the sub-accounts

# Legislative Bill Action

from the **local assistance program** of the State Highway Account (SHA). Additionally, it authorizes local agencies, nonprofit entities, metropolitan planning organizations (MPOs), regional transportation organizations, Native American tribal governments, community-based organizations, public universities, local transportation commissions, port authorities, airport commissions, and similar entities to apply for and receive grants, which may not exceed \$300,000 for any single grant. The grants must undertake environmental justice and community based transportation projects that are directly or indirectly related to the transportation planning process.

The League opposes placing the sub accounts within the "local assistance program" which would compete with diminishing funds for other critical local projects such as seismic bridge retrofit projects which have been halted due to loss of local assistance monies and pose the potential for catastrophic failure of 580 bridges throughout the State. This also comes at a time when cities and counties have seen a significant reduction in other transportation revenues sources they are dependent upon, including \$188 million loss in Proposition 42 monies in 2003-04 and another proposed loss of an equal amount in the next budget year. Creating new demands at a time when we are facing an ever shrinking pot of revenue is of great concern.

The League believes that the CBTP and the EJ programs should not be funded from the "local assistance program", but through the State Highway Account Transportation Planning Funds. According to Caltrans, the CBTP Grant Program is primarily used to provide "seed funding" for planning activities that encourage livable communities. **Staff:** Natasha Fooman; **Status:** SenTrans, Pending; **Position:** **Oppose Unless Amended.**

**ACA 24 (Dutra) Transportation Investment Fund: Loans.** ACA 24 would take the first steps in protecting Proposition 42 monies to ensure that they are utilized as the voters intended for transportation purposes. This measure would require any loans of these funds to be repaid with interest synonymous with the manner in which Article XIX of the California Constitution protects other critical transportation funds. This bill was held on the suspense and will stay

in the committee. **Staff:** Natasha Fooman; **Status:** AsApps, 5/19/04; **Position:** **Support.**

**ACA 29 (Harman) Transportation Investment Fund.** ACA 29 would delete a provision in the state Constitution allowing for the suspension of a mandated transfer of the state's share of gasoline tax revenue from the General Fund to the Transportation Investment Fund. This bill was held on the suspense and will stay in the committee. **Staff:** Natasha Fooman, **Status:** AsApps, 5/19/04, **Position:** **Support.**

## PUBLIC SAFETY

**AB 2641 (Cox). Prisoners. Local Cost Reimbursements.** The League of California Cities supports AB 2641, which requires the California State Controller to pay interest upon reimbursement claims filed by cities and counties for costs incurred in connection with state prisons and prisoners. Specifically, AB 2641 requires the Controller to pay accrued interest on claims made by cities and counties for reimbursement of costs connected to state prisons and prisoners, if the payment is made more than 60 days after receipt of a reimbursement claim. AB2641 also specifies that interest shall accrue as of the 61st day after the receipt of the reimbursement claim at the Pooled Money Investment Account rate. Delayed payment on reimbursement claims related to state prisons and prisoners puts a financial burden on already-strapped cities and counties. Under the current system, local officials must incur the costs first, and then file for reimbursement with the Controller, a process that can take many months. Smaller cities are hit particularly hard by delays in reimbursement payments, due to their limited tax base and resources. AB 2641 will ensure that cities and counties are reimbursed and/or compensated for costs incurred in connection with state prisons and prisoners. **Staff:** Natasha Fooman; **Status:** AsApps; **Position:** **Support.**

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

May 28, 2004  
Issue #21-2004

**Hot Bills**

**Act Now**

**AB 2406**  
(Bermudez). Fire safety. Position: Oppose.

**AB 2690**  
(Hancock). Public works: funds. Position: Support.

**AB 2702**  
(Steinberg). Housing: second units. Position: Oppose.

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

**LOCAL INITIATIVE QUALIFIES FOR NOVEMBER 2004 BALLOT!**

Today, Secretary of State Kevin Shelley announced that the Local Taxpayers and Public Safety Protection Act (LOCAL Initiative) has qualified for the November ballot. This is great news for cities and all our hard-working coalition partners. *For more, see page 4.*



**AB 2702 (STEINBERG) APPROVED ON ASSEMBLY FLOOR  
BILL NOW MOVES TO THE SENATE**

Despite the opposition of the local government organizations and over 70 individual cities, AB 2702 (Steinberg) passed off the Assembly Floor Thursday on a 50-21 vote and now goes to the Senate. Local governments' opposition is based on the bill's undermining of local authority over second units and dictating housing zoning for school sites.

