

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

# PRIORITY FOCUS



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Oct. 19, 2007  
Issue #40-2007

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### SO-CALLED 'EMINENT DOMAIN REFORM' INITIATIVE MORE DECEPTIVE THAN PROPOSITION 90

A legal analysis published last week by a law firm that specializes in ballot measures has concluded that the California Property Owners and Farmland Protection Act (CPOFPA) contains far-reaching, hidden provisions that would dramatically curtail the ability of cities and other governmental entities to protect public health, safety and welfare. *For more, see Page 2.*



### GOVERNOR'S SIGN AND VETO DECISIONS A 'MIXED BAG' FOR CITIES

At the end of the 2007 legislative session, the League of California Cities had identified 28 bills of importance to cities and submitted either a sign or veto request for each to Gov. Arnold Schwarzenegger. Overall, California cities fared well with the Governor's decisions. The Governor matched the League's sign-veto request on 20 of the 28 bills, giving the League a 71 percent success rate. *For more, see Page 2.*



### HOUSE PASSES FOUR-YEAR EXTENSION OF INTERNET TAX MORATORIUM

On Tuesday, Oct. 16, the U.S. House of Representatives overwhelmingly approved H.R. 3678, the Internet Tax Freedom Act Amendments Act of 2007, by a vote of 405-2, with no amendments added.

If signed into law, the bill would extend the current moratorium on Internet access taxes (that expires on Nov. 1) for four more years. The legislation would also amend the current definition of Internet access to make it clear that the moratorium applies only to the service that connects a user to the Internet and not to goods and services sold over the Internet. *For more, see Page 3.*

**'Eminent Domain' Continued from Page 1...**

CPOFPA, a so-called "eminent domain reform" measure was analyzed by attorneys with Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, a Sacramento law firm that provides legal counsel to the Eminent Domain Reform Now Coalition, in which the League of California Cities participates.

The analysis identifies in great detail the secretive and deceptive way the authors of CPOFPA set out to hide broad restrictions on zoning and other land use and environmental regulations, the ability of public entities to acquire property for public water supply facilities, and city and county affordable housing and rent control programs.

The analysis closes with this conclusion:

"Without a doubt, the CPOFPA is **even more deceptive and draconian than Proposition 90** (emphasis added). With the exception of the rent control feature, the regulatory prohibitions concerning land use decisions and the prohibition against the use of eminent domain for the acquisition of property for the consumption of natural resources are hidden in the definition of private use. But the impact is nonetheless dramatic. Those obscure provisions are the only reference in the initiative to any form of "regulation" or prohibition against taking property for the "consumption of natural resources." Because of the prohibitory nature of the regulatory and eminent domain provisions, the initiative appears to be designed to shut down much of what government does to protect the public health, safety and welfare through the control of land use and the provision of water. If there is any doubt on that point, the initiative Constitutional amendment provides the express right to seek injunctive relief against any action that violates its terms."

On Sept. 26, the League board of directors voted overwhelmingly to oppose CPOFPA and to support gathering signatures to qualify the *Homeowners Protection Act* for the June 2008 ballot. The *Homeowners Protection Act* (HPA) provides constitutional protection for homeowners from the use of eminent domain to acquire single-family homes for transfer to private developers.

HPA is a direct and honest response to the 2005 U.S. Supreme Court decision in *Kelo v. City of New London*, and it contains no hidden, deceptive provisions. Recent polling by the Eminent Domain Reform Now Coalition suggests HPA will be overwhelmingly supported by voters, while the fate of CPOFPA is more troubled because of its stealth agenda that does not concern eminent domain, such as invalidating rent control, zoning, environmental regulations, and inclusionary housing programs.

**How You Can Get Involved**

City officials that want to help gather signatures in their private time for the Homeowners Protection Act are urged to contact their League Regional Public Affairs Manager. Copies of the legal opinion on CPOFPA are being sent to city attorneys and are available to other city officials upon request. Contact your Regional Public Affairs Manager (look yours up at [www.cacities.org/leqresources](http://www.cacities.org/leqresources)) or city attorney for a copy.

**'Sign-Veto' Continued from Page 1...**

Below is a general roundup on the issue areas the League was working on in 2007. For a summary on specific bills, see "Legislative Session: How Cities Fared on Priority Bills" on Page 4. For detailed descriptions of the bills (including League letters), look up the measures at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).

**Land Use**

The League was extremely pleased that the Governor vetoed AB 414 (Jones) as the legislation would have imposed restrictions on how cities plan for housing on non-residential zoned property. On the other hand, the League was disappointed with the Governor's veto of AB 1542 (Evans)

because it would have allowed local rent control ordinances to keep mobile homes at an affordable rate for fixed income residents.

