League of California Cities
2009 Legislative Report

Additional copies of the Legislative Report may be purchased for:

City Officials $10.00 SKU#: 1184
Non-City Officials $20.00 SKU#: 1131

Price includes sales tax and shipping
Ten percent discount on orders of five or more copies

Please mail payment to: League of California Cities
Publications Department
1400 K Street, Ste. 400
Sacramento, CA 95814

Publications/CityBooks: Phone: (916) 658-8257
Fax: (916) 658-8220
www.cacities.org

This document will also be available via the Internet after December 2009:
http://www.cacities.org/legresources

About the League

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents.

In addition to advocating on cities’ behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes Western City magazine.
2009 LEGISLATIVE BRIEFINGS PROGRAM

Webinar:
Tuesday, November 17, 2009
2:00 p.m. – 3:30p.m.

In Person:
Tuesday, November 17, 2009
League of California Cities Office
Sacramento, California

Wednesday, November 18, 2009
Paradise Pier Hotel
Anaheim, California

Registration opens at 8:30 a.m.
General Session 9:00 a.m. to 12:00 p.m.

General Session Agenda

- General Overview of the 2009 Session
- Budget Overview
- Revenue and Taxation Issues
- Housing, Land Use, and the Regional Targets Advisory Committee
- Water and Other Environmental Issues
- Transportation and Public Works Issues
- 2006 Infrastructure Bonds (Remaining Funding)
- State Corrections and Local Public Safety Issues
- Employee Relations and Administrative Issues
- Questions and Answers
Legislative Report

2009
# Table of Contents

I. The 2009 Legislative Year ........................................................................................................... 1

II. Administrative Services ............................................................................................................... 7
   A. Political Reform Act of 1974 ................................................................................................. 7
   B. California Public Records Act ............................................................................................ 7
   C. Elections .............................................................................................................................. 8
   D. Records ............................................................................................................................... 10
   E. Administration of Justice ...................................................................................................... 10
   F. Other Administrative Services Related Issues .................................................................... 11

III. Community Services ................................................................................................................ 13

IV. Employee Relations .................................................................................................................. 15
   A. California Public Employees Retirement System (CalPERS) .............................................. 15
   B. Workers’ Compensation ..................................................................................................... 16
   C. Labor Relations .................................................................................................................. 17
   D. Personnel ............................................................................................................................ 19
   E. Health Care .......................................................................................................................... 20
   F. Unemployment Insurance .................................................................................................... 20
   G. Other Employee Relations .................................................................................................. 20

V. Environmental Quality ............................................................................................................... 22
   A. Air Quality .......................................................................................................................... 22
   B. Energy and Utilities .......................................................................................................... 22
   C. Hazardous Materials ......................................................................................................... 24
   D. Solid Waste ....................................................................................................................... 26
   E. Water ................................................................................................................................. 26
   F. Water Quality ..................................................................................................................... 28
   G. Other Environmental Quality Related Issues ..................................................................... 29

VI. Housing, Community and Economic Development ................................................................. 30
   A. Common Interest Developments ....................................................................................... 30
   B. Land Use/Housing ............................................................................................................ 30
   C. Residential Facilities ......................................................................................................... 35
   D. Environmental/CEQA Legislation ..................................................................................... 35
   E. Water Building Standards ................................................................................................. 36
   F. Mobilehome Parks ............................................................................................................ 37
   G. Redevelopment/Local Government Organization ............................................................. 38
   H. Natural Resources/Agriculture ......................................................................................... 39
   I. Mortgage Legislation .......................................................................................................... 41

VII. Public Safety ............................................................................................................................ 43
   A. Controlled Substances (Alcohol and Narcotics) ................................................................. 43
   B. Crimes, Criminal Proceeding, and Crime Victims ............................................................... 43
   C. Firearms/Weapons ............................................................................................................. 45
   D. Fire Services/Emergency Services and Disaster Preparedness ........................................... 46
   E. Gang Violence/Graffiti ....................................................................................................... 48
   F. Gaming/Gambling ............................................................................................................. 48
   G. Identity Protection and Privacy .......................................................................................... 49
   H. Public Safety and Health Professions ............................................................................. 49
   I. Nuisance Abatement .......................................................................................................... 50
   J. Sexual Offenders ................................................................................................................ 51
   K. Other Public Safety Related Issues .................................................................................. 52
VIII. Revenue and Taxation ........................................................................................................ 53
   A. Bonds, Debts and Investments .................................................................................. 53
   B. Property Tax/Property Related Measures .............................................................. 54
   C. Sales and Use Tax .................................................................................................. 55
   D. State Budget .......................................................................................................... 57
      1. February 2009, Compromise Budget Package .................................................. 57
         a. 3rd Extraordinary Session ........................................................................... 57
         b. 2nd Extraordinary Session .......................................................................... 64
         c. Regular Session .......................................................................................... 66
      2. July Budget Solution .......................................................................................... 67
         a. Major Bills that Affect Local Government .................................................. 67
         b. Other Major Bills in the July Agreement ...................................................... 71
      3. October Senate Session: Budget Clean-Up ....................................................... 76
   E. Other Revenue and Taxation Related Issues .......................................................... 77
IX. Transportation and Public Works .................................................................................. 80
   A. Highways and Local Streets and Roads ................................................................. 80
   B. Public Works/Public Contracts ............................................................................ 82
   C. Railroads/Rail Service/Rapid Transit ...................................................................... 83
   D. Public Works Professions ...................................................................................... 83
   E. Parking and Toll Enforcement ............................................................................... 83
   F. Vehicles ................................................................................................................. 84
   G. Other Public Works Related Issues ....................................................................... 85
X. Appendices
   Appendix A -Technical Resources .............................................................................. 87
      A. Twelve Point Summary of the RTAC Report .................................................... 89
      B. Abridged Summary of RTAC Report ................................................................ 91
      C. 2009 Corrections Reform Package .................................................................... 103
      D. Infrastructure Bonds Update ............................................................................ 105
   Appendix B - League Resources .................................................................................. 133
      A. Legislative Staff .................................................................................................. 133
      B. Regional Public Managers ............................................................................... 135
      C. 10 Tips for Cities Lobbying the California Legislature ..................................... 136
      D. Effective Letter Writing Techniques .................................................................. 137
XI. Index of Legislation ....................................................................................................... 139
The 2009 Legislative Year

After repeated partisan deadlock on whether to cut programs or increase taxes, the Legislature dodged reality throughout 2008 by papering over the state's financial chasm. This ploy, however, could not last. With unemployment eclipsing 12 percent, more than two million homes in foreclosure, a plunging stock market, and credit markets in turmoil, 2009 became the year in which everything was tested and weaknesses were exposed.

It was a raucous year. Highlights included tension between legislators and Governor Arnold Schwarzenegger, grass roots-clamoring for legislative reform, a legislator's resignation in a sex scandal and Senate Pro Tem Darrell Steinberg attempting to craft a water agreement to avoid what he aptly called “a culture of failure.”

Local governments were not unscathed by this crisis. City finances sustained damage through state borrowing of local property taxes and seizing redevelopment funds, but borrowing impacts will be offset by a securitization program, and redevelopment agencies expect to prevail in court.

February Budget Breakthrough, Voter Disapproval in May

Prior to the 2008 holidays, Democrats proposed a “majority vote” budget that attempted work around Republican votes by raising fees instead of taxes. While the Governor ultimately rejected this effort, his Director of Finance began 2009 by announcing a two-year combined $41.6 billion budget deficit.

An apparent breakthrough occurred in mid February. The Governor and legislative leadership announced an agreement to resolve the pending budget dispute. The solution included $14.9 billion in cuts, $12.5 billion in temporary tax increases and $11.4 billion in internal and external borrowing. Local COPS funding was protected through the enactment of a temporary .15 percent VLF increase dedicated to public safety, and other local revenues were left intact. A major obstacle, however, remained: critical components of the budget deal hinged upon the approval by the voters of six ballot initiatives (Propositions 1A-1F) on the May 19 statewide ballot.

Proposition 1A, the centerpiece of these measures, limited spending options for unanticipated state revenues and required the state to maintain a reserve fund of 12.5 percent. Other propositions authorized borrowing from special funds, and included an anticipated $5 billion injection of revenue from the state lottery.

The passage of Proposition 1A would mean that the tax increases approved in the budget deal would be extended by two years and a $9.2 billion payment made to schools. These conditions reflected a political strategy designed to keep state employee unions and education groups from opposing Proposition 1A. This tactic managed to limit attacks from the left, but the specter of tax increases inflamed the right. One conservative radio program’s Web site portrayed Republicans who supported the package with their heads on sticks.

The Governor and legislative leaders tried to sell this Sacramento political compromise to the voters, with little traction. Anger with politicians perceived as not doing their jobs, compounded by a deteriorating economy, led to a solid thrashing of these proposals by the voters. Only a measure that limited legislative pay increases during state deficit years passed.
Local Revenues Put On Table

Things went from bad to worse after the May 19 election. The thrashing by voters of Proposition 1A-1E and the $12.5 billion tax increase approved in the budget led to both Republican leaders losing their positions and recall efforts launched on others. With tax increases off the table, options for closing the remaining budget gap narrowed to making more cuts to state programs, or borrowing and otherwise taking money from local government.

Local governments had enjoyed a positive relationship with the Governor, dating back to the passage of Proposition 1A of 2004. The Governor had repeatedly taken the position that the state should live within its means and not take local money. All that changed following the May election. Starting with his budget May Revise, the Governor put borrowing local property taxes under Proposition 1A, taking local Highway User’s Taxes (HUTA), or gas tax, to pay state debt, and another proposal to take redevelopment dollars on the political table.

Local Governments Fight Back

Cities, counties, special districts, and redevelopment agencies – struggling in the same economic climate that forced them to lay off police, fire and other staff, furlough employees, slash programs and reduce services – fought back using both traditional and nontraditional means.

Cities passed resolutions, sent letters, formed coalitions and made countless phone calls. Protecting local revenues was the theme of the League’s Legislative Action Days in April, a special Budget Action Day in early June, and separate “kick the can” press conference with 200 policy committee members in late June. Litigation strategies were prepared on all fronts. Redevelopment agencies prevailed in trial court to stop an effort to take $350 million; the League prepared to litigate on unconstitutional impacts of the proposed grab of local HUTA funds, as well as Proposition 1A borrowing.

The League launched the Save Your City campaign. In just weeks, the League’s regional public affairs managers gathered more than 500 videos from city officials and community leaders challenging state borrowing practices and stressing community impacts of taking local funds. Loaded on to SaveYourCity.net, these individual videos triggered many news stories and were automatically emailed to legislators and the Governor.

Later in the summer, a full page ad placed by the League in Capitol Weekly criticized state Enron-style accounting practices, demonstrated by attempts to borrow or take local funds. While these battles raged, the League was already engaged in a reform discussion working with the Cities Counties Schools (CCS) Partnership. More than 500 local officials convened in Sacramento in mid July for a summit where it was agreed that protecting local revenues from state raids was the number one priority.

It was difficult to measure the impacts of these efforts on legislators overwhelmed by the enormity of potential cuts and desperate for any exit. The Governor’s position hampered local efforts to get legislators to reverse proposals for borrowing local property taxes, taking HUTA revenues and redevelopment funds. Legislators balked because it meant they had to make deeper cuts elsewhere; some even argued that local agencies –like redevelopment–would not get hit by unconstitutional proposals because they would win the lawsuits.
Ultimately, in late July, the Big-Five (Senate Pro Tem, Speaker of the Assembly, Republican leaders and the Governor) agreed to a complicated agreement that included borrowing $2 billion local property taxes, taking $2.05 billion from redevelopment agencies, and taking nearly $1 billion in HUTA revenues. But these items ran into trouble as legislators balked at various aspects of the agreement, including the enormity of the hits to local government. Thanks largely to a combination of circumstances, including efforts by the Assembly Republican Caucus and several Democrats, the HUTA-grab proposal fell out of the final package.

Uncertain End

Although the Legislature officially recessed on September 12, the Senate remained bogged down in a partisan dispute that left many items unresolved, including necessary budget cleanup that was critical to securitize the Proposition 1A loan.

After weeks of lobbying Senate leaders and members by local officials, senators returned into session on October 14 for a one-day session in which they passed the budget clean up bills that were critical to property tax securitization efforts and clarifying vague language on a temporary HUTA deferral. The Governor signed this legislation on October 19.

With special sessions on tax commission recommendations, education performance, and water remaining open, and reports of state revenues under projections, the Legislature likely will return again before the end of 2009.

Measuring League Progress on Strategic Goals for Cities

The League board of directors outlined four strategic goals for the 2009 Legislative Session:

- Protect funding for vital community services;
- Economic stimulus and infrastructure investment;
- Sustainable communities; and
- Reform of state governance, budget, and fiscal systems.

Protecting Funding for Vital Community Services

The effort to protect local revenue dominated League efforts in 2009. While disappointing, the results are better than they could have been: the state’s effort to grab local HUTA revenues was foiled; impacts of state property tax borrowing will be offset through the securitization program offered through California Communities; redevelopment agencies have already won one lawsuit against state taking this year and are confident on their prospects for another; local COPS public safety funding was protected; no significant losses occurred elsewhere; and the League is part of a group leading an effort to secure greater protection for local government revenues on the November 2010 ballot.

Economic Stimulus and Infrastructure Investment

Economic stimulus and infrastructure investment remained a high priority for the League in four areas:

- ARRA Implementation: Developing, publishing and updating on a weekly basis the City Funding Book to assist cities in understanding, tracking and applying for funding under
the American Reinvestment and Recovery Act (ARRA) was a major effort. This document was recognized for its quality by other state leagues and praised by Capitol Hill staffers. The League successfully advocated for ABx3 20 (Bass), that ensured local and regional agencies had greater control allocating ARRA transportation funds.

- **State Budget Advocacy:** Protecting local HUTA funds from state raids preserved approximately $1 billion in combined city and county revenues for local streets and roads. The release of $700 million in remaining Proposition 1B Local Street and Road funds, including legislation that provides additional time for agencies to spend funds allocated in prior years, will help move other projects forward. Temporary deferrals of local allocations of Proposition 42 (sales tax on gas) within FY 2009-10 were preferable to long-term borrowing.

- **Advocating for Increased Funding:** The League lobbied at the federal level for funding for local agencies in the transportation reauthorization process, and supported other legislation to assist transit-oriented development. At the state level, the League continued to advocate for a 55 percent vote for local infrastructure and service investments by assisting with the drafting of ACA 9 (Huffman) and related polling efforts.

- **Protecting Local Flexibility:** The League successfully advocated for the veto of SB 802 (Leno), which would have hampered the ability of local agencies to ensure contractors complete projects.

**Sustainable Communities**

The League continues to lead on efforts to promote sustainable communities. The Institute for Local Government compiled and distributed best practices for both city facilities and local communities. League lobbyists proactively engaged in many efforts including:

- Staffing the SB 375-established Regional Targets Advisory Committee (throughout the year), including working for consensus among various interests on the importance of developing realistic targets;
- Leading a comprehensive update of the League’s water policies that include an aggressive conservation goal;
- Improving relations between coastal cities and the Coastal Commission;
- Supporting federal engagement in the concept of renewable energy zones in the western states;
- Supporting legislation that would address deficits and expand items captured in the state’s beverage recycling program;
- Promoting water-efficient landscaping;
- Working with the Air Resources Board on refrigerant emission and commercial recycling issues; and,
- Assisting the California Energy Commission develop criteria for competitive grant programs available to local governments.

**Reform of State Governance, Budget and Fiscal Systems**

Throughout 2009, the League remained focused on the longer-term goal of reform, including hosting a panel discussion during its April Legislative Action Days. Across California, a grassroots movement has grown convinced of the need for substantive reform of California’s governance and fiscal systems. Polling shows declining confidence in state government with an increasing awareness among voters of the importance of local government services.
League members served on the CCS Partnership Fiscal Reform Taskforce. The taskforce was comprised with representatives of the League, CSAC and CSBA to address the need for fiscal reform and develop guiding principles. The taskforce led to the effort to convene a summit on state governance and fiscal reform, bringing together local government officials from the three organizations.

Branded “Rebuilding California—From the Ground Up,” the summit was held in Sacramento July 17-18. The more than 500 local government officials who participated determined that protecting local revenues was the group’s top priority. CCS Partnership continues as a forum for evaluating various governance reform proposals for recommendations to the respective organizations.

Presentations and ideas have also been exchanged with representatives of the Bay Area Council and California Forward, two organizations that have been leading voices on governance reform. League staff has continued to meet with representatives from both groups to discuss their proposals.

**Ballot Measure Filed to Protect Local Revenues**

The League and a coalition of local government, transportation and public transit leaders filed a ballot measure initiative –the Local Taxpayer, Public Safety and Transportation Protection Act – on October 20, with the California Attorney General’s office.

The measure, if passed by voters, would close loopholes and prevent the state from borrowing, raiding or otherwise redirecting local government (local taxes, property taxes, redevelopment, transportation (HUTA and Proposition 42 funds) and public transit funds). In brief the measure would:

- Prohibit the state from taking, borrowing or redirecting local taxpayer funds dedicated to public safety, emergency response and other vital local government services (including redevelopment). The measure would close loopholes to prevent the taking of local taxpayer funds currently dedicated to cities, counties and special districts. It would also revoke the state’s authority to borrow local government property tax funds or divert local redevelopment funds.

- Protect vital, dedicated transportation and public transit funds from state raids. The measure would prevent state borrowing, taking or redirecting of the state sales tax on gasoline (Proposition 42 funds) and HUTA funds that are dedicated to transportation maintenance and improvements. It would also prevent the state from redirecting or taking public transit funds.

Filing the measure with the Attorney General’s office is just the first step in a long and expensive process of qualifying a measure for the November 2010 ballot and securing voter approval. The coalition will receive the official Title and Summary in December 2009. At that time, the coalition can proceed with collecting the approximately one million signatures needed to qualify for the November 2010 ballot. The strength of interest and commitment to signature gathering and fundraising by city officials will be paramount to the success of this measure if it moves forward.
This page was intentionally left blank.
Legislative Summaries

2009

Please note: Legislation marked with an asterisk (*) has been identified as high priority by League staff.
II. Administrative Services

A. Political Reform Act of 1974

Chapter 363, Statutes of 2009
This measure expands the definition of “contribution” to include the payment of public moneys by a state or local government agency for a communication to the public that satisfies both of the following: 1) expressly advocates the election or defeat of a clearly identified candidate or the qualification, passage, or defeat of a clearly identified measure, or taken as a whole in context, unambiguously urges a particular result in an election; and, 2) the communication is made at the request of the affected candidate or committee. This measure also clarifies the definition of “independent expenditure,” by including the payment of public moneys by a state or local government agency.

**AB 1149 (Davis). Political Reform Act of 1974. Electronic Filing.**
Chapter 139, Statutes of 2009
This measure provides that the pilot project authorized by AB 2607 (Davis, Chapter 498, Statutes of 2008), which permits Los Angeles, Merced, Orange and Stanislaus Counties to file their Statement of Economic Interests electronically to the Fair Political Practices Commission (FPPC), will be effective for the reporting years of 2008 to 2010, instead of 2008 to 2011. This measure also moves up the deadline by one month for the Legislative Analyst’s Office to provide a report to the Legislature that evaluates the pilot project from March 1, to February 1, 2012.

**SB 739 (Strickland). Political Reform Act of 1974. Fundraising.**
Chapter 360, Statutes of 2009
This measure prohibits compensating a spouse or domestic partner of an elected officialer or a candidate for elective office with campaign funds held by a controlled committee of the elected officer or candidate for elective office for services rendered in connection with fundraising for the benefit of the elected officer or candidate for elective office.

B. California Public Records Act

**SB 359 (Romero). Records. Disclosure Exemptions.**
Chapter 584, Statutes of 2009
This measure updates the California Public Records Act (CPRA) alphabetical list of records exempt from disclosure and requires that a bill be introduced every legislative session to ensure that the index is continually updated.
C. Elections

Chapter 364, Statutes of 2009
This measure authorizes a person that is at least 17 years of age to preregister to vote and allows them to submit an affidavit of registration as required by current law. Additionally, this measure clarifies that a person who submits an affidavit of registration and is not at least 18 years of age is not eligible to sign a petition or paper until they are 18 years of age.

Chapter 94, Statutes of 2009
This measure makes it a misdemeanor for a member of the public observing the process of vote by mail (VBM) ballots, the semi-official canvas, the official canvas, or a recount to willfully engage in:
- Attempting to ascertain the identity and ballot choices of a voter, or having observed or learned the identity of a voter, attempting to ascertain the ballot choices of that voter;
- Opening a provisional or VBM ballot envelope containing a voted ballot in order to ascertain the voter's ballot choices; or,
- Making or placing a mark or device on any ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices.

AB 306 (Fuller). Elections. Voter Pamphlets.
Chapter 98, Statutes of 2009
This measure requires the Secretary of State (SOS) to establish a process to allow voters to opt out of receiving the state ballot pamphlet by mail. Should there be more than one registered voter residing at the same address, all registered voters at the common address must opt out of receiving a mailed ballot. Additionally, the SOS is required to include a process for voters to resume receiving a mailed ballot pamphlet if they change their mind. This measure will not be effective until the SOS certifies that the state has a statewide voter registration database compliant with the federal Help America Vote Act.

Chapter 510, Statutes of 2009
This measure clarifies that a written request submitted by a voter to withdraw their signature from an initiative, referendum, or recall petition does not constitute a petition or paper for the purposes of Election Code Section 104, which requires any petition or paper to have an attached declaration signed by the circulator of the petition or paper.
Chapter 146, Statutes of 2009
This measure defines the term "electioneering" as the visible display or audible dissemination of information that advocates for or against any candidate or measure on a ballot within 100-feet of a polling place, an elections official's office, or a satellite voting location. This measure also clearly identifies which electioneering information is prohibited.

AB 1525 (Beall). Elections. Recounts.
Chapter 541, Statutes of 2009
This measure permits a voter to file a request for a recount in an election conducted in more than one county, within five days, beginning on the 29th day after the election, instead of within five days of the completion of the official canvass.

SB 6 (Maldonado). Elections. Primaries.
Chapter 1, Statutes of 2009
This measure makes the necessary changes to Election Code statutes provided that SCA 4 is approved by the voters in the June 2010 statewide election.

Chapter 580, Statutes of 2009
This measure requires that the phrase "OFFICIAL BALLOT ENCLOSED" be printed in 16-point bold font on the face of the envelope in which an assessment ballot and notice are enclosed. This measure clarifies who qualifies as an impartial person for the purposes of ballot tabulation. It also requires that the ballots be unsealed and tabulated in public view at the conclusion of the hearing if an agency uses agency personnel or a vendor and the vendor has participated in the research, design, engineering, public education, or promotion of the assessment. Ballot tabulation can be continued at another time or location accessible to the public provided that the governing body announces the time and/or location at the hearing. Additionally, this measure clarifies that the information used to determine the weight of each ballot is considered a disclosable public record. Lastly, this measure requires that ballots be preserved for a minimum of two years.

SB 740 (Cedillo). Elections. Provisional Ballots.
Chapter 611, Statutes of 2009
With regard to local elections, this measure requires the elections official to keep, unopened and unaltered, voted provisional voter ballots and provisional ballot voter identification envelopes for six months from the date of the election.
Chapter 2, Statutes of 2009
Subject to voter approval on the June 2010 statewide election, this measure establishes an open primary for each state elective and congressional office in California. In brief, the measure provides that all candidates for office are listed on a single primary ballot with the top two candidates receiving the greatest number of votes to advance to the general election. This measure also designates the Superintendent of Public Instruction as a nonpartisan office.

D. Records

Chapter 519, Statutes of 2009
This measure creates a procedure for the recovery of public records that are in the unauthorized possession of a person, organization, or institution. It specifically authorizes the Secretary of State (SOS), a local agency, or the SOS on behalf of a local agency, to issue a written notice demanding a person, organization, or institution to do either of the following within 20 calendar days: (1) return the record to the appropriate state or local agency; or, (2) respond in writing and declare why the record does not belong to the state or local agency. This measure also establishes a method for recovery via the courts in the event a record is not returned, or a party does not respond and/or does not adequately demonstrate the record does not belong to the state or local agency.

E. Administration of Justice

Chapter 5, Statutes of 2009 (Urgency)
This measure amends the Civil Discovery Act to include a definition of “electronic” and “electronically stored information.” It also establishes procedures for a person to obtain discovery—a process where parties obtain information from each other during litigation—of electronically stored information in addition to documents, tangible things, and land or other property, in the possession of any other party to a civil action. This measure also permits discovery by means of copying, testing, or sampling, in addition to inspecting, documents, tangible things, land or other property, or electronically stored information.
*SB 786 (Yee). Civil Procedure. Attorney’s Fees and Costs.
Chapter 65, Statutes of 2009

This measure prevents a prevailing defendant of an anti-SLAPP (Strategic Lawsuits Against Public Participation) motion from recovering attorney’s fees and costs when the basis of the lawsuit is the Ralph M. Brown Act, California Public Records Act, or the Bagley-Keene Open Meeting Act, unless the court finds that the action brought by the plaintiff was “clearly frivolous and totally lacking in merit.” Additionally, if the court finds that defendant’s special motion to strike is frivolous or solely intended to cause unnecessary delay, the plaintiff can seek to recover attorney’s fees.

SLAPP are lawsuits without merit filed primarily to chill the exercise of free speech or petition rights by the plaintiff. In response to the disturbing increase of these suits, in 1992, the Legislature enacted a law that allows defendants to file a special motion to strike (i.e. an anti-SLAPP motion) at the outset of trial in an effort to keep these suits from going through the costly and lengthy litigation process.

F. Other Administrative Services Related Issues

AB 32 (Lieu). Public Officials. Personal Information.
Chapter 403, Statutes of 2009

This measure outlines a procedure that a person, business, or association must follow when they receive a written demand from an elected official to remove his or her home address or telephone number from their Web site, a subsidiary site, or any other Internet Web site. An elected local official may designate in writing their employer, a related governmental entity, or any voluntary professional association of similar officials to act, on behalf of them, as their agent with regard to making a written demand.

AB 486 (Chesbro). Local Government. Emergencies.
Chapter 6, Statutes of 2009

This measure requires a governing body to review the continuing need for a local emergency at least once every 30 days (instead of the current 14-to-21 days) until the local emergency is terminated. This measure, in situations where a local governing body declares a local emergency, effectively eliminates the distinction between a local governing body that meets weekly and non-weekly.

ACR 44 (Fuentes). Federal Decennial Census.
Resolutions Chapter 12, Statutes of 2009

This resolution declares April 1, 2009, as California Census Awareness Day to promote awareness of the upcoming federal decennial census in order to advance the goal of a complete and accurate count of all Californians.
AB 539 (Monning). State Auditor.
Chapter 115, Statutes of 2009
This measure clarifies that the State Auditor has the authority to examine and reproduce, any and all books, accounts, reports, vouchers, correspondence files, and all other records, bank accounts, and money or other property of any local government entity for any audit or investigative audit. It also expands the State Auditor’s authority as it pertains to state agencies by giving the auditor the authority to examine all financial records, accounts, and documents in any audit or investigation undertaken by the Bureau of Audits.

Chapter 332, Statutes of 2009
This measure is the annual clean-up bill from the Senate Local Government Committee that makes numerous technical changes to different statutes that have duplicative, obsolete, or erroneous language as it relates to the duties or powers of cities, counties, special districts, and other local agencies. Changes of note for city officials are as follows:

- Reformats the statutory schedule of city council members’ salaries to clarify rate changes due to inflation. It also clarifies how council members and local voters may set or change pay scales, and that council members may waive their compensation.
- Deletes erroneous cross reference in current statute that allows for local government investment of idle surplus funds.
- Deletes an obsolete requirement for local officials to send their quarterly investment reports to the California Debt and Investment Advisory Committee.
- Repeals the statute authorizing cities to set up special municipal tax districts, which is now obsolete due to Proposition 13 and Proposition 218 two-thirds voter requirement for special taxes.
- Requires cities and counties that approve or disapprove lot line adjustments under the Permit Streamlining Act to align deadlines with the Subdivision Map Act time table.
- Exempts from the Subdivision Map Act leases and easements for bio-gas projects that use agricultural waste or byproducts from the land where the project is located (for the purposes of reducing greenhouse gas emissions) if the project is subject to other local agency ordinances regarding design and improvement, or if the project is subject to local discretionary approval.
- Standardizes the language, under the Subdivision Map Act, on final maps and parcel maps regarding the dedication of property in fee or as easements for clarity and consistency between local agencies.
- Extends the sunset date for the mandatory consultation-mediation-arbitration process for reaching a property tax exchange agreement for city annexation of county land from January 1, 2010 to January 1, 2015.
III. Community Services

AB 124 (Galgiani). Cemeteries: Temporary Manager.  
Chapter 83, Statutes of 2009 (Urgency)  
This measure authorizes a court of competent jurisdiction to appoint a temporary licensed manager to manage a private cemetery property and to service the prepaid interments of the private cemetery, if the court finds that that a manager has ceased to perform his or her duties. The temporary manager will have the same powers over the care and maintenance of the property and service for a term that will not exceed six months or until the new licensed manager is hired. The court may authorize the payment of reasonable compensation for the services from the cemetery’s income.

AB 521 (De La Torre). Utility Property: Leases for Park Purposes.  
Chapter 448, Statutes of 2009  
This measure authorizes a public utility to lease real property to a government entity for the purposes of maintaining a public park, with the utility retaining a right-of-way easement. The measure also requires the California Public Utilities Commission to consider the community benefits of such a lease as a value to utility customers when determining the fair value of the lease.

Chapter 267, Statutes of 2009  
This measure requires public swimming pools to be equipped with anti-entrapment devices or systems in accordance with federal standards. The Department of Public Health may impose a fee of up to $6 on public swimming pool owners for local enforcement.

Chapter 528, Statutes of 2009  
This measure requires small family child care homes to ensure that at least one staff member present has completed a course in pediatric first aid and pediatric cardiopulmonary resuscitation.

AB 1568 (Salas). Property Taxation: Disaster Relief: Children’s Health and Human Services Special Fund.  
Chapter 299, Statutes of 2009  
This measure clarifies that specified properties affected by the 2008 wildfires in the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Santa Barbara remain eligible for the homeowners’ property tax exemption, allows the excess disaster loss to be carried to other taxable years and creates the Children’s Health and Human Services Special Fund in the State Treasury. Money in the Children’s Health and Human Services Special Fund shall be used exclusively for the purposes set forth by AB 1422 (Bass, Chapter 157, Statutes of 2009).
ACR 8 (Torlakson). California Fitness Month.  
Resolutions Chapter 13, Statutes of 2009
This resolution recognized May 2009 as California Fitness Month to promote and encourage proper diet and exercise.

Chapter 16, Statutes of 2009
This measure clarifies that cities, counties, or cities and counties cannot prohibit a licensed healing arts professional from performing any procedure that falls within the license of their professionally recognized scope of practice. This measure does not prohibit a city from:

- Enforcing local ordinances, enacted prior to January 1, 2010, related to any act or procedure that falls within the healing arts professional license; and
- Adopting or enforcing any local ordinance governing zoning, business licensing, or reasonable health and safety requirements.

Cities may still impose a business license tax solely for revenue purposes or impose a tax to cover the cost of this regulation.

Existing law prohibits cities and counties from banning “a person” who is licensed under the Department of Consumer Affairs from engaging in their business, occupation or profession. This measure amends the law to now include “a group of persons”, which may include dentistry, psychologists, optometry, and veterinary medicine, for example.
IV. Employee Relations

A. California Public Employees Retirement System (CalPERS)

AB 65 (Hayashi). Public Employee Health Benefits. Vision Care. Local, School, and University Members.
Chapter 265, Statutes of 2009
This measure establishes a self-funded vision care program for retired local members, school members, and university members to be administered by the California Public Employees’ Retirement System (CalPERS). The cost of the program will be funded through premiums charged to the retiree.

Chapter 301, Statutes of 2009 (Urgency)
This measure requires all public pension systems to adopt policy requiring the disclosure of fees paid to investment placement agents. It also requires the disclosure of campaign contributions and gifts made by placement agents to public retirement board members. It prohibits public retirement board members from selling investment products to other public retirement systems.

This measure also lengthens the post-employment restrictions on influencing retirement board actions for former system executives and board members and extends those expanded provisions to all public retirement systems in California.

Chapter 79, Statutes of 2009
This measure expands the definition of “local safety member” under the California Public Employees’ Retirement System (CalPERS) to include any airport peace officer, airport law enforcement officer, or airport police officer as defined by Penal Code Section 830.33(d). This definition would not apply until a contracting agency of CalPERS elects to be subject to it by amending its CalPERS contract. This measure also adds these local safety members to the list of police officers exempt from the Federal Social Security System.

AB 399 (Brownley). Public Employee Benefits.
Chapter 240, Statutes of 2009
This measure requires the California Public Employees Retirement System to provide members, 70 years of age and older and permanently separated from all service with an election, to withdraw contributions or apply for service retirement. It also stipulates that failure to apply for service retirement or withdraw contributions within 90 days be deemed as an election to withdraw contributions. This bill additionally holds state and judicial branch employees harmless from any retirement credit effects of furloughs.
Chapter 118, Statutes of 2009
This measure adds a definition of “electronic funds transfer” (EFT) to the California Public Employees’ Retirement System (CalPERS) law. It also simplifies what interest rate the CalPERS Board of Administration (board) can charge on the amount of any payment due and unpaid by a contracting agency, by deleting the requirement that the interest rate be based on the actual rate of return and instead requires that the interest rate be based on the “Actuarial Interest Rate,” which is currently 7.75 percent.

The measure also requires that all amounts due to CalPERS, including deferrals or contributions under the Public Employees’ Deferred Compensation Fund, be paid by EFT unless a contracting agency is unable to for good reason make payments via EFT. A contracting agency that is unable to comply with this requirement may apply to the board for a waiver that allows an agency to pay in an alternative manner as directed by the board, but not by credit card payment.

**B. Workers’ Compensation**

Chapter 436, Statutes of 2009
This measure prohibits an employer from retroactively withdrawing authorization on medical treatment once that treatment has already been provided based on the employer’s authorization.

**AB 483** (Buchanan). Workers’ Compensation. Internet Web Sites.
Chapter 241, Statutes of 2009
This measure requires the Workers’ Compensation Insurance Rating Bureau (WCIRB) to create a database of workers’ compensation coverage information to assist any person in determining whether an employer is insured for workers’ compensation.

**AB 1093** (Yamada) Workers’ Compensation.
Chapter 272, Statutes of 2009
Existing case law establishes that a death or injury is not considered job related if the employee is killed or injured as a result of a personal motivation by a third party and the employee, and a personal relationship can be established.

