LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Councilmember Carole Dillon-Knutson—City of Novato

Committee Vice Chair: Supervisor Mike Kerns—County of Sonoma

Staff: Patricia Jones – Assistant Executive Director 510/ 464-7933; FAX 510/464-7970; PatJ@abag.ca.gov
Kathleen Cha – Senior Communications Officer 510/ 464-7922; KathleenC@abag.ca.gov

Thursday, January 21 – 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 November 19, 2009, L&GO meeting.	Information/ Action
3.	**2010 LEGISLATIVE SESSION—BILLS FOR CONSIDERATION**** A review of carry-over bills from 2009 Legislative Session and consideration of new bills being proposed at the beginning of the 2010 Legislative Session. **AB 118 (Logue) California Global Warming Solutions Act of 2006** **AB 283 (Chesbro) California Product Stewardship Act** **AB 1343 (Huffman) Architectural Paint Recycling** **SB 26 (Simitian) Home-Generated Pharmaceutical Waste** **SB 346 (Kehoe) Hazardous Materials: Motor Vehicle Brake Friction Materials**	Information/ Action
4.	**AMEND POLICIES ON ABAG COMMITTEE FORMATION, STRUCTURE, AND MEMBERSHIP** Add two at-large members to Administrative Committee	Information/ Action
5.	**FOLLOW-UP LEGISLATION TO SB 406** Discussion of policy actions to create a new bill in 2010 Legislative Session to address funding issues proposed in SB 406.	Information/ Action
6.	**REVIEW OF 2010 LEGISLATIVE PRIORITIES**	Information/ Action
7.	**2010 LEGISLATIVE RECEPTION—JANUARY 27TH** Update on sponsors, participants and other logistics of reception at Chops Steakhouse, Wednesday, January 27th, 5:30-7:30 p.m.	Information/ Action
8.	**YOUTH GUN VIOLENCE TASK FORCE—UPDATE**	Information/ Action
9.	**ADJOURNMENT** Next meeting is scheduled for **March 18, 2010.**	Action
	Agenda and other written materials are available at ABAG/Front Desk, 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

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

L&GO
2010 Legislative Priorities

- **Pursue legislation addressing focused integrated planning and environmentally healthy communities**
  - That includes aggressively pursuing legislation addressing Extended Producer Responsibility and waste disposal, and hazardous waste issues.
  - That also includes closely tracking legislation addressing Water planning and supply, the Peripheral Canal and Delta Solution

- **Pursue resources and incentives for planning, infrastructure and services to assist local governments and related climate change and land use solutions.**

  Continue legislative partnership with MTC on these issues.

- **Support Long Term Financial Disaster Recovery Planning Initiative**

  This issue area would also include pursuing support of legislation and/or funding of Community Based Organization networks and their disaster services, working with the nonprofit agency CARD (Collaborating Agencies Responding to Disasters) to support and extend the model throughout the region's counties and cities.

- **Support Finance legislation that includes balanced revenue streams and fiscal reform**

  Continue work with the League of California Cities and the California State Association of Counties on structural budget reform. Stay abreast of proposals on Constitutional Convention.

- **Seek a constitutional amendment to lower the vote requirement for local sales taxes and local infrastructure bonds.**

- **Seek state and federal legislation establishing innovative financing and project delivery mechanisms.**
  - Work to ensure that, where a Regional Blueprint has been adopted, consistency with regional blueprints is a consideration in allocation of bond funds from State agencies and in the development of legislation and agency State policies on climate change, while upholding local flexibility and authority
  - Continue to work on legislation that would ensure that COGs, MPOs, and other affected regional planning agencies receive sufficient funds to fulfill obligations under SB 375 through State decisions allocating funds from Proposition 84 for planning in accordance with SB 732. This would include funding to reimburse COGs for Regional Housing Needs Allocation (RHNA) compliance costs
  - Seek permanent funding for COG, MPO, and local governments for SB 375 obligations.

- Seek funding/stimulus funds that would support regional agency infrastructure, like agency building energy efficiency retrofit and possible joint regional agency building.

***Monitor unfunded state mandates of local programs and fiscal impacts on local governments*—**Funding issue would be used to evaluate legislation.

