

OFFICE OF THE CITY MANAGER

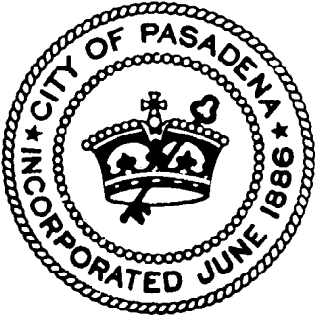
December 15, 2003

TO: City Council
FROM: City Manager
RE: 2004 State Legislative Platform

On December 9, the Legislative Policy Committee reviewed the attached report and voted to forward the item to City Council with changes. The changes recommended by the Committee are shown in the attached document in underline and strikethrough. Staff concurs with the recommended changes.

Respectfully submitted,


Cynthia J. Kurtz,
City Manager



Agenda Report

December 15, 2003

TO: CITY COUNCIL
THROUGH: LEGISLATIVE POLICY COMMITTEE
FROM: CITY MANAGER
SUBJECT: STATE LEGISLATIVE PLATFORM

RECOMMENDATION:

It is recommended that the City Council approve the attached legislative platform for 2004.

BACKGROUND:

The City prepares a legislative platform each year to serve as the foundation for a focused advocacy strategy. The platform outlines the city's position on a broad range of current issues providing staff and lobbyists with direction to pursue advocacy on these issues.

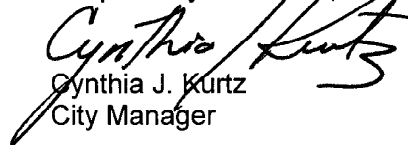
Among the many issues included in the platform, priorities for the coming year include the return and protection of local revenue, preservation of funding for community services and public safety, the protection of local control over land use, and creation of regulations that support cities in the development of affordable housing.

In addition to the issues listed in this report, the City will need to take positions on a number of new issues raised during the year. As in past years, staff will return to Council with recommendations on new issues as they may impact Pasadena.

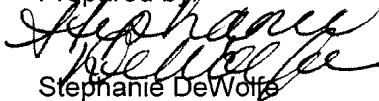
FISCAL IMPACT:

Funds for the legislative advocate are included in the City Council operating budget.

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by


Stephanie DeWolfe
Assistant to the City Manager

**City of Pasadena
2004 LEGISLATIVE PLATFORM**

ADMINISTRATIVE SERVICES

Elections

The City opposes legislation that mandates costly and/or unnecessary procedures related to the election process.

COMMUNITY SERVICES AND LIBRARIES

Child Care, Recreation, Education and After School Programs

The City has identified childcare and recreation opportunities as important factors in managing public safety and gang intervention as well as promoting academic achievement and good health. The City supports regulatory changes and funding opportunities that facilitate the development and operation of quality, affordable child care programs and safe, supervised, affordable activities for school-age children during non-school hours. The City opposes any cuts to funding for such programs.

In addition, the City supports revision of State regulations to allow more flexible use of funds and that allows and encourages opportunities to leverage public money with private funds to expand program offerings and increase the number of youth served.

The City supports efforts to develop a master plan for quality early care and education in California which addresses services for all children from birth to fourteen years of age and sets high standards for early care and education and supervised school-age enrichment settings. Efforts to provide all children with universal access to high-quality, sustainable early care and education services are also supported.

The City supports efforts to ensure the health and safety of all children cared for in licensed child care facilities through regular monitoring and visitation.

The City sees itself in partnership with the school district and therefore supports legislation that serves to enhance public education and joint ventures between the City and the school district.

Senior Services

State subsidies add important enhancements to Federal programs for seniors. The City opposes any cuts to funding for health care subsidies or other senior programs as they would result in significant impacts to quality of life for this community. Of particular concern would be reductions in funding for or delivery of support services that enable seniors and persons with disabilities to live independently or in the least restrictive setting appropriate. The City supports the inclusion of seniors as one of the preferential groups for consideration of public housing funds.

Persons with Disabilities

The City recognizes that education, health care, housing, recreation and employment opportunities are major factors in establishing independent lifestyles for persons with disabilities. The City opposes any cut to the funding for such programs.

Workforce Development

Workforce development is a critical policy issue for California. It is the policy area that directly links the ability of California companies to compete in the global market. It provides cities and regions with the ability to retain and grow key industries and provides people with the opportunity to develop the skills needed to prosper in a changing economy. Funding levels are at their lowest in the short history of the Workforce Investment Act (WIA) which leaves the workforce development system underfunded and negatively impacts the ability to meet the needs of local job seekers and businesses. As such, the City of Pasadena strongly supports sustained funding and enhanced policy development for this important system. The City further supports the federal reauthorization of WIA with continued flexibility and the primacy of the one stop system as the presumed deliverer of employment and training services.