This measure provides that for purposes of determining whether to grant or deny a workers' compensation claim, no personal relationship or personal connection can be deemed to exist between the employee and the third party if an employee is injured or killed in the course of the employee’s employment by a third party and the third party injured or killed the employee solely because of the third party's personal beliefs relating to his or her perception of the employee’s race, religious creed, color, national origin, age, gender, disability, sex, or sexual orientation.
*AB 1227 (Feuer). Workers’ Compensation. Public Employees. Leaves of Absence.  
Chapter 389, Statutes of 2009  
Public agencies that are not currently members of the California Public Retirement System (CalPERS), ‘37 Act county retirement system, or Los Angeles City Employees’ Retirement system and that employ city police officers, city firefighters, airport law enforcement, or harbor or port police officers will now be required to provide Labor Code Section 4850 benefits. Safety employees that are employed on a full-time basis that become temporarily or permanently disabled in the course of duty, can elect to go on leave in lieu of receiving temporary disability payments pursuant to Labor Code Section 4850. Labor Code Section 4850 benefits allow an injured safety officer to go on leave and continue receiving their salary for up to one-year virtually tax free. Additionally, agencies that are currently subject to Labor Code Section 4850 will no longer be required to offer this benefit to part-time or seasonal employees.

*SB 186 (DeSaulnier). Workers’ Compensation. Medical Treatment. Predesignation of Physician.  
Chapter 565, Statutes of 2009  
This measure permanently extends pre-designation—the option provided to employees to choose their primary treating physician to treat work related injuries—and deletes the current requirement for the Division on Workers’ Compensation to study the impacts of pre-designation.

C. Labor Relations

ABx2 5 (Gaines). Employee Flex Time.  
Chapter 3, Statutes of 2009, Second Extraordinary Session  
This measure makes changes to employee work weeks menu options and allows an employer to offer employees schedule options when proposing an alternative workweek elections that includes an eight-hour work day.
Chapter 7, Statutes of 2009, Second Extraordinary Session

This measure requires payment of a fee to the Department of Industrial Relations (DIR) for enforcement of the prevailing wage law under the following circumstances:

(1) Under existing law, adoption of a Labor Compliance Program may substitute for the payment of prevailing wage rates on certain public works projects (construction projects over $25,000 and maintenance projects over $15,000). This measure retains the option not to pay prevailing wages on these public works projects but substitutes payment of the fee to DIR for the requirement to adopt an LCP.

(2) Under existing law, the design-build process that was extended to cities in AB 642 (Wolk, Chapter 314, Statutes of 2008) in 2008 requires a city to adopt a Labor Compliance Program. This measure retains the design-build option but substitutes payment of the fee to DIR for the requirement to adopt a LCP.

(3) Under existing law, the design-build process applicable to transit operators requires the transit operator to adopt a Labor Compliance Program. This measure retains the design-build option but substitutes payment of the fee to DIR for the requirement to adopt a LCP.

(4) When a city uses State bond funds for public works projects.

The fee to DIR is calculated as a percentage of the cost of the public works project. There is an exception to paying the fee and continuing to enforce a labor compliance program with the approval of DIR.

The League’s assessment is that this measure’s effect on charter cities is limited. While the bill expresses the Legislature’s intent that all cities be subject to prevailing wage law, the measure acknowledges that the issue is for the courts to decide. The only specific statutory language directed at charter cities is the following, “a capital improvement project undertaken by a charter city to extend that city’s water, sewer, or storm drain system or similar system to a disadvantaged community in an unincorporated area shall be considered a public work for the purpose of [prevailing wage laws], but any subsequent project to construct, expand reconstruct, install, or repair such systems that have been so extended and that are conducted within that city’s political boundaries shall not be considered a public work.”
D. Personnel

AB 297 (Solorio). Criminal History Information. Law Enforcement Employees.
Chapter 97, Statutes of 2009
This measure requires that the Department of Justice (DOJ) retain and maintain new information including fingerprint images and related information submitted as part of a peace officer or non-sworn law enforcement agency employee pre-employment criminal record information search request. This information will be included in the summary criminal history information that is currently collected and maintained by DOJ. DOJ must also retain the request date and requesting agency name associated with all retained peace officer and non-sworn law enforcement agency employee information search requests and permits the Attorney General to release this information to authorized individuals or agencies.

AB 388 (Miller). Firefighting Uniforms.
Chapter 100, Statutes of 2009
This measure requires vendors of uniforms to verify that a person purchasing a uniform identifying a firefighting agency or department is an employee or authorized member of the agency or department identified on the uniform, by examining a valid photo identification card issued by a firefighting agency or department or by examining an official letter of authorization from a firefighting agency or department. This measure also makes it a misdemeanor, punishable by a $1,000 fine, if a vendor does not verify that a purchaser is an employee or authorized member of the agency or department. These provisions do not apply if the uniform is to be used solely as a prop in a major motion picture, television, video production, or theatrical event and prior written permission has been obtained from the identified firefighting agency or department.

Chapter 494, Statutes of 2009
This measure requires an employing agency that alleges misconduct of a police officer to notify the officer within one-year of the allegation and to also inform the police officer whether the agency intends to pursue the allegation and specify the punishment the agency intends to impose.

Chapter 345, Statutes of 2009
This measure permits a police chief, sheriff, or other agency leader employing peace officers to issue identification to honorably retired peace officers that state this status on a badge, insignia, emblem, label, certificate, card, or in writing, so long as the “retired” status is clearly indicated. It also permits the police chief, sheriff, or agency leader to revoke the identification in the event of misuse or abuse by the retired peace officer.
E. Health Care

AB 23 (Jones). Cal-COBRA. Premium Assistance.
Chapter 3, Statutes of 2009 (Urgency)
This measure requires health care service plans and health insurers to provide notice to individuals who are eligible for Cal-COBRA premium assistance under the American Recovery and Reinvestment Act of 2009.

F. Unemployment Insurance

ABx3 29 (Coto). Unemployment Insurance.
Chapter 23, Statutes of 2009, Third Extraordinary Session
This measure creates a new "alternative base period" (ABP) that allows workers with more recent earnings who become unemployed to qualify for unemployment insurance if they meet other existing criteria, and the bill establishes procedures for the Employment Development Department to collect the information necessary for the computation of a claimant's ABP. This bill makes California eligible to receive $844 million this year in American Recovery and Reinvestment Act funds for conforming state law to federal law relative to the ABP. The measure also makes some minor changes with respect to hearings and also claims notices.

G. Other Employee Relations Related Issues

Chapter 417, Statutes of 2009
This measure adds custodial officers, custody assistants, and non-sworn uniformed employees of a law enforcement agency, to the list of persons who may seek to have an arrestee’s blood tested, either voluntarily or by court order, for communicable diseases when the officer of a law enforcement agency is exposed to that arrestee’s blood or bodily fluids, while acting within the scope of his or her duties.

ACR 68 (Davis). Public Service Recognition Month.
Resolutions Chapter 100, Statutes of 2009
This resolution designates the month of May 2009 as Public Service Recognition Month and encourages all Californians to recognize the crucial role of public employees in this state.

This joint resolution requests that the President and the Congress of the United States enact the Social Security Fairness Act of 2009, which would repeal the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) from the Social Security Act. The GPO and WEP are used when calculating Social Security benefits and apply to individuals that receive a pension and do not pay Social Security taxes. The GPO applies to dependent benefits and the WEP affects both retirement and disability benefits.

***SB 73 (Committee on Budget and Fiscal Review). State Fees. Chapter 341, Statutes of 2009**

Due to a constitutional constraint, identical language in ABx4 12 was deleted and inserted into this measure. This measure attempts to recover costs for services provided by the Department of Industrial Relations (DIR) through a surcharge levied on all employers, and removes funding for DIR from the General Fund. The total amount of surcharges cannot exceed thirty-seven million dollars in the FY 2009-10. The total amount of the surcharge will be allocated between employers in proportion to payroll respectively paid in the most recent year for which payroll information is available. DIR has not issued a schedule of fees to date, but once this information is made available League staff will distribute it to our members.
IV. Environmental Quality

A. Air Quality

**AB 892 (Furutani). Goods Movement Emission Reduction Program.**
*Chapter 483, Statutes of 2009*
This measure allows for the reallocation of unspent Proposition 1B (2007) funds. Specifically, this measure allows the unspent or returned funds, authorized for reducing emissions from the transport or shipment of freight, to be reallocated by the California Air Resources Board.

**AB 1085 (Mendoza). State Air Resources Board: Regulations.**
*Chapter 384, Statutes of 2009*
This measure requires the California Air Resources Board to make available to the public all information it used in developing any regulation before the statutorily defined public comment period. This statute also prohibits ARB from releasing proprietary, confidential or otherwise legally protected business information.

**SB 728 (A. Lowenthal). Air Pollution: Parking Cash-Out Program.**
*Chapter 359, Statutes of 2009*
This measure allows cities, counties, and air districts, to establish by ordinance or resolution, a penalty or other mechanism to ensure compliance with the state’s existing parking cash-out law. The existing parking cash-out law requires each employer with 50 or more employees located in an air basin designated nonattainment for any state air quality standard (at this time, this means every county except Lake County) that provides a parking subsidy to employees to provide a cash allowance to an employee who does not use the parking space in an amount equivalent to the amount the employer would otherwise pay to provide that employee a parking space.

B. Energy and Utilities

**AB 162 (Ruskin). Energy: Disclosure of Sources of Electrical Generation.**
*Chapter 313, Statutes of 2009*
This measure streamlines electricity reporting procedures for publicly owned utilities in California, including requiring that every California retail seller of electricity disclose its electricity sources to end-use customers on an annual basis.
Chapter 227, Statutes of 2009  
This measure provides the California Energy Commission (CEC) with legislative direction on the use of funds received by the CEC from the federal government under ARRA.  This law will allow ongoing discussion between the CEC and the legislature on what policies and projects should be considered priorities for the federal funds.

Chapter 444, Statutes of 2009  
This measure expands the authorization that allows public agencies to enter into contractual assessments to finance the installation of energy efficiency improvements to now include water efficiency improvements.  The original measure, AB 811 (Levine, Chapter 159, Statutes of 2008) authorizes a city to designate an area within the city, within which authorized city officials and property owners may voluntarily enter into contractual assessments to finance the installation of energy efficiency improvements.

AB 521 (De La Torre). Utility Property: Leases For Park Purposes.  
Chapter 448, Statutes of 2009  
This measure authorizes a public utility to lease real property to a government entity for the purposes of maintaining a public park, with the utility retaining a right-of-way easement.  The measure also requires the California Public Utilities Commission to consider the community benefits of such a lease as a value to utility customers when determining the fair value of the lease.

AB 758 (Skinner). Energy: Energy Audit.  
Chapter 470, Statutes of 2009  
This measure requires the California Energy Commission, by March 2010, to develop and implement a comprehensive program to achieve greater energy savings in existing residential and nonresidential building stock, including energy assessments, cost-effective energy efficiency improvements, financing options, public outreach, and education efforts.  The measure also requires local publicly owned electric utilities to be responsible for implementing an energy efficiency program that recognizes the intent of the Legislature to encourage energy savings and greenhouse gas emission reductions in existing residential and nonresidential buildings, while taking into consideration the effects of such a program on rates, reliability, and financial resources.

AB 920 (Huffman). Solar and Wind Distributed Generation.  
Chapter 376, Statutes of 2009  
This measure expands the current net-metering programs for wind and solar, to allow net-metered customers to sell any excess electricity they produce in a year to their electric utility.
SB 17 (Padilla). Electricity: Smart Grid Systems.
Chapter 327, Statutes of 2009
This measure requires the California Public Utilities Commission, in consultation with other state agencies and key stakeholders, to determine the requirements for a smart grid deployment plan and requires the utilities (including municipal utilities with more than 100,000 service connections) to develop a smart grid deployment plan by January, 2011. This measure is intended to advance California’s clean energy policies by improving reliability and efficiency in power distribution in California.

Chapter 560, Statutes of 2009
This measure authorizes residents of a single-unit dwelling to take over a utility service account if the owner of the dwelling does not pay the bill and the corporation or public agency is threatening to terminate service.

C. Hazardous Materials

AB 96 (Ruskin). Gasoline: Underground Storage Tanks.
Chapter 69, Statutes of 2009 (Urgency)
This measure transfers $8 million from the Petroleum Underground Storage Tank Financing Account to the grants and loan subaccount for the Replacement of Underground Storage Tanks program. This law provides grants to gasoline station operators to assist in compliance with Enhanced Vapor Recovery regulations recently adopted by the California Air Resources Board.

Chapter 167, Statutes of 2009
This measure extends the sunset date on the California Land Reuse and Revitalization Act of 2004 (CLRRA) from January 1, 2010 to January 1, 2017. The measure also makes a corresponding change to a provision that provides immunity after the repeal of the CLRRA.
*SB 486 (Simitian). Medical Waste: Sharps Waste.
Chapter 591, Statutes of 2009
This measure requires a pharmaceutical manufacturer that sells or distributes a medication in California that is usually intended to be self-injected at home through the use of a needle, shall, by July 1, 2010, submit to the California Integrated Waste Board a plan that describes how the manufacturer supports the safe collection and proper disposal of the waste devices. The plan shall include a description of the actions taken by the manufacturer to do the following:

- Provide for the collection and disposal of the waste devices;
- Educate consumers about safe management and collection opportunities; and
- Support efforts by retailers, local governments and other partners in the collection and disposal of waste devices.

The law also requires the manufacturer to post and maintain a copy of the plan on its Internet Web site. The board or its successor agency is required to post and maintain copies of the plan on its Web site.

SB 546 (A. Lowenthal). Used Oil.
Chapter 353, Statutes of 2009
This measure makes various changes to Oil Recycling Enhancement Act. Specifically, this measure increases the fee paid by manufacturers of new lubricating oil sold in California and subsequently increases the recycling incentive paid to certified oil collection centers and operators.

Used oil is required to be tested before it is shipped to an out-of-state transfer or recycling facility. This oil must meet certain concentration levels. Out-of-state haulers are exempted from the testing requirements if they have an agreement with the Department of Toxic Substances Control (DTSC) that certifies their test requirements are in agreement with in-state facilities. Any facility that has an agreement with the DTSC is subject to audits by the department. Authority is also provided to the California Integrated Waste Board (and its successor) to certify out-of-state oil recycling facilities.

SB 757 (Pavley). Lead Wheel Weights.
Chapter 614, Statutes of 2009
This measure prohibits a person from manufacturing, selling, or installing a wheel weight that contains more than 0.1 percent lead by weight. Wheel weights are typically clipped to the rims of automobiles to balance the tires and can loosen and fall out, washing into storm sewers and entering waterways or swept into municipal landfills. When broken down, the weights create a significant source of lead exposure to humans.
D. Solid Waste

Chapter 318, Statutes of 2009
This measure creates a voluntary fee funded program for the future clean-up of closed solid waste facilities. The program created under this measure will only go into effect if more than fifty percent of the solid waste facility operators in California opt to participate in the program. The funds under this measure will go to pay for future clean-up and maintenance measures for closed landfill facilities in California.

*SB 63 (Strickland). California Integrated Waste Management Board.
Chapter 21, Statutes of 2009
This measure eliminates the current California Integrated Waste Management Board as of Jan. 1, 2010. All CIWMB staff and functions will be transferred to a new Department of Resource Recycling and Recovery. Additionally, the new Department will include the Department of Conservation’s Division of Recycling.

Chapter 333, Statutes of 2009
This measure requires the California Integrated Waste Management Board to include additional information relating to waste tires in the California-Mexico Border Region in their five-year plan addressing the abatement of waste tires. The measure also authorizes funds generated by the California tire fee to be used in the clean-up of waste tires in the California-Mexico Border Region.

E. Water

Chapter 444, Statutes of 2009
This measure expands the authorization that allows public agencies to enter into contractual assessments to finance the installation of energy efficiency improvements to now include water efficiency improvements. The original measure, AB 811 (Levine, Chapter 159, Statutes of 2008) authorizes a city to designate an area within the city, within which authorized city officials and property owners may voluntarily enter into contractual assessments to finance the installation of energy efficiency improvements.
Chapter 367, Statutes of 2009
This measure amends a $139 million appropriation of Integrated Regional Water Management (IRWM) bond funds from last year’s SBx2 1 (Perata, Chapter 1, Statutes of 2008, Second Extraordinary Session). Last year's appropriation requires the Department of Water Resources to allocate at least ten percent of IRWM funding - statewide - to the needs of disadvantaged communities. This measure would extend that ten percent minimum to each region, but only to the extent that such extension does not affect expeditious allocation of IRWM funding by the Department.

AB 975 (Fong). Water Corporations: Water Meters.
Chapter 495, Statutes of 2009
This statute requires water companies that serve 500 or more customers and are regulated by the Public Utilities Commission (PUC) to install water meters on new service connections as of January 1, 2010 and on unmetered connections by January 1, 2025. For companies serving less than 500 customers, PUC may require the installation of water meters as long as the meters are determined to: be cost effective, reduce water consumption and not impose an unreasonable financial burden on customers.

AB 1165 (Yamada). Flood Protection.
Chapter 275, Statutes of 2009
This measure enables the Central Valley Flood Protection Board to determine that the local flood management agency is making adequate progress toward the completion of the flood protection system in a year in which the state does not appropriate funds consistent with an agreement between a state agency and the local flood management agency. This provision prevents local agencies from being penalized if the state does not appropriate necessary funds to improve local flood protection systems.

In addition, the state does not have liability for the operation of central valley flood control facilities authorized for flood subvention funding in the Sacramento San Joaquin watersheds unless: the Department of Water Resources identifies the facility as part of the State Plan of Flood Control; the state explicitly accepted the transfer of liability from the federal government or the Central Valley Flood Protection Board incorporates the facility from the federal government. This section simply clarifies the extent of the state’s liability regarding flood protection.
**AB 1465 (Hill). Urban Water Management Planning.**  
Chapter 534, Statutes of 2009  
This measure states that urban water suppliers that are members of the California Urban Water Conservation Council and are in compliance with the Memorandum of Understanding Regarding Urban Water Conservation as of December 10, 2008, shall be in compliance with the Council’s demand management reporting requirements. The December 2008 memorandum included new best management practices to enable local agencies to conserve water. This statute simply incorporates these new practices into law.

**SB 283 (DeSaulnier). Department of Water Resources: Recycled Water Systems.**  
Chapter 178, Statutes of 2009 (Urgency)  
This measure extends the deadline from July 1, 2008 to December 31, 2009, for the Department of Water Resources to submit regulations to the Building Standards Commission on changes to state plumbing regulations for recycled water piping.

---

**F. Water Quality**

*AB 1366 (Feuer). Residential Self-Regenerating Water Softeners.**  
Chapter 527, Statutes of 2009  
This measure authorizes local agencies that operate sewer systems or water recycling facilities within certain hydrologic regions to regulate water softeners provided the regional water quality control board makes certain findings. This measure also requires a local agency to establish a voluntary buy back program if the agency adopts an ordinance requiring the removal of a residential water softener.

**AB 1438 (Conway). Safe Drinking Water Revolving Fund.**  
Chapter 531, Statutes of 2009  
This measure makes changes to the existing Safe Drinking Water State Revolving Fund (State Revolving Fund), including eliminating the $1 million maximum grant award for a single project in lieu of more specific grant caps. The State Revolving Fund provides grants and loans to local agencies for the design and construction of public water system projects.

*SB 310 (Ducheny). Water Quality: Stormwater and Other Runoff.**  
Chapter 577, Statutes of 2009  
This measure allows a city, county or special district that is a permittee or co-permittee under a National Pollutant Discharge Elimination System (NPDES) permit for a municipal stormwater system to voluntarily create a watershed improvement plan (WIP) to improve stormwater management. The measure allows participating agencies to additionally assess fees on activities that generate stormwater pollution to pay for the implementation of WIPs approved by the Regional Water Quality Control Board.
Chapter 620, Statutes of 2009
This measure authorizes grants for projects under Proposition 84 (2006) designed to implement or promote low-impact development that will contribute to the improvement of water quality or reduce stormwater runoff and projects designed to implement stormwater management plans. The measure authorizes a city, county, or special district to develop, jointly or individually, stormwater resource plans designed to increase the use of stormwater run-off. These plans differ from “stormwater management plans” used in the context of National Pollutant Discharge Elimination System (NPDES) permit requirements that are intended to reduce point source discharges into U.S. waters.

G. Other Environmental Quality Related Issues

*AB 210 (Hayashi). Green Buildings.  
Chapter 89, Statutes of 2009
This measure clarifies in statute that local governments can amend state green building standards if the city makes a finding that the amendments are reasonably necessary because of local climatic, geological, or topographical conditions. While a number of cities have been amending state green building standards, this is the first time the local authority is clarified in state statute.

Chapter 331, Statutes of 2009
This measure adds nitrogen trifluoride (NF3) to the list of greenhouse gases regulated by the California Air Resources Board pursuant to the Global Warming Solutions Act of 2006 (AB 32, Núñez, Chapter 488, Statutes of 2006). NF3 is used in the manufacture of several consumer items, including photovoltaic solar panels, LCD television screens, and microprocessors.

Chapter 186, Statutes of 2009
This measure authorizes a public use airport certified by the Federal Aviation Administration to take birds if that airport has obtained and is in compliance with a federal depredation permit that authorizes the lawful taking of birds. The measure states that an airport that takes birds for the purposes of public safety is not in violation of state fish and game laws.
VI. Housing, Community and Economic Development

A. Common Interest Developments

AB 313 (Fletcher).  Common Interest Developments: Assessments.  
Chapter 431, Statutes of 2009 
This measure prohibits a homeowners association for a common interest development to levy assessments on separate interests (such as an individual unit) within the development based on the taxable value of the separate interest unless the practice was allowed as of December 31, 2009, or the association is responsible for paying the property tax on the separate interest.  This legislation preserves the ability of one association to continue to levy assessments as it has for the last 80 years.  The concern is that without this measure, individuals on fixed incomes could be subject to increased assessments that they cannot afford.

AB 899 (Torres).  Common Interest Developments: Disclosures.  
Chapter 484, Statutes of 2009 
This measure establishes an index of all disclosures required under the Davis-Stirling Common Interest Development Act and allows a homeowners association to distribute these disclosures via email to a recipient that has agreed to that method of delivery.  The statute also requires a homeowners association to include in the assessment and reserve funding disclosure summary the assumed interest rate earned on reserves and the assumed rate of inflation for the repair and replacement of major components.

Chapter 503, Statutes of 2009 
This measure provides that a common interest development may not prohibit the use of low water-using plants or water-efficient landscape as required by local ordinance or the statewide water efficient landscape ordinance, whichever is in effect in the community.

B. Land Use/Housing

AB 45 (Blakeslee). Distributed Generation: Small Wind Energy Systems.  
Chapter 404, Statutes 2009 
This measure only applies to counties.  Beginning in 2011, all counties must ministerially permit small wind energy systems in non-urbanized areas according to a set of criteria that include minimum parcel size, system height and power, and a variety of other factors.  Counties may allow for conditional use permits or a permitting system that is different than what is specified in this measure as long as the ordinance and requirements are adopted prior to 2011.
*AB 333 (Fuentes). Land Use: Subdivision Maps: Expiration Dates.  
Chapter 18, Statutes of 2009 (Urgency)  
This measure extends the expiration dates for tentative maps by two years. This statute also reduces the period of time (from five-to-three years) for which a city is prohibited from imposing conditions on a building permit that could have been imposed as part of the tentative map approval. Local agencies may also impose any new fee on the building permit during the three year period, not just those included in the zoning ordinance.

AB 494 (Caballero). Local Planning: Agricultural Laborer Housing.  
Chapter 447, Statutes of 2009  
This measure exempts the lease of agricultural land to nonprofit organizations for the purpose of operating an agricultural labor housing project from the requirements outlined in the Subdivision Map Act. The intent is to encourage the development of more agricultural labor housing.

AB 570 (Arambula). Local Housing Trust Fund Matching Grant Program.  
Chapter 455, Statutes of 2009  
This measure makes it easier for smaller communities to access matching grants through the Proposition 1C housing bonds by reducing the minimum grant match requirement from $1 million to $500,000. The measure also states that housing trust funds do not need the matching funds on deposit at the time of their application to the Department of Housing and Community Development. Rather, the trust must provide documentation that a suitable revenue source has been identified through the adoption of a local ordinance.

Chapter 368, Statutes of 2009  
This measure eliminates the requirement that the expiration date of a licensed engineer’s license appear on engineering plans or on land surveying documents. The statute will reduce the need to re-print documents while a licensee is going through the process of renewing his or her license.

*AB 720 (Caballero). Land Use: Housing Element.  
Chapter 467, Statutes of 2009  
This measure extends the time period during which local agencies can count rehabilitated units towards meeting their regional housing needs assessment from two to four. Previously, a unit had to be fully rehabilitated by the end of the second year of the planning period to be counted in the regional housing needs assessment timeframe. The statute still requires that the unit be completed by the end of the second year of the planning period. However, a unit may also be counted if it was completed during the first two years of the newly defined “projection period” (see SB 575, Steinberg, Chapter 354, Statutes of 2009), which includes the two years prior to the planning period.
AB 767 (Ammiano). Housing and Emergency Shelter Trust Fund of 2006: reversion of Funds.
Chapter 123, Statutes of 2009
This statute extends the Proposition 1C Housing bond allocations to the Homeless Youth Program and the Building Equity and Growth in Neighborhoods (BEGIN) Program by two years to 2011.

Chapter 507, Statutes of 2009
This measure does two things related to the Mitigation Fee Act. First, it inserts a catch-all notice provision for fee increases that applies when other specific notice provisions do not. The notice timelines are the same, but one notable difference is that it affords the developer the option of receiving official notice by email. Second, the bill inserts clarifying language into the audit provision that would require a local agency to adjust a fee in which the audit reveals to be unreasonable.

The measure also includes some clarifying language related to AB 333 (Fuentes, Chapter 18, Statutes of 2009) signed by the Governor in July (see AB 333 (Fuentes, Chapter 18, Statutes of 2009) summary).

AB 1246 (Jones). Workforce Housing Cooperative Trust.
Chapter 520, Statutes of 2009
The measure amends the law governing the formation cooperative housing and limited equity housing. (Typically, these arrangements allow for pooled ownership of properties among residents and affords each resident certain tax advantages of ownership). This measure authorizes a new type of cooperative housing: the workforce housing trust that would allow a company or public agency to lease land to an affordable housing cooperative for a period of 99 years and reserve the right to give preference to its employees. There are a number of detailed conditions governing the structure of these arrangements.

AB 1441 (Committee on Agriculture). Agricultural Land: Williamson Act: Lot Lines.
Chapter 148, Statutes of 2009
Under existing law, local officials and land owners that have a Williamson Act contract can rescind the contract to facilitate a lot line adjustment. This law is scheduled to end on January 1, 2010. This statute extends the termination date to January 1, 2011.
AB 1459 (Davis). Multifamily Housing Program: Veterans.
Chapter 533, Statutes of 2009
The measure enables housing developers that receive funding through the Department of Housing and Community Development’s Supportive Housing Program to restrict occupancy based on veteran status in any supportive housing as long as a unit has not been previously occupied and the unit becomes vacant for a period of no more than 120 days following the vacancy.

Chapter 560, Statutes of 2009
This measure authorizes residents of a single-unit dwelling to take over a utility service account if the owner of the dwelling does not pay the bill and the corporation or public agency is threatening to terminate service.

SB 224 (Correa). Housing Assistance.
Chapter 172, Statutes of 2009 (Urgency)
The CalHome Program administered by the Department of Housing and Community Development provides grants and loans to local projects or programs that enable low and very low-income individuals to become or remain homeowners. This measure allows that CalHome funds may be used for rehabilitation of mobilehomes and other structures to meet new state building code requirements to install fire resistant exteriors. California Housing Finance Agency may also subordinate a downpayment assistance loan to refinance the mortgage if the agency determines the borrower has demonstrated hardship and the subordination is needed to avoid foreclosure.

SB 251 (Committee on Transportation and Housing). Housing Omnibus Bill.
Chapter 632, Statutes of 2009
This measure makes various changes to the housing statutes. First, the measure requires the local council of governments to submit its final regional housing allocation plan to the Department of Housing and Community Development within three days of adoption. Second, manufactured home manufacturers may now sell homes directly to a licensed general building contractor. Third, grants from the Local Housing Trust Fund shall be available for encumbrance for 42 months after the date the funds are first made available and disbursements in liquidation of the encumbrance shall be made 48 months after the date the funds are first made available. Unused funds will revert to the Self-Help Housing Fund.

Chapter 347, Statutes of 2009
This measure eliminates the sunset on the requirement that landlords give tenants a 60-day notice prior to terminating a residential tenancy if the tenant has been living in the unit for one year.
*SB 575 (Steinberg). Local Planning: Housing Element. Chapter 354, Statutes of 2009*

This bill was the technical clean up bill for SB 375 (Steinberg, Chapter 728, Statutes of 2008). It includes a number of provisions that relate to the relationship between the timing of the adoption of the regional transportation plan (RTP) and the housing element:

- **Projection Period Defined.** Clarifies existing practice by defining a Regional Housing Needs Assessment (RHNA) projection period. Since the projections are made two years before the planning period can begin, the RHNA numbers have always been higher than the planning period need. Local agencies have always been able to count sites zoned or units approved during this period toward meeting the overall need. In other words, in the past, the RHNA projection period was seven years even though the planning period was five years. With the extended housing element timelines related to SB 375, the new RHNA projection period will be 10 years and the planning period will be 8 years.

- **RTP—Housing Element Timelines Synchronized.** Clarifies that housing elements will be due to HCD within 18 months of the adoption of an RTP. MPOs must give HCD at least one year notice before update and maintain a schedule of updates on their websites.

- **The San Diego Fix.** Provides special timelines for the San Diego region, which is first up in the SB 375 process. Includes a process for those agencies in the SANDAG region that have not yet adopted their current housing element. Failure of those cities to meet the deadlines starts them in a four year housing element cycle.

- **Four Year Housing Element Cycle.** Clarifies that those agencies that do not adopt a timely housing element will have to timely adopt either two or three housing elements on a four year cycle, depending on what is needed to sync with the rest of the region.

- **Low and Moderate-Income Housing in the Coastal Zone.** Clarifies that Coastal Cities consider Low and Moderate Income Housing Needs in the Coastal Zone (this is already required under the Coastal Zone Housing Law).

In addition, the measure clarifies that the Tahoe Regional Planning Agency (the only multi-state MPO in California) may use the Regional Plan for Lake Tahoe Region for its sustainable communities strategy.
SBx2 15 (Ashburn). Taxation: Home Purchase Tax Credit.  
Chapter 11, Statutes of 2009, Second Extraordinary Session  
This measure creates a personal income tax credit for new home buyers equal to the lesser of $10,000 or 5 percent of the new home purchase price, with a maximum authorized amount for the program of $100 million.

C. Residential Facilities

Chapter 471, Statutes of 2009  
This measure clarifies that a resident of a residential care facility who needs assistance transferring to and from bed, but does not need assistance once in bed, is defined as “nonambulatory” for purposes of the facilities fire clearance. The statute helps a local fire inspector or State Fire Marshall to determine what type of fire safety clearance the facility requires. Nonambulatory clearances are less restrictive that bedridden clearances.

SB 781 (Leno). Eviction Procedure.  
Chapter 617, Statutes of 2009  
This measure requires a residential care facility to explain the reasons for evicting a tenant and the effective date of the eviction when providing a notice of eviction to a resident.

D. Environmental/CEQA Legislation

ABx3 81 (Hall). Land use: City of Industry: Stadium Complex.  
Chapter 30, Statutes of 2009, Third Extraordinary Session  
The measure exempts a stadium project in the City of Industry from the California Environmental Quality Act and from general plan consistency. The project must comply with mitigation measures within a monitoring and reporting program adopted by the City of Industry.

AB 881 (Huffman). Sonoma County Regional Climate Protection Authority: Greenhouse Gas Emissions.  
Chapter 375, Statutes of 2009  
The measure creates the Sonoma County Regional Climate Protection Authority. The Authority is designed to assist the Sonoma County region in reducing greenhouse gas emissions. This measure will enable local entities to work collaboratively toward this goal.
**AB 1318 (V. M. Perez). South Coast Air Quality Management District (SCAQMD): Emission Reduction Credits.**

**Chapter 285, Statutes of 2009**

This measure creates a special air pollution permit process for the Sentinel Powerplant project in Riverside County. SCAQMD’s executive officer is required to transfer emission reductions credits in the amount needed to issue permits for the Sentinel Powerplant. The law establishes other conditions that enable only Sentinel to qualify for these offsets. Finally, the California Environmental Quality Act does not apply to SCAQMD’s emission credits transfers under this law.

**SB 605 (Ashburn). California Environmental Quality Act: Biogas Pipelines: Exemption.**

**Chapter 599, Statutes of 2009**

This measure provides an exemption to the California Environmental Quality Act for a biogas pipeline project that transports biogas derived from anaerobic digestion of dairy animal waste. The exemption is limited to projects in the counties of Fresno, Kern, Kings or Tulare. The exemption sunsets on January 1, 2013.

**SB 827 (Wright). South Coast Air Quality Management District (SCAQMD): CEQA: Permits.**

**Chapter 206, Statutes of 2009**

This measure authorizes the South Coast Air Quality Management District to issue emission reduction credits to an essential public services and other exempt facilities and equipment (i.e. the Sentinel Project) in compliance with SCAQMD rules. This legislation is similar to AB 1318 (V.M. Perez, Chapter 285, Statutes of 2009) in that it allows the Sentinel Project in Riverside County to move forward.

**E. Water/Building Standards**

**AB 975 (Fong). Water Corporations: Water Meters.**

**Chapter 495, Statutes of 2009**

This statute requires water companies, that serve 500 or more customers and are regulated by the Public Utilities Commission (PUC), to install water meters on new service connections as of January 1, 2010 and on unmetered connections by January 1, 2025. For companies serving less than 500 customers, PUC may require the installation of water meters as long as the meters are determined to: be cost effective, reduce water consumption and not impose an unreasonable financial burden on customers.
Chapter 267, Statutes of 2009
This measure requires public swimming pools to be equipped with anti-entrapment devices or systems in accordance with federal standards. The Department of Public Health may impose a fee of up to $6 on public swimming pool owners for local enforcement.

Chapter 587, Statutes of 2009
This measure requires property owners to replace all non-water conserving plumbing fixtures in commercial and residential properties built before 1994 with water-conserving fixtures by either 2017 or 2019. Non-water conserving plumbing fixtures is defined as fixtures that use more than certain amounts of water per use. Cities and counties are authorized to enact local ordinances that promote compliance. Local governments may charge fees to cover the cost of the new requirements.

F. Mobilehome Parks

Chapter 551, Statutes of 2009
This measure requires a mobilehome park owner or operator to adopt and post an emergency preparedness plan by September 1, 2010 by either:

- Adapting the procedures and plans approved by the Standardized Emergency Management System Advisory Board; or
- Adapting a plan that is developed by the park management and is consistent with the board’s plan.

The plan must be adopted prior to the issuance of a permit to a new mobilehome park. The park’s emergency contact person must be familiar with the plan and the plan must be posted in a public area of the park. This measure also provides local fire agencies with enforcement authority to ensure compliance with these requirements.

