

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

Thursday, July 19, 2007

Summary Minutes

Members Present:

Councilmember Desley Brooks, City of Oakland
Supervisor Rose Jacobs Gibson, County of San Mateo
Vice Mayor Surlene Grant, City of San Leandro
Supervisor Scott Haggerty, County of Alameda, ABAG Immediate Past President
Vice Mayor Kasie Hildenbrand, City of Dublin
Supervisor Mike Kerns, County of Sonoma
Supervisor Barbara Kondylis, County of Solano
Supervisor Pete McHugh, County of Santa Clara, Chair
Mayor pro Tem Gwen Regalia, City of Walnut Creek

Staff Present:

Patricia Jones – ABAG
Kathleen Cha – ABAG
Kathleen Van Velsor – ABAG

- 1. Introductions:** Chair Supervisor Pete McHugh opened the meeting at 3:45.
- 2. Minutes:** May 17, 2007, minutes were approved by those attending.
- 3. Review Latest Bills Introduced in 2007 Legislative Session**
The L&GO Committee reviewed and recommended positions on eight new bills. The first five bills reviewed focused on Flood Control, Water Management, and Environmental Resources.

AB 5 Wolk: Flood Protection

WATCH

Would establish notice/insurance requirements for developments in floodplains, provide for adoption of local flood protection plans, and require creation of a Central Valley Flood Protection Plan. The Committee directed staff to contact the legislator about development, funding and liability issues raised, and the need to clarify local government and state involvement in adopting local flood plans.

AB 739 Laird: Stormwater Discharge

SUPPORT

Regarding Prop 84 and Prop 1E stormwater funds and stormwater flood management grant program: Important bill because very little funding has been available for stormwater projects and latest amendments steer money to regions and local plans.

AB 1066 Laird: Coastal Resources—Local Coastal Planning—Sea Level Rise

SUPPORT

Addresses programs and projects pertaining to climate change and likely sea level increases caused by global warming. In the Bay Area, the bill directs the Bay Conservation and Development Commission, in coordination with regional councils of governments (COGs), other agencies, and interested parties, to develop a regional strategy to address methods to mitigate and adapt to sea level rise. As a result of Committee concerns, ABAG Staff and other COGs have worked to get this regional funding and participation language into the bill.

AB 1452 Wolk: Central Valley Flood Protections

WATCH

Bill is complex with many provisions including connecting state flood protection decisions to local land use decisions for improvement of flood protection capability and liability.

SB 732 Steinberg: Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006

SUPPORT

Addresses the funding of urban greening, planning grants and housing related park grants, and under sustainable communities section for awarding grants and loans, the bill gives regional councils of government and jurisdictions access to funding grants, especially regional blueprint funding.

Kathleen Van Velsor, ABAG Senior Environmental Planner, who has been working with these bills and the authors' staff, provided briefing on latest bill amendments during the discussion of the flood control bills.

The Committee then examined four other new Housing and Local Government Bills:

**AB 1053 Nunez: Regional Planning, Housing, and Infill Incentive Account—
Programs**

SUPPORT IN CONCEPT

**SB 46 Perata: Housing and Emergency Shelter Trust Fund Act of 2006—Regional Planning,
Housing, and Infill Incentive Account**

SUPPORT IN CONCEPT

Both these bills address how the \$850 million in Proposition C for infill development will be spent. They both address critical infrastructure issues and there is a strong possibility that they will merge into one bill after negotiations.

AB 1322 Duvall: Transportation—Eminent Domain

WATCH

Requires the Department of Transportation, for any property that it is acquiring by, or under threat of, eminent domain, to provide the property owner, in a timely manner, a copy of all appraisals performed or obtained by Department of Transportation. Appraisers are required to provide copy of property owner contracted appraisals to the Department of Transportation.

SB 966 Simitian: Pharmaceutical Drug Disposal **SUPPORT**

Permits retailers to establish projects to collect drugs from consumers for disposal, which would be a voluntary program. Requires the Department of Toxic Substances Control (DTSC) to measure Californian's access to such projects, and, if access is found inadequate, to establish a state-wide system for the acceptance and collection of drugs for proper disposal by January 1, 2011.

Review of Bills Previously Considered: recent amendments to bills previously considered were discussed.

Action: the committee recommended a change of position on SB 375 (Steinberg):

Transportation Planning: Improved travel models—Preferred Growth Scenarios—

Environmental Review. The Committee changed their "support in concept" position to Watch.

The intent of the bill to align transportation funds with regional strategies designed to reduce reliance on car use and impact vehicle miles traveled and help achieve emission reduction for greenhouse gas reduction goals is still supported. However, amendments are needed to address the potential for undercutting local land use authority. Full participation and agreement of cities and counties also needs to be ensured, as well as realistic emission reduction targets. Vagueness in bill language about local governments needs to be clarified. Staff is asked to write a letter addressing these issues.

- **Update on SB 303 Ducheny's bill on Local Government and Housing Element changes** which we have opposed: now a two year bill.
- **AB 414: Local Planning: Residential Development:** To follow-up on oppose position taken at previous meeting, a letter will be sent to Assembly Local Government Committee expressing opposition because the bill makes infill zoning more difficult, discourages development in mixed use neighborhoods, and creates a disincentive for mixed use zoning.

6. Adjourn: The meeting adjourned at 5 p.m. *The next meeting is scheduled September 20, 2007.*