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, November 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.	Public comment on items not on the agenda.	Presentations are limited to 3 minutes.		5:00 p.m. 5 minutes.
2.	Approval of minutes from September 14, 2006.	Action (Napier)	At Meeting	5:05 p.m. 5 minutes
3.	Briefing from C/CAG's Lobbyist in Sacramento (via conference call). A position may be taken on any legislation, including legislation not previously identified.	Potential Action (Wes Lujan)		5:10 p.m. 35 minutes
4.	Status on the Governors actions on Legislation.	Action (Napier)	Pages 1-6	5:45 p.m. 10 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.

555 County Center, 5th Floor, Redwood City, CA 94063 PHONE: 650.599.1406 FAX: 650.361.8227

5.	Review and approval of State Legislative Priorities for the 2007 Legislative Session.	Action (Napier)	Pages 7-12	5:55 p.m. 15 minutes
6.	Review and approval of an amendment to the agreement with Advocation, Inc. to provide Lobbying services during the 2007 Legislative Session for an amount of $72,000.	Action (Napier)	Pages 13-16	6:10 p.m. 15 minutes
7.	Establish date and time for next meeting.	Action (Gordon)		6:25 p.m. 5 minutes
8.	Other Items/Comments from Guests.	Potential Action (Gordon)		6:30 p.m. 5 minutes
9.	Adjournment.	Action (Gordon)		6:35 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.

Other enclosures/Correspondence

- None

C/CAG AGENDA REPORT

Date: November 9, 2006

To: Legislative Committee

From: Richard Napier - Executive Director

Subject: Status on the Governors actions on Legislation

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

(For further information contact Richard Napier at 599-1420)

RECOMMENDATION

That the C/CAG Board approve the attached monthly update report on pending 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 tracking approximately 135 other bills that have subject matter consistent with C/CAG's legislative priorities. The 2005-2006 Legislature adjourned on August 31, 2006. The bills noted as "Chaptered or Vetoed" were approved by the Legislature and have been either signed into law by the Governor or vetoed by him.

The following is the status of the bills that C/CAG has taken formal positions on.

- AB 315 (Hancock) – Energy efficiency design standards for schools. C/CAG position – Support. Status – Senate 3rd Reading (Dead).
- AB 707 (Hancock) – June 2006 Primary Election voting by mail. C/CAG position – Support. Status – Dead.
- AB 1162 (Mullin) – Moratorium on eminent domain for owner-occupied residences. C/CAG position – Support. Status – Dead.
- AB 1329 (Wolk) – Design-build contracting for cities in Solano and Yolo Counties. C/CAG position – Support. Status – Chaptered.
- AB 1358 (Mullin) – ALUC review of new schoolsites for charter schools. C/CAG position – Support. Status – Chaptered.
- AB 2444 (Klehs) – Congestion management and motor vehicle environmental mitigation fees. C/CAG position – Neutral. Status – Vetoed.

- AB 2538 (Wolk) – Increased Planning and Programming funds for Congestion Management Agencies. C/CAG position – Support. Status – Chaptered.
- AB 2681 (Pavley) – Increased vehicle registration fees for Abandoned Vehicle Abatement programs. C/CAG position – Support. Status – Vetoed.
- AB 2987 (Nunez) – State regulation of cable and video service. C/CAG position – Oppose. Status – Chaptered.
- AB 3026 (Lieber) – Increased Workers' compensation benefits for peace officers. C/CAG position – Oppose. Status – Senate Rules Committee (Dead).
- ACA 4 (Plescia) – Protection of Proposition 42 (fuel sales tax) funds. C/CAG position – Support. Status – this bill has been preempted by Proposition 1A on the November 06 ballot.
- ACA 9 (Bogh) - Protection of Proposition 42 (fuel sales tax) funds. C/CAG position – Support. Status – this bill has been preempted by Proposition 1A on the November 06 ballot.
- ACA 11 (Oropeza) - Protection of Proposition 42 (fuel sales tax) funds. C/CAG position – Support. Status – this bill has been preempted by Proposition 1A on the November 06 ballot.
- ACA 13 (Harman) – Exemption of stormwater pollution prevention programs from the voting requirements under Proposition 218. C/CAG position – Support. Status – Assembly Local Government Committee (Dead).
- SB 172 (Torlakson) – Increased toll to pay for Bay Bridge replacement. C/CAG position – Support. Status – This bill was preempted by Regional Measure 2 and a comprehensive bridge financing package that was negotiated by the President of the Senate, Senator Don Perata.
- SB 369 (Simitian) – Recycling of tires for rubberized asphalt concrete. C/CAG position – Support. Status – Chaptered.
- SB 371 (Torlakson) – Design-build contracting for various transportation entities. C/CAG position – Support. Status – Assembly desk (Dead).
- SB 1024 (Perata) – Transportation infrastructure bond. C/CAG position – Support. Status – this bill has been preempted by Proposition 1B on the November 06 ballot.
- SB 1059 (Escutia) – Electric transmission corridors. C/CAG position – neutral. Status – Chaptered.
- SB 1206 (Kehoe) – Revisions to the definition of "blighted area" for redevelopment and eminent domain purposes. C/CAG position – Oppose. Status – Chaptered.
- SB 1210 (Torlakson) – Payment of litigation fees by local jurisdictions in eminent domain cases where the court finds that the offer for the property was unreasonable. C/CAG position – Oppose. Status – Chaptered.
- SB 1225 (Chesbro) - Increased vehicle registration fees for Abandoned Vehicle Abatement programs. C/CAG position – Support. Status – Vetoed. To Senate unfinished business.
- SB 1611 (Simitian) – Vehicle registration fees to support congestion management programs. C/CAG position – Support. Status – Assembly Appropriations Committee Suspense File (Dead).
- SB 1627 (Kehoe) – Administrative approval of wireless telecommunications facilities. C/CAG position – Oppose. Status – Chaptered.

