

PRIORITY

# FOCUS

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

March 11, 2005  
Issue #10-2005

COMING UP:

**HOT BILL: ACA7**  
(NATION). LOCAL  
GOVERNMENT TAXATION:  
SPECIAL TAXES: VOTER  
APPROVAL. POSITION:  
SUPPORT.

## HOUSE APPROVES \$225.5 BILLION HIGHWAY AND TRANSIT BILL

On Thursday, March 10, the House approved by a vote of 417-9, a Highway and Transit bill that would guarantee \$225.5 billion over a six-year period to the Federal Highway Administration, \$52.3 billion to the Federal Transit Administration and more than \$6 billion for safety programs. *For more see page 7.*



## CITIES MAY USE THE 2005 TRANS PROGRAM TO BOOST CASH FLOWS

Cities suffering from cash flow deficits caused by the "triple flip," the VLF shift, and the swap of sales tax for property tax can learn how to boost their 2005-06 cash flow by participating in a web-hosted conference call on **Wednesday, March 23, 2005, from 10:00 to 11:00 a.m.** *For more see page 7.*



## LEAGUE LAUNCHES NEWSLETTER: *FOCUS ON HOUSING*

The League's latest newsletter, *Focus on Housing*, was delivered electronically to more than 6000 potential subscribers on March 7, including all Priority Focus subscribers. *For more see page 5.*

WANT MORE DETAILS  
ON BILLS?

Visit the League of  
California Cities  
Website at  
[www.cacities.org/  
billsearch](http://www.cacities.org/billsearch).

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## FORM BASED CODES: LEARN A LITTLE NOW AND A LOT AT THE 2005 PLANNERS INSTITUTE!

What do you know about a "form based code"? If you're interested in Smart Growth, you will want to learn about form based codes.

**There will be two sessions on form based codes at the League's upcoming Planner's Institute in Pasadena, April 13-15.**

Unlike the codes currently used by most cities today, form based codes use diagrams with dimensions to specify exactly how new development should look. They focus less on use and more on form (how the buildings meet the street, the width of the street, public spaces, parks, etc.)

Community residents like form based codes because they provide pictures, not just words, are abbreviated, and are easily understood by local elected officials and their constituents. They demonstrate to neighbors exactly what new development is going to look like.

Builders and developers like form based codes because, once the code is adopted, builders can build "by right" — they don't have to keep returning to the city for approvals.

Regional planning agencies, air pollution control districts, and other smart growth advocates like form based codes because they provide a very useful technique for requiring Smart Growth in our communities. They make it possible to build compact, mixed use, walkable smart growth projects.

Form based codes have recently been adopted by the cities of Petaluma, Hercules, Azusa, Ventura, Sonoma, Palo Alto and Cotati. Grass Valley and Stockton are developing codes, and Winters, Lincoln, and Galt are among the many cities that are beginning to talk about them.

Within the last six months, the Local Government Commission has offered three workshops throughout the State on form-based codes. All three reached maximum capacity (150 attendees), three weeks prior to the event. A 3-hour workshop on form based codes held by the Local

Government Commission at our national New Partners for Smart Growth conference attracted over 600 people, more than attended all the other concurrent sessions combined.

**Plan now on attending the League of California Cities' 2005 Planners Institute.** You can view the announcement and register online at [www.cacities.org/events](http://www.cacities.org/events). Hotel Registration: [www.pasadenacal.com/housing/](http://www.pasadenacal.com/housing/)



### PROGRAMS OFFER SPECIAL TRAINING FOR MAYORS, COUNCILMEMBERS

**Economic Development and Redevelopment.** Learn all you need to know about providing sound policy guidance for your economic development and redevelopment programs. Attend the Policy Leaders Briefing on Economic Development and Redevelopment in Monterey on Thursday, March 24.

To sign up or learn more about the program go to the League Program Calendar at [www.cacities.org/events](http://www.cacities.org/events) and click on the program listing for the Policy Leaders Briefing on Economic Development and Redevelopment.

**Spring Training for Your Council-Manager Leadership Team.** Take advantage of a unique program just for mayors, councils and city managers that can help your leadership team be more effective and respected. This special intensive workshop provides insights and skills each member can use every day, in city hall and elsewhere, to provide the wise guidance that your city needs in these challenging times.

Two workshops are offered: April 27-29 at Lake Arrowhead and May 18-20 at North Lake Tahoe. Go to the League Program Calendar at [www.cacities.org/events](http://www.cacities.org/events) and click on either of the listings for the Council-Manager Leadership Team Workshop.

