



# Council agenda report

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|--------------|---------|
| Meeting Date | 1/23/07 |
| Item Number  | C4      |

CITY OF SAN LUIS OBISPO

**FROM:** Jonathan P. Lowell, City Attorney *JPL*  
**SUBJECT:** 2007 LEGISLATIVE ACTION PLATFORM

## CAO RECOMMENDATION

1. Adopt a resolution establishing a Legislative Action Platform for 2007.
2. Appoint the Mayor and City Attorney to act as the primary legislative liaisons between the League of California Cities and the City of San Luis Obispo.

## DISCUSSION

### Legislative Action Program.

Attached for the Council's consideration is a resolution establishing the City's 2007 Legislative Action Platform. Similar resolutions have been adopted by the Council since 1993. The City Attorney's Office coordinates the Legislative Action Program with assistance from the Administration Department and from various City departments as appropriate. This resolution authorizes staff to respond to legislative issues affect the City (via letters signed by the Mayor or relevant Department Head), provided that the positions taken in the letters are consistent with the priorities identified in Exhibits A and B to the resolution.

By establishing a broad legislative platform and delegating responsibility to staff to respond to proposed legislation and recommendations from the League of California Cities, the City is better able to react quickly to changed circumstances and urgent requests than it would be if each item were brought to the Council at its regular meetings. The process has been efficient given the limited City resources available, and the City continues to be very active in communicating our positions on Federal and State legislation.

At Council direction, the Legislative Action Platform was extensively revised prior to adoption in 2005. In preparing this year's draft program, input was solicited from all City Departments. Below are suggested additions to the 2006 Platform. One item from last year was deleted, as the State Supreme Court recently upheld the City of Marina's action to require California State University to mitigate environmental impacts identified through the environmental review process under CEQA. All changes are also shown in the legislative draft of the 2006 Platform attached to this report (Attachment 1)

### Proposed Additions to the City's Legislative Platform

Proposed addition to the Public Safety category:

30. *Supporting efforts to reduce retention periods for video monitoring tapes*

*C4-1*

30. *Supporting efforts to reduce retention periods for video monitoring tapes*

Proposed new items under Public Works:

33. *Supporting ADA13 (2005-06) which would exclude storm drain assessments from Prop. 218 requirements*

34. *Supporting legislation to provide monetary incentives or grant funding for alternative fuel vehicles for replacement of municipal fleet equipment*

35. *Supporting legislation to provide monetary incentives or grant funding for retrofitting municipal buildings with Energy Management Systems to centrally control all lighting*

Proposed new items under Parks and Recreation and Natural Resources:

43. *Working for implementation language for Prop. 1C, which includes distribution of funds to local agencies using a per capita formula as much as possible, and broadens the definition of competitive programs to encompass more than just inner city, urban areas*

44. *Supporting a State resolution recognizing the important role youth sports play in healthy young people*

45. *Supporting the efforts of the California Parks and Recreation Society to clarify certification requirements for lifeguards*

46. *Supporting the widest and most equitable distribution of Prop 84 competitive funds*

47. *Supporting the proposed California Healthy Places Act of 2007*

One proposed addition under Utilities:

59. *Supporting incentives for distributed energy generation projects such as solar power*

### **Legislative Liaison Appointments**

The League of California Cities encourages cities to appoint a councilmember and a staff person to act as legislative liaison between the League and the City. It is recommended that Mayor Romero continue as councilmember legislative liaison and the City Attorney serve as the staff liaison as in previous years.

### **FISCAL IMPACT**

Because no additional staff workload is anticipated as a result of this ongoing program, now new fiscal impact will be incurred.

C4-2

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**ALTERNATIVES**

The Council may wish to discuss other issues. However, it is also important to note that our Legislative Platform also allows the City to take action on any bills and other measures formally supported by the League of California Cities.

**ATTACHMENTS**

1. Legislative Draft of the Legislative Action Platform
2. Resolution which includes Exhibit A (The City's Legislative Action Platform for 2007) and Exhibit B (League of California Cities 2007 Strategic Goals).

