

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: John A. Brand, Senior Management Analyst 

DATE: April 12, 2011 (CC Meeting of 4/20/2011)

SUBJECT: Consider 2011 Legislative Program

BACKGROUND

The Finance, Administration and Public Safety Committee annually reviews the Legislative Program. The Committee's recommendations are then forwarded to the City Council for consideration.

Once the Council adopts an annual Legislative Program outlining the City's position on key municipal issues then the following procedures are followed. If a measure is consistent with the Legislative Program, the Mayor is authorized to send a letter indicating the City's position. If a measure is not addressed by the Legislative Program, or if a staff recommendation differs from the Legislative Program, then the Finance, Administration and Public Safety Committee will review the measure and recommend a position to the City Council..

The Legislative program has ten (10) Platform Statement categories:

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|------------------------------------|--|
| 1. Local Government Finance | 6. General Government |
| 2. Labor Relations | 7. Public Safety |
| 3. Transportation | 8. Land Use Planning |
| 4. Environment | 9. Housing |
| 5. Waste Management | 10. Redevelopment/
Economic Development |

It may be appropriate to review the legislative platform statements and update as necessary. In some cases it may be necessary to development a new statement if the

proposed bill is deemed a priority. On the other hand, it may not be necessary to have an official position on every bill that is monitored.

DISCUSSION

On April 6, the Finance, Administration and Public Safety Committee (Mayor Parvin and Mayor Pro Tem Millhouse) met and discussed the City Legislative Program (Attachment 1). Discussion included City procedures for legislative advocacy, monitoring legislation, and various bills of interest.

The current legislative session has been dominated by state budget and redevelopment issues. Consequently, the City has taken a formal position on only one piece of legislation, AB 438 (Williams -- Santa Barbara) regarding County Free Libraries: Withdrawal. The City is opposed because this bill would limit local control by requiring voter approval of the decision to withdraw from the county library system. A copy of the letter was provided to Council under separate cover. The Committee discussed continued restraint in legislative advocacy until it appears more likely that a specific bill could potentially gain passage.

The Committee expressed an interest in receiving periodic legislative updates from staff perhaps as box items to augment those provided by SCAG, VCOG, VCTC, and League. The Committee recommended forwarding the legislative program for Council consideration

STAFF RECOMMENDATION

Adopt the 2011 Legislative Program

Attachment 1: Draft 2011 Legislative Program

**CITY OF MOORPARK
2011 LEGISLATIVE PROGRAM**

Adopted _____

The following Legislative Program was developed to allow the City to respond to state and federal legislation in a proactive manner. The Mayor (or Mayor Pro Tem in the Mayor's absence) is authorized to sign correspondence expressing the City's position on pending legislation consistent with the Legislative Program and/or other positions approved by the City Council. The Finance, Administration and Public Safety Committee will also periodically review legislation for recommendation to the City Council.

Staff will monitor the League of California Cities' *City Advocate Weekly* and other sources to identify pending legislation that may impact the City. Letters expressing the City's position will be drafted for the Mayor's signature, and copies will be distributed to each Councilmember.

Pending legislation not addressed by the Legislative Program, or staff recommendations that deviate from the Legislative Program, will be agendized for Finance, Administration and Public Safety Committee review and City Council consideration.

PLATFORM STATEMENTS

1. Local Government Finance

- A. Support legislation that limits cities' contributions to the Educational Revenue Augmentation Fund (ERAF) and directs the repayment of past contributions.
- B. Oppose legislation that eliminates or restricts the taxing authority of cities over development; weakens existing Government Code Section 66000 fee authority; and redefines any development tax, condition, or other monetary charge as development fees.
- C. Support legislation requiring the state and federal governments to provide full cost reimbursement to cities for all mandated programs and for all programs resulting in revenue losses.
- D. Support legislation that safeguards existing City revenue sources from preemption or seizure by the state or county.
- E. Oppose any change in revenue allocations that would negatively affect the City of Moorpark, including but not limited to the redistribution of sales tax, property tax, transient occupancy tax, and vehicle in-lieu fee.

