

PRIORITY

FOCUS

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

April 1, 2005
Issue #13-2005

POLICY COMMITTEE MEETINGS, APRIL 7-8, DOUBLETREE, SAN JOSE

OPPOSE AB 260. SAMPLE LETTERS IN THE ADVOCACY CENTER (WWW.CACITIES.ORG/ADVOCACYCENTER)

AB 260 WOULD COMPARE FIRE STAFFING, RESPONSE TIMES WITH CONTROVERSIAL NFPA 1710 RULE

The League is urging that cities write the Assembly Committee on Governmental Organization to **OPPOSE AB 260** (Bermudez), which requires the State Fire Marshal to collect local fire response and staffing data and compare it to benchmarks found in "a nationally recognized standard for fire protection". The bill is set for hearing on Wednesday, April 6, at 1:30 p.m. *For more see page 2.*



COMMISSION ON STATE MANDATES FINDS HOUSING ELEMENTS NOT REIMBURSEABLE MANDATES

In a 3-1 vote, with the State Controller abstaining, the Commission on State Mandates determined this week that cities, counties and councils of government are not entitled to state reimbursement for their costs of preparing housing elements required by state law. *For more see page 5.*



INSTITUTE FOR LOCAL GOVERNMENT CO-PUBLISHES CLEAN CAMPAIGN GUIDE

Interested in promoting clean campaigns in your city? The Institute for Local Government is pleased to announce the release of *Win the Right Way: How to Run Effective Local Campaigns in California*. Based on research conducted by UC Berkeley, the book describes how to run a successful and clean campaign. *For more see page 6.*

WANT MORE DETAILS ON BILLS?

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

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INTERESTED IN SERVING ON THE LEAGUE BOARD OF DIRECTORS?

The League of California Cities welcomes nominations from elected officials interested in serving in **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.

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 **Friday, July 8, 2005**. Nomination materials can be found on the League's Website at www.cacities.org in the board of directors section or can be obtained by contacting League Staff Mimi Sharpe at 916/658-8232 or sharpem@cacities.org.

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As written, and as stated in the author's original background documents, the intent of this bill is to compare the response times and staffing levels of each reporting fire department with the standard found in NFPA 1710, the *Standard for the Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, a voluntary standard produced by the National Fire Protection Association.

While the League agrees it is important for local governments to develop performance objectives, benchmarks and evaluations, the League is opposed to the comparison of fire department data to the controversial NFPA 1710 standard, which proposes a "one-size-fits-all" approach that is opposed by most local jurisdictions in California.

AB 260 is substantially similar to AB 2406 (Bermudez) from the 2004 Legislative session. AB 2406 was opposed by the League and subsequently vetoed by Governor Schwarzenegger. In his veto message, the Governor stated, "*Fire protection service standards are directly dependent on the local decision-making process. Local agencies are in the best position to evaluate their conditions to match community needs with available resources*"

A sample opposition letter is available in the online League's Advocacy Center (www.cacities.org/advocacycenter) where you can also locate your local assembly member.

Please fax a letter to the ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION, ATTN: Chris Lindstrom and Katey O'Malley (Fax: 916-319-3979), to express your opposition to this bill ASAP! Don't forget to CC: Assembly Member Rudy Bermudez (Fax: 916-319-2156), Peter Renevitz, G.O. Consultant, Assembly Republican Caucus (Fax: 916-319-3902), the League (Fax: 916-658-8240) and also your local assembly member.

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!

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Call to place your recruitment ad today!
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**LEGISLATIVE ACTION DAYS: WE NEED YOU! REGISTRATION IS FREE
REGISTER ONLINE FOR THE 2005 LEGISLATIVE ACTION DAYS ON MAY 11- 12 IN SACRAMENTO,
CALIFORNIA AT THE SHERATON GRAND HOTEL**

Local government won a great victory last November with Prop 1A. But the League has new urgent priorities for 2005: housing, infrastructure and protecting redevelopment funding. The Legislature is reviewing bills affecting all these issues. And the budget is still in play: cities are losing transportation funds, booking fees, funding for libraries.

Your voice is needed in Sacramento on these and other issues! We continue to press our cause and protect city resources from erosion by other means, and work equally hard to protect the many other authorities and protections cities have that allow us to serve the public as it desires. Our fight is not over!