ATTACHMENTS

- Action Report With Summary By Subject. (In C/CAG Packet)

ADVOCATION

Memorandum

October 10, 2006

To: Mr. Richard Napier
Executive Director, C/CAG

From: Advocation

Re: End of the Session Report

Many of C/CAG's top legislative priorities faced difficult challenges due to the dynamics of election year politics in Sacramento. Conversely, some positive initiatives supported by the association were enacted into law. Key areas of legislative success for C/CAG in 2006 include:

- *The passage and signature of Assembly Bill 2538 (Chapter 821, 2006) by Assemblywoman Lois Wolk.* This measure authorizes each transportation planning agency or county transportation commission to request and receive up to 5% (instead of the current 1%) of the regional improvement fund expenditures for purposes of project planning, programming, and monitoring (PPM). This bill will generate an ongoing increase of **$400,000** for CCAG to conduct its own PPM.

- *The passage and signature of a more balanced infrastructure package*. CCAG played an instrumental role working with state legislators, other local agencies and Caltrans to encourage a more equitable distribution of bond funds for infrastructure within the County if the voters ultimately pass Propositions 1A and 1B on November 7th. The original proposal submitted by the Administration and Caltrans only had San Mateo County and its respective cities collectively receiving $1 million for transportation projects. Under the final language in the bond negotiated into the contents of Senate Bill 1266 (Perata, 2006), CCAG now will have the ability to compete for more substantial and equitable amounts of project funding through both the California Transportation Commission and subsequent trailer bills passed by the Legislature.

Here were additional high priority pieces of legislation of interest to CCAG:

Storm water and Flood Control Management:

Assembly Constitutional Amendment 13 (Harman): Local government: assessments and fees or charges. As a result of Proposition 218, the California Constitution conditions the imposition or increase of an assessment by a city, county, or special district for flood control and stormwater

management purposes upon compliance with requirements for written notice to property owners, a public hearing, and an opportunity for majority protest. This measure would instead exempt from these requirements an assessment for the purposes of financing the capital costs or maintenance and operation expenses of stormwater or flood control management. CCAG Position: Support. Status: Never moved to floor of the Assembly for a vote. Comments: Although this measure never advanced in the process, there was considerable discussion and debate about the issue. Unfortunately, the effort was dropped by the author of the measure due to the politics of a contested special election for Senate District 34 in which Mr. Harman ultimately prevailed by a few hundred votes. Taxes and fees were a centerpiece of the debate in the campaign. It is the hope of the League of Cities, California Association of Counties and the Association of California Water Agencies that the effort will be reinitiated next session in the context of the debate over policy involving flood control.

Assembly Bill 140 (Nunez): Disaster Preparedness and Flood Prevention Bond Act of 2006. Enacted the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E), which would, if approved by the voters, authorize the issuance and sale of bonds in the amount of $4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. Status: Chaptered by the Secretary of State, Chapter Number 33. Comments: If passed by the voters this measure contains $300 million for stormwater flood management projects. Additionally, it is important to note Proposition 84 currently pending on the ballot contains $180 million for stormwater clean up.

