

**LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE
ASSOCIATION OF BAY AREA GOVERNMENTS**

Thursday, May 17, 2007

Summary Minutes

Members Present:

Supervisor Scott Haggerty, County of Alameda, ABAG Immediate Past President
Supervisor Rose Jacobs Gibson, County of San Mateo
Vice Mayor Kasie Hildenbrand, City of Dublin
Supervisor Mike Kerns, County of Sonoma
Vice Mayor Carol Klatt, City of Daly City
Supervisor Barbara Kondylis, County of Solano
Supervisor Pete McHugh, County of Santa Clara
Mayor pro Tem Gwen Regalia, City of Walnut Creek
Councilmember Arne Simonsen, City of Antioch
Vice Mayor Dave Cortese, City of San Jose

Staff Present:

Patricia Jones – ABAG
Kathleen Cha – ABAG

1. **Introductions:** Chair Supervisor Pete McHugh opened the meeting at 3:45.
2. **Minutes:** March 15, 2007, minutes were reviewed, corrected, and approved by those attending.
3. **Review Latest Bills Introduced in 2007 Legislative Session**

The Committee reviewed 8 new bills and recommended the following positions:

AB 1131 Jeffries: Joint Powers Agreements—Joint Powers Agencies—Powers

Bill would require that the JPA must have a member of any affected area be on the board before an action could be taken. This would include actions like levying tax or eminent domain. **Oppose**

AB 1253 Caballero: Regional and Local Land Use Plans

Creates The Sustainable Communities Regional and Local Land Use Planning Program to provide implementing language for the \$90 million in Prop 84 that is dedicated to planning activities.

Support if amended: More clarification is needed on how this bill relates to existing programs and planning funding. It is requested that additional onerous requirements on grants and sections on planning loans should be amended and eliminated.

AB 1256 Caballero: Density Bonus—Exemption—Local Inclusionary Ordinance

This bill gives regulatory relief to cities that have adopted local inclusionary housing requirements—relieving them of density bonus requirements including the incentive and concession requirements. **Support**

AB 1542 Evans: Mobilehome Parks—Conversions

Co-sponsored by city of Santa Rosa and County of Sonoma: this bill closes the loophole in condo-conversion law that applies to mobilehome park sales that would phase out any local rent control ordinances and eliminate them as affordable housing.

Support

SB 103 Cedillo: Economic Development Subsidies—Review by Local Agencies

Bill has been placed on Appropriations Suspense File: Would impose a state mandate on local governments and agencies to have all economic development subsidies over \$25,000 reviewed by the public before approval. A state mandate is problematic since the granting of an economic development subsidy is a local issue and done at the discretion of local agencies. **Oppose**

SB 343 Negrete McLeod: Local Agencies—Open Meetings—Documents

This bill is sponsored by the California Association of Realtors. Requiring that all writings included in a regular meeting agenda packet be available to the public at least 72 hours before the meeting. **Oppose**

SB 934 Lowenthal: Housing and Infrastructure Zones

Bill has been referred to Appropriations Suspense File—Would establish new financial tool, housing and Infrastructure Zones, using tax increment financing to develop high density developments in infill areas.

Support (with two committee members voting to oppose)

SB 964 Romero: Local Agencies

Sponsored by California Broadcaster Association, this broad sweeping measure would prohibit members of a legislative body from the use of a series of communications of any kind, directly or through intermediaries to discuss, deliberate or take action on any item of business outside of open and public meetings. **Oppose**

SB 303 Ducheny's bill on Local Government and Housing Element was reviewed again, because the bill has been amended since the position to oppose in March was taken. The issues on having to update the general plan every ten years, adding more layers to RHNA and having to do a five year review, on top of the 10 year update are still problematic and not productive. **The committee recommends that the oppose position continue.** Senator Torlakson's office also asked for comments on how this bill can be approved and ABAG Planning staff will review and submit language. There is also talk that this bill actually may not proceed any further because of the opposition.

Review of Water Management and Flood Control bills: a written briefing from the Water Resource Planning Committee was provided on the latest amendments to two Wolk's bills we are tracking: AB 5 on Delta lands and flood protection and AB 162 on Land Use—Water Supply and flooding; and Jones' bill AB 70 regarding flood liability and local government which we oppose. These bills are in Assembly Appropriations Committee.

4. Update on Infrastructure and Regional Blueprint Funding

The latest information on the Regional Planning, Housing and Infill Incentive Account of PROPOSITION 1C was provided:

- There are at least 7 bills dealing with this broadly defined \$850 million account.
- The key policy issue that ABAG, MTC and others have asked be addressed in the legislation centers around the role regional agencies, non profits and private developers should have in reviewing or ranking project proposals.
- Energies are focused on this particular question— because this fund is an excellent avenue for implementing *Focusing Our Vision* efforts—potentially using the funds to reward local agencies that choose to become Priority Development Areas.
- It was noted that the 7+ bills addressing this part of Regional Planning, Housing and Infill Incentive Account are being put on a two-year track by Assembly Speaker Fabian Nunez and Assembly Committee Chairs and will not be taken up in this calendar year.

- The exception is Senate President pro tem Don Perata's bill SB 46 which is currently in the Appropriations Committee—Staff is working with Senator Perata to ensure that a role for regional agencies is identified.

5. Review of AB 2987—2006 Digital Infrastructure and Video Competition Act

An update on how the Telecom Franchise law is being implemented was provided:

- The passage of AB 2987 pre-empted local franchises and established the CPUC (CA Public Utilities Commission) as the sole franchising authority in California for video service providers.
- Three components of the law were discussed: the public right of way, the issue of weakened enforcement of Customer Service Standards, and the 5% Franchise Fee.
- A complete breakdown and analysis of each section of AB 2987 compiled by the League of California Cities was also distributed to the Committee to provide more background information.

Under open Agenda, Mayor Pro Tem Gwen Regalia requested that the Committee review Duval's bill on Eminent Domain at the next L&GO meeting on July 19th.

6. Adjourn: The meeting adjourned at 5 p.m. *The next meeting is scheduled July 19, 2007.*