



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Administration

MEETING DATE: July 19, 2005

PREPARED BY: Tito Haes, Assistant to the City Manager

AGENDA LOCATION: I-2

TITLE: Legislative Bulletin

OBJECTIVE: This report will provide the Council with information on proposed legislation, and request authorization to contact Monrovia's elected representatives in Sacramento and Washington, DC for their support. These bills are reviewed from the framework of how they may impact Monrovia.

ANALYSIS: The Legislative Bulletin highlights and summarizes pending legislation. This matrix is intended to provide the Council with information on proposed legislation that may be important to Monrovia and provides a brief analysis of the potential impacts to the City. The recommendations made by staff reflect the City's priorities and programs, as well as the direction taken by the league of California Cities.

COUNCIL ACTION REQUIRED: Should the Council concur with staff's recommendations, the appropriate action would be

"Approve the Legislative Bulletin and direct staff to contact Monrovia's elected representatives for their support."

Respectfully,

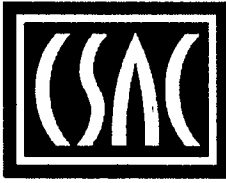
Tito Haes
Assistant to the City Manager

	Bill No	Analysis	Status	League/ City Position
1	ACA 13 (Harman) Storm Water and Flood Control Fees	This bill will include storm water and flood control fees to the types of fees that are exempt from the voter approval requirements of Prop 218. Should this bill pass both houses, it would appear on the ballot for voters to approve.	Assembly This is a two-year bill	League Support City Support
2	ACAXI 7 (Daucher) School Districts Home Rule Compact	The California Constitution empowers the Legislature to empower the governing board of a school district to initiate and carry on any programs or activities or to otherwise act in any manner that is not in conflict with the laws and purposes for which school districts are established. This measure would authorize the governing body of a school district or the home rule compact commission of a school district to propose, to the electors of the school district, a home rule compact. The measure would provide that a proposed home rule compact is adopted if approved by 2/3 of the electors voting on the question, and that the home rule compact is effective when filed with the Secretary of State. The measure would also provide for similar requirements for the amendment or repeal of a home rule compact. This bill contains other related provisions and other existing laws.	Assembly - Referred to Committee on Education Finance & Teaching Profession/ Committee on Constitutional Amendments/ Committee on Ways & Means There has been no movement on this bill since 4/11	League N/A City Support
3	AB 194 (Dymally) Brown Act violations remedy	This bill would remove the requirement that the legislative body be allowed to cure or correct an alleged violation prior to commencement of a legal action and would remove provisions that preclude specified actions from being determined to be null and void. This bill was scheduled to be heard on May 4 th . However, was pulled by the author due to strong opposition by cities. This bill is now a two-year bill and will not be heard this year. We will continue to track this bill, but this is good news for now.	Assembly Local Government Committee This is a two-year bill	League Oppose City Oppose
4	AB 260 (Bernandez) State Fire Marshal Fire Response Time Reports	This bill requires that fire data reported to the State Fire Marshal from fire departments include a comparison of response times and staffing levels to benchmarks found in a nationally recognized standard for fire prevention. This bill has been amended to delete reference to NFPA 1710, the nationally recognized standard departments are to be compared with. NFPA 1710 is opposed by most local jurisdictions in California because each city in the state is different in terms of demographics, geography, and fiscal status and it is unfair to apply one set of response standards. Therefore, with the elimination of NFPA 1710, the League recommends a neutral position as does staff.	Assembly Committee on Appropriations This is a two-year bill	League Neutral City Neutral