### **Flood Package & Water Issues**

On the package of flood bills, the result from the Governor's desk was mixed for cities. The League believes the Governor made a good decision by signing SB 5 (Machado), AB 5 (Wolk), AB 162 (Wolk) and SB 17 (Florez). However, it is regrettable that he signed AB 70 (Jones), a bill that attempts to assign liability to six cities for state maintained levees.

### **Transportation**

The implementation of the infrastructure bonds passed by voters on the 2006 ballot has been a high priority for the League. The Governor signed AB 193/AB 196 (Committee on Budget) which clarifies the allocation and oversight of Proposition 1B, the local streets and roads funding. This League and California State Association of Counties (CSAC) "fix" to the FY 2007-08 Budget allocates \$550 million to cities and \$400 million to counties.

The Governor signed SB 717 (Perata), matching the League's request. This action is significant to cities because it ensures that the statutory formula for the distribution of Prop. 42 funding remains in place.

Under this formula, 20 percent of the revenues go to the Public Transit Account, 20 percent to the State Transportation Improvement Program and 40 percent to cities and counties (split in half). Maintaining the formula is helpful to cities because it ensures the efficient distribution of sales tax revenues from gasoline.

### **Labor Relations**

The Governor's decisions on labor relations bills were varied for cities. The League requested a veto on AB 220 (Bass), AB 553 Hernandez and SB 942 (Migden). He signed AB 220 and vetoed the other two.

### **Public Safety**

Overall, the Governor's decisions related to public safety legislation were positive for cities. Although the League requested that he sign AB 81 (Torrico), the Governor vetoed the bill. However, the League was pleased that he signed AB 1291 (Mendoza), SB 67 (Perata) and SB 839 (Calderon).

### **Revenue and Taxation**

Cities did well with the Governor's decisions on revenue and taxation related legislation. Per the League's request, he signed AB 1222 (Laird), AB 1260 (Caballero) and AB 373 (Wolk).

### **Miscellaneous**

Of direct interest to general law cities was AB 701 (De La Torre). Vetoed by the Governor, this bill would have increased compensation in general law cities for the first time since 1984.

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#### **'Internet Tax Moratorium' Continued from Page 1...**

The temporary extension measure was approved despite the preference by a number of lawmakers for a permanent ban on Internet access taxes. Nearly the entire California congressional delegation voted in favor of the four-year temporary extension. In addition, a measure sponsored by Rep. Anna Eshoo (D-Palo Alto) to make the moratorium permanent, had the support of 238 House co-sponsors.

The League of California Cities thanks everyone who wrote letters and made calls to their representatives urging their support for this important legislation.

**What's Next for H.R. 3678**

H.R. 3678 now moves to the U.S. Senate. Last month, a similar temporary extension measure (S. 1453) was abandoned by the Commerce, Science and Transportation Committee because lawmakers were unable to reach consensus on the measure.

As developments occur regarding the bill, further updates will be published in *Priority Focus*.

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**Legislative Session: How Cities Fared on Priority Bills**

The following is a list of high priority bills for cities that had been sent to Gov. Arnold Schwarzenegger. The League of California Cities requested either "sign" or a "veto" on these bills.

The plus (+) sign identifies when the Governor's decision matched the League's request, while the minus (-) sign identifies when it did not. Each bill accompanied by a short recap on what the bill does.

**Land Use****+ AB 414 (Jones). Request: Veto/Result: Vetoed by Governor – Oct. 13**

Restricts how local agencies can count sites for housing designated on non-residential land and imposes these conditions for all local agencies regardless of size, circumstance, or performance.

**- AB 1542 (Evans). Request: Sign/Result: Vetoed by Governor – Oct. 12.**

Continues to allow local rent control ordinances to keep mobile homes at an affordable rate for those on fixed incomes.

**Economic Development****+ SB 103 (Cedillo). Request: Veto/Result: Vetoed by Governor – Oct. 5**

Requires local agencies to generate a hold a public hearing before granting any economic subsidy (includes reduced revenues), post the information on the agency's Web site (if applicable), and then generate a report on all economic development subsidies that remain in effect every two years. The bill is also applicable to redevelopment agencies.

**Infrastructure****+ SB 586 (Dutton). Request: Sign/Result: Signed by Governor – Oct. 13**

This bill implements the \$100 million innovation fund authorized by Prop. 1C (the provisions of which requires a two-thirds approval by the Legislature). Appropriations include \$35 million for local housing trust funds, \$50 million for a land acquisition loan fund, \$10 million for innovative home ownership programs, and \$5 million for a pilot construction liability insurance reform program.

