

**PUBLIC SAFETY POLICY COMMITTEE  
HIGHLIGHTS  
Friday, June 15, 2012  
Sacramento, CA**

**ATTENDANCE:**

Members: Arbuckle, Jan (Chair); Wapner, Alan (V.Chair); Boswell, Barbara; Chan, Suzanne; Coe, Frank; Comelo, Anil; Constant, Pete; Cooke, Keith; Derr, Michael; Dorst-Porada, Debra; Enea, Richard; Ferrara, Tony; Flores, Jose; Garbarino, Richard; Gingles, Jack; Hill, Glenda; Hofbauer, Steven; Irwin, Jacqui; Layba, Mina; Lima, Nanci; Lotter, Scott; Marble, Bill; Morris, Paul; Norman, David; Palla, Joe; Park, Greg; Plass, Gary; Rad, Javan; Santoro, Joe; Sollecito, Frank; Wilson, Kurt

Staff: Dorothy Holzem, Associate Legislative Representative/Sr. Policy Analyst

**Special Order Of Business: Post Redevelopment & State Budget Update**

A general briefing with all of the present policy committee members was held before the individual committees met with their respective members.

League Executive Director Chris McKenzie welcomed the members to Sacramento and provided a status update on the pending FY 2012-13 state budget. At the time, there were nearly two dozen trailer bills pending, many of which included substantive policy changes but will not be reviewed by the germane legislative or fiscal committee. Mr. McKenzie also reminded members that the Sacramento Superior Court was to review the League's case against the loss of city vehicle license fee (VLF) revenues in last year's budget, on the grounds the legislature acted unconstitutionally when those funds were channeled to state public safety grants.

In regards to the November 2012 elections, none of the policy committees will be taking action on the ballot measures until after the July Board of Directors meeting, where there will be an in-depth discussion, including which committees may review which ballot measures at the Annual Conference this September.

Legislative Director Dan Carrigg spoke next and provided an overview of the redevelopment issues cities are still dealing with as new trailer bill language is being crafted. He recognized the challenges that cities are facing since the Department of Finance brought in dozens of new staff from various other departments with varying backgrounds in redevelopment agency issues. And in the wake of the California Redevelopment Association folding, the League has made every effort to fill in as best they can to cover the void left by the CRA and their efforts. Throughout the spring, the League and a working group of city attorneys has met frequently to provide advice and suggestions on how to help cities work through the ROPS process. There is still much work to be done to clarify the current unwinding through the RDA successor agencies and as new trailer bill language is being developed.

In terms of the legislature, there were several very good attempts to bring about a positive resolution for what remained of redevelopment projects for cities. This included AB 1585 by Speaker John A. Perez, SB 986 by Senator Dutton, and SB 1335 by Senator Pavley. Unfortunately, these have been largely unsuccessful because of roadblocks in the Senate.

As of Friday, June 15 there were still no details on the redevelopment trailer bill. The Department of Finance version that came out earlier this year was fraught with problems and created confusing terms. The League's opposition efforts have had some effect. Assembly Members Joan Buchanan and Tony Atkins are closely reading city's letters to ensure they are making the best decisions possible.

Mr. Carrigg then addressed the current budget and the impact that Prop. 25, which reduced the vote threshold from two-thirds to a simple majority to approve the budget. Republican legislators are now excluded from the process. The budget is being put together behind the scenes between Democratic legislative leaders and the Governor's office. Another game-changer from Prop. 25 is that Legislators now take seriously the prospect of forfeiting salary if they fail

to pass a budget by June 15; recent litigation, however, filed by legislative leadership against the State Controller, concluded that the Legislature retained the sole authority to determine the adopted budget was balanced.

Fiscal Policy Consultant Michael Coleman briefly outlined the key factors impacting the budget discussions and the challenge of balancing a budget based on revenues that may not be approved until four months later. The Legislature's response is to include trigger cuts to nearly all areas of government if the Governor's tax measure does not pass, with K-12 Education taking the biggest hit.

Legislative Representative Natasha Karl shared the next steps for pension reform efforts. She said rumors point to a much more expedited timeline than we had previously heard. Some kind of reform may happen as early as June or the first week of July. The League has not seen details of the actual package but understood that several reforms will incorporate the Gov.'s 12-Point Pension Reform Plan and offer additional reforms. Key areas that will likely look different than the Governor's plan include a hybrid plan as well as cost sharing provisions. All major reforms will apply to new employees and not apply to current employees. Timing and plan details are not certain. Ms. Karl said she hoped to see details soon so that they can be analyzed and shared with members.

Finally, Legislative Representative Jennifer Whiting gave the federal update on the challenges of enacting a transportation reauthorization bill and the work of the Congressional budget subcommittees. The transportation reauthorization discussions are progressing, but seem to have taken some steps backward last week. The current extension of SAFETEA-LU expires on June 30, 2012, and staff expects another extension to be required.