5	AB 1013 (Garcia) Local Elected Officials Vacancy Appointment	Existing law provides that if a vacancy occurs in an elective office of a general law city, the city council shall, within 30 days, either fill the vacancy by appointment or call a special election to be held within 114 days. This bill would instead dictate that the city council WILL fill the vacancy within 30 days by appointment of the person who received the 3rd-highest number of votes in the prior election for that office. If that person does not exist, cannot be appointed, or will not accept the appointment, the council shall then call a special election to be held within 114 days. <i>Should this bill pass, City Council's will no longer have the option of appointing a person of their choice</i>	Assembly This is a two-year bill	League Watch City Oppose
6	AB 888 (DeLaTorre) Air Pollution South Coast AQMD Rail Yard Equipment Emissions	This bill would authorize the south coast AQMD to adopt regulations within its jurisdiction requiring the owner or lessee of any heavy-duty motor vehicle, nonroad engine, or nonroad vehicle to install retrofit controls or replace existing equipment with clean technologies to reduce emissions of air contaminants to the maximum extent feasible, if that vehicle or engine operates substantially in a rail yard. The bill would specify that a regulation adopted pursuant to the bill that is applicable to motor vehicles shall not be implemented until January 1, 2007.	Senate Environmental Quality Committee Hearing canceled at author's request	League Watch City Support
7	AB 1178 (Yee) Dealers and Pawnbrokers	This bill provides for the creation of an electronic data reporting system within the Department of Justice (DOJ) by 01/01/08 that will receive reports of tangible personal property acquired by secondhand dealers and pawnbrokers. In addition, will institute licensing fees that are to be used to fund the creation and maintenance of the electronic data reporting system. This bill will help law enforcement agencies to curtail the sale of stolen goods and expedite the recovery of stolen property to its rightful owner.	Inactive File This is a two-year bill	League Watch City Watch
8	AB 1222 (Jones) Air Pollution Locomotive Air Pollution Control High Polluting Locomotive Program	This bill would direct the California Air Resources Board to establish a program to utilize remote-sensing technology, on a statewide basis, to monitor railroad locomotives and encourage voluntary repair, maintenance or replacement of high-polluting locomotives by their owners or operators. It would also provide a mechanism to allow the public easy access to the monitoring results so that they can be aware of air emissions within their communities. The cost of this state program would be paid by the owners and operators of the locomotives.	Senate Floor To third reading	League Support City Support
9	AB 1248 (Umberg) Booking Fees	Currently, booking fees are levied every time a city police officer makes an arrest and delivers that suspect into county jail, regardless of the type of crime or even if the arrest is mandated by law. When booking fees were first enacted in the early 1990's, the policy was to discourage city police departments from filling county jails with persons arrested in "sweeps" for minor crimes. This bill would permit booking fees to be levied ONLY for municipal code violations and non-felonious offenses, which would restore the legislatures original intent.	Assembly Committee on Local Government This is a two-year bill	League Support City Support

10	SB 459 (Romero) Air Pollution South Coast AQMD Emissions of Air Contaminants Locomotives	This bill would provide that unless and until the USEPA adopts regulations requiring locomotives in the South Coast Air Basin to achieve all feasible emission reductions as necessary to achieve federal clean air standards, or until all of the affected railroads have entered into binding agreements with the South Coast AQMD to accomplish the same results, the South Coast AQMD would be able to adopt a locomotive emission impact mitigation program for operators within its jurisdiction	Assembly Committee on Transportation Hearing postponed by Committee	League Watch City Support
11	SB 888 (Ashburn) Public Employees' Retirement Hybrid Retirement Programs	Currently, public employees have the option to contribute a portion of their salary to a contribution benefit plan This bill would create a "Hybrid Retirement Program" for public employees hired after January 1, 2006 This "Hybrid Retirement Program" would be a combination of the current defined benefit plan funded by the employer and a contribution plan funded by the employee Non-safety employees hired after January 1, 2006 would be required to contribute 6% of their gross salaries to a contribution retirement plan and safety employees would be required to contribute 9% of their gross salaries In addition, employers would continue to contribute to the current defined benefit plans Staff recommends opposition of this bill Currently, employees have the option to contribute to a contribution retirement plan This bill would require employees to contribute to a contribution retirement plan, limiting the investment options employees currently have Also, it removes local authority which may impact the competition advantage to recruit the best employees	Senate Public Employment and Retirement Committee This is a two-year bill	League Watch City Oppose
12	SB 950 (Torkelson) Housing	Amends existing laws that authorize redevelopment agencies and housing authorities to issue bonds for making or purchasing mortgage or construction loans or making loans to a qualified mortgage lender, to finance residential construction Requires that units reserved for occupancy by low or very low-income households and financed with proceeds of bonds issued on or after January 1, 2006, remain available following the expiration or termination of the qualified residential project period	Passed the Assembly Housing and Community Development Committee Re-referred to the Assembly Committee on Appropriations	League Watch City Watch
13	SB 968 (Torkelson) Land Use Planning General Plans	The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the general plan The bill would rename the "circulation" element the "transportation" element	Assembly Local Government Committee hearing canceled at author's request	League Support City Support

14	SB 1087 (Flores) Housing Elements Services	Requires that the adopted housing element and any amendments be delivered immediately to all public agencies or private entities that provide water resources or services at retail or sewer resources or services. Applies these provisions to proposed developments that include housing units affordable to lower income households. States a provider of such services may not deny or condition the approval of an application for service or reduce the amount of services if the development includes such housing.	Passed the Assembly Committee on Housing and Community Development	League Watch City Watch
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FOR IMMEDIATE RELEASE

July 6, 2005

Contact Jim Keene, CSAC Executive Director, 916/327-7500, ext 506
Chris McKenzie, League Executive Director, 916/658-8200

BUDGET AGREEMENT PRESERVES IMPORTANT PARTNERSHIP WITH LOCAL GOVERNMENT

City, County Leaders Appreciate Timely, Responsible Action

The California State Association of Counties and League of California Cities have released the following statement in response to the budget agreement reached between the Governor and Legislative Leadership