The legislation was initially stalled, with the help of Assembly Members George Nakano and Lynn Daucher, with a vote of 36-15. However, the measure passed after several hours of heavy lobbying by the California Association of Realtors. *For more, see page 8.*

**Page 2 LEAGUE URGES CONTINUED OPPOSITION TO AB 2406  
LEGAL ADVOCACY UPDATE**

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E-WASTE UPDATE**

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## LEAGUE URGES CONTINUED OPPOSITION TO AB 2406

The League would like to thank those cities that sent in their letters of opposition to AB 2406. Unfortunately the bill passed out of the Assembly on Thursday, May 27, and is now moving to the Senate.

The League urges cities to continue to oppose this measure by sending another letter of opposition to your Senator. If enacted, AB 2406 would dramatically increase liability for cities and potentially increase local fire protection staffing costs.

AB 2406 requires the State Fire Marshal to compare each fire department's National Fire Incident Reporting System, NFIRS (which would include specific response time and staffing objectives) to the highly controversial staffing "standards" adopted in 2001 by the National Fire Protection Association (NFPA 1710). Unfortunately, this standard is virtually impossible to meet and was opposed by most local officials in California and across the country because it is an one size-fits-all-policy that is unsuitable for many jurisdictions. AB 2406 would not be fiscally feasible for cities, counties, and special districts without a fire station located every mile and a half.

The inclusion of mandated reporting requirements further increases the potential fiscal impacts of AB 2406 on state and local governments, and also creates a perception that would increase liability for cities, counties and special districts. Significant on-going state-reimbursable costs to local fire departments will be necessary – totaling nearly \$7 million per year for increased reporting requirements; and significant on-going costs of \$200,000 GF to the State Fire Marshall for staff to compile, analyze, and publish data.

An opposition letter is available to download at [www.cacities.org/legtracking](http://www.cacities.org/legtracking). Please fax letters of opposition to your Senator and Assembly Member to this bill ASAP! Don't forget to send a copy to League Policy Analyst Genevieve Morelos at [gmorelos@cacities.org](mailto:gmorelos@cacities.org).

## LEGAL ADVOCACY UPDATE

### Tort Claims Act Filing Compliance Required

The League previously filed a friend-of-the-court brief with the California Supreme Court urging the court to reverse the court of appeal ruling that concluded an individual suing a public agency is not required to state that the individual complied with the claims statute when filing a lawsuit.

The California Supreme Court agreed with the League's arguments, reversed the court of appeal ruling and concluded that an individual must file a claim for money or damages with a public agency as provided by the claims statute before the individual may sue the public agency. This outcome will allow public agencies to dismiss claims at an early stage in litigation and decreases municipal liability.

The League thanks Jonathan Hobbs with Kronick, Moskovitz, Tiedemann & Girard, for writing the friend-of-the-court brief on behalf of the League.

The name of the case is State of California v. Superior Court (Bodde), \_\_\_ Cal. 3d \_\_\_, \_\_\_ Cal. Rptr. 3d \_\_\_ (May 24, 2004).

### LOOKING FOR CALIFORNIA'S BEST TO FILL A POSITION IN YOUR CITY?

*Western City Magazine's* job opportunity section is *the* source for job seekers looking for positions in local government. According to our reader survey, the job opportunity section is the best read section of our magazine!

When you place an ad in *Western City Magazine*, it will be posted at no additional charge on our website, which receives over 80,000 hits per month.

Call to place your recruitment ad today!  
We Have What you Need  
800-262-1801 or visit our website  
[www.westerncity.com](http://www.westerncity.com)

## LEAGUE LAUNCHES NEW WEBSITE

The League's Website is set to go live with a major redesign this weekend, offering League members and other Website users an updated tool to be informed and get involved with League activities on behalf of California cities.

The new site is the result of more than a year of research, redesign and reprogramming, with the goal of developing a site that is more easily navigable for site users.

"We started with surveys of our users, both our own staff and our members," said League Communications Director Megan Taylor.