SB 111 (Correa). Mobilehome Residency Law.
Chapter 558, Statutes of 2009
This measure makes minor changes to Mobilehome Residency Law by consolidating existing sections into a new Article titled “Utilities;” nothing in this reorganization, however, affects the application of any other statute, regulation or existing contract, lease or rental agreement.
The measure specifies that fire prevention regulations adopted by the state Department of Housing and Community Development (HCD) are not applicable in a mobilehome park if that park is within a special district designed solely to provide fire protection services. The district must be delegated fire code enforcement by a city or county that is the mobilehome code enforcement agency and must be enforcing a fire prevention code that is equal to or greater than restrictions imposed by HCD. Combustible brush and vegetation clearance on a lot are also added to the list of items a city can enforce under its own fire prevention code without assuming full enforcement responsibility for mobilehome parks from HCD.

G. Redevelopment/Local Government Organization

The measure authorizes the Marin County Local Agency Formation Commission to initiate and approve a reorganization or consolidation of the Sewerage Agency of Southern Marin and its member agencies. This statute will help reduce the number of sewage spills in the San Francisco Bay area.

AB 1582 (Committee on Local Government). Local Agencies: Spheres of Influence. Chapter 155, Statutes of 2009
This measure makes minor changes to the laws pertaining to Local Agency Formation Commissions (LAFCOs) and local governments’ boundaries. First, a LAFCO is authorized to determine a proposed special district’s sphere of influence at the same time as the Commission approves the formation. A LAFCO is further authorized to waive the protest proceedings for boundary changes affecting legally uninhabited territory if a private railroad company does not submit written opposition to the proposed waiver. Under this law, boundary protest petitions must contain the same information that current law requires for petitions that initiate boundary changes. When approving city incorporation resolutions, the Commission must allow the voters to decide on whether to elect councilmembers from districts or at-large. Finally, the responsibility to pay for a successful reorganization is shifted from the affected local agency to the subject local agency.
**SB 83** (Hancock). Traffic Congestion: Motor Vehicle Registration Fees.  
Chapter 554, Statutes of 2009  
This measure authorizes a countywide transportation planning agency to place on the local ballot a majority vote measure that imposes a fee of up to $10 on each vehicle registered in that county to fund programs that address congestion mitigation and motor vehicle induced pollution. The programs that may be funded include: high-occupancy vehicle toll lanes, improved transit services through technology, bicycle and pedestrian improvements, improved signal coordination and other related projects. A local planning agency is also required to adopt a plan for the expenditure of fee revenues.

**SB 93** (Kehoe). Redevelopment: Payment for Land or Buildings.  
Chapter 555, Statutes of 2009  
This measure restricts the funding of public facilities outside a redevelopment project area. In brief, this measure:

- Requires a legislative body to make specified findings in order to fund public facilities outside of, or not contiguous to, a project area. These findings would be subject to legal challenges.
- Prohibits the application of this measure to financing, construction, or installation of land, buildings, and improvements that is an obligation of the agency under a contract existing on December 31, 2009, or is specifically described in an implementation plan prepared by the agency by July 1, 2009, or is specifically provided for in a redevelopment plan as of December 31, 2009.

This measure does not affect projects located within or contiguous to existing redevelopment areas.

Chapter 570, Statutes of 2009  
Under existing law, Local Agency Formation Commissions (LAFCOs) make decisions about proposed boundary changes. In doing so, the LAFCOs consider 15 specific factors, including local general plans. This measure brings the 15 existing factors in line with the provisions of SB 375 (Steinberg, Chapter 728, Statutes of 2008) by requiring LAFCOs to consider regional transportation plans in their boundary decisions.

**H. Natural Resources/Agriculture**

Chapter 269, Statutes of 2009  
This measure extends a timber harvest plan, on which operations have started but not been completed by four years, provided that the plan expired in 2008 or 2009 and all timber operations are in conformance with the overall plan. A timber harvest plan, approved by the California Department of Fire and Forestry Protection, specifies the manner in which timber will be harvested from a location.
Chapter 587, Statutes of 2009
The measure enacts the California Safe Harbor Agreement Program Act. The Department of Fish and Game may allow acts that would otherwise be prohibited under the California Endangered Species Act through a safe harbor agreement provided that the action is incidental to an otherwise lawful activity, the action will not jeopardize the existence of the species and the landowner agrees to avoid or minimize any incidental take.

Chapter 358, Statutes of 2009
This measure enables county assessors to recoup the costs of conducting a formal review of the fair market value of agricultural land subject to a cancellation of a Williamson Act contract by authorizing the assessor to require a deposit from a landowner.

Chapter 620, Statutes of 2009
This measure authorizes grants for projects under Proposition 84 (2006) designed to implement or promote low-impact development that will contribute to the improvement of water quality or reduce stormwater runoff and projects designed to implement stormwater management plans. The measure authorizes a city, county, or special district to develop, jointly or individually, stormwater resource plans designed to increase the use of stormwater run-off. These plans differ from “stormwater management plans” used in the context of National Pollutant Discharge Elimination System permit requirements that are intended to reduce point source discharges into U.S. waters.

SB 833 (Committee on Natural Resources and Water). Natural Resources: Mining: Conservation Lands.  
Chapter 208, Statutes of 2009
This measure makes non-substantive changes to various code sections. Specifically, the law specifies the information a property owner must record with a county recorder in order to protect sites of Native American remains. In order to protect the viewshed, the building heights on Yerba Buena Island in San Francisco are also limited. The law states that certain streets in the City/County of San Francisco shall be freed of public trust restrictions. Finally, a person who owns or maintains an occupied structure in an area covered with flammable materials must maintain defensible space of 100 feet on each side.
I. Mortgage Legislation

**AB 260** (Lieu). Lending.
Chapter 629, Statutes of 2009
This measure prohibits a licensed individual from making false, deceptive or misleading statements or representations regarding higher-priced mortgaged loans. A higher priced loan is a consumer credit transaction secured by the consumer’s principal dwelling in which the annual percentage rate exceeds the average prime rate offer by 1.5 percent. A mortgage broker may receive the same level of compensation for providing brokerage services whether paid by a lender, borrower or a third party. Finally, a broker may not steer a borrower to accept a loan at higher cost.

**AB 329** (Feuer). Reverse Mortgages.
Chapter 236, Statutes of 2009
This measure strengthens existing counseling and cross-selling provisions regarding reverse mortgage laws. Lenders will be required to provide the borrower with a checklist prior to counseling which outlines the risks and alternatives to reverse mortgages. Lenders who originate reverse mortgages are prohibited from participating in any party that is associated with other financial or insurance activity, unless the lender ensures that he/she has no involvement with or incentive to provide the borrower with another financial product.

**AB 957** (Galgiani). Residential Real Estate Transfers: Title Insurance: Escrow Companies.
Chapter 264, Statutes of 2009 (Urgency)
This measure prohibits a seller of residential property from requiring a buyer to purchase title insurance or escrow services from a company chosen by the seller. The buyer may agree to accept the services or a title insurer or an escrow agent recommended by the seller as long as the buyer has written notice of the right to make an independent selection. The intent is to end the practice of requiring individuals who purchase foreclosures from having to utilize certain service providers in the transaction.

**AB 1160** (Fong). Contracts: Translation.
Chapter 274, Statutes of 2009
This measure requires a financial organization that negotiates a contract in one of five languages to provide a written summary of the loans terms in the same language as was used in the negotiations of the loan terms. Individuals who negotiate in a certain language shall have the terms of their loan written out in the same language.
ABx2 7 (Lieu). Residential Mortgage Loans: Foreclosure.
Chapter 5, Statutes of 2009, Second Extraordinary Session
This measure created the California Foreclosure Prevention Act and imposed a 90-day foreclosure moratorium unless a lender offers a comprehensive loan modification program designed to keep homeowners in their homes. Specifically, the measure:

- Imposed a 90-day foreclosure moratorium to allow distressed homeowners time to work out loan modifications;
- Allowed lenders to avoid the moratorium if they have a comprehensive loan modification program based, in part, on criteria set forth by the Federal Deposit Insurance Corporation; and
- Provided oversight and accountability by requiring regular reports to the Legislature on loan modifications and foreclosure reductions and coordination with appropriate state regulators.

Chapter 160, Statutes of 2009 (Urgency)
This measure prohibits any individual from acting as a mortgage loan originator without first obtaining and maintaining a loan originator’s license or license endorsement and registering with the Nationwide Mortgage Licensing System and Registry.

SB 237 (R. Calderon). Real Estate Appraisers.
Chapter 173, Statutes of 2009
This measure prohibits anyone from acting as an appraisal management company (AMC) without first obtaining certification from the Office of Real Estate Appraisers (OREA). The statute defines appraisal management companies. Furthermore, OREA is authorized to impose administrative fines up to $10,000 per violation for anyone found to be violating this act. AMC applicants must meet certain requirements before receiving their registration and can only engage in certain actions once they are registered.

SB 239 (Pavley). Mortgage Fraud.
Chapter 174, Statutes of 2009
The measure states that mortgage fraud is a public offense punishable by imprisonment in the state prison or in a county jail for up to one year. An individual commits mortgage fraud if he or she demonstrates intent to defraud or deliberately makes false statements during the mortgage lending process with the intention that the information will be relied upon by a lender, borrower or any other party.

SBx2 7 (Corbett). Residential Mortgage Loans: Foreclosure.
Chapter 4, Statutes of 2009, Second Extraordinary Session
This measure provides a 90-day foreclosure delay on owner-occupied homes where the first loan was recorded between January 1, 2003 and January 1, 2008, unless the loan is serviced by a financial institution that has a comprehensive loan modification program. The provisions of this measure sunset on January 1, 2011.
VII. Public Safety

A. Controlled Substances (Alcohol and Narcotics)

Chapter 405, Statutes of 2009
This measure deletes the existing requirement of having descriptive information of an individual’s physical appearance included on military identification card when used for proof of age purposes for purchasing alcoholic beverages.

Chapter 217, Statutes of 2009
This measure establishes a pilot program in Alameda, Los Angeles, Sacramento, and Tulare Counties that requires any individual convicted of driving under the influence (DUI) to have an ignition interlock device placed on their vehicle for a period determined by the number of previous DUI, beginning with five months for the first conviction. The Department of Motor Vehicles (DMV) is required to report to the legislature on the effectiveness of reducing first time DUI and repeat offenses. This pilot program is dependant on the DMV receiving sufficient non-General Fund dollars and sunsets on January 1, 2016.

**AB 1015** (Torlakson). Nitrous Oxide: Prohibit Sale to Minors.
Chapter 266, Statutes of 2009
This measure makes it a misdemeanor to sell or provide nitrous oxide to a minor, punishable by a fine of $2,500 or one year in prison, or both.

Chapter 142, Statutes of 2009
This measure allows the acceptance of a valid passport as bona fide evidence that a person is 21 years of age or older, for the purposes of purchasing or consuming alcoholic beverages.

B. Crimes, Criminal Proceedings, and Crime Victims

Chapter 71, Statutes of 2009
This measure extends the sunset date on sentencing provisions for aggravated arson convictions until 2014, and increases the threshold of property damage or loss to $6,500,000 from the current threshold of $5,650,000 to reflect inflation.
AB 242 (Nava). Dog Fighting.
Chapter 224, Statutes of 2009
This measure increases the penalty for being a spectator at a dog fighting match from six months in county jail or $1,000, or both, to now be one year in county jail or $5,000, or both.

AB 275 (Solorio). Missing Persons: DNA Database.
Chapter 228, Statutes of 2009 (Urgency)
This measure removes the sunset on the $2 fee on death certificates to support the missing persons DNA data base and eliminates the committee which previously prioritized the backlog of cases. Instead, cases involving children and homicide victims will automatically receive priority.

AB 688 (Eng). Misdemeanors.
Chapter 465, Statutes of 2009
This measure clarifies that a person arrested on a domestic violence protection order violation charge may not be released on their own recognizance before the case is reviewed by a judge.

AB 750 (Bass). Deferred Entry of Judgment.
Chapter 372, Statutes of 2009
This measure allows a county superior court to develop and operate a deferred entry of judgment reentry program targeted at preventing recidivism among non-violent low-level drug sales offenders.

Chapter 498, Statutes of 2009
This measure eliminates the annual maximum number of grants (currently 4) allowed from the Equality in Prevention and Services for Domestic Abuse Fund.

Chapter 607, Statutes of 2009
This measure revises current law that classifies cargo theft exceeding $400 as grand theft by eliminating the sunset date and increasing the minimum value of stolen goods qualifying as “grand theft” to $950. The classification of “grand theft” allows law enforcement and port protection agencies to qualify for federal cargo theft monitoring and prevention funding.

SB 121 (Denham). Central Coast Rural Crime Prevention Program.
Chapter 31, Statutes of 2009
This measure extends the existing sunset on the Central Coast Rural Crime Prevention Program provisions until July 1, 2013 to continue to reporting and recovery of stolen goods in the central coast region.
SB 174 (Strickland). Public Safety and Welfare.
Chapter 35, Statutes of 2009
This measure makes numerous technical and nonsubstantive changes to public safety and administration of justice laws as the annual public safety omnibus bill.

*SB 318 (Calderon). Dogfighting Forfeitures.
Chapter 302, Statutes of 2009
This measure allows prosecuting agencies, in cases involving dog fighting and related illegal activities, to file for forfeiture proceedings on property obtained by the defendant as a result of dog fighting or related illegal acts.

SBx2 12 (Steinberg). State Court Facilities Construction Fund.
Chapter 10, Statutes of 2009, Second Extraordinary Session (Urgency)
This measure makes a continuous appropriation to the existing Immediate and Critical Needs Account of the State Court Facilities Construction Fund until 2012, and makes other related technical changes.

C. Firearms and Weapons

Chapter 258, Statutes of 2009
This measure makes it a misdemeanor to bring or possess a box cutter or razor blade on school grounds with exemptions for peace officers and other specified school officials.

Chapter 138, Statutes of 2009
This measure provides a procedure for the temporary revocation of a retired police officer’s identification certificate that allows him/her to carry a concealed and loaded firearm.

AB 1363 (Davis). Firearms.
Chapter 228, Statutes of 2009
This measure clarifies existing statute regarding licenses to carry a loaded weapon in a jurisdiction of less than 200,000, as issued by the sheriff or police chief of that jurisdiction. AB 1363 states that this type of license is only valid within the county the license was issued.

Chapter 292, Statutes of 2009
This measure requires a school principal report to city police or county sheriffs, if they have jurisdiction over the school or school public safety department, when a student or individual is in possession of a firearm or explosive on school grounds.
*SB 449 (Padilla). Firearms. Transaction Reports.
Chapter 335, Statutes of 2009
This measure streamlines the requirement that secondhand dealers report acquisition of firearms to local law enforcement on a daily basis and instead requires that report go directly to the Department of Justice (DOJ). It also authorizes DOJ to retain those records for the purpose of determining whether the firearm had been reported lost or stolen.

D. Fire Services, Emergency Services, and Disaster Preparedness

*AB 83 (Feuer). Torts: Personal Liability Immunity.
Chapter 77, Statutes of 2009 (Urgency)
This measure clarifies that Good Samaritan immunity protections apply to volunteer emergency responders and laypersons that render emergency medical and non-medical care in good faith.

Chapter 425, Statutes of 2009
This measure exempts authorized emergency vehicles that are responding to, or returning from, an urgent or emergency call from toll payments or subsequent fines for toll evasion on bridges, toll-roads, or high-occupancy vehicle toll lanes.

*AB 388 (Miller). Firefighting Uniforms.
Chapter 100, Statutes of 2009
This measure requires vendors of uniforms to verify that a person purchasing a uniform identifying a firefighting agency or department is an employee or authorized member of the agency or department identified on the uniform, by examining a valid photo identification card issued by a firefighting agency or department or by examining an official letter of authorization from a firefighting agency or department.

This measure also makes it a misdemeanor punishable by a $1,000 fine if a vendor does not verify that a purchaser is an employee or authorized member of the agency or department. These provisions do not apply if the uniform is to be used solely as a prop in a major motion picture, television, video production, or theatrical event and prior written permission has been obtained form the identified firefighting agency or department.
AB 486 (Chesbro). Local Government. Emergencies.
Chapter 6, Statutes of 2009
This measure requires a governing body to review the continuing need for a local emergency at least once every 30 days (instead of the current 14-to-21 days) until the local emergency is terminated. This measure, in situations where a local governing body declares a local emergency, effectively eliminates the distinction between a local governing body that meets weekly and non-weekly.

Chapter 489, Statutes of 2009
This measure directs that 0.25 percent of the charges for intrastate telecommunications services and Voice-over Internet Protocol service, to which an existing surcharge applies, may be used for a one-time payment to primary Public Safety Answering Points in local jurisdictions. This one-time payment may be used for costs necessary to recruit and train additional personnel needed to accept wireless enhanced 911 calls from within their jurisdiction routed directly to their call centers.

Chapter 23, Statutes of 2009 (Urgency)
This measure provides that any state or local entity that meets the eligibility standards of American Recovery and Reinvestment Act of 2009 broadband grants shall also be eligible to apply for funding from the California Advanced Services Fund for the sole purposes of receiving matching funds to finance broadband projects.

Chapter 551, Statutes of 2009
This measure requires a mobilehome park owner or operator to adopt and post an emergency preparedness plan by September 1, 2010 by either:

- Adopting the procedures and plans approved by the Standardized Emergency Management System Advisory Board; or
- Adopting a plan that is developed by the park management and is consistent with the Board’s plan.

The plan must be adopted prior to the issuance of a permit to a new mobilehome park. The park’s emergency contact person must be familiar with the plan and the plan must be posted in a public area of the park. This measure also provides local fire agencies with enforcement authority to ensure compliance with these requirements.
Chapter 26, Statutes of 2009 (Urgency)  
This measure extends Good Samaritan protections to clarify that disaster services workers are not liable for civil damages for unintentional harm while serving under a state or local agency during a state of emergency.

Chapter 586, Statutes of 2009  
This measure specifies that fire prevention regulations adopted by the state Department of Housing and Community Development (HCD) are not applicable in a mobilehome park if that park is within a special district designed solely to provide fire protection services. The district must be delegated fire code enforcement by a city or county that is the mobilehome code enforcement agency and must be enforcing a fire prevention code that is equal to or greater that restrictions imposed by the HCD. Combustible brush and vegetation clearance on a lot are also added to the list of items a city can enforce under its own fire prevention code without assuming full enforcement responsibility for mobilehome parks from HCD.

E. Gang Violence and Graffiti

Chapter 454, Statutes 2009  
This measure adds to the definition of victims who may seek restitution for damages any government entity that is responsible for restoring public or private property that has been defaced with graffiti at a cost to that government entity.

SB 492 (Maldonado). Loitering. Criminal Street Gangs.  
Chapter 592, Statutes of 2009  
This measure creates enhanced penalties for registered gang members who return to a school property, or other public place where children normally congregate, within 72 hours after being asked to leave by a chief administrative official or a public safety officer.

F. Gaming and Gambling

SB 126 (Cedillo). Bingo. Remote Caller Bingo.  
Chapter 562, Statutes of 2009 (Urgency)  
This measure provides a model ordinance for local agencies looking to adopt language that would allow remote caller bingo games to be held within their jurisdiction and makes several technical changes to the California Remote Caller Bingo Act as it relates to the participation of charitable organizations.
SB 357 (Ducheny). Tribal Gaming. Grants to Local Jurisdiction.
Chapter 181, Statutes of 2009
This measure extends the sunset date of the Indian Gaming Special Distribution Fund (SDF) by one year, making the SDF in effect until January 1, 2021. The SDF provides grants to cities and counties to mitigate the impact of tribal gaming in communities.

G. Identity Protection and Privacy

Chapter 40, Statutes of 2009
This measure provides that when the same defendant or defendants commit identity theft crimes in more than one jurisdiction, and the crimes are part of a scheme or involve substantially similar acts, the charges can be tried in a single jurisdiction.

H. Public Safety Professions

AB 428 (Fletcher). Criminal History Records.
Chapter 441, Statutes of 2009
This measure requires the Attorney General to distribute the date and agency name associated with all retained peace officer or non-sworn law enforcement agency employee, pre-employment criminal offender record information search requests, upon receipt of an application for employment and related purposes.

AB 671 (Krekorian). Public Safety Golden Shield Award.
Chapter 462, Statutes of 2009
This measure creates the Golden Shield Award, a statewide honor for every public safety officer who has been killed in the line of duty, to be presented by the Governor.

Chapter 494, Statutes of 2009
This measure requires an employing agency that alleges misconduct of a police officer to notify the officer within one-year of the allegation and to also inform the police officer whether the agency intends to pursue the allegation and specify the punishment the agency intends to impose.
SB 52 (Correa). Public Safety Officer Medal of Valor.
Chapter 553, Statutes of 2009
This measure allows the California Public Safety Medal of Valor Review Board to meet more than once a year and to recommend more than five candidates for the Medal per year. The law also allows the Governor to award the Medal of Valor to more than one public safety officer a year.

Chapter 345, Statutes of 2009
This measure permits a police chief, sheriff, or other agency leader employing peace officers to issue identification to honorably retired peace officers that state this status on a badge, insignia, emblem, label, certificate, card, or in writing, so long as the retired status is clearly indicated. It also permits the police chief, sheriff, or agency leader to revoke the identification in the event of misuse or abuse by the retired peace officer.

I. Nuisance Abatement

Chapter 210, Statutes of 2009
This measure allows a city, county, or city and county, to enact a local ordinance permitting the impoundment of vehicles declared as a public nuisance for no more than 30 days if the vehicle’s owner is arrested on charges related to prostitution or illegal dumping offenses, with a prior conviction for those offenses in the past three years.

AB 85 (T. Berryhill). Junk Dealers and Recyclers.
Chapter 78, Statutes of 2009
This measure makes technical and clarifying changes to current laws regulating junk dealers and recyclers and, among other things, states only a peace officer may inspect a seller's thumbprint in response to a criminal search warrant where probable cause is present.

*AB 99 (De Leon). Secondhand Dealers and Coin Dealers.
Chapter 311, Statutes of 2009
This measure expands the types of identification that secondhand dealers and coin dealers may accept in their recordkeeping duties to include Matricular Consular cards (personal identification cards issued by the Mexican government) so long as one additional form of government identification is provided. These include a US passport, US or Canadian driver's license, US state or federal identification card, or a non-US passport with additional identification form bearing an address.
**AB 158 (Mendoza). Secondhand Dealers and Coin Dealers.**
**Chapter 86, Statutes of 2009**
This measure makes exceptions to the requirements for secondhand dealers and coin dealers to request valid identification cards with signature and identifying number by allowing valid government identification or documents, such as a military identification card or a U.S. visa issued to a Mexican citizen, to be accepted if the identification document is designed to not include a signature.

*AB 568 (Lieu). Counterfeit Goods. Abatement.*
**Chapter 453, Statutes of 2009**
This measure states that until January 1, 2015 any non-residential property used for the manufacture, sale, or knowing possession of counterfeit goods constitutes a nuisance and authorizes various public and private remedies, including injunctions and abatement orders to prevent the nuisance. In addition, a district attorney, city attorney, or city prosecutor that maintains an action to enjoin, abate, or prevent a nuisance pursuant to these provisions shall report to the legislature on their use of these abatement provisions and their effectiveness by October 1, 2013.

**SB 627 (Calderon). Catalytic Converters. Junk Dealers and Recyclers.**
**Chapter 603, Statutes of 2009**
This measure requires core recyclers (persons or business who process individual vehicle parts) to comply with additional recordkeeping and identification procedures that are similar to secondhand dealers and junk dealers when purchasing catalytic converters. This measure also restricts immediate payments for catalytic converters and requires a mailed check or a three-day delay for cash payments from the time of purchase.

---

**J. Sexual Offenders**

**AB 307 (Cook). Sex Offenders. Working with Minors.**
**Chapter 430, Statutes of 2009 (Urgency)**
This measure defines “working directly and in an unaccompanied setting” with a minor to include employment or volunteer positions that provide goods or services to minors, for the purposes of considering applications from individuals required to register with the state as a sex offender.

**SB 583 (Hollingsworth). Sex Offenders.**
**Chapter 55, Statutes of 2009**
This measure requires the Department of Justice to record the type of residence at which sex offenders reside and provide the information to the Department of Social Services or other state agencies to ensure that sex offenders are not residing in facilities that may also serve children.
SB 588 (Leno). Sex Offender Management Board.
Chapter 190, Statutes of 2009
This measure repeals the sunset date on the California Sex Offender Management Board (SOMB) indefinitely, making this a permanent body. SOMB is charged with addressing issues, concerns, and problems related to the community management of the state’s adult sex offender population, with a goal of safer communities and reduced victimization.

K. Other Public Safety Related Issues

*AB 515 (Hagman). Collateral Recovery. Tow Vehicles.
Chapter 322, Statutes of 2009
This measure makes several changes to the Collateral Recovery Act related to vehicle impound. Specifically, it requires that local law enforcement agencies remain open for the release of impounded vehicles to the registered owner (or agent) and be able to process valid bank cards and cash payments during the regular, non-emergency business hours of the agency office without requiring an appointment.

SB 324 (Cedillo). Counterfeit Marks.
Chapter 581, Statutes of 2009
This measure provides that courts may consider allowing seized counterfeit goods be donated to a non-profit organization for distribution to indigent persons at no charge, in lieu of destruction and disposal upon request by law enforcement and with consent from the trademark registrant. This consideration does not apply to audio-visual recordings.

SBx3 14 (Ducheny). Prison Overcrowding.
Chapter 16, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure makes changes to the Safety and Offender Rehabilitation Services Act of 2007 (AB 900, Chapter 7, Statutes of 2009), and provides that the required 12,000 new prison beds can be located at any of the facilities under the jurisdiction of the California Department of Corrections and Rehabilitation. The measure also expands acceptable use of specified bond dollars for these construction projects.

*SBx3 18 (Ducheny). Corrections.
Chapter 28, Statutes of 2009, Third Extraordinary Session
This measure contains the package of corrections proposals that sought to close the $1.2 billion dollar deficit in the California Department of Corrections and Rehabilitation’s budget. Please see Appendix A – Technical Resources for the full breakdown of the savings and expenditures projected by the programs in this measure.
VIII. Revenue and Taxation

**A. Bonds, Debts and Investments**

**AB 1364 (Evans). Public Contracts. State Bonds. Grant Agreements.**
Chapter 526, Statutes of 2009 (Urgency)
This measure allows any state agency that has entered into a grant agreement on or after December 18, 2008, that is based on state bond fund expenditures to either (1) renegotiate, modify, or eliminate the timetables for deliverables within the grant agreement in order to address the suspension, or (2) to terminate the grant agreement if no grant funds have yet been delivered, so long as the state agency or grant recipient is unable to comply with the terms of that agreement because of the suspension of contracts by the Pooled Money Investment Board.

**AB 1388 (Hernandez). Local Agencies: Negotiated Sales.**
Chapter 529, Statutes of 2009
This measure gives cities and other public agencies authority, currently only provided to schools and community colleges, to issue and sell general obligation bonds through the negotiated sale method for a price below or above par value. Expanding this authority to apply to cities and other public agencies will provide them with additional options to craft financing mechanisms that fit the available market.

**SB 101, SB 102, SB 103 (Local Government). Validation Acts.**
Chapters 2, 163, and 164, Statutes of 2009 (Urgency)
These measures, which were chaptered at intervals during the legislative year, validate the organization, boundaries, acts, proceedings, and bonds of the state, counties, cities, special districts, school districts, redevelopment agencies, and other public agencies to enhance confidence in those actions and financial mechanisms.

**SB 826 (Committee on Governmental Organization). State General Obligation Bonds.**
Chapter 205, Statutes of 2009
This measure revises various processes and practices associated with the issuance by the state of general obligation bonds, including through negotiated sales.
B. Property Tax/Property-Related Measures

AB 143 (Jeffries). Return of Replicated Property Tax Payments.
Chapter 85, Statutes of 2009 (Urgency)
This measure authorizes county tax collectors to return a replicated property tax payment, at the instruction of the owner of record, to the party that made the payment. The object of this law is to minimize disputes and litigation when outside parties attempt to gain legal control of property through the legal principle of adverse possession, by making property tax payments on property they do not own.

AB 904 (V. M. Perez). Local Capital Investment Incentives: Qualified manufacturing Facilities.
Chapter 486, Statutes of 2009
This measure expands the lists of businesses eligible for the California Investment Incentive Program. The program enables cities and counties to pay a property tax rebate of the amount of the assessed value of the facility in excess of $150 million if the city or county elects to participate in the program. Businesses engaged in the manufacturing or components related to the production of electricity using solar, wind, biomass, hydropower, or geothermal resources after July 1, 2010 are eligible to participate in the program.

Chapter 496, Statutes of 2009
This measure makes numerous revisions to existing law designed to limit unscrupulous practices by residential property tax assessment appeals services.

AB 1568 (Salas). Property Taxation: Disaster Relief: Children’s Health and Human Services Special Fund.
Chapter 299, Statutes of 2009
This measure clarifies that specified properties affected by the 2008 wildfires in the Counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, and Santa Barbara remain eligible for the homeowners’ property tax exemption, allows the excess disaster loss to be carried to other taxable years and creates the Children's Health and Human Services Special Fund in the State Treasury. Moneys in the Children’s Health and Human Services Special Fund shall be used exclusively for the purposes set forth by AB 1422 (Bass, Chapter 157, Statutes of 2009).

SB 822 (Committee on Revenue and Taxation). Property Tax: Local Administration.
Chapter 204, Statutes of 2009
This measure makes several changes related to the administration of local property taxes, including:
- Increasing the minimum property value, or value of new construction, that a board of supervisors may exempt from taxation from $5,000 to $10,000;
• Authorizing an assessor to require the submission of building plans in electronic form, if available;
• Authorizing assessors to submit information on the use of the disabled veteran’s property tax exemption to the Board of Equalization, to avoid duplicated claims within the state; and
• Authorizing separate valuations of parcels subject to a subdivision map, where authorized by county ordinance.

**SB 823 (Committee on Revenue and Taxation). Property Tax: Local Administration.**
**Chapter 17, Statutes of 2009**
This measure addresses several minor items related to tax collection and assessment, including clarifying the process for electronic payment, calculating interest on replicated payments, and rescinding the sale of a tax deed.

**SB 824 (Committee on Revenue and Taxation). Property Tax: Local Administration.**
**Chapter 67, Statutes of 2009**
This measure makes minor changes related to tax collection and assessment affecting the welfare exemption, changes in ownership reports, calculating damage to disaster-affected property, disabled veteran’s exemption, and preliminary changes of ownership. In addition, this measure authorizes the Board of Equalization to meet quarterly rather than monthly in Sacramento.

**C. Sales and Use Tax**

**AB 1486 (Furutani). Sales and Use Tax: Non Profit Organizations.**
**Chapter 538, Statutes of 2009**
This measure, until January 1, 2015, defines a non-profit organization, meeting the requirements of IRS Code S. 501 (c) (3), as a “consumer” and not a “retailer” of tangible personal property, in instances when:
1. The property transferred bears a logo or other identifying mark, and is a promotional or other item commonly associated with use by a member, or membership in, the organization.
2. The cost to the member does not exceed the cost to the organization, to obtain and transfer the item, including the payment of sales and use tax by the organization.
3. Reasonable steps are made to ensure that no member is allowed to acquire more than 30 identical items or to resell the items to another person.
4. The property is not distributed for purposes of organized political activity or campaigning.

The net effect of this measure is that the organization will pay the sales and use tax on the items, and may transfer the items to its members, without having to collect sales and use tax on sales to its members, provided the organization complies with the above requirements.
*SB 27 (Hancock). Reallocation Agreements. 
Chapter 4, Statutes of 2009 (Urgency)
This measure prohibits a city, county, or city and county, including a chartered city or county, on and after June 5, 2009, from entering into any form of agreement that results, directly or indirectly, in the payment, transfer, diversion or rebate of any amount of Bradley-Burns local sales and use tax proceeds to any person for any purpose when both of the following apply: (1) the agreement results in a reduction in the amount of Bradley-Burns tax proceeds received by another local agency from a retailer within the territorial jurisdiction of that other local agency; and (2) the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency.

SB 765 (Dutton). Sales and Use Tax: Thrift Stores, Military Installations. 
Chapter 615, Statutes of 2009 
This measure exempts from sales tax, until January 1, 2014, tangible personal property sold by a thrift store located on a military installation, and operated in partnership with the U.S. Department of Defense.

SB 809 (Committee on Veterans Affairs). Sales and Use Tax: Itinerant Vendors. 
Chapter 621, Statutes of 2009 
This measure, until January 1, 2012, authorizes an honorably discharged military veteran, with a service-connected disability that renders him/her unable to obtain a livelihood by manual labor, who operates as an itinerant vendor to be defined as a “consumer” and not a “retailer” of tangible personal property, in instances when: 
1. The sales do not involve alcoholic beverages;
2. The sales of items of tangible personal property do not sell for more than $100; and
3. The person has no permanent place of business, as defined.

This exemption does not apply to a person operating vending machines, or serving meals, food or drinks to a customer at a location, owned, rented or supplied by the customer.

Resolutions Chapter 95, Statutes of 2009 
This resolution calls upon the members of our congressional delegation to join in support of legislative action by the Congress to allow states to collect use taxes on remote sales and to exempt from the use tax collection requirement small businesses that sell products over the Internet. The measure also calls upon the President to sign such legislation.
D. State Budget

1. February 2009, Compromise Budget Package

3rd Extraordinary Session

*ABx3 3 (Evans). State Tax Increases: Sales and Use Tax, Income Taxes, Vehicle License Fees.
Chapter 18, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure contained the state tax increases approved as part of the budget package. The duration of all of these taxes would have been extended for an additional period if the voters approved the ballot measure containing the state spending cap ACAx3 1 (Niello, Resolutions Chapter 1, Statutes of 2009 Third Extraordinary Session), which appeared as Proposition 1A on the May 19, 2009, statewide elections. The voters rejected Proposition 1A.

- **Statewide Sales and Use Tax.** Increases the current tax rate by 1 percent as of April 1, 2009. The rate increase sunsets on July 1, 2011. If the voters would have approved Proposition 1A, then the tax increase would have continued until July 1, 2012.

- **Vehicle License Fee (VLF).** Increases the VLF rate for all vehicles (except for commercial vehicles with a gross weight of 10,000 pounds or more) by 0.5 percent. While the revenue from the 0.35 percent increase will be deposited into the General Fund, revenue from the 0.15 percent increase will be transferred to a newly-created Local Safety and Protection Account, appropriated for specific local public safety programs. The VLF rate increase became effective for registrations beginning May 19, 2009, and will sunset on June 30, 2011. This measure further contains a kill switch designed to protect the revenues directed for local public safety. The Director of Finance (DOF) is required to determine and report to the Legislature by January 10, 2010, and each year thereafter, if the revenues derived from the 0.15 percent increase are being used for any purpose not authorized by the newly created Local Safety and Protection Account. If the DOF determines that funds are being used for other state purposes, then the Director of Motor Vehicles shall, upon receiving this notification, immediately cease collection of the tax. If the voters would have approved Proposition 1A, then this tax increase would have continued until July 1, 2013.

