C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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AGENDA

The next meeting of the Legislative Committee will be as follows.

PLEASE NOTE THAT WE WILL BE MEETING AT 5:00 P.M. in the 2nd Floor Auditorium !!

Date: Thursday, March 9, 2006 – 5:00 p.m. to 7:00 p.m. (dinner will be served)

Place: San Mateo County Transit District Office[1]
1250 San Carlos Avenue
2nd Floor Auditorium
San Carlos, California

PLEASE CALL WALTER MARTONE (599-1465) IF YOU ARE UNABLE TO ATTEND.

1.	Election of a Chair and Vice Chair.	Action		5:00 p.m. 10 minutes
2.	Public comment on items not on the agenda.	Presentations are limited to 3 minutes.		5:10 p.m. 5 minutes.
3.	Approval of minutes from January 12th and February 9th 2006.	Action (Martone)	To be mailed to members separately	5:15 p.m. 5 minutes
4.	Review and Approval of Legislative Update and Briefing from C/CAG's Lobbyist in Sacramento (via conference call). • Infrastructure Bond • NPDES funding and ACA 13 • Housing and land use issues	Potential Action (Wes Lujan)	Pages 1-18	5:20 p.m. 30 minutes

[1]From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking.

For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue.

- Eminent Domain
- Telecommunications reform
- Other items

A position may be taken on any legislation, including legislation not previously identified.

5.	Transportation Infrastructure Bond	Update (Napier)		5:50 p.m. 15 minutes
6.	Update on telecommunications and local control issue.	Potential Action (Brian Moura)		6:05 p.m. 15 minutes
7.	Consideration of positions on various bills: • All Mail ballot for the June 2006 Gubernatorial Primary (AB 707). • Abandoned Vehicle Abatement (SB 1225). • Restoration of Hetch Hetchy Valley (AB 2659).	Potential Action (Martone)	Pages 19-46	6:20 p.m. 20 minutes
8.	Establish date and time for next meeting (April 9, 2006).	Action		6:40p.m. 5 minutes
9	Other Items/Comments from Guests.	Potential Action		6:45 p.m. 10 minutes
10	Adjournment.	Action		6:55 p.m.

NOTE: All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

<u>Other enclosures/Correspondence</u>

- None

C/CAG AGENDA REPORT

Date: March 9, 2006

To: Legislative Committee

From: Richard Napier, C/CAG Executive Director

Subject: REVIEW AND APPROVAL OF LEGISLATIVE UPDATE

A position may be taken on any legislation, including legislation not previously identified.

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee accept the attached report on State legislation.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Attached is a list of the bills that appear to be most related to the legislative priorities established by the C/CAG Board. C/CAG staff is also be tracking approximately 135 other bills that have subject matter consistent with C/CAG's legislative priorities. The Legislature reconvened on January 4, 2006.

ATTACHMENTS

- Action Report With Summary By Subject.

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Budget

ACA 1 **(Calderon) Two-Year Budget.** I - 12/06/2004

Status:

04/14/2005 - ASM APPR. Referred to Coms. on BUDGET and APPR.

Calendar:

Summary:

The California Constitution requires that a budget be submitted by the Governor, and that a Budget Bill be passed by the Legislature, for each fiscal year . This measure would express the intent of the Legislature to enact the necessary statutory changes, and to propose to the people the necessary constitutional changes, to enact a budget for a two -year fiscal period .

C/CAG *1* *Budget*

Eminent Domain

SB 1210 **(Torlakson) Eminent domain.** I - 01/26/2006

Status:

02/02/2006 - SEN JUD. Re-referred to Coms. on JUD. and L.GOV.

Calendar:

Summary:

The California Constitution authorizes the taking or damaging of private property for a public use only when just compensation has first been paid to, or into the court for, the owner . This bill would provide that public use does not include the taking of property in order to transfer it to a nongovernmental entity for purposes of economic development or increasing tax revenues, except as specifically provided under the Community Redevelopment Law . This bill contains other related provisions and other existing laws .

C/CAG *1* *Eminent Domain*

SCA 12 **(Torlakson) Eminent domain.** A - 08/15/2005

Status:

08/31/2005 - SEN JUD. From committeeThat the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study

Calendar:

Summary:

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to the owner, or into court for the owner. It also authorizes the Legislature to provide for possession by the condemnor following commencement of the eminent domain proceedings, upon deposit in court and prompt release to the owner of the money determined by the court to be the probable amount of the just compensation . This measure would declare, for this purposes, that public use does not include the taking of owner -occupied residential property for private use .

C/CAG *1* *Eminent Domain*

SCA 20 **(McClintock) Eminent domain: condemnation proceedings.** I - 01/11/2006

Status:

01/19/2006 - SEN JUD. To Coms. on JUD. and E., R. & C.A.

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner . It also authorizes the Legislature to provide for possession by the condemnor following commencement of the eminent domain proceedings upon deposit in court, and prompt release to the owner, of the money determined by the court to be the probable amount of the just compensation . This measure would further provide that private property may be taken or damaged only for a stated public use and not without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner . The measure would also require that the property be owned and occupied by the condemnor, except as specified, and used only for the stated public use . This bill contains other related provisions .

C/CAG *1* *Eminent Domain*

Environment

AB 315 **(Hancock) School facilities: energy efficiency: design standards.** A - 07/11/2005

Status:

08/30/2005 - SEN THIRD READING Read second time. To third reading.

Calendar:

03/02/06 17 SEN THIRD READING FILE

Summary

Existing law, the Leroy F . Greene School Facilities Act of 1998 (the Greene Act of 1998), establishes a program in which the State Allocation Board is required to provide state per -pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts . This bill would require the State Allocation Board, by July 1, 2007 , to adopt regulations to ensure that design standards for new school facilities constructed in whole or in part with state funds are in accordance with, among other requirements, the minimum design and construction criteria, as defined, in the specified Collaborative for High Performance Schools Best Practices Manual . The bill would also require the board to review other high performance building organizations' standards and any guidelines adopted pursuant to a specified executive order, and to adopt the standards that it deems appropriate . This bill contains other related provisions and other existing laws .

C/CAG *1* *Environment*

Housing

AB 1203 **(Mullin) Manufactured housing: sales.** A - 01/12/2006

Status:

01/26/2006 - SEN JUD. Referred to Com. on JUD.

Calendar:

Summary

Existing law, the Mobilehomes -Manufactured Housing Act of 1980, sets forth conditions and requirements regarding the transaction by or through a dealer to sell or lease with the option to buy a new or used manufactured home or mobilehome. This bill would set forth requirements applicable only to the sale of a new or used manufactured home or multiunit manufactured housing or used mobilehome sold by a dealer and to be installed by the buyer on a foundation system, as specified . The bill would deem the sale of these homes to be complete at the close of escrow and would deem escrow to be closed when a prescribed document containing a declaration of delivery sale and specifying the expiration date of the manufacturer's warranty is executed, all funds in the escrow accounts are disbursed, and the buyer takes delivery of the home .

C/CAG *Watch* *1* *Housing*

SB 832 **(Perata) CEQA: infill development.** A - 05/04/2005

Status:

01/23/2006 - ASM THIRD READING From inactive file to third reading file.

Calendar:

03/02/06 45 ASM THIRD READING FILE

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Summary

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect . Existing law exempts from CEQA a residential project located on an infill site within an urbanized area that meets specified criteria, including that the site of the project is not more than 4 acres in total area and the project does not contain more than 100 residential units. This bill would provide an alternative to those criteria if the site is located in a city with a population of more than 200,000 persons, the site is not more than 10 acres, and the project does not have less than 200 or more than 300 residential units, as adopted by a resolution of the city council .

C/CAG *1* *Housing*

SB 843 **(Dunn) General plans: housing elements.** A - 09/07/2005

Status:

01/31/2006 - SEN DEAD Returned to Secretary of Senate pursuant to Joint Rule 56.

Calendar:

Summary

Existing 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 housing element, and to submit a draft housing element or draft amendment to its housing element to the Department of Housing and Community Development for a determination of whether the draft complies with state law governing housing elements . This bill would require a court, on a finding by the department that there is not substantial compliance with that law, to levy a fine and award attorney fees as specified . The bill would require the Controller to levy a fine of $ 5,000 per month or $ 0.25 per month per person in the jurisdiction, whichever is greater and subject to specified limits, upon a city, county, or city and county if specified conditions are met . The bill would provide that all fines shall accrue to the Housing Supply Account, which the bill would create in the Housing Rehabilitation Loan Fund, and that no money in that account shall be expended except upon appropriation by the Legislature .

C/CAG *Oppose* *1* *Housing*

Land Use Authority

AB 590 **(Walters) Eminent domain: private property.** A - 09/07/2005

Status:

01/31/2006 - ASM DEAD From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitutior

Calendar:

Summary

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner . This bill would provide that "public use" does not include the taking or damaging of property for private use, including, but not limited to, the condemnation of property for economic development . This bill contains other existing laws.

C/CAG *1* *Land Use Authority*

AB 1162 **(Mullin) Eminent domain.** A - 09/02/2005

Status:

09/06/2005 - SEN RLS. Re-referred to Com. on RLS.

