LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

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Thursday, March 19, 2009 – 3:30 p.m. to 5:00 p.m.

ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland

AGENDA*

1.	**OPEN AGENDA** Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	**APPROVAL OF MINUTES** Committee will review and approve the minutes of the January 15, 2009, L&GO meeting.	Information/ Action
3.	**BRIEFING ON WATER PLANNING PRIORITIES AND RELATED LEGISLATION**	Information/ Action
4.	**2009 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION**** **AB 338 (Ma) Transit Village Developments: Infrastructure Financing** **AB 280 (Blakeslee & Ma) California Earthquake Authority: Retrofit Programs—Grants** **AB 782 (Jeffries) Regional Transportation Plans: Sustainable Communities Strategies** **AB 814 (Krekorian) Timely Firearm Relinquishment Process** **AB 1084 (Adams) Local Planning: Development Projects—Fees** **SB 27 (Hancock) Local Agencies: Sales and Use Tax—Reallocation** **SB 279 (Hancock) Local Government Community Facilities District** **SB 457 (Wolk) Creation of Delta Stewardship** **SB 458 (Wolk) Establish the Sacramento-San Joaquin Delta Conservancy** **SB 488 (Pavley) Energy: energy Efficiency Financing** **SB 808 (Wolk) San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Strategic Work Plan**	Information/ Action
5.	**UPDATE ON SAN FRANCISCO BAY AUTHORITY FORMATION**	Information/ Action
6.	**UPDATE ON PASSAGE OF SB 375 AND RELATIONSHIP TO LAND USE AND TRANSPORTATION PLANNING** Discussion of Spring General Assembly SB 375 Call to Action on Climate Action and relationship to land use and transportation planning.	Information
7.	**ADJOURNMENT** Next meeting is scheduled for **May 21, 2009.**	Action
	Agenda and other written materials are available at ABAG/Frontdesk, 101 8th Street, Oakland, or at http://www.abag.ca.gov/meetings -- Legislation and Governmental Organization Committee	

* The Committee may take any action on any item on the agenda

** California Bill Texts and actions can be read and printed out from state website: **www.leginfo.ca.gov**.

ABAG

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2009 State Legislative Session
Legislation & Governmental Organization Committee
March 5, 2009

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
NEW BILLS					

Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills

	ASSEMBLY BILLS				
AB 18 Knight	**Local Government: City Councils**	ASM: from printer—to be heard in Committee	Watch	**Oppose**	Would authorize a city council to leave a seat on the city council vacant for up to one year or the next general election, whichever comes first: if the remaining city council members cannot agree up an appropriate appointee and the remaining city council members can still form a quorum. Existing law requires a city council to, within 30 days of a vacancy in an elective office to fill that vacancy by appointment or call a special election to fill the vacancy.
AB 46 Blakeslee	**Energy: Energy Conservation Assistance**	ASM: from printer—to be heard in Committee	Support concept	**Watch**	Would extend the operation of the State Energy Conservation Assistance Account to January 1, 2015: a continuously appropriated account in the General Fund that provides grants and loans to local governments and public institutions to maximize energy use savings. In existing law will end January 1, 2011.
AB 55 Jeffries	**Water Supply Planning**	ASM: read first time	Watch	**Watch**	Existing law requires a city or county that determines a project is subject to CEQA to identify any public water system that may supply water for the project and request those public water systems to prepare a water supply assessment. This bill would revise the definition of "Project" to include within the scope of the definition and water supply requirements related to projects the following: specified business, commercial, hotel or motel, industrial, manufacturing, and mixed use developments with an equivalent water demand similar to a 500 dwelling unit project.