**Flood Package****+ SB 5 (Machado). Request: Sign/Result: Signed by Governor – Oct. 10**

This bill is a comprehensive planning proposal to improve development practices in flood plains. While it requires 200-year protection in the most vulnerable areas of the Central Valley, it also

provides relief in the form of “adequate progress” provisions that will allow cities and counties to continue to grow during the interim period until they reach the 200-year level of protection.

This bill is part of a package of flood bills (SB 5, AB 5, SB 17, SB 162) that are the result of extensive stakeholder negotiations and are supported by a coalition of cities, planners, business and environmental groups. AB 70 (Jones) is **not** part of this answer.

**+ AB 5 (Wolk). Request: Sign/Result: Signed by Governor – Oct. 10**

This bill is a technical cleanup vehicle to the package of flood bills (SB 5, SB 17, SB 162) that are the result of extensive stakeholder negotiations and are supported by a coalition of cities, planners, business and environmental groups.

**+ AB 162 (Wolk). Request: Sign/Result: Signed by Governor – Oct. 10**

This bill expands the requirements for flood management in city and county general plans.

**+ SB 17 (Florez). Request: Sign/Result: Signed by Governor – Oct. 10**

This bill reforms and renames the State Reclamation Board to improve proficiency, and requires development of State Plan of Flood Control for the Central Valley.

**Flood Liability**

**- AB 70 (Jones). Request: Veto/Result: Signed by Governor – Oct. 10**

This bill could potentially shift some legal liability from the state to local governments in the event that state-maintained levees fail.

**Transportation**

**+ AB 193/AB 196 (Committee on Budget). Request: Sign/Result: Signed by Governor – Oct. 8**

These bills contain the League-sponsored cleanup language to SB 88 (Budget Committee) to clarify allocation and oversight for Prop. 1B local streets and roads funding. AB 196 is especially important to cities because it clarifies the split of the \$950 million for local streets and roads funding between cities and counties so cities receive \$550 million and counties receive \$400 million as per their budget request. This clarification is supported by both the League and the California State Association of Counties (CSAC).

**- AB 945 (Carter). Request: Sign/Result: Vetoed by Governor – Oct. 11**

This bill would have required the California Transportation Commission (CTC) to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis.

CTC would have been required to work with regional transportation planning agencies, California Transit Association, CSAC, and the League to develop the reports with the first report due by July 1, 2008.

**+ SB 717 (Perata). Request: Sign/Result: Signed by Governor – Oct. 14**

This bill continuously authorizes sales tax revenue derived from the sale of motor vehicle fuels to be transferred to the Transportation Investment Fund (TIF) beginning in FY 2008-07 (Prop. 42). It also maintains the current distribution formula of the tax revenues at 20 percent to the Public Transit Account (PTA), 40 percent to the State Transportation Improvement Program (STIP), and 40 percent to cities and counties (20 percent to cities and 20 percent to counties) for street and road purposes.

A permanent shift of sales tax on gasoline for transportation purposes and the agreed upon formula under Prop. 42 will ensure that cities and counties can preserve, maintain, and rehabilitate the local street and road system.

**Labor Relations**

**- AB 220 (Bass). Request: Veto/Result: Signed by Governor – Oct. 13**

Duplicates the Public Safety Officers Procedural Bill of Rights and permits firefighters to engage in special political activities and provide procedures and conditions for the investigation and interrogation of an employee that could lead to a punitive action.

**+ AB 553 (Hernandez). Request: Veto/Result: Vetoed by Governor – Sept. 26**

The bill would have authorized the Public Employees Relations Board to determine, under the Meyers Millias Brown Act, whether to seek from a court jurisdiction injunctive relief involving employee strikes, work stoppages, or lockouts.

**+ SB 942 (Migden). Request: Veto/Result: Vetoed by Governor – Oct. 12**

This bill would have required an employer to reinstate an employee to their pre-injury job within five working days upon release of the treating doctor or reimburse the worker for lost wages and work benefits.

**Public Safety**

**- AB 81 (Torrico). Request: Sign/Result: Vetoed by Governor – Oct. 13**

This bill would have allowed a local fire agency, upon approval of the appropriate governing board, to designate safe-surrender sites for accepting physical custody of a minor child seven days old or younger. It would have also created greater awareness of options other than child abandonment and reduce the likelihood that public safety personnel will have to go through the experience of responding to a call to retrieve an abandoned baby.