Calendar:

Summary

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Existing law authorizes public entities to seize private property under the power of eminent domain . This bill would prohibit, until January 1, 2008, a community redevelopment agency, or community development commission or joint powers agency, as specified, from exercising the power of eminent domain to acquire owner -occupied residential real property if ownership of the property will be transferred to a private party or private entity . This bill contains other related provisions .

C/CAG *1* *Land Use Authority* *CSAC-support*

ACA 15 **(Mullin) Eminent domain: redevelopment.** A - 08/23/2005

Status:

08/24/2005 - ASM G.O. Re-referred to Com. on G.O.

Calendar:

Summary

redevelopment . This measure would set forth a constitutional provision prohibiting a redevelopment agency from acquiring property through the exercise of the power of eminent domain unless it first makes a written finding that the property contains conditions of both physical and economic blight . This bill contains other existing laws .

C/CAG *1* *Land Use Authority*

ACA 22 **(La Malfa) Eminent domain: condemnation proceedings.** A - 01/26/2006

Status:

01/30/2006 - ASM H. & C.D. Re-referred to Com. on H. & C.D.

Calendar:

Summary

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner . It also authorizes the Legislature to provide for possession by the condemnor following commencement of the eminent domain proceedings upon deposit in court, and prompt release to the owner, of the money determined by the court to be the probable amount of the just compensation . This measure would provide that private property may be taken or damaged only for a stated public use and may not be taken or damaged without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner . The measure would also require that the property be owned and occupied by the condemnor, except as specified, and used only for the stated public use . This bill contains other related provisions .

C/CAG *1* *Land Use Authority* *League-oppose*

SB 44 **(Kehoe) General plans: air quality element.** A - 05/17/2005

Status:

01/17/2006 - ASM INACTIVE FILE Reconsideration granted. Placed on inactive file on request of Assembly Member Frommer.

Calendar:

Summary

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Existing law requires the legislative body of each county and city to adopt a comprehensive, long -term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land . Existing law specifically requires the legislative body of each city and county within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District to amend appropriate elements of its general plan to include specified information to improve air quality, including a report describing local air quality conditions . This bill would make a legislative finding that air pollution is a serious problem in this state . The bill would require the legislative body of each city and county located in specified areas to either adopt an air quality element as part of its general plan, as specified, or amend the appropriate elements of its general plan to include data and analysis, comprehensive goals, policies, and feasible implementation strategies intended to contribute to and complement other local, regional, state, and federal strategies to improve air quality no later than one year from the date specified for the next revision of its housing element that occurs after January 1, 2007. The bill would require all other cities and counties to comply with these provisions, as specified, during their next general plan update but no later than the date specified for the 5th revision of their housing element that occurs after January 1, 2007. This bill contains other related provisions and other existing laws.

C/CAG *Watch* *1* *Land Use Authority*

SB 53 **(Kehoe) Redevelopment.** A - 08/15/2005

Status:

08/15/2005 - ASM 2 YEAR From committee with author's amendments. Read second time. Amended. Re-referred to committee.

Calendar:

Summary

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area . Existing law requires that a redevelopment plan contain certain provisions and authorizes a plan to provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area . This bill would require redevelopment plans to contain a description of the agency's program to acquire real property by eminent domain, including prohibitions, if any, on the use of eminent domain, and a time limit for the commencement of eminent domain proceedings. This bill contains other related provisions and other existing laws .

C/CAG *1* *Land Use Authority*

SB 321 **(Morrow) Development: fees.** A - 04/14/2005

Status:

02/01/2006 - SEN DEAD Returned to Secretary of Senate pursuant to Joint Rule 56.

Calendar:

Summary

Existing law authorizes a local agency to charge a variety of fees in connection with the approval of a development project, as defined . Existing law provides that in specified actions imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between, among other things, the fee's use and the type of development project on which the fee is imposed or the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed . This bill would, provide that these requirements apply in any action establishing, increasing, or imposing a fee by a local agency as a condition of approval of a development project and would place the burden on the local agency of producing evidence to establish that the fee does not exceed the cost of the public facility, service, or regulatory activity, except as specified .

C/CAG *1* *Land Use Authority*

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

SB 1059 (Escutia) Electric transmission corridors. A - 05/27/2005

Status:

06/02/2005 - ASM 2 YEAR In Assembly. Read first time. Held at Desk.

Calendar:

Summary

Existing law requires the State Energy Resources Conservation and Development Commission to adopt a strategic plan for the state's electric transmission grid using existing resources . Existing law requires that the plan identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and to meet future growth in load and generation, including, but not limited to, renewable resources, energy efficiency, and other demand reduction measures . This bill would authorize the commission to designate a transmission corridor zone on its own motion or by application of a person who plans to construct a high -voltage electric transmission line within the state . The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the strategic plan adopted by the commission . The bill would prescribe procedures for the designation of a transmission corridor, including publication of the request for designation and request for comments, coordination with federal agencies and California Native American governments, informational hearings, and requirements for a proposed decision . This bill contains other related provisions and other existing laws .

C/CAG	*Oppose unless 1 amended*	*Land Use Authority*

SB 1099 (Hollingsworth) Eminent domain: agricultural property. A - 08/15/2005

Status:

02/01/2006 - SEN DEAD Returned to Secretary of Senate pursuant to Joint Rule 56.

Calendar:

Summary

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner . This bill would prohibit the exercise of the power of eminent domain to acquire agricultural property, as defined, for public use unless one of 2 specified conditions is met . This bill contains other existing laws .

C/CAG	*1*	*Land Use Authority*

SCA 15 (McClintock) Eminent domain: condemnation proceedings. A - 08/23/2005

Status:

08/30/2005 - SEN JUD. Set, first hearing. Failed passage in committee. (Ayes 2. Noes 3. Page 2452.) Reconsideration granted.

Calendar:

Summary

The California Constitution authorizes governmental entities to take or damage private property for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner . It also authorizes the Legislature to provide for possession by the condemnor following commencement of the eminent domain proceedings upon deposit in court, and prompt release to the owner, of the money determined by the court to be the probable amount of the just compensation . This measure would provide that private property may be taken or damaged only for a stated public use . The measure would also require that the property be owned and occupied by the condemnor, except as specified, and used only for the stated public use . This bill contains other related provisions .

C/CAG	*1*	*Land Use Authority*	*League-oppose*

Local Govt Finance

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

AB 1831 **(Jones) California Critical Infrastructure Facilities Bond Acts of 2006 and 2010.** I - 01/10/2006

Status:

01/11/2006 - ASM PRINT From printer. May be heard in committee February 10.

Calendar:

Summary

Existing law establishes the California Infrastructure and Economic Development Bank to provide financial assistance for public and private development projects . This bill would enact the California Critical Infrastructure Facilities Bond Act of 2006, which, if adopted, would authorize, for purposes of financing the acquisition, construction, or renovation of state trial court facilities, state park system capital assets, mental health hospitals, and certain other state facilities, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $ 1,227,000,000. The bill would provide for submission of the bond act to the voters at an unspecified election. This bill contains other related provisions .

C/CAG *1* *Local Govt Finance*

ACR 79 **(Aghazarian) Fee Payers Bill of Rights.** I - 07/13/2005

Status:

08/25/2005 - ASM APPR. SUSPENSE FILE In committee: Held under submission. In committee: Referred to APPR. suspense file.

Calendar:

Summary

This measure would state that a bill that would impose, increase, or extend the duration of an existing fee, or authorize the imposition of a new fee should, among other things, be approved by a 2/3 vote of the entire membership of each of the 2 houses of the Legislature .

C/CAG *1* *Local Govt Finance*

SB 1163 **(Ackerman) California Critical Infrastructure Facilities Bond Acts of 2006 and 2010.** I - 01/10/2006

Status:

01/31/2006 - SEN JUD. Set, first hearing. Testimony taken.

Calendar:

Summary

Existing law establishes the California Infrastructure and Economic Development Bank to provide financial assistance for public and private development projects . This bill would enact the California Critical Infrastructure Facilities Bond Act of 2006, which, if adopted, would authorize, for purposes of financing the acquisition, construction, or renovation of state trial court facilities, state park system capital assets, mental health hospitals, and certain other state facilities, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $ 1,227,000,000. The bill would provide for submission of the bond act to the voters at an unspecified election. This bill contains other related provisions .

C/CAG *1* *Local Govt Finance*

Meetings of Public Bodies

AB 194 **(Dymally) Brown Act violations: remedy.** A - 04/07/2005

Status:

01/31/2006 - ASM DEAD From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution

Calendar:

Summary

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend . The act authorizes the district attorney or any interested person to commence an action by mandamus or injunction for a judicial determination that an action of a legislative body of a local agency taken in violation of the act is null and void but requires that the body have an opportunity to cure or correct the alleged violation prior to commencement of the legal action . The act provides that an action of the body alleged to violate specified provisions of the act shall not be determined to be null and void if the action was taken in substantial compliance with those provisions and in other specified circumstances . The act requires the district attorney or interested person to make a written demand of the legislative body to cure or correct the alleged violation within 90 days from the date the action was taken unless the action was taken in open session and in violation of a specified provision of the act . This bill would also permit the district attorney or any interested person to commence an action by declaratory relief and would reduce the time period that the district attorney or interested person has to make a written demand of the legislative body to cure or correct an alleged violation prior to commencement of a legal action to within 60 days from the date the action was taken, except as specified . Under this bill the burden of proof would be by clear and convincing evidence on the legislative body that its action taken was not in violation of specified provisions of the act .