Assembly Bill 1665 (Laird): Flood Control. Required the land use element to identify and annually review those areas covered by the general plan that are subject to flooding as identified by floodplain mapping prepared by the Federal Emergency Management Agency or the Department of Water Resources and would have required, upon the next revision of the housing element on or after January 1, 2008, the conservation element of the general plan to identify rivers, creeks, and streams, flood corridors, riparian habitat, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management. Status: Failed passage in committee the last night of the session. Comments: The debate over flood control policy became extremely controversial in the later parts of the session. Some discussions focused on shifting liability from the state to the local governments. It will be imperative in future sessions to oppose any future attempts at such legisltion.

Fees and Taxes:

Assembly Bill 1282 (Mullin): Income taxes: credits: child care. Current law provides 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. This bill expanded these tax credits from 2007 through 2012. CCAG Position: Support. Status: Chaptered by the Secretary of State, Chapter Number 712, Statutes of 2006.

Assembly Bill 2444 (Klehs): Congestion management and motor vehicle environmental mitigation fees. Authorized the congestion management agencies in the nine Bay Area counties, by a 2/3 vote of all of the members of the governing board, to impose an annual fee of up to $5 on motor vehicles registered within those counties for a program for the management of traffic congestion. CCAG Position: Support. Status: Vetoed by the Governor. Comments: This measure was not negotiated with the Administration like Senate Bill 1611 (see below). The

Governor vetoed this measure alongside a number of fee related measures in the context of his strong position on "no new taxes or fees."

Assembly Bill 2681 (Pavley): Vehicles: registration fees: fines. Revised the amount of vehicle registration fees for the Abandoned Vehicle Abatement Program from $1 to $1 or $2, and would have revised the amount of the additional service fee imposed on a commercial motor vehicle from $2 to $2 or $4. CCAG Position: Support. Status: Vetoed by the Governor. Comments: Similar to AB 2444 and SB 1225, the Governor vetoed this measure alongside a number of fee related measures in the context of his strong position on "no new taxes or fees."

Senate Bill 1225 (Chesbro): Service authority: registration and service fees. This measure's contents were exactly the same as AB 2681. CCAG Position: Support. Status: Vetoed by the Governor. Comments: Similar to AB 2444, AB 2681 and SB 1225, the Governor vetoed this measure alongside a number of fee related measures in the context of his strong position on "no new taxes or fees."

Senate Bill 1611 (Simitian): Congestion Management Fees. Authorized a congestion management agency, or where there is no congestion management agency, the board of supervisors, to place a majority vote ballot measure before the voters of a county authorizing the imposition of an annual fee of up to $25 on each motor vehicle registered within the county for transportation projects and programs with a relationship or benefit to the persons paying the fee. CCAG Position: Support. Status: Held in Assembly Appropriations Suspense. Comments: This fee bill was extensively negotiated with the Administration and the Motor Car Dealers Association. Unfortunately it was held in Assembly Suspense without much explaination. It is highly likely Senator Simitian will reintroduce this legislation next year.

Telecommunications:

Assembly Bill 2987 (Nunez): Cable and video service: Enacted the Digital Infrastructure and Video Competition Act of 2006 and would establish a procedure for the issuance of state franchises for the provision of video service, which would be defined to include cable service and open-video systems, that would be administered by the Public Utilities Commission. Requires any person or corporation that seeks to provide video service in this state to file an application with the commission for a state franchise with specified information. CCAG Postion: Support. Status: Chaptered by the Secretary of State, Chapter Number 700, Statutes of 2006.

Workers' Compensation:

Both attempts by the union groups to reverse many of the prior worker compensation reforms never succeeded. Assembly Bill 3026 (Lieber) was held at the Senate desk due to procedural issues, and Senate Bill 815 (Perata) was vetoed by the Governor.

AB 3026 would have required an employee who is a peace officer and who suffers an injury that arises out of, or in the course of, employment to have the right to be treated for that injury by a physician of his or her choice at a facility of his or her choice within a reasonable geographic distance. SB 815 revised the formula for computing workers' compensation payments for injuries causing permanent disability. CCAG opposed both of these measures.

C/CAG AGENDA REPORT

Date: November 9, 2006

To: C/CAG Legislative Committee

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF STATE LEGISLATIVE PRIORITIES FOR THE 2007 STATE LEGISLATIVE SESSION

(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

That Legislative Committee consider approval of the list of State legislative priorities for 2007 as attached to this report.

FISCAL IMPACT

Many of the priorities listed in the attached chart have the potential to greatly increase the fiscal resources available to C/CAG member agencies.

SOURCE OF FUNDS

New legislation.