- **Personal Income Tax.** Increases the personal income tax rate by 0.25 percent to each marginal personal income tax rate, or to the alternative minimum tax rate (taxpayers pay whichever is higher), for the years 2009 and 2010. The amount of this increase could have been reduced to 0.125 percent if the Treasurer and Director of Finance, pursuant to language contained in ABx3 16 (Evans, Chapter 5, Statutes of 2009, Third Extraordinary Session), determined sufficient federal funds have been made available to offset not less than $10 billion General Fund...
expenditures. They determined that federal funds did not meet this threshold, thus the tax increase remained at 0.25 percent. *If the voters would have approved Proposition 1A, then this tax increase would have continued until January 1, 2013.*

- **Dependent Tax Credit.** Reduces the current dependent tax credit of $309 to $227 and the personal income tax credit of $99 (given to taxpayers who are over 65, and to taxpayers filing a joint return with their spouse/domestic partner) to $52, for the years 2009 and 2010. *If the voters would have approved Proposition 1A, this tax increase would have continued until July 1, 2013.*

**ABx3 5 (Evans). Health.**
Chapter 20, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure makes a number of cuts and other changes to state health programs.

**ABx3 7 (Evans). State Registered Warrants.**
Chapter 26, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure clarifies the maturity dates of state issued registered warrants (IOU’s).

**ABx3 11 (Evans). Special Election.**
Chapter 6, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure calls for a special election on May 19, 2009, for the voters to decide five measures related to the February budget agreement. This measure was later chaptered out by SBx3 19 (Ducheny, Chapter 7, Statutes of 2009, Third Extraordinary Session), which added a sixth measure to the ballot.

**ABx3 12 (Evans). State Lottery.**
Chapter 8, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure makes several adjustments to audit and other provisions relating to the State Lottery. These changes are consolidated into the previous lottery modernization provisions that were approved as part of the FY 2008-09 state budget. It was submitted to, and rejected by, the voters through at the May 19, 2009, election as Proposition 1C.

**ABx3 13 (Evans). State Cash Management Omnibus.**
Chapter 9, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure authorizes the state to borrow for cash flow purposes from 18 different funds. Language authorizing most of these provisions requires the payment of interest, and prohibits borrowing that would “interfere with the carrying out of the object” of the programs. Cities should note that from the “Local Public Safety Fund,” which is an account established for the deposit of Proposition 172 (1/2 cent sales and use tax for public safety) is listed as one of the funds.
ABx3 16 (Evans). Income Tax Trigger: Level of Federal Funding.
Chapter 5, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure requires the Treasurer and the Director of Finance, or their designees, to meet and confer at a public hearing to be held on or before April 1, 2009. The Treasurer and Director of Finance will determine whether or not sufficient federal funds have been made available to offset not less than $10 billion General Fund expenditures. If they do not determine that sufficient funds are available, the income tax increase contained within ABx3 3 (Evans) will be 0.25 percent. If they do determine that sufficient funds have been made available, then the tax increase will be 0.125 percent. It was determined at this meeting that federal funds were not sufficient.

ABx3 17 (Evans). Redirection of Tobacco Tax Funds.
Chapter 11, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure redirects between $275 to $340 million in one-time reserve funds, and authorizes $268 million to be diverted annually for five years from Proposition 10 (tobacco tax for children’s health care) for programs with similar objectives funded under the General Fund. This measure appeared as Proposition 1D on the May 19, 2009, ballot and was defeated.

ABx3 18 (Evans). Redirection of Tobacco Tax Funds.
Chapter 19, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure places SCA 4 (Maldonado, Chapter 2, Statutes of 2009) the open primary measure on the June 8, 2010 primary ballot.

*ACAx3 1 (Niello). Budget Reform: Reserve Funds and Spending Cap.
Resolution Chapter 1, Statutes of 2009, Third Extraordinary Session
This measure modifies and expands the state budget reforms agreed to as part of the FY 2008-09 budget (SCA 30). This measure was later rejected by the state voters (as Proposition 1A) at the Special Election on May 19, 2009. If enacted, it would have done the following:

Budget Stabilization Fund
Require 3 percent of state General Fund (GF) revenues to be deposited annually in a Budget Stabilization Fund, except when the amount in that fund would exceed 12.5 percent of the GF revenues estimate. Under the existing law, deposits are no longer required when the amount in the fund would exceed 5 percent of the GF revenues estimate.

- Divert one half of these contributions to repay amounts owed public education under Proposition 98 for FY 2007-08 and FY 2008-09 fiscal years ($9.3 billion).
- Of the contributions that continue to flow into the Budget Stabilization Fund, divert one half of those revenues (not to exceed an aggregate of $5 billion) to repay the previously issued Deficit Recovery Bonds. Once repayments to education and deficit recovery bonds are completed, then full 3 percent contribution would flow into Budget Stabilization Fund.
State Expenditure Cap: Place two limitations on the state’s expenditures. First, funds may be withdrawn from the Budget Stabilization Fund for one of three reasons: (1) to satisfy any “gap” that may exist between the total General Fund revenues available in the prior fiscal year and the “expenditure forecast amount” (the total expenditures for the prior fiscal year adjusted for population growth and increases in the Consumer Price Index); (2) to respond to a natural disaster or other extreme emergency declared by the Governor; or (3) to be loaned for cash flow purposes to the General Fund to be repaid within the same fiscal year.

Second, any unanticipated revenues received by the state (which would exceed the threshold of 12.5 percent of the General Fund) would be required to be spent on any of the following outstanding budgetary obligations: (1) any unfunded prior fiscal year obligations required to be paid to schools under Proposition 98; (2) any repayment obligations owed local governments from property taxes borrowed under Proposition 1A; (3) any repayment obligations for amounts owed for transportation revenues borrowed under Proposition 42 to repay the 2004 state deficit reduction bonds.

Any additional amount of unanticipated revenue may be used for any of the following: (1) transfer additional amounts to the Budget Stabilization Fund; (2) pay for one-time infrastructure projects; (3) retire outstanding state general obligation bond debt; (4) return funds to taxpayers through one-time revision to tax rates; or (5) fund unfunded liabilities for vested nonpension benefits for state annuitants.

ACAx3 2 (Bass). Education Repayment.
Resolution Chapter 2, Statutes of 2009, Third Extraordinary Session
This measure appeared as Proposition 1B on the May 19, 2009, statewide ballot, and was contingent upon provisions contained within Proposition 1A (spending cap). If both Proposition 1A and this measure were approved, schools and community colleges would have received supplemental education payments totaling $9.3 billion in funding obligations to schools commencing in FY 2011-12. These payments are in lieu of designated maintenance factor payments to schools under Prop. 98 for FY 2007-08 and FY 2008-09.

SBx3 1 (Ducheny). FY 2009-10 State Budget Bill.
Chapter 1, Statutes of 2009, Third Extraordinary Session (Urgency)
This 657-page measure is the budget bill for the FY 2009-10 fiscal year, containing the department-by-department, line-item appropriations for every program in state government. As part of the February 2009 budget agreement, legislators also took the unusual step of approving a FY 2009-10 budget, which was not due until July 2009.
SBx3 2 (Ducheny). Mid-Year Adjustments to FY 2008-09 Budget. 
Chapter 2, Statutes of 2009, Third Extraordinary Session (Urgency) 
This measure makes numerous reductions to previously approved appropriations to the 
2008-09 Budget Act, including unallocated cuts to reflect state employee savings, as 
well as other modifications and technical changes. The following provisions affected 
cities:
- Reducing funding for local public safety grants provided through the Office of 
  Emergency Services by $23.9 million;
- Reducing the allocation for local transit agencies from $306 to $153 million;
- Using $11 million in Proposition 84 funds for court-ordered Americans with 
  Disabilities Act improvements by the Department of Parks and Recreation;
- Reducing funding for Corrections Standard Authority local public safety programs 
  by $75.5 million, including juvenile facilities’ support and inmate transportation 
  reimbursement (largely county-based); and,
- Borrowing $5 million from the Peace Officers Training Fund.

This measure also includes a provision that moved the date of the Governor's traditional 
Budget May Revise to June 8, 2009.

SBx3 4 (Ducheny). Education Omnibus. 
Chapter 12, Statutes of 2009, Third Extraordinary Session (Urgency) 
This measure makes numerous changes to K-12 and community college programs, 
provides flexibility to various categorical funding programs, and other changes designed 
to achieve state budget savings and improve state cash flow.

SBx3 6 (Ducheny). Human Services. 
Chapter 13, Statutes of 2009, Third Extraordinary Session (Urgency) 
This measure makes cuts and other changes to welfare and other state social 
programs.

*SBx3 7 (Ducheny). Transportation. 
Chapter 14, Statutes of 2009, Third Extraordinary Session (Urgency) 
This measure sweeps all potential future revenues that may be generated for transit 
pursuant to “spillover” funds, as well as the 20 percent allocated to transit from 
Proposition 42 (sales tax on gasoline) funds, from FY 2009-10 through FY 2012-13 to 
fund various state transit programs otherwise funded through the General Fund. It also 
authorizes the Director of Finance to reimburse the General Fund (GF) for 
transportation-related general fund debt service costs from funds transferred to the 
Transportation Debt Service Fund. The measure requires that certain funds (estimated 
at $100 million per year for two years) generated by tribal compacts that have been 
previously designated for repayment of specified transportation-related debt to be 
transferred to GF.
*SBx3 8 (Ducheny). State and Local Government Omnibus.  
Chapter 4, Statutes of 2009, Third Extraordinary Session (Urgency)

This measure makes several changes related to local and state government finances, including payments, contracting, and service agreements. Of significance to cities:

Local Safety and Protection Account. Directs revenue from the 0.15 percent increase in Vehicle License Fees (approximately $500 million per year) deposited into a newly created Local Safety and Protection Account to following programs:

- Citizens Options for Public Safety (COPS) and Juvenile Justice Crime Prevention Act (JJCPA) grants. Requires the Controller to allocate 23.6 percent of the funds received under to each of these programs for FY 2008-09. Requires this percentage to be reduced to 21.30 percent for FY 2009-10 and beyond (approximately $100 million for COPS and $100 million for JJCPA).
- Allocates 6.26 percent for booking fees, and requires these funds to be allocated on a quarterly basis commencing on October 1, 2009;
- Directs 3.6 percent for Small and Rural Sheriffs Grants;
- Directs 36.04 percent for Juvenile Probation and Camps Funding under CDCR;
- Directs 11.42 percent for crime prevention programs under the California Emergency Management Agency.

Among the tax increases adopted by the Legislature and signed by the Governor in ABx3 3 (Evans, Chapter 18, Statutes of 2009, Third Extraordinary Session), is a new 0.15 percent VLF rate dedicated to local law enforcement grants previously paid out of the state general fund. These grants include the COPS program (also known as Supplemental Law Enforcement Services Funding SLESF); JJCPA; booking fee grants to county sheriffs; and aid to small and rural sheriffs.

Payment Deferrals:

- Mandates: Permanently shifts state mandate reimbursements from August 15 to October 15, or 60 days after the date the appropriation for the claim is effective.
- Highway User’s taxes (HUTA): Defers city and county gas excise tax payments for January, February, and March, to be paid along with the April revenues in May (for 2009 only).

Other Provisions:

- Lifts an existing tax increment debt cap applicable to the Glendora Redevelopment Agency that will allow it to receive an additional $2.6 million per year.
- Shifts $35 million for two years, and then $50 million per year ongoing to the County of Orange in Educational Revenue Augmentation (ERAF) Funds. These amounts will be backfilled by the state General Fund.
• Makes a variety of changes to statute affecting the California Emergency Management Agency.
• Suspends the Senior Citizens’ Property Tax Deferral Program, removing state’s authority expand this program.

SBx3 10 (Ducheny). Redirection of Mental Health Funding.
Chapter 15, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure redirects $226.7 million in FY 2009-10, and up to $234 million in FY 2010-11 from Proposition 63 (tax on millionaires for mental health services) for programs with similar objectives funded under the General Fund. This measure was submitted to and was rejected by voters as Proposition 1E on the May 19, 2009 election.

SBx3 14 (Ducheny). Prison Overcrowding.
Chapter 16, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure makes changes to the Safety and Offender Rehabilitation Services Act of 2007 (AB 900, Chapter 7, Statutes of 2007), and provides that the required 12,000 new prison beds can be located at any of the facilities under the jurisdiction of the California Department of Corrections and Rehabilitation. The measure also expands acceptable use of specified bond dollars for these construction projects.

*SBx3 15 (R. Calderon and Florez). Tax Credits.
Chapter 17, Statutes of 2009, Third Extraordinary Session
This measure provides a temporary tax credit of $3,000 to businesses with 20 or fewer employees, for each new position they create, with a $400 million maximum. Establishes motion picture production tax credits of up to $100 million per year for five years for the production of qualified motion pictures in California. Also provides an alternative income apportionment method to multi-state businesses, which includes a new definition that broadly defines in-state “sales” for purposes of the Franchise Tax Board. ABx3 15 (Krekorian, Chapter 10, Statutes of 2009, Third Extraordinary Session) contains identical content.

*SBx3 18 (Ducheny). Corrections.
Chapter 28, Statutes of 2009, Third Extraordinary Session
This measure contained the package of corrections proposals that sought to close the $1.2 billion dollar deficit in the California Department of Corrections and Rehabilitation’s budget. Please see Appendix A – Technical Resources for the full breakdown of the savings and expenditures projected by the programs in this measure.
SBx3 19 (Ducheny). Special Election.
Chapter 7, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure calls for statewide special election to be held on May 19, 2009, with the following six measures and titles:
- Proposition 1A ‘Rainy Day’ Budget Stabilization Fund (ACAx3 1 (Niello);
- Proposition 1B Education Funding. Payment Plan (ACAx3 2 (Bass);
- Proposition 1C Lottery Modernization Act (ABx3 12 (Evans);
- Proposition 1D Children’s Services Funding (ABx3 17 (Evans);
- Proposition 1E Mental Health Funding Budget (SBx3 10 (Ducheny); and,
- Proposition 1F Elected Official’s Salaries. Prevents Pay Increases During Budget Deficit Years (SCA 4 (Maldonado).

This measure also authorizes local elections to be consolidated with the May 19 statewide election, and specifically exempts the application of the existing 88-day limit.

SBx3 20 (Maldonado). State Controller’s Furniture.
Chapter 3, Statutes of 2009, Third Extraordinary Session (Urgency)
This measure reduces the State Controller’s budget for operating expenses and equipment by $996,000, and contains intent language that prohibits the expenditure for office furniture for the previously approved Cannery Business Park Lease.

2nd Extraordinary Session

ABx2 5 (Gaines). Employee Flex Time.
Chapter 3, Statutes of 2009, Second Extraordinary Session
This measure makes changes to employee work weeks menu options and allows an employer to offer employees schedule options when proposing an alternative workweek elections that includes an eight-hour work day.

ABx2 8 (Nestande). Transportation Projects: Regulatory Relief.
Chapter 6, Statutes of 2009, Second Extraordinary Session
This measure modifies existing air quality regulations applicable to fleets and heavy duty construction. The measure establishes an expedited permit approval process for various state agencies for nine specific transportation construction projects, and exempts eight specific transportation projects and the sale of state surplus property from the California Environmental Quality Act (CEQA). Furthermore, the measure authorizes the Orange County Transportation Authority to acquire rights-of-way for two specific projects.

SBx2 3 (Florez). Air Quality: Farm Equipment.
Chapter 1, Statutes of 2009, Second Extraordinary Session
This measure makes changes to the Carl Moyer Memorial Air Quality Standards Program designed to expand eligibility for farm equipment.
*SBx2 4 (Cogdill). Design-Build, Public Private Partnerships.  
Chapter 2, Statutes of 2009, Second Extraordinary Session
This measure expands design-build authorization for (1) five state facilities within the jurisdiction of Department of Corrections and Rehabilitation, Department of General Services and Judicial Council; (2) ten redevelopment agency projects in excess of $1 million; (3) five local transportation projects (regional transportation agencies or transportation projects); and, (4) ten state transportation projects. This measure also allows Caltrans and regional transportation agencies to enter into an unlimited amount of public-private partnerships through January 1, 2017.

SBx2 7 (Corbett). Mortgage Foreclosures.  
Chapter 4, Statutes of 2009, Second Extraordinary Session
This measure provides a 90-day foreclosure delay on owner-occupied homes where the first loan was recorded between January 1, 2003 and January 1, 2008, unless the loan is serviced by a financial institution that has a comprehensive loan modification program. The provisions of this measure sunset on January 1, 2011.

Chapter 7, Statutes of 2009, Second Extraordinary Session
This measure requires payment of a fee to the Department of Industrial Relations (DIR) for enforcement of the prevailing wage law under the following circumstances:

1. Under existing law, adoption of a Labor Compliance Program may substitute for the payment of prevailing wage rates on certain public works projects (construction projects over $25,000 and maintenance projects over $15,000). This measure retains the option not to pay prevailing wages on these public works projects but substitutes payment of the fee to DIR for the requirement to adopt an LCP.

2. Under existing law, the design-build process that was extended to cities in AB 642 (Wolk, Chapter 314, Statutes of 2008), requires a city to adopt a Labor Compliance Program. This measure retains the design-build option but substitutes payment of the fee to DIR for the requirement to adopt an LCP.

3. Under existing law, the design-build process applicable to transit operators requires the transit operator to adopt a Labor Compliance Program. This measure retains the design-build option but substitutes payment of the fee to DIR for the requirement to adopt an LCP.

4. When a city uses State bond funds for public works projects.

The fee to DIR is calculated as a percentage of the cost of the public works project. There is an exception to paying the fee and continuing to enforce a labor compliance program with the approval of DIR.

The League’s assessment is that this measure’s effect on charter cities is limited. While the measure expresses the Legislature’s intent that all cities be subject to
prevailing wage law, the measure acknowledges that the courts must ultimately decide this issue. The only specific statutory language directed at charter cities is the following: “a capital improvement project undertaken by a charter city to extend that city’s water, sewer, or storm drain system or similar system to a disadvantaged community in an unincorporated area shall be considered a public work for the purpose of [prevailing wage laws], but any subsequent project to construct, expand reconstruct, install, or repair such systems that have been so extended and that are conducted within that city’s political boundaries shall not be considered a public work.” (Italics used for emphasis)

SBx2 10 (Oropeza). VLF Increases and Rental Car Agreements.  
Chapter 8, Statutes of 2009, Second Extraordinary Session  
This measure requires rental car companies to pass on the expense of increased vehicle license fee as an unbundled fee to customers in their rental agreements.

SBx2 11 (Steinberg). Judges.  
Chapter 9, Statutes of 2009, Second Extraordinary Session  
This measure requires judges receiving various supplemental benefits from counties as of July 1, 2008 to continue to receive them in accordance with the terms and conditions in effect on that date.

SBx2 12 (Steinberg). State Court Facilities Construction Fund.  
Chapter 10, Statutes of 2009, Second Extraordinary Session  
This measure makes a continuous appropriation to the existing Immediate and Critical Needs Account of the State Court Facilities Construction Fund until 2012, and makes other related technical changes.

*SBx2 15 (Ashburn). Home Purchase Tax Credit.  
Chapter 11, Statutes of 2009, Second Extraordinary Session  
This measure creates a personal income tax credit for new home buyers equal to the lesser of $10,000 or 5 percent of the new home purchase price, with a maximum authorized amount for the program of $100 million.

SBx2 16 (Ashburn). Horse Racing.  
Chapter 12, Statutes of 2009, Second Extraordinary Session  
This measure continuously appropriates $32 million from the General Fund to the State Fair and Exposition Fund to offset fees that would otherwise be paid by the racing industry, and makes other related changes.

Regular Session

SB 6 (Maldonado). Open Primary-Statutes.  
Chapter 1, Statutes of 2009  
This measure makes the necessary changes to Election Code statutes provided that SCA 4 is approved by the voters in the June 2010 statewide election.
*SCA 4 (Maldonado). Open Primary.
Resolution Chapter 2, Statutes of 2009
Subject to voter approval on the June 2010 statewide election, this measure would establish an open primary for each state elective and congressional office in California. In brief, the measure provides that all candidates for office are listed on a single primary ballot with the top two candidates receiving the greatest number of votes to advance to the general election. This measure would also designate the Superintendent of Public Instruction as a nonpartisan office.

SCA 8 (Maldonado). Legislative Salaries.
Resolution Chapter 3, Statutes of 2009
Subject to voter approval at the May 19, 2009, statewide election as Proposition 1F, this measure prohibits the California Citizens’ Compensation Commission from increasing the salary of any state officer that would take effect in December, if there is an operating deficit of more than one percent as determined by the Director of Finance on June 1 of the preceding fiscal year. This measure was approved by the voters.

2. July Budget Solution

Major Bills that Affect Local Government

*ABx4 1 (Evans). Budget Act of 2009 Revisions.
Chapter 1, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes numerous changes to the FY 2009-10 Budget Bill approved by the Legislature in February. Among the many provisions, the measure:

- Provides $700 million in local assistance shared revenues for support of Local Streets and Road Improvement Account of 2006 and the Highway Safety, Traffic Reduction, Air Quality and Port Security Fund of 2006. Approximately $258 million (of the $700 million authorized in the budget) is for cities. The Controller will allocate these funds on a first-come, first serve basis.

- Suspends 25 state mandates. This is in addition to 27 mandates that were suspended in prior legislative sessions. Local agencies are no longer required to carry out these directives, nor will they be reimbursed if they choose to continue to implement these programs. The vast majority of the newly suspended mandates affect county responsibilities, but there are a few that are of interest to cities. The most significant new suspension for cities relates to housing and caring for stray dogs and cats, commonly referred to as the “Animal Adoption” mandate. Other suspended mandates relate to DNA sample-storage and collection, as well as the stolen-vehicle-notification mandate, which generally requires “original reporting” law enforcement agencies notify reporting parties when a stolen vehicle has been recovered by another agency.

- Makes $12 million available from the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Fund of 2006 for planning...
grants and incentives. These incentives include revolving loan programs and are designed to assist local government in complying with SB 375 (Steinberg, Chapter 728, Statutes of 2008). Budget language states that the funds should be committed by October.

- Contains a $1.7 million cut to the Governor’s Office of Planning and Research (OPR). The OPR revises and publishes guidelines pertaining to the California Environmental Quality Act and is a key stakeholder in the Strategic Growth Council. It is expected that duties previously assigned to OPR are expected to be transferred to other state agencies and boards.

- Includes funding for a variety of local public safety programs. For example, $9.2 million in local funding is available for the California Gang Reduction Intervention Prevention (CalGRIP) grant programs, administered by the California Emergency Management Agency that reduces gang activity. $1 million specifically is available to the City of Los Angeles and $8.2 million is available to all other cities on a competitive basis.

- Contains a loan of $8.25 million from the Alternative and Renewable Fuel and Vehicle Technology Fund to the California Beverage Container Recycling Fund. This loan will provide grants to certified local conservation corps.

- Cuts approximately $14 million from the Department of Parks and Recreation budget.

- Cuts funding for Williamson Act down to $1,000. While this will keep the program in law, it will not provide any funding for the program.

- Authorizes $22 million for the Ecosystem Restoration Program upon the signing into law of a new Bay-Delta governance structure. The budget also identifies $8.9 million to be used for development of the Bay-Delta Conservation Plan.

- Includes $135 million in federal funding to administer the Edward Byrne Memorial Justice Assistance Grant (JAG) Program through state and local agencies:
  - $45 million to provide substance abuse treatment for criminal offenders convicted of nonviolent drug offenses;
  - $45 million to provide grants to county probation departments to provide services to adult felons probationers;
  - $19.75 million to support drug task forces that combat street to mid-level drug sales;
  - $10 million to help divert parole violators from prison through the use of collaborative courts;
  - $4.5 million to combat mid- to high-level methamphetamine manufacturing and drug trafficking;
  - $3.75 million to prevent human trafficking cases;
  - $3.3 million to combat antifirearms trafficking efforts;
$2.1 million to establish a statewide network of antigang coordinators among law enforcement agencies;
$1.5 million to improve victims’ access to offender information; and,
$150,000 to the California District Attorneys Association to provide training for ADA Enforcement Program’s multijurisdictional drug task forces.

*ABx4 14 (Committee on Budget). Suspends Proposition 1A (2004).  
Chapter 13, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure suspends Proposition 1A (2004) and borrows $1.9 billion in property tax funds from local governments. The funding will be shifted to county level Supplemental Revenue Augmentation Funds to be used for K-12 schools, courts, prisons, Medi-Cal, and hospitals. In addition to the Legislature passing ABx4 14, the Governor issued an emergency proclamation in order to suspend Prop. 1A on July 24, 2009.

*ABx4 15 (Gaines). Prop. 1A Borrowing Implementation.  
Chapter 14, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure contains the necessary technical provisions instructing county auditors to shift eight percent of each local government’s share of property taxes to the Supplemental Revenue Augmentation Fund. The measure includes a “hardship exemption” which must be applied for by October 15, 2009. If a hardship exemption is granted, the amount borrowed from other jurisdictions within that county will increase.

This measure also requires the state to repay the borrowed funds by June 30, 2013, and contains language to allow local governments to bond against the state’s promise to repay the funds, and caps the amount of interest that can be paid on the bonds issued at 8 percent. If a local agency bonds against the Proposition 1A loan, the state will pay the cost of their interest up to 8 percent. If local agency decides not to bond against the Proposition 1A loan, the state will pay the city an interest rate to be determined by the Department of Finance (DOF) not to exceed 6 percent. (DOF later established the rate at 2 percent.)

*SBx4 16 (Ducheny). Cash Deferrals: HUTA /Prop 42 Deferral.  
Chapter 23, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure is a multi-section measure that contains many payment deferrals and other budget related clarifications including a deferral of HUTA payments. Under its provisions, the measure contains language that defers the monthly HUTA payments to cities and counties from July through December until after January 1, 2010. This measure also defers the October 2009 and January 2010 Proposition 42 allocations to cities and counties, with full repayment on May 31, 2010.
*ABx4 26 (Committee on Budget). Redevelopment Fund Seizure. Chapter 21, Statutes of 2009, Fourth Extraordinary Session

This measure takes $1.7 billion in FY 2009-10 and another $350 million in FY 2010-11 from redevelopment agencies and deposits the funds in county "Supplemental" Educational Revenue Augmentation Funds (SERAF) to meet the state's Proposition 98 obligations to schools within redevelopment areas. The structure is similar to attempted $350 million take in 2008 that was found to be unconstitutional. Agencies are entitled to a one-year extension on their AB 1290 time limits if they make timely SERAF payments.

The amount each agency must surrender is equal to half on net tax increment (net of pass-throughs) plus half on gross tax increment. Agencies that do not make their payment by May 10 must increase their housing set-aside from 20 to 25 percent. If an agency is unable to pay its required amount, it must adopt a resolution and report to the county auditor how it intends to fund the payment.

The agency can use any available funds to make the SERAF payment. For FY 2009-10, the agency may "suspend" all or part of the required allocation to its low and moderate income housing fund. The Housing Fund must be repaid by 2015. If the agency fails to repay the Housing Fund, the Housing Fund set-aside is increased to 25 percent for as long as the project area continues to receive tax increment.

An overlapping provision permits an agency to borrow the amount required to be allocated to the Housing Fund in order to make the SERAF payment. This provision applies to FY 2009-10 and FY 2010-11. It requires a finding that there are insufficient other funds to make the SERAF payment. Amounts "borrowed" from the current year allocation to the Housing Fund under this section must also be repaid by 2015.

The obligation to make the ERAF payment is subordinate to obligations to repay other indebtedness. An agency may pay less than the amount required if it finds that it is necessary to meet obligations for the applicable fiscal year. An agency that intends to pay less than the required amount must adopt a resolution prior to Dec. 31, listing the existing indebtedness and the payments required to be made during the applicable fiscal year.

An agency failing make its ERAF payment, even if it must do so to pay existing obligations, is subject to the "death penalty." It may not adopt a new redevelopment plan, amend an existing plan, or expend any moneys derived from any source except to pay pre-existing indebtedness, contractual obligations, and 75 percent of the amount expended on agency administration for the preceding fiscal year. This penalty lasts until the payments are made.
Other Major Bills in the July Agreement

ABx4 2 (Evans). Education.
Chapter 2, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes various changes to K-12 and higher education budgeting procedures related to reserve funds. Among other things, the measure permits school districts to reduce the school year by five days and sell surplus property to supplement school district general funds.

ABx4 3 (Evans). Education finance.
Chapter 3, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure explains that the Proposition 98 maintenance of effort for education funding in FY 2008-09 was $11.2 billion, and creates an appropriation, upon collection of sufficient General Fund revenues, to guarantee funding base is restored to appropriate level, in addition to making findings relative to maintenance of effort levels for the FY 2005-06.

ABx4 4 (Evans). Human Services.
Chapter 4, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes various changes in the administration of community care facilities, child welfare services, foster care, CalWORKs, In-Home Supportive Services, and other human services programs.

ABx4 5 (Evans). Health.
Chapter 5, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure changes appropriations made in the FY 2009-10 Budget Act for the Department of Mental Health, Department of Developmental Services, Department of Health Care Services and Department of Public Health.

ABx4 6 (Evans). Medi-Cal.
Chapter 6, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes changes to the Medi-Cal program, and proposes restructuring within the Department of Health Care Services as a cost savings measure.

ABx4 7 (Evans). Public Social Services: Statewide Enrollment Process.
Chapter 7, Statutes of 2009, Fourth Extraordinary Session
This measure outlines the process for the development of an alternative eligibility and enrollment model for state health and human services programs.

ABx4 8 (Evans). Human Services.
Chapter 8, Statutes of 2009, Fourth Extraordinary Session
This measure makes various changes related to the CalWORKs and Supplemental Security Income/State Supplementary Payment (SSI/SSP) programs at the state and county implementation levels.
**ABx4 9 (Evans). Developmental Services.**  
**Chapter 9, Statutes of 2009, Fourth Extraordinary Session (Urgency)**  
This measure implements various measures to reduce General Fund costs for programs administered under the Department of Developmental Services, including those provided under the California Early Intervention Services Act.

***ABx4 10 (Budget). Transportation.**  
**Chapter 10, Statutes of 2009, Fourth Extraordinary Session (Urgency)**  
This measure makes changes to the encumbrance deadline related to Proposition 1B Local Streets and Roads projects and supplements the state revenues by shifting program dollars from transportation projects and increasing DMV drivers’ license application and renewal fees.

In the 2008-09 Budget Act, signed in September 2008, cities were appropriated $187 million as a second allocation of Proposition 1B Local Streets and Road Improvement Account of 2006 funding. One of the requirements was that cities receiving these funds had to encumber (assign to an eligible project) the funding by July 1, 2009. **ABx4 10** extends the encumbrance deadline by one year, until July 1, 2010. Eligibility and reporting requirements have not changed.

It also makes various cuts and transfers program dollars to the state General Fund, including the $876 million from Public Transit Account for bond-debt repayment and $4 million from Aeronautics Account, which is designated to provide grants to local airports. In addition, this measure revises the 2008-09 Budget Act to direct gasoline tax “spillover” revenues (derived when sales taxes on gasoline is proportionately higher in relationship to revenue derived from all other taxable sales) from the Public Transit Account to the Mass Transportation Fund.

Lastly, this measure increased DMV application and renewals on most commercial drivers’ licenses by $2 to $6 dollars, and increased the application and renewal fee for firefighting equipment drivers’ licenses by $5 dollars

**ABx4 11 (Evans). Resources Trailer Bill.**  
**Chapter 11, Statutes of 2009, Fourth Extraordinary Session (Urgency)**  
This measure includes number of technical provisions dealing with the state’s public resources. This measure:

1) Allows the use of American Recovery and Reinvestment Act (ARRA) of 2009 funds for forestry management activities of the Department of Forestry and Fire Protection;

2) Raises the state’s voluntary Environmental License Plate Fund fee by $8 per personalized license plate, increasing the current cost to $48 for new personalized license plates and $38 for renewals of personalized license plates. The fee increase is expected to generate approximately $3 million annually which will be used to offset the state Resource Agency cuts.
3) Includes language to allow any city that did not receive funding through the Federal Energy Efficiency and Conservation Block Grant dollars (through ARRA) to be eligible for funding through the California Energy Commission (CEC). The CEC, which is expected to receive about $49 million dollars through ARRA, is required under law to pass on no less than 60 percent of the funds to small local governments. In addition, the CEC will receive about $300 million in State Energy Fund dollars which may also be available for grants or loans for energy efficiency programs.

4) Includes language to clarify that local governments who receive funds through the CEC may use the funds for climate change planning. The CEC is currently in the process of developing guidelines for allocating the federal dollars.

*ABx4 12 (Evans). General Government.
Chapter 12, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure changes a wide variety of laws that affect state revenues. Items that affect local governments include increasing (slightly) local administration costs related to receiving Bradley Burns Local Sales and Use Tax, authorizing the Director of Finance to identify local costs related to implementing Meghan’s Law (Prop. 83), reducing the amount of time that animals must be housed at an animal shelter from six to three days; and allowing local agencies to set fire inspection fees for residential care facilities at the actual cost (removing a $50 cap), and resetting state fees for mobile home and mobile home park registration.

Also included are provisions that relate to state government, including fees for mobile home and mobile home park registration, small business loans, California’s Homebuyer Assistance Program, workforce investment, sale of State Compensation Insurance Fund assets and liabilities, and other issues.

*ABx4 17 (Committee on Budget). Revenue Accelerations.
Chapter 15, Statutes of 2009, Fourth Extraordinary Session
This measure revises withholding tables used by employers for purposes of withholding taxes on wages paid, increasing current wage withholding by 10 percent.

*ABx4 18 (Committee on Budget). Taxation: Use Tax Collection and Withholding.
Chapter 16, Statutes of 2009, Fourth Extraordinary Session
This measure contains revenue acceleration and compliance requirements that are estimated to result in General Fund collections of $58 million in FY 2009-10 and $155 million in FY 2010-11. For revenue acceleration, this measure requires that non-retail businesses with receipts of more than $100,000 to register with the Board of Equalization (BOE) and file use tax returns on items purchased that did not have sales tax applied, excluding vehicles and vessels. This is an effort to collect on use tax, which is levied at the same rate as sales tax, and allow for tax collection on items generally purchased out-of-state by California businesses.
For tax compliance, this measure conforms California’s tax collection to federal income tax backup-withholding rules related to non-wage payments by requiring businesses to withhold 7 percent of reportable payment and income if the IRS determines a condition for withholding exists. These conditions include significant underreporting of non-wage payments by the recipient on tax returns. This measure is intended to address the problem of underreporting of income or over-reporting of deductions by taxpayers, to ensure the accuracy of information returns, and shrink the tax gap that is estimated to be more than $6 billion.

**ABx4 19 (Committee on Budget). In-Home Supportive Services.**

Chapter 17, Statutes of 2009, Fourth Extraordinary Session

This measure creates standardized anti-fraud measures within the Department of Social Services administration for providers and recipients of In-Home Supportive Services related to fingerprinting and timesheet data collection.

