

Critical Assembly Bills for the League

April 25, 2012

AB 1692 (Wieckowski) Bankruptcy.

This bill seeks to unravel key features of AB 506 (Wieckowski), last year's carefully negotiated municipal bankruptcy bill. AB 1692 would remove provisions of AB 506 related to the mediation process including giving the "neutral evaluator" independent decision-making authority and making mediation mandatory for cities.

League Position: Oppose

Effort Undoes Compromises. Last year the League was vehemently opposed to similar provisions in AB 506 because they created obstacles to municipal bankruptcy and resulted in a process stacked against local agencies. In September 2011, after careful negotiations which included Sen. Lois Wolk (D-Davis) and Gov. Jerry Brown, the League agreed to a compromise based on provisions which allowed for pre-bankruptcy facilitation by a mediator without state or other political intrusion and unfettered local access to federal bankruptcy protection if an emergency fiscal situation exists. Attempting to undo these provisions less than four months later is inappropriate.

AB 506 Needs Time. This cities of Stockton and Mammoth Lakes are currently engaging in a good faith effort, using the provisions of AB 506, to address issues with their creditors and avoid bankruptcy. AB 506 should be given a chance to work without further legislative tampering.

Requested Action: Visit the Assembly Local Government Committee at 1:30 p.m., Room 447, and testify to urge committee members to oppose the bill.

AB 2231 (Fuentes) Sidewalks: Repairs.

This bill would require a city or county to repair any sidewalk that is damaged as a result of trees, and prohibits the local entity from imposing a fee on the property owner for the repair. The bill also shifts liability for trip and fall claims to the city.

League Position: Oppose

Would Significantly Increase Costs to Cities. The poor economy, the loss of redevelopment funds, and the reduction of property taxes under Proposition 13 have taken their toll on city budgets for public projects. Requiring cities pay for all sidewalk repairs will increase city costs significantly. Cities will be forced to cut funding for other projects with a large public benefit like street and road maintenance, storm drain cleaning and sewage line maintenance. There will likely be a reduction in new sidewalks built due to inadequate funding for maintenance.

Shifts Liability for Trip and Fall Claims to Cities. By shifting the liability for trip and fall claims to cities, this bill would also result in additional strain on local General Fund monies normally allocated to public safety and other vital programs and services. Now is not the time to burden cities with additional costs at the expense of public safety.

Be Specific to Your City. Because every city handles sidewalk repair differently, legislators need to hear how this bill will impact their district. Talk about your city's current sidewalk repair policy, and the impact this bill would have on your city. For instance, would you be likely to remove sidewalks, would the bill deter you from adding additional sidewalks, would be likely to scale back on tree/shrub planting? What other programs would suffer cuts because funds would be diverted to pay for sidewalk maintenance? Also, do you have any programs in place to assist homeowners with the costs of sidewalk repair?

Requested Action: Urge Assembly Members to OPPOSE this bill.

AB 2312 (Ammiano) Controlled Substances.

This bill confuses the issue of medical marijuana regulation by prematurely setting requirements for how cities establish ordinances related to dispensaries.

League Position: Oppose

Efforts are premature and redundant of work being done in the California Supreme Court. Regardless your view on medical marijuana, this legislation duplicates the state Supreme Court's efforts and further confuses the issue for cities and state agencies. Rulings are expected by year's end on three cases that will help clarify the local/state relationship in regards to medical marijuana dispensary regulations, including the specific question of a city's authority to ban dispensaries.

Cities Have to Pay Up to Opt Out of One-Size-Fits-All Formula. Local resources would be better spent on providing health and safety services to our community in all areas of need, not just medical marijuana regulation. Even if a city still wishes to authorize dispensaries, if the number is less than 1 dispensary for every 50K people they have to hold a costly election and pass a voter approved ordinance enacting that change. Cities with less than 50K population seeking to ban dispensaries must conduct a time-consuming study and report to the to-be-created state marijuana regulation board that medical marijuana is reasonable accessible in their jurisdiction.

Requested Action: If a Member of the Assembly Appropriations Committee represents you, urge them to OPPOSE this bill

Appropriations Committee Members:

- Assembly Member Felipe Fuentes (D-Los Angeles), chair, Room 2114
 - Assembly Member Diane Harkey (R-Laguna Niguel), vice chair, Room 6027
 - Assembly Member Robert Blumenfield (D-Van Nuys), Room 6026
 - Assembly Member Steven Bradford (D-Inglewood), Room 5136
 - Assembly Member Charles Calderon (D-Whittier), Room 319
 - Assembly Member Nora Campos (D-San Jose), Room 2175
 - Assembly Member Mike Davis (D-Los Angeles), Room 2160
 - Assembly Member Tim Donnelly (R-Hesperia), Room 2002
 - Assembly Member Mike Gatto (D-Burbank), Room 4140
 - Assembly Member Isadore Hall (D-Los Angeles), Room 3123
 - Assembly Member Jerry Hill (D-South San Francisco), Room 3160
 - Assembly Member Ricardo Lara (D-South Gate), Room 2179
 - Assembly Member Holly Mitchell (D-Los Angeles), Room 2176
 - Assembly Member Jim Nielsen (R-Biggs), Room 6031
 - Assembly Member Chris Norby (R-Fullerton), Room 4116
 - Assembly Member Jose Solorio (D-Santa Ana), Room 3146
 - Assembly Member Donald Wagner (R-Irvine), Room 4153
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Critical Senate Bills for the League

April 25, 2012

SB 1222 (Leno) Solar Energy: Permits.

This bill would place a cap of \$300 on building permit fees on solar residential systems as well as mandate all cities to submit a report on their city building fees and building permit process related to residential solar systems by Dec. 31, 2013.

League Position: Oppose

Arbitrary Cap Without Regard to City's Cost. Under the existing Mitigation Fee Act, cities may not exceed the estimate reasonable cost of providing a service for which the fee is charged. This bill will arbitrarily cap the amount a city may charge for a permit for a residential solar system without regard to the city's "reasonable costs".

Forced to Justify Actual Costs. Under SB 1222, if a city exceeds \$300, then the city will have to justify the additional cost in a mandatory report to the California Energy Commission, no later than Dec. 31, 2013.

Cities Foot the Bill for Another Mandate. The new mandatory report, required of all cities is another new mandate for cities. While it may be found reimbursable in the future, meanwhile, cities will have to find the funds (not from the permit fee) to pay for the cost of doing the report.

Requested Action: Urge Senators to OPPOSE this bill.