## CALIFORNIA LAND REUSE AND REVITALIZATION ACT 2004 (AB 389) WORKSHOPS

Cal/EPA, The Department of Toxic Substance Control (DTSC) and the State Regional Water Boards announce three free workshops on the use of the California Land Reuse and Revitalization Act 2004 (AB 389) and the California Human Health Screening Levels (CHHSLs). Mark your calendars for the following dates and locations:

**Tuesday, April 5, 2005**

Ronald Reagan State Office Building  
Auditorium  
300 South Spring Street  
Los Angeles, CA 90013

**Wednesday, April 13, 2005**

Cal/EPA Headquarters Building  
Byron Sher Auditorium  
1001 "I" Street, 2nd Floor  
Sacramento, CA 95812

**Thursday, April 14, 2005**

San Francisco Bay Regional Water Quality Control Board  
Auditorium  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Each workshop will consist of two sessions.**

Session 1: from 9:00 a.m. until 12:00 p.m., will provide information on the provisions of AB 389 and guidance on its use.

Session 2: from 1:30 p.m. until 4:30 p.m., will provide information on CalEPA's new screening levels and guidance on their use.

Participants may attend either or both of these sessions.

For additional information or to register please visit <http://www.calepa.ca.gov/Brownfields/Workshops/default.htm>

Cal/EPA's regulatory boards and departments play an essential role in cleaning up contaminated sites to protect public health and the environment. For more information go to Brownfields program

at <http://www.calepa.ca.gov/Brownfields/>.

Cal/EPA, DTSC and the Water Boards look forward to these workshops and hope to see you there. Any questions please feel to call Megan Cambridge, Brownfields Coordinator Site Mitigation & Brownfields Reuse Program at 916.255.3727.



### HOUSE PASSES TEA-LU

The House passed TEA-LU this week by a vote of 416-9. The bill contains \$4.2 million for the Mission Blvd/State Route 71 Interchange-Corridor Improvements project.

The Senate Environment and Public Works and Banking Committees are expected to mark up their respective titles of the Senate TEA-3 bill next week, though no date has yet been scheduled for the Senate bill to reach the floor. The earliest possible opportunity is during the third week of April. The Senate bill is not expected to contain earmarks until the bill reaches conference. The League will provide future updates on new developments.

### Stay Up-To-Date on Bills That May Impact Your City

[www.cacities.org/billsearch](http://www.cacities.org/billsearch)

Become a regular user of the League's online Legislative Tracking System. The League's website is your gateway to all the information you need: bills sorted by subject areas, showing the bill history, current status, committee analyses, votes, and much more. You can even view League letters of support or opposition, and access the League lobbyist working on the bill.

## LEAGUE URGES CITIES TO SUPPORT ICC BUILDING AND FIRE CODES FOR CALIFORNIA

The League strongly encourages cities to send letters to the Secretary of the State and Consumer Affairs Agency to support a recommendation by the Building Standards Commission Coordinating Council that California adopt the International Building Codes and International Fire and Residential Codes. (See "Why the League Supports the ICC Building Code".)

The Building Standards Commission Coordinating Council made its recommendation to adopt the ICC building and fire codes in a unanimous vote taken on Tuesday, March 8, in Sacramento, after also voting unanimously to reverse their July 29, 2003, decision to adopt the two building codes produced by the National Fire Protection Association for California (NFPA 1 and NFPA 5000).

The coordinating council held several public hearings in early 2005 to address issues impeding the progress of adopting the NFPA 1 and 5000 Building Codes, and to hear key concerns from local governments regarding the recommendation of adopting the NFPA codes for California.

Along with fire chiefs, city planners, building officials, attorneys and many others, the League testified at a hearing held February 22 and strongly recommended that the Commission adopt the International Building and Fire Codes for California.

### Next Steps

The Building Standards Commission will meet on March 16 to receive and take action on the recommendation of the Coordinating Council.

**The League encourages cities to send letters in support of the Coordinating Council's decision to adopt the International Building Codes and International Fire and Residential Codes for California. Please send support letters to:**

Fred Aguiar, Secretary, State and Consumer Services Agency Chair, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

## WHY THE LEAGUE SUPPORTS THE ICC BUILDING CODE

The League believes that the process for selecting building codes should be objective and focused upon providing the highest level of public safety in the most efficient manner possible for both the consumer and construction practitioners; and that the International Building Codes best achieve these goals. Additionally, there are other substantive reasons that form the basis for the League's recommendation:

- The ICC Building Code is the successor of the Uniform Building Code, which California has used since 1927. Switching to the untested National Fire Protection Association (NFPA) 5000 code would cost cities hundreds of thousands of dollars to retrain fire and building officials, as well as architects, engineers and others complying with California fire and building requirements.
- Local governments will incur substantial costs in order to purchase and update the reference library required by adoption of the NFPA 5000 Building Code.
- The code selection and development process works best when it relies primarily upon the expertise and independence of local and state code officials to make final decisions. It is the League's view that the ICC code development process offers better opportunities for local government participation than does the NFPA 5000 code.
- Finally, a change to the new NFPA Model Codes would take California out of sync with surrounding states, and most of the United States (43 states use the ICC International Building Code and 32 states use the ICC International Fire Code).