**+ AB 1291 (Mendoza). Request: Sign/Result: Signed by Governor – Oct. 11**

Allows for court-ordered anti-gang classes for parents or guardians of minors involved with a first time gang-related offense. The anti-gang classes proposed in the measure would help increase parental and guardian understanding about the impact of their child's actions, and will also provide the tools and resources to help prevent future gang involvement.

**+ SB 67 (Perata). Request: Sign/Result: Signed by Governor – Oct. 14**

Provides law enforcement agencies with an additional tool to address "sideshow" activities and the safety concerns associated with these dangerous actions by enabling law enforcement to impound involved vehicles.

**+ SB 839 (Calderon). Request: Sign/Result: Signed by Governor – Oct. 12**

Provides for the Office of the State Fire Marshal to develop a model ordinance permitting local jurisdictions to adopt a streamlined enforcement and administrative fine procedure related to the possession of 25 pounds or less of dangerous fireworks. It also helps establish a funding source to offset the costs incurred by the safe collection and disposal of these fireworks by public safety agencies.

**Revenue and Taxation**

**+ AB 1222 (Laird). Request: Sign/Result: Signed by Governor – Oct. 8**

Implements a number of reforms to the procedures involving processing claims to establish the existence of a reimbursable state mandate, including parameters and guidelines for mandate determination and procedures for development of statewide cost estimates.

**+ AB 1260 (Caballero). Request: Sign/Result: Signed by the Governor – Oct. 5**

Provides helpful guidance to local government agencies on the process for handling the notice and protest requirements contained in Article XIII D (established by Prop. 218 of 1996) to address issues raised in the recent court decision *Bighorn-Desert View Water Agency v. Verjil and Kelly*.

**+ AB 373 (Wolk). Request: Sign/Result: Signed by Governor – Oct. 13**

Expands the authorized use of Mello-Roos districts to include lighting maintenance, street and road maintenance, and plowing and removal of snow; makes other clarifying and technical changes to address outdated code sections and cross-references.

**- AB 969 (Eng). Request: Sign/Result: Vetoed by Governor – Oct. 14**

This bill would have improved the collection of use tax revenues owed to state and local government by consumers and businesses through clarifications made to state income tax return forms.

**+ SB 38 (Battin). Request: Sign/Result: Signed by Governor – Sept. 21**

Provides income and property tax relief to individuals, businesses and local governments that suffered losses resulting from the wildfires in Riverside County in Oct. 2006.

**+ AB 62 (Nava). Request: Sign/Result: Signed by Governor – Sept. 21**

Provides income and property tax relief to individuals, businesses and local governments that suffered losses resulting from specific wildfires in Ventura, El Dorado, and Santa Barbara County during the past two years.

**+ SB 114 (Florez/Hollingsworth). Request: Sign/Result: Signed by Governor – Sept. 21**

Provides income and property tax relief to individuals, businesses and local governments that suffered losses resulting from the 2007 freeze.

### Miscellaneous

- AB 701 (De La Torre). *Request: Sign/Result: Vetoed by Governor – Oct. 10*

This bill would have increased city council member compensation in general law cities for the first time since 1984.

- AB 1294 (Mullin). *Request: Sign/Result: Vetoed by Governor – Oct. 14*

This bill would have allowed "ranked voting" as an election method in which voters rank the candidates for office in order of preference, and the ballots are counted in rounds.

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### **Governor's Post-Employment Benefits Commission Prepares for Final Report**

The League of California Cities and the California State Association of Counties (CSAC) participated at the Public Employee Post-Employment Benefits Commission (PEBC)'s most recent hearing on Oct. 10, in Fresno.

Established by Gov. Arnold Schwarzenegger to assess California's public debt related to post-employment benefits including retirement and health care, PEBC will produce a report in Jan. 2008 that outlines recommendations for California public agencies to address unfunded liabilities for this debt.

Preliminary recommendations from PEBC staff on how to address unfounded liabilities in regard to the state's debt in association with post employment benefits were presented to the commission. In addition, the League and CSAC spoke to the commission on the organizations' position on retirement reforms and submitted recommendations to PEBC developed by a technical working group comprised of public employers.

The League's proposal for pension reform includes the need to provide full-career employees with adequate benefits to continue their standard of living into retirement through fiscally sustainable contributions by the employers and taxpayers. Public benefits must be supported by proper actuarial analysis, viewed in the context of compensation, recruitment and retention.

The League also stressed the importance of addressing any abuses of the defined benefit system and the fiduciary responsibility for the system by the California Public Employees Retirement System (CalPERS), employers and employees.