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CH-3

## ***LEGISLATIVE DRAFT***

### EXHIBIT A: CITY LEGISLATIVE ACTION PLATFORM FOR 2007

#### **COMMUNITY DEVELOPMENT**

1. Promoting reforms of the entire State mandated HCD Regional Housing Need Allocations process to recognize local urban plans and local resource limitations
2. Promoting funding sources to accomplish retrofitting of unreinforced masonry buildings
3. Promoting funding of on-campus housing at Community Colleges and CSU for student and faculty housing
4. ~~Monitoring the pending court appeal of the *Marina* decision so that the CSU system can mitigate within the City for the impacts of projects built on campus~~ Formatted: Strikethrough
5. Preserving local control of planning and zoning matters (such as the prohibition of drive-through windows and highway signage)
6. Supporting efforts to increase funding for affordable housing for very low, low and moderate income families for all cities and communities
7. Promoting funding for the identification, acquisition, maintenance and restoration of historic sites and structures
8. Supporting continued or expanded funding for CDBG program

#### **ECONOMIC DEVELOPMENT**

9. Promoting funding and/or legislation that encourages research and development by businesses in California through tax credits or other incentive programs
10. Supporting funding and policies for the promotion of California as a place to locate businesses
11. Supporting funding for a state tourism promotion program
12. Promoting funding for the arts, especially public art
13. Supporting the effective and efficient use of all communications technologies including voice, video, data, and information services over wired and wireless transmission technologies
14. Supporting telecommunications reform legislation that preserves local control over public rights-of-way, protects local resources and guarantees access to, and funding for, public, educational and government (PEG) access television

#### **FINANCE**

15. Continuing to support efforts to protect the City from loss of revenues due to State take-aways and unfunded State or Federal mandates

16. Endorsing legislation that provides local government with a fair share tax on catalog and Internet sales; and opposing legislation that limits state or local authority to tax catalog or Internet sales

**HUMAN RESOURCES/EMPLOYEE RELATIONS/HUMAN RELATIONS**

17. Supporting additional workers compensation reforms that lower employers' costs while still protecting workers
18. Supporting pension reform efforts in concert with the League of California Cities and the California Public Employees Retirement System (PERS) Board of Directors
19. Opposing the expansion of the "Peace Officers' Bill of Rights" or other attempts to curtail management rights
20. Supporting legislation that provides funding sources for appropriate human service agencies that support the mission of the Human Relations Commission.

**PUBLIC SAFETY**

21. Continuing State and Federal funding support for disaster preparedness, earthquake preparedness, Homeland Security, hazardous material response, State COPS program and other local law enforcement activities
22. Preserving the City's authority to investigate police misconduct
23. Preserving the City's authority to establish both medical and non-medical emergency service levels
24. Supporting efforts to expand the scope of parental responsibility for crimes committed by minors
25. Supporting efforts to provide the Governor with authority to override the parole board when anyone convicted of a violent offense is proposed to be released on parole
26. Preserving the authority of local control on issuance of concealed weapons permits
27. Supporting legislation to help curb alcohol-related criminal behavior and underage drinking
28. Opposing new or increased state fees for state provided law enforcement services
29. Supporting the fair and efficient allocation of radio spectrum that provides quality frequencies, free from interference, for all local public safety communication needs
30. Supporting efforts to reduce retention periods for video monitoring tapes

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**PUBLIC WORKS**

31. Supporting legislation to increase the availability of grant funding to replace aging infrastructure of all types, e.g. streets, bridges, water, sewer and storm sewer systems, etc.

32. Obtaining funding, cooperation and prompt approval from the Environmental Protection Agency and Army Corps of Engineers for necessary flood control projects

33. Supporting ADA13 (2005-06) which would exclude storm drain assessments from Prop. 218 requirements

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34. Supporting legislation to provide monetary incentives or grant funding for alternative fuel vehicles for replacement of municipal fleet equipment

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35. Supporting legislation to provide monetary incentives or grant funding for retrofitting municipal buildings with Energy Management Systems to centrally control all lighting

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## PARKS AND RECREATION AND NATURAL RESOURCES

36. Supporting State and Federal funding for acquisition, protection, preservation and restoration of natural resources, open space, coastal resources, signature land forms, wetlands and park development, including continued funding for the Land and Water Conservation Grant Program

37. Supporting the creation of National Marine Sanctuary off the coast of San Luis Obispo County to protect this fragile habitat from offshore oil and gas development

38. Opposing any development under existing or new offshore oil and gas leases off the coast of San Luis Obispo County

39. Supporting measures to prohibit discharge of pollutants into the ocean (e.g. selenium contaminated waters from the San Joaquin valley)