- F. Oppose legislation that restricts or limits a city's ability to use tax-exempt debt for the purchase or construction of public purpose improvements.
- G. Support measures that provide greater fiscal independence to cities and result in greater stability and predictability in local government budgeting.
- H. Support efforts that provide greater accountability on the part of counties for the distribution of funds back to municipalities, including, but not limited to, fines and forfeitures.
- I. Oppose any measure that makes local agencies more dependent on the state for financial stability and policy direction.
- J. Support legislation that protects the ability of local government to recover the costs of mandated programs through fees that are not subject to Proposition 218.
- K. Support the establishment of a constitutionally-protected funding structure for local government.
- L. Support legislation that closes the loophole that allows companies currently doing business in California to create dot-com subsidiaries to avoid collection of sales taxes on Internet commerce.
- M. Support legislation that authorizes a statewide ballot measure to restore the requirement for a simple majority of voters in a city or county to approve an increase in taxes or issue general obligation bonds.
- N. Join with other Ventura County cities to encourage the Ventura County Treasurer-Tax Collector to shorten the time to collect property tax readjustments.
- O. Support efforts by state government to distribute revenue to local government in a manner that does not create incentives for commercial "sprawl" retail development and/or disincentives for residential, industrial, open space or agricultural land uses.

2. Labor Relations

- A. Oppose legislation that would restrict a city's ability to use its own employees on public works projects when such projects have previously been advertised for bid.
- B. Oppose legislation that requires the use of city employees rather than

contracting out.

- C. Oppose any legislation that would grant employee benefits that should be decided at the local bargaining table.
- D. Oppose legislation that removes or reduces management rights, such as deciding staffing or service levels, either by direct action or increased liability.
- E. Support legislation that would reform the Workers' Compensation system to reduce employer cost through the reduction of system abuse.
- F. Support legislation that limits the ability of employees to receive Workers' Compensation benefits for occupational injuries/illnesses that result from stress, disciplinary action, or performance evaluation consultations.
- G. Oppose legislation that expands or extends any presumptions of occupational injury or illness.
- H. Oppose any measure that imposes compulsory and binding interest arbitration.
- I. Oppose efforts that reduce local control over public employee disputes or impose regulations of an outside agency on such disputes.
- J. Oppose a mandatory Social Security tax for public employers and public employees.

3. Transportation

- A. Oppose legislation that redirects local transportation funds away from cities.
- B. Support legislation that would provide additional resources to cities to finance local transportation systems, facilities, and improvements including the Safe Routes to Schools programs.
- C. Support legislation that provides greater flexibility for the use of local transportation funds for both public transit and street maintenance and construction purposes.
- D. Support legislation that will help reduce non-local commercial vehicle traffic on SR-118 through the City.
- E. Oppose legislation that limits and/or decreases the existing amount of

retention proceeds withheld from any payment by a public entity to the contractor on a public project

- F. Encourage the timely reauthorization of the Transportation Equity Act and its annual appropriations for the safety and enhancement of surface transportation in the region, including local transit, commuter rail, highway projects such as: the widening of the SR 118 and SR 23 freeways, the SR 23/US 101 interchange; and local road improvements such as the proposed North Hills Parkway; and intermodal transportation center development such as the realignment of the Moorpark Metrolink Station entrance, and to encourage transit-oriented projects in the adjacent redevelopment property.

4. Environment

- A. Support legislation that streamlines the state's environmental review process and maintains public participation without compromising environmental quality standards.
- B. Support legislation that would eliminate unfunded mandates such as the water course pollution prevention programs.
- C. Support legislation that reduces or eliminates local government's owner/operator Superfund liability.
- D. Support legislation to either consolidate or streamline the federal and state Clean Air Acts without reducing air quality standards.
- E. Support air quality efforts that emphasize use of advanced technologies and market incentives, including use of alternative fuels and development of an infrastructure for alternative fuel vehicles.
- F. Support legislation that reimburses cities for revenue losses stemming from environmental decisions made without city participation.
- G. Support legislation that provides money to local governments for energy conservation programs.
- H. Support legislation that gives cities authority to meet their National Pollution Elimination Discharge System requirements on a more collective and regional basis.
- I. Support funding and other incentives for local government and private industry projects and planning strategies to promote sustainability in

infrastructure and operations, greater energy efficiency, lower energy usage, and reduction of greenhouse gas emissions.