The following is a list of recommendations brought forth by the League and CSAC at the meeting:

#### **Working Group Recommendations**

- Request the State Controller to recommend a simple and inexpensive procedure to regularly retrieve and report Other Post-Employment Benefits (OPEB) related data from California public agencies. Consideration should be given to the experience of agencies complying with the 2007 survey to PEBC.
- Seek federal guidelines, or in their absence, a letter from the Federal Office of Management and Budget (OMB), which may involve legislation or regulatory change, to ensure the federal government will pay its proportional share of payroll cost obligations for bonded debt service used to pre-fund OPEB trusts.
- Seek clarification from the Internal Revenue Service in a Revenue Ruling or some other document that may be relied upon by public employers regarding technical issues that would facilitate OPEB trusts including:
  - Establishment of IRC 115 trust accounts for individual employee OPEB accounts

- Establishment of IRC 115 “essential governmental function” trust accounts for prefunding multi employer trusts for OPEB liabilities
  - Establishment of IRC 115 “integral part” trusts for prefunding single employer OPEB liabilities
  - Operation of “self insured” retiree health plans established by meet and confer between labor and management
- Recommend GASB Standards 43 and 45 be clarified to permit trust fund accounts for OPEB to also be revocable for the single purpose of pre-payment of OPEB debt service. This could be accomplished by GASB permission to use revocable trust funds to deposit bond proceeds used to pre-fund OPEB unfunded liability (preference would be to deposit bond proceeds in a revocable trust fund).

We would continue depositing the Annual Required Contributions (ARC) to an irrevocable trust fund), and consideration of different amortization periods based on plans for funding.

- Seek clarification in state statute, the Internal Revenue Code, and GASB regulations that OPEB trust funds may be used for both benefit payments and for early retirement of debt used to establish the OPEB trust.
- Develop informational materials, in simple language, regarding what are GASB 43 and 45 obligations, and what issues public agencies should consider when planning for compliance.
- Develop informational materials regarding what types of indebtedness options are available to public agencies to pre-fund OPEB trust accounts, including legal requirements for each.
- Develop informational materials regarding what types of federal and state arrangements are available for agencies to pre-fund for OPEB costs.
- Develop informational materials regarding retiree health care and actuarial “best practices” approaches by employers and unions for management and control of OPEB costs.
- Seek clarification in state law, and if necessary from Federal Bankruptcy law, that creditors cannot attach assets in OPEB trusts.

### What's Next

The remaining PEBC meetings will focus on examining recommendations for the final report. The commission must conclude its work by Dec. 31. Updates to the commission's work and its final report will be issued through *Priority Focus* and the League of California Cities' Web site, [www.cacities.org](http://www.cacities.org).

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### Handouts for HCD Prop. 1C Funding Stakeholder Meetings Now Available

The California Department of Housing and Community Development (HCD) recently updated its list for workshops and stakeholder meetings regarding Proposition 1C funding. To access the schedule, visit [www.hcd.ca.gov/fa/bonds.html](http://www.hcd.ca.gov/fa/bonds.html).

Of particular note to cities are meetings on the Infill Incentive Grant Program. The first meeting for that program is scheduled for Oct. 18, in Fresno. Now posted on the HCD Web site -- [www.hcd.ca.gov/fa/iig/](http://www.hcd.ca.gov/fa/iig/) -- are handouts for the Infill Incentive Grant Program stakeholder meeting, including an outline of the program, a memo on the meetings and comments from the public and program statutes and commentary that includes questions HCD will be asking at the meeting.

For further information, contact HCD Director of Legislation Jolena Voorhis at (916) 323-0169.

## Local Speed Limits Impacted by Recent Change to California Traffic Manual

The California Traffic Control Devices Committee (CTCDC) has ruled to approve a language change in the California Traffic Control Manual to clarify how local speed limits may be set. The ruling came following two days of workshops and hearings with city and county officials.

CTCDC was prompted to make this change due to major variations in the interpretation and application of the California Manual on Uniform Traffic Control Devices (MUTCD) Section 2B.13 section, to better distinguish the differences between "within" to "round to the nearest" 5 mph for setting local speed limits. The changes now include:

- Posted speed limits will be set "within" 5 mph of 85th percentile;
- Jurisdictions can lower this speed by an additional five mph based on conditions/factors cited in the California Vehicle Code;
- Posted speeds shall not be below the 50th percentile.

On October 10, CTCDC, the official advisory body to the California's Department of Transportation, hosted a special workshop in Sacramento to discuss changes to MUTCD, affecting local speed limits in California.