To: Executive Board
via
Legislation & Governmental Organization Committee

Fr: Mark Green, President

Dt: January 6, 2010

Re: Composition of Administrative Committee

Summary: The current requirements for the composition of the nine member Administrative Committee make it difficult to have the committee reflect the geographical and jurisdictional diversity of the ABAG membership. Increasing the size of the committee will help address this issue.

Requested Action: Amend the *Policies on ABAG Committee Formation, Structure and Membership* to add two members from the Executive Board.

Discussion: The Administrative Committee is a standing committee of ABAG and is charged by section VII.C of the Bylaws as follows:

> There shall be an Administrative Committee of the Executive Board of the Association whose composition shall be determined by the Executive Board and which shall, subject to any constraint or limitation imposed by the Executive Board or the General Assembly, exercise all powers of the Executive Board between meetings of the Executive Board; provided that, the Administrative committee shall not:
>
> (1) Amend the Agreement or Bylaws;
>
> (2) Exercise the budgetary duties of the Executive Board set forth in Article XII;
>
> (3) Appoint, fix the salary of, or remove an Executive Director of the Association;
>
> (4) Exercise the powers of appointment of officers as set forth in Article IX.

Section IV.A.4 of the Executive Board's *Policies on ABAG Committee Formation, Structure and Membership* sets the composition of the Administrative Committee as follows:

> Membership of the Administrative Committee includes the President, Vice-President and Immediate Past President; chairpersons of the Finance & Personnel, Legislative & Governmental Organization and Regional Planning Committees; two other members of the Executive Board; and one other member of the RPC.

Six seats on the nine member Administrative Committee are assigned to designated positions and three are restricted. This makes balancing the composition of the Administrative Committee for geographical or jurisdictional (city, county, city and county) purposes difficult.

This problem is best addressed by increasing the size of the committee. I suggest that L&GO recommend and the Executive Board adopt an amendment to section IV.A.4 of the *Policies on ABAG Committee Formation, Structure and Membership* to increase the Administrative Committee to eleven (11) members by adding two additional members from the Executive Board.

> Membership of the Administrative Committee includes the President, Vice-President and Immediate Past President; chairpersons of the Finance & Personnel, Legislative & Governmental Organization and Regional Planning Committees; ~~two~~ **four** other members of the Executive Board; and one other member of the RPC.

ABAG

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2010 State Legislative Session
Legislation & Governmental Organization Committee
January 7, 2010

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
***NEW BILLS**					**Bold Face/Shading in Legislation Summary indicates change/ amendments.**

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

****Federal Bills listed on page 7***

	New Bills				
***AB 118 Logue**	**California Global Warming Solutions Act of 2006**	**ASM Natural Resources Committee** **Hearing 1/11/10**	Oppose		**This bill would suspend the California Global Warming Solutions Act of 2006 until the state unemployment rate is 5.5% or lower for four consecutive calendar quarters. The bill would require the resuspension of the act whenever the state unemployment rate rises above 5.5% for four consecutive calendar quarters. The bill would prohibit the state board, and specified other state agencies, from proposing, promulgating, or adopting any regulation pursuant to the act during a period of suspension, and would require that any such regulation adopted prior to January 1, 2011, be inoperative until the suspension is lifted. The bill would request local agencies to refrain from adopting rules, regulations, and policies that derive authority or responsibility from the act and to revise or repeal those rules, regulations, or policies adopted prior to January 1, 2011, until the suspension is lifted.**
***AB 283 Chesbro**	**California Product Stewardship Act**	**ASM Natural Resources Com.**	Support Supported by CSAC and LCC (2009)		**Would create the California Product Stewardship Act to require the Integrated Waste management Board (IWMB) to administer an Extended Producer Responsibility (EPR) program of product stewardship that encourages producers to be "comprehensively responsible" for the life cycle of their products. Specific stipulations include: requiring by July 2012 a selection of products with environmental, waste management and public health effects, including all products banned from landfill disposal, to be covered by the program and with set performance goals; and requiring a producer of covered product to submit a product stewardship plan after**