C/CAG *1* *Meetings of Public Bodies*

Other Local Govt Interest

AB 707 **(Hancock) Voting by mail: June 6, 2006, primary election.** A - 02/14/2006

Status:

02/16/2006 - SEN E.,R. & C. A. Re-referred to Com. on E., R. & C.A.

Calendar:

Summary:

Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if the governing body of the local agency authorizes the use of all mailed ballots for the election, the election is held on an established mailed ballot election date, and the election meets certain other specified requirements . This bill would, until January 1, 2007, authorize any county in this state to conduct the June 6, 2006, direct primary election wholly by mailed ballots if specified conditions are met . This bill contains other related provisions and other existing laws .

C/CAG *1* *Other Local Govt Interest*

AB 867 **(Liu) Vote by mail.** A - 05/04/2005

Status:

01/31/2006 - ASM DEAD From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution

Calendar:

Summary:

Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if the governing body of the local agency authorizes the use of all mailed ballots for the election, the election is held on an established mailed ballot election date, and the election meets certain other specified requirements . This bill would, until January 1, 2011, authorize 7 specified counties, , to participate in a vote -by-mail pilot project . The bill would require the 7 selected counties to provide the voters in that county, for any local, special, primary, or general election to be held in the county for the duration of this pilot program, with ballots that may be returned by mail . This bill contains other related provisions .

C/CAG *1* *Other Local Govt Interest*

Redevelopment

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

AB 2197 (DeVore) Redevelopment: plans: tax-increment financing. I - 02/22/2006

Status:

02/23/2006 - ASM PRINT From printer. May be heard in committee March 25.

Calendar:

Summary

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area . Existing law requires a redevelopment plan to describe generally the proposed method of financing the redevelopment of the project area . This bill would prohibit a legislative body from adopting a redevelopment plan that provides for the use of tax-increment financing, amending a redevelopment plan in a manner that would decrease the amount of property tax revenues received by a county, or merging redevelopment project areas unless the county board of supervisors reviews and approves of the plan, amendment, or merger . The bill would require the county board of supervisors to hold a public meeting for the purposes of reviewing and approving the action within 60 days of receiving a request and to deliver its decision regarding approval within 90 days of receiving that request . The bill would require all affected school districts, special districts, and the state Treasurer to be invited to the public meeting and to present written or verbal testimony . The bill would allow a redevelopment agency to appeal a negative decision and, if appeal does not result in approval of the plan, to renew its request for approval after a year has elapsed . This bill contains other related provisions and other existing laws .

C/CAG *1* *Redevelopment*

SB 1206 (Kehoe) Redevelopment. A - 02/27/2006

Status:

02/27/2006 - SEN L. GOV. From committee with author's amendments. Read second time. Amended. Re-referred to committee.

Calendar:

03/01/06 9:30 a.m. - Room 112 SEN LOCAL GOVERNMENT

Summary

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight in those communities and defines a blighted area as one that is predominantly urbanized and characterized by specified conditions . This bill would revise the definition of "predominantly urbanized" and revise the conditions that characterize a blighted area . The bill would prohibit the inclusion of nonblighted parcels in a redevelopment project area for the purpose of obtaining property tax revenue from the area without substantial justification for their inclusion . This bill contains other related provisions and other existing laws.

C/CAG *1* *Redevelopment*

Sales Tax

AB 1282 (Mullin) Income taxes: credits: child care. A - 01/23/2006

Status:

02/02/2006 - SEN REV. & TAX Referred to Com. on REV. & TAX.

Calendar:

Summary

The existing Personal Income Tax and Corporation Tax Law provide tax credits for startup expenses for child care programs or constructing a child care facility, costs for child care information and referral services, and costs paid or incurred for contributions to a qualified care plan . Under existing law these credits are only available for certain taxable years beginning before January 1, 2007. This bill would extend the credits to taxable years beginning before January 1, 2012. This bill would also require the Franchise Tax Board to report to the Legislature on the effectiveness of these credits, as specified . This bill contains other related provisions .

C/CAG *1* *Sales Tax*

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Smart Growth

AB 1020 **(Hancock) Transportation planning: improved travel models.** A - 01/23/2006

Status:

02/02/2006 - SEN T. & H. Referred to Com. on T. & H.

Calendar:

Summary

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional agencies. This bill would require the department, in partnership with certain federally designated metropolitan planning organizations and certain state -designated regional transportation planning agencies, to provide a notice to the Legislature by January 31, 2007, on a schedule for a comprehensive review and evaluation of current travel models and model improvements already underway . The bill would require these planning organizations and agencies using travel models to use models that incorporate specified factors, thereby imposing a state -mandated local program . The bill would identify other objectives that may be included in the travel models. The bill would enact other related provisions . This bill contains other related provisions and other existing laws.

C/CAG *1* *Smart Growth*

SB 521 **(Torlakson) Local planning: transit village plans.** A - 09/02/2005

Status:

09/02/2005 - ASM 2 YEAR From committee with author's amendments. Read second time. Amended. Re-referred to committee.

Calendar:

Summary

The Transit Village Development Planning Act of 1994 authorizes a city or county to prepare a transit village plan for a transit village development district that includes all land within not more than 1/4 mile of the exterior boundary of the parcel on which is located a transit station, as defined, and addresses specified characteristics, including a neighborhood centered around a transit station and a mix of housing types, including apartments, that is planned and designed, as specified, and any 5 of demonstrable public benefits that reduce traffic congestion . This bill would require a transit village plan to include a transit station and a parcel, at least 1/2 of which is within not more than 1/4 mile of the exterior boundary of the parcel on which the transit station is located or parcels located in an area equal to the area encompassed by a 1/4 mile radius from the exterior boundary of the parcel on which the station is located. This bill contains other related provisions and other existing laws .

C/CAG *Support with amendments* *1* *Smart Growth*

Stormwater (NPDES)

AB 1839 **(Laird) Water: Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010.** I - 01/10/2006

Status:

01/11/2006 - ASM PRINT From printer. May be heard in committee February 10.

Calendar:

Summary

Under existing law, various measures have been approved by the voters to provide funds for water projects, facilities, and programs . This bill would enact the Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010. The Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Act of 2006 would, if approved by the voters, authorize the issuance and sale of bonds in the amount of $3,000,000,000 for the purposes of financing specified flood protection and water management programs, as scheduled. The Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Act of 2010 would, if approved by the voters, authorize the issuance and sale of bonds in the amount of $ 6,000,000,000 for the purposes of financing specified flood protection and water management programs, as scheduled . This bill contains other related provisions and other existing laws .

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

C/CAG		*1*	*Stormwater (NPDES)*

ACA 13 **(Harman) Local government: assessments and fees or charges.** A - 04/21/2005

Status:
05/04/2005 - ASM L. GOV. In committee: Set, first hearing. Hearing canceled at the request of author.
Calendar:

Summary
(1) The California Constitution conditions the imposition or increase of an assessment by a city, county, or special district for flood control purposes upon compliance with requirements for written notice to property owners, a public hearing, and an opportunity for majority protest . The California Constitution exempts the imposition of a flood control assessment existing on November 6, 1996, from these requirements . This measure would instead exempt from these requirements an assessment for the purposes of financing the capital costs or maintenance and operation expenses of flood control, whether the assessment existed on November 6, 1996, or is imposed after that date . This bill contains other related provisions and other existing laws .

C/CAG	*Support with amendments*	*1*	*Stormwater (NPDES)*

SB 1166 **(Aanestad) Water: Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010.** I - 01/10/2006

Status:
01/19/2006 - SEN N.R. & W. To Com. on N.R. & W.
Calendar:

Summary
Under existing law, various measures have been approved by the voters to provide funds for water projects, facilities, and programs . This bill would enact the Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Acts of 2006 and 2010. The Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Act of 2006 would, if approved by the voters, authorize the issuance and sale of bonds in the amount of $3,000,000,000 for the purposes of financing specified flood protection and water management programs, as scheduled. The Flood Protection and Clean, Safe, Reliable Water Supply Bond and Financing Act of 2010 would, if approved by the voters, authorize the issuance and sale of bonds in the amount of $ 6,000,000,000 for the purposes of financing specified flood protection and water management programs, as scheduled . This bill contains other related provisions and other existing laws .

C/CAG		*1*	*Stormwater (NPDES)*

Telecommunications

AB 1547 **(Levine) Telecommunications: communications companies: state policies.** A - 07/12/2005

Status:
08/25/2005 - SEN INACTIVE FILE To inactive file - Senate Rule 29.
Calendar:

Summary
Existing law, the Public Utilities Act, sets forth the findings and declarations of the Legislature regarding described policies for telecommunications in California . This bill would state the intent of the Legislature to establish rules for the provision of communications services that encourage fair competition .