## HELEN PUTNAM AWARDS CALL FOR ENTRIES: CELEBRATING EXCELLENCE IN CITY GOVERNMENT

Does your city have a program that resulted in a more effective delivery of services to the community?



Helen Putnam, Former Mayor  
of Petaluma.

Now is the time to get your deserved recognition by applying for the 2005 California Cities Helen Putnam Award for Excellence. It's an opportunity to thank your employees and collaborators, gain the appreciation of your residents and feel proud of outstanding contributions made to better your city.

The Helen Putnam Award recognizes the excellence of California cities as demonstrated by beneficial innovations, resourceful efficiencies, improved public service and overall enhanced public trust and support.

### Categories for the 2005 Helen Putnam Awards

1. Effective Advocacy, Intergovernmental Relations and Regional Cooperation
2. Housing Programs and Innovations
3. Enhancing Public Trust, Ethics and Community Involvement
4. Community Services and Economic Development
5. Planning and Environmental Quality
6. Internal Administration
7. Public Safety
8. Public Works, Infrastructure and Transportation
9. Ruth Vreeland Award for Engaging Youth in City Government
10. League Partners Award for Excellence

To qualify, entries must demonstrate that your city offered a program or service that has proven measurable success within a minimum of one year of actual implementation.

The submission deadline is May 14, 2005. Applications were recently mailed to all cities. The application is also available to download on the League's Website at [www.cacities.org/helenputnam](http://www.cacities.org/helenputnam).

Winners will be announced in October at the Annual Conference in San Francisco. Award winners will be recognized with a press release sent to your hometown media and featured on the League's Website and Western City magazine. Arrangements can be made to have a League representative present the award during a city council meeting.

### FOCUS ON HOUSING from page 1 . . . . .

With expanded housing supply and affordability a key League goal for 2005, the League launched the new, free monthly electronic newsletter to support and encourage information sharing among city officials and others about housing issues and solutions.

The first issue carried a report on the League Housing Task Force, and an interview with task force chairman Jim Madaffer, a councilmember in the City of San Diego and a member of the League board of directors. Also included were a guest column by Sam Mistrano, Deputy Executive Director of the Southern California Association of Non-Profit Housing (SCANPH); a report on housing bills introduced in the new legislative session; a housing "legal updates" article; and a description of some exciting and successful affordable housing projects developed in several cities.

The next issue will be published in early April. City officials and others with information about housing developments in their communities are encouraged to submit the information, or short (200-400 word) articles, to League Communications Director Megan Taylor (email: [mtaylor@cacities.org](mailto:mtaylor@cacities.org)).

Persons interested in subscribing may sign up for *Focus on Housing* at [www.cacities.org/housingnewsletter](http://www.cacities.org/housingnewsletter).

# 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 to access information about legislation, policy issues and related developments. You can track information on bills ([www.cacities.org/billsearch](http://www.cacities.org/billsearch)), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center ([www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter)), research League policy positions, access useful related links, and much more.

## REVENUE AND TAXATION

**ACA 7 (Nation). Local Government Taxation: Special Taxes: Voter Approval.** The threshold for voter approval of special taxes would be lowered to 55% from the 2/3rds requirement. This gives local agencies greater flexibility in obtaining the funds necessary to meet the services that the local community requires. **Staff:** Jean Korinke; **Status:** Introduced; **Position:** Support.

## PUBLIC SAFETY

**AB 91 (Bogh). Resisting Arrest.** **AB 91** amends current law to enhance the penalties for anyone who willfully resists, delays or obstructs a public officer, peace officer, or emergency medical technician during the commission of an offense if such actions are the proximate cause of bodily injury to the peace officer. **AB 91** provides that penalties for such action will be 90 days up to one year in county jail, a fine of \$2,000 to \$5,000, or both fine and imprisonment.

Current law provides additional penalties for a person who willfully flees a pursuing officer's motor vehicle and seriously injures someone or causes someone's death while fleeing, including a peace officer. However, the law does not impose additional penalties when a peace officer is injured while pursuing someone on foot or attempting to arrest a suspect.

People who choose to resist arrest and are the cause of injury to a law enforcement officer should face consequences that meet the seriousness of their offense. **AB 91** is an important public safety measure to ensure that people who resist arrest and injure a peace officer are adequately punished. **Staff:** Liisa Lawson Stark; **Status:** AsPubSfty, Hrg. 3-15; **Position:** Support.

**AB 305 (Mountjoy). Vehicles. Police Vehicle Pursuits. Punishment.** **AB 305** would make the act of willfully driving a motor vehicle in an attempt to flee a peace officer's pursuing vehicle, a misdemeanor or a felony. **AB 305** would make the act of attempting to elude a pursuing peace officer and driving with disregard for persons or property punishable by imprisonment for 2, 3, or 4 years. Additionally, an individual that attempts to elude a peace officer with disregard for persons or property would be required to pay a fine of at least \$2,000, and upon a felony conviction, would receive a one-year prison sentence enhancement.