Be part of the League's annual Legislative Action Days at the state Capitol. Join hundreds of local elected officials and appointed leaders from around the state and urge Legislators to protect our local services. Together with our colleagues in the LOCAL Coalition (Leave Our Community Assets Local) we will succeed in preserving local authority and responsibility.

Plan to have an influential delegation attend and carry the message clearly and emphatically. Bring your elected leaders, public safety leaders, business and community leaders to demonstrate the broad support in your city for protecting funding for locally delivered programs and services. Help get the public attention needed to preserve local services by being part of this impressive conference. Meet one-on-one with legislators in their Capitol offices.

There is **NO REGISTRATION FEE** for this program, but please **REGISTER IN ADVANCE** so we can help coordinate meetings with your legislators, and prepare materials and food for you. Use the attached registration form or register on-line at www.cacities.org/events.

Hotel Reservations

Reserve your hotel room directly with the Sheraton by calling (800) 325-3535 and identifying yourself as part of the League meeting, by faxing

the reservation form to the hotel at (916) 341-3600, or mailing the attached form to the Sheraton Grand Sacramento, 1230 J Street, Sacramento, CA 95814.

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SEND LETTERS OF OPPOSITION ON SB 435 DENSITY BONUS LAW

This bill follows upon last year's controversial SB 1818 (Hollingsworth), which took effect only several months ago, and required communities to provide up to three concessions and 35% density bonuses to developers, who were required to build less affordable housing than under prior law.

SB 435, sponsored by the California Association of Realtors and the California Rural Legal Assistance Foundation (CRLAF), compounds upon the flaws of the earlier measure by:

- 1) Requiring local governments to provide a fourth concession, when the developer uses less than 50% of the density bonus.
- 2) Removing the existing requirement for a developer to demonstrate that a requested waiver or reduction in development standards is necessary to make the units economically feasible.

It is unclear why community standards should be reduced, or additional concessions to be granted to developers who cannot even demonstrate that they are necessary.

Furthermore, the ultimate objective of this legislation is also unclear, given that on the sponsor's CRLAF Website it states: "*The major objective is to add a "list of incentives" to replace the lengthy, costly and contentious negotiation process over incentives in existing law.*" The March 29, 2005, version of this legislation does not contain such a list.

A sample opposition letter is available in the League's Advocacy Center (www.cacities.org/advocacycenter) where you can also locate your legislator. In addition to writing letters, concerned cities are encouraged to contact their legislators in both houses and educate them about local issues related to both SB 1818 and this bill.

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), locate legislators and legislative committees, send letters to legislators or the media through the online Advocacy Center (www.cacities.org/advocacycenter), research League policy positions, access useful related links, and much more.

REVENUE AND TAXATION

AB 697 (Oropeza). Highway Users Tax Account: Appropriation of Funds. **AB 697** provides that all moneys in the Highway Users Tax Account in the Transportation Tax Fund and in the State Highway Account in the State Transportation Fund are continuously appropriated and may be encumbered in any year in which a Budget Act has not been enacted by July 1 for the fiscal year beginning on July 1. **AB 697** authorizes the Controller to make estimates in order to implement these provisions.

AB 697 ensures that both the state and local portion of the gas tax monies will continue to flow in the case of a delayed budget adoption. **Staff:** Genevieve Morelos; **Status:** Assembly Transportation, Hearing Date: 4/4; **Position:** Support.

HOUSING AND LAND USE

SB 575 (Torlakson) Housing Approvals As introduced, this measure proposed a number of controversial changes to existing state law (Anti-NIMBY Law) which limits the conditions upon which a local government may deny or condition a housing development. Following discussions between the League and the author, however, this measure was amended to remove those controversial conditions, so that a task force of city attorneys and the bill's sponsors could work in a collaborative process to identify and resolve areas of concern with the effectiveness of this law. Cities should watch this bill

carefully. **Staff:** Jennifer Lewis; **Status:** Senate Transportation and Housing, Hearing Date 4/5; **Position:** Review and Comment.

PUBLIC SAFETY

SB 1049 (Hollingsworth) SAFE Teams. **SB 1049** would appropriate \$15 million from the General Fund for distribution to county sheriffs for the implementation of county and regional SAFE (Sexual Assault Felony Enforcement) programs. The use of officers and agents from several law enforcement agencies in SAFE Teams protects the citizens of our state, particularly children, from violent sexual assaults through proactive surveillance and arrests of habitual sexual offenders.