**ABx4 20 (Strickland). Regulatory Boards: Operations and Reorganizations.**

Chapter 18, Statutes of 2009, Fourth Extraordinary Session

This measure consolidates, reorganizes, and abolishes several state boards and bureaus as a cost-cutting measure. Specifically, the measure:

- Abolishes the Bureau of Naturopathic Medicine and adds new members to the Osteopathic Medical Board of California;
- Consolidates the Structural Pest Control Board within the Department of Pesticide Regulation;
- Consolidates the Bureau of Electronic Appliance Repair, the Bureau of Home Furnishings and Thermal Insulation into the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation under the State Department of Consumer Affairs; and
- Consolidates the Board for Geologists and Geophysicists under the Board for Professional Engineers and Land Surveyors.

**ABx4 21 (Evans). Procurement.**

Chapter 19, Statutes of 2009, Fourth Extraordinary Session (Urgency)

This measure makes changes for the award and management of state contracts; requires that awards based for participation goals be based on actual achievement of the goal instead of a good faith effort to achieve the goal, allows a consultant to bid on subsequent contracts in limited circumstances, and provides that the state may, based on an evaluation of risk, withhold less than 5 percent of the contract amount (instead of 10 percent) on information technology goods.

**ABx4 22 (Evans). State Property Transactions, Orange County Fair.**

Chapter 20, Statutes of 2009, Fourth Extraordinary Session (Urgency)

This measure authorizes the sale or lease of several state owned properties, including the site of the Orange County Fair Grounds and makes changes to when a state may elect to let underused properties.
ABx4 25 (Evans). State Surplus Funds.
Chapter 24, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes changes in the operation of the California State Lottery and the State Compensation Insurance Fund to allow for the sale of debt instruments.

Chapter 21, Statutes of 2009
This measure eliminates the current California Integrated Waste Management Board (CIWMB) as of January 1, 2010. All CIWMB staff and functions will be transferred to a new Department of Resource Recycling and Recovery. Additionally, the new Department will include the Department of Conservation’s Division of Recycling.

Chapter 22, Statutes of 2009 (Urgency)
This measure appropriates $645 million to the Department of Corrections and Rehabilitation to augment the appropriations made in the 2007-08 Budget Act to cover inmate health-care delivery costs and requires the federal medical receiver to report to the legislature on plans to reduce costs of contracted health care delivery services.

SBx4 13 (Ducheny). Courts Omnibus Bill: Public Safety.
Chapter 22, Statutes of 2009, Fourth Extraordinary Session (Urgency)
This measure makes a number of changes related to court administration, including:
• Details how court will implement a one-day furlough for staff and court services;
• Increases the uniform filing fee for various administrative tasks by $5 for deposit in the Trial Court Trust Fund;
• Expands audit requirements for the state’s Chief Information Officer of Judicial Council’s information technology systems;
• Permits additional use of electronic recording devices in court proceedings but does not create a mandate as originally proposed in previous budget drafts;
• Increases fee on convictions of criminal offenses, including traffic but not parking, by $10 dollars until July 2011;
• States the California Department of Corrections and Rehabilitation provides health care services to inmates outside the relationship of the federal medical receiver; and
• Outlines new requirements in applications and reporting for county-based Youthful Offender Block Grants.
3. October Senate Session: Budget Clean-Up

*SB 65 (Committee on Budget). Cash Deferrals: HUTA.
Chapter 633, Statutes of 2009 (Urgency)
This measure contains various state cash flow deferral provisions. Of specific interest and importance to cities and counties are the revisions to the existing Highway Users Tax Account (HUTA) deferral provisions that became law, through, SBx4 16 (Ducheny, Chapter 23, Statutes of 2009, Third Extraordinary Session). In brief, the revisions in this language:

1. Clarify that amounts deferred in July and August of 2009 will be repaid to local governments in September.
2. Authorize locals to now receive their September and October revenues as scheduled. (They will no longer be deferred).
3. Establish a new five-month HUTA deferral window period for the months of November and December of 2009, and January, February and March of 2010. Repayment of these deferred revenues is scheduled within two business days of April 28, 2010.
4. Contain language that allows local governments to temporarily use Proposition 1B Local Street and Road allocations for HUTA purposes. Also contains language that allows local governments to temporarily use any available cash in local special funds. Contains an exemption from deferrals for counties with a population under 40,000.

(The Governor previously signed ABx3 37 (Evans, Chapter 27, Statutes of 2009, Third Extraordinary Session), which contained identical provisions to SB 65, but that measure never took effect due to procedural reasons.)

*SB 67 (Committee on Budget). Proposition 1A Securitization.
Chapter 634, Statutes of 2009 (Urgency)
This measure contains clean up to ABx4 15 (Gaines, Chapter 14, Statutes of 2009, Fourth Extraordinary Session) adopted as part of the July budget package. In brief, this language:

1. Clarifies that a joint powers authority (JPA) of not less than 250 local agencies is the authority empowered to issue bonds governing Proposition 1A receivables. California Communities, a JPA founded by the League and the California State Association of Counties, is the only JPA that meets this definition.
2. Authorizes a local agency (defined as a county, city, city and county, including a chartered city or county, school district, community college district, public district, county board of education, county superintendent of schools, or any public or municipal corporation) to purchase a Proposition 1A receivable from another local agency. It also authorizes a local agency to sell a receivable to a special fund of that agency.
3. Alters the existing process by which a local agency may request a hardship exemption from the Department of Finance from one that would occur prior to a securitization effort to one that will occur afterward. As revised, the Department of Finance is required to consider granting a hardship within 30 days following
the issuance of bonds by California Communities, or December 1, 2009, whichever occurs earlier. As a hardship, in addition to other existing criteria, the Department of Finance is limited to considering only the amount that an agency did not receive through securitization.

4. Adds a city, or a city and county, redevelopment agency to the existing authority granted to a county redevelopment agency to remit to the county auditor the amounts borrowed from the local agency, subject to various conditions.

5. Changes the date of state repayment from no later than June 30, 2013, to a fixed window period between June 6 and June 13, 2013.

6. Makes a number of other clarifying and technical changes affecting securitization.

7. Establishes an accelerated timetable for agencies seeking to securitize their shares of Proposition 1A receivables, with the key dates as follows:
   - September 15—County auditors are required to prepare a list of estimated amounts of Proposition 1A receivables for each agency, with a final certified list available by October 30.
   - September 28—date by which the Department of Finance must set the interest rate (between the Pooled Money Investment Account and 6 percent) that will be paid to local agencies that choose to not securitize their Proposition 1A receivables. (This provision is already in existing law.)
   - October 15—Date by which local agencies are authorized to purchase a Proposition 1A receivable from another local agency, or for one or more local agencies to agree to reallocate their Proposition 1A reduction amounts, or notify a county auditor that payment of the borrowed amount is being made by a redevelopment agency. (This deadline does not apply for receivables created as the result of a hardship reallocation).
   - November 3—earliest deadline for agencies to offer to sell their Proposition 1A receivables to California Communities.
   - December 1—deadline for the Department of Finance to grant a hardship exemption.
   - December 10—deadline for the Department of Finance to certify to a county auditor any amounts decreased through the hardship process.

**E. Other Revenue and Taxation Related Issues**

**AB 94 (Evans). Natural Heritage Preservation Tax Credit.**

**Chapter 220, Statutes of 2009**

This measure reinstates, alters, and extends through the FY 2014-15 the Natural Heritage Preservation Tax Credit program. This program authorizes landowner’s to receive a 55 percent state tax credit for the fair market value of land donated to the state, a local agency, or a non profit corporation for preservation, habitat conservation and similar purposes. Funding equivalent to the full value of the tax credit must be identified through state bond programs, local funding, private donations, or other sources.
**AB 400 (De Leon). Transparency: Expenditures of State and Federal Funds.**

Chapter 440, Statutes of 2009

This measure requires the Financial Information System for California (FISCal) to list on a public website specified information covering applicable agencies, programs and recipients for state General Fund or federal fund expenditures of more than $5,000.

**SB 93 (Kehoe). Redevelopment: Funding Outside Project Areas.**

Chapter 555, Statutes of 2009

This measure restricts the funding of public facilities outside a redevelopment project area. In brief, this measure:

- Requires a legislative body to make specified findings in order to fund public facilities outside of, or not contiguous to, a project area. These findings would be subject to legal challenges.
- Prohibits the application of this measure to financing, construction, or installation of land, buildings, and improvements that is an obligation of the agency under a contract existing on December 31, 2009, or is specifically described in an implementation plan prepared by the agency by July 1, 2009, or is specifically provided for in a redevelopment plan as of December 31, 2009.

This measure does not affect projects located within or contiguous to existing redevelopment areas.

**SB 99 (Local Government). Conduit Financing Authorities.**

Chapter 557, Statutes of 2009

This measure requires any local agency that issues one or more conduit revenue bonds loaned to nongovernmental borrowers to take the following actions designed to ensure greater transparency and accountability:

- Make its agendas, notices, related staff reports, audits and other specified information available on its Web site, to the extent it maintains a Web site.
- Make various disclosures about the fees charged to borrowers and debts of the conduit issuer.
- Perform an annual audit in accordance with standards prescribed by the Controller, and provide a copy to the Controller.
- Make the audit available in accordance with the Public Records Act.
- Authorizes fines if agencies fail to file required reports to the Controller.
*SB 321 (Benoit). Local Government. Assessments. Elections
Requirements.
Chapter 580, Statutes of 2009
This measure requires that the phrase “OFFICIAL BALLOT ENCLOSED” be printed in
16-point bold font on the face of the envelope in which an assessment ballot and notice
are enclosed. This measure clarifies who an impartial person is for the purposes of
ballot tabulation. It also requires that the ballots be unsealed and tabulated in public
view at the conclusion of the hearing if an agency uses agency personnel or a vendor
and the vendor has participated in the research, design, engineering, public education,
or promotion of the assessment. Ballot tabulation can be continued at another time or
location accessible to the public provided that the governing body announces the time
and/or location at the hearing. Additionally, this measure clarifies that the information
used to determine the weight of each ballot is considered a disclosable public record.
Lastly, this measure requires that ballots be preserved for a minimum of two years.

*SB 676 (Wolk). Local Fees: Adjustments.
Chapter 606, Statutes of 2009
This measure authorizes increases in numerous fees charged by courts and counties
for specific services and documents that have previously been capped by statute.
Cities can benefit by the removal of the existing $10 cap on fees that may be charged
for fingerprinting individuals for licensing, employment or certification purposes.

*SB 816 (Ducheny). Changes in Ownership, Documentary Transfer Taxes.
Chapter 622, Statutes of 2009
This measure requires ownership changes resulting in a change of control of a
corporation, partnership, or limited liability company to be filed within 45 days with the
state Board of Equalization (BOE), and imposes a penalty of 10 percent of the new
base year for violations. Previously, a filing penalty only applied if a change of
ownership statement was not filed within 45 days of a written request of the BOE.

In addition, this measure requires an assessor to disclose information to county
recorders investigating whether a documentary transfer tax is imposed. Further, the
measure authorizes local documentary transfer tax (DTT) ordinances to include and
administrative appeals process to resolve disputes, but states that when this process or
a court of law fixes a value for purposes of applying the DTT, that determination does
not bind an assessor, assessment appeals board, or court of law when determining the
value of the property for property tax purposes.
IX. Transportation, Communications, and Public Works

A. Highways and Local Streets and Roads

**AB 282 (Committee on Transportation). Transportation.**

**Chapter 229, Statutes of 2009**

This law makes various technical clarifications to transportation statutes, including the requirement that interest earnings from the investment of Proposition 1B bond funds are subject to the same expenditure, obligation, and eligibility restrictions as the bond proceeds themselves.

**ABx3 20 (Bass). Federal Transportation Economic Stimulus Funds.**

**Chapter 21, Statutes of 2009-10, Third Extraordinary Session (Urgency)**

Appropriates the highway funding provided by the American Recovery and Reinvestment Act of 2009. Provides that 37.5 percent of the funding will go to the state, and 62.5 percent will go to regional transportation agencies. Also states the intent of the legislature that 40 percent of the regional transportation agency funding should be allocated to cities and counties.

**ABx4 10 (Committee on Budget). Transportation.**

**Chapter 10, Statutes of 2009, Fourth Extraordinary Session (Urgency)**

This measure makes changes to the encumbrance deadline related to Proposition 1B Local Streets and Roads projects and supplements the state revenues by shifting program dollars from transportation projects and increasing DMV drivers’ license application and renewal fees.

In the 2008-09 Budget Act, signed in September 2008, cities were appropriated $187 million as a second allocation of Proposition 1B Local Streets and Road Improvement Account of 2006 funding. One of the requirements was that cities receiving these funds had to encumber (assign to an eligible project) the funding by July 1, 2009. ABx4 10 extends the encumbrance deadline by one year, until July 1, 2010. Eligibility and reporting requirements have not changed.

It also makes various cuts and transfers program dollars to the state General Fund, including the $876 million from Public Transit Account for bond-debt repayment and $4 million from Aeronautics Account, which is designated to provide grants to local airports. In addition, this measure revises the 2008-09 Budget Act to direct gasoline tax “spillover” revenues (derived when sales taxes on gasoline is proportionately higher in relationship to revenue derived from all other taxable sales) from the Public Transit Account to the Mass Transportation Fund.

Lastly, this measure increased DMV application and renewals on most commercial drivers’ licenses by $2 to $6 dollars, and increased the application and renewal fee for firefighting equipment drivers’ licenses by $5 dollars.
**SB 65 (Committee on Budget). Cash Deferrals: HUTA.**

**Chapter 633, Statutes of 2009 (Urgency)**

This measure contains various state cash flow deferral provisions. Of specific interest and importance to cities and counties are the revisions to the existing Highway Users Tax Account (HUTA) deferral provisions that became law, through, SBx4 16 (Ducheny, Chapter 23, Statutes of 2009, Third Extraordinary Session). In brief, the revisions in this language:

1. Clarify that amounts deferred in July and August of 2009 will be repaid to local governments in September.
2. Authorize locals to now receive their September and October revenues as scheduled. (They will no longer be deferred).
3. Establish a new five-month HUTA deferral window period for the months of November and December of 2009, and January, February and March of 2010. Repayment of these deferred revenues is scheduled within two business days of April 28, 2010.
4. Contain language that allows local governments to temporarily use Proposition 1B Local Street and Road allocations for HUTA purposes. Also contains language that allows local governments to temporarily use any available cash in local special funds. Contains an exemption from deferrals for counties with a population under 40,000.

(The Governor previously signed ABx3 37 (Evans, Chapter 27, Statutes of 2009, Third Extraordinary Session), which contained identical provisions to SB 65, but that measure never took effect due to procedural reasons.)

**SB 391 (Liu). California Transportation Plan.**

**Chapter 585, Statutes of 2009**

This measure makes changes to the California Transportation Plan (CTP) and requires Caltrans to update the CTP by December 31, 2015, and every five years thereafter to reflect sustainable community strategies as well as implementation of a statewide multimodal transportation system for the movement of people and goods. It also requires these plans to be developed in consultation with state and regional planning agencies and to be open to public comment.

**SB 716 (Wolk). Local Transportation Funds.**

**Chapter 609, Statutes of 2009**

This law updates reference to the federal decennial census that is to be used to determine if a county is rural or urban for purposes of administering claims from its local transportation fund, and requires a regional transportation planning agency, as part of it unmet transit needs determination process, to consider funding farm worker vanpool programs (beginning January 2014). Part of this classification provides that for cities of 100,000 or less within counties that become classified as urban by this law, local transportation funds do not have to be used for public transit or community transit service purposes.
B. Public Works/Public Contracts

Chapter 463, Statutes of 2009  
This measure allows a government agency (such as Caltrans) that is responsible for administering a Proposition 1B program to issue a letter of no prejudice to a city or county to assure them of:  
1. The administrative agency will reimburse the local agency for expenditures it makes on a Proposition 1B project that has been programmed but for which funds have not yet been allocated; and,  
2. The local agency will not jeopardize their Proposition 1B funding eligibility.

Chapter 466, Statutes of 2009  
This measure extends the sunset date on provisions authorizing the use of design-build contracting by transit operators until January 1, 2015 and requires transit operators report to the Legislative Analyst Office on all public works projects obtained through the design-build contracting method.

Chapter 132, Statutes of 2009  
This measure expresses legislative intent to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.

Chapter 526, Statutes of 2009 (Urgency)  
This measure allows any state agency that has entered into a grant agreement on or after December 18, 2008, that is based on state bond fund expenditures to either (1) renegotiate, modify, or eliminate the timetables for deliverables within the grant agreement in order to address the suspension, (2) or to terminate the grant agreement if no grant funds have yet been delivered, so long as the state agency or grant recipient is unable to comply with the terms of that agreement because of the suspension of contracts by the Pooled Money Investment Board.

ABx2 8 (Nestande). Transportation Projects: Regulatory Relief.  
Chapter 6, Statutes of 2009, Second Extraordinary Session  
This measure modifies existing air quality regulations applicable to fleets and heavy duty construction. The measure establishes an expedited permit approval process for various state agencies for nine specific transportation construction projects, and exempts eight specific transportation projects and the sale of state surplus property from the California Environmental Quality Act (CEQA). Furthermore, the measure authorizes the Orange County Transportation Authority to acquire rights-of-way for two specific projects.
*SBx2 4 (Cogdill). Design-Build, Public Private Partnerships.
Chapter 2, Statutes of 2009, Second Extraordinary Session (Urgency)
This measure expands design-build authorization for (1) five state facilities within the jurisdiction of Department of Corrections and Rehabilitation, Department of General Services and Judicial Council; (2) ten redevelopment agency projects in excess of $1 million; (3) five local transportation projects (regional transportation agencies or transportation projects); and, (4) ten state transportation projects. It also allows Caltrans and regional transportation agencies to enter into an unlimited amount of public-private partnerships through January 1, 2017.

C. Railroads, Rail Service, and Transit

SB 783 (Ashburn). High-Speed Rail.
Chapter 618, Statutes of 2009
This measure requires the High-Speed Rail Authority to prepare, publish, and adopt a business plan by January 1, 2012 and every two years thereafter.

D. Public Works Professions

AB 395 (Fuentes). Employment. Apprenticeship Programs.
Chapter 438, Statutes of 2009
This measure provides necessary legal authority so that a contract awarding body may assist the Director of the Department of Industrial Relations in the enforcement of prevailing wage laws that apply to apprenticeships for public works projects, through the operation of the awarding body's approved labor compliance program.

AB 561 (Carter). Highway Workers. Assault and Battery.
Chapter 116, Statutes of 2009
This measure expands the definition “highway worker” to include a contractor under contract with the California Department of Transportation or a city or county employee who performs maintenance, repair, or construction of highways or local streets and road infrastructure for the purpose of enhanced penalties for assault or battery.

E. Parking and Toll Enforcement

*AB 144 (Ma). Vehicles. Distinguishing Placards and Special License Plates.
Chapter 415, Statutes of 2009
This law expands the authorized means by which cities, counties, or cities and counties, may pursue disabled parking placard abuse to include issuing a parking violation. This law requires that the penalty for unlawfully parking in a space reserved for disabled persons or using a lost, stolen, surrendered, cancelled, revoked, or expired placard to be at least $250 and not more than $1,000.
Chapter 425, Statutes of 2009  
This measure exempts authorized emergency vehicles that are responding to, or returning from, an urgent or emergency call from toll payments or subsequent fines for toll evasion on bridges, toll-roads, or high-occupancy vehicle toll lanes.

AB 628 (Block). Vehicles. Toll Evasion Violations.  
Chapter 459, Statutes of 2009  
This measure allows toll agencies to use the “pay-by-plate” method currently used to collect toll evasion payments, taking a digital image of the license plate and collecting payment at a later time, to also collect general toll payments.

Chapter 474, Statutes of 2009  
This measure creates the California Transportation Financing Authority to provide for increased construction of new capacity or improvements for transportation systems through the issuance of revenue bonds.

F. Vehicles

Chapter 413, Statutes of 2009  
This measure prohibits a parent, guardian, or supervising adult from giving a child under the age of 14 who cannot reach the controls, permission to operate an off-highway motor vehicle and levies a $35 fine for first violation, with subsequent fines for additional violations. This measure also requires the county clerk to transmit information to the Department of Motor Vehicles when these citations violate prohibited access laws to public lands or a local ordinances restricting mountain fire district access.

AB 286 (Salas). Vehicles. Additional Registration Fees.  
Chapter 230, Statutes of 2009  
This measure extends the existing provisions that allow counties to impose a $1 vehicle registration fee for the purpose of funding local vehicle theft abatement programs until 2018. It also adds additional reporting requirements on the vehicle theft abatement programs implemented in those counties that have adopted a resolution to impose the fee.
G. Other Public Works Related Issues

**AB 166 (Lieu). Vessels. Abandonment. Abatement.**

*Chapter 416, Statutes of 2009*

This law makes several changes to vessel abandonment regulations under the Department of Boating and Waterways (DBW) and establishes a pilot program until 2014 for the sale of personal recreational vessels to local public agencies that would otherwise be illegally abandoned.

This law also increases the minimum fine for vessel abandonment from $500 to $1000. As established by law, eighty percent of funds collected from abandoned vessel citations are directed to the Abandoned Watercraft Abatement Fund (Fund) to provide grants to local agencies for abandoned vessel removal and/or disposal. Until 2014, AB 166 requires DBW to track the number of vessels accepted by a local agency for removal and/or disposal through the Fund and report to the legislature on expenditures and number of vessels that are disposed. In addition, this law protects the state from any liability of injury or harm caused by vessel removal or disposal carried out with Fund dollars.

**AB 1464 (Smyth). Transportation. California Bicycle Routes of National, State, or Regional Significance Act.**

*Chapter 396, Statutes of 2009*

This measure authorizes Caltrans to establish a process for identifying and promoting bicycle routes of national, state, or regional significance. This includes requiring Caltrans, in cooperation with county and city governments, to establish minimum safety design criteria for the planning and construction of bikeways and roadways for bicycle travel. In addition, a city or county that has prepared a bicycle transportation plan may submit the plan to the county transportation commission or transportation planning agency for approval and apply for funds on behalf of that local agency.

**SB 83 (Hancock). Traffic Congestion: Motor Vehicle Registration Fees.**

*Chapter 554, Statutes of 2009*

This measure authorizes a countywide transportation planning agency to place on the local ballot a majority vote measure that imposes a fee of up to $10 on each vehicle registered in that county to fund programs that address congestion mitigation and motor vehicle induced pollution. The programs that may be funded include: high-occupancy vehicle toll lanes, improved transit services through technology, bicycle and pedestrian improvements, improved signal coordination and other related projects. A local planning agency is also required to adopt a plan for the expenditure of fee revenues.
SB 240 (Wright). Vehicles. Department of Transportation Vehicles.
Chapter 175, Statutes of 2009
This law makes permanent the “move-over law” and adds stationary Department of Transportation vehicles with flashing warning lights to the current statute that applies to stationary emergency vehicles and tow-trucks displaying flashing warning lights. The “move-over law” requires drivers to change lanes away from the specified vehicles, or if that is not safe, proceed at reduced speeds with due caution past the specified vehicles.

Chapter 186, Statutes of 2009
This measure authorizes a public use airport certified by the Federal Aviation Administration to take birds if that airport has obtained and is in compliance with a federal depredation permit that authorizes the lawful taking of birds. The measure states that an airport that takes birds for the purposes of public safety is not in violation of state fish and game laws.

SB 717 (Runner). Boating and Waterways. Department of Boating and Waterways.
Chapter 610, Statutes of 2009
This measure authorizes, rather than requires, that when small craft harbors acquired or developed by the Department of Boating and Waterways (DBW) are transferred to a county, city or district, the local agency repays the state's costs. In addition to making technical changes to DBW contracting authority, this measure authorizes DBW to contract with a federal agency, state agency, city, county, or district, and to make loans to qualified cities, counties or districts, for the design of small craft harbors and facilities.

SB 734 (Lowenthal). Transportation.
Chapter 200, Statutes of 2009
This measure makes numerous clarifying and non-substantive technical changes to transportation laws. Of relevance to cities, this measure:
• Establishes statutory definitions of "bicycle path" and "bicycle path crossing" to clarify the types of facilities that bicycles are permitted to use;
• Clarifies that state law does not prohibit bicycles from operating on sidewalks and crosswalks, where permitted by local ordinance; and,
• Requires a parking citation issuing agency to provide notice of available penalty waivers prior to receiving a request for an administrative hearing appealing the citation.
Appendix A – Technical Resources
Appendix A – Technical Resources
RTAC Report: 12 Point Summary

To: California City Officials
From: Bill Higgins
Legislative Representative & Sr. Staff Attorney
Date: October 7, 2009
RE: Twelve Point Summary of the RTAC Report

This memo lists 12 recommendations that the Regional Targets Advisory Committee (Committee) made to the Air Resources Board (ARB) related to setting greenhouse gas (GhG) emission targets under SB 375. This list is not comprehensive, more detail is in the actual report (47 pages). ARB will consider the report at its November 19 meeting.

1. **Uniform Statewide Metric Preferred.** The Committee recommends that ARB adopt a uniform statewide target expressed as a per capita reduction metric (for example: x percent reduction in GhG emissions per household) from 2005 levels. The per capita metric was believed to be fair, easily understood, and supportable with current data. Setting the base year at 2005 base year allows regions to get some credit for actions already taken to reduce emissions (at least within the last 4 years).

2. **Need for Regional Flexibility Recognized.** In addition to recommending their own target as provided by SB 375, regions should be able to seek an adjustment to the statewide target if needed. Such adjustments would be subject to a “reasonably tough test.” MPOs should also retain the flexibility to incorporate innovative measures appropriate to the region’s unique characteristics.

3. **“Ambitious Achievable” Targets.** ARB charged the Committee to develop a process that would yield “ambitious achievable” targets. The Committee determined that this required something well beyond “business as usual” and that a region should do everything feasible to achieve the target. Even where a region uses an APS, it’s SCS should nevertheless include all feasible measures to reduce GhG emissions.

4. **Seven Step Collaboration to Set Statewide Target.** The Committee recommends a seven step process for developing the statewide target that involves consulting with the metropolitan planning organizations (MPOs). The process involves developing a baseline and then examining alternative scenarios to determine what is at the upper ranges of achievable (ambitious achievable) before draft and final targets are set in June and September of 2010, respectively.

5. **Use of Existing Travel Demand and Other Modeling Methods.** Although there is no perfect tool to measure GhG reductions, existing travel demand and other modeling tools should be used to estimate GhG reductions to the extent that they are capable. The models used by the 18 MPOs vary widely in their ability to accurately project GhG reductions. Thus, MPOs should also analyze its modeling capability. Where needed, the model may
need to be supplemented with other information—such as the BMP list (see next bullet)—to compensate for modeling limitations.

6. **Creation and Use of a Best Management Practice (BMP) List.** ARB should also develop a BMP list that will estimate the GhG reductions from specific strategies. The list would be based on science and data and provide a user-friendly tool to facilitate public interaction. It would also help ARB and the regions set targets and measure performance. It could also be used, at least in the short term, by small MPOs as the sole method to demonstrate compliance.

7. **High Levels of Public Engagement Vital.** Establishing a system of transparency, participation, and collaboration will ensure public trust and strengthen the process. Any public education effort should put forward a positive image of integrated planning, explain the changes of Assembly Bill 32 and Senate Bill 375, elicit input, and increase awareness of the co-benefits of GhG reduction strategies (see point 10).

8. **Addressing the Current Economic Crisis.** The current economic crisis must be taken into account in determining what is achievable. The forecasting methods currently used to develop RTPs should reflect these conditions. Thus, the recent recession will be reflected as these forecasts are updated for RTPs developed under SB 375.

9. **Housing and Social Equity.** ARB should ensure completion of research so that housing benefits are incorporated into modeling and BMP list. In addition, adverse consequences of changing land use patterns, such as displacement, should be mitigated in the planning strategies submitted by MPOs. “Visioning” tools should be developed to enable the public to see the equity impacts—such as, transit access, household costs, and housing supply—of proposed strategies.

10. **Monitoring Co-Benefits.** Many other advantages can result when a range of transportation options is offered. These include increased mobility, economic benefits, reduced air and water pollution, and healthier communities. MPOs should identify, highlight, and to the extent possible, quantify these co-benefits.

11. **State Allocation of Resources Should Support Goals.** The most frequently cited implementation barriers were cuts to transit funding and redevelopment, and the lack of funds for new community-based plans, zoning changes, and programmatic environmental reviews. The State should fund the programs necessary for local and regional governments to actually implement the developed set of regional strategies.

12. **Improvements for Subsequent Target Setting.** ARB should monitor the effectiveness of regional strategies to inform subsequent rounds of target setting. One approach would be to adopt a set of performance indicators that represent an effective means of implementation (for example, track vehicles miles traveled or housing mix and density). In addition, the state should continue to invest in activity-based, integrated land use, and economic modeling that go beyond current capabilities.
To: California City Officials
From: Bill Higgins
Legislative Representative & Sr. Staff Attorney
Date: October 10, 2009
RE: Abridged Summary of RTAC Report

I. ABOUT THIS DOCUMENT
This is an abridged summary of the recommendations of the Regional Targets Advisory Committee (Committee). The Committee was created by SB 375 to advise the state Air Resources Board (ARB) on how to set targets for greenhouse gas (GhG) emissions for passenger vehicles. This summary is an attempt to make the report more understandable to local officials and their staff who do not have time to go through the whole report.

Whenever possible, the actual words of the Committee’s report have been used. But a note of caution: this summary includes significant editing, restructuring, and paraphrasing with the intent to capture the Committee’s intent with simpler words. Nevertheless, it may unintentionally lead the reader to draw conclusions that are different than those in the actual report. Those who want the details should read the actual Committee report.

II. RECOMMENDATIONS FOR A STATEWIDE TARGET
This section summarizes the elements of the Committee’s report that most directly relate to how ARB should set targets. One change is that this summary pulls out the Seven Step Process for collaboration between ARB and the metropolitan planning organizations (MPOs) for setting regional targets and places it in Section III of this summary.

A. Statewide Per Capita Metric
The Committee recommends that ARB express the targets uniformly as a statewide per capita reduction in GhG emissions from 2005 levels. This means that emissions in 2020 and 2035 should be a certain percentage below the per capita emissions in 2005 (for example: X percent reduction in GhG per household). The Committee recommends that ARB use a Seven Step Process (described in Part III of this summary) with the MPOs to set the target, which could be adjusted up or down to respond to regional differences. Any adjustment would be subject to a “reasonably tough test.”

The per capita metric is preferred for its simplicity. It is easily understood and can be developed with current data. It will also account for growth rate differences between regions and ensures that both fast and slow growth regions can take advantage of new and established transit and infill sites in different ways. The 2005 base year allows regions that have already realized reduced emissions some credit from their early actions.
Looking forward, ARB should use a consistent methodology to set the 2020 and 2035 targets. Transportation and pricing strategies may yield considerable results in the near-term, while improved land use planning may achieve its most significant benefits over the long-term. Therefore, the factors considered for the 2020 target may be different than those considered for 2035. But the methodology for both targets should be consistent.

B. The Goal: Ambitious Achievable Targets

The resolution that accompanied ARB’s adoption of the Scoping Plan stated that the Committee should develop a process that would yield “ambitious achievable” targets. The Committee struggled to determine what this meant in practice, but concluded that attainment of the targets should require efforts well beyond “business as usual.” While it would be preferable if most MPOs could meet their targets in a sustainable communities strategy (SCS), the targets should not be set low simply to allow MPOs to achieve the target this way. Regions should do everything feasible to reduce GhG emissions. Regions that use an alternative planning strategy (APS) must also include all feasible measures within the SCS to reduce GhG emissions from cars and light trucks.

The Committee also stated that the federal fiscal constraint requirements should not become a barrier to setting the target. However, the major factors that are considered by the federal planning process—such as assumption about economic conditions, funding levels, and other key factors—must be accounted for in the development of the SCS. Ultimately, the Committee believed that the iterative scenario modeling that will be used in seven step target setting process (see Part III of this summary) will help flesh out this issue and define the upper ranges of achievable GhG reductions.

C. Accounting for Current Economic Conditions

Current economic trends have impaired the ability of the state to provide reliable funding for community planning and infrastructure. Moreover, the state budget has severely cut resources for transit services and redevelopment. These resources are essential to support sustainable development by local governments and transit agencies. The Committee is sensitive to the need for the current and future economic trends to be taken into account in determining what is actually achievable. However, the Committee was also confident that the forecasting methods currently required in the regional transportation plan (RTP) process will reflect changes in the economy, and account for economic fluctuations over time. Thus, the impact of the recent recession and economic restructuring will be reflected as these forecasts are updated for regional plans developed under SB 375.

D. Public Process is Vital

ARB should implement a robust public outreach and education effort during target development phase. Ensuring the trust of the public and establishing a system of transparency, public participation, and collaboration will strengthen the target setting process. Opportunities for broad stakeholder participation—including representatives of local governments; air districts; transportation agencies; homebuilders; academia and environmental, planning, affordable housing, public health, labor, and environmental justice organizations—are essential. The public education effort should put forward a positive image of integrated planning, explain the changes Assembly Bill 32 and Senate Bill 375 have created, elicit input
on proposed regional strategies and scenarios, and increase public awareness of co-benefits of greenhouse gas reduction strategies. (Pages 38 to 40 of the Committee’s Report lists broad suggestions on message development, media, and interests groups and stakeholders to be contacted).

E. Other Factors Affecting the Target Setting Process

The Committee also made several additional recommendations:

- **Interregional Trips.** Trips can start in one region and end in another, pass through a region, or even involve interstate travel. Generally, MPOs should take responsibility for half of an interregional trip that starts or ends in their region, but should not be responsible for through trips or international travel.

- **Accounting for Fuel and Vehicle Technology.** SB 375 requires ARB to account for improved vehicle emission standards, changes in the carbon-intensity of fuels, and future measures to reduce greenhouse gas emissions from these sources when setting the targets. The Committee recommends that ARB provide MPOs this information to enable the MPOs to account for these benefits consistently.

- **State Agency Conflicts.** ARB should work closely with the California Transportation Commission, Caltrans, Department of Housing and Community Development and the Governors Office of Planning and Research, and other state agencies to avoid conflicts with other state goals and priorities.

F. Looking Forward: Performance Monitoring and Model Enhancements

SB 375 requires ARB to update regional targets every eight years or every four years if significant changes to other measures would affect emission levels. The Committee considered how ARB should monitor implementation of regional strategies and what new tools should be available and to inform the next round of target setting.

For monitoring the implementation of regional strategies within the SCS or APS, ARB should, in consultation with the MPOs in a public process, identify a standard set of performance indicators that are easily understood and represent the most effective, available means for measuring the effects of MPO policies. The Committee discussed tracking vehicle miles travelled (VMT) and fuel usage as two means to verify changes in vehicle use. Indicators for various policy areas (state support, land use, transportation, and transportation demand measures) are listed on page 45 of the Committee’s Report.

