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Demographics are Destiny and Costly

A Wave of New Employees will follow the Silver Tsunami, Rapidly Retiring Generation

[AB 2835's \(Cooper\)](#) estimated \$350 million annual cost will only grow as new employees become the new norm. Cities will face workforce demands as baby-boomers turn retirement age. Workforce supply issues will be amplified by proposed burdensome and costly requirements for new employee orientations. The Public Policy Institute of California (PPIC) has reported that large numbers of Californians are reaching retirement age. *For more, see Page 2.*



Bill Protecting Code Enforcement Officers Heads to Governor

Cities Urged to Request Governor's Signature on League Co-Sponsored Legislation

Legislation establishing the Code Enforcement Officers Standards Act is now on Gov. Jerry Brown's desk. Co-sponsored by the League and the California Association of Code Enforcement Officers, Assembly Member Ken Cooley's (D-Rancho Cordova) [AB 2228](#) directs the California Association of Code Enforcement Officers to develop and maintain standards for the various classes of Certified Code Enforcement Officers. Standardized training will ensure consistent enforcement, improve officer safety, in addition to reducing potential local agency liability. This measure promotes such training without imposing a mandate of any kind. *For more, see Page 3.*

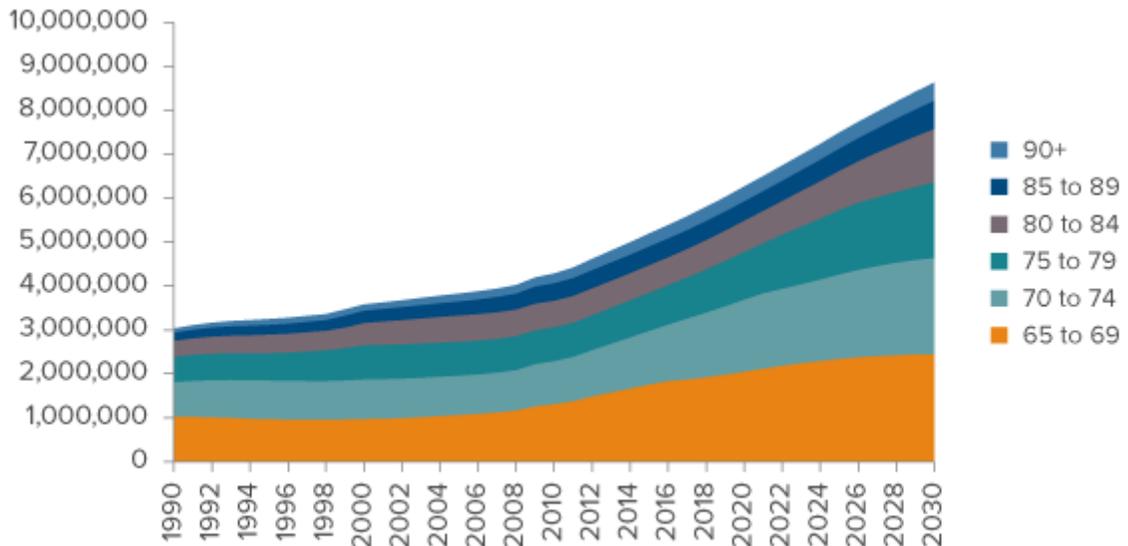


Legislation Giving State Appointments to SCAQMD Threatens Local Control

Amendments taken last week to [SB 1387 \(de León\)](#) do not rectify the bad precedent this legislation establishes by giving state additional authority over appointments to a regional board. Under SB 1387, the Governor, the Senate and the Assembly will appoint one new member each to the South Coast Air Quality Management District Board (SCAQMD) who represent disadvantaged communities within the district. This measure is now eligible for a vote in the Assembly and cities are urged to take action immediately to communicate their opposition. *For more, see Page 3.*

The numbers are astounding and foretelling of not-so distant workforce issues that will face nearly every industry, including public service. According to [PPIC](#), the total number of adults age 65 and older will reach 8.6 million by 2030, totaling 19 percent of the population. This research came to no surprise, as the [Pew Research Center](#) reported in 2010, that roughly 10,000 baby boomers will turn 65 years old every day for the next 19 years.