The act of driving a motor vehicle in an attempt to elude a peace officer is dangerous and unnecessarily places the lives of peace officers and other citizens at risk for injury or even death. By creating an opportunity for prosecutors to seek a felony conviction and providing for prison sentence enhancements and increased minimum fines, **AB 305** sends a strong, clear message to deter offenders from attempting to flee law enforcement officers and endanger lives. **Staff:** Liisa Lawson Stark; **Status:** AsPubSfty, Hrg. 3-15; **Position:** Support.



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

**ASSEMBLY PUBLIC SAFETY (7)**—Leno (Chair), La Suer (Vice Chair), Cohn, Dymally, Goldberg, Ruskin, and Spitzer. 1020 N Street, Room 111. Phone: 319-3744.

**TRANS WORKSHOP from page 1** .....

The program is offered by the League-sponsored California Statewide Communities Development Authority (CSCDA). The web-hosted conference program will explain how cities can use Tax and Revenue Anticipation Notes (TRANS) to address their cash-flow challenges.

**The 2005 TRANS Program offers:**

- **Large and Small Borrowers** – The program accommodates all TRAN borrowing sizes. TRAN borrowings have ranged from a high of \$235 million to as little as \$100 thousand.
- **Time Savings** – Accessing the capital markets has never been easier. Participants estimate that the program takes about 25% of the time compared to a stand-alone TRAN issuance.
- **Excellent Pricing** – Our underwriting team led by Lehman Brothers, with Bank of America, Citigroup, and E.J. De La Rosa, will deliver excellent interest rate pricing as demonstrated in recent years. The program also offers a competitively bid investment contract as an investment alternative to participating cities.
- **Maturity Options** – The program offers 12 and 13 month maturities. These maturity options enable cities to maximize the benefits of issuing TRANS.

For an online enrollment form: [www.cscda.qwikdox2.com](http://www.cscda.qwikdox2.com)

For program information: <https://secure.cacommunities.com/cacomm/apps/trans/>

To participate in the web-hosted conference on **Wednesday, March 23, 2005, from 10:00 to 11:00 a.m.** go to: <https://www.callinfo.com/interface/participantLogin.jsp?host=gcc>

- Enter **8663654406** in the Phone Number line (no dashes)
- Enter **3624137** in the Access Code line.
- Dial 1-800-818-6210 to access the Audio Portion of the call

Questions? Contact: Catherine Bando, RBC Dain Rauscher at 213-362-4137 or [catherine.bando@rbcdain.com](mailto:catherine.bando@rbcdain.com); James Hamill, California Communities at 800-635-3993 ext. 216 or [jhamill@cacommunities.com](mailto:jhamill@cacommunities.com); Dan Harrison,

League of California Cities at 916-658-8267 or [dharrison@cacities.org](mailto:dharrison@cacities.org).

**FEDERAL from page 1** .....

Congress has been trying to produce a new highway bill since the last six-year plan, funded at \$218 billion, expired in September 2003. Last year the legislation got hung up when lawmakers couldn't work out a formula for dividing the money among the states and the White House issued a veto threat over spending levels it said would deepen the federal deficit.

On Wednesday the administration applauded the House bill but said President Bush would be advised to veto anything above \$284 billion.

Among the amendments accepted Thursday was one proposed by a bipartisan group from New Jersey that would let states ban political contributions by contractors bidding for highway projects. New Jersey has tried to prohibit such "pay-to-play" practices, but was warned by federal officials that the state risked losing federal highway money because it was violating competitive bidding rules.

Another amendment that passed — promoted by Rep. Michael Rogers, R-Michigan — concerns devices that change a traffic signal's phase time. It would ban the sale of such devices to anyone except government-approved users, such as fire departments and police officers.

The measure also calls for spending:

- \$590 million on high-risk rural roads, where 61 percent of all highway fatalities occur.
- \$634 million in incentive grants to help states combat alcohol and illegal drug use by drivers.
- \$830 million for a new program to fund the construction of dedicated truck lanes.

The Senate Environment and Work Force Committee is expected to take up the highway bill next week. Lawmakers hope to send a compromise measure to the president before the latest temporary extension of the old highway bill expires May 31.