In terms of developing improved capabilities, the current models and estimating tools should be improved for the next rounds of target setting. Improvements should be made to activity-based, integrated land use, and economic models that go beyond traditional transportation demand models.

The Committee also recommends that state should support the Caltrans efforts to enhance statewide household travel surveys, model for interregional trips and goods movements, as well as develop a statewide integrated econometric land use and transportation model. The
state and regions should also seek better data to incorporate housing affordability and social equity in their models; improve the ability to estimate energy efficiency and other less direct reductions that result from regional strategies; and develop a program to gather regional fuel purchase and annual VMT data (odometer readings at vehicle registration).

III RECOMMENDATIONS FOR DETERMINING ACCURACY OF REGIONAL METHODOLOGIES FOR GHG REDUCTIONS

This section collects the elements of the Committee’s report that relate to how ARB and the regions will determine how specific strategies will result in GHG emission reductions.

A. Regional Variance and Flexibility

The Committee recommends that ARB use all information at its disposal in setting the regional targets. However, the capability of each MPO to accurately project GHG emissions differs widely. For instance, the larger regions employ advanced modeling tools with more sophisticated techniques to estimate the impacts of specific strategies. ARB should expect that these regions would rely heavily on modeled outputs and scenarios. Conversely, smaller regions with less sophisticated modeling tools may need to rely on best management practices (see subpart C below) to estimate the impacts. This regional variation should be taken into account.

The Committee also recommends that MPOs retain the flexibility to incorporate relevant and innovative measures to meet targets appropriate to the region’s unique characteristics. For example, it would be appropriate for MPOs to use, with sufficient documentation, transportation sector GHG reductions that are not on the BMP list, or go beyond the benefits from state actions to meet their target and receive credit for local/regional innovation. But GHG reductions that do not come from passenger vehicle usage should not be credited towards meeting of targets.

Success is more likely when each region develops strategies that work within the context of regional demographics, economic development, market preferences, infrastructure, growth, and the built environment. The Regional Blueprint Planning Program is an example of such flexibility. This approach respects local land use decision-making and it will be critical for the local governments to “buy-in.”

Finally, The Committee expects that the science and data related to land use and transportation planning will evolve rapidly. As a result, the tools and information ARB will have for setting targets by September 2010 may be different from those that will be available to individual MPOs when they demonstrate how they will meet their targets. It is crucial to design a process that can reconcile these differences and apply new tools and data to the next regular RTP update process.

B Identification of Underlying Assumptions

The MPOs and ARB should identify the underlying assumptions—such as population estimates, funding availability, and other assumptions—included in the targets and methodologies to achieve the targets.
In addition, ARB and MPOs should identify a list of statewide assumptions that would be used to equalize the effects of adopted strategies between regions. For example, MPOs currently use different figures for fuel price. But if all regional models used the same fuel price, no single region would be gain an unfair advantage to the extent that a low or high fuel price influenced the ability to achieve a target. Other statewide assumptions include auto operating costs, fleet mix, fleet fuel efficiency, expected federal and state revenues, demographic forecasts, and assumptions about goods movement.

C. Use of Travel Demand Models and Other Modeling Tools
The Committee recommends using existing travel demand and other models to estimate GHG emissions to the extent that each MPO’s model is capable. Models can simulate the complex interaction of demographics, land use, development patterns, transportation, and other policy factors. A rigorously tested travel demand model with well-documented expert peer review will add to the credibility of GHG estimates.

The models used by the 18 MPOs vary in their capabilities. Accordingly, MPOs should conduct sensitivity testing on their models on all external variables (such as age, income, automobile operating costs), and for as many policy variables as are feasible (such as transit fares, highway capacity, density, mix of use, pedestrian use, and transit proximity). Depending on the factor or policy, the recommended assessment may include:

- Validation statistics showing the correspondence of the model prediction for a validation (test) year to empirical data.
- Results of experimental sensitivity tests (where a single variable is adjusted higher and lower from its baseline value, with the corresponding changes in model output variables shown). Minimally, the outputs shown would be: total VMT; light-duty vehicle VMT total and per capita; light-duty vehicle GHG emissions total and per capita; total person trips; person trips by automobile modes; person trips by transit modes; and person trips by bike and walk modes.
- Results of planning scenario tests, wherein the modeled results of planning scenarios are tabulated and correlated to show the overall sensitivity of the travel demand model to a combination of factors and policies included in the planning scenario.
- The documentation and assessment process should allow for incorporation of social equity factors such as housing and transportation affordability, displacement, and jobs-housing fit to the extent that methodologies exist

The assessment and documentation should also identify areas where the model lacks capacity and where the model sensitivities fall outside the range of results documented in research literature. Ideally, the range of reasonable sensitivity to key factors and policy variables should be determined through a coordinated research synthesis and review process, the results of which would be a standard reference for all MPOs in the state.

Given the varying capabilities of the MPO models, some MPOs may need to augment their models. There are at least two ways in which this could be accomplished. The first is by incorporating practices from the BMP list described in the next section. The second way is
though the use of a “post processor tool” that makes appropriate adjustments to a travel demand model to account for areas where the model lacks sensitivity.

These methods should rely on model outputs for all factors where the model can be shown to be reasonably sensitive. If a capacity is represented in a model, but model sensitivity is not reasonable, the method augmenting the result should be tailored to compensate for the insensitivity. If the capacity to model a factor is absent, another method should be implemented to provide the needed capacity. However, where any other method is used, the MPO must demonstrate a reasonable approach for ensuring that the other method does not double-count or over-estimate the likely impacts.

Finally, there is a long-term need to generally improve the models used throughout the state. Thus, each MPO should develop an improvement program to propose changes, document needs, and determine order of magnitude costs of the needed changes. The program should also describe how the region will address factors relating to housing affordability, social equity, and the measurement of the co-benefits listed on pages 42 to 44 of the Committee Report by the second round of SCS development. Since model improvement is a long term objective, MPOs should also refer to the RTP Guidelines as updated by the CTC in response to the requirements of SB 375.

D. Use of Best Management Practices

ARB should create an initial list of Best Management Practices (BMPs) expected to reduce GhG emissions within the next four to six months so that it can be used in the target setting process. The list should be developed in consulting with experts, MPOs, current literature, local jurisdictions, and the public. The list should not be exclusive; regions may still incorporate other practices if emission reductions can be demonstrated.

The BMP list will serve several purposes. It will assist ARB in target setting, help local and regional governments develop GhG reduction strategies, and provide a user-friendly tool to facilitate public interaction. The BMP list will also assist ARB in evaluating strategies developed by the MPOs and in the case of small MPOs (at least in the near term), may be the sole method to demonstrate compliance with the targets.

Once created, the BMP list should be converted into an analytical spreadsheet tool that could estimate reductions from a specific strategy or set of strategies in a particular setting. This would allow regions and local jurisdictions to make GhG reduction policy choices based on available research while more sophisticated models are being developed. The BMP list and spreadsheet tool should only include those policies for which empirical studies or travel models exist to estimate the likely impacts (in terms of VMT and GhG reductions) of their implementation. The BMP spreadsheet tool should be a “single spreadsheet tool” with the following characteristics:

- Compatible with existing models
- Account for significant regional differences
- Account for interactions (positive and negative effects) of multiple BMPs
• Capability to analyze projects on a regional, local, and project level
• Capability to address a range of conditions across all MPOs and all communities
• Provide ability for users to provide other information about the area being analyzed, such as whether the area is rural, urban, or suburban; employment density in urban core; estimated share of work trips made by automobile; or total seat-hours of transit service per weekday per capita.

The effectiveness of the policies would be determined by data from empirical studies and modeling results. Expert consultants should review the literature and derive the most region-appropriate elasticity values possible, including any interaction between the various factors. Prerequisite conditions and interdependencies, such as financial and resource constraints, consistency with federal air quality regulations, fuel prices, and information from peer reviewed publications, should also be taken into account.

The Committee fully supports the ongoing use of the BMP list and spreadsheet tool as they evolve to address new data and information. In the short term, BMPs will be used in multiple roles, particularly as integrated land use and transportation models and input data quality are being developed and improved. Over time, reliance on these BMP tools will likely find the highest value as a communication tool to help discuss greenhouse gas reduction strategies with the public and local governments in a transparent and clear way, and as screening tools for local and regional scenario development and decision making.

E. Expert Consultation & Use of Empirical Data
ARB should work with a group of technical experts and land use and transportation practitioners throughout the process. Initially, these experts would help develop the BMP list and identify the range of possible GhG benefits and co-benefits of the BMPs. They would also derive elasticity values for each practice from empirical evidence, appropriate to each region, and help create anticipated sensitivities to each regional model.

The experts should also review the analytical tools that use the empirical data associated with the BMP list of policies and practices. This may include the BMP spreadsheet tool, other sketch tools, or model improvements that are validated against the empirical data. This review would ensure that the analytical tools appropriately reflect the impacts suggested by the data and identify future research needs.

ARB should also incorporate empirical data and values into its target setting and strategy review process. Empirical studies provide important data of actual travel behavior. When combined with information about transportation infrastructure investments, pricing, and other policy decisions, empirical data can be used to derive elasticity values and define the range of VMT reductions that can be expected from a particular policy change.

Elasticity is a percentage change in one variable with respect to a one percent change in another variable, such as the percentage change in VMT for each percent change in development density. MPOs can use these elasticities to better understand the effects of policy
or investment changes. However, empirical studies must be used with caution, as it is critical to include all important variables in the empirical relationships.

The relevant empirical evidence consists of cause-and-effect relationships. The “causes” or inputs include land use strategies such as infill development, development mix, density, urban design (also known as the “4Ds”), affordable housing development, transportation strategies such as pricing, incentives, new transit service, new roadway investments, operational improvements, and other forms of transportation demand management (TDM). The observed “effects” or outputs are changes in transportation system use over time, measured through empirical data that includes local, regional and state road and highway traffic counts, smog check odometer readings, transit ridership counts, household travel surveys, gasoline consumption data, bridge toll data, and counts of bicycle and pedestrian activity. Fortunately, the scientific literature on this issue is sufficient to give the group of experts existing work from which it can draw conclusions.

Finally, given that all MPOs employ travel demand models that will provide data on the GhG emissions associated with the regional strategies, ARB should consult with land use and transportation modeling experts during its review of the MPOs’ analyses. These experts would work with MPOs to determine that the models are generating the right answers, given the expected values. Observations of actual behavior responses to transportation investments should continually be used to refine and recalibrate models and advise on the elasticities that should be associated with each practice. This input is critical to supplement ARB’s existing technical capabilities and aid ARB in meeting its statutory obligation to determine the accuracy of the MPOs’ emission reduction estimate.

F. Co-Benefits of Regional GhG Reduction Strategies

In addition to GhG reduction, many other advantages can result in areas that are designed for and supported by a range of transportation options, including increased mobility, economic benefits, reduced pollution, and healthier, more equitable communities. MPOs should quantify, to the extent possible, these co-benefits throughout the SB 375 target setting and implementation processes. The report lists a number of co-benefits related to increased mobility, economic opportunities, reduced air and water pollution, land and open space conservation, and public health (see pages 42 to 44 of the Committee Report).

G. Housing and Social Equity

Housing affordability, transportation costs, and access to employment can affect GhG emission levels by influencing where people live and how they travel. At a minimum, target setting should work in concert with state housing element law and avoid facilitating any adverse consequences. In addition, social equity policies that have the potential to reduce GhGs (such as appropriately located affordable housing) must be included on the BMP list.

In addition, ARB should ensure completion of research and model development so that social equity factors are fully incorporated into the modeling for the second SCS and before any adjustments to the targets. Adverse social consequences of changing land use patterns, such as displacement, gentrification, and increased housing costs should also be avoided or mitigated.
to the extent possible in the planning scenarios submitted by MPOs. Finally, ARB should encourage the MPOs to develop “visioning” tools that enable the public to clearly see the social equity impacts—such as air quality, transit access, household costs and housing supply—of various planning scenarios.

H. Accounting for Local Constraints and Opportunities

SB 375 provides that “local governments need a sustainable source of funding to be able to accommodate patterns of growth consistent with the state’s climate, air quality, and energy conservation goals.” SB 375 is not a “no growth” bill. The most frequently cited barrier to successful SB 375 implementation were cuts to public transit funding and redevelopment, and the lack of funds for jurisdictions to create new community-based plans, change zoning, and do programmatic environmental reviews.

The Committee identified the need for supportive action by the State and federal government and discussed new local government authorities to aid implementation:

- **Incentives for Exceeding the Target.** Finding ways to make it easier, better, and more rewarding to implement GhG reducing strategies will increase the chance for success. Recognition programs (like LEED), regulatory relief (like CEQA relief in SB 375), grants from future cap and trade revenues, discretionary awards, technical assistance, financial assistance for specific programs, and rewards for collaborative planning (potential funding from Strategic Growth Council) should be considered.

- **State Actions.** The State should consider funding the programs necessary for local and regional governments to actually implement the set of regional strategies adopted in an SCS or APS. These include: state transit funding, local transportation system funding, redevelopment funding, planning funding, affordable housing funding, and other sources for statewide data collection.

- **Federal Transportation Policies.** The Committee also notes that two pieces of federal legislation—a climate bill and the re-authorization of the six-year transportation spending bill—present opportunities to encourage improved land use planning to meet climate goals nationwide.

Planning monies are needed for general plan updates compatible with a new SCS. Conservation monies should be targeted to jurisdictions that have policies to protect resource areas. Transportation revenues for expansion and capital improvements should be targeted to those cities and counties with general plans and programs that are consistent with plans that achieve the targets.

Additional input on costs will come forward as SB 375 is implemented. The state should work with the MPOs and local governments to identify those costs, as well as new funding opportunities and priorities. Local governments, with public input, are in the best position to identify ideas that can facilitate forward thinking local action. Although local governments do not have a mandate under SB 375, they play a critical role in implementing the SCS and encourages incentives for their participation.
IV. RECOMMENDED SEVEN STEP PROCESS FOR TARGET SETTING

This last section summarizes the “bottoms up” seven step process the Committee recommends as part of the target setting process.

At the core of the process is collaboration between the MPOs and ARB, with support from the other state and federal agencies involved in the RTP process. The recommended process is a way to set expectations about how that interaction could occur.

This process will require a significant effort from all those involved within a short time to meet the June 30, 2010 deadline for draft targets. It will require direct participation and buy-in from local jurisdictions, county transportation commissions, affected air districts, and other major stakeholders. The Committee strongly believes that transparency is critically important and recommends that all data, analyses, and documents be available for public review and that public participation be provided at every step in the process.

Step 1: MPO Creates Baseline Estimates.
MPOs review the adopted fiscally constrained RTP and analyze the location and intensity of future land uses that are reasonably expected to occur to estimate GhG levels for the 2005 base year and the 2020 and 2035 target years. To the extent practicable, the MPO would use statewide assumptions for variables such as fuel price, fleet mix, and demographic forecasts. Each MPO’s analysis would be made available to the public.

Step 2: CARB Compiles Baseline Estimates
CARB uses the results from Step 1 to compile baseline business as usual estimates for each MPO in the 2005 base year and the 2020 and 2035 target years. These results will be compared with MPO fuel use data and unexpected differences would be explained. ARB will then meet with the MPOs to share the results and make them available to the public for review. The final result will be an emissions baseline against which further reductions from regional strategies development in steps 3 and 4 can be compared.

Step 3: Estimating the Ambitious Achievable
MPOs and CARB would develop and test the sensitivity of multiple scenarios that are likely to result in emission reductions, such as increased transportation funding, policies that promote infill or preserve open space, programs that increase density and transportation integration, policies that locate affordable housing near transit, and measures that reduce transportation demand. In identifying the measures, MPO staffs and ARB staff would use information from existing scenario assessments and cost-effectiveness studies wherever possible.

This testing would help identify performance indicators that could be measured over time. In addition to emission reductions, these indicators would measure performance related to the transportation system, economy, environment, social equity, and housing. To the extent feasible, performance indicators should be consistent from region to region.
**Step 4: ARB Creates a Draft Statewide Target**
MPOs analyze the alternative scenarios using their own measuring methodologies and forward the results to ARB, explaining the reasons for any difference in key outputs. At this time, an MPO may also submit a proposed regional target as provided by SB 375. ARB will compile the results, and, combined with its review of empirical studies and other relevant information that relates to passenger vehicle and light truck greenhouse gas emissions (including new auto fuel efficiency standards and clean fuels), prepare a preliminary draft uniform statewide target for public review and comment.

This process should be completed by March 1, 2010 in most parts of the state, and by April 30, 2010 for the Southern California Association of Governments (SCAG). Within this time frame, the Committee plans to hold a future public meeting to review MPO scenario data to provide an opportunity for the members to evaluate the results of the scenario analyses for the target setting process.

**Step 5: Comments on Draft Target**
MPOs and stakeholders provide feedback to ARB on the preliminary draft uniform statewide target as well as any formal regional target submittals received from an MPO in Step 4, to assess whether any region’s target should be adjusted either above or below the preliminary draft target. Any revisions would be subject to a “reasonably tough test” to ensure that the target is the most ambitious achievable.

**Step 6: Adoption of Draft Target**
ARB Board must adopt draft targets by June 30, 2010.

**Step 7: Adoption of Final Target**
Exchange of technical information continues until targets are finalized before September 30, 2010.
V  **Next Steps**

The following bullets summarize the next steps in the process. This table was compiled by the author and was NOT included in the actual Committee Report.

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 19, 2009</td>
<td>ARB Board will consider the Committee report at its November meeting.</td>
</tr>
<tr>
<td>December, 2009 to</td>
<td>ARB begins to engage public to develop a list of BMPs</td>
</tr>
<tr>
<td>January, 2010</td>
<td></td>
</tr>
<tr>
<td>Feb-March 2010</td>
<td>RTAC reconvenes to review MPO scenario planning efforts</td>
</tr>
<tr>
<td>March 1, 2010</td>
<td>Steps 1 through 4 of Seven Step Process completed for all but SCAG</td>
</tr>
<tr>
<td></td>
<td>region</td>
</tr>
<tr>
<td>March, 2010</td>
<td>CARB publishes BMP list</td>
</tr>
<tr>
<td>April 30, 2010</td>
<td>Steps 1 through 4 of Seven Step Process completed for SCAG region</td>
</tr>
<tr>
<td>June 30, 2010</td>
<td>ARB staff submits draft target to Board</td>
</tr>
<tr>
<td>Sept 30, 2010</td>
<td>Final targets are submitted to ARB Board</td>
</tr>
<tr>
<td>Fall 2010</td>
<td>CARB develops BMP Spreadsheet Tools</td>
</tr>
</tbody>
</table>
2009 Corrections Reform Package

As part of the July budget package, the California Department of Corrections and Rehabilitation sustained an unallocated $1.2 billion dollar cut, and the Governor and Legislature agreed to address the specifics of the cut before the end of the legislative session. The specific provisions of the agreement are below. Some provisions were implemented administratively by the Governor, and the provisions requiring legislative action were included in SBx3 18 (Ducheny, Chapter 28, Statutes of 2009 Third Extraordinary Session).

It is important to note what proposals are not part of the corrections savings package.

- **Alternative Custody for Aged and Infirmed Prisoners ($120 million savings and 6,300 prisoner reduction).** Would have allowed the Secretary of CDCR to order home detention with electronic monitoring of inmates with less than 12 months to serve on their prison terms, who are over the age of 60, and those who are permanently medically incapacitated, regardless of the length of their sentence.
- **Changing “Wobbler” Crimes to Misdemeanors ($100 million savings and 4,300 prisoner reduction).** Would have changed three offenses, petty theft with a prior, check forgery, and receiving stolen property, from wobblers to misdemeanors. Rather than being committed to state prison, these offenders would be committed to county jail.
- **Grand Theft and Grand Theft Auto Thresholds Updated.** Would have changed the threshold of grand theft and grand theft auto to $2,500.
- **California Public Safety Commission (Cost of $2 million).** Would have created an independent commission to establish sentencing guidelines no later than July 1, 2012. The 13-member commission would be comprised of stakeholders including law enforcement officials, criminal justice academic experts, and representatives of the judiciary and defense counsel. The members of the commission would be appointed by the Governor and subject to Senate confirmation.

The following breakdown shows the programs and estimated cost or savings, along with the impact on the adult state inmate population. The first set required legislative approval:

- **Risk-Based Parole Supervision ($178 million savings and 4,000 prisoner reductions).** Establishes the Parole Reentry Accountability Program that will require CDCR to use a parole violation decision-making instrument to determine the most appropriate sanctions for a parole violator. Low and moderate risk offenders with non-serious, non-violent, and non-sex offenses will be placed on large (banked) caseloads and will not be subject to parole revocation. They will continue to be subject to search and seizure by all levels of law enforcement.
• **Rehabilitation Program Completion Credits ($42 million savings and 1,700 prisoner reduction).** Inmates who complete rehabilitation programs such as the G.E.D., college degrees, and vocational training will be allowed to earn additional sentence credits. Credits will also be extended to inmates awaiting transfer to a fire camp. The current maximum number of credits an inmate can earn is equivalent to six weeks; this credit allowance may be increased to four months.

• **Property Crime Thresholds Updated ($34 million savings and 1,400 prisoner reduction).** All property crimes except grand theft and grand theft auto would be indexed for inflation. Many of these thresholds have not been updated since 1982.

• **Community Corrections (Cost of $30 million).** County probation departments would maintain jurisdiction over felony probationers who would otherwise be sent to prison. The probation departments will receive an initial appropriation of $45 million in federal funds, and an annual appropriation of $30 million to hire additional officers and implement evidence-based programs.

The remaining provisions of the prison reform package that did not require Legislative approval are:

• **Immigration Commutations ($182 million savings and 8,500 prisoner reductions).** Parolees and non-violent, non-sex offenders who are criminal illegal immigrants will be released to federal custody for deportation. The Supreme Court must approve commutation for any inmates who have been convicted of two or more felonies. The Governor’s Administration reports that they are already discussing the process to begin implementation with the federal government.

• **Reduction of Prison Rehabilitation Programs ($175 million savings).** Reduces some inmate and parole programs that are not court-ordered. Impacted programs include a range of rehabilitative services, such as substance abuse counseling, vocational training, and educational programs. CDCR reports that they will utilize a validated risk/needs assessment tool to focus resources on the inmates with the greatest risk to recidivate, distance learning, inmate tutors and fully-licensed inmate substance abuse counselors to decrease the impacts of this funding cut.

• **CDCR Administrative Reduction ($35 million savings).** Positions will be reduced at CDCR headquarters in Sacramento through increasing efficiencies.

• **GPS Alternative Sanctions for parolees ($16 million savings).** Parolees who commit certain parole violations will be eligible for placement on GPS supervision instead of returning them to prison.

• **Division of Juvenile Justice Administrative Reduction ($13 million savings).** The Division of Juvenile Justice will eliminate positions through streamlining. The
Division is also conducting a comprehensive staffing analysis that may allow for more positions to be eliminated in the future.

- **Lower Agent Caseloads (Cost of $70 million).** Caseload ratios will be reduced from 70:1 to 45:1, improving supervision and services for offenders with the highest risk of reoffending. There will also be additional parole resources for fugitive apprehension teams, gang suppression units, and GPS units on high risk parolees.

- **Miscellaneous Reductions**
  - Operational savings related to parole reform proposals ($175 million savings)
  - Unallocated cut ($80 million savings)
  - Technical inmate and parole population adjustments ($53 million savings)
  - Elimination of CDCR’s special repairs budget ($48 million savings)
  - Shift AB 900 construction funds to existing capital outlay ($20 million savings)
  - Related implementation costs (Cost of $70 million)
This page was intentionally left blank.

Potential Funds for Local Governments

<table>
<thead>
<tr>
<th>Available Funding</th>
<th>Purpose/Status</th>
<th>Funding Process</th>
<th>Lead Agency/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2 billion for the Local Street and Road Improvement, Congestion Relief, and Traffic Safety Account</td>
<td>Purpose: To fund improvements to local transportation facilities that will repair and rehabilitate local streets and roads, reduce local traffic congestion, improve traffic flow, or increase traffic safety.</td>
<td>Appropriated to the Controller, upon approval by Legislature through state’s annual budget bill.</td>
<td>League: Jennifer Whiting, 916-658-8249, <a href="mailto:jwhiting@cacitie.org">jwhiting@cacitie.org</a></td>
</tr>
<tr>
<td></td>
<td>2007: The League and the California State Association of Counties conducted a survey of cities and counties to determine what projects would be funded by the bond, and how soon those projects could be funded. Each city received half of their allocation from the $1 Billion in the first cycle and the rest in the second cycle unless they were to receive a maximum of $400k, then they received the entire amount in this first cycle. A total of $550 million was allocated in 2007. As of May 2009, $546 million has been disbursed to cities.</td>
<td></td>
<td>CSAC: DeAnn Baker, 916-327-7500, <a href="mailto:dbaker@counties.org">dbaker@counties.org</a></td>
</tr>
<tr>
<td></td>
<td>2008: The League conducted a second survey to determine what projects were ready to go if a second allocation were made in 2008. Ninety-four cities responded, indicating they could encumber a total of $187 million, and this allocation was included in the 2008-09 Budget. As of May 2009, the entire appropriation has been disbursed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
anticipated HUTA and Prop 42 income. If the unencumbered balance exceeds this amount, the city must agree to decrease the unencumbered balance be either of the following:

a. An amount equivalent to the allocation received in FY 2008-09, or
b. Until the unencumbered balance is no more than three months of anticipated HUTA and Prop 42 income.

(Please Note: For the purpose of this item, “unencumbered” means any portion of funding that is not designated, through prior approval by the city council, for use on the planning, review, design, or construction phase of a project currently underway at the time of the road fund report.)

Information on the 2007-08 LSR reporting requirements and the 2008-09 application instructions can be found at www.dof.ca.gov/bonds/proposition_1b_disbursements/

2009: The 2009-10 Budget Act appropriated the remaining $258 million available to cities. The appropriation includes similar conditions as the 2008-09 appropriation above. These funds will not be made available until the bonds are sold by the state, and as of October 22 2009 a timeline for the bond sale has not been announced. When available, the Department of Finance will post application instructions at: www.dof.ca.gov/bonds/proposition_1b_disbursements/.

$4.5 billion to the Corridor Mobility Improvement Account

To be used to relieve congestion by expanding capacity, enhancing operations, and improving travel times in high congestion travel corridors. The CTC project guidelines for the Corridor Mobility Improvement Account were adopted November 8, 2006. The guidelines are available at: http://www.catc.ca.gov/CMIA_Guidelines_Adopted.pdf and technical amendments are available at http://www.catc.ca.gov/programs/prop1bTechChanges.pdf.

The deadline for project nominations was January 16, 2007, and the CTC adopted the initial program valued at $4.4 million on February 27, 2007.

2009: All available funds have been committed. A list of projects can be found at: http://www.bondaccountability.dot.ca.gov/bondace/ProjectListPreAction.do?&page=1000013

Funds must be appropriated to the California Transportation Commission (CTC) through state’s annual budget bill. The CTC must adopt guidelines for project selection criteria to receive these funds. CTC will fund projects based on guidelines.

<p>| $1 billion for improvements to State Route 99 traversing approximately 400 miles of the Central Valley. | These funds may be used for safety, operational enhancements, rehabilitation, or capacity improvements necessary to improve the SR 99 Corridor. The Commission, working with Caltrans and the eleven councils of government along SR 99, adopted guidelines for SR 99 funding on December 13, 2006 and can be accessed at: <a href="http://www.catc.ca.gov/SR99_Bond_Guidelines_adopted_12-13-06.pdf">http://www.catc.ca.gov/SR99_Bond_Guidelines_adopted_12-13-06.pdf</a>. SR 99 project submittals were received at the Commission by January 16, 2007 and the program was adopted on March 16, 2007. The RTPAs and Caltrans agreed that 85 percent, or $850 million, of the $1 billion available would be targeted for priority improvements in the San Joaquin Valley portion of the corridor, and 15 percent, or $150 million, would be dedicated to improvements in the Sacramento Valley. | Funds must be appropriated to Caltrans through the state’s annual budget bill. | Caltrans Local Office Information: <a href="http://www.dot.ca.gov/localoffice.htm">www.dot.ca.gov/localoffice.htm</a> |
| $3.1 billion for the California Ports Infrastructure, Security, and Air Quality Improvement Act. | To be used for infrastructure improvements to seaports, land ports of entry and airports, to relieve traffic congestion along major trade corridors, and to improve freight rail facilities to enhance the movement of goods from port to marketplace. Based on the input from a stakeholder Work Group, Commission staff developed guidelines for the TCIF and these guidelines were adopted by the Commission at a special meeting on November 27, 2007. The guidelines are available here: <a href="http://www.catc.ca.gov/programs/TCIF/TCIF_Guidelines_112707.pdf">http://www.catc.ca.gov/programs/TCIF/TCIF_Guidelines_112707.pdf</a>. Under these guidelines, project nominations were submitted by January 2008, and the program, valued at $3.088 million, was adopted on April 10, 2008. A list of approved projects is available at <a href="http://www.dot.ca.gov/docs/TCIFApprovedProgramofProjects.pdf">http://www.dot.ca.gov/docs/TCIFApprovedProgramofProjects.pdf</a>. | Program guidelines subject to conditions and criteria established by the Legislature. | California Transportation Commission: 916- 654-4245, <a href="http://www.catc.ca.gov">www.catc.ca.gov</a>. Funds must be appropriated to the California Transportation Commission (CTC) through state’s annual budget bill |
| $200 million for school bus | This program will reduce children’s exposure to diesel gas and will be administered by the Air Resources Board. | Appropriated upon approval | Air Resources Board |</p>
<table>
<thead>
<tr>
<th>retrofitting and replacement to reduce air pollution.</th>
<th>Board. The program will:</th>
<th>by Legislature, likely through state’s annual budget bill.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Replace All Remaining Pre-1977 Model Year Buses First (~100 buses)</td>
<td><a href="http://www.arb.ca.gov">www.arb.ca.gov</a>; Staff: Kimya Lambert (916) 323-2507</td>
</tr>
<tr>
<td></td>
<td>• Remaining Funds Allocated Based on Each Air District’s Share of 1977-1986 Model Year Buses</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Air Districts Determine Funding Split Between New Buses and Retrofits</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>2009: All available funds have been disbursed. The allocation list can be found at:</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>$2 billion for projects in the State Transportation Improvement Program (STIP).</th>
<th>The primary intent for having a 2006 STIP augmentation is to advance the programming of funds for STIP projects that can be delivered prior to the adoption of the 2008 STIP. The CTC added a special STIP cycle to augment the 2006 STIP in advance of the development of the 2008 STIP.</th>
<th>Appropriated to the CTC, upon approval by Legislature, likely through state’s annual budget bill.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>2009: As of June 30, 2009, all funds have been committed. Approved projects can be viewed at:</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>$1 billion for the State-Local Partnership Program Account (SLPP)</th>
<th>The Legislature included implementing language for the SLPP in the 2008-09 Budget. The program requires a dollar for dollar match to access funds and creates two separate sub-accounts. Ninety-five percent of the funds will be available by matching funds from voter-approved fees or taxes solely dedicated to transportation purposes, and five percent will be available by matching funds from uniform developer fees through a competitive grant program. The CTC released draft guideline for the program on October 1, 2008. Approximately $200 million was appropriated from this account in FY 2008-09.</th>
<th>Appropriated upon approval by Legislature, likely through state’s annual budget bill. Requires legislation to implement and adopt program guidelines. This program requires a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>California Transportation Commission: 916- 654-4245, <a href="http://www.catc.ca.gov">www.catc.ca.gov</a></td>
</tr>
</tbody>
</table>
### Appendix A - Technical Resources
#### Infrastructure Bonds Updates

**2009: All appropriated funds have been allocated. A list of allocations can be found at:**
[www.catc.ca.gov/programs/SLPP.htm](http://www.catc.ca.gov/programs/SLPP.htm).

<table>
<thead>
<tr>
<th>Account</th>
<th>Description</th>
<th>Appropriation Authority</th>
<th>Caltrans Local Office Information:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$4 billion for the Public Transportation, Modernization, Improvement and Service Enhancement Account</strong></td>
<td>To be used for capital improvements and fleet expansion to enhance public transit, intercity and commuter rail, and waterborne transit. These funds will be distributed per an established formula among the state's transit agencies upon appropriation by the legislature. $600 million was allocated for these transit capital improvements projects in the FY 2007-08 budget, $350 million in the FY 2008-09 budget, and <strong>an additional $350 million was appropriated in the FY 2009-10 budget.</strong></td>
<td>Appropriated to Caltrans and Controller upon approval by Legislature, likely through state’s annual budget bill.</td>
<td><a href="http://www.dot.ca.gov/localoffice.htm">www.dot.ca.gov/localoffice.htm</a></td>
</tr>
<tr>
<td><strong>$1 billion for the Transit System Safety, Security and Disaster Response Account</strong></td>
<td>To be used for capital projects that provide increased protection against a security and safety threat and increase the capacity of transit operations to move people, goods and emergency personnel, and equipment in the preparation for and the aftermath of a disaster. The FY 2008-09 budget allocated $100 million for this account to support the work of the Office of Homeland Security. <strong>An additional $100 million was appropriated in the FY 2009-10 budget.</strong></td>
<td>Appropriated upon approval by Legislature, likely through state’s annual budget bill.</td>
<td></td>
</tr>
<tr>
<td><strong>$125 million for the Local Bridge Seismic Retrofit Account</strong></td>
<td>$13.5 million (with the potential authority for an additional $2.8 million) was allocated in the FY 2007-08 budget, and an additional $21 million in the FY 2008-09 budget, to CTC for this program. These funds are to be allocated prior to June 30, 2010 and will be administered by Caltrans to provide the federal match requirement for local agencies for work on bridges, overpasses and ramps. The FY 2009-10 budget appropriated an additional $31 million. These funds are to be allocated by CalTrans prior to June 30, 2011.</td>
<td>Appropriated to Caltrans upon approval by Legislature, likely through state’s annual budget bill.</td>
<td><a href="http://www.dot.ca.gov/localoffice.htm">www.dot.ca.gov/localoffice.htm</a></td>
</tr>
<tr>
<td><strong>$750 million for the Highway Safety, Rehabilitation and Preservation Account (SHOPP)</strong></td>
<td>To be used for highway safety, rehabilitation, and pavement preservation projects, including $250 million for traffic light synchronization projects or other technology-based improvements to improve safety operations and the capacity of local streets and roads. Funds in the HSRPA account are split $250 million for the Traffic Light Synchronization Program (TLSP) and $500 million to augment the SHOPP. The Commission approved program guidelines for the</td>
<td>Appropriated upon approval by Legislature, likely through state’s annual budget bill.</td>
<td><a href="http://www.dot.ca.gov/localoffice.htm">www.dot.ca.gov/localoffice.htm</a></td>
</tr>
</tbody>
</table>

---

League of California Cities

2009 Legislative Report
## TLSP on February 13, 2008


The FY 2009-10 budget appropriated $31 million for appropriation by the CTC until June 30, 2011 for capital outlay.