40. Supporting funding for rehabilitation of urban parks and unmet community recreational needs, in particular "at risk" youth

41. Encouraging the State Department of Parks and Recreation to expedite the distribution of bond funds and other funds resulting from special legislation

42. Seeking legislative exemption from property taxes on lands dedicated to open space purposes which are outside the boundaries of the jurisdiction owning such lands

43. Working for implementation language for Prop. 1C, which includes distribution of funds to local agencies using a per capita formula as much as possible, and broadens the definition of competitive programs to encompass more than just inner city, urban areas

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44. Supporting a State resolution recognizing the important role youth sports play in healthy young people

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45. Supporting the efforts of the California Parks and Recreation Society to clarify certification requirements for lifeguards

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46. Supporting the widest and most equitable distribution of Prop 84 competitive funds

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47. Supporting the proposed California Healthy Places Act of 2007

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## TRANSPORTATION

48. Changing gas tax laws to allow local tax for transportation purposes based on a majority vote of the public
49. Promoting continued and increased funding sources for street maintenance and transportation, including transit, bicycles, others
50. Working with the Caltrans, SLOCOG and the California Transportation Commission to expeditiously fund Hwy 227 road overlay and reconstruction project, and subsequent relinquishment of Hwy 227 within the City limits
51. Supporting clean air transit funding for San Luis Obispo County, in particular funding that supports alternative modes of transportation with clean air benefits
52. Supporting actions to: (1) promote cooperation and mutual support between metropolitan planning organization (MPO) agencies and local transit providers, and (2) discourage trends toward MPO agencies/regional "control" of local transit providers

## UTILITIES

53. Supporting clean water funding programs
54. Supporting legislation to facilitate recycling program development and enhance local government's ability to comply with solid waste requirements
55. Supporting legislation to eliminate mandatory penalties for violations of NPDES Requirements and returning discretionary control to the Regional Water Quality Control Board Executive Officers (i.e. repeal SB 709)
56. Supporting legislation promoting the safe, responsible, and cost-effective reuse of Exceptional Quality or better biosolids
57. Supporting legislation to streamline the state regulatory processes
58. Supporting sustainable energy programs
59. Supporting incentives for distributed energy generation projects such as solar power

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60. Supporting legislation allowing cities/agencies to establish fees for the costs of operating mandated water quality programs such as, but not limited to, municipal storm water and total maximum daily loading
61. Supporting federal legislative action to transfer Salinas Reservoir properties to a local agency, to the benefit of the City

62. Supporting legislation that aids in the implementation of the California Urban Water Conservation Council's Best Management Practices regarding urban water conservation
63. Supporting legislation eliminating departing load charges which discourage the use of alternative energy resources

**COUNTY/REGIONAL PRIORITIES**

64. Working with the County to assure land use practices that are consistent with the Memorandum of Agreement adopted by the City Council and County Board of Supervisors in 2005 regarding development near the edges of the City
65. Encouraging the County Board of Supervisors to place a measure before voters that would create a vector control program benefit assessment program for San Luis Obispo County
66. Encouraging participation by County in providing nearby parking for County employees and clients, and alternate transportation and parking demand reduction
67. Supporting County development of a local ordinance providing additional local oversight and regulation of the land application of Exceptional Quality or better biosolids
68. Working cooperatively with the County to solve City/County flood problems



**RESOLUTION NO. (2007 Series)**

**ESTABLISHMENT OF THE CITY LEGISLATIVE ACTION  
PLATFORM FOR 2007 AND APPOINTMENT  
OF COUNCILMEMBER AND STAFF PERSON TO ACT AS  
LIAISON BETWEEN THE CITY OF SAN LUIS OBISPO AND  
THE LEAGUE OF CALIFORNIA CITIES**

**WHEREAS**, a major objective of the City Council is to adopt an aggressive legislative action platform which strengthens local government, promotes City goals and defends the City against legislative actions by State and Federal governments that would weaken local government and/or take away traditional revenue sources; and

**WHEREAS**, it is vital to the fiscal health and the self determination of the City to effectively communicate with State Legislators and Federal representatives in order to favorably influence State and Federal legislation, regulations and grant requests; and

**WHEREAS**, the League of California Cities conducts a legislative analysis and advocacy program on behalf of cities for State issues and major Federal issues; and