# FOCUS

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

March 18, 2005  
Issue #11-2005

**COMING UP:**

**PUBLIC WORKS OFFICERS INSTITUTE & MINI-EXPO, MARCH 30-APRIL 1, MONTEREY**

### LOCALS ACHIEVE IMPORTANT WIN IN CDBG FUNDING FIGHT

Local officials in California and throughout the nation achieved an initial victory this week when both the Senate and the House passed budget resolutions that will help keep the Community Development Block Grant (CDBG) program in place. *For more see page 5.*

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### LEAGUE URGES SUPPORT FOR AB 1248 (BOOKING FEES)

The League urges cities to contact their legislators to ask them to support AB 1248 (Umberg). This measure would restrict counties' ability to impose booking fees on cities and other local agencies that bring serious offenders to county facilities for booking or detention. A copy of a sample letter that cities can send to their legislators is available on the League's Advocacy Center ([www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter)). *For more see page 6.*

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### BRAC UPDATE: LEAGUE, CALIFORNIA CONGRESSMEMBERS WORK TO RETAIN MILITARY BASES

With the Secretary of Defense set to publish his list of recommended military Base Realignments and Closures (BRAC) on May 16 of this year, the League of California Cities has joined forces with the California Congressional Delegation to support the retention of California's military bases. *For more see page 4.*

**WANT MORE DETAILS ON BILLS?**

Visit the League of California Cities Website at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).

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## CALPERS FOCUSES ON REDUCING VOLATILITY OF EMPLOYER CONTRIBUTION RATES

With reform of the current defined benefit pension program for public employees a hot topic in California, the CalPERS Board of Administration this week approved the first reading of proposed changes to actuarial policies to help reduce volatility in employer contribution rates. Key recommendations included the following:

- In the calculation of the actuarial value of assets, spread market value asset gains and losses over 15 years as opposed to the current 3 years.
- Calculate the annual contribution amount with regard to gains and losses as a rolling 30-year amortization of all remaining unamortized gains or losses, as opposed to the current 10% of such gains and losses.
- Adopt a new Board policy imposing a minimum employer contribution rate.

The Board approved the policy changes recommended in the agenda item and gave staff direction to bring specific information regarding the implementation plans to the next meeting. To review a copy of the report, visit the CalPERS Website at [www.calpers.ca.gov](http://www.calpers.ca.gov).

The Board also instructed legal and actuarial staff to gather additional information regarding pension stabilization accounts and report the findings at next month's meeting. CalPERS encourages employers to attend the April 19, 2005, meeting of the CalPERS Benefits and Program Administration Committee and provide comment about in these accounts.

For a complete list of Board meetings, their times, location, and agenda items please visit the following link: [www.calpers.ca.gov](http://www.calpers.ca.gov).

## BUILDING STANDARDS COMMISSION REVERSES DECISION ON BUILDING CODES

The League this week welcomed an 8-2 decision by the State Building Standards Commission to rescind their National Fire Protection Association (NFPA) code adoption decision of July 29, 2003.

Noting that all state agencies are now unanimous in their agreement that the International Code Council family of codes should be used in California, the commission determined that the ICC codes for building standards would function as the building codes in California.

As reported last week in Priority Focus, the League and others had urged the commission to reconsider its support for the NFPA code, and instead to adopt the ICC codes. Among other issues, the League was concerned that switching to the untested NFPA code would cost cities hundreds of thousands of dollars to retrain fire and building officials, architects, engineers and others complying with California fire and building requirements.

The League thanks the cities that weighed in with the commission on this important issue. Clearly, your concerns were heard.

### DON'T MISS THE LEAGUE'S HOUSING NEWSLETTER!

Sign up for the League's latest newsletter, *Focus on Housing*! You can self-subscribe by visiting the League's website at [www.cacities.org/housingnewsletter](http://www.cacities.org/housingnewsletter).

The next issue will be published in early April. City officials and others with information about housing developments in their communities are encouraged to submit the information, or short (200-400 word) articles, to League Communications Director Megan Taylor (email: [mtaylor@cacities.org](mailto:mtaylor@cacities.org)).

## COURT ORDERS PUBLICATION OF IMPORTANT CEQA CASE

On February 8, 2005, the Court of Appeal, Third Appellate District, issued its opinion in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*.

The case involved the approval of a long-range community plan in an area where water supplies are not currently available. The Environmental Impact Report (EIR) analyzed a water supply plan that proposed a combination of underground pumping from a source 5 miles away, along with the construction of water facilities in connection with the Sacramento County Water Agency. Approval of the plan required construction to be done in phases with no individual tentative map approval until there was a water source sufficient to meet construction needs.

The court upheld the approval of the EIR, concluding there was a known source of water and no reliance on illusory water allocations.

The case provides cities with useful guidance regarding project review under CEQA as to project applications implicating future planned water sources and tiered EIRs for the evaluation of project water sources. The opinion is helpful to cities as they strive to apply the requirements of the local general plan and zoning, CEQA, and sound resource management and development principles to proposed development projects, especially those involving future water sources. On March 11, the court ordered that its opinion be published.

The League thanks Eric Danly, City Attorney for Clear Lake and Cloverdale, and Buck Delventhal, Deputy City Attorney for San Francisco, for writing a friend-of-the-court letter in support of publication on behalf of the League. Their letter can be reviewed at [www.cacities.org/recentfilings](http://www.cacities.org/recentfilings).