BACKGROUND/DISCUSSION

Each year the C/CAG Board adopts a set of legislative priorities to provide direction to its Legislative Committee, staff, and its Lobbyist. The C/CAG Board in the past has established the following things that the priorities are intended to accomplish:

- Identify a clearly defined program with objectives at the beginning of the Legislative Session.
- Identify specific priorities to be accomplished for the Session by the Program and the Lobbyist.
- Limit the activities of C/CAG to areas where we can have the greatest impact.

The adoption of a list of priorities will hopefully maximize the impact of having a Lobbyist represent C/CAG in Sacramento and will also significantly reduce the amount of C/CAG staff time that is needed to support the program

ATTACHMENTS

- Proposed C/CAG Legislative Priorities for 2007.

C/CAG LEGISLATIVE PRIORITIES FOR 2007

Objective	Strategy	Relevant Bills	Priority
1. Secure stable funding to pay for increased NPDES mandates.	• Support efforts to exempt NPDES from the super majority voting requirements. • Include NPDES as a priority for funding in new sources of revenues (i.e. water bonds). • Advocate for C/CAG and San Mateo County jurisdictions to be identified as a pilot project to receive earmarked funding. • Support efforts to reduce NPDES requirements as a way to stimulate business development while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways. • Support efforts to reform the NPDES program while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways. • Support efforts to place the burden/ accountability of reporting, managing and meeting the NPDES requirements on the responsible source not the City or County. • Oppose efforts to require quantitative limits and Total Maximum Daily Load (TMDL) measures since there are insufficient scientific methods to evaluate the benefits. For this reason C/CAG instead supports the implementation of Best Management Practices (BMP's) to the maximum extent practicable.	• Support and aggressively work for the passage of ACA 13.	ONE
2. Protect against the diversion of local revenues including the protection of redevelopment funds and programs.	• Support League and CSAC Initiative to protect local revenues including interpretation and implementation of Proposition 1A. • The 20% redevelopment housing set aside is the primary source of housing		TWO

	funds for cities and counties and must be protected and preserved.		
3. Encourage the State to protect transportation funding and develop an equitable cost-sharing arrangement to pay for any cost overruns on the construction of the Bay Bridge.	• Urge the State to restrict or eliminate transfer of State transportation funds to the State General Fund. • Urge the State to continue to pursue a solution to the Federal Ethanol tax problem. • Urge the State to pay back the previous loans within the next four years. • Direct the C/CAG legislative advocate to monitor and advocate these positions. • Oppose efforts to divert any of the Regional Measure 2 funds to pay for any Bay Bridge cost overruns.		THREE
4. Guard the right of local jurisdictions to establish and enforce local land use policy (support the efforts of the League, but do not take an active role).	• Oppose efforts to limit the ability of local jurisdictions to determine appropriate land uses within its boundaries. • Support efforts that provide added flexibility to local jurisdictions so that they can implement smart growth programs.		FOUR
5. Protect against increased local costs resulting from State action without 100% State reimbursement for the added costs.	• Ensure that there is real local representation on State Boards and Commissions that are establishing policies and requirements for local programs. • Advocate for the appointment of Administration Officials who are sensitive to the fiscal predicament faced by local jurisdictions. • Oppose State action to dictate wage and benefits for local employees. • Oppose State action to restrict the ability of local jurisdictions to contract for services. • Advocate for State actions that are required to take into consideration the fiscal impact to local jurisdictions.		FIVE
6. Support lowering the 2/3rd super majority vote for local special purpose taxes.	• Support bills that reduce the vote requirement for special taxes such as public safety, infrastructure, and		SIX

	transportation. • Oppose bills that lower the threshold, but dictate beyond the special tax category, how locally generated funds can be spent. • Support bills that reduce the vote requirement for special taxes but increase the vote requirement for general taxes.		
7. Support incentives for increasing low and moderate income housing stock, and oppose State housing mandates.	• Support efforts to allow jurisdictions to contribute to affordable housing projects in other jurisdictions and receive State credit for the contribution. • Oppose State dictated criteria for the approval of housing. • Support incentives for housing that represent new funding. • Oppose redirecting existing revenues and adding new requirements. • Support efforts to give jurisdictions increased flexibility to meet housing needs.		WATCH FOR LEGISLATION THAT MAY BE INTRODUCED ADDRESSING THESE ISSUES
8. Advocate for solutions to address State budget issues.	• Support measures to realign the property tax with property related services. • Support measures to ensure that local governments receive appropriate revenues to service local businesses. • Support measures to collect sales tax on Internet transactions. • Support expansion of the sales tax to personal and professional services. • Support new public sector retirement plans that cut costs and encourage longevity. • Support efforts to restructure PERS to be more accountable to employers. • Support efforts to moderate increases in PERS/STRS employer contributions. • Support development of new revenue sources for safety retirement systems.		WATCH FOR LEGISLATION THAT MAY BE INTRODUCED ADDRESSING THESE ISSUES
9. Support alternative energy initiatives and monitor studies related to the elimination of the Hetch-Hetchy Reservoir.	• Support efforts to develop incentives for alternative energy and green building programs including reclaimed water. • Coordinate with BAWSCA and support efforts to provide a reliable supply of		FOLLOW BILLS THAT DEAL WITH THIS TOPIC