C/CAG		*1*	*Telecommunications*

SB 909 **(Escutia) Broadband access.** A - 01/04/2006

Status:
01/09/2006 - ASM INACTIVE FILE Placed on inactive file on request of Assembly Member Frommer.

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Calendar:

Summary:

Existing law provides for various programs for the development of telecommunications services in the state . This bill would, until January 1, 2010, establish the California Broadband Access Council in state government, with a specified membership, and require the council to develop a broadband access strategy to promote the ubiquitous use of high -speed Internet communications and computing technology by all Californians consistent with specified principles. This bill contains other related provisions .

C/CAG	*1*	*Telecommunications*

Transportation - Roads

AB 1714 (Plescia) Toll Bridge Seismic Retrofit Program. A - 05/03/2005

Status:

01/31/2006 - ASM DEAD From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution

Calendar:

Summary:

Existing law estimates the cost to seismically retrofit the state -owned toll bridges and to replace the east span of the San Francisco -Oakland Bay Bridge at $ 4,637,000,000, including $ 2,600,000,000 for the east span replacement. Existing law identifies funding to be made available for this purpose from various funding sources, including a $1 per vehicle toll surcharge on Bay Area state -owned toll bridges and Proposition 192 seismic repair bond funds, among other sources . This bill would state the intent of the Legislature to develop a funding solution for the Toll Bridge Seismic Retrofit Program .

C/CAG	*1*	*Transportation-Roads*

SB 172 (Torlakson) Bay area state-owned toll bridges: financing. A - 05/27/2005

Status:

06/13/2005 - ASM TRANS. To Com. on TRANS.

Calendar:

Summary:

Existing law specifies the powers and duties of the Department of Transportation, the Metropolitan Transportation Commission, and the Bay Area Toll Authority with respect to the collection and expenditure of toll revenue from the state-owned toll bridges within the geographic jurisdiction of the commission . Under existing law, this toll revenue, other than revenue from the $ 1 seismic surcharge, is deposited into the Bay Area Toll Account and controlled by the authority . Existing law requires the department and the authority to enter into a cooperative agreement that makes the department responsible for operating the bridges and for constructing improvements to the bridges financed by toll revenues . Existing law estimates the cost to seismically retrofit the state -owned bay area toll bridges and identifies funding to be made available for this purpose from various sources, including imposition of a $1 seismic retrofit surcharge . Under existing law, this surcharge revenue is deposited into the Toll Bridge Seismic Retrofit Account for expenditure by the department until completion of the seismic projects and payment of the bonds issued to finance those projects . This bill would state the Legislature's findings that the amount identified for the seismic retrofit of the state -owned toll bridges is insufficient and would state its intent to identify additional funding sources for those projects . The bill would require the seismic retrofit surcharge to be paid to the authority and deposited into the Bay Area Toll Account, and would require the department to transfer to the authority, for deposit into that account, all revenue from the surcharge . The bill would continuously appropriate all seismic surcharge revenues in the account to the authority for purposes specified by law . The bill would authorize on or after January 1, 2009, the authority to increase the seismic retrofit surcharge by $ 1. This bill contains other related provisions and other existing laws .

C/CAG	*Support*	*1*	*Transportation-Roads*	*MTC Staff-support*

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

SB 371 **(Torlakson) Public contracts: design-build contracting: transportation entities.** A - 01/23/2006

Status:

01/31/2006 - ASM DESK In Assembly. Read first time. Held at Desk.

Calendar:

Summary:

Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement . Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design -build basis. Existing law, until January 1, 2007, authorizes transit operators to enter into a design -build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to enact legislation that would develop an alternative and optional procedure for bidding on highway, bridge, tunnel, or public transit construction projects in the jurisdiction of any county, local transportation authority, as defined, or local or regional transportation entity, as provided, and would authorize the Department of Transportation to develop an alternative bidding procedure for highway, bridge, or tunnel projects on the state highway system .

C/CAG *Support* *1* *Transportation- MTC-support*
Roads

SB 1024 **(Perata) Public works and improvements: bond measure.** A - 01/26/2006

Status:

01/31/2006 - ASM DESK In Assembly. Read first time. Held at Desk.

Calendar:

Summary:

Existing law provides various funding sources for transportation purposes . This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2006 to authorize an unspecified amount of state general obligation bonds for specified purposes, including the state transportation improvement program, passenger rail improvements, levee improvements, flood control, restoration of Proposition 42 transportation funds, port infrastructure and security projects, trade corridors of significance, transit security projects, grade separation projects, local bridge seismic upgrade projects, state -local partnership transportation projects, emissions reduction projects, environmental enhancement projects, transit -oriented development, and housing, regional growth, and infill development purposes, subject to voter approval . This bill contains other related provisions .

C/CAG *Support* *1* *Transportation- MTC*
Roads *Staff-support*

Transportation-All

AB 1838 **(Oropeza) Transportation Bond Acts of 2006, 2008, and 2012: transportation contracting.** I - 01/10/2006

Status:

01/11/2006 - ASM PRINT From printer. May be heard in committee February 10.

Calendar:

Summary:

Existing law provides various funding sources for transportation purposes, including fuel excise taxes, sales taxes on fuels, and truck weight fees . This bill would enact the Congestion Reduction, Clean Air, and Trade Corridor Bond Act of 2006, the Congestion Reduction, Clean Air, and Trade Corridor Bond Act of 2008, and the Transportation Revenue Bond Act of 2012. The bill would require the Secretary of State to submit the proposed bond measures to the voters at an unspecified election in 2006, and at the November 4, 2008, and November 6, 2012, elections, respectively . This bill contains other related provisions and other existing laws .

C/CAG *1* *Transportation-*
All

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

ACA 4 **(Plescia) Transportation Investment Fund.** A - 05/09/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary

Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation to various transportation purposes . Article XIX B authorizes this transfer to the Transportation Investment Fund to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision . This measure would delete the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency .

C/CAG *Support* *1* *Transportation*
All

ACA 9 **(Bogh) Motor vehicle fuel sales tax revenue.** I - 01/24/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary

Existing provisions of the California Constitution require that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund and used for transportation purposes, but allow the transfer of these revenues to be suspended in whole or in part for a fiscal year under specified circumstances by a statute enacted by a 2/3 vote of the membership of each house of the Legislature . This measure would change the vote requirement to 4/5 of the membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of this particular revenue from the General Fund to the Transportation Investment Fund .

C/CAG *Support* *1* *Transportation*
All

ACA 11 **(Oropeza) Transportation funds: loans.** I - 02/16/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary

Article XIX of the California Constitution requires excise taxes on motor vehicle fuel and certain fees imposed on motor vehicles to be used only for specified transportation and vehicle -related purposes, but authorizes these excise tax revenues to be loaned to the General Fund under certain conditions, including a requirement that the funds be repaid within 3 years. Article XIX A of the California Constitution provides that funds in the Public Transportation Account, which are derived from certain sales taxes on motor vehicle fuels, may be loaned to the General Fund or any other state fund or account under certain conditions, including a requirement that the funds be repaid within 3 years. This measure would require interest to be paid on a loan of revenues subject to either Article XIX or XIX A if the loan is not repaid during the same fiscal year in which it was made . The measure would require a loan made pursuant to Article XIX or XIX A to be made pursuant to a statute establishing the terms for repayment and would prohibit the enactment of a statute making a new loan pursuant to Article XIX or XIX A prior to the full repayment of each previous loan under Article XIX or XIX A, respectively . The measure would also prohibit a loan from being authorized by a statute during more than 2 fiscal years within any period of 10 consecutive fiscal years . The measure would also authorize tax revenues subject to Article XIX or XIX A to be loaned to other state funds or accounts in addition to the General Fund . This bill contains other related provisions and other existing laws .

C/CAG *Support* *1* *Transportation*
All

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

SB 1161 **(Alarcon) State highways: design-sequencing contracts.** I - 01/10/2006

Status:
01/19/2006 - SEN T. & H. To Com. on T. & H.
Calendar:

Summary:
Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation . This bill would instead generally authorize the department to award contracts for projects using the design -sequencing contract method, if certain requirements are met .

C/CAG *1* *Transportation*
All

SB 1165 **(Dutton) Transportation Bond Acts of 2006, 2008, and 2012: transportation contracting.** I - 01/10/2006

Status:
01/19/2006 - SEN T. & H. To Coms. on T. & H. and E.Q.
Calendar:

Summary:
Existing law provides various funding sources for transportation purposes, including fuel excise taxes, sales taxes on fuels, and truck weight fees . This bill would enact the Congestion Reduction, Clean Air, and Trade Corridor Bond Act of 2006, the Congestion Reduction, Clean Air, and Trade Corridor Bond Act of 2008, and the Transportation Revenue Bond Act of 2012. The bill would require the Secretary of State to submit the proposed bond measures to the voters at an unspecified election in 2006, and at the November 4, 2008, and November 6, 2012, elections, respectively . This bill contains other related provisions and other existing laws .

