



## COUNCIL AGENDA REPORT

COUNCIL MEETING Date: 05/12/08

### CITY COUNCIL

Anthony Cannella, Mayor  
Chris Vierra, Vice Mayor  
Bret Durossette, Councilmember  
Ken Lane, Councilmember  
Guillermo Ochoa, Councilmember

Report Preparation Date: 04/25/08

TO: Mayor and City Council  
FROM: Brad Kilger, City Manager  
SUBJECT: 2008 Legislative Agenda  
CONTACT: Betina McCoy, [bmccoy@ci.ceres.ca.us](mailto:bmccoy@ci.ceres.ca.us), (209) 538-5746

### **RECOMMENDED COUNCIL ACTION:**

That Council approves the 2008 Legislative Agenda.

### **I. BACKGROUND:**

A legislative agenda is a tool that Council and staff can utilize to support the goals, strategies and priorities of the Council's Strategic Plan. Through the development of an agenda, the City can identify issues and priorities that may be addressed through legislative advocacy. To assure its alignment with the Strategic Plan and other Council priorities, the legislative agenda can be reevaluated throughout the year and adjusted, as necessary.

### **II. REASONS FOR RECOMMENDATION:**

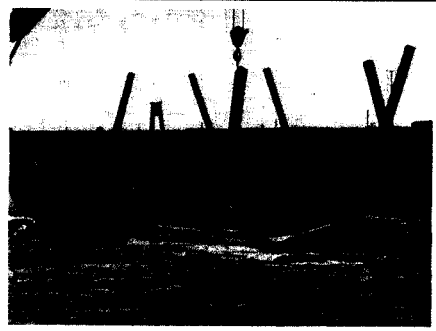
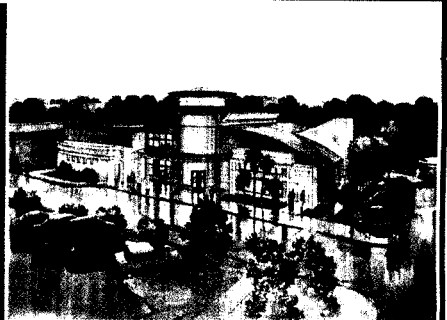
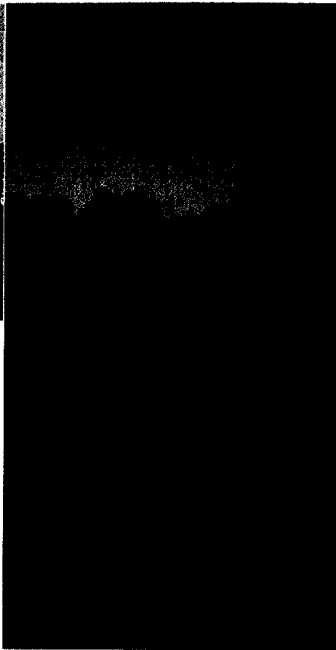
Adoption of a legislative agenda enables Council and staff to react quickly to most legislative issues as they arise throughout the year. The document can also be provided to our State and Federal representatives so they are made aware of the issues that are important to Ceres.

### **III. FISCAL IMPACTS:**

There is no fiscal impact associated with this recommendation.

Prepared by:

Betina McCoy, Asst. to the City Manager/PIO  
[bmccoy@ci.ceres.ca.us](mailto:bmccoy@ci.ceres.ca.us); (209) 538-5746



# 2008 Legislative Agenda

Ceres, California  
[www.ci.ceres.ca.us](http://www.ci.ceres.ca.us)



## Summary

The City of Ceres is committed to the following Vision:

*In partnership with the community, together we achieve a Ceres that is an attractive, livable, safe community with beautiful neighborhoods, landscaped streets, parks, trails and vibrant commercial and entertainment amenities.*

This legislative agenda reflects the City's Vision as well as the goals of the Council, as detailed in the *Strategic Plan*.

## General Principles

### Home Rule

We support self-governance by locally elected officials as provided for in the State's Constitution. Specifically, we feel local governments should control their rights of way, have condemnation authority, be immune from tort liability, and be free to voluntarily cooperate with other public and private entities, as well as State government, to ensure the best level of service for our citizens. We do not support actions at the state level that erode representative democracy or local self-determination.

### Annexation

The ability of the City of Ceres to promote and plan for growth is inherent to the ultimate success of our community and Stanislaus County. We support the ability of cities to use their annexation powers as they are currently established in state statute. We oppose any change that limits the authority of cities to grow through annexation.

### Eminent Domain

Eminent Domain is a fundamental municipal right. The authority to acquire property through condemnation proceedings is critical for public improvement projects. Furthermore, the use of eminent domain for economic development has long been recognized as a legitimate and beneficial use of this authority. We support the existing statutory safeguards that were enacted to protect private property interests.

### Rights-of-Way

We oppose any legislation that would restrict the ability of cities to control public property and rights-of-way or the ability of cities to franchise those entities that use the rights-of-way including the implementation of statewide franchises.

### Unfunded Mandates

We oppose unfunded mandates. If the state or federal governments seek to promote particular policy objectives, an appropriate level of funding should accompany such mandates.

### Voter-Approved Legislation & Bonds

We support the fair and effective implementation of voter-approved legislation and bonds, consistent with the needs of Ceres. When voters approve measures they expect and deserve timely implementation.

## Environmental/Utilities

### **Strategy: Infrastructure**

- Support federal and state funding targeted towards regional and interregional water resource planning efforts and related land use planning.
- Support measures, which increase water supply through recharging and strengthen the City's rights for use of surface water.
- Support a fiscally and environmentally responsible reauthorization of the Safe Drinking Water Act.
- Support measures that will fund water management improvements.
- Oppose legislation that repeals the water metering requirements established with the passage of AB 2572.