Approximately 30 representatives from cities and counties were in attendance and provided feedback through small group discussions that reviewed options and provided input on what their individual cities/counties deemed as the best solution. In addition to the group discussions, attendees they were given an exercise to apply their option to a mock speed survey and present the resulting posted speed limit.

A number of issues were identified by participant cities/counties:

- Jurisdictions expressed a desire to have the option to round down based on special criteria not apparent to drivers.
- Criteria or qualifications for rounding down have yet to be determined.
- Change of speed limit affects street aesthetics.
- 2004 verbiage/policy is confusing and should be transparent.

In addition to comments received at the workshop, CTCDC received more than a dozen written comments from cities/counties.

On Thursday, October 11, CTCDC held a Public Hearing on the speed limit and deliberated for three hours before approving the changes to MUTCD.

CTCDC felt strongly about the need to set a floor in determining speed limits to prevent jurisdictions from creating artificial speed zones that would inadvertently make a majority of the drivers in violation of the speed limit. The 50th percentile floor was determined as the fairest measure to prevent this from occurring.

During its winter/Jan. 2008 meeting, CTCDC will determine dates and potential allowances for retroactivity in applying this new change; coordinate outreach to cities and counties; and "cleanup" language.

### League Involvement

In June, the League of California Cities Transportation Public Works and Communication Policy (TCPW) Committee appointed a special sub-committee in partnership with the city of Thousand Oaks to study the proposed options and their impact on local speed limits.

Council Members Thomas Glancy (city of Thousand Oaks) and Julie Pierce (city of Clayton) participated in the workshop on behalf of their individual cities, as well as representatives of the Speed Limit Sub-Committee. They were both pleased by the responsiveness of CTCDC in

meeting local speed limit needs. In Jan. 2008, the sub-committee will provide an update to the TCPW Policy Committee on CTCDC's recent change to the California Traffic Manual.

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### **National League of Cities Seeks Data on Fire Company Turnout Time**

The National League of Cities (NLC) is requesting that cities participate in the Turnout Time Survey. Turnout time is the period of time starting when emergency units acknowledge being notified about an emergency and ending when the unit responds.

The deadline for responses is Friday, Nov. 2. During the upcoming National Fire Protection Association (NFPA) 1710 standard review process, a change to turnout time will be considered. This review process starts in November and proceeds for two years.

Information from the survey, conducted in conjunction with Center for Public Safety Excellence, will help assess the current 60-second turnout-time objective should be increased. The survey has been sent to 600 city fire departments.

There are various proposals on this issue. Some are suggesting that the current 60-second objective be extended to 90 seconds. There also is a proposal for different turnout times for day and night calls as well as fire and medical emergency calls.

#### **Survey Execution**

The survey form is located at [www.cacities.org/turnouttime](http://www.cacities.org/turnouttime). Return the survey to:

Thomas Wieczorek: Executive Director  
Center for Public Safety Excellence  
4501 Singer Court, Suite 180  
Chantilly, VA 20151  
Fax: (703) 961-0113

#### **Questions about the Survey**

Questions regarding the Turnout Time Survey can be directed to Wieczorek at (866) 866-2324 ext. 208 or [tom@publicsafetyexcellence.org](mailto:tom@publicsafetyexcellence.org). Cathy Spain, director of NLC's Center for Member Services is also available to answer any questions. She can be reached at [spain@nlc.org](mailto:spain@nlc.org) or (202) 626-3123.

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### **NFPA Requests Proposals to Change 1710 Standard**

The National Fire Protection Association (NFPA)'s 1710 standard, which pertains to career fire department organization and deployment, is about to undergo a two-year standard revision process. NFPA is requesting that city officials and the public take part in the revision, and submit changes to its current 1710 standard by Nov. 26.

The 1710 standard includes:

- Staffing levels (four person minimum)
- Turnout time (60-second)
- Arrival of the first arriving engine company
- Arrival of an advance life support unit
- Arrival of a unit with first responder or higher level capability at an emergency medical incident
- Evaluation and reporting requirements

The 1710 standard is updated every five years, with the next full update coming in 2009. The current two-year standard revision will provide cities an opportunity to address issues they may

have with the standard. When the standards were updated in 2004, cities expressed concerns about how the one-size-fits-all approach does not necessarily work for every municipality.

### **Proposal Submission Instructions**

Those interested in submitting a proposal must use NFPA's Technical Committee Document Proposal Form. The form can be found [www.nfpa.org](http://www.nfpa.org) by searching for "Technical Committee Document Proposal Form" in the search box in the upper left section of the Web site.