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					identification of covered product and prohibiting sale or promotional use of a covered product without a product stewardship plan. (two year bill)
***AB 1343 Huffman**	**Architectural Paint Recycling**	**SEN Appropria-tions**	Support CSAC Support (2009)		**Would require manufacturers of architectural paint to develop and implement stewardship programs to manage post consumer paint. Plans would be reviewed by IWMB with annual reports required of manufacturers on the performance of their stewardship program. Note—post-consumer paint is the largest source of household hazardous waste in CA, making up about 1/3 of total household hazardous waste collected, and yet @ five percent of households in state make use of local household hazardous waste programs. (two year bill)**
***SB 26 Simitian**	**Home-Generated Pharmaceutical Waste**	**SEN Appropria-tions**	Support		**Defines home generated pharmaceutical waste as prescribed and over-the-counter drugs derived from a household and would exclude home generated pharmaceutical waste from the current definition of medical waste. Would require the Board of Pharmacy to coordinate with other state agencies, local governments, drug manufacturers, and pharmacies to develop policies to manage home generated pharmaceutical waste. Would authorize pharmacies, health care facilities, clinics, household hazardous waste programs, nursing homes and government facilities to accept the home generated pharmaceutical waste; specifies criteria for storage and transportation of these wastes; would authorize, but not require, IWMB to make grants to local governments for the management of home generated pharmaceutical waste and sharps waste. (two year bill)**
***SB 346 Kehoe**	**Hazardous Materials: Motor Vehicle Brake Friction Materials**	**ASM Environmen-tal Safety & Toxic Materials**	Support CSAC Support (2009)		**Would require that the use of copper in brake pads sold in California be reduced to no more than 5% by weight by 2021, and no more than 0.5% by 2032. Working off of the allowable pollution limits on copper by State Water Resources Control Board, studies have shown that much of copper in urban watersheds comes from debris generated from use of brake pads. This copper brake pad phase out bill was sponsored by Sustainable Conservation on behalf of the Brake Pad Partnership. (two year bill)**

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	Carry-over bills from 2009 **ASSEMBLY BILLS**				
AB 46 Blakeslee	**Energy: Energy Conservation Assistance**	**SEN: To Inactive File by Sen. Benoit** **ab_46 blakeslee**	Support concept	**Watch**	Amended 3/31, 6/22, 9/4: This bill extends the sunset dates, from January 1, 2011 to January 1, 2012, for the Energy Conservation Assistance Account (ECAA) and the Local Jurisdiction Energy Assistance Account (LJEAA), each administered by the California Energy Commission (CEC): continues local assistance energy programs. Originally: Would extend the operation of the State Energy Conservation Assistance Account to January 1, 2015/2015 for @ 9 years: 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 68 Brownley	**Solid Waste: Single-use Carryout Bags**	**ASM: Appropria-tions** **Hearing 5/6/09 Postponed by committee** **ab_68 brownley**	Watch	**Watch, but encourage bag giveaway programs**	Amended 3/31 and 4/23: *Amended definition of "Reusable bag" to mean a bag that is specifically designed and manufactured for multiple reuse, meaning 50 or more uses.* This bill would, on and after July 1, 2010, prohibit a store, as defined, from providing a single-use carryout bag to a customer unless the store charges a fee of not less than $0.25 per bag at the point of sale. The bill would exempt certain customers from paying the fee. The bill would establish the Bag Pollution Fund in the State Treasury and would require a store to remit the single-use carryout bag fees, less a specified amount, to the State Board of Equalization for deposit in that fund. The bill would prohibit a store from distributing a single-use carryout bag that is not a plastic or compostable carryout bag that meets specific requirements/recommendations to further encourage the use of reusable bags.
AB 87 Davis	**Single-use Carryout Bags: Environmental Effects—Mitigation**	**ASM: Appropria-tions** **In committee; hearing postponed by Committee** **ab_87 davis**	Watch	**Support 5/21/09** **Watch, but encourage bag giveaway programs**	**Amended 3/18 and 4/27: This bill restricts grocery and convenience stores from providing single-use carry out bags to their customers. Specifically: 1) As of July 1, 2010, prohibits grocery and convenience stores and pharmacies, as defined, from providing single-use carryout bags, to customers without charging a sales tax-free fee of 25 cents per bag (the Bag Pollution Cleanup Fee). 2) Exempts from the fee customers participating in certain low-income assistance programs. 3)Allows stores charging the fee to retain a portion of the amount generated by the fee to pay for implementation of the requirements of the bill, including educational programs and donation of reusable bags to community groups, nonprofits, and similar entities. 4) Creates the Bag Pollution Fund,**