SB 1049 would ensure there are adequate resources dedicated to law enforcement to improve tracking of dangerous, repeat sexual offenders, and also ensure every child is safe in their neighborhoods and our cities. This legislation will allow cities and counties to provide better public safety services to the citizens they protect. **Staff:** Liisa Lawson Stark, **Status:** Senate Public Safety, Hearing Date 4/12, **Position:** Support.

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

ASSEMBLY TRANSPORTATION (13)—

Oropeza (Chair), Huff (Vice Chair), Bogh, Chan, S. Horton, Karnette, Liu, Mountjoy, Niello, Pavley, Ridley-Thomas, Salinas, and Torrico. 1020 N Street, Room 112. Phone: 319-2093.

SENATE PUBLIC SAFETY—(7)—Alquist

(Chair), Poochigian (Vice-Chair), Cedillo, Margett, Migden, Perata, and Romero. Chief Counsel: Simon Haines. Counsels: Alison Anderson, Mary Kennedy and Jerome McGuire. Associate Consultant: Tammy Lin. Assistants: Mona Cano and Barbara Reynolds. Phone: (916)322-1305. Room 2031.

SENATE TRANSPORTATION AND HOUSING—(14)—Torlakson (Chair), McClintock (Vice-Chair),

Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, Murray, Runner, Simitian, and Soto. Staff Director: Steven Schnaidt. Principal Consultant: Randall Henry. Consultant: Mark Stivers. Assistant Tracey Hurd-Parker. Phone: (916)445-3182. Room 2209.

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

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.

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The decision reverses a finding made by the commission in 1981. The commission had been directed by the Legislature in the 2004 budget bill to reconsider those 1981 decisions.

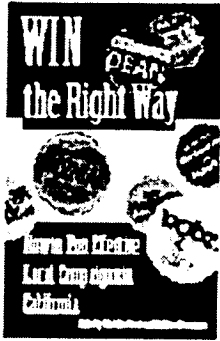
The League of Cities, SACOG, SANDAG, ABAG and SCAG filed briefs at the commission's March 30 hearing to reconsider the decisions. All urged the commission to uphold the prior decisions.

At the conclusion of the hearing, the commission decided that: (1) the housing element law does not impose a reimbursable mandate on cities and counties because cities and counties may impose fees to pay for the cost of complying with the law; (2) councils of governments do not have the legal authority to submit a claim for reimbursement; (3) but if they did have the legal authority to submit a claim for reimbursement, the housing element law does not impose a reimbursable mandate on councils of governments because councils of governments may impose fees on cities and counties to pay for the cost of complying with the law.

The Controller's representative explained that he did not agree with the public policy that encouraged cities, counties and COGs to charge fees that make housing less affordable.

The League is evaluating next steps in conjunction with the councils of governments. There are administrative, legislative, and judicial options. We will keep you posted as to further developments.

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The book is a joint venture with UC Berkeley's Center for Campaign Leadership at the Institute for Governmental Studies. The collaboration is part of the Institute for Local Government's Public Confidence Project. Both organizations are grateful for support from the Pew Charitable

Trusts on this effort. The Institute is the non-profit research arm of the League of California Cities.

Some options for taking advantage of this information include:

- Distributing the booklets as part of candidate information packets or orientation sessions (the book is available in hardcopy form for \$20 a copy from the League's CityBooks service (www.cacities.org/store or 916/658-8257); quantity discounts are available).
- Publicizing the availability of electronic version of the book on the Institute's and UC Berkeley's website: www.ilsq.org/campaignethics.
- Including an informational pamphlet about the publication's availability in candidate information packets (also available from the Institute's website in pdf form).

Of course, *individual* candidates may not use public resources to purchase campaign-related materials. For more information about the use-of-public-resources issue, check out the section on use-of-public-resources on the Institute's Website.

HOT OFF THE PRESSES!

THE 2005 CITY HALL DIRECTORY IS NOW AVAILABLE

Don't miss this opportunity to get the League's most useful reference tool. This comprehensive California directory provides important contact information for mayors, council members and city department heads. The directory also features the League's staff directory, League partners, affiliate organizations and a wide variety of advertisers.

INFORMATION YOU NEED, RIGHT AT YOUR FINGERTIPS!

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