"Many people told us that they simply couldn't find the information they needed on the old site. A follow-up focus group helped us better understand that we needed a site structure based on users' information needs, rather than a site structure that paralleled the League's organizational chart. That's what we're trying to achieve with this new site."

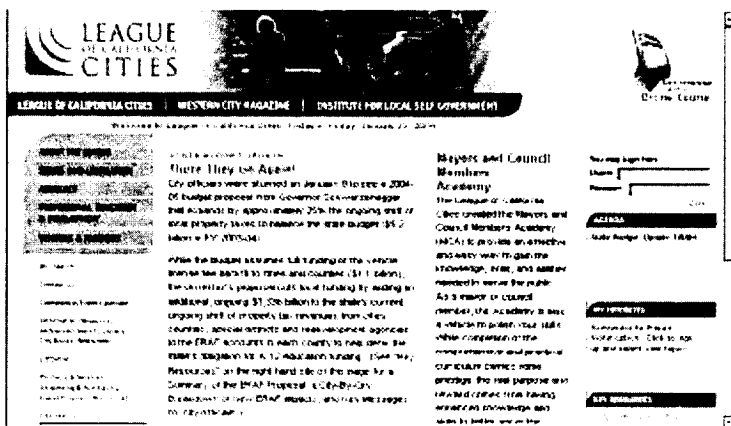
The primary navigation of the new site focuses on areas of activity or interest. The League's organizational units – divisions, departments, committees, caucuses, affiliates and specific programs – are available in secondary and tertiary navigation areas.

The new site also consists of three "zones" – integrating for the first time the League's Website with the Websites for Western City Magazine and the League's research arm, the Institute for Local Self Government (ILSG). These sites have previously been accessible through links on the League site, but their products and services haven't heretofore been fully accessible as resources to League Website users.

"This change was another example of something we learned through our research," said Taylor. "Our members and other site users are looking for information on issues that affect cities. We needed to do a better job of integrating the articles and research available through these entities with the information we are posting on the Website."

Another change: the opportunities to cross-market educational programs and conferences throughout the site.

"All of our municipal departments, divisions, policy committees and caucuses now have direct links back to the education pages," said Taylor. "It now should be a lot easier for people interested in a subject area to find everything the League is doing in that area: legislation, policy development, education or advocacy."



The new site makes use of the League's new logo, and preserves important services such as the Legislative Tracking system and the online Advocacy Center, through which members can access and send letters to their legislators on priority League issues.

"We're frankly still learning how best to use the site," said Taylor. "We welcome comments from site users, and suggestions on how to make better use of the new site structure. We're particularly interested in additional content that people would like to see on the site."

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## INITIATIVE from page 1 .....

"The qualification of this initiative represents years of hard work by local government, public safety and community leaders," said League President Ron Loveridge, Mayor of the City of Riverside. "Today's announcement assures that this hard work will be rewarded, as the voters are now guaranteed an opportunity to protect their local services come November.

The League and the LOCAL coalition will continue to support the LOCAL Initiative while we simultaneously work with the legislature to place the governor's alternative constitutional protection measure on the November ballot. In the meantime, it is important that we continue to aggressively campaign for the LOCAL Initiative, **including fundraising**. (See related article, "Ballot Measure Update: Fundraising Continues as Top Priority".)

"We remain committed to pursuing the alternative measure we negotiated with the governor," said Loveridge. "If the legislature places this alternative measure on the ballot without changing the agreement, we will redirect our campaign focus and resources to support of the alternative measure. Either way, the voters will have the final say to protect their local services this November."

You can make a contribution online TODAY at [http://protectlocalservices.com/contribute\\_online.php](http://protectlocalservices.com/contribute_online.php).

**For more information on this and other League issues, visit [www.cacities.org](http://www.cacities.org).**

## BALLOT MEASURE UPDATE: FUNDRAISING CONTINUES AS TOP PRIORITY

As the League and LOCAL coalition partners work with the governor and the legislature to pass the budget/ballot measure package recently negotiated with the governor, the need to raise the funds needed for a November ballot campaign intensifies.

This need exists regardless of whether the measure in question is the Local Taxpayers and Public Safety Protection Act (the LOCAL Initiative), which has just qualified for the November 2004 ballot, or the alternative budget/constitutional protection package negotiated with the governor.