C/CAG *1* *Transportation*
All

SCA 7 **(Torlakson) Transportation Investment Fund.** A - 01/12/2006

Status:
01/31/2006 - SEN THIRD READING Read second time. To third reading.
Calendar:
03/02/06 16 SEN THIRD READING FILE
Summary:
Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation for various transportation purposes . Article XIX B authorizes this transfer to the Transportation Investment Fund to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision . This measure would make a nonsubstantive change to these provisions .

C/CAG *1* *Transportation*
All

Vehicle Abatement

AB 2681 **(Pavley) Vehicles: registration fees: fines.** I - 02/24/2006

Status:
02/27/2006 - ASM PRINT Read first time.
Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

C/CAG Priority 1 Bills

Bills to take a position on

Existing law authorizes a county to establish a service authority for the abatement of abandoned vehicles and impose a $ 1 vehicle registration fee and an additional $ 2 fee upon all commercial motor vehicles that are subject to the permanent trailer identification program . These fees are collected by the Department of Motor Vehicles . The net amount of money collected from these fees is required to be deposited in the Abandoned Vehicle Trust Fund, which is continuously appropriated to the Controller for allocation to participating service authorities, as specified . This bill would adjust the amount of these fees to an amount not to exceed $ 2, and not to exceed $ 4, respectively, rather than $ 1 and $2. Because this bill would allow for an increase in revenues in a continuously appropriated fund, this bill would thereby make an appropriation . This bill contains other related provisions and other existing laws .

C/CAG *1* *Vehicle Abatement*

SB 1225 (Chesbro) Service authority : registration fee. I - 02/01/2006

Status:

02/16/2006 - SEN T. & H. To Com. on T. & H.

Calendar:

Summary

Existing law authorizes the establishment of a service authority for the abatement of abandoned vehicles and the imposition of a $ 1 vehicle registration fee in a county if the board of supervisors of that county, by a 2/3 vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the establishment of that authority and the imposition of the $ 1 fee. This bill would increase the amount of the vehicles registration fee for these purposes from $ 1 to $2.

C/CAG *1* *Vehicle Abatement*

Water

AB 2659 (Ruskin) Hetch Hetchy Valley restoration. I - 02/24/2006

Status:

02/27/2006 - ASM PRINT Read first time.

Calendar:

Summary

Under existing law, the Department of Water Resources and other state agencies allocate state funds on behalf of a broad range of water projects and programs, including feasibility studies . This bill would prohibit the use of state funds, personnel, or resources on behalf of a feasibility study or review relating to the restoration of the Hetch Hetchy Valley until the Legislative Analyst determines that certain levee work, capital improvement projects, and evaluations have been completed .

C/CAG *1* *Water*

C/CAG AGENDA REPORT

Date: March 9, 2006

To: C/CAG Legislative Committee

From: Richard Napier, C/CAG Executive Director

Subject: REVIEW AND APPROVAL OF C/CAG LEGISLATIVE POSITIONS

A position may be taken on any legislation, including legislation not previously identified.

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee consider developing recommendations for positions on specific bills/issues.

1. All Mail ballot for the June 2006 Gubernatorial Primary (AB 707).
2. Increase in the Vehicle Registration Fee to pay for the clean up of vehicles abandoned on California roads (SB 1225).
3. Prohibition of the use of State resources to study or pursue restoration of the Hetch Hetchy Valley until the State's levees have been repaired (AB 2659).

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

1. AB 707 (Hancock): Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if the governing body of the local agency authorizes the use of all mailed ballots for the election, the election is held on an established mailed ballot election date, and the election meets certain other specified requirements. This bill would, until January 1, 2007, authorize any county in this state to conduct the June 6, 2006, direct primary election wholly by mailed ballots if specified conditions are met.

   This item was discussed at the Legislative Committee meeting in February and a number of questions were raised. Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder for San Mateo County has provided responses for the Committee to consider.

2. SB 1225 (Chesbro): Existing law authorizes the establishment of a service authority for the abatement of abandoned vehicles and the imposition of a $1 vehicle registration fee in a county if the board of supervisors of that county, by a 2/3 vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the establishment of that authority and the imposition of the $1 fee. This bill would increase the amount of the vehicles registration fee for these purposes from $1 to $2.

3. AB 2659 (Ruskin): Under existing law, the Department of Water Resources and other state agencies allocate state funds on behalf of a broad range of water projects and programs, including feasibility studies. This bill would prohibit the use of state funds, personnel, or resources on behalf of a feasibility study or review relating to the restoration of the Hetch Hetchy Valley until the Legislative Analyst determines that certain levee work, capital improvement projects, and evaluations have been completed.

ATTACHMENTS

- Response to questions from the Legislative Committee by Warren Slocum, Chief Elections Officer & Assessor-County Clerk-Recorder for San Mateo County.
- Complete copy of AB 707.
- Analysis of AB 707 developed for the Senate Committee On Elections, Reapportionment and Constitutional Amendments.
- Assembly Floor vote on AB 707.
- Complete copy of SB 1225.
- Complete copy of AB 2659.

Warren Slocum

Chief Elections Officer & Assessor-County Clerk-Recorder

555 County Center
Redwood City, CA 94063
phone 650.363.4988 **fax** 650.363.1903
email wslocum@smcare.org
web www.smcare.org

February 13, 2006

RECEIVED
FEB 14 2006
DEPARTMENT OF PUBLIC WORKS
COUNTY OF SAN MATEO

Rich Napier
Executive Director
C/CAG
555 County Center, 5th Floor
Redwood City, CA 94063

Dear Rich and Members of C/CAG:

Mary McMillan, Deputy County Manager, forwarded the questions that resulted from the discussion about what an All-Mail Ballot option for the June Primary would mean for San Mateo County. Thank you for the opportunity to answer these thoughtful queries.

1. Would an All-Mail Ballot include postage paid envelopes?
Yes. The savings that we would realize from not opening and staffing 486 polling locations on Election Day would be more than cover the cost.

2. Will there still be polling places on Election Day?
Yes. We would open six (6) Early Voting Centers, one at 555 County Center on the first floor, one at 40 Tower Road in San Mateo (where the Elections Office is located), and one in the other Supervisorial Districts (1st, 2nd, 4th, and 5th districts). These would open on Monday, May 8th and be open from 8:00 am – 5:00 pm Monday-Friday until Election Day (Tuesday, June 6th). They would be staffed with poll workers. Voters would be able to vote on the HAVA compliant accessible voting devices or turn in their voted mail ballot at these locations. The Early Voting Centers would be centrally located, accessible, near public transit lines and have ample nearby parking. We are also thinking of offering one mobile voting unit, as well, and publicizing its daily locations to voters.

3. It is reported that there are 14 or 15 other counties interested in joining San Mateo in the legislative effort, which other counties?
According to Elaine Ginnold of Alameda County, these counties support the All-Mail Election. The legislation also has the support of the California Association of Clerks and Elected Officials (CACEO). *Only 12 out of 58 counties (21%) have certified equipment.*

Counties Interested in All Mail	
Tuolumne	Plumas
Solano	Yolo
Sonoma	Humboldt
Trinity	Butte
Placer	Marin
Yuba	El Dorado
Riverside(probably won't do it, but they support the idea)	San Diego (has certified equipment but supports the option)
San Mateo	Ventura

4. & 5. How much money would be available for voter education? How will the needs of multiple language and people with disabilities be addressed?
There may be some money available from the Secretary of State's Office for voter education and there would be substantial savings if we did not open 486 polling locations. Some of these savings ($650,000 for San Mateo County) would be spent on voter education. The proposed legislation would require voter education and outreach.

Here's a summary of the voter education and outreach efforts that we have used to increase voter education, registration and participation. We would use these same strategies to teach people about voting in an All-Mail Election.

1. Instructions are included in the Official Voter Guide & Sample Ballot materials (in English, Spanish and Chinese)

2. Information is regularly updated on the official elections website in English, Spanish and Chinese. (How to vote, how to register, where to vote, election deadlines for registration and voting, how to check if we received your absentee ballot, how to request an absentee ballot, election news, etc.)

3. Press releases and editorial outreach to the media and alternate language media (print, radio and television) are done to advise the public of everything related to the upcoming election. We also provide radio and television with election staff who speak Spanish, Chinese and Filipino languages for interviews.

4. PSAs are produced (in English, Spanish, Chinese, and Filipino) to air on the local cable access channels, alternate language cable stations and the (20+) Comcast affiliates reminding people to vote and of the upcoming deadlines with registration and voting.

5. Billboard ads on the local cable access television station are created and aired (nominal expense).

6. Outreach events (festivals, organization meetings, shopping malls, churches, community centers, and schools). We participate in existing events and schedule some events, particularly in minority communities, to conduct voter education, facilitate voter registration, and teach people how to register and to vote.

7. Voting "Tupperware" Parties. These are in-home gatherings where community outreach team members have made presentations to small groups. Community members invited friends and neighbors to a "party" to learn about why it's important to vote, how to register to vote, what resources are available to help them evaluate ballot choices. Participants were able to register at the event or to take the form home and register later. All participants vote a "famous-names ballot" (a replica of the county's ballot) at the end of the evening.