Cities received a bit of good news on the Appropriations front when the House of Representatives Housing and Transportation Appropriations Subcommittee passed legislation enhancing appropriations for HUD and CDGB programs. Staff reminded cities of the mandatory across the board budget cuts enacted in the Budget Control Act last year, effective in January 2013. While Congress will likely intervene before the cuts become effective, action is not expected until after the November election.

Other positive news is that the Federal government is looking to loosen up regulatory requirements that are harmful or difficult for local agencies.

**I. Welcome and Introductions**

Chair Arbuckle welcomed the committee members to Sacramento and asked for introductions from the members, staff, and guests.

**II. Public Comment**

Mayor Kathryn McCollough, City of Lake Forest, commented on the inspections and operations of the nuclear power plant near her city. There is a pinhole in one of the pipes and Mayor McCollough expressed serious concerns that the power plant will continue to operate despite the danger it poses. She may seek the opportunity to address nuclear power plant operations through a general assembly of League members.

**III. Report on Board Action Items from April**

In April the Board met to review the recommendations from this committee. There were two recommendations that were consent items and two that were not consent because the recommendation from the committee was not approved by 2/3 vote. The consent items were approved. Those were SB 1351 on community correctional facilities and SB 1330, on license plate recognition data. Two items not on consent were SB 1468 and AB 801.

SB 1468 was amended substantially between the time the committee met and the Board met. It has since been amended again and the Board recommended the committee review the revised version and make a recommendation in light of the changes.

AB 801 had draft amendments under consideration between the time the committee reviewed and recommended an oppose position to the Board. The Board adopted an "oppose unless amended" position in light of the pending amendments. Opposition would be removed if the amendments fully addressed the

concerns of the committee that included volunteer employee access to summary criminal history information and expanded felony arrest powers to all code enforcement officers upon entering into an MOU with the chief of police or sheriff of the local jurisdiction. These requests have since been met.

#### **IV. State Legislative Update**

##### **1. SB 1468 (Calderon). Fireworks**

This bill would expand the sales of fireworks to include the New Year Holiday as well as Fourth of July, if permitted by a local jurisdiction. The bill was discussed by the committee in March and was referred back to the committee by the Board based on the significant amendments to the bill since that recommendation was made. The amendments to the bill: 1) Shorten the New Year Holiday sales period from five years to two years; 2) Establish a data collection and analysis program to determine “safe and sane” fireworks impacts on areas permitting safe and sane fireworks and neighboring jurisdictions that do not; and 3) Prohibit future sales if the study findings point to costly or dangerous impacts of “safe and sane” fireworks.

After reviewing the staff recommendations (on Attachment A) and hearing the updated support and opposition parties, the committee discussed their remaining concerns. The committee stated that it does pose a challenging question because while local control is maintained, the decisions of one jurisdiction impedes on another one greatly. In addition, while there is value in having data on impacts to both jurisdictions that allow “safe and sane” and those that ban, it comes at a cost of allowing more sales in the first place.

The committee shared concerns about how additional fireworks is also a problem for law enforcement when it comes to tracking firearms being discharged. Current tracking technology doesn’t distinguish between the two. While everyone ramps up with public safety personnel on the holidays, this is one more potential cost to jurisdictions that don’t approve sales but have neighbors who do.

The committee reiterated some of the comments from the previous review that included concerns about getting ahead of the legislative working group currently reviewing waste and transport issues with the current stream of fireworks in California. The need for signage was briefly mentioned but some felt while signage is helpful it won’t prevent materials from moving into jurisdictions where they are not allowed.

With no further discussion the committee voted to recommend an OPPOSE position unanimously, via voice vote.

##### **2. AB 1993 (Ma). Unlicensed Drivers.**

The committee discussed this bill as an informational item because the League already has an oppose position. It was brought to the committee because League staff wanted to fully understand the impacts of this bill related to unlicensed drivers and also because this issue was requested to be part of the 2012 committee work program. The committee shared that AB 1993 was very problematic because it overrides police officer discretion; would be time consuming and a burden to contact a supervising officer for approval to tow; removes a meaningful penalty and important tool to help officers remove unlicensed drivers from the roadways; and could create additional liability for peace officers if an unlicensed driver remains on the road. It was noted this bill was especially harmful for smaller departments who may not have 24-hour patrol or limited staff on duty at any given time since the proposed requirements would be so time consuming to follow.

##### **3. Public Safety Legislation with Registered Positions**

A handout of current legislation with League registered positions was provided as information to the committee. League position letters and sample letters can be found online at [www.cacities.org/billsearch](http://www.cacities.org/billsearch).

#### **V. Federal Update**

##### **1. H.R. 5870 (Schiff). Disaster Declaration Improvement Act.**

Staff updated the committee on changes since the original discussion in January as well as since the agenda packet was distributed. Staff also provided a handout of potentially eligible cities and counties under the

proposed new factors used to qualify jurisdictions for disaster recovery assistance. After a brief discussion that included comments on the importance of creating more equitable terms for large states to receive assistance, the committee voted unanimously to recommend a SUPPORT position via voice vote.