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					available for annual legislative appropriation to the Integrated Waste Management Board for state programs for litter cleanup and source reduction and for grants to cities and counties for those same purposes.
AB 155 Mendoza	**Local Government: Bankruptcy Proceedings** *(Similar bill was re-introduced as SB 88 (DeSaulnier) which did not pass—was re-referred to Committee on Rules)*	**SEN Local Governmen t Committee First hearing. Testimony taken. Further hearing to be set.** **ab_155 mendoza**	Oppose CSAC Oppose LCC Oppose	**Oppose**	Prohibits a local public entity (defined as a county, city, district, public authority, public agency) from exercising its rights under applicable federal bankruptcy law unless granted approval by the California Debt and Investment Advisory Commission (CDIAC), under CDIAC's terms and conditions.
AB 280 Blakeslee and Ma	**California Earthquake Authority: Retrofit Programs—Grants**	**ASM Appropria-tions Held under Submission** **ab_280 blakeslee**	Support Concept	**Support in 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 744 Torrico	**Transportation: Toll Lanes—Express Lane Network**	**SEN Appropria-tions Held under Submission** **ab_744 torrico**	Support	**Support**	Authorizes the Bay Area Toll Authority (BATA) to develop a Bay Area Express Lane Network (network). Specifically: This bill would authorize the Bay Area Toll Authority to acquire, administer, and operate a Bay Area Express Lane Network on state highways within the 9 Bay Area counties pursuant to a development plan recommended by the Bay Area Express Lane Network Project Oversight Committee, which the authority would be required to establish. -- would authorize the authority to establish the fee structure for use of the express lanes and would require a public hearing in that regard. --would authorize the authority to determine the types of vehicles that may use the lanes. --would provide for agreements between the authority and the Department of Transportation and the Department of the California Highway Patrol. --would require revenues from the express lanes to be deposited in the Bay Area Express Lane Network Account, which the authority

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					would be required to create, and would authorize the authority to issue revenue bonds for the express lane program. --would require the Sunol Smart Carpool Lane Joint Powers Authority, the Alameda County Congestion Management Agency, and the Santa Clara Valley Transportation Authority to enter into agreements with the Bay Area Toll Authority by January 1, 2011, to provide for the transfer of their rights and obligations relative to HOT lane projects to the Bay Area Toll Authority. The bill would enact other related provisions.
AB 782 Jeffries	**Regional Transportation Plans: Sustainable Communities Strategies**	**ASM Natural Resources Committee** **Last action: 4/27 Hearing cancelled at request of author** **ab_782 jeffries**	Watch	**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 814 Krekorian	**Firearm Surrender Process and Procedure**	**SEN Public Safety Com** **ab_814 krekorian**	Support concept	**Support**	Amended 4/13, 6/1: This bill would establish a procedure for *a defendant* who *owns, has* possession, custody, or control of *a firearm*, to sell the firearm to a firearms dealer or relinquish the firearm to a law enforcement agency in order to comply with existing prohibitions. The procedure would in part require the defendant to disclose whether the defendant owns or has possession, custody, or control of any firearms and to list those firearms. The bill would provide procedures for persons in or out of custody to relinquish their firearms, including designating a law enforcement agency or a person as the defendant's *designee, and would* require the defendant or the defendant's designee to file a form showing, among other things, the date the firearm was relinquished. Failure to timely file the form would be an infraction punishable by a fine not exceeding *$500*. This bill would urge local law enforcement agencies to obtain a secured mailbox from the Department of Justice in order to receive information from the Prohibited Armed Persons File, and would encourage review of the file in connection with the relinquishment of firearms by defendants subsequent to conviction, as specified.
AB 1342 Evans	**Local Taxation: Income Taxes—Vehicle License Fees**	**ASM Revenue & Taxation Com**	Support CSAC Support	**Support**	Authorizes counties, under specified circumstances, to adopt a local personal income tax (PIT), a local vehicle license fee (VLF), or both: 1)Contains legislative findings noting that: a) Proposition 13 has reduced local property taxes by approximately 50%;