Return the form to the NFPA at the address below:

Secretary Standards Council  
NFPA  
1 Battery March Park  
Quincy, MA 02269-9101

For additional information about the standard review process, call NFPA at (617) 984-7249.

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### **League Legislative Briefings Scheduled for November**

The League of California Cities is hosting two briefing sessions in November. Scheduled for Wednesday, Nov. 28, in Pasadena and Thursday, Nov. 29, in San Jose, these identical briefings will focus on bills of note to city officials that passed in the previous legislative session.

Tentative session topics will include:

- Implementation of the State Infrastructure Bond Package
- The fate of ACA 8 and pending initiatives—What's next on eminent domain and regulatory takings
- Climate Change: ARB Regulations, SB 375 (Steinberg), the attorney general's lawsuits, California Environmental Quality Act (CEQA) Guidelines: Are you ready for this kind of "green heat?"
- Growing Pains: Legislation affecting redevelopment, flood control, environmental issues, housing and land use
- Employee relations and workers compensation
- Sex offender management, gang abatement, and prison overcrowding: local implications

The cost of attendance is \$140, which includes a luncheon. Registration and further information is available at [www.cacities.org/events](http://www.cacities.org/events).

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### **Fire Chiefs Leadership Seminar Set for December**

The League of California Cities Fire Chiefs Leadership Seminar is set for Dec. 5-7, at the Monterey Conference Center in Monterey.

Join your fire chief colleagues from across the state for an informative event that features state speakers Ruben Grijalva, director, Cal-Fire and California State Fire Marshall Kate Dargan. A keynote address will also be given by Gordon Graham of Graham Research Consultants, on the topic of management quality control.

Cost of this event is \$440 for city officials/staff, and \$600 for all others. For more information on the seminar and to register, visit [www.cacities.org/events](http://www.cacities.org/events). One-day registration is not available, and registration closes on Nov. 13.

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## **Register Now for NLC Audio Conference on Gang and Youth Violence Reduction Strategies**

City officials and community leaders are invited to participate in an audio conference on collaborative methods to reduce gang and youth violence. Scheduled for Wednesday, Oct. 31, at 11 a.m., the audio conference will be hosted by the National League of Cities' Municipal Network for Disconnected Youth and the National Council on Crime and Delinquency.

Representatives from the 13 communities involved with the California Cities Gang Prevention Network will present their three-pronged strategy for responding to gang activity. Other approaches to help reduce youth violence will also be featured, including the importance of strong leadership, shared vision and creative financing.

### **Registration**

Register by Friday, Oct. 26, by e-mailing Carlos Becerra at [Becerra@nlc.org](mailto:Becerra@nlc.org). Dial instructions for the call will be e-mailed back with registration confirmation.

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### **Find a Bill, Legislators, Leg Committee, or Ask League Leg Staff**

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

# PRIORITY FOCUS



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Oct. 26, 2007  
Issue #41-2007

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### OES SEEKING APPLICATIONS FOR CALGRIP INITIATIVE FUNDING

The Governor's Office of Emergency Services (OES) is seeking a request for allocation (RFA) and three requests for proposals (RFPs) for funding now available through the Gang Reduction, Intervention and Prevention (GRIP) Program.

The purpose of the GRIP Program is to provide grants to cities and community-based organizations for gang prevention, intervention, re-entry, education, job training and skills development, family and community services, and suppression activities. *For more, see Page 2.*



### INJUNCTION AGAINST UNCLAIMED PROPERTY PROGRAM LIFTED

On Oct. 18, the U.S. District Court lifted the injunction which prohibited the State Controller's Office (SCO) from accepting, taking title to, or taking possession of any unclaimed property. The injunction had been issued until new laws were passed that allowed the state controller to notify owners that property, unless claimed, would be transferred to the state. *For more, see Page 2.*



### CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD REORGANIZES

In July, the California Integrated Waste Management Board (CIWMB) reorganized, folding four divisions into two larger programs - Sustainability and Waste Compliance & Mitigation. The new structure is in-part aimed at simplifying the interaction between CIWMB and its stakeholders. *For more, see Page 2.*



**'OES' Continued from Page 1...**

The RFPs and RFA are available electronically on the OES Web site at [www.oes.ca.gov](http://www.oes.ca.gov), under the links for "Law Enforcement" and "Victim Services Division/RFP Funding Information."

Questions concerning the GRIP Program should be directed to Kirby Everhart, chief, Crime and Gangs Branch, at (916) 327-3687, or via e-mail to [kirby.everhart@oes.ca.gov](mailto:kirby.everhart@oes.ca.gov).