[PPIC: California's senior population will nearly double by 2030](#)



SOURCE: PPIC via State of California, Department of Finance, State and County Population Projections by Race/Ethnicity, Sex, and Age 2010-2060, Sacramento, California, December 2014. NOTE: See [Technical Appendix A](#) for detailed tables and [Technical Appendix B](#) for data and methods used to generate the projections.

While the focus of this demographic trend will surely be on providing a high level of care to seniors, public agencies (cities, counties, schools, special districts, etc.) will be tasked with training a wave of new employees. Measures like AB 2835 will hinder efforts to introduce new employees into the workforce to meet the growing demand. AB 2835 requires public agencies to provide all newly hired employees with 30-minutes of paid time to allow *each* recognized labor union an opportunity to organize new members. Under this measure, the local agency will not only have to pay each new employee to attend, but would have to pay each union representative to come and present to their respective bargaining unit. Some cities, depending on size have as many as 15 different bargaining units — making compliance for this proposal an incredible cost driver and a logistical nightmare. The Department of Finance estimated that to implement, the Aug. 1 version of AB 2835 would cost \$350 million annually for both state and local agencies, with approximately \$70 million being the local cost. It is unclear whether the cost estimate accounts for demographic trends but nonetheless they will be a cost driver.

Preliminary results of an internal League survey, with over 100 city respondents, found that the average expected staff turnover over the next five to 10 years is 37 percent, varying little between city size and staff. One city reported an expected staff turnover of 67 percent and many others estimate 50 percent or more due to expected retirements. While the real number of retirements will vary by staff size, the growing number will require a number of new employee hires.

AB 2835, which is a band leader in the "[Dance of Bad Ideas](#)" that comes at the end of the two-year legislative session, is worse in context with demographic trends.

Next Steps

Cities are urged to send letters opposing AB 2835 to their senator. A sample letter, along with the League's opposition letter, is available at www.cacities.org/billsearch by plugging AB 2835 into the search function.

Uniform training standards will address potential liability issues that some cities have confronted as a result of inconsistent and improper enforcement. In addition, this measure addresses the critical need for improved training required to help ensure officer safety in adversarial situations that can turn violent, including early recognition of danger signs. This measure will facilitate consistent adherence to due process procedures and enhance working conditions for code enforcement officers, as well as the quality of service they provide their respective communities.

A key impetus for this bill has been the frequency of threats against and assaults upon code enforcement officers while serving warrants, issuing citations for code violations, enforcing animal control regulations, and conducting inspections. This has given rise to the need for enhanced training for code enforcement officers in terms of situational awareness and protecting their own safety.

Background

Currently, training of code enforcement officers is not uniform across jurisdictions and is in part dependent on local resources. In some instances, municipal code enforcement officers have failed to observe due process procedures when addressing violations, triggering liability for cities. In September 2008, in *Moreno v. City of Sacramento*, the U.S. 9th Circuit Court of Appeals ordered the city to pay \$782,623 for damages and plaintiff's attorneys fees resulting from violations of a store owner's constitutional due process rights that resulted in the improper demolition of a building that he owned and was in the process of renovating in response to a city code enforcement action.

In fairness, in many jurisdictions code enforcement is a catch-all local regulatory function in which random responsibilities not clearly within the scope of duties of other municipal departments, end up in the hands of code enforcement officers. The variety of responsibilities they are asked to undertake has led code enforcement officers to evolve into regulatory generalists, in some cases without appropriate or adequate training for the specific responsibility to be discharged. The *Moreno* litigation is evidence that municipalities can avoid significant liability if they are provided a mechanism for uniform training in constitutional law, supervision, and professional ethics. This measure provides that mechanism, at absolutely no cost to the state.

Next Steps

Cities are urged to send Governor Brown a letter requesting his signature on AB 2228. A sample letter cities can use is available at www.cacities.org/billsearch by plugging AB 2228 into the search function.