Public Library Fund

The legislation authorizing the Public Library Fund became effective on July 1, 1983 and has been a source of direct funding for California public libraries since post Proposition 13. Although passed by the legislature, the state has never fully funded the PLF. The highest level of funding was in FY2000-01 when it reached a total of \$56,870,000. This translated to \$240,000 for Pasadena in that particular budget year. Since then, we have seen a 72% reduction over the last three years. For the City and the Library it means a decrease from a high of \$240,000 in FY 2000-01 to this year's low of \$63,000. The city supports efforts to restore the reduction of the Public Library Fund as it directly impacts the services provided by the Pasadena Public Library, or maintain it at the current state level of \$15.8 million.

Library Literacy Program Funding

The City Supports legislation and/or funding opportunities that support the development and operation of literacy programs in libraries. The City Of Pasadena through its public library has been a recipient of funds that provide a limited subsidy of approximately \$19,000 to operate Pasadena Reads, an adult literacy program that provides one-on-one literacy to residents through trained community volunteers. Pasadena Reads serves approximately 100 adult

learners each year to improve their reading and writing skills so they can reach their potential as workers, parents, community members and life-long learners.

State Reimbursement to Local Libraries

The State's Transaction Based Reimbursement (TBR) program provides reimbursement to public libraries for direct and interlibrary loans to other libraries and non-residents. The state appropriation is approximately \$12 million annually and because the Pasadena Public Library is a net lender of library materials, it receives approximately \$200,000 under this program. Because of the state funding crisis, this amount was slated for reduction last year but was ultimately spared. The City supports maintaining this level of funding as any reduction will have an impact on the local allocation for the Pasadena Public Library.

EMPLOYEE RELATIONS

Binding Arbitration

The City supports legislation to repeal binding arbitration for public safety employees. Binding arbitration affects a complete surrender of any right of the City to ultimately decide on compensation issues for the City's employees. This lack of control could result in tremendous cost increases. Of further concern is the expense and timeliness of the arbitration process, and the unresolved issues of how operations should proceed while issues in dispute work their way through an arbitration process that may take many months.

Mandated Benefit Increases

The City opposes any mandated benefit increases that would result in costs to cities.

For example, in 1999 the legislature increased the maximum retirement benefit for public safety from 75% to 85% and again in 2001 to 90%. While it takes additional years of service to achieve this higher benefit, it nonetheless has resulted in higher PERS costs. By mandating benefit levels, the State undermines the ability and the responsibility of the City Council to negotiate pay and benefits for its employees, at a level appropriate for the local circumstances. Ultimately, the City loses control over employee costs, which make up approximately 80% of the City's General Fund Budget.

4850 Leave for Public Safety

Public Safety employees are entitled to a full-paid leave of absence without loss of salary for the period of disability, but not exceeding one year, if disabled by injury or illness arising out of or in the course of their duties. This benefit is paid in lieu of temporary disability or maintenance allowance and is non-taxable. Proposals have surfaced in recent years to extend 4850 leave. The City opposes any increase as it would cause tremendous financial hardship for the city for every additional lost time claim filed.

Workers Compensation

The City opposes adjustments to the workers' compensation system that would result in increased costs to employers or create cumbersome administrative practices that do not result in improved care to injured workers. The City

supports legislation that would control medical and legal costs through: 1) requiring quality and unbiased and objective medical-legal reporting; 2) improving the Qualified Medical Examiner (QME) selection process in order to provide unrepresented workers and the claims administrators with clear and comprehensive reports; and 3) enforcing the discipline of the QME's for the failure to produce timely and accurate reports among other things. The City also supports changes to the Permanent Disability Rating System so that the evaluation and finding of a permanent disability is based on the objective presence of a disability or injury, not on subjective factors or speculative work restrictions.

Recent improvements to the workers' compensation system were the result of many individual efforts seeking to resolve specific issues. The City supports the creation of a multi-disciplinary team to develop more effective solutions with a systems approach rather than piecemeal solutions.

PLANNING AND DEVELOPMENT

Redevelopment Funds

The City opposes any further reduction ~~State take-aways~~ in redevelopment funds. The City has had to severely deplete fund balances to pay the ERAF charges. If this continues, Pasadena will soon have no balances to apply to housing and commercial projects. If the ERAF continues for more than a year, perhaps two, Pasadena will need to simply shut down the redevelopment program and continue to collect tax increment for the sole purpose of retiring existing debt.