8. San Mateo County High School Voter Registration Week and the Student Poll Worker Program are programs aimed at encouraging young people to understand the process, to register and to vote, and to earn community service credit as poll workers.

9. We have asked the local colleges and universities to put voter registration links to our website on their homepage approximately a month before the registration deadline.

10. Additionally, if the all-mail election option were made available for the June primary,

- San Mateo County would send all non-permanent absentee voter new registrants a special letter advising them of the one-time changes in the voting process.

- San Mateo County would still conduct the 1% manual recount of ballots cast as part of the canvass process.

- San Mateo County would provide voters with a web based ballot tracker program so that they would know when their ballot was received by the election office.

I've enclosed a map of the voting equipment certification status of each county in California for your information as well.

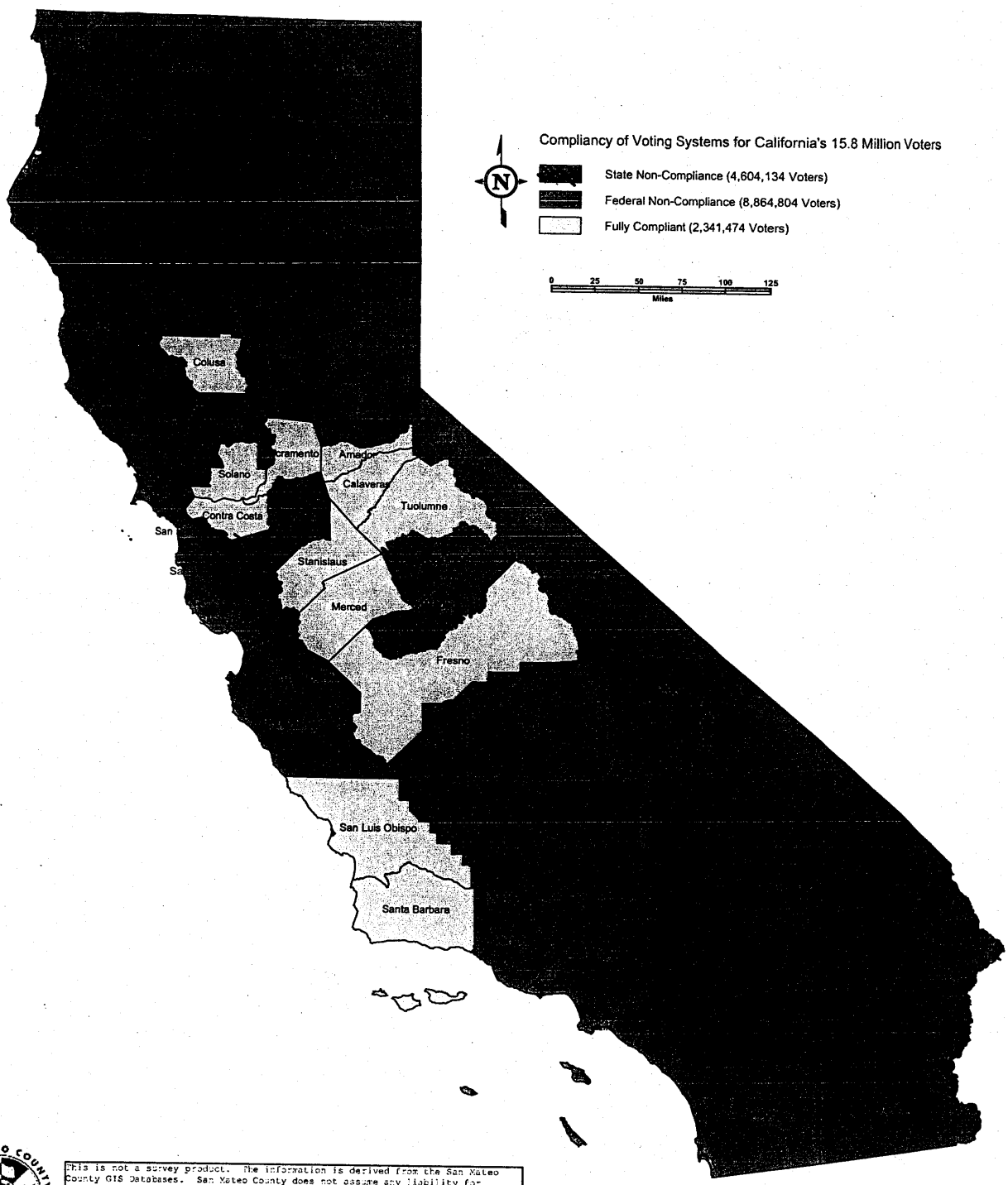
If you have additional questions or would like me to attend your next meeting, please feel free to call me directly.

Sincerely,

Warren Slocum

Cc: Mary McMillan, Deputy County Manager
David Tom, Elections Manager
Walter Martone, Transportation Manager, Public Works

California County Voting System Status



This is not a survey product. The information is derived from the San Mateo County GIS Databases. San Mateo County does not assume any liability for damages arising from errors, omissions, or use of this data. Users of this data are advised to be aware of the locational accuracy, compilation dates, compilation methods, and cartographic format. Users are advised to use this data appropriately. This map was created on 02/06/2006. For questions about this product call Matthew Thompson GIS Analyst San Mateo County Assessor 650-599-1529.

AMENDED IN SENATE FEBRUARY 14, 2006

AMENDED IN SENATE JUNE 20, 2005

AMENDED IN ASSEMBLY MAY 10, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL No. 707

Introduced by Assembly Member Hancock
(Coauthors: Assembly Members Lieber and Mullin)

February 17, 2005

~~An act to add Section 10296.5 to the Public Contract Code, relating to state contracts.~~ *An act to amend Section 15360, relating to elections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 707, as amended, Hancock. ~~State contracts: disclosures.~~ *Voting by mail: June 6, 2006, primary election.*

(1) Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if the governing body of the local agency authorizes the use of all mailed ballots for the election, the election is held on an established mailed ballot election date, and the election meets certain other specified requirements.

This bill would, until January 1, 2007, authorize any county in this state to conduct the June 6, 2006, direct primary election wholly by mailed ballots if specified conditions are met.

(2) Existing law requires the Secretary of State to establish the specifications and the regulations governing voting machines, voting devices, and any software used, including the programs and procedures for vote tabulating and testing. The Secretary of State may

not approve any voting system that does not fulfill statutory and regulatory requirements.

Existing law requires, during the official canvas of every election in which a voting system is used, a public manual tally of the ballots tabulated by those devices cast in 1% of the precincts chosen at random by the elections official.

This bill would provide that the tallied ballots include the absent voter's ballots, provisional ballots, and ballots cast at satellite location. The bill would also require the elections official to use either a random number generator or other method specified by the Secretary of State to randomly choose the initial precincts subject to the public manual tally. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law establishes various requirements applicable to entities that contract with the state.~~

~~This bill would require contractors, as defined, and their agents and consultants, who enter into specified contracts with state agencies, as defined, to publicly disclose to the Secretary of State certain communications with the state agency during the one-year period preceding the award of the contract, and would impose a specified civil penalty for failure to comply with the bill's provisions.~~

Vote: ~~majority~~ *2/3*. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

1 *SECTION 1. (a) Notwithstanding any other provision of law,*
2 *any county in this state may conduct its June 6, 2006, direct*
3 *primary election entirely by mail ballot if the county elections*
4 *official does all of the following:*

(1) Receives approval from the board of supervisors.

(2) Notifies each registered voter in the county that for the June 6, 2006, direct primary election, voting will be by mail ballot only.

(3) Provides the means for accessible voting at its central office and, if possible, in locations throughout the county on election day.

(4) Makes available at least one dropoff site for returned absentee ballots in each city and in the unincorporated area of the county on election day. The locations of the election day dropoff sites shall be published in the sample ballot or in a newspaper of general circulation in the county at least 10 days before the election.

(b) The processing of the mail ballots may begin at least 10 business days prior to election day.

(c) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 2. Section 15360 of the Elections Code is amended to read:

15360. *(a)* During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, *including absent voter's ballots, provisional ballots, and ballots cast at satellite locations,* cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts should be less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

~~In~~

(b) In addition to the 1 percent count, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

~~Additional~~

(c) Additional precincts for the manual tally may be selected at the discretion of the elections official.

(d) The elections official shall use either a random number generator or other method specified in regulations that shall be

adopted by the Secretary of State to randomly choose the initial precincts subject to the public manual tally.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the maximum number of registered voters may participate in the June 6, 2006, direct primary election, it is necessary that this act take effect immediately.