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		Hearing cancelled at request of author			b) In response to the enactment of Proposition 13, the state has provided local governmental agencies with increased amounts of state funds to maintain police, school, and other local services; c) Proposition 13 has resulted in increased state control and decreased local control with respect to the provision of local governmental services; d) The state is experiencing great difficulty in providing state funds to maintain local governmental services at historical levels; and, e) It is appropriate and necessary to shift some authority, control, and responsibility back to local governmental agencies to allow those agencies to determine the level of services appropriate for their citizens. --Provides that, notwithstanding existing law, the board of supervisors of any county may, by ordinance, place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: A local PIT; and/or, a local license fee on any vehicle, registered within the county in which the local license fee is imposed, that is subject to registration under the Vehicle Code and on which a VLF is imposed under existing law. --Provides that a local VLF shall be subject to the following conditions: a) The aggregate license fee rate imposed by both the state and county on any vehicle shall not exceed 2% of the vehicle's market value; b) The local VLF shall be assessed and collected in the same manner as the fee imposed by state law; c) The local VLF shall be administered by the Department of Motor Vehicles (DMV); and the DMV shall transmit all revenues, less its costs of administration and any refunds, to the county in which the fee is imposed.
ACA 9 Huffman	**Local Government Bonds: Special Taxes—voter approval**	**ASM Third Reading** **aca_9 huffman**	Support CSAC Support LCC Support	**Support**	Amended 6/26 to add "city and county, to those authorized to impose a special tax. Proposes a constitutional amendment to change the 2/3 voter-approval requirement for special taxes to, instead, authorize a city, county, or special district impose a special tax with the approval of 55% of its voters voting on the tax. Would lower to 55% the voter approval threshold for a city, county, city and county to incur bonded indebtedness.
	SENATE BILLS				
SB 7	**Renewable Energy Sources:—**	**Placed on**	Support	**Support**	Amended 5/5: This bill would require the electricity distribution

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Wiggins	**Net Metering** ***(Feed-in Tariff reference in title removed)***	**ASM inactive file by ASM Torrico** **sb_7 wiggins**	concept	**(if amended to provide better rates/credits to individual generator)**	utility or cooperative *to* allow the eligible customer-generator to apply net surplus electricity, *as defined*, as a credit for kilowatt hours consumed during *one, or both, of* the *two* following 12-month periods. This bill requires utilities to compensate customers that use net metering for any generation in excess of their load or, for customers on time of use rates any net dollar value, on an annual basis, or to roll that excess generation over, on a kilowatt hour basis, to the next 12-month cycle. The compensation rate would be set by the CPUC at a rate no less than the MPR.
SB 31 Pavley	**California Global Warming Solutions Act of 2006: Revenue Allocations**	**SEN Inactive file** **Placed on Inactive file at request of author** **sb_31 pavley**	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.
	Federal Legislation				
***S. 1619 Dodd**	**The Livable Communities Act of 2009**	*Senate Committee on Banking, Housing and Urban Affairs 8/6/09*	Support	**Support**	**Would establish the Office of Sustainable Housing and communities; establish the Interagency Council on Sustainable Communities; establish a comprehensive planning grant program for towns and regions, establish a sustainability challenge grant program for towns and regions.** **Intent is to help towns and regions across the country plan and implement development projects that integrate their community's needs for transportation, housing, land use and economic development: to include MPOs, regional councils of governments, rural planning organizations, consortiums of local governments, city, county, and towns.**
***H.R. 3525 Thompson**	**Tax Exempt Private Activity Bond (PAB) Use for Renewable Energy Generation and Energy and Water Efficiency Projects.**	House Ways and Means Committee 7/31/09	Support	**Support**	**To amend the Internal Revenue Code of 1986 to add additional categories of tax-exempt private activity bonds to finance renewable energy resource facilities, conservation and efficiency facilities, and other specified greenhouse gas emission technologies which would include energy efficiency, demand side management, energy storage, electric transmission, smart grid, water conservation, zero-emission vehicle projects and manufacturing facilities.**