## 2. NLC Public Safety and Crime Prevention Committee Report

Vice-Chair Alan Wapner and NLC committee member reported that because the NLC committee had not met, there was no new news to report.

## VI. **November 2012 Ballot Measures**

The committee was referred to Attachment C that had a brief summary of three public safety ballot measure now qualified for the November 2012 ballot, along with existing League policy, which may be referred to the committee at the September Annual Conference for action. At this time, these are informational items that were placed on the agenda per the request of the Chair and Vice Chair, and also for discussion purposes to see what, if any, comments the committee had should more immediate action be needed. The ballot measures related to the topics of: death penalty sentence repeal; human trafficking penalties; and three-strikes felony requirements. The committee did not offer any specific recommendations during this discussion period.

## VII. **Subcommittee Reports**

### • Emergency Response/Disaster Preparedness

Tony Ferrara and Debra Dorst-Porada presented the update for the subcommittee. The subcommittee has been working with the League Partners Program to develop a webinar series that will focus on “lessons learned” from the southern California windstorms, and best practices. The subcommittee has served in an advisory capacity in this process.

The subcommittee also presented to the full committee an Annual Conference resolution for consideration and requested that the committee be the sponsor of the resolution relating to emergency and disaster preparedness. After a brief discussion to review the purpose and provide edits to the language presented, the committee APPROVED unanimously the sponsorship request as the resolution was proposed to be amended.

### • Realignment

Staff shared that the subcommittee met via conference call to discuss AB 1393, sponsored by the City of Fresno, related to jail capacity. The bill would have expanded the authority for jails to transfer inmate pre-sentence to neighboring jurisdictions to avoid release due to overcrowding. The subcommittee affirmed the staff request to support the bill. Since that time, the bill has been amended to only address Fresno County so the League will register a “support in concept” position because the impact is regional, but could lay the foundation for other cities and counties.

The subcommittee also discussed the \$20 million dollar city police department grants that will be distributed based on a formula and eligibility to be determined by the Board of State and Community Corrections (BSCC). This is a line item in the main budget bill and all details are to be developed at forthcoming meetings of the BSCC. In legislative budget hearings, the Senate Committee reiterated that this funding is not related to realignment but to

A committee member requested that the League seek funding for both contract and independent cities. Staff will be meeting with the BSCC to determine the time-frame and direction of initial conversations on how the formula will be developed. According to the Department of Finance, the monies will not be distributed until the second quarter of FY 2012-13 at the earliest.

- Technology

Greg Park reviewed the list of legislation that the subcommittee has been active on, including SB 1160 related to intentional phone line interruption by a governmental entity, AB 1708 on use of smart phones to show proof of car insurance to a peace officer, and SB 1330, related to license plate data retention authority.

League opposed SB 1330 was defeated in the Senate through coalition efforts of the League, law enforcement, parking authority, and industry representatives.

The League is seeking amendments to SB 1160 to limit the burden on law enforcement in emergency situations where a court-order to disconnect phone service would be required. Amendments to AB 1708 are also under review to ensure peace officers have appropriate use of the smart phone they are given by the person violating the traffic law.

Mina Layba shared that the National League of Cities presented a Webinar titled “Building a Nationwide Public Safety Broadband Network: What Local Leaders Need to Know” on establishing the public safety spectrum. It provided an overview on how monies will be available for the system and the creation of an advisory body to create the standards for use by providers and government officials. The full webinar is available online at: <http://www.eomeetingcenter.com/se/Meetings/Playback.aspx?meeting.id=153412>

#### **VIII. Next Meeting: Annual Conference, San Diego, September 5, 10:30 – Noon**

Chair Arbuckle announced that the Public Safety Policy Committee will be meeting at the Annual Conference in San Diego to review ballot measures qualified for the November ballot and possibly four Resolutions, if not more. All Resolutions are due by July 7 if they are to be considered. Please visit <http://www.cacities.org/Policy-Advocacy/Policy-Development> for more information.

Also new this year for the resolutions, there will be a staff analysis in addition to the sponsor’s one-page background sheet. This was based on requests from our cities who wanted the additional resource when discussing it on their councils before sending the delegate voting instructions. While the staff analysis will not make a recommendation on what position to take, it will include a brief review of the proposed policy and how it relates to current League action on legislation or standing guidelines for League positions.

While staff suggested that the time may change to an earlier hour to allow for the potentially large agenda, committee members commented that travel plans were already set and arrival at 9 am would be difficult. (Since the meeting adjourned, staff has determined to keep the 10:30 am time slot but the Chair will ask committee members to review all of the materials in advance so they are prepared to discuss the agenda items and to be aware of the time constraints.)

With no further business to address, Chair Arbuckle adjourned the meeting.