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary	Page 2
AB 68 Brownley	**Solid Waste: Single-use Carryout Bags**	ASM: Read first time	Watch	**Watch, but encourage bag giveaway programs**	Would on and after July 1, 2011, prohibit a store from providing a single-use carryout bag to a customer unless the store charges a fee of not less than 25 cents per bag at the point of sale. Would establish a Bag Pollution Fund where stores would remit the carryout bag fees, depositing in the fund through the State Board of Equalization. Moneys in the fund would be required to be expended, upon appropriation by the Legislature in priority to cities and counties for programs related to single-use carryout bags and reusable bag giveaway programs.	
AB 87 Davis	**Single-use Carryout Bags: Environmental Effects—Mitigation**	ASM: from printer—to be heard in Committee	Watch	**Watch, but encourage bag giveaway programs**	Would on and after July 1, 2010, prohibit a store from providing a single-use carryout bag, including a green carryout bag, to a customer unless the store charges a fee of not less than 25 cents per bag at the point of sale. Would establish a Bag Pollution Fund and by January 31, 2011, would require stores that collect the single-use carryout bag fees to remit the fees to the State Board of Equalization for deposit in the fund, and do so on a quarterly basis. Would require the manufacturer of single-use carryout bags to develop educational materials to encourage the reduction, reuse and recycling of single-use bags for those store required to comply with program. Would require a biennial report to legislature in coordination with other state agencies and stakeholders on the effectiveness of the program and recommendations to further encourage the use of reusable bags.	
***AB 338 Ma**	**Transit Village Developments: Infrastructure Financing**	**ASM From printer**—to be acted upon	Watch		**Would recast the area included in a transit village plan to include all land within not more than ½ mile of the main entrance of a transit station. Would eliminate the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and an issuance of bonds for developing and financing a transit facility. Includes other stipulations about public benefit and affordable housing.**	
***AB 280 Blakeslee and Ma**	**California Earthquake Authority: Retrofit Programs—Grants**	**ASM From printer**—to be acted upon	Support Concept		**Would authorize the 3-member governing Board (Governor, Treasurer, Commissioner) to create a program, administered by the Earthquake Authority, to access and dispense federal stimulus dollars for purposes of retrofitting multiunit, soft-story buildings. Includes parameters of a city or county having adopted by ordinance a retrofit program, and other stipulations.**	
***AB 814 Krekorian**	**Firearm Surrender Process and Procedure**	**ASM From printer**—may be heard in Committee			**Would establish a procedure for defendants to sell firearm to a firearms dealer or relinquish the firearm to a law enforcement agency. Require the defendant to disclose, under penalty of perjury, whether the defendant owns or has possession or custody or control of any firearms and to list those firearms. Would provide procedures to relinquish their firearms.**	

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*AB 782 Jeffries	Regional Transportation Plans: Sustainable Communities Strategies	ASM From printer—to be acted upon	Watch		**The bill outlines a number stipulations regarding what happens after Sustainable Communities Strategy or alternative planning strategy (resulting from SB 375 requirements) is accepted: stipulations on project approval, adding commercial builders/business community to a business advisor committee to be created by MPOs, extending CEQA exemptions, and states Legislative intent to enact legislation to resolve conflicts with scheduling of new housing element updates and adoption of regional transportation plans.**
*AB 1084 Adams	Local Planning: Development Projects--Fees	ASM Read first time	Watch		**Would revise the definition of "fee" that a local agency can charge in connection to the approval of a development project to mean a "charge or other exactions other exaction, including a dedication, reservation, set-aside, or contribution of real or personal property or services, including a monetary exaction other than a tax or special assessment that is charged by a local agency, including a local agency that does not itself approve the development project, to the applicant in connection with the development project or as a condition of approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project." *"Public facilities" would be defined* to include public improvements, public services, community amenities, and measures intended to mitigate or alleviate the effects of the development project, whether or not owned or controlled by a public agency. Also stipulates that regarding the fees/amount, it would need to be justified prior to imposing the fee how there is a reasonable relationship between the fee and the cost of the public facility/or portion. Includes also a series of stipulations on the process, timing, and scope.**
AB 2062 DE LEON	Ammunition	2008 last position: SEN Appropriations Committee Held under submission	Support in Concept	Support in Concept	*This bill will be re-introduced into the 2009 legislative cycle.* The 2008 bill provisions include requiring handgun ammunition vendors obtain a license, request background clearance of employees, store handgun ammunition safely and securely away from purchasers, maintain records, and require handgun ammunition be sold in face to face transactions so that the vendor can confirm identity of purchaser and record that information. Reducing illegal handgun ammunition sales is intent of bill.
AB 2235 DE SAULNIER	Firearms: Owner-Authorized Handguns	2008 last position: SEN Appropriations Committee Held under	Support in Concept	Support in Concept	This bill will be re-introduced into the 2009 legislative cycle. *The 2008 bill provisions would require all newly manufactured or imported handguns in the state be owner-authorized, which means having a permanent programmable biometric feature that makes only a lawful owner or authorized user able to fire the gun. Other stipulations how to monitor technology and implementation are*