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**'Unclaimed Property' Continued from Page 1...**

State Controller John Chiang's office worked throughout the summer to reform the unclaimed property system and succeeded in getting legislation passed to remove legal obstacles that prevented his office from contacting owners of unclaimed property.

"I am pleased our reforms both satisfied the court, and coupled with common sense administrative changes, show progress in reuniting rightful owners with their unclaimed property," Chiang said in a statement. "Within the first week of being able to provide notices to owners of their state-held valuables, we sent notices to 99,086 Californians. Without the new laws, we would not have been able to send 77,078 of those letters."

As a reminder, however, the changes enacted under one of those new laws, SB 86 (Budget Committee), are now in effect. Holders of unclaimed property may not deliver property with the reports that are due with it before Nov. 1, 2007 (May 1, 2008 for life insurance companies).

Reporting instructions and guidelines were updated in August to reflect the new reporting requirements under SB 86 for the reports due before Nov. 1. These instructions and guidelines remain in effect.

The following summarizes those requirements:

- A holder's responsibility to notify owners of their property six to 12 months before the property becomes reportable is still in effect (reference California Code of Civil Procedure sections 1513.5, 1516[d] and 1520[b]).
- Holders are required to file a report before Nov. 1, 2007 (before May 1, 2008 for life insurance companies) without remitting or delivering the property.
- SCO will send notices to the owners with property valued at \$50 or more within 165 days after the due dates of the reports. The notices will direct the owners to the holder to recover their property.
- Holders will remit remaining unclaimed property with reports from June 1 through June 15, 2008 (from Dec. 1 through Dec. 15, 2008 for life insurance companies). Instructions for the remit reports are currently in development and will be released in the near future. Please continue to check the SCO Web site at [www.sco.ca.gov](http://www.sco.ca.gov) for further updates.

Please refer to reporting instructions and guidelines on the SCO Web site at for more information. Questions regarding the state's unclaimed property system should be directed to the Unclaimed Property Reporting Unit at (916) 464-6284 or [ucpreporting@sco.ca.gov](mailto:ucpreporting@sco.ca.gov).

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**'CIWMB Reorganizes' Continued from Page 1...**

Under the previous structure, stakeholders interacted with numerous CIWMB program staff for local jurisdictional programs; special waste issues such as used oil, tires, or household hazardous waste; and markets division topics such as green building, organics, plastics or landfill/transfer station concerns.

A large number of CIWMB staff that worked on these issues merged into the new Local Assistance and Market Development Division (LAMDD). LAMDD is one of the new divisions of the Sustainability Program. LAMDD is divided into four branches with regional responsibilities (North,

Central, Bay Area, and South). A list of specific staff territory assignments is available at <http://www.ciwmb.ca.gov/OLA/Contacts.asp>.

The reorganization provides for more effective delivery of services and assistance to CIWMB's primary customers in local governments, state agencies, businesses, and the public, while maintaining California's high environmental standards. This new structure allows CIWMB staff to respond more quickly and comprehensively to local needs and to foster cooperative efforts between public and private sector programs.

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### **Senate Local Government Committee Circulates Laws on 'Development After Disasters'**

With the widespread fires raging in Southern California, the Senate Local Government Committee this week has passed around a two-page list of laws regarding "development after disasters." The information is being presented in order to help those localities affected by the fires answer questions that may arise as they look to rebuild.

To download the list, visit [www.cacities.org/dadlaws](http://www.cacities.org/dadlaws). The Senate Local Government Committee encourages cities to use the information in any helpful way as communities rebuild after recent events.

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### **League Legislative Briefings Scheduled for November**

The League of California Cities is hosting two briefing sessions in November. Scheduled for Wednesday, Nov. 28, in Pasadena and Thursday, Nov. 29, in San Jose, these identical briefings will focus on bills of note to city officials that passed in the previous legislative session.

Tentative session topics will include:

- Implementation of the State Infrastructure Bond Package
- The fate of ACA 8 and pending initiatives—What's next on eminent domain and regulatory takings
- Climate Change: ARB Regulations, SB 375 (Steinberg), the attorney general's lawsuits, California Environmental Quality Act (CEQA) Guidelines: Are you ready for this kind of "green heat?"
- Growing Pains: Legislation affecting redevelopment, flood control, environmental issues, housing and land use
- Employee relations and workers compensation
- Sex offender management, gang abatement, and prison overcrowding: local implications

The cost of attendance is \$140, which includes a luncheon. Registration and further information is available at [www.cacities.org/events](http://www.cacities.org/events).

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