**WHEREAS**, the City desires to be proactive and involved in the governmental decision making processes directly affecting the City legislative priorities identified in Exhibit "A", the League of California Cities legislative priorities identified in Exhibit "B", and other selected issues as may from time to time be recommended by the League of California Cities; and

**WHEREAS**, a key component of the City's Legislative Action Platform is face-to-face meetings between City representatives and elected officials at the Federal, State, and County levels, and coordination with similar efforts made by other local government entities.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of San Luis Obispo does hereby:

(1) Establish the Legislative Action Platform for 2007, as set forth in the attached Exhibits "A" and "B" and authorize staff to take positions on legislation generally consistent with the Legislative Action Platform and such other resolutions and recommendations of the League of California Cities as may be from time to time presented to the City; and

(2) Appoint David F. Romero to act as Councilmember legislative liaison and Jonathan Lowell to act as staff legislative liaison with the League of California Cities.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll call vote:

Ayes:

Noes:

Absent:

the foregoing resolution was adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
David F. Romero  
Mayor

ATTEST:

\_\_\_\_\_  
Audrey Hooper  
City Clerk

APPROVED AS TO FORM:

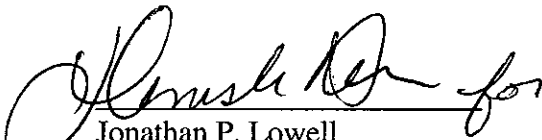
  
Jonathan P. Lowell  
City Attorney

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CH-11

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C4-12

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C4-14

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2007-01-09

### League Board Adopts Strategic Goals for 2007

The League of California Cities set the course of the organization for the coming year, when it met with the leaders of the League's departments, divisions, policy committees and caucuses at the board of directors meeting on November 17-18, 2006, in Anaheim.

After participating with other League leaders in eight separate discussion groups, the directors considered a list of proposed strategic goals formulated by the discussion groups. The following goals were adopted and will be the focus of work programs for the League and its divisions, departments, caucuses and policy committees for 2007:

- **Infrastructure:** Ensure fair and effective implementation of the 2006 infrastructure bonds, consistent with the needs of California cities.
- **Eminent Domain:** Adopt statutory and constitutional reforms of the laws governing the use of eminent domain for private economic development purposes.
- **Affordable Housing:** Expand the supply of affordable housing by adopting reforms that reduce the barriers to improved planning and expand the financial resources available.

### League Celebrates Defeat of Prop. 90

There was a celebratory tone to meetings with leaders of League divisions, departments, policy committees and caucuses, as they met with members of the board of directors to assess the lessons of the successful campaign to defeat Proposition 90, the "Taxpayer Trap" initiative that was on the November ballot.

With the strength of a broad and diverse coalition and with nearly unanimous support by editorial boards across the state, Prop. 90 was defeated. Its passage would have paralyzed government regulation and land use planning and added untold millions in taxpayer expenses by virtue of its ill-conceived and poorly drafted provisions on governmental takings. Using funds received from non-public sources, the League played a central role in organizing the coalition and leading the "No on 90" campaign.

The lesson learned from this campaign is that the League must work with other groups during 2007 to secure balanced reform of eminent domain as it is used for private economic development purposes. The board and League leaders established this as a strategic priority for 2007.

### League Board Adopts 2007 Budget

The board of directors also adopted the League budget for calendar year 2007. The budget includes a 4.18 percent dues increase. It will allow the League to maintain momentum and direct the full measure of League resources to the strategic priorities selected for 2007. Under the guidance of the board and the board finance committee, the League eliminated a projected budget deficit in 2006 and approved a balanced budget for 2007.

### Other League News

- **Coastal Cities Issue Group.** To help the League address coastal issues more effectively and to improve cooperation with the Coastal Commission, the board of directors voted to create a coastal cities issue group. The League president will appoint the chair of the issue group, which will report to the board and work through relevant policy committees on matters of League policy.
- **League Seeks Collaboration with Indian Nations.** There are 109 sovereign tribal governments in California that face many of the same challenges facing cities, and whose actions often have profound effects on California cities. The board of directors voted to establish a League-Tribal Governments Collaboration Task Force to recommend a mechanism for ongoing dialogue and collaboration. The task force will consist of League representatives appointed by the president and representatives chosen by interested major tribal government associations.

last updated : 12/18/2006

CH-16