Local control

The City opposes any trespass into local control of land use and supports the repeal of previous actions that reduced local control. The City opposes AB 1160 that allows affordable housing developers to request a waiver of development standards and restricts the circumstance under which these requests for waivers could be denied. As such this legislation supersedes local discretion and land use controls, which are generally established to maintain quality of life standards.

Support for Affordable Housing

The City has implemented an aggressive and creative program to maximize the use of resources for the creation of housing for low- and moderate-income individuals and families. The City supports legislation that would provide additional resources for the development of affordable housing programs and/or expand code enforcement programs to protect existing housing stock.

In addition, the City opposes new regulations that would create cumbersome process or other obstacles to the development of affordable housing. The City supports the extension of the prevailing wage waiver for affordable housing. Beginning on Jan. 2, 2002, any private project that receives a public subsidy in any form must pay construction workers the "prevailing wage." Known as SB975 (2001), the law includes a waiver for affordable housing that expires at the end of 2003. Without such a waiver, it is anticipated that the prevailing wage

requirement will increase the cost of affordable housing from 15 to 30 percent and will result in a significant reduction in new housing projects.

Building Codes

The City supports updates to the State building code that provide more flexibility to local governments to approve creative solutions allowing preservation of the environment and historic buildings.

Support for Small Business

The City, in conjunction with local non-profit organizations such as the Pasadena Development Corporation, provides assistance to small businesses with a potential interest in creating jobs in northwest Pasadena. The City supports policies and/or programs that would provide support to small businesses, such as Small Business Administration programs or Economic Development Administration funding.

PUBLIC HEALTH

Public Health Services

As one of three cities in the state with its own public health department, the City provides local infectious disease surveillance and control, as well as other preventive public health services, including ~~e~~Environmental ~~H~~health protection and enforcement activities. The Public Health Department plays a critical role in identifying and responding to outbreaks of disease and other threats to the public's health, including threats from a bioterrorist incident or other disaster or emergency. The City supports any funding that strengthens core public health capacities in all relevant areas and opposes any cuts to funding. The City also supports the practice of designating the award of specific funds directly to local health jurisdictions, rather than through county distribution processes. The City opposes any new mandates that are unfunded and/or inadequately funded.

Expanded Health Coverage

In Pasadena, an estimated one out of every four people does not have adequate health coverage. Some are uninsured children who are eligible but not enrolled in available programs. People who are uninsured and underinsured face significant barriers in obtaining needed health services. Preventable and treatable sickness due to chronic and communicable diseases is not managed and often leads to needless death and disability. In addition, social, racial and ethnic health disparities are aggravated for these uninsured individuals. The City supports public policies that expand health coverage for children and adults. Specifically, the City supports legislation designed to enhance enrollment of eligible persons in existing public programs like Medi-Cal and Healthy Families. The City also supports legislation to provide health coverage for all in a comprehensive manner provided adequate funding and cost controls are in place.

PUBLIC SAFETY

COPS Grant

The Citizen's Option For Public Safety (COPS) program augments city and county "front line" law enforcement expenditures and must be maintained through adequate funding levels. The City relies on this grant to fund the HOPE team that deals with the mentally ill and anti-gang programs and opposes any cuts to funding levels.

Support for Homeland Defense

The City strongly supports funding to local governments for homeland defense. As first responders, it is critical that local governments have appropriate equipment and resources on hand. Most cities, however, do not have the resources to acquire the needed equipment. Pasadena is in need of additional resources in the areas of response equipment, personal protective gear and pre-incident site preparation and security, including seismic retrofit of the City's Emergency Operations Center. While the Department of Homeland Security (DHS) has begun funding equipment, the need to secure and upgrade infrastructure (city buildings, EOC, etc.) remains. There is also a need to provide funding for training in the new discipline of preventing and responding to WMD incidents. As a city with its own public health department, Pasadena needs additional homeland security funding to assure its capacity to respond to a bioterrorist event or other public health emergency. Specific public health needs include enhanced technology and communication equipment and systems, updated laboratory equipment, and additional staff to coordinate and implement planning, mitigation and recovery.

Emergency Training Services

The CSTI facility provides training that is critical to achieving successful response to emergencies of all kinds. The City opposes any funding cuts that would reduce or eliminate the effectiveness of this essential training program.