Regional boards should be overwhelmingly comprised of representatives selected by and from local communities within the geographic region. Having a disproportionate number of state-appointed members completely undermines the role and effectiveness of a regional board and transforms it into a regional board in name only. Giving the state this authorization is akin to giving a county board of supervisors responsibility over appointing 40 percent of city planning commissioners for cities in the county.

While SB 1387 only deals with SCAQMD, it could lead to more state meddling in matters that should be addressed locally by locally elected and appointed officials. Its overreach can be summarized in three key ways:

- **Undermines local control.** SB 1387 tips the scales of equity by giving state representatives almost 40 percent of the seats on a regional board that is meant to represent local interests and is currently represented by city and county officials from four counties.
- **Unnecessarily increases state control.** SB 1387 is not needed to appoint underrepresented stakeholders on the SCAQMD board. Current law already provides the Governor, Senate Committee on Rules, and the Speaker of the Assembly appointments

on the SCAQMD governing board; there are no restrictions on the Senate and Assembly appointments.

- **Bypasses the Democratic process.** With the exceptions of the current state appointees, the SCAQMD board is made up of county supervisors, mayors, and council members, all elected by voters. Additionally, the five city selection appointments are elected in open meetings at each of the four counties' City Selection Committees. SB 1387 bypasses public participation by adding more political appointments to the SCAQMD board.

City officials from SCAQMD have been voicing their concerns and opposition to SB 1387 in a series of op-eds that have run in newspapers throughout California. These include:

- [Fontana Mayor Acquanetta Warren drafted an op-ed](#) that ran in the *Riverside Press Enterprise*, the *San Bernardino Sun* and *Inland Valley Daily Bulletin*.
- [Former Redlands Mayor Carole Beswick drafted an op-ed](#) that ran in *Capitol Weekly* and *Public CEO*
- [Burbank Mayor Jess Talamantes drafted an op-ed](#) that ran in the *LA Daily News*.
- [Members of the League's Riverside Division Executive Committee drafted an op-ed](#) that ran in the *Desert Sun*.
- [Montebello Mayor Pro Tem Vivian Romero drafted an op-ed](#) that ran in the *San Gabriel Valley Tribune*.
- [Industrial Association of Contra Costa County Executive Director Jack Bean drafted an op-ed](#) that ran on *Fox & Hounds*.

Next Steps

City officials are urged to take action immediately to communicate their opposition to their Assembly member. SB 1387 could be voted on at any time.

AB 1217: The Opening Wedge to State Take-Over of Joint Powers Authorities *Legislation Going to Governor, Cities Urged to Request Veto*

A bill on its way to Gov. Jerry Brown's desk will establish the legal precedent for state interference in the governance of local joint powers authorities (JPAs). [AB 1217 \(Daly\)](#) is limited in scope to the Orange County Fire Authority, but [opens the door](#) to state micromanagement of JPAs *throughout* California.

Conflicts with Local Control and Subsidiarity

The bill codifies a change that the Orange County Fire Authority (OCFA) has already imposed on itself, namely preventing its board members from appointing alternates. This begs the question of why this legislation is even necessary. At this point its sole value is that of establishing a legal precedent of state interference in the governance structure of a joint powers authority, opening the door to future and far more intrusive state interference in the internal affairs of these local agencies, in direct contradiction to the doctrine of subsidiarity.

Origins: Collective Bargaining Dispute

AB 1217 was initially related to collective bargaining negotiations pending between OCFA and a local labor union. The bill has been significantly amended from its original form, which sought to reduce the size of OCFA, thereby disenfranchising a number of its member cities. The specifics of the collective bargaining dispute are irrelevant. The heart of the matter is the disturbing precedent for all joint powers authorities if this measure should meet with the Governor's approval.

Why the Bill Represents a Bad Legal Precedent

JPAs are set up to be entirely self-governing. They are empowered to set rules of membership and take various actions affecting their own governance, including dissolution, if that is agreed

upon by the local agencies who voluntarily formed it in the first place. The agencies forming the JPAs are therefore in the best position to set the rules of governance, not the Legislature.