~~SECTION 1. Section 10296.5 is added to the Public Contract Code, to read:~~

~~10296.5. (a) For purposes of this section, the following terms have the following meanings:~~

~~(1) "Communication" means any meeting, conversation, correspondence, or conveyance of information relating to the subject matter of the contract.~~

~~(2) "Contract" includes contracts with a cumulative amount of one million dollars ($1,000,000) per contractor in each fiscal year.~~

~~(3) "Contractor" means a person or entity that enters into a contract with any state agency for the acquisition of goods or services in the amount of one million dollars ($1,000,000) or more.~~

~~(4) "State agency" means any state office, department, division, bureau, board, agency, or commission and any officer, appointee, employee, consultant, or elected official acting on behalf of any state office, department, division, bureau, board, agency, or commission.~~

~~(b) Every contractor, agent of a contractor, or consultant acting on behalf of a contractor, within 30 days after signing a contract with a state agency, shall make a public disclosure of any communication the contractor, agent, or consultant had with the state agency during the one-year period preceding the award of the contract.~~

~~(c) The disclosure required by subdivision (b) shall be made to the Secretary of State and shall include, but not be limited to, all of the following:~~

~~(1) The dates and locations of the communication.~~

~~(2) The names and titles of all parties to the communication.~~

~~(3) A brief description of the communication or, when a claim of privilege is being asserted to avoid disclosure of all or part of the communication, a complete description of all facts supporting the claim of privilege.~~

~~(d) Every contractor, agent of a contractor, or consultant acting on behalf of a contractor who fails to comply with the requirements of this section is subject to a civil penalty of five thousand dollars ($5,000).~~

~~(e) The Secretary of State may adopt regulations and provide forms as may be necessary to implement this section.~~

~~(f) This section applies both to contracts awarded through competitive bidding and those that are not subject to competitive bidding.~~

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96

SENATE COMMITTEE ON ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS
Senator Debra Bowen, Chair

BILL NO: AB 707
AUTHOR: HANCOCK
Chesin
AMENDED: 2/14/06
FISCAL: YES

HEARING DATE:2/22/06
ANALYSIS BY:Darren

DESCRIPTION

All-Mail Ballot Election

Existing law permits an election to be conducted wholly by mail if the governing body authorizes the use of mailed ballots for the election, the election doesn't occur on the same date as a statewide direct primary or statewide general election, and the election is one of the following:

An election in which fewer than 1,000 registered voters are eligible to participate;

A maximum property tax rate election;

An election in a district with 5,000 or fewer registered voters that is restricted to the imposition of special taxes, expenditure limitation overrides, or both;

An election on the issuance of a general obligation water bond;

An election in one of four specifically enumerated water districts; or

An election or assessment ballot proceeding required or authorized by the state constitution.

Existing law authorizes a school district, special district, or city with a population of 100,000 or less to conduct an all-mail ballot election to fill a vacancy in a special election.

Existing law provides that whenever there are 250 or fewer people registered to vote in any precinct, the elections official may deem the precinct as an all-mail ballot precinct and furnish each voter with an absentee ballot. However, no precinct may be divided solely in order to create an all-mail precinct. Two counties - Alpine and Sierra - conduct all-mail ballot elections for all local, state, and federal elections pursuant to this provision. Furthermore, AB 319 (Salinas), Chapter 385, Statutes of 2001, created a pilot project that permitted jurisdictions within Monterey County to conduct elections wholly by mail until December 31, 2005. AB 319 also required Monterey County to report to the Legislature and the SOS regarding the success of the election. Two elections were conducted in Monterey County pursuant to that legislation.

This bill , an urgency measure, would permit any county in California to conduct the June 6, 2006, direct primary election wholly by mailed ballots if the following conditions are met:

Approval from the county board of supervisors.

Each registered voter in the county is notified that voting will be by mail ballot only.

The county provides for in-person voting opportunities at its central office and, if possible, in locations throughout the county on election day.

At least one drop off site is available for returned mail ballots in each city and in the unincorporated area of the county on election day. The locations of the election day drop off sites must be published in the sample ballot or in a newspaper of general circulation in the county at least 10 days before the election.

One Percent Manual Tally

Existing law requires that during the official canvas of every election in which a voting system is used, the elections official must conduct a public manual tally of the ballots tabulated by those devices cast in 1% of the precincts chosen at random. For each race not included in that initial group of precincts, one additional precinct must be manually tallied but only for the race not previously counted. Additional precincts may be selected at the discretion of the elections official for the manual tally. "Voting system" is defined as any mechanical, electromechanical, or electronic system and its software, or any combination of these used to cast and/or tabulate votes.

This bill would clarify for all elections, not just the June 6, 2006 primary election, that the manually tallied ballots include the absent voter's ballots, provisional ballots, and ballots cast at satellite locations for the randomly chosen precincts.

This bill would also, for all elections, not just the June 6, 2006 primary election, require elections officials to use either a random number generator or other method specified in regulation by the Secretary of State to randomly choose the initial precincts subject to the public manual tally.

BACKGROUND

All Mail, Not All Male . All-mail ballot elections are elections where every voter in a given jurisdiction is provided with an absentee ballot. Oregon is the only state that conducts all of its statewide elections on an all-mail basis, though a number of other jurisdictions are exploring this option. In Washington State, 33 of the state's 39 counties have adopted an all-mail system. Other states, including California, permit all mail ballot elections only under specific conditions - usually for local or special elections.

The Unharmonic Convergance of HAVA and AVVPATs . The federal Help America Vote Act (HAVA) requires every polling place used in an election for federal office to include at least one voting machine that's accessible for people who are disabled, including blind and visually impaired voters, in a manner that provides the same opportunity for access, participation, privacy and independence as for other voters.

Additionally, any voting system that falls under California's statutory definition of a Direct Recording Electronic (DRE) device must be equipped with an Accessible Voter Verified Paper Audit Trail (AVVPAT). The purpose of the AVVPAT is to allow voters to verify their votes were correctly recorded. Pursuant to SB 370 (Bowen), Chapter 724 of 2005, the AVVPATs must also be used for voter-requested recounts and the one percent manual audit of the results following each election.

The convergence of these federal and state requirements has left California counties with limited options for 2006. Prior to February 17, 2006, the only voting system certified for immediate use in California that complies with HAVA's access requirements for disabled voters is the ES&S AutoMark. The AutoMark is not a DRE - it is an electronic device that uses a touch screen or audio interface to mark a paper ballot for the voter. The paper ballot is then fed into an optical scan tabulating device, along with the paper ballots that were manually marked by non-disabled voters. The AutoMark was used countywide in Sacramento and on a limited basis in Contra Costa County during the November 2005 statewide Special Election.

Last Friday, February 17, 2006, the Secretary of State announced certification for use of the Diebold TSx DRE voting system. Thirteen or more counties have indicated that they would use this system if it was certified in time for the primary election.

Two DREs equipped with an AVVAPT, the Sequoia AVC Edge and the Hart InterCivic eSlate, are awaiting California certification along with two other HAVA compliant systems that produce a paper ballot, the Populex Slate and the InkaVote PBC. The Secretary of State is scheduled to conduct a public hearing on these systems on March 1 as required by law prior to approval for use.

The intent of this bill is to give counties the option of conducting the June primary election as all-mail in order to more easily comply with the HAVA and AVVPAT requirements. Counties believe providing a relatively small number of HAVA-compliant voting systems for use in a central office and other locations will be much easier to accomplish than providing one in every polling place given the current status of available systems and pending certifications.

Random Acts of Inclusivity . The provision of this bill regarding the 1% manual tally stems from anecdotal evidence that some counties routinely exclude absent voter and provisional ballots from the process and may not be choosing the relevant precincts in a truly random manner. Over 40% of the votes cast in the last statewide election were absent voter ballots - a number that has steadily risen in recent years. Excluding these ballots from the manual tally severely lessens the value of this post-election audit.

COMMENTS

1. Who Should Pay For That Stamp ? SB 117 (Murray) requires elections officials to provide voters who voluntarily ask for an absentee ballot with a postage-paid envelope for

returning their voted ballots in federal elections. SB 117 was approved by this committee and is pending on the Assembly Appropriations Committee's suspense file. Given that this measure would allow counties to effectively require people to vote by absentee ballot, the author and the committee may wish to consider requiring any county that exercises the all-mail ballot option provided for in this bill to provide voters with a postage-paid way to return their ballots.

2. Letting Voters Know About The Change. This bill requires counties that want to exercise the all-mail ballot option provided for in this bill to notify registered voters about the change prior to the election. However, the measure doesn't specify how those notifications must occur. The author and committee may wish to consider requiring a more comprehensive voter education plan, especially in light of the fact that the June 6 primary election is just over three months away.

3. Voting In-Person On Election Day . For people who like to vote in-person on election day, this bill requires counties to provide voters with that opportunity at their central offices and, if possible, in locations throughout the county on election day. The author and committee may wish to consider whether providing perhaps as few as one location where a person could vote in-person is sufficient and whether it would be better to base the number of in-person voting sites on the number of registered voters who aren't permanent absentee voters in a given area. The author and committee may also wish to consider clarifying the definition of "accessible voting."

4. Election Day Drop Off . This bill requires that at least one drop off site is available for returned absentee ballots in each city and in the unincorporated area of the county on election day. The locations of the election day drop off sites must be published in the sample ballot or in a newspaper of general circulation in the county at least 10 days before the election. The author and committee may wish to consider clarifying the definition of "drop off site" and require the locations to be published in the sample ballot and the newspaper.