- J. Support funding and legislation for the designation and preservation of open space and preservation, restoration and enhancement of natural resources.
- K. Support legislation and/or programs that provide money to local governments for energy efficiency and conservation programs.

5. Waste Management

- A. Support legislation that provides cities with financial assistance for programs designed to provide for the safe disposal of solid, hazardous, and special waste.
- B. Support legislation that strengthens cities' ability to direct municipal solid waste flow to designated solid waste facilities.
- C. Support legislation that streamlines AB 939 tracking and reporting requirements.
- D. Support legislation that would make grants available to local agencies for programs that encourage the recycling/reclaiming of resources.
- E. Support legislation that promotes source reduction measures without creating an unfunded mandate.
- F. Oppose legislation that would restrict or limit local government's ability to franchise refuse and recycling collection services, to direct municipal solid waste flow (flow control), or to contractually require haulers to guarantee achievement of AB 939 goals.
- G. Support legislation that promotes recycling and expands the market for recycled materials.
- H. Support new resource recovery and conversion technologies, such as bio-diesel from organic waste.
- I. Support legislation that implements the concept of extended manufacturer responsibility for electronic waste and other material types requiring incentives for recycling.

6. General Government

- A. Support legislation that ensures cities receive a proportionate share of

Legislative Program
Platform Statements
April 6, 2011

- property taxes upon withdrawal from a county library services district, or any other county service or district for which property taxes are received.
- B. Support legislation that provides financial assistance for local public libraries without the imposition of new taxes.
 - C. Support legislation that limits libraries' contributions to the Educational Revenue Augmentation Fund.
 - D. Oppose legislation that reduces funding for libraries including Public Library Funds.
 - E. Support legislation that reinstates effective local regulation of the cable television industry and other deregulated utilities, including financial reimbursement for use of public right-of-ways.
 - F. Oppose legislation that restricts or weakens a city's ability to regulate smoking areas, alcoholic beverage licenses, or adult-oriented business establishments.
 - G. Support legislation limiting a city's liability associated with hazardous recreational activities, such as skateboarding and in-line skating.
 - H. Oppose legislation that increases local government's exposure to litigation.
 - I. Support legislation that provides maximum local flexibility in contracting for services.
 - J. Oppose efforts to cut funding for Community Development Block Grant (CDBG) programs and other community services and workforce assistance programs to serve low-income and/or other disadvantaged residents.
 - K. Support legislation to give non-entitlement cities the same rights as entitlement cities in CDBG program administration.
 - L. Support legislation that makes funds available to refurbish and improve parks, and to acquire and maintain open space.
 - M. Support legislation that promotes low-cost or no-cost spay and neuter programs.
 - N. Support legislation that holds animal owners accountable for injuries or property damage caused by animals under their care or control.
 - O. Evaluate the benefits of expanding the current boundaries of the Oxnard

Harbor District through collaborative legislation with other Ventura County cities and the County of Ventura.

- P. Oppose any legislation that reduces or restricts local authority to regulate public right-of-way.
- Q. Support preserving public, education and government ("PEG") television channels, funding, and programming support by video service providers, such as: payments to local government of franchise fees, PEG fees, and facility/equipment grants; and furnishing public access production facilities.
- R. Oppose efforts to make PEG channels hard to find or navigate to, such as on an obscure channel or accessible only via several Internet web page menus, of any lesser signal quality than basic channels, or requiring an additional fee or device for viewers to access.
- S. Oppose efforts to redirect or reduce Proposition 10 funding from the local First 5 Commissions.
- T. Support the retention of local First 5 program funding from Proposition 10 to maintain current service levels and implement the goals of the local First 5 programs.