SACRAMENTO -- California county and city officials expressed their appreciation to Governor Schwarzenegger and the legislative leadership today for crafting a timely, bipartisan budget agreement that preserves the critical role local government plays in the everyday lives of California's 35 million residents

Local government leaders are especially appreciative of the Governor's efforts and legislative leadership's continuation of the important partnership with local government that began last year through the historic passage of Proposition 1A

Proposition 1A was the local government-sponsored constitutional amendment passed by almost 84 percent of California voters last November that limited the state's ability to take or borrow local funds. Prop 42 was passed in 2002 by 69 percent of statewide voters. It dedicated the sales tax on gasoline to transportation projects including repair and maintenance of local streets and roads.

Based upon initial information, it appears that a strenuous effort was made by state officials to protect local government services within the confines of available state funding. The League and CSAC will respond to more details of the agreement as they become available.

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BUDGET AGREEMENT PRESERVES IMPORTANT PARTNERSHIP ..

Greg Cox, CSAC President and San Diego County Supervisor, said, “We are especially pleased with the decision to fully fund Proposition 42 – a strong statement on the necessity to invest in our deteriorating transportation system. More than \$250 million of this funding stream is dedicated to maintaining and improving our critical local streets and roads network.”

Pat Eklund, League of California Cities President and City of Novato Council Member, commended the legislative leaders and Governor for agreeing to pay off all the \$1.2 billion vehicle license fee loan to counties and cities a year early.

“This is a win-win for the state and local governments,” Eklund said. “It’s a savings for taxpayers because it wipes this debt off the state books and it provides funds for important local services like law enforcement, firefighting and vital health services.”

The decision not to reduce In-Home Support Services is also praised by county officials. This allows our IHSS workers to continue providing a valuable service that ultimately saves our counties and state money.

The League and CSAC realize that the daunting task of eliminating the state’s deficit is arduous, painstaking and, at times, unpopular. We support the swift passage and signing of this budget. And, as a partner to the state in the delivery of services to all Californians, local government looks forward to continue to work with the Governor and Legislature to find a solution to our long-term fiscal challenge, while maintaining the quality of life for our citizens.

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FEDERAL LEGISLATION

CDBG FUNDING

The House Appropriations Committee approved H R 3058, the Transportation—Treasury—Housing Appropriations Act for FY 2006, on June 21, 2005, which includes \$4.2 billion (representing \$500 million less than FY05) for CDBG. The Committee rejected the Bush administration's proposal to transfer the CDBG Program to the Commerce Department. The full House also approved the bill on June 30.

As of July 12, the Senate Appropriations Committee has been working on their version of the bill. Senator Thad Cochran (R-Miss), Chairman of the Senate Appropriations Committee, has pledged to pass all of the Senate's respective appropriations bills by the congressional August Recess. Like the House, the Senate is expected to keep CDBG within the jurisdiction of HUD. The big question is whether the Senate will be able to raise CDBG funding to the level the program received in FY05. As of July 14, the level of CDBG funding on the Senate side is not known.

TRANSPORTATION FUNDING

On June 30th, Congress approved an eighth extension to the Transportation Reauthorization Bill. Bill drafters, having agreed on a spending level of \$286.5 billion, are still seeking consensus on an acceptable minimum guarantee threshold and other policy considerations. The new extension's deadline is set for July 19th. Congress has been struggling with this Bill since the Transportation Equity Act for the 21st Century (TEA-21) expired in 2003. As was the case with last year's reauthorization effort, the Senate and House successfully approved transportation legislation, but suffered a setback in conference because of disagreements over appropriate spending totals. On June 24th, Conferees finally agreed on a total spending level of \$286.5 billion for transportation programs through FY2009, a figure more closely aligned to the House's \$284 billion (HR3) total than the \$295 billion Senate proposal.

The conferees are now trying to settle on how much each state is allowed to receive in minimum guaranteed (MG) dollars. The MG formula is a key consideration for donor states, which California is one. The more expensive Senate bill (S 732) would increase the minimum guaranteed dollars from the current 90.5 percent rate of return to 92 percent -- a level supported by most members of the California delegation. The increase under the Senate proposal is largely attributable to higher authorization numbers, which raises questions about a \$287 billion bill's potential for presenting a satisfactory MG plan. Conferees have also yet to agree on an adequate highways-transit split. The House bill dedicates a slightly higher share to transit programs.

The Bush administration has not signaled its approval for the compromise spending total. Department of Transportation Secretary Norman Mineta has repeatedly protested the passage of any authorization figure in excess of \$284 billion, warning that a measure that violates this principle will be recommended for a veto.

Passage of the Transportation Reauthorization Bill is critical to Monrovia because of the approximately \$3M earmark we have to relocate the Granary along the Gold Line Phase II line.