We cannot take the LOCAL initiative off the ballot – and we don't want to. We have also endorsed the governor's alternative, and intend to work hard to ensure that this option is passed by the legislature and also appears on the ballot. If it does, and providing it conforms to the deal points LOCAL negotiated, the League and the LOCAL coalition will lend our active support to the alternative measure.

### Fundraising Still Needed – Even With Governor's Help

Governor Schwarzenegger has pledged to work hard to ensure that this measure is placed on the ballot by the Legislature and has agreed to co-chair the campaign to ensure its passage in November. This is a tremendous opportunity for our coalition to benefit from the governor's extraordinary ability to influence and educate California voters. But it doesn't take us off the hook when it comes to fundraising.

### Campaign Committee Funds Can Be Used for Either Measure

Our campaign committee is structured to support passage of a measure to ensure constitutional protection of local funds – whatever the actual ballot measure may be this November.

*Continued on Page 7*

# 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](http://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](http://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 1814 (Oropeza). Grand Theft.** AB 1814 provides that every person who feloniously steals, takes, or carries away cargo of another is guilty of grand theft. AB 1814 also 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." 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:** SenPubSfty, Hrg. 6/1; **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:** SenPubSfty Hrg. 6/1; **Position:** Support.

**AB 1907 (Pacheco). Arson.** AB 1907 would remove the sunset clause on California's aggravated arson statute, thereby making the law permanent. Arson continues to be a major problem in California, which severely impacts the safety of our communities, including law enforcement, firefighters and other emergency responder personnel. AB 1907 ensures that arson suspects will be prosecuted, thus sending a clear message that engaging in arson will result in severe penalties and restitution. **Staff:** Natasha Fooman; **Status:** SenPubSfty, Hrg.6/1; **Position:** Support.

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

## FLEX YOUR POWER – AT THE PUMP!

This week, Governor Arnold Schwarzenegger called upon State employees, local government leaders and California businesses to lead by example and Flex Their Power at the gas pump in an effort to conserve gasoline, help the economy and the environment, and save money in the process. The Governor has launched the "Flex Your Power at the Pump" public education campaign to focus Californians on using gasoline efficiently this summer. This initiative builds on the success of the three-year-old Flex Your Power campaign — in which one-third of California households and more than one-quarter of California businesses reduced their electricity bills by 20% or more.

The League has joined the initial dozens of businesses and associations around the state have committed to take a series of measures to reduce gasoline usage this summer. The League will share information with cities as it is provided by the Flex Your Power at the Pump campaign. Cities are encouraged to embrace the simple gasoline conservation practices in their fleets and provide the information to their employees.

Suggested simple and no cost first steps provided by the Flex Your Power at the Pump campaign that cities and city employees can take to save gasoline and save money include the following:

- √ Keep tires properly inflated to the recommended pressure.
- √ Use the car's air conditioner selectively.
- √ Observe the posted speed limits. (It's safer and saves gas.)
- √ Accelerate smoothly and break gradually. (It's safer, uses less gas and reduces break wear.)
- √ Properly maintain your vehicle. (Replace air and oil filters as recommended.)
- √ Minimize the amount of time your vehicle idles. (For example, consider parking the car instead of using the "drive-up" lanes.)

More information about the Flex Your Power at the Pump campaign is available at [www.fypower.org](http://www.fypower.org).

In addition, the League will be posting gasoline conservation information provided by the campaign on the League's website in the near future and as appropriate, will send the information directly to city officials.



## E-WASTE UPDATE

The California Integrated Waste Management Board recently announced to milestones in California's journey to implementing SB 20 – the state's pioneering electronic waste collection and recycling program.

### Application for E-Waste Collector Approval Now Available

The "Application to Participate in the Covered Electronic Waste Recovery and Recycling System" is now available through the CIWMB's website. This application form (CIWMB 186) provides guidance to those collectors and recyclers interested in securing required approval to participate in the payment system recently codified through the approval of emergency regulations. Local governments are among the eligible groups that may become authorized collectors.

The application form, along with directions for its use, can be found at: [www.ciwmb.ca.gov/Electronics](http://www.ciwmb.ca.gov/Electronics).

### CIWMB Emergency Regulations Approved by OAL

The CIWMB adopted proposed emergency regulations relating to its responsibilities under the Electronic Waste Recycling Act of 2003 on April 13, 2004. The CIWMB then transmitted the completed emergency regulation package to the Office of Administrative Law (OAL) on Friday, April 30. OAL approved the emergency regulations, with minor changes, on May 10. The regulations took effect immediately.