7. Public Safety

- A. Support legislation that would provide cities with a greater share of fines and forfeitures.
- B. Support legislation that would provide additional resources for commercial truck safety inspections and the enforcement of commercial truck vehicle codes.
- C. Oppose legislation that weakens enforcement of, and penalties for, commercial truck violations.
- D. Support legislation that would provide cities with contract law enforcement a proportionate share of Proposition 172 sales tax revenues for public safety.
- E. Support legislation that increases local law enforcement resources without increasing taxes.
- F. Support legislation that would provide a greater share of seized assets to cities.
- G. Support legislation that allows use of state and federal public safety grants

for maintenance efforts in addition to service increases.

- H. Support legislation to expand Vehicle Code enforcement on privately owned and maintained parking lots.

8. Land Use Planning

- A. Support legislation that reforms annexation law by strengthening cities' authority over spheres of influence and ensures that fair property tax agreements can be obtained.
- B. Support legislation that provides for shared land use determinations between counties and cities when the General Plan of the city establishes a planning area consistent with Government Code provisions.
- C. Support legislation that enhances local control and diminishes litigation surrounding adult entertainment facilities.
- D. Support legislation that strengthens local control to prepare, adopt, and implement fiscal plans for orderly growth, development, beautification, and conservation of local planning areas, including, but not limited to, regulatory authority over zoning, subdivisions, annexations, and redevelopment areas.
- E. Support efforts that are consistent with the doctrine of "home rule" and the local exercise of police powers, through planning and zoning processes, over local land use.
- F. Oppose county development projects for undeveloped areas in the city's area of interest that do not conform to city standards.
- G. Support legislation that allows local control over the establishment of medical marijuana establishments.
- H. Oppose legislation that limits city use of eminent domain.

9. Housing

- A. Support legislation that addresses occupancy levels and strengthens cities' ability to reduce overcrowding in residential housing.
- B. Support efforts to develop federal, state, and county participation, financial support, and incentives for programs that provide adequate, affordable housing for the elderly, handicapped, and low-income persons throughout the community.

- C. Oppose legislation that expands the state Department of Housing and Community Development's review role for local Housing Elements.
- D. Support Housing Element reform legislation that provides greater local control and flexibility, simplifies the process, and improves its effectiveness.
- E. Support legislation that eliminates the current Regional Housing Needs Allocation process and defines an equitable process to determine a "fair share" of new housing needed to respond to growth trends in the region.
- F. Oppose legislation that expands the state exemption for second dwelling units in single family zones.
- G. Support legislation to ensure that property tax valuations for deed restricted dwelling units with reinforcing Deeds of Trust are based on the Affordable Sales Price, actually paid by the buyers, rather than based on market value.
- H. Support the allocation of increased resources for the Neighborhood Stabilization Program.
- I. Support legislation to protect homebuyers from predatory lending by ensuring that mortgage brokers are effectively regulated and that mortgage loans are suited to the financial means of the homebuyer.

10. Redevelopment/Economic Development

- A. Oppose legislation that further weakens a city redevelopment agency's authority to use eminent domain.
- B. Oppose legislation that would prohibit or limit the establishment of new redevelopment project areas and/or the expansion of existing project areas.
- C. Oppose legislation that reduces the amount of gross tax increment allocable to redevelopment agencies.
- D. Support legislation that reforms reporting requirements for redevelopment agencies by simplifying the process and eliminating reporting confusion.
- E. Oppose legislation that adds restrictions and procedural requirements regarding closed session discussions on land acquisition, use of eminent domain, and disposal of property.
- F. Oppose measures that would diminish the current authority or financing

capabilities of redevelopment agencies.

- G. Support legislation that gives cities resources to finance economic development efforts, such as business attraction, retention, and growth, as well as marketing and tourism.
- H. Support legislation that simplifies and streamlines the process for foreign trade.
- I. Oppose legislation that limits redevelopment agency use of eminent domain.