	quality water at a fair price.		
10. Support congestion pricing as a tool to manage traffic congestion.	• Support a congestion pricing demonstration on the Dumbarton Bridge (such as a high-occupancy-toll lane) to address traffic congestion in the 2020 Peninsula Gateway Corridor study area.		HOLD FOR FUTURE CONSIDERA-TION

C/CAG AGENDA REPORT

Date: November 9, 2006

To: Legislative Committee

From: Richard Napier, Executive Director

Subject: Review and approval of an Amendment to the Agreement with Advocation, Inc. to provide Lobbying Services during the 2007 Legislative Session for an amount of $72,000

(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

That the Legislative Committee recommend to the C/CAG Board approval of an amendment to the agreement with Advocation, Inc. to provide lobbying services during the 2006 Legislative Session for an amount of $72,000.

FISCAL IMPACT

The cost of the outside lobbyist for 2007 will not exceed $72,000 (including monthly retainer and expenses). This amount is the same as the amount paid to Advocation during 2005 and 2006. The $72,000 is programmed in the FY 2006-07 C/CAG budget.

SOURCE OF FUNDS

The source of the funds for the lobbyist will be from Congestion Management and National Pollutant Discharge Elimination System (NPDES) revenues.

BACKGROUND/DISCUSSION

Since November 2002 C/CAG has had a Legislative Committee. A State Legislative Lobbyist was retained for the 2003, 2004, 2005 and 2006 Legislative sessions. C/CAG contracted with Advocation, Inc. for these services. One of the most significant accomplishments that was the direct result of our contract with Advocation, was the passage of AB 1546 during the 2004 legislative session. This bill will be worth $11M over the next four years to the cities and the County.

It is recommended that the C/CAG Board continue C/CAG's efforts to impact State Legislation by renewing the agreement with Advocation, Inc. for the 2006 Legislative Session at an added cost of $72,000. The amount represents no change from the current annual amount. This recommendation was based on an evaluation of C/CAG's Legislative Program

and the performance of Advocation as the C/CAG Lobbyist during the 2006 Legislative Session. It is anticipated that during 2007 Advocation will be utilized for more expanded efforts, particularly to push for the passage of ACA 13. This Constitutional Amendment would enable local jurisdictions to apportion the cost of the Stormwater Pollution Prevention Program to individual parcel holders without having to secure an affirmative vote of two-thirds of the electorate. This bill was identified at C/CAG's number one legislative priority.

C/CAG PROCUREMENT POLICY

The C/CAG Procurement Policy allows for an initial contract for consulting services to continue for up to three years, with an extension of an additional three years if desired. This amendment is consistent with these time frames.

ATTACHMENTS

- Amendment to the Agreement with Advocation.

AMENDMENT TO THE AGREEMENT FOR SERVICES BETWEEN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND ADVOCATION, INC.

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG) has entered into an agreement for services with Advocation, Inc. (hereinafter referred to as Consultant) on December 12, 2002; and

WHEREAS, that agreement was amended on December 11, 2003, November 11, 2004, and December 11, 2005 to extend the period of time and to provide additional funding to continue the provision of lobbying services through December 31, 2006; and

WHEREAS, the C/CAG Board has decided that it desires to have Consultant continue to provide these services for an additional year; and

WHEREAS, Consultant has reviewed and accepted this amendment.

THEREFORE IT IS HEREBY AGREED by the C/CAG Chair and Consultant that:

1. The added funding provided to Consultant by C/CAG under this amendment will be seventy-two thousand dollars ($72,000), thereby making the new total contract amount three hundred thirty six thousand dollars ($336,000); and

2. All other provisions of the original agreement between C/CAG and Consultant dated December 12,2002 and subsequent amendments on December 11, 2003, November 11, 2004, and December 11, 2005 shall remain in full force and effect; and

3. This amendment to the agreement shall take effect upon signature by both parties.

For C/CAG Chair:

_____
James M. Vreeland Jr., Chair

Date:_____

For Consultant:

_____
Signature

By:_____

Date:_____

Approved as to form:

_____
Miruni Soosaipillai, C/CAG Legal Counsel