## UPDATE ON REPAYMENT OF PROP 42 FUNDS

Many city officials are concerned about the ongoing shift of Proposition 42 transportation funds to the state general fund, and when they might see these funds restored to local transportation projects – or even possibly a repayment.

Here is the status of the local share of these funds:

Under current law, the suspended Proposition 42 amounts for FY 2003-04 and FY 2004-05 (\$868 million and \$1.2 billion respectively to all local agencies) are to be repaid — plus interest — by FY 2007-08 and FY 2008-09. (The combined amount for payment to cities and counties for local street and road repairs is \$188 million in FY 2003-04 and \$180 million in FY 2004-05. These amounts are split between cities and counties on a 50-50 basis.)

In his proposed FY 2005-06 budget, the Governor has proposed to spread the repayment of the Prop 42 loans over 15 years - WITHOUT interest. (The combined city-county share of this deferred payment is \$253 million.) Further, should the FY 2005-06 Prop 42 allocation be suspended (as he proposes), the governor proposes a 15 year repayment with no interest for that as well.

For a good (and much more thorough) discussion of this issue, see the Legislative Analysts' Office's piece on Transportation funding in the LAO Analysis of the 2005-06 Budget bill at [www.lao.ca.gov](http://www.lao.ca.gov).

## INTERESTED IN SERVING ON AN ADVISORY BOARD FOR THE DEPARTMENT OF COMMERCE?

The U.S. Department of Commerce is seeking nominations for candidates interested in serving on the Strengthening America's Communities Advisory Committee.

The objectives and duties of the committee will be to provide advice and recommendations to the Secretary of Commerce, and to develop a comprehensive written report of policy parameters to assist in implementing the President's Strengthening America's Communities Initiative, including advising on its legislation, regulations and other guidance.

The committee's report will encompass all aspects of the envisioned initiative, including policy findings and declarations, organizational structure, eligibility, program delivery, monitoring and performance measures. The committee is expected to deliver its report to the Secretary of Commerce by May 31, 2005.

The committee is intended to have a balanced membership from diverse backgrounds and geographical regions, including the private sector, state, local and tribal government officials, community-based organizations, academia and the research community.

Nominees should possess an extensive knowledge of, and background in, the fields of rural or urban economic, social and community development. Nominees should also possess economic, social and community development policy experience, leadership and organizational skills.

The deadline for nominations, along with letters of recommendations has been extended to March 25th. For further details on submission information contact the Office of Chief Counsel, Economic Development Administration, Department of Commerce at (202) 482-4687 or [saci@eda.doc.gov](mailto:saci@eda.doc.gov).

## BRAC UPDATE from page 1 .....

California city officials and state representatives met March 16 with California congressional representatives David Dreier, Sam Farr, Jane Harman, Ellen Tauscher, Susan Davis, Wally Herger and Barbara Lee to establish a united front on the military base closure issue. California cities also had the opportunity to meet with top-level Department of Defense officials to discuss California's unique military assets. The city officials were meeting with their congressional representatives in Washington, D.C., as part of the National League of Cities' annual Congressional City Conference.

Numerous California cities have been affected by the last four BRAC rounds, with 29 base closures or realignments affecting a loss of over 99,000 jobs and nearly \$10 billion in annual state revenues.

"California is uniquely positioned to meet the needs of the military's future force, especially as our national security focus moves away from Europe and more towards Asia and the Pacific," said Congressman David Dreier. "The California Congressional Delegation is proud to work with the League of California Cities for a positive outcome in this BRAC round."

"Realigning or closing commands like the Space and Missile Systems Center at the Los Angeles Air Force Base would undercut critical programs that give our soldiers the intelligence and communications tools they need to succeed," said Congresswoman Jane Harman. "This is a risk we cannot afford to take."

"California's communities should be smart, not scared, in the face of the coming BRAC," said Congressman Sam Farr. "Get to know your military assets backwards and forwards, understand how they're linked to local assets and work to boost those linkages."

He added: "The city of Monterey was able to cut local operating costs for the military by \$41 million by contracting to provide the base's municipal services. Ingenuity is the best defense."

League President Pat Eklund, Councilmember in the city of Novato, said of the need to retain California's 62 remaining military installations, "Our state has been at the forefront of nearly all military activity for many years, from training to technological development. We believe we can continue to be a strong contributor to our nation's defense, and we strongly urge the Department of Defense to carefully consider any further base closures in California."

CDBG from page 1 .....

The Administration has proposed to consolidate CDBG and 17 other programs as part of the 2006 budget, resulting in a net loss of nearly \$1 billion in overall CDBG funding.