The list of TLSP projects can be found at: [http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000027](http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000027)

The list of SHOPP projects can be found at: [http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000018](http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000018)

### $250 million for the Highway-Railroad Crossing Safety Account

To be used for the completion of high-priority grade separation and railroad crossing safety improvements.

$122.5 million was appropriated in the FY 2007-08 budget, and an additional $63 million in AB 1252 (Caballero), Chapter 39 of 2008, was allocated for high-priority grade separation projects.

**2009:** As of June 30, 2009, all available funds have been committed. A list of projects can be found at: [http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000026](http://www.bondaccountability.dot.ca.gov/bondacc/ProjectListPreAction.do?&page=1000026)

Appropriated to Caltrans upon approval by Legislature, likely through state’s annual budget bill.

Caltrans Local Office Information: [www.dot.ca.gov/localoffice.htm](http://www.dot.ca.gov/localoffice.htm)

California Transportation Commission: 916- 654-4245, [www.catc.ca.gov](http://www.catc.ca.gov)
### Proposition 1C – Housing and Emergency Shelter Trust Fund Act of 2006.

#### Potential Funds for Local Governments

<table>
<thead>
<tr>
<th>Available Funding</th>
<th>Purpose/Status</th>
<th>Funding Process</th>
<th>Lead Agency/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multifamily Housing Programs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **$345 million to the Housing Rehabilitation Loan Fund for the Multifamily Housing Program** | Low interest loans for housing developments for low income renters.  
(a) Under the Housing and Emergency Trust Fund Act of 2002, priority points are given to projects to prioritize any of the following: (1) Infill development. (2) Adaptive reuse in existing developed areas served with public infrastructure. (3) Projects in proximity to public transit, public schools, parks and recreational facilities, or job centers.  
(b) The department may utilize other factors in rural areas to promote infill development. (Section 50675.13 of Health and Safety Code) **2009 UPDATE:** $280.4 million committed as of June 30, 2009. $64.5 million still available. | Through the Department of Housing and Community Development | California Department of Housing & Community Development (HCD)  
www.hcd.ca.gov  
Barbara Stolk, (916) 323-3178 |
| **$50 million to the Housing Rehabilitation Loan Fund for the Multifamily Housing Program** | Low interest loans for housing projects which provide housing for those “at risk of becoming homeless” and homeless youth.  
*Any funds not encumbered within 30 months of availability revert for general use in the Multifamily Housing Program. (Section 11139.3 of Gov’t Code) **2009 UPDATE:** $22.5 million committed as of June 30, 2009. $27.4 million still available | Appropriated by the Department | HCD: Barbara Stolk, (916) 323-3178 |
<p>| <strong>$195 million to the Multifamily Housing Program</strong> | Low interest loans for supportive housing for individuals and households moving from emergency shelters or transitional housing or those at risk of homelessness. Priority for projects given (i) to supportive housing for people with disabilities and (ii) projects that demonstrate funding commitments from local governments for operating subsidies or services funding or both for five years or longer. <strong>2009 UPDATE:</strong> $157.3 million committed as of June 30, 2009. $37.6 million still available | Appropriated by the Department | HCD: Barbara Stolk, (916) 323-3178 |</p>
<table>
<thead>
<tr>
<th>Other Housing Programs</th>
<th>Grants or loans or both, to local public entities, nonprofit corporations and limited partnerships for construction and rehabilitation of housing for agricultural employees and their families or for the acquisition of manufactured housing. Monies may not be used for project organization or planning (subdivision (b) of Section 50517.5 Health and Safety Code).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$135 million to the Joe Serna, Jr. Farmworker Housing Grant Fund</strong></td>
<td><strong>2009 UPDATE:</strong> $67.3 million committed as of June 30, 2009. $67.6 million still available</td>
</tr>
<tr>
<td><strong>$100 million to the Affordable Housing Innovation Fund</strong></td>
<td>For competitive grants or loans to sponsoring entities that develop, own, lend or invest in affordable housing and used to create pilot programs to demonstrate innovative, cost-saving approaches to creating and preserving affordable housing. *Any funds not encumbered within 30 months of availability shall revert to the Self-Help Housing Fund. **2009 UPDATE: Legislation in 2007 (SB 586, Chapter 652, Statutes of 2007) allocated these funds to four new activities and to the revival of the Local Housing Trust Fund ($35 million) program originally created by Proposition 46. The five programs are: Affordable Housing Innovation Program – Loan Fund ($25 million AHIP-L), Affordable Housing Innovation Program – Practitioner Fund (AHIP-P) ($25 million), Local Housing Trust Fund Program (LHTF), Innovative Homeownership Program (IHP) (Does not exist yet, for 2010), Construction Liability Insurance Reform Pilot Program (CLIRPP) ($5 million)*<strong>The NOFA for the Local Housing Trust Fund Program under the Innovation programs established by SB 586 (Dutton, Chapter 652, Statutes of 2007) is now available on HCD’s website with applications due on January 15, 2009: <a href="http://www.hcd.ca.gov/fa/ahif/lhtf.html">http://www.hcd.ca.gov/fa/ahif/lhtf.html</a>.</strong></td>
</tr>
<tr>
<td><strong>$50 million to the Emergency Housing and Assistance Fund for capital developments</strong></td>
<td>The funds to be distributed in the form of capital development grants and administered by HCD in a manner consistent with Provision 3 of Item 2240-105-0001 of the 2000 budget. Provision 3 requires HCD to distribute funds in form of forgivable deferred loans subject to: (a) a loan with a term of 5 years for rehabilitation, 7 years for substantial rehabilitation or 10 years for acquisition and rehabilitation or new construction. (b) Applications for funding shall be made pursuant to **</td>
</tr>
<tr>
<td></td>
<td><strong>Appropriated by the Department</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Requires legislation. Criteria must be established by statute as approved by a 2/3 vote.</strong></td>
</tr>
</tbody>
</table>

| **HCD/Staff:** George Magnuson, (916) 324-3244 | **HCD:**                                                                 |

Appendix A – Technical Resources

2009 Legislative Report
department-issued statewide Notices of Funding Availability without the need for additional regulations.

(c) The department shall set forth the criteria for evaluating applications in the Notices of Funding Availability and shall make deferred loans based on those applications that best meet the criteria.

(d) The department shall specify in the Notices of Funding Availability both maximum and minimum grant amounts that may be varied for urban and nonurban counties.

(e) Contracts for projects that have not begun construction within the initial 12-month period shall be terminated and the funds reallocated. However the department may extend this period by a period of up to 12 months.

This competitive system shall incorporate priorities set by local boards.

**2009 UPDATE:** $7.04 million committed as of June 30, 2009. $42.9 million still available.

### Homeownership Programs

<table>
<thead>
<tr>
<th>Program</th>
<th>Description</th>
<th>Appropriated by the Department</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>$290 million to the Self-Help Housing Fund</td>
<td>To be expended for the purposes of enabling low and very low income households to become or remain homeowners pursuant to the CalHome Program. <strong>2009 UPDATE:</strong> $144.2 million committed as of June 30, 2009. $145.7 million still available.</td>
<td>HCD: (916) 327-3646</td>
<td></td>
</tr>
<tr>
<td>$10 million to the Self-Help Housing Fund</td>
<td>For the construction and management under California Self-Help Housing Program. <strong>2009 UPDATE:</strong> $2.3 million committed as of June 30, 2009. $7.6 million still available.</td>
<td>HCD: (916) 445-9581</td>
<td></td>
</tr>
<tr>
<td>$200 million to the Self-Help Housing Fund</td>
<td>For the California Homebuyer’s Down Payment Assistance Program, to assist first-time low and moderate income homebuyers utilizing existing mortgage financing. <em>Up to $100 million of these funds may be expended to finance the acquisition of land and the construction and development of for-sale residential structures. (Subdivision (b) of Section 51504 Health and Safety Code).</em> <strong>2009 UPDATE:</strong> $49.1 million committed as of June 30, 2009. $150.8 million still available. More information can be obtained at: <a href="http://www.calhfa.ca.gov/homeownership/programs/chdap.htm">http://www.calhfa.ca.gov/homeownership/programs/chdap.htm</a></td>
<td>CalHFA</td>
<td></td>
</tr>
</tbody>
</table>
### $125 million to the Building Equity and Growth in Neighborhood Fund to be used for the Building Equity and Growth in Neighborhood (BEGIN) program

<table>
<thead>
<tr>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>HCD issues a notice when funding is available to all cities, counties, or cities and counties. A city has to submit an application for the funds and if they receive a grant from BEGIN, they shall use the proceeds for down payment assistance to a prospective first-time homebuyer who enters into an agreement to purchase a newly constructed home, or a newly erected manufactured home placed within the city, county or city and county. Any residence assisted by BEGIN shall be continuously occupied by the home buyer for at least five years. If the home buyer fails to meet this condition, the loan amount shall become immediately due and payable to the local entity. <em>Any funds not used within 30 months of availability revert for general use by Cal-Home Program.</em>* <strong>2009 UPDATE: $67.4 million committed as of June 30, 2009. $57.5 million still available.</strong></td>
<td></td>
</tr>
<tr>
<td>Appropriated by the Department</td>
<td>HCD/Staff: (916) 327-3646</td>
</tr>
</tbody>
</table>

### Development Programs

<table>
<thead>
<tr>
<th>Funding</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$850 million to the Regional Planning, Housing, and Infill Incentive Account</strong></td>
<td>The funds may be used for the following purposes: (1) Infill incentive grants for capital outlay related to infill housing development and other related infill development and (2) Brownfield cleanup that promote infill housing development and other related infill development consistent with regional and local plans. <em>The funds in the account become available upon appropriation by the Legislature and subject to other conditions and criteria as the legislature may provide.</em>* <strong>2009 UPDATE:</strong> The 2009-10 budget allocated $190 million for grants. The funds are available until June 30, 2014. As of October 2009, approximately $60M is still available.</td>
</tr>
<tr>
<td>Requires legislation</td>
<td>HCD: (916) 324-1555 or Email to - <a href="mailto:infill@hcd.ca.gov">infill@hcd.ca.gov</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Funding</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$300 million to the Transit-Oriented Development Account</strong></td>
<td>To provide local assistance to cities, counties and cities and counties, transit agencies and developers to develop or facilitate the development of higher density uses with close proximity to transit stations. To be eligible for a loan, at least 15% of the units in the proposed development shall be made available at an affordable rent or at an affordable housing cost to persons of very low-or low-income for at least 55 years. Developments assisted pursuant to this subdivision shall be on parcels at least a portion of which are located within ¼ mile of a transit station. A housing development project may include a mixed-use development consisting of residential and nonresidential uses. <strong>The funds in the account become available upon appropriation by the Legislature.</strong> <strong>2009 UPDATE:</strong></td>
</tr>
<tr>
<td>Requires legislation</td>
<td>TOD Housing Program staff at (916) 322-1560</td>
</tr>
</tbody>
</table>

| Appropriated by the Department | HCD/Staff: (916) 327-3646 |
| $200 million to the Housing Urban-Suburban-and Rural Parks Account | Funds shall be available upon appropriation by the Legislature for housing-related parks grants in urban, suburban, and rural areas, subject to conditions and criteria that the Legislature may provide in statute. **2009 UPDATE:** AB 2494 (Caballero, Chapter 641, Statutes of 2008) was signed into law, and authorized an initial amount of money ($459,000) to fund the administrative startup costs of the program. As of June 30, 2009, no additional funds have been committed. Thus, approximately $195.5 million is still available. Draft Program guidelines are available at: [http://www.hcd.ca.gov/hpd/hrpp/draft_guidelines_hrpp_finaldraft060309.pdf](http://www.hcd.ca.gov/hpd/hrpp/draft_guidelines_hrpp_finaldraft060309.pdf) | AB 2494 (Caballero, 2008) | HCD Staff: Housing_Parks@hcd.ca.gov |
### Proposition 1D – Education Facilities: Kindergarten-University Public Education Bond Act of 2006

<table>
<thead>
<tr>
<th>Available Funding</th>
<th>Purpose/Status</th>
<th>Funding Process</th>
<th>Lead Agency/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Kindergarten through 12th Grade - $7.329 Billion</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **$1.9 billion New Construction** | New construction of school facilities of applicant school districts in accordance with the Leroy F. Greene School Facilities Act of 1998.¹  
(a) Funds may be used for classrooms for severely handicapped pupils, or classrooms for county community school pupils.  
(b) Up to 10.5% of these funds may be used for seismic repair, reconstruction, or replacement.  
**2009 UPDATE:**  
$1.201 billion committed as of October 2009.  
$698 million still available. | Appropriated by the Department | State Allocation Board |
| **$500 million Charter Schools** | Provides school facilities to Charter Schools pursuant to the Charter Schools Facilities Program  
**2009 UPDATE:**  
$441.1 million committed as of October 2009.  
$58.9 million still available. | Appropriated by the Department | State Allocation Board |
| **$3.3 billion Modernization Projects** | Modernization of school facilities in accordance with the Leroy F. Greene School Facilities Act of 1998.  
*** (air conditioning equipment, insulation materials; construction projects or the or purchase of furniture designed to increase school security and playground safety; abatement of hazardous asbestos; roof replacement projects; other modernization of facilities under the Greene Act)  
**2009 UPDATE:**  
$1.241 billion committed as of October 2009.  
$2.059 billion still available. | Appropriated by the Department | State Allocation Board |
| **$500 million Career Technical Education** | Facilities for career technical education programs  
**2009 UPDATE:**  
$412.8 million committed as of October 2009.  
$87.2 million still available. | Appropriated by the Department | State Allocation Board |
| **$29 million Joint Use Projects** | Joint Use Projects  
**2009 UPDATE:**  
$24.5 million committed as of October 2009.  
$4.5 million still available | Appropriated by the Department | State Allocation Board |

¹Up to $200 million may be used for incentives to create smaller learning communities and small high schools.
## Infrastructure Bonds Updates

### $1 billion Relief from Overcrowding

New construction for severely overcrowded schools

**2009 UPDATE:** $99 million committed as of October 2009. $901 million still available.

Appropriated by the Department

State Allocation Board

### $100 million Incentives to use Environmentally friendly materials

Incentives to promote the use of designs and materials in new construction that promote the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning, and other characteristics of high performance schools.

**2009 UPDATE:** $10 million committed as of October 2009. $90 million still available.

Appropriated by the Department

State Allocation Board

### Higher Education - $3.087 Billion

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
</table>
| **$890 million** University of California and Hastings College of Law | (a) Funding for the construction, renovation, or reconstruction of facilities; site acquisition; equipment for facilities that have an average useful life of 10 years; etc. on **existing campuses**.  
(b) $200,000,000 of these funds shall be used for capital improvements that expand /enhance medical education programs with an emphasis in developing high tech approaches to healthcare (telemedicine).  
**2009 UPDATE:** $865 million committed as of June 30, 2009. $25 million still available. |
| **When Appropriated** | Higher Education Facilities Finance Committee |

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
</table>
| **$690 million** California State University | (a) Funding for the construction, renovation, or reconstruction of facilities; site acquisition; equipment for facilities that have an average useful life of 10 years; etc. on **existing campuses**.  
**2009 UPDATE:** $614 million committed as of June 30, 2009. $75 million still available. |
| **When Appropriated** | Higher Education Facilities Finance Committee |

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
</table>
| **$1.507 billion** California Community Colleges | (a) Funding for the construction, renovation, or reconstruction of facilities; site acquisition; equipment for facilities that have an average useful life of 10 years; etc. on **existing campuses**.  
**2009 UPDATE:** $1.3 billion committed as of June 30, 2008. $178 million still available. |
| **When Appropriated** | Higher Education Facilities Finance Committee |

---

2Higher Education Facilities Finance Committee: Consisting of the Governor, the Controller, the Treasurer, the Director of Finance, the President of the University of California, the Chancellor of the California State University, and the Chancellor of the California Community Colleges, or their designees.
# Proposition 1E- Disaster Preparedness and Flood Prevention Bond Act of 2006

<table>
<thead>
<tr>
<th>Available Funding</th>
<th>Purpose/Status</th>
<th>Funding Process</th>
<th>Lead Agency/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Plan of Flood Control</strong></td>
<td><em>Sacramento River flood control project, flood control projects in the Sacramento and San Joaquin River watersheds which shall be compiled into a single document</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$3 billion Infrastructure Maintenance, Repair, and Improvements in the State Plan of Flood Control</td>
<td>a. Evaluation, repair, rehabilitation, reconstruction or replacement of flood infrastructure (levees, weirs, bypasses) of the State Plan of Flood Control (Monies may also be used to fund community conservation projects under Fish and Game code.) b. Improving or adding facilities to the State Plan of Flood Control (Not more than $200 million may be used on a single project excepting flood control improvements to Folsom Dam.) c. Reduce the risk of levee failure in the delta, funds will provide local assistance under the delta levee maintenance program and special flood control projects. <strong>2009 UPDATE:</strong> $1.6 billion committed as of October 2009. The 2009-10 budget appropriated $357.5 million for local assistance. The budget also allocated $11.5 million for the California Flood SAFE Program. The funds are available until June 30, 2012. Additional program information can be found at <a href="http://www.water.ca.gov/floodmgmt/lrafmo/">http://www.water.ca.gov/floodmgmt/lrafmo/</a>.</td>
<td>Upon appropriation of the Department</td>
<td>Department of Water Resources</td>
</tr>
<tr>
<td><strong>Other Flood Control Projects</strong></td>
<td>Projects authorized under a. The State Water Resources Law of 1945 b. The Flood Control Law of 1946 c. The California Watershed Protection and Flood Prevention Law These funds may be used for the costs incurred for granting credits or loans to local agencies for the costs of land, easements, and rights of way, but funds may not be allocated to projects that are part of the State Plan of Flood Control. <strong>2009 UPDATE:</strong> The 2009-10 budget appropriated $123.8 million for this program.</td>
<td>Upon appropriation of the Department</td>
<td>Department of Water Resources</td>
</tr>
</tbody>
</table>
| $290 million Flood Protection Bypasses and Corridors | a. Acquiring property, creating/moving/strengthening levees, relocating/flood proofing structures, flood plain mapping, all for the protection, enhancement, or creation of flood protection corridors and bypasses.  
b. incentives to maintain agricultural use of land located in a flood plain  
c. acquiring easements and property to enhance flood protection corridors while preserving/enhancing wildlife  
*2009 UPDATE:* $98 million committed as of October 2009.  
A copy of the funding allocation rules when they are developed and additional information on this developing program will be available at [www.water.ca.gov/floodsafe](http://www.water.ca.gov/floodsafe). | Upon appropriation of the Department | Department of Water Resources |
| $300 million Stormwater Management Projects | Stormwater flood management projects that meet the following criteria:  
a. Have a nonstate cost share of at least 50%,  
b. Are not part of the State Flood Plan,  
c. Are designed to manage stormwater runoff reduce flood damage (provide other benefits where possible),  
d. Comply with regional water quality control plans,  
e. Are consistent with any integrated regional water management plans.  
*2009 UPDATE:* $150 million committed as of October 2009. $150 million still available. | Upon appropriation of the Department | Department of Water Resources |
## Proposition 84 - The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond of 2006

### Potential Funds for Local Governments

<table>
<thead>
<tr>
<th>Available Funding</th>
<th>Purpose/Status</th>
<th>Funding Process</th>
<th>Lead Agency/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$1.525 Billion: Safe Drinking Water and Water Quality Projects</strong></td>
<td>Eligible projects include but not limited to: 1) Providing alternative water supplies including bottled water where necessary. 2) Improvements in exiting water systems to prevent contamination. 3) Establishing connections to an adjacent water system. 4) Design, purchase, installation and initial operation costs for water treatment equipment and systems. Grants shall not exceed $250K per project. <strong>2009 UPDATE:</strong> $700,000 has been spent. $9.3 million still available.</td>
<td></td>
<td>Department of Health Services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>$10 million to fund emergency and urgent actions to ensure safe drinking water supplies</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$180 million Small Community Drinking Water System Infrastructure Improvements</strong></td>
<td>-Priority given to projects that address chemical and nitrate contaminants, other health hazards and by whether the community is disadvantaged or severely disadvantaged. -Eligible recipients include public agencies and incorporated mutual water companies that serve disadvantaged communities. <strong>2009 UPDATE:</strong> $50 million provided in SBx2 1 (Chapter 1, Statutes of 2008). $175 million remains available.</td>
<td>SBx2 1 (Chapter 1, Statutes of 2008)</td>
<td>Department of Public Health</td>
</tr>
</tbody>
</table>

| $50 million Safe Drinking Water State Revolving Fund | This money is to provide the state share needed to leverage federal funds to assist communities in providing safe drinking water. **2009 UPDATE:** As of October 2009, no funds have been allocated. | SBx2 1 (Chapter 1, Statutes of 2008) | Department of Public Health |

<p>| $80 million State Water Pollution Control Revolving Fund | This money is to provide the state share to leverage federal funds to assist communities making infrastructure investments necessary to prevent pollution of drinking water. <strong>2009 UPDATE:</strong> $50.4 million to prevent or reduce | SBx2 1 (Chapter 1, Statutes of 2008) | Department of Public Health |</p>
<table>
<thead>
<tr>
<th>Project Type</th>
<th>Description</th>
<th>Funding Details</th>
<th>Responsible Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>$60 million</td>
<td>Projects to prevent or reduce contamination of groundwater</td>
<td>Department of Health Services shall require repayment for costs that are subsequently recovered from parties responsible for contamination. <strong>2009 UPDATE:</strong> As of October 2009, no funds have been allocated.</td>
<td>Requires legislation</td>
</tr>
</tbody>
</table>
| $1 billion   | Projects that assist local public agencies to meet long term water needs | - Eligible projects must implement integrated regional water management plans that meet the requirements in the section.  
- Projects must be consistent with an adopted integrated regional water management plan, must provide multiple benefits and must include one or more of the project elements identified in section 75026 1-11.  
- The Department of Water Resources (DWR) may also give preference to proposals that satisfy section 75016 (b) 1-6.  
- DWR may implement this section by using existing Integrated Regional Water Management Guidelines.  
- Funds from this section shall be allocated to each hydrologic region based on the CA Water Plan:  
  (1) North Coast: $37 M;  
  (2) San Francisco Bay: $138 M;  
  (3) Central Coast: $52M;  
  (4) Los Angeles sub-region: $215 M;  
  (5) Santa Ana sub-region: $114 M;  
  (6) San Diego sub-region: $91 M;  
  (7) Sacramento River: $73M;  
  (8) San Joaquin River: $57 M;  
  (9) Tulare/Kern (Tulare Lake): $60M;  
  (10) North/South Lahontan: $27M;  
  (11) Colorado River Basin: $36M;  
  (12) Inter-regional/Unallocated: $100M  
- The inter-regional/unallocated funds may be expended directly or granted by the DWR to address multi-regional needs or issues of statewide significance.  
- DWR may establish standards and procedures for the development and approval of local project selection processes within hydrologic regions and sub-regions. **2009 UPDATE:** $203 million committed as of October 2009. $796 million still available. | Department of Water Resources |
## Appendix A – Technical Resources

### Infrastructure Bonds Update

#### $130 million Delta Water Quality Improvement Projects

- DWR shall require a cost share from local agencies.
- Eligible projects are:
  1. Projects that reduce or eliminate discharges of salt, dissolved organic carbon, pesticides, pathogens and other pollutants to the San Joaquin River
  2. Projects that reduce or eliminate discharges of bromide, dissolved organic carbon, salt in the Sacramento River
  3. Projects at Franks Tract and other locations in the Delta that will reduce salinity or other pollutants at agricultural and drinking water intakes
  4. Projects identified in the June 2005 Delta Region Drinking Water Quality Management Plan

**2009 UPDATE:** $90 million was included in the budget to DWR (unless otherwise specified) for Delta drinking water quality projects, including:

1. $50 million for moving Delta drinking water intakes, including environmental review, design, and construction.
2. $40 million for projects at Franks Tract and other Delta locations to reduce salinity or other pollutants at water intakes.

#### $15 million Projects that reduce discharge of pollutants from agricultural operations into surface water

- Available to the State Board for grants to public agencies and non-profit organizations.

**2009 UPDATE:** As of October 2009, no grants have been allocated.

#### $800 Million: Flood Control

##### $30 million Floodplain mapping, assisting local land use planning and to avoid or reduce future flood risks and damages.

- Eligible projects include, but are not limited to:
  1. Mapping floodplains;
  2. Mapping rural areas with potential for urbanization;
  3. Mapping and identification of flood risk in high density urban areas;
  4. Mapping flood hazard areas;
  5. Updating outdated floodplain maps;
  6. Mapping of riverine floodplains, alluvial fans and coastal flood hazard areas;
  7. Collecting topographic and hydrographic survey data.

**2009 UPDATE:** As of October 2009, no funds have been allocated for this program.

##### $275 million Flood Control Projects

1. Inspection and evaluation of the integrity and capability of existing flood control facilities and development of viable flood control rehab plan.
2. Improvement, construction, modification and relocation of flood control levees including repair of critical bank and levee erosion.

---

**SBx2 1**

(Chapter 1, Statutes of 2008)

Department of Water Resources

State Board of Water Resources Control Board

Department of Water Resources
<table>
<thead>
<tr>
<th>Project Description</th>
<th>Funding Details</th>
<th>Department</th>
</tr>
</thead>
</table>
| 3) Projects to improve the dept.’s emergency response capability.  
4) Environmental mitigation and infrastructure relocation costs related to projects in this section.  
5) The Department of Water Resources shall implement a multi-objective management approach for floodplains that would include increased flood protection, ecosystem restoration, and farmland protection. | 2009 UPDATE: As of October 2009, $45.6 million has been allocated. $229.4 million is still available. | Department of Water Resources |
| **$40 million** Flood Protection Corridor Projects | Section 79037 of the Water Code  
**2009 UPDATE:** Grant funding was approved using Proposition 84 funds in the 2007/08 Governor’s Budget. As of October 2009, no funds have been allocated. More information can be found at: [http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/prop84/](http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/prop84/) | Department of Water Resources |
| **$275 million** Flood Control Projects in the Delta | Funds shall be available for the following purposes:  
1) Projects to improve emergency response preparedness  
2) Local assistance under the delta levee maintenance subvention program  
3) Special flood protection projects, including projects for acquisition, preservation, protection and restoration of Delta lands  
4) all projects subject to the provisions of section 79050 of the water Code.  
**2009 UPDATE:** SBx2 1 (Chapter 1, Statutes of 2008) provides $100 million in Delta levee funding for acquisition, preservation, protection and restoration of Delta resources, pursuant to priorities that reflect the value of the protected resources and land uses, with priority for improving conditions for native Delta fish. As of October 2009, $3.2 million in funding has been allocated. $271.8 million remains available. | SBx2 1 (Chapter 1, Statutes of 2008) |
| **$180 million** Flood Control and Flood Prevention Project | Funding the state’s share of the nonfederal costs of flood control and flood prevention projects for which assurances required by the federal government have been provided by a local agency and which have been authorized.  
**2009 UPDATE:** The Department of Water Resources (DWR) is developing guidelines to implement this program. DWR will likely hold future briefings or workshops to assist potential applicants with the application forms and process, as well as provide funding status and availability. | Department of Water Resources |
### Infrastructure Bonds Update

#### $98 million committed as of October 2009. $82 million still available.

#### $65 Million: Statewide Water Planning and Design

<table>
<thead>
<tr>
<th>Appropriated by the Department</th>
<th>Department of Water Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Studies related to the existing and potential future needs for CA’s water supply, conveyance and flood control systems. Projects include:</strong></td>
<td></td>
</tr>
<tr>
<td>1) Evaluation of climate change impacts on the state’s water supply and flood control systems and the development of system redesign alternatives to improve adaptability and public benefits.</td>
<td></td>
</tr>
<tr>
<td>2) Surface water storage planning and feasibility studies pursuant to the CALFED Bay Delta Program.</td>
<td></td>
</tr>
<tr>
<td>3) Modeling and feasibility studies to evaluate the potential for improving flood protection and water supply through coordinating groundwater storage and reservoir operations.</td>
<td></td>
</tr>
<tr>
<td>4) Other planning and feasibility studies necessary to improve the integration of flood control and water supply systems.</td>
<td></td>
</tr>
<tr>
<td><strong>2009 UPDATE:</strong> SBx2 1 (Chapter 1, Statutes of 2008) provides $37 million in statewide water planning funding, including: 1) $12 million to complete surface storage planning and feasibility studies, including certain requirements for completing those studies, 2) $15 million for planning and feasibility studies to re-operate the flood protection and water supply systems to achieve optimal integration of the two related systems, 3) $10 million to update the California Water Plan, including climate change, and up to $2 million to support implementation of the Delta Vision Strategic Plan. As of October 2009, $400,000 has been allocated to update the Model Water Efficient Landscape Ordinance</td>
<td></td>
</tr>
</tbody>
</table>

#### $928 Million: Protection of Rivers, Lakes, and Streams

| Department of Fish and Game in consultation the Department of Water Resources |
|--------------------------------|--------------------------------|
| **- Up to $20 million shall be available for the development of a natural community conservation plan for CALFED Bay Delta Program** | |
| **- Up to $45 million for coastal salmon and steelhead fishery restoration projects that support the development and implementation of species recovery plans and strategies** | |
| **2009 UPDATE:** The 2009-10 budget allocated $22 million for the Ecosystem Restoration Program upon the signing into law of a new Bay-Delta | |
### Governance Structure

Of this $22 million, $8.9 million must be used for the development of the Bay-Delta Conservation Plan.

### Infrastructure Bonds Updates

| $90 million Projects related to the Colorado River | 1) Not more than $36 million to the department for water conservation projects that implement the Allocation Agreement under Quantification Settlement Agreement.  
2) Not more than $7 million to DFG for projects to implement the Lower Colorado River Multi-Species Habitat Conservation Plan.  
3) $47 million for the Salton Sea Restoration Fund.  
**2009 UPDATE:** (1) the remaining Proposition 84 funds appropriated under this program will be allocated solely to the All American Canal Lining Project.  
(2) DFG has completed a Conceptual Area Protection Plan (CAPP), required by the WCB for acquisitions, in the Palo Verde Valley. As projects are selected in line with the CAPP, funds will be awarded through the WCB.  
(3) A grant process is being created and information will be posted at www.saltonsea.water.ca.gov as the program develops. | Department of Fish and Game in consultation the Department of Water Resources (Wildlife Conservation Board - WCB) |
|---|---|---|
| $54 million Development, Rehab, Acquisition and Restoration costs | These costs are related to providing public access to recreation and fish and wildlife resources in connection with state water project obligations pursuant to Section 11912 of the Water Code  
**2009 UPDATE:** As of October 2009, no bond funds have been appropriated. | Department of Water Resources |
| $72 million CA River Parkway Act of 2004 | This is in accordance with the CA River Parkways Act of 2004 Chapter 3.8 (section 5750)  
- Up to $10 million may be transferred to the Department of Conservation for Watershed Coordinator Grant Program  
**2009 UPDATE:** The 2009-10 budget allocated $28.3 million until June 30, 2012. | Appropriated by the Department Secretary of the Department of Water Resources |
| $18 million Urban Streams Restoration Program | Urban Streams Restoration Program Section 7048 of the Water Code  
**UPDATE:** SBx2 1 (Chapter 1, Statutes of 2008) provides $7.3 million for Urban Streams Restoration Program. | Department of Water Resources |
| $36 million San Joaquin River | River parkway projects to the San Joaquin River Conservancy  
**2009 UPDATE:** No funds committed as of October | San Joaquin River Conservancy |
<table>
<thead>
<tr>
<th><strong>$72 million Los Angeles River and San Gabriel River Watersheds</strong></th>
<th>Projects within watersheds of the Los Angeles and San Gabriel Rivers according to the following: (1) $36 million to the San Gabriel and Lower LA Rivers and Mountains Conservancy (2) $36 million to the Santa Monica Mountains Conservancy for implementation of watershed protection activities throughout the watershed of Upper LA River</th>
<th>Appropriated by the Department</th>
<th>Rivers and Mountains Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2009 UPDATE:</strong> Grant program information is available on the RMC web site at: <a href="http://www.rmc.ca.gov">www.rmc.ca.gov</a>.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>$36 million Coachella Valley Mountain Conservatory</strong></td>
<td>Coachella Valley Mountain Conservancy</td>
<td>Appropriated by the Department</td>
<td>Coachella Valley Mountain Conservancy</td>
</tr>
<tr>
<td><strong>2009 UPDATE:</strong> The 2009-10 budget allocated $6 million in funding for acquisition and enhancement projects and costs. These funds are available until June 30, 2012. Further information on the Conservancy and its funded projects may be found at <a href="http://www.cvmc.ca.gov">http://www.cvmc.ca.gov</a>.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>$45 million Santa Ana River Parkway</strong></td>
<td>Projects to expand and improve Santa Ana River Parkway. Project funding shall be appropriated to the State Coastal Conservancy for projects developed in consultation with local agencies participating in the development of the Santa Ana River Parkway. -$30M shall be equally divided between projects in Orange, San Bernardino and Riverside Counties. <strong>2009 UPDATE:</strong> $10 million to State Coastal Conservancy to expand and improve the Santa Ana River Parkway. As of October 2009, $2.7 million has been awarded.</td>
<td>SBx2 1 (Chapter 1, Statutes of 2008)</td>
<td>State Coastal Conservancy</td>
</tr>
<tr>
<td><strong>$54 million Sierra Nevada Conservatory</strong></td>
<td>Sierra Nevada Conservancy</td>
<td>Appropriated by the Department</td>
<td>Sierra Nevada Conservancy <a href="http://www.sierranevada.ca.gov/">http://www.sierranevada.ca.gov/</a>.</td>
</tr>
<tr>
<td><strong>2009 UPDATE:</strong> The 2009-10 budget appropriated $15.4 million. These funds will be available until June 30, 2012. More information and guidelines can be viewed at <a href="http://www.sierranevada.ca.gov/">http://www.sierranevada.ca.gov/</a>.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>$36 million Lake Tahoe Basin</strong></td>
<td>California Tahoe Conservancy in support of the Environmental Improvement Program for the Lake Tahoe Basin. <strong>2009 UPDATE:</strong> As of October 2009, $55,000 has been awarded for this purpose.</td>
<td>Appropriated by the Department</td>
<td>California Tahoe Conservancy <a href="http://www.tahoecons.ca.gov/board/index.html">http://www.tahoecons.ca.gov/board/index.html</a></td>
</tr>
<tr>
<td><strong>$45 million California Conservation</strong></td>
<td>California Conservation Corps for resource conservation and restoration projects and for facilities acquisition, development, restoration, and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corps</td>
<td>Infrastructure Bonds Updates</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
|       | $25 million projects that improve public safety and improve and restore watersheds. Not less that 50% of these funds shall be in the form of grants to local conservation corps.  
(2) $20 million shall be available for grants to local conservation corps for acquisition and development of facilities to support local conservation corps programs and for local resource conservation activities.  
2009 UPDATE: As of October 2009, no funds have been awarded. Information related to the Bond program and regulation development process will be posted at [http://ccc.ca.gov](http://ccc.ca.gov) as it becomes available. |

| $90 million Stormwater Contamination | State board for matching grants to local public agencies for the reduction and prevention of stormwater contamination of rivers, lakes and streams.  
2009 UPDATE: As of October 2009, $63.6M has been committed. Approximately $26.3M remains available. |

| $100 million Salmon Population | Implementing a court settlement to restore flows and naturally-reproducing and self-sustaining populations of salmon.  
2009 Update: The 2009-10 budget allocated $26 million for this program. The funds are available until June 30, 2012. |

| $450 Million: Forest and Wildlife Conservation | The goal of this grant is to promote the ecological integrity and economic stability of CA’s diverse native forests for all their public benefits through forest conservation, preservation and restoration.  
2009 UPDATE: As soon as the program is ready for implementation, the Wildlife Conservation Board will announce the availability of the program and post a link to the program, which will include the eligibility criteria and selection guidelines on the WCB web page located at [www.wcb.ca.gov](http://www.wcb.ca.gov). |

| $180 million Forest Conservation and Protection Projects | The projects must accomplish one or more of the following:  
(1) Promote the recovery of threatened and endangered species  
(2) Provides corridors linking separate habitat areas to prevent fragmentation  
(3) Protect significant natural landscapes and |

| $135 million Development, Rehabilitation, Restoration, Acquisition and Protection of Habitat | Wildlife Conservation Board (916) 445-8448 | Secretary of the Department of Water Resources | State Water Resources Control Board |
### Infrastructure Bonds Update 2009

- **Ecosystems**
  - Funds scheduled may be used to prepare management plans for properties acquired by the Wildlife Conservation Board and for the development of scientific data, habitat mapping and other research information necessary to determine the priorities for restoration and acquisition statewide.
  - Up to $25 million may be granted to the University of CA for the Natural Reserve System for matching grants for land acquisition.
  