### **Strategy: Livable Community**

- Support legislation for increased tire enforcement. Support legislation to increase the advance disposal fee of waste tires. Support legislation requiring the DOT and CALTRANS to increase its use of rubberized asphalt and crumb rubber made from recycled tires.
- Support legislation that will encourage the use of drought-tolerant plant material and water conservation techniques.
- Support conservation recommendations proposed by the League of California Cities and California State Association of Counties.
- Support legislation that provides direct funding for conservation and demand reduction projects in city facilities; seek grant or loan funding for essential services (i.e. police/fire, water/wastewater) to purchase new or replace existing backup generators that are more energy efficient and less polluting.

### **Strategy: Government Operations**

- Support amendments to the 1987 Clean Water Act that would clarify that numerical effluent standards do not apply to NPDES Storm Water Discharge Permits and that "Maximum Extent Practicable" (MEP) is the standard for storm water discharges.
- Support legislation, which amends the Porter Cologne Water Quality Act in such a way that the local governments would not be held accountable to assess and remediate water contamination by the sole virtue of being the discharger of water contaminated by a second party.
- Support legislation, which repeals Fish and Game filing fees, unless these fees are clearly related to the level of service provided by the Department of Fish and Game in promptly reviewing environmental documents.
- Support measures that improve water quality within the city/region without lowering MCLs or requiring more monitoring.
- Oppose mandatory groundwater management unless it is reasonable and the management reflects the representative views of all agencies which will be regulated, particularly local government.
- Support legislation that provides local government and agency flexibility in meeting air quality requirements for existing backup generators for sewer, water and storm-pumping facilities.

- Support legislation and increased funding for juvenile crime prevention and abatement programs.
- Support legislation that will reimburse agencies responsible for identifying, tagging and removing waste from illegal drug labs.
- Support legislation that would make Bureau of Narcotics Enforcement Task Force labs available to our jurisdiction for evidence process and drug lab clean-up.
- Support legislation that would mandate revenue reporting of the State's 911 Fund, mandate revenue use for 911 systems only, and mandate distribution of all or a finite percentage of the funds to local governmental jurisdictions or communications centers.
- Support legislation that repeals or significantly modifies Proposition 36 (Substance Abuse & Crime Prevention Act of 2000).
- Support legislation that facilitates the implementation of the Drug Court Model.
- Support legislation that facilitates local law enforcement ability to acquire the needed Federal Homeland Security funds.
- Support legislation enhancing sentencing and eliminating sentencing consolidation or reductions for those convicted of auto theft.

### Public Works/Transportation/Telecommunications

#### **Strategy: Infrastructure**

- Support development of state programs that would provide funding for construction of new transportation infrastructure and upgrades within communities experiencing explosive residential growth.
- Support legislation that provides additional funds for infrastructure or which provides options for financing developer requirements.
- Support legislation giving cities/counties which have adopted developer fees "Self Help" status.
- Support legislation that enhances resources for local jurisdiction to maintain and operate their infrastructure.
- Support legislation amending Section 1810 of the Streets & Highway Code relating to acquisition of property outside boundaries in unincorporated areas, deleting the requirement that counties must consent to such acquisition, and thereby "leveling the playing field" for cities.
- Support legislation and funding that protects existing transit revenues from both state and federal budget cuts. Support appropriations of additional federal and state funds to public transit systems.
- Support legislation to fund telecommunication planning and implementation.
- Support legislation to fund GIS to better manage regional resources, respond to emergencies and plan for growth.

#### **Strategy: Planning for the Future**

- Support State and Federal legislation to reaffirm home rule in oversight and revaluation of telecommunication entities, using public right-of-ways and affecting conditions addressed by local planning and land use policies.

#### **Strategy: Government Operations**

- Support legislation that eliminates the Maintenance of Effort (MOE) requirement for general fund spending in order to obtain Proposition 42 monies.
- Support legislation that provides increased local control over spending on streets and highways.
- Support legislation that provides additional funding to assist public transit systems in meeting air quality standards. Oppose legislation that will mandate any single operational practice or use of

- Oppose legislation at the state or federal level that would preempt or threaten local taxation authority. (Example, Utility User Tax).
- Oppose attempts to transfer more fine and forfeiture funds to counties.
- Oppose legislation which allows state or county charges, penalties or assessments to be levied in lieu of or to replace actual fines and forfeitures.
- Support State legislation that protects current City revenues:
  - SLESF (State Law Enforcement Services Fund)
  - Payment of Booking Fees, Vehicle License Fees, Property Taxes, Sales Taxes

RESOLUTION NO. 2008-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING THE  
2008 LEGISLATIVE AGENDA

WHEREAS, a legislative agenda is a tool that the City Council and Staff can utilize to support the goals, strategies and priorities of the City Council's Strategic Plan; and

WHEREAS, development of a legislative agenda provides the opportunity to identify issues and priorities that may be addressed through legislative advocacy; and

WHEREAS, adoption of a legislative agenda enables the City Council and Staff to react quickly to most legislative issues as they arise and the document can be provided to State and Federal representatives so they are made aware of the issues that are important to Ceres.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ceres approves the 2008 Legislative Agenda.

PASSED AND ADOPTED this 12<sup>th</sup> day of May, 2008 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
ANTHONY CANNELLA, Mayor

ATTEST:

\_\_\_\_\_  
CYNTHIA HEIDORN, City Clerk