In the Senate, an amendment by Senator Norm Coleman (R-MN) to restore CDBG funding and keep the program at HUD passed by a 66-31 vote. The amendment keeps the discretionary spending level at \$843 billion, which means the additional money for CDBG has to be offset by cuts in other programs.

An amendment by Senator Paul Sarbanes (D-MD), which would have increased overall discretionary spending failed by a 50-50 vote.

The House voted 218-214 to pass a budget resolution that includes the addition of \$1.1 billion for CDBG and report language that would keep it in HUD. There was no separate vote in the House on the CDBG issue.

In reporting the action to the League and its other members the National League of Cities (NLC) said: "The actions in both the House and the Senate are directly related to your and your members' efforts over the past few weeks and during City Lobby Day to localize and personalize the importance of CDBG in your communities."

The League of California Cities thanks the many cities who wrote to their representatives and passed resolutions in support of retaining CDBG funding. While the Senate and House votes this week are important accomplishments, a significant amount of work remains to ensure that CDBG funding is protected through the appropriations process. With Congress heading home for a recess, the League urges city officials to talk to their representatives to underscore the importance of CDBG to your communities.

**STATEMENT BY NATIONAL LEAGUE OF CITIES' EXECUTIVE DIRECTOR DONALD J. BORUT ON THE SUCCESS OF THE COLEMAN AMENDMENT TO THE SENATE BUDGET RESOLUTION**

"Today's vote on the Coleman Amendment to the Senate Budget resolution is a step in the right direction to achieve our goal of 'no cut, no move' for this vital economic development tool. It keeps the Community Development Block Grant (CDBG) program fully funded and under the administration of the Dept. of Housing and Urban Development (HUD). We appreciate the support of Senators Paul Sarbanes (D-Md) and Norm Coleman (R-Minn) for providing leadership on this issue.

"We are concerned, however, that funding from other programs of critical importance to cities may be reduced since the overall budget ceiling did not change. In addition, it is important to note that the amendment offered by Sen. Sarbanes that would have raised the budget ceiling to include the fully funded CDBG program only lost by a 50-50 vote. This clearly shows us that our lobby effort earlier this week—our voices, our e-mails, our face-to-face meetings—had a real impact. And although the House Budget bill does not fully fund the CDBG program, it does recognize that it should remain at HUD.

"The CDBG program benefits cities large and small, rural and urban. This is a program that creates jobs, homeownership and economic independence, precisely the objectives articulated by the President in his State of the Union message. And we're perplexed why he would attempt to reduce funding for a program that achieves these objectives and move it to an agency that doesn't claim to have expertise in this area, particularly with CDBG's strong housing component.

"We will continue to work closely with members of Congress, particularly those in Appropriations, to ensure that this vital program will be fully funded and retained at HUD so that it can continue to provide the important flexibility needed by our cities and towns to support economic development and improve blighted neighborhoods."

AB 1248 from page 1 .....

**Background.** Existing law authorizes a county to impose a **booking fee** upon other local agencies, including colleges and universities, for county costs incurred in processing or booking persons who are arrested by employees of those entities and brought to county facilities for booking or detention. AB 1248, removes felonies, DUI's, batteries and serious sex crimes (those that give rise to a registration requirement) from the list of crimes for which booking fees can be charged.

Currently, booking fees are levied every time a city police officer makes an arrest and delivers that suspect to county facilities for booking or detention. It doesn't matter how serious the crime, the booking fee must be paid by the city police department to the counties. AB 1248 would still allow counties to charge booking fees for most misdemeanors and municipal code violations, but city police would no longer have to pay fees to ensure fundamental community protection.

In budget action last year, the Legislature maintained reimbursement to cities for booking fees for fiscal year 2004-05. At the same time, they eliminated this subvention for future budget years, and limited the amount counties could charge for booking fees to one-half of administrative costs beginning FY 2005-06.

***Without the subvention from the state, cities will be required to pay the entire booking fee costs incurred.*** 369 cities and four special districts receive portions of the \$38.2 billion in booking fee reimbursements. A full list of repayment amounts, by jurisdiction through 2002, is available at [www.sco.ca.gov](http://www.sco.ca.gov). (See also "**Recent History Regarding Booking Fees**".)

**Arguments in Support of AB 1248**

**Restores Original Legislative Intent.** When booking fees were first enacted in the early 1990's, the stated policy was to discourage city police departments from filling county jails with persons who were arrested in "sweeps" for minor crimes. This suggests that the Legislature intended booking fees to serve purposes beyond simple county fiscal

relief. Specifically, booking fees would provide a disincentive to local agencies booking low-level offenders into county jail.

As currently implemented, however, counties are requiring booking fees from city police departments for booking people who commit serious crimes and who should be incarcerated to protect the community. AB 1248 helps begin to rectify this imbalance by limiting the categories of arrests for which booking fees can be charged.