The approved language can be found at: [www.ciwmb.ca.gov/Electronics](http://www.ciwmb.ca.gov/Electronics).

**SUPPORT LETTERS NEEDED ON PUBLIC WORKS PREVAILING WAGE BILL (AB 2690)**

A bill that affects all cities with respect to volunteer labor and prevailing wages on public works projects passed out of the Assembly on Wednesday, May 26, by a vote of 77-0. This bill will be heard next in the Senate Labor and Industrial Relations Committee.

AB 2690 (Hancock) provides that the provisions of existing law dealing with the payment of prevailing wages on public works projects do not apply to work performed by a volunteer or a volunteer coordinator. In addition, the bill provides that the provisions of existing law dealing with the payment of prevailing wages on public works projects do not apply to work performed by members of the California Conservations Corps or a certified Community Services Corps.

As amended AB 2690 provides cities and counties the option to use volunteers as a creative option to provide public services with limited funding. Additionally, AB 2690 is a valuable resource to circumvent onerous administrative regulations requiring prevailing wage rates be paid to volunteer and other workers on projects benefiting the public. We believe it will maximize use of available and limited grant funds that are designated for these important purposes.

A letter of support is available to download at [www.cacities.org/legtracking](http://www.cacities.org/legtracking). Please fax your letters of support to the Chair and Members of the Senate Labor and Industrial Relations Committee at 916-327-5703 to express your support. Don't forget to send a copy to League Policy Analyst Genevieve Morelos at [gmorelos@cacities.org](mailto:gmorelos@cacities.org).

**FUNDRAISING from page 4 .....**

Thus, state law allows every dollar raised by the committee to be used to gain voter approval of whichever ballot measure turns out to be the best vehicle to accomplish our goal of constitutional protection of local services.

Upon placement of an alternative constitutional protection measure on the ballot, our committee can:

- Continue to operate under our current political and legal campaign structure;
- Switch our focus to campaign for passage of the alternative measure; and
- Use the funds we have raised and continue to raise to campaign for passage of the alternative measure.

We now need city officials and our LOCAL partners to help with fundraising, to ensure that we have the funds we will need to carry out a strong campaign in November. To find out how you can help, please contact your League regional representative ([www.cacities.org/reps](http://www.cacities.org/reps)), or visit the campaign website ([www.protectlocalservices.com](http://www.protectlocalservices.com)).

**Our Mission**

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

8.A-16

**AB 2702 from page 1 .....**

The local government strategy going in was that if the Republican members (*who had voted against the bill in three committee hearings*) would hold off or vote against the bill as a 32-member block on the Assembly Floor, there were enough Democrats willing to vote "No" or hold off to potentially defeat the bill. Half of the strategy was successful in that 12 Democrats either voted "No" or abstained. Republican support for the bill, however, helped put the bill out due in part to lobbying by the Realtors.

**City officials should make an effort to thank legislators voting either "No" or "Not Voting" on this measure.** When discussing this measure with legislators casting an "Aye" vote, keep in mind that Assembly Members will have another chance to vote on this measure in late August prior to the bill going to the Governor.

**AB 2702 Final Vote:**

**AYES \*\*\*\*** Aghazarian Benoit Berg Bermudez Calderon Campbell Chan Chavez Chu Cogdill Correa Cox Diaz Dutton Dymally Firebaugh Frommer Garcia Goldberg Hancock Harman Haynes Jerome Horton Keene Kehoe Laird Leno Leslie Levine Lieber Longville Lowenthal Maddox Matthews Montanez Mullin Negrete McLeod Oropeza Parra Reyes Ridley-Thomas Runner Salinas Spitzer Steinberg Strickland Vargas Wesson Wiggins Nunez

**NOES \*\*\*\*** Bogh Canciamilla Daucher Shirley Horton Houston Jackson La Malfa La Suer Liu Maldonado Maze Mountjoy Nakano Nation Pavley Plescia Richman Samuelian Wolk Wyland Yee

**ABSENT, ABSTAINING, OR NOT VOTING**  
\*\*\*Bates Cohn Corbett Dutra Koretz McCarthy Nakanishi Pacheco Simitian

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