Furthermore, the author and the committee may wish to consider whether one "drop off site" in each city and in the unincorporated area of the county is sufficient. For example, in Oregon, the Secretary of State designated 24 drop-off sites in Multnomah County (home to Portland and 429,000 registered voters) for the 2004 general election. The author and committee may wish to consider amending this bill to base the number of drop off sites according to other specified criteria.

5. Related Legislation AB 867 (Liu), permits seven counties to participate in a pilot project in which those counties could conduct any election as all-mail prior to 2011. AB 867 was held in the Assembly Appropriations Committee. SB 1235 (Bowen), which is pending in this committee, contains the same language that's in this bill regarding the 1% manual tally of ballots and how elections officials are to randomly select precincts for audit.

PRIOR ACTION

Assembly Education Committee		8-3*
Assembly Floor	43-31*	

* Prior version of the bill. The recent amendments completely rewrote the bill.

POSITIONS

Sponsor: Alameda County

Support: California Common Cause
California State Association of Counties
Regional Council of Rural Counties

Oppose: None received

VOTES - ROLL CALL
MEASURE: AB 707
AUTHOR: Hancock
TOPIC: Pupil counseling: academic and career explora
DATE: 05/19/2005
LOCATION: ASM. FLOOR
MOTION: AB 707 Hancock Assembly Third Reading
(AYES 43. NOES 31.) (PASS)

AYES
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Arambula Baca Bass Berg
Bermudez Canciamilla Chan Chu
Cohn Coto De La Torre Dymally
Evans Frommer Goldberg Hancock
Jerome Horton Jones Karnette Klehs
Koretz Laird Leno Levine
Lieber Matthews Montanez Mullin
Nation Nava Negrete McLeod Oropeza
Pavley Ridley-Thomas Ruskin Saldana
Salinas Torrico Umberg Vargas
Wolk Yee Nunez

NOES
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Aghazarian Blakeslee Bogh Cogdill
Daucher DeVore Emmerson Harman
Haynes Shirley Horton Houston Huff
Keene La Malfa La Suer Leslie
Maze McCarthy Mountjoy Nakanishi
Niello Parra Plescia Richman
Sharon Runner Spitzer Strickland Tran
Villines Walters Wyland

ABSENT, ABSTAINING, OR NOT VOTING
****

Benoit Calderon Chavez Garcia
Gordon Liu

SENATE BILL No. 1225

Introduced by Senators Chesbro and Soto
(Coauthors: Assembly Members Berg and Jones)

February 1, 2006

An act to amend Section 22710 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1225, as introduced, Chesbro. Service authority : registration fee.

Existing law authorizes the establishment of a service authority for the abatement of abandoned vehicles and the imposition of a $1 vehicle registration fee in a county if the board of supervisors of that county, by a ⅔ vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the establishment of that authority and the imposition of the $1 fee.

This bill would increase the amount of the vehicles registration fee for these purposes from $1 to $2.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22710 of the Vehicle Code is amended
2 to read:
3 22710. (a) A service authority for the abatement of
4 abandoned vehicles may be established, and ~~a one~~ *two* dollar ~~($1)~~
5 *($2)* vehicle registration fee imposed, in ~~any~~ *a* county if the board
6 of supervisors of the county, by a two-thirds vote, and a majority
7 of the cities having a majority of the incorporated population

within the county have adopted resolutions providing for the establishment of the authority and imposition of the fee. The membership of the authority shall be determined by concurrence of the board of supervisors and a majority vote of the majority of the cities within the county having a majority of the incorporated population.

(b) The authority may contract and may undertake any act convenient or necessary to carry out any law relating to the authority. The authority shall be staffed by existing personnel of the city, county, or county transportation commission.

(c) (1) Notwithstanding any other provision of law, a service authority may adopt an ordinance establishing procedures for the abatement, removal, and disposal, as a public nuisance, of any abandoned, wrecked, dismantled, or inoperative vehicle or part thereof from private or public property; and for the recovery, pursuant to Section 25845 or 38773.5 of the Government Code, or assumption by the service authority, of costs of administration and that removal and disposal. The actual removal and disposal of a vehicle shall be undertaken by an entity that may be a county or city or the department, pursuant to contract with the service authority as provided in this section.

(2) The money received by an authority pursuant to Section 9250.7 and this section shall be used only for the abatement, removal, and disposal as a public nuisance of ~~any~~ *an* abandoned, wrecked, dismantled, or inoperative vehicle or part thereof from private or public property.

(d) (1) An abandoned vehicle abatement program and plan of a service authority shall be implemented only with the approval of the county and a majority of the cities having a majority of the incorporated population.

(2) The department shall provide guidelines for an abandoned vehicle abatement program. An authority's abandoned vehicle abatement plan and program shall be consistent with those guidelines, and shall provide for, but not be limited to, an estimate of the number of abandoned vehicles, a disposal and enforcement strategy including contractual agreements, and appropriate fiscal controls.

The department's guidelines provided pursuant to this paragraph shall include, but not be limited to, requiring each service authority receiving funds from the Abandoned Vehicle

Trust Fund to report to the Controller on an annual basis pursuant to subdivision (c) of Section 9250.7, in a manner prescribed by the department, and pursuant to an approved abandoned vehicle abatement program.

(3) After a plan has been approved pursuant to paragraph (1), the service authority shall, not later than August 1 of the year in which the plan was approved, submit it to the department for review, and the department shall, not later than October 1 of that same year, either approve the plan as submitted or make recommendations for revision. After the plan has received the department's approval as being consistent with the department's guidelines, the service authority shall submit it to the Controller.

(4) Except as provided in subdivision (e), the Controller shall *not* make ~~no~~ allocations for a fiscal year, commencing on July 1 following the Controller's determination to suspend a service authority when a service authority has failed to comply with the provisions set forth in Section 9250.7.

(5) ~~No~~ *A* governmental agency shall *not* receive ~~any~~ funds from a service authority for the abatement of abandoned vehicles pursuant to an approved abandoned vehicle abatement program unless the governmental agency has submitted an annual report to the service authority stating the manner in which the funds were expended, and the number of vehicles abated. The governmental agency shall receive that percentage of the total funds collected by the service authority that is equal to its share of the formula calculated pursuant to paragraph (6).

(6) ~~Each~~ *A* service authority shall calculate a formula for apportioning funds to each governmental agency that receives funds from the service authority and submit that formula to the Controller with the annual report required pursuant to paragraph (2). The formula shall apportion 50 percent of the funds received by the service authority to a governmental agency based on the percentage of vehicles abated by that governmental agency of the total number of abandoned vehicles abated by all member agencies, and 50 percent based on population and geographic area, as determined by the service authority. When the formula is first submitted to the Controller, and each time the formula is revised thereafter, the service authority shall include a detailed explanation of how the service authority determined the apportionment between per capita abatements and service area.

(7) Notwithstanding any other provision of this subdivision, the Controller may allocate to the service authority in the County of Humboldt the net amount of the abandoned vehicle abatement funds received from the fee imposed by that authority, as described in subdivision (b) of Section 9250.7, for calendar years 2000 and 2001.

(e) ~~Any~~ *A* plan that has been submitted to the Controller pursuant to subdivision (d) may be revised pursuant to the procedure prescribed in that subdivision, including compliance with ~~any~~ *the* dates described therein for submission to the department and the Controller, respectively, in the year in which the revisions are proposed by the service authority. Compliance with that procedure shall only be required if the revisions are substantial.

(f) For purposes of this section, "abandoned vehicle abatement" means the removal of a vehicle from public or private property by towing or any other means after the vehicle has been marked as abandoned by an official of a governmental agency that is a member of the service authority.

(g) A service authority shall cease to exist on the date that all revenues received by the authority pursuant to this section and Section 9250.7 have been expended.

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ASSEMBLY BILL No. 2659

Introduced by Assembly Member Ruskin

February 24, 2006

An act to add Section 113 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2659, as introduced, Ruskin. Hetch Hetchy Valley restoration.

Under existing law, the Department of Water Resources and other state agencies allocate state funds on behalf of a broad range of water projects and programs, including feasibility studies.

This bill would prohibit the use of state funds, personnel, or resources on behalf of a feasibility study or review relating to the restoration of the Hetch Hetchy Valley until the Legislative Analyst determines that certain levee work, capital improvement projects, and evaluations have been completed.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 113 is added to the Water Code, to read:
2 113. No state funds, personnel, or resources shall be used on
3 behalf of a feasibility study or review relating to the restoration
4 of the Hetch Hetchy Valley until the Legislative Analyst
5 determines that all of the following apply:
6 (a) The capital improvement projects referred to in Section
7 73502 have been completed.
8 (b) The evaluations required by Sections 139.2 and 139.4 have
9 been completed.

(c) The state's 1,600 miles of levees in northern and central California have been returned to their original design capacity.

(d) The levees within the Sacramento-San Joaquin Delta that are identified by the department on or before January 1, 2007, as being susceptible to failure have been upgraded to become reasonably resistant to flood and seismic events.

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99