Not Really a District Bill

Again, this measure establishes the troubling legal precedent of state interference in the governance of a JPA. It is far from being, as it has been characterized, merely a district bill. If that were true, the cities of West Hollywood, Visalia, and Burlingame, jurisdictions far beyond the borders of Orange County would not be opposed. They see this bill for the opening wedge that it is.

A Peek behind the Curtain

Another telling motivation for this measure is language which appeared in the June 23, 2016 version of the bill, but was removed in the face of vigorous opposition from a combination of Senate Republicans representing Orange County, the League of California Cities® and cities most directly affected:

- *Section 1. It is the intent of the Legislature to reevaluate the structure of the Board of Directors of the Orange County Fire Authority within a reasonable date of the effect of this act to consider the effectiveness of the size and structure of the board.*

The objective was one of continued oversight and interference by the Legislature in the governance and internal affairs of a local joint powers authority, voluntarily formed by local agencies with a common agenda. A hammer of this kind would have subverted the credibility of joint powers law in California, which purports to empower local agencies to act cooperatively to resolve their own challenges and problems without calling upon the state for assistance. While the above language is no longer contained in AB 1217, it continues to inform the lingering motive behind the bill: to use state legislation as a weapon against the duly authorized exercise of local authority.

Why All California Cities have a Stake in the Outcome

Even if your city is outside Orange County and not immediately affected by this measure, your mayor or city manager should be urged to send a letter requesting a veto. This bill still sets a bad precedent in that it represents state interference in the governance of a local joint powers authority. Today it is a measure affecting a lone joint powers authority. Tomorrow, it may be another bill hitting much closer to home, interfering with one of your local agencies, and citing AB 1217 as a precedent.

Next Steps

Cities are encouraged to contact the Governor immediately to urge him to veto this precedent setting legislation. The League has prepared a sample letter that cities can use, which is available at www.cacities.org/billsearch. Type AB 1217 into the search function to access the letter.

Application Period Opening Oct. 1 for Community-Based Transitional-Housing Grants

Plan Now Since Applications Will Be Awarded on a First-Come Basis

Cities interested in obtaining grants as an incentive to help house and provide transitional services to recently released offenders returning to their communities should prepare now to apply for a new Department of Finance (DOF) program that will offer cash grants to communities willing to site additional facilities. Ideally these facilities help reduce recidivism and improve public safety by enabling law enforcement to better monitor such individuals who may already be in the community. Applications will be opening Oct. 1 and will continue until funds are exhausted.

Cities and counties will be eligible for grants under the new Community-Based Transitional-Housing Program. Established by [SB 837](#), a budget trailer bill approved in June, the program provides \$25 million in grants for cities or counties that agree to site transitional housing connected with support services for recently released offenders. Individual grants can be up to \$2

million, depending on the size of the facility, and priorities will be provided for applications with local matching contributions.

Key features include:

- The applying city or county must agree to issue a Conditional Use Permit (CUP) for a facility providing transitional housing and supportive services for ex-offenders released from county jail or state prison. While the measure is primarily directed at ex-offenders there is some additional flexibility on the types of individuals housed. The CUP must be for at least 10 years.
- An experienced facility operator must be identified.
- As part of application process, the local agency must include a list of “all permitted facilities ... that in a residential setting, provide transitional housing services, psychological counseling, or cognitive behavioral therapy.” This list must include the number of residents residing in each facility in their jurisdiction, including those on probation or parole. Presumably, state agencies must provide a local agency the information necessary to assemble this information.
- Sixty percent of the grant may be retained by the approving jurisdiction, and can be used for public safety enhancements, community outreach efforts, or any other community-based activities that the local agency believes will improve community relations or concerns with the facility.
- Forty percent of the funding must be shared by the local agency with nonprofit facility operators to support start-up costs, service provision, security improvements, rehabilitative services and community outreach.
- Participating local agencies and facility operators must submit annual reports, as specified.

Next Steps

Given the first-come first-served basis for applying for these funds, the League wanted to alert cities to this coming opportunity. DOF is expected to release this application soon and grant information will be available on its website www.dof.ca.gov by Sept. 1. The League will alert cities through *CA Cities Advocate* once the application and additional information is available.