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		submission			*included.*
	SENATE BILLS				
SB 12 Simitian	**Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement 2009**	**SEN: from print—to be acted upon**	Watch	**Watch**	Would authorize for funding the Act issuance of bonds in amount of $6 million for voter approval. Would establish in state government the Delta Water and Land Use Authority, prescribe composition of its Board of Directors, and grant to the Authority a broad range of powers relating to preservation of the Delta ecosystem and the delivery of a reliable state water supply. Would authorize the Authority to contract to design, construct and own one or more facilities to move water from the Sacramento River to federal and state pumping facilities. The Authority would succeed to the powers and duties of the California Bay-Delta Authority. Would establish within the California Coastal Commission, the Delta Watershed Conservancy. Would subject any approval by a city or county in specified zones of the Delta, and certain lands adjacent to the Delta to review by the Delta Protection Commission, and require the Authority to adopt or reject these land use decisions of the Commission. Other fee provisions included.
***SB 27 Hancock**	**Local Agencies: Sales and Use Tax--Reallocation**	**SEN Local Government Committee**	Support Concept CSAC Support LCC Support		**The bill would prohibit a city, county, or city and county, on or after the bill's effective date, from entering into any form of agreement or taking any action that would result, directly or indirectly, in the payment, transfer, diversion or rebate of any amount of Bradley-Burns local tax proceeds to any person for any purpose when:** **--The agreement results in a substantial reduction in the amount of Bradley-Burns tax proceeds received by another local agency from a retailer within that other local agency;** **--and the retailer continues to maintain a physical presence and location within that other local agency. This bill has a urgency clause that means it would be immediately enacted after passed, signed and chaptered.**
SB 31 Pavley	**California Global Warming Solutions Act of 2006: Revenue Allocations**	**SEN: from print—to be acted upon**	Watch	**Watch**	Would require that revenues collected due to compliance mechanisms adopted by the State Air Resources Board also be deposited in the Air Pollution Control Fund. Specified uses of the revenues collected would fund renewable energy and energy efficiency programs to reduce greenhouse gas emissions (particularly programs focusing on low-income consumers); for investments in emission reduction technologies; and for green jobs development and training that will reduce greenhouse gas emissions.

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*SB 279 Hancock	Local Government: Community Facilities Districts	SEN From print—to be acted upon	Support in Concept		Would authorize a community facilities district to finance and refinance the acquisition, installation, and improvement of energy efficiency and renewable energy improvements to or on real property and in buildings. Includes some provisions for establishing a community facility district and procedure for incurring bonded indebtedness.
*SB 457 Wolk	Creation of Delta Stewardship Council for Sacramento-San Joaquin Delta	SEN Read first time	Watch		This bill would create a 7-member Delta Stewardship Council in the Natural Resources Agency with specified powers and responsibilities relating to the Delta, including approving the Delta Stewardship Plan to guide and shape management of the Delta. The bill would require the commission to present the council with a draft plan on or before October 1, 2010. The bill would require the council to adopt the plan on or before January 1, 2011. The bill would require the council to review, and if necessary, amend the plan at least every 5 years. --- would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the Delta and would prescribe the management, powers, and duties of the conservancy. --The bill would require the council by March 1, 2010, to appoint a Delta Science and Engineering Board and create a Delta Science and Engineering Program. The bill would state the intent of the Legislature that the Delta Science and Engineering Program be a replacement for, and a successor to, the CALFED Science Program, with specified responsibilities, and that the Delta Science and Engineering Board be a replacement for the CALFED Independent Science Board. --The bill would require the commission to require all general plans of cities and counties within the Delta, and the resource management plan, to be consistent with the Delta Stewardship Plan, thereby imposing a state-mandated local program on cities and counties. The bill would require the commission to revise all of its plans and policies to be consistent with the Delta Stewardship Plan, to review and certify all city and county general plans for consistency with the resource management plan and the Delta Stewardship Plan, to exercise direct consistency determination authority over development proposals in the primary zone, to review, hold public hearings and receive testimony, and provide recommendations to the council on all proposed projects subject to approval by the council, and develop a regional economic development plan.

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*SB 458 Wolk	Establish the Sacramento-San Joaquin Delta Conservancy	SEN From printer	Watch		This bill would establish the Sacramento-San Joaquin Delta Conservancy to undertake various activities related to the delta, as defined, including monitoring projects within the watershed of the delta, providing stewardship, and coordinating with other delta governance entities. The bill would prescribe the management, powers, and duties of the conservancy. The bill would create the Sacramento-San Joaquin Delta Conservancy Fund in the State Treasury. Moneys in the fund would be available, upon appropriation, for the purposes of the conservancy.
*SB 488 Pavley	Energy: Energy Efficiency Financing	SEN From print— to be acted upon	Support in Concept		Would require the State Energy Resources Conservation and Development Commission to establish an ongoing procedure to develop an energy efficiency financing program to allow residential, commercial, industrial and municipal participants to finance energy efficiency improvements funded through cost avoidance of energy saves by the implemented measure. Includes a list of programs, measures and challenges to be addressed through energy efficiency.
*SB 808 Wolk	San Francisco Bay/Sacramento-San Joaquin Delta Estuary: Strategic Work Plan	SEN Introduced. To Com. on RLS-- for assignment. To print.	Watch		This bill would require the State Water Resources Control Board to implement its resolution entitled the Strategic Workplan for Actions to Protect Beneficial Uses of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary by commencing an investigation of the reasonableness of the methods of diversions from the Sacramento-San Joaquin Delta used by the State Water Project and the federal Central Valley Project, ensuring that the implementation is consistent with its duties to protect the public trust and prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, and taking other action. The state board would be required to prepare related quarterly reports, which the state board would be required to make available to the public and to post on the state board's Internet Web site.