  **2009 UPDATE:** Funding under this section is continuously appropriated, meaning funding will be available for projects until all the funding has been awarded by the Wildlife Conservation Board. Applications are accepted on a year-round basis.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Program Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$90 million</strong></td>
<td>Natural Community Conservation Plans</td>
</tr>
<tr>
<td><strong>$45 million</strong></td>
<td>Ranches, Farms, and Oak Woodlands Preservation</td>
</tr>
<tr>
<td><strong>$540 Million</strong></td>
<td>Protection of Beaches, Bays and Coastal Waters</td>
</tr>
</tbody>
</table>

- **$90 million Natural Community Conservation Plans**
  - To implement or assist in the establishment of Natural Community Conservation Plans (NCCP).
  - **2009 UPDATE:** Additional information on NCCPs is available on the Department of Fish and Game web page, [www.dfg.ca.gov/nccp](http://www.dfg.ca.gov/nccp). As of October 2009, $1.2 million has been allocated to one project (El Sobrante in Riverside County).

- **$45 million Ranches, Farms, and Oak Woodlands Preservation**
  - Protection of ranches, farms and oak woodlands according to the following:
    1. Grazing land protection pursuant to the CA Rangeland Grazing Land and Grassland Protection Act
    2. Oak Woodland Preservation
    3. Agricultural land preservation pursuant to the CA Farmland Conservancy Program Act of 1995
    4. To the board for grants to assist local farmers in integrating agricultural activities with ecosystem restoration and wildlife protection.
  - **2009 UPDATE:** A description of the program and project selection guidelines can be found at [http://www.wcb.ca.gov/Pages/oak_woodlands_program.htm](http://www.wcb.ca.gov/Pages/oak_woodlands_program.htm). As of October 2009, approximately $529,000 has been allocated for program meeting criteria (4) above. Thus, approximately $44.5 million remains available.

- **$540 Million: Protection of Beaches, Bays and Coastal Waters**
  - To the state board for matching grants for protecting beaches and coastal waters from pollution and toxic contamination.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Program Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>$90 million Clean Beaches Program</strong></td>
<td>To the state board for matching grants for protecting beaches and coastal waters from pollution and toxic contamination.</td>
</tr>
</tbody>
</table>

**Wildlife Conservation Board**

- (916) 445-8448

**State Water Resources Board**

- SB 790 (Pavley, 2009)

**League of California Cities**

**2009 Legislative Report**
-Not less than $35 million shall be for grants to local public agencies to assist those agencies to comply with the discharge prohibition into Areas of Special Biological Significance contained in the Ocean Plan. 
-Not less than 20% shall be available to the Santa Monica Bay Restoration Commission

**2009 UPDATE:** SB 790 (Pavley, Chapter 620, Statutes of 2009) added grant criteria. The legislation developed a stormwater planning process for grants to public agencies and non-profits for low-impact development. As of October 2009, no projects have been funded.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Description</th>
</tr>
</thead>
</table>
| **$135 million** | State Coastal Conservancy for expenditure pursuant to Division 21. 2008: $5 million committed as of October 2008. $130M still available.  
**2009 UPDATE:** The 2009-10 budget allocated $78.3 million in funds for capital outlay projects associated with the Conservancy. As of October 2009, $2.6 million has been allocated to two projects. Please see: [http://bondaccountability.resources.ca.gov/plevel1.aspx?id=42&pid=4](http://bondaccountability.resources.ca.gov/plevel1.aspx?id=42&pid=4) |
| **$108 million** | San Francisco Bay Area Conservancy Program. Not less than 20% of the funds allocated shall be expended on projects in watersheds draining directly to the Pacific Ocean.  
**2009 UPDATE:** $71 million committed as of October 2009. $37 million still available. |
| **$45 million** | Protection of the Santa Monica Bay shall be available as follows:  
(1) Santa Monica Mountains Conservancy  
(2) Baldwin Hills Conservancy for the protection of the Ballona Creek/Baldwin Hills Watershed  
(3) Rivers and Mountains Conservancy  
**2009 UPDATE:** $7.4 million has been allocated for projects associated with provision (1) as of October 2009. Thus, $37.6 million remains available. |
| **$45 million** | Protection of the Monterey Bay and its watersheds shall be available to the State Coastal Conservancy  
**2009 UPDATE:** $2 million committed as of October 2009. $43 million still available. |
### $27 million San Diego Bay
Protection of the San Diego Bay and adjacent watersheds shall be available to the State Coastal Conservancy.

**2009 UPDATE:** Conservancy staff will refer to existing local and regional plans and planning initiatives, such as the Southern California Wetland Recovery Project Work Plan and the California Coastal Trail Plan, to identify priorities for project development and eventual funding. As of October 2009, no funding has been allocated for any projects.

### $90 million California Ocean Protection Trust Fund
California Ocean Protection Trust Fund

**2009 UPDATE:** As of October 2009, no projects have received funding. Thus, the entire $90 million remains available.

### $500 Million: Parks and Nature Education Facilities

<table>
<thead>
<tr>
<th>$400 million State Parks</th>
<th>Appropriated by the Department</th>
<th>Department of Parks and Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development, acquisition, interpretation, restoration, and rehabilitation of state park system and its natural, historical and visitor serving resources. The Department of Parks and Recreation shall include the following goals in setting spending priorities: (1) The restoration, rehab and improvement of existing state park system lands and facilities. (2) The expansion of the state park system to reflect the growing population centers and needs of the state. (3) The protection of representative natural resources based on criteria and priorities in Section 75071. 2008: $152 million committed as of October 2008. $347 million still available. <strong>2009 Update:</strong> $52 million has been allocated has of July 1, 2008. The 2009-10 budget allocated an additional $23 million in funds for capital outlay. These funds are available until June 30, 2013</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### $100 million Nature Education and Research
Grants for nature education and research facilities and equipment to non-profit organizations and public institutions. **2009 UPDATE:** The 2009-10 budget allocated $93 million for this program. The funds will be available until June 30, 2012. Applications are available at [http://www.parks.ca.gov/default.asp?page_id=1008](http://www.parks.ca.gov/default.asp?page_id=1008)

### $580 Million: Sustainable Communities and Climate Change Reduction

<table>
<thead>
<tr>
<th>$90 million for Urban Water and</th>
<th>Department of Parks and Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>This includes greening projects that reduce energy consumption, conserve water, improve air and water quality and provide other community benefits.</td>
<td></td>
</tr>
<tr>
<td>Program</td>
<td>Description</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Conservation Programs</td>
<td><strong>2009 UPDATE:</strong> Approximately $356,000 has been allocated. Thus, approximately $89.6 million remains available. Please see the following website for guidelines. <a href="http://www.fire.ca.gov/rsr-c-mgt_urbanforestry.php">http://www.fire.ca.gov/rsr-c-mgt_urbanforestry.php</a>.</td>
</tr>
<tr>
<td>$400 million Grants for local and regional parks</td>
<td>Funds may be allocated to existing programs or pursuant to legislation. The following conditions must be applied to any legislation: (1) Acquisition and development of new parks and expansion of overused parks that provide park and recreational access to underserved communities (2) Creation of parks in neighborhoods where none currently exist (3) Outreach and technical assistance shall be provided to underserved communities to encourage full participation in the program or programs. (4) Preference to applicants that actively involve community based groups in the selection and planning of projects. (5) Projects will be designed to provide efficient use of water and other natural resources. <strong>2009 Update:</strong> The 2009-10 budget allocated $184 million available for the next three years.</td>
</tr>
<tr>
<td>$90 million Incentive grants for local planning</td>
<td>These grants and incentives include a revolving loan programs to encourage the development of regional and local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, encourage infill and compact development, protect natural resources and agricultural lands and revitalize urban and community centers. <strong>2009 UPDATE:</strong> SB 732 (Steinberg, Chapter 729, Statutes of 2008) created the Strategic Growth Council, which is directed to research and identify projects that reduce energy consumption, conserve water, improve air and water quality. The legislation stated that this part of the Proposition 84 bond would fund the Strategic Growth Council. The 2009-10 budget appropriated $12 million for planning grants and incentives, including revolving loan programs and other methods for data gathering and model development necessary to comply with SB 375. The funds are to be committed by October 1, 2009. More information can be found at: <a href="http://www.parks.ca.gov/default.asp?page_id=1008">http://www.parks.ca.gov/default.asp?page_id=1008</a></td>
</tr>
</tbody>
</table>
Appendix B – League Resources
# League Legislative Staff

<table>
<thead>
<tr>
<th>LEGISLATIVE REPRESENTATIVES</th>
<th>Options</th>
</tr>
</thead>
</table>
| **Daniel Carrigg**<br> (916) 658-8222<br> dcarrigg@cacities.org | • Legislative Director  
  • Fiscal Reform  
  • Revenue  
  • State Budget  
  • Taxation  
  • Revenue and Taxation Policy Committee |
| **Dwight Stenbakken**<br> (916) 658-8213<br> dstenbakken@cacities.org | • Administrative Services  
  • Brown Act/Public Records  
  • Conflict of Interest  
  • Employee Relations  
  • Personnel  
  • Workers Compensation Issues |
| **Jennifer Whiting**<br> (916) 658-8249<br> jwhiting@cacities.org | • Public Safety  
  • Public Works  
  • Transportation  
  • Telecommunications |
| **Kyra Emanuels Ross**<br> (916) 658-8252<br> kross@cacities.org | • Community Services  
  • Environmental Issues (Air, Water, Solid Waste, etc.)  
  • Floods (Lead)  
  • Tobacco Control  
  • Tort Reform  
  • Utilities  
  • Climate Change  
  • Animal Issues |
| **Bill Higgins**<br> (916) 658-8250<br> bhiggins@cacities.org | • CEQA  
  • Housing  
  • Planning & Land Use  
  • Floods (Back-up) |
| LEGISLATIVE ANALYSTS | | |
|----------------------|-----------------|
| **Dane Wadlé** | (916) 658-8218  
dwadle@cacities.org | • Housing, Community, and Economic Development Policy Committee  
• Planners Department  
• Housing/Land Use Issues  
• Environmental Quality Policy Committee  
• Environmental Quality Issues  
• Group Homes Issues  
• Coastal Issues |
| **Dorothy Johnson** | (916) 658-8214  
djohnson@cacities.org | • Public Safety Policy Committee  
• Transportation, Communication & Public Works Policy Committee  
• Public Works Department  
• Fire Chiefs Department  
• Police Chiefs Department  
• Cities, Counties & Schools (CCS) Partnership Liaison |
| **Natasha Karl** | (916) 658-8254  
nkarl@cacities.org | • Personnel & Employee Relations Department  
• Employee Relations Policy Committee  
• Administrative Services Policy Committee |

| LEGISLATIVE DEPARTMENT STAFF | | |
|-----------------------------|-----------------|
| **Meghan McKelvey**  
Legislative Secretary  
(916) 658-8253  
mmckelvey@caities.org | • Fiscal Officers Department  
• Community Services Policy Committee  
• Community Services Department  
• City Managers Department  
• Support for the Legislative Department  
• Legislative Bill Tracking  
• Updating Legislative Website  
• Lobbyist FPPC Compliance  
• City Managers Directory |
| **Linda Hicks**  
Policy Development/WMC Communications Specialist  
(916) 658-8224  
lhicks@cacities.org | • Policy Committees  
• Annual Conference Resolutions  
• Division/Department/Affiliate Rosters  
• Newly Elected Officials Packets  
• Special Task Force Committees  
• Western Municipal Association |
Regional Public Affairs Managers

**Director, Regional Public Affairs**

Amy O’Gorman  
Cell: 707/291-3270  
Office: 916/658-8264  
aogorman@cacities.org

**Regional Public Affairs Analyst**

Mary Creasey  
Office: 916/658-8243  
mcreasey@cacities.org

**Central Valley**

Stephen Qualls  
P.O. Box 785  
Hughson, CA 95326  
Cell: 209/614-0118  
squalls@cacities.org

**Channel Counties**

David Mullinax  
Cell: 805/797-3530  
Fax: 805/962-9409  
dmullinax@cacities.org

**Desert Mountain, Inland Empire**

Nancy Cisneros  
31759 Avenue E #111  
Yucaipa, CA 92399  
Cell: 909/230-3940  
Fax: 909/794-3438 (call first)  
ncisneros@cacities.org

**East Bay**

Eric Figueroa  
P.O. Box 901  
San Leandro, CA 94577  
Wk: 510/868-9115  
Cell: 510/325-0072  
Fax: 510/698-6213  
efigueroa@cacities.org

**Peninsula**

Rebecca Elliot  
P.O. Box 54216  
San Jose, CA 95154-4216  
Cell: 408/829-2946  
relliot@cacities.org

**Los Angeles County**

Ben Wong  
Executive Director  
P. O. Box 2336  
West Covina, CA 91793-2336  
Cell: 213/300-8683  
Fax: 213/559-8989  
bwong@cacities.org

**Orange County**

Tony Cardenas  
600 West Santa Ana Blvd.,  
Suite 214  
Santa Ana, CA 92701  
Cell: 714/425-5558  
tcardenas@cacities.org

**Riverside County**

David Willmon  
P.O. Box 56620  
Riverside, CA 92517  
Cell: 951/897-3301  
VM: 951/788-4845  
Fax: 951/781-0626  
dwillmon@cacities.org

**Sacramento Valley**

Charles Anderson  
Cell: 916/798-2231  
Fax: 866/593-2927  
canderson@cacities.org

**San Diego County, Imperial County**

Catherine Hill  
P.O. Box 82081  
San Diego, CA 92138  
Wk: 619/295-8282  
Cell: 619/733-1751  
Fax: 619/501-7651  
chill@cacities.org

**South San Joaquin Valley**

Hilary Baird  
P.O. Box 10656  
Bakersfield, CA 93389-0656  
Cell: 661/428-7807  
Fax: 661/664-8291  
hbaird@cacities.org

**Monterey Bay**

Deanna Sessums  
P.O. Box 7980  
Santa Cruz, CA 95061  
Wk: 831/429-6605  
Cell: 831/915-8293  
dsessums@cacities.org

**North Bay,**  
**Redwood Empire**

Charles Dalldorf  
Cell: 707/217-3366  
cdalldorf@cacities.org

Note: With the exception of those addresses listed, and unless otherwise instructed, mail may be sent to:  
League of California Cities  
1400 K Street, 4th Floor  
Sacramento, CA 95814  
Fax: (916) 658-8240
10 Tips for Cities Lobbying the California Legislature

1. Become engaged in the state level political process by appointing a legislative liaison within your city to track key legislation and work with your regional public affairs manager. You can locate contact information for your regional public affairs manager online at www.cacities.org/regionalmanagers.

2. Use the League as a resource. Visit www.cacities.org/legresources to access League priority bills, legislative contacts and additional information. The League’s online bill tracking tool can be found at www.cacities.org/billsearch.

3. Read City Advocate Weekly, the League’s weekly newsletter, to stay current on important legislation. Subscribe at http://www.cacities.org/cityadvocateweekly.

4. Develop relationships with your Senate and Assembly representatives as well as their capitol and district office staff.

5. Get to know members of your local press and educate them on legislative issues affecting your city.

6. Understand how state decisions impact your city’s budget.

7. Build networks and collaborate with other groups in your community on key legislative issues.

8. Organize an internal process within your city for developing and proposing changes to laws that will help your city.

9. Adopt local policies on legislation that enable your city to react quickly to the legislative process and respond to League action alerts.

10. Write letters on legislation featured in City Advocate Weekly. Sample letters can be found at www.cacities.org/billsearch by searching with the bill number or bill author.
Effective Letter Writing Techniques

1. **Include the Bill Number, Title, and Your Position in the Subject Line.** Never bury the bill number and the action you want the legislator to take in the body of the letter.

2. **One Bill Per Letter.** Legislators file letters according to the bill number.

3. **State the Facts.** Describe the impact of the bill would have on your city. Use “real world” facts, Legislators like to know how a bill would specifically affect cities in their districts. The League often will provide a sample letter that includes space to describe local impacts. Take the time to provide such examples. This part of the letter is the most valuable to the Legislator.

4. **Think About the Message.** Letters may be targeted to specific legislators or entire committees. Think about who you want to act on the bill and message accordingly. If you are writing in support of transportation funding, emphasizing how the project will reduce greenhouse gases might be important to one Legislator, while highlighting how the project could encourage additional development and jobs might be important to another. Both messages are correct, but your effectiveness will be in selecting the right message.

5. **Check for Amendments.** Always check the League’s Web site (www.cacities.org/billsearch) to make sure you are addressing issues in the latest draft. Bills are often significantly amended and the issue you are writing about may have changed or have been deleted altogether by the time you send your letter.

6. **Send follow-up letters to the appropriate legislative committees as a bill moves along.** You can often use your original letter with some modifications. Visit www.cacities.org/billsearch to track the bill’s location. In addition, City Advocate Weekly, the League’s weekly newsletter, features stories on key legislation.

7. **Provide a Contact.** At the close of the letter, provide a contact person in case there are questions about the city’s position.

8. **Know the Committees in Which Your Legislator Serves.** A legislator is likely to pay more attention to the bill positions of their constituents especially when it comes before his or her committee. At the committee level, this is even more important because your legislator has greater ability at this point in the legislative process to have the bill amended.

9. **Copy the Right People.** Send a copy of the letter to your senator, assembly member and the League. Please also send a copy to each committee member and staff if applicable.
City of Anywhere  
PO. Box 123  
Anywhere, CA 90000  
April 2, 2008

Assembly Member Susan Jones  
California State Assembly  
State Capitol, Room 2344  
Sacramento, CA 95814

RE: AB 1357 (Jones), Landfill Landscaping.  
NOTICE OF CITY OPPOSITION

Dear Assembly Member Jones:

I am writing on behalf of the City Council of the City of Anywhere to respectfully oppose AB 1357 (Jones). AB 1357 would require that landfills and solid waste transfer stations be landscaped so that they cannot be seen from the air at an altitude of 2,000 feet and that the landscaping be completed and the facility be in compliance within 120 days of the bill’s enactment.

The City of Anywhere opposes AB 1357 for several reasons. First, the landscaping requirement will be extremely costly, both to the city as the landfill operator and to the citizens served by the landfill. We estimate that the cost to landscape our existing landfill and the two transfer stations operated by Acme Disposal will be about $300,000. This does not include the annual operating and maintenance costs associated with the requirement.

Second, even if we were able to afford the cost, it would not be possible for the facilities to be in compliance within 120 days. Our Parks and Recreation Department personnel have been unable to identify any permanent vegetation that grows quickly enough to meet this deadline.

Third, we believe that the landscaping requirement is unrealistic as amended. The closest commercial airport to Anywhere is 150 miles away, and the closest general aviation airport is 70 miles away. We estimate that no more than three flights per day cross our air space and, because much of the year we are covered by clouds, we question the advisability of the legislation.

We believe that the decision of whether or not to landscape a landfill should be left to the local authorities and should be based upon local conditions. For example, in many instances it would be a wiser use of limited resources to landscape the facility with automobile, not air, traffic in mind.

For these reasons, the City of Anywhere opposes AB 1357. For more details about the City of Anywhere’s position, please contact Joe Barnes at (900)123-4567.

Sincerely,

Janet Gofvota  
Mayor, City of Anywhere

cc: Members and Consultant, Assembly Natural Resources Committee  
Your Assembly Member  
Your Senator  
League of California Cities

1. Bill Number, Title and Position
2. One Bill Per Letter
3-4. How Will This Impact Your City
5-6. Check for Amendments & Send Follow-Up Letters
7. Provide a Contact Person
8. Know the Committees Which Your Legislator Serves On
9. Send Copies of the Letter to the Correct People
### Index of Chaptered Bills

| AB 5 ............. | 10 |
| AB 9 ............. | 7 |
| AB 14 ............ | 50 |
| AB 23 ........... | 20 |
| AB 27 ........... | 43 |
| AB 30 ........... | 8 |
| AB 32 ........... | 11, 29 |
| AB 45 ........... | 30 |
| AB 59 ........... | 43 |
| AB 65 ........... | 15 |
| AB 83 ........... | 46 |
| AB 85 ........... | 50 |
| AB 86 ........... | 15 |
| AB 91 ........... | 43 |
| AB 94 ........... | 77 |
| AB 96 ........... | 24 |
| AB 99 ........... | 50 |
| AB 124 .......... | 13 |
| AB 134 .......... | 84 |
| AB 143 .......... | 54 |
| AB 144 .......... | 83 |
| AB 158 .......... | 51 |
| AB 162 .......... | 22 |
| AB 166 .......... | 85 |
| AB 169 .......... | 20 |
| AB 210 .......... | 29 |
| AB 242 .......... | 44 |
| AB 254 .......... | 46, 84 |
| AB 260 .......... | 41 |
| AB 262 .......... | 23 |
| AB 269 .......... | 8 |
| AB 274 .......... | 26 |
| AB 275 .......... | 44 |
| AB 282 .......... | 80 |
| AB 286 .......... | 84 |
| AB 297 .......... | 19 |
| AB 306 .......... | 8 |
| AB 307 .......... | 51 |
| AB 313 .......... | 30 |
| AB 329 .......... | 41 |
| AB 333 .......... | 31 |
| AB 361 .......... | 16 |
| AB 388 .......... | 19, 46 |
| AB 395 .......... | 83 |
| AB 399 .......... | 15 |
| AB 400 .......... | 78 |

<p>| AB 428 .......... | 49 |
| AB 474 .......... | 23, 26 |
| AB 483 .......... | 16 |
| AB 486 .......... | 11, 47 |
| AB 494 .......... | 31 |
| AB 515 .......... | 52 |
| AB 521 .......... | 13, 23 |
| AB 539 .......... | 12 |
| AB 561 .......... | 83 |
| AB 568 .......... | 51 |
| AB 570 .......... | 31 |
| AB 576 .......... | 48 |
| AB 626 .......... | 27 |
| AB 628 .......... | 84 |
| AB 637 .......... | 16 |
| AB 642 .......... | 18, 65 |
| AB 645 .......... | 31 |
| AB 671 .......... | 49 |
| AB 672 .......... | 82 |
| AB 688 .......... | 44 |
| AB 720 .......... | 31 |
| AB 729 .......... | 82 |
| AB 750 .......... | 44 |
| AB 758 .......... | 23 |
| AB 762 .......... | 35 |
| AB 767 .......... | 32 |
| AB 798 .......... | 84 |
| AB 811 .......... | 23, 26 |
| AB 870 .......... | 45 |
| AB 881 .......... | 35 |
| AB 892 .......... | 22 |
| AB 899 .......... | 30 |
| AB 900 .......... | 52, 63 |
| AB 904 .......... | 54 |
| AB 912 .......... | 47 |
| AB 920 .......... | 23 |
| AB 955 .......... | 19, 49 |
| AB 957 .......... | 41 |
| AB 975 .......... | 27, 36 |
| AB 992 .......... | 54 |
| AB 1003 .......... | 44 |
| AB 1015 .......... | 43 |
| AB 1020 .......... | 13, 37 |
| AB 1061 .......... | 30 |
| AB 1066 .......... | 39 |
| AB 1084 .......... | 32 |
| AB 1085 .......... | 22 |</p>
<table>
<thead>
<tr>
<th>Bill</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 1086</td>
<td>82</td>
</tr>
<tr>
<td>AB 1093</td>
<td>16</td>
</tr>
<tr>
<td>AB 1129</td>
<td>45</td>
</tr>
<tr>
<td>AB 1134</td>
<td>8</td>
</tr>
<tr>
<td>AB 1149</td>
<td>7</td>
</tr>
<tr>
<td>AB 1160</td>
<td>41</td>
</tr>
<tr>
<td>AB 1165</td>
<td>27</td>
</tr>
<tr>
<td>AB 1191</td>
<td>43</td>
</tr>
<tr>
<td>AB 1227</td>
<td>17</td>
</tr>
<tr>
<td>AB 1232</td>
<td>38</td>
</tr>
<tr>
<td>AB 1245</td>
<td>10</td>
</tr>
<tr>
<td>AB 1246</td>
<td>32</td>
</tr>
<tr>
<td>AB 1290</td>
<td>70</td>
</tr>
<tr>
<td>AB 1318</td>
<td>36</td>
</tr>
<tr>
<td>AB 1337</td>
<td>9</td>
</tr>
<tr>
<td>AB 1363</td>
<td>45</td>
</tr>
<tr>
<td>AB 1364</td>
<td>53, 82</td>
</tr>
<tr>
<td>AB 1366</td>
<td>28</td>
</tr>
<tr>
<td>AB 1368</td>
<td>13</td>
</tr>
<tr>
<td>AB 1388</td>
<td>53</td>
</tr>
<tr>
<td>AB 1390</td>
<td>45</td>
</tr>
<tr>
<td>AB 1422</td>
<td>13, 54</td>
</tr>
<tr>
<td>AB 1438</td>
<td>28</td>
</tr>
<tr>
<td>AB 1441</td>
<td>32</td>
</tr>
<tr>
<td>AB 1459</td>
<td>33</td>
</tr>
<tr>
<td>AB 1464</td>
<td>85</td>
</tr>
<tr>
<td>AB 1465</td>
<td>28</td>
</tr>
<tr>
<td>AB 1486</td>
<td>55</td>
</tr>
<tr>
<td>AB 1525</td>
<td>9</td>
</tr>
<tr>
<td>AB 1555</td>
<td>47</td>
</tr>
<tr>
<td>AB 1568</td>
<td>13, 54</td>
</tr>
<tr>
<td>AB 1582</td>
<td>38</td>
</tr>
<tr>
<td>AB 1584</td>
<td>15</td>
</tr>
<tr>
<td>AB 2607</td>
<td>7</td>
</tr>
<tr>
<td>ABx2 5</td>
<td>17, 64</td>
</tr>
<tr>
<td>ABx2 7</td>
<td>42</td>
</tr>
<tr>
<td>ABx2 8</td>
<td>64, 82</td>
</tr>
<tr>
<td>ABx3 3</td>
<td>57, 59, 62</td>
</tr>
<tr>
<td>ABx3 5</td>
<td>58</td>
</tr>
<tr>
<td>ABx3 7</td>
<td>58</td>
</tr>
<tr>
<td>ABx3 11</td>
<td>58</td>
</tr>
<tr>
<td>ABx3 12</td>
<td>58, 64</td>
</tr>
<tr>
<td>ABx3 13</td>
<td>58</td>
</tr>
<tr>
<td>ABx3 15</td>
<td>63</td>
</tr>
<tr>
<td>ABx3 16</td>
<td>57, 59</td>
</tr>
<tr>
<td>ABx3 17</td>
<td>59, 64</td>
</tr>
<tr>
<td>ABx3 18</td>
<td>59</td>
</tr>
<tr>
<td>ABx3 20</td>
<td>80</td>
</tr>
<tr>
<td>ABx3 29</td>
<td>20</td>
</tr>
<tr>
<td>ABx3 37</td>
<td>76, 81</td>
</tr>
<tr>
<td>ABx3 81</td>
<td>35</td>
</tr>
<tr>
<td>ABx4 1</td>
<td>67</td>
</tr>
<tr>
<td>ABx4 2</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 3</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 4</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 5</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 6</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 7</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 8</td>
<td>71</td>
</tr>
<tr>
<td>ABx4 9</td>
<td>72</td>
</tr>
<tr>
<td>ABx4 10</td>
<td>72, 80</td>
</tr>
<tr>
<td>ABx4 11</td>
<td>72</td>
</tr>
<tr>
<td>ABx4 12</td>
<td>21, 73</td>
</tr>
<tr>
<td>ABx4 14</td>
<td>69</td>
</tr>
<tr>
<td>ABx4 15</td>
<td>69, 76</td>
</tr>
<tr>
<td>ABx4 17</td>
<td>73</td>
</tr>
<tr>
<td>ABx4 18</td>
<td>73</td>
</tr>
<tr>
<td>ABx4 19</td>
<td>74</td>
</tr>
<tr>
<td>ABx4 20</td>
<td>74</td>
</tr>
<tr>
<td>ABx4 21</td>
<td>74</td>
</tr>
<tr>
<td>ABx4 22</td>
<td>74</td>
</tr>
<tr>
<td>ABx4 25</td>
<td>75</td>
</tr>
<tr>
<td>ABx4 26</td>
<td>70</td>
</tr>
<tr>
<td>ACR 8</td>
<td>14</td>
</tr>
<tr>
<td>ACR 44</td>
<td>11</td>
</tr>
<tr>
<td>ACR 68</td>
<td>20</td>
</tr>
<tr>
<td>AJR 10</td>
<td>21</td>
</tr>
<tr>
<td>SB 6</td>
<td>9, 66</td>
</tr>
<tr>
<td>SB 17</td>
<td>24</td>
</tr>
<tr>
<td>SB 23</td>
<td>37, 47</td>
</tr>
<tr>
<td>SB 24</td>
<td>44</td>
</tr>
<tr>
<td>SB 27</td>
<td>56</td>
</tr>
<tr>
<td>SB 36</td>
<td>42</td>
</tr>
<tr>
<td>SB 39</td>
<td>48</td>
</tr>
<tr>
<td>SB 52</td>
<td>50</td>
</tr>
<tr>
<td>SB 63</td>
<td>26, 75</td>
</tr>
<tr>
<td>SB 65</td>
<td>76, 81</td>
</tr>
<tr>
<td>SB 67</td>
<td>76</td>
</tr>
<tr>
<td>SB 73</td>
<td>21</td>
</tr>
<tr>
<td>SB 83</td>
<td>39, 85</td>
</tr>
<tr>
<td>SB 90</td>
<td>75</td>
</tr>
<tr>
<td>SB 93</td>
<td>39, 78</td>
</tr>
<tr>
<td>SB 99</td>
<td>78</td>
</tr>
<tr>
<td>SB 101</td>
<td>53</td>
</tr>
<tr>
<td>SB 102</td>
<td>53</td>
</tr>
<tr>
<td>SB 103</td>
<td>53</td>
</tr>
</tbody>
</table>

**Senate**
<table>
<thead>
<tr>
<th>Bill Reference</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>SB 104</td>
<td>29</td>
</tr>
<tr>
<td>SB 111</td>
<td>37</td>
</tr>
<tr>
<td>SB 113</td>
<td>12</td>
</tr>
<tr>
<td>SB 120</td>
<td>24, 33</td>
</tr>
<tr>
<td>SB 121</td>
<td>44</td>
</tr>
<tr>
<td>SB 126</td>
<td>48</td>
</tr>
<tr>
<td>SB 143</td>
<td>24</td>
</tr>
<tr>
<td>SB 167</td>
<td>26</td>
</tr>
<tr>
<td>SB 169</td>
<td>19, 50</td>
</tr>
<tr>
<td>SB 174</td>
<td>45</td>
</tr>
<tr>
<td>SB 186</td>
<td>17</td>
</tr>
<tr>
<td>SB 215</td>
<td>39</td>
</tr>
<tr>
<td>SB 224</td>
<td>33</td>
</tr>
<tr>
<td>SB 226</td>
<td>49</td>
</tr>
<tr>
<td>SB 237</td>
<td>42</td>
</tr>
<tr>
<td>SB 239</td>
<td>42</td>
</tr>
<tr>
<td>SB 240</td>
<td>86</td>
</tr>
<tr>
<td>SB 251</td>
<td>33</td>
</tr>
<tr>
<td>SB 283</td>
<td>28</td>
</tr>
<tr>
<td>SB 290</td>
<td>33</td>
</tr>
<tr>
<td>SB 310</td>
<td>28</td>
</tr>
<tr>
<td>SB 318</td>
<td>45</td>
</tr>
<tr>
<td>SB 321</td>
<td>9, 79</td>
</tr>
<tr>
<td>SB 324</td>
<td>52</td>
</tr>
<tr>
<td>SB 357</td>
<td>49</td>
</tr>
<tr>
<td>SB 359</td>
<td>7</td>
</tr>
<tr>
<td>SB 375</td>
<td>39, 68</td>
</tr>
<tr>
<td>SB 391</td>
<td>81</td>
</tr>
<tr>
<td>SB 398</td>
<td>38, 48</td>
</tr>
<tr>
<td>SB 407</td>
<td>37</td>
</tr>
<tr>
<td>SB 448</td>
<td>40</td>
</tr>
<tr>
<td>SB 449</td>
<td>46</td>
</tr>
<tr>
<td>SB 481</td>
<td>29, 86</td>
</tr>
<tr>
<td>SB 486</td>
<td>25</td>
</tr>
<tr>
<td>SB 492</td>
<td>48</td>
</tr>
<tr>
<td>SB 546</td>
<td>25</td>
</tr>
<tr>
<td>SB 575</td>
<td>31, 34</td>
</tr>
<tr>
<td>SB 583</td>
<td>51</td>
</tr>
<tr>
<td>SB 588</td>
<td>52</td>
</tr>
<tr>
<td>SB 605</td>
<td>36</td>
</tr>
<tr>
<td>SB 627</td>
<td>51</td>
</tr>
<tr>
<td>SB 671</td>
<td>40</td>
</tr>
<tr>
<td>SB 676</td>
<td>79</td>
</tr>
<tr>
<td>SB 716</td>
<td>81</td>
</tr>
<tr>
<td>SB 717</td>
<td>86</td>
</tr>
<tr>
<td>SB 728</td>
<td>22</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>