**Eliminates "Double Tax".** Counties currently receive property taxes from all Californians – regardless of whether they reside in cities or in the unincorporated areas of counties – some of which supports their overall booking and detention operations. For residents of cities, paying booking fees in addition to their property taxes amounts to a "second" taxation to support the basic community protection. Local officials have the responsibility of ensuring that their communities are safe, but there is no reason that city residents should have to pay more for their safety.

**Saves Public Dollars Needed for Law Enforcement.** Over the years, cities have paid millions in booking fees while struggling in recent years to balance their budgets during the economic downturn. This has resulted in diminishing resources available for city police, who are responsible for protecting more than 70 percent of Californians.

**CALL TO ACTION:**

All cities in support of AB 1248 are encouraged to send letters from the mayor and/or the council as a whole, and from the police chiefs, to your Assembly Representatives. Please be sure to also send a copy to the bill's author, Assemblyman Tom Umberg, and the League of California Cities. A sample letter is available in the League's Advocacy Center at [www.cacities.org/advocacycenter](http://www.cacities.org/advocacycenter). Addresses for legislators and

*Continued on Page 7*

## AB 1248 from page 6.....

legislative committees are also available on the Advocacy Center, as well as on the Legislative Resources page on the League Website at [www.cacities.org](http://www.cacities.org).

It is expected that AB 1248 will be initially referred to the Assembly Local Government Committee. **Letters of support from cities represented by members of this committee would be especially welcome.** The Assembly Local Government members are: Simon Salinas (chair), William Emmerson (vice chair), Hector De La Torre, Guy Houston, Sally Lieber, Joseph Nation, Lois Wolk.

### RECENT HISTORY REGARDING BOOKING FEES

- In 2004, the Schwarzenegger Administration proposed in both his January budget and May Revise to eliminate the booking fee reimbursement (\$38.2 million) and additionally eliminate the county authority to impose booking fees. The League of California Cities has standing policy that would support the elimination of the authority to charge.
- In the final 2004-05 budget, the state funded booking fee reimbursements at \$38.2 million but eliminated the subvention beginning fiscal year 2005-06. In addition, the state froze the amount that counties could charge in 2004-05 to that which they charged on January 1, 2004, and restricted the amount that counties could charge beginning fiscal year 2005-06 to no more than one-half of their actual administrative costs.

## 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.

### ENVIRONMENTAL

**SB 820 (Kuehl). Water Planning. Water Rights.** Cities that have anything to do with water – supply it, receive it from another entity, hold water rights for groundwater or surface water, prepare Urban Water Management Plans, or even drink it – should carefully review **SB 820** with their planners, utility staff, and attorneys.

**SB 820** proposes a variety of sweeping changes to existing law. The bill:

- specifies that failure to implement water conservation measures results in a rebuttable presumption of waste of water;
- requires the executive director of the State Water Resources Control Board (SWRCB) to develop a list of stream systems that, in the executive director's "best judgment" reflects the likelihood of the board declaring the stream system fully appropriated;
- proposes that information about groundwater extraction in excess of 25 acre-feet in any year be provided to the SWRCB (currently the Water Board has no authority over groundwater);

## Legislative Bill Action

- makes any person who fails to submit most of the reports required by the bill to be ineligible to receive funds available from any program administered by the SWRCB, the Department of Water Resources, or the California-Bay-Delta Authority;
- requires preparation of agricultural water management plans;
- makes changes to existing law regarding surface water rights and riparian rights;
- requires consideration of energy requirements of a variety of water related projects or plans, such as the projections included in California Water Plan, existing and planned water sources, and urban and agricultural water management plans;
- deletes the CEQA exemption in existing law for preparation of urban water management plans.

Historically, the League has not taken positions on bills dealing with water rights, since the interests and impacts of this issue vary among cities and regions. We will, however, continue to study SB 820. Interested cities should send their comments to the author and the League's Sacramento office. It is clear that SB 820 is a work in progress. **Staff:** Yvonne Hunter; **Status:** Pending in Senate Natural Resources and Water Committee; **Position:** Information.

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

**Senate Natural Resources and Water—**  
 (11)—Kuehl (Chair), Margett (Vice—Chair), Aanestad, Bowen, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Migden, and Romero. Chief Consultant: Bill Craven. Principal Consultants: Julia McIver and Dennis O'Connor. Consultant: Tam Ma. Assistants: Patricia Hanson and Cathy Cruz. Phone: (916)445-5441. Room 407.

## WESTERN CITY MAGAZINE WINS "GOLD" AWARD

The League's monthly *Western City* magazine won a Gold Cappel award this week from the Sacramento Public Relations Association in the category of "Magazine/Newsletter 3 color or more". The Gold award is the Association's top honor.

The League warmly congratulates the *Western City* team for its great work, and League members for their ongoing contributions to the magazine.

For more information on *Western City* visit [www.westerncity.com](http://www.westerncity.com).

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