Make Plans to Attend the Speaker Theater during Annual Conference

Registration Closes Sept. 2

Speaker Theater sessions are once again being planned for this year’s Annual Conference & Expo, Oct. 5-7 in Long Beach. These special sessions, which will be held on the Expo Floor, highlight successful examples of public-private partnerships. Topics feature case studies of innovative projects and programs that have worked in California cities and are presented by elected officials, city staff and industry experts who have found creative solutions to some of the challenging problems that cities face.

Here is a sampling of what will be offered.

Energy Reliability: Understanding the Natural Gas and Electricity Nexus

Presented by Southern California Gas Company

When the sun isn’t shining, wind isn’t blowing and dams aren’t flowing, natural gas is the safe, reliable and affordable energy that powers California cities. As the state moves toward a 50 percent Renewal Portfolio Standard, natural gas will play an even more important role in the state’s energy system. Learn how natural gas helps keep the lights on in your city by putting the “able” in “renewable.”

Charge Ready: Communities Accessing Charge Stations for Their Electric Vehicles

Presented by PG&E and Southern California Edison

Representatives from PG&E and Southern California Edison will provide an overview of the increased demand for charge stations and the strategy of identifying partners to insure that stations are located in convenient venues. PG&E will outline its proposed program to bring some 25,000 EV stations to public and commercial sites across Northern and Central California, including certain disadvantaged communities. Representatives from Edison will highlight its

collaborative approach to working with cities in Southern California to roll out EV charging stations in cities across its service territory. This presentation will also allow for audience to request presentations in their cities with specific opportunities for further detail and dialogue.

Turning Aging and Underutilized City Property into Treasure

Presented by Kronick Moskowitz

Many cities own aging facilities that need to be replaced, or have surface parking lots, maintenance yards, remainder parcels and other properties that are not efficiently used. This panel will explore an innovative public-private partnership between La Habra and homebuilder City Ventures that enabled the city to exchange its aging civic center for an office complex, facilitating a remodeled city hall and an adjacent new home development. Attendees will learn how the deal came together, and how other cities can accomplish their economic development goals and obtain facility upgrades through creative land deal-making.

Improving Public Schools through City Land Use Planning: What is a Charter School?

Presented by California Charter Schools Association

California is home to 1,230 charter public schools serving nearly 10 percent of the public school population in the state. One of the biggest challenges charter schools face is finding a suitable facility. This presentation will focus on how cities can support the improvement of public education through thoughtful land use changes in partnership with charter public schools, and will highlight a case study of the city of San Diego and local charter schools.

Effective Retail Development in a Changing World

Presented by HdL

Retail is in transition. Changing consumer preferences, on-line technology and a shrinking middle class have retailers adapting with smaller stores, evolving concepts and more focused site selection criteria. This session will discuss best practices for attracting retail development in this new environment, achieving tenant mix that is both community appropriate and enhances the tax base, mistakes to avoid and options to consider.

Additional Details

Becoming a speaker in our Speaker Theater requires valid [League Partner](#) membership.

Attending the Speaker Theater requires conference [registration](#), which closes Sept. 2.

High-Speed Broadband in California Public Libraries

The California State Library, joined together with [The Califa Group](#) and the Corporation for Education Network Initiatives in California ([CENIC](#)) to bring high-speed broadband to all of California's public libraries by connecting to CalREN, a high-capacity 3,800-mile fiber optic network.

The Califa Group, a nonprofit library consortium, has been engaged by the California State Library to manage the rollout process with CENIC. After two years of implementation, 129 out of 176 of the eligible library jurisdictions in the state are either connected or in the process of connecting to CalREN.

Because libraries are central to their communities, connecting them to CalREN will effectively provide all of California's residents with high-performance access to the myriad resources that constitute 21st century digital citizenship, and will provide California with all of the economic benefits of a digitally empowered population.

Public library jurisdictions in the state of California are eligible to connect to CalREN in year three of the project, which began in July 2016. For more information visit www.califa.org/broadband-project or contact broadband@califa.org.