Abatement of Nuisance Liquor Stores

Several nuisance liquor stores in the City are continually cited for illegal activities including selling to minors. Despite constant enforcement efforts, State law does not allow these businesses to be closed down. The City supports legislation that would provide local government with more control over the abatement of nuisance liquor stores.

REVENUE AND TAXATION

Protection of Local Revenue

Pasadena has lost roughly \$55-60 million in revenue from the State over the past ten years, of which \$55 million was ERAF shift. The City supports actions to protect property tax and other reliable, discretionary revenues to local governments and to provide constitutional protection of these sources in the future. The City strongly opposes efforts by the State to ameliorate the deficit through cuts to local government services.

Unfunded Mandates

The City opposes the imposition of any unfunded State mandates on local government and opposes the elimination of funding for existing mandates.

TRANSPORTATION, COMMUNICATION AND PUBLIC WORKS

Transportation Funding

Local bus operations are an important component of successful transit in the City. While funds are more readily available for capital, the city seeks funding for bus operations in order to maintain and expand current services to the community.

Gold Line Phase II

During the 2003 legislative session Assembly member Carol Liu sponsored AB 712 to change the name of the Blue Line Construction Authority to the Metro Foothills Gold Line Construction Authority and to increase the composition of the construction authority to 15 members by adding members from the City Councils of the Cities of Arcadia, Monrovia, Duarte, Irwindale, Azusa, Glendora, San Dimas, La Verne, Pomona, and Claremont. The bill would also provide for the appointment of one member representing the San Bernardino Associated Government instead of the San Gabriel Valley Council of Governments. The bill did not pass out of committee. The City supports the expanded construction authority board.

The City also supports funding and/or legislation that would expedite the completion of Phase II.

Soundwalls

The process for prioritizing soundwall projects needs to be changed to allow the flexibility to address areas of greatest community concern and highest decibel reading. In 1998, the responsibility for soundwall projects was transferred from Caltrans to the MTA. The MTA changed the prioritization criteria to focus on HOV related projects first, which exhaust all available funding. Projects of community concern, frequently with higher decibel readings, will not qualify for funding for an unknown number of years. The city would like to see legislation to amend the priority criteria for soundwalls.

Completion of the 710 Freeway

Many of the major north/south arterial streets in the southwest portion of the City are operating at capacity during peak hours with overflow traffic spilling over onto residential streets. In March 2001, Pasadena voters supported completion of the 710 Freeway through this area of the City. The City supports efforts by the legislature to aid the timely completion of the 710 Freeway.

Telecommunications Regulations

In recent years, states other than California have enacted legislation that places severe limits on municipal control in the telecommunications arena. This includes laws that prohibit cities from providing telecommunications services, as well as laws limiting regulation of private-sector telecommunications firms placing

infrastructure in public rights-of-way. The City opposes any legislation that would diminish the City's ability to make future decisions to offer telecommunications services directly or to control the use of public rights-of-way by the telecommunications industry.

Parks Funding

Due to loss of revenue from the State, the City has not been able to make necessary investments in the park system. As a result, there are 29 partially or completely unfunded park projects in the Capital Improvement Program. The City supports legislation to fund park improvement projects. In addition, the City is seeking to add additional parks and seeks funding for the acquisition of land.

WATER AND POWER UTILITIES

Local Control of Public Power

The City supports legislation that clarifies and protects local control of public power. Governor Schwarzenegger has proposed an energy plan that supports private investment in energy, reform of the wholesale energy market and direct access options for large commercial and industrial end users, fuel diversity, increasing demand response to changing energy markets, electricity reserve requirements for power generators and increased use of renewable energy. Public power is not mentioned and the policy and cost implications of his proposals for public power agencies is unclear. The City seeks legislation to offer comparable tax incentives to public power.

Water and Power Efficiency Funding

Natural resources are finite. In an effort to maintain these resources, new methods of efficiency must be implemented. Reclaimed water and conjunctive use storage programs are effective uses of scarce water resources. The City supports funding opportunities for water reclamation projects and local groundwater storage programs.

Renewable Resource Energy Projects

While renewable energy is highly desirable, it is cost prohibitive to implement with existing funds. The City, therefore, supports funding for renewable energy resource projects, which will bring a beneficial impact to the environment.

Safe Drinking Water

The City seeks funding to assist it in meeting safe drinking water requirements as regulations become ever more stringent. The City supports funding opportunities for treatment facilities to treat contaminated groundwater in order to comply with new water quality regulations. In addition, the City supports legislation that revises water quality testing standards that are based on scientific data thereby reducing the stringency of the regulation while ensuring the highest quality of water.