

# Agenda Report

**TO:** CITY COUNCIL

Date: NOVEMBER 15, 2004

**THROUGH:** LEGISLATIVE POLICY COMMITTEE (November 9, 2004)

**FROM:** CITY MANAGER

**SUBJECT:** STATE LEGISLATIVE PLATFORM

## RECOMMENDATION

It is recommended that the City Council approve the State Legislative Platform for 2005.

## 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. New information in this year's platform has been underlined within the document.

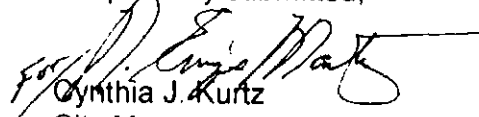
Among the many issues included in the platform, priorities for the coming year include preservation of funding for community services and public safety, the protection of local control over land use, creation of regulations that support cities in the development of affordable housing, protection of local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

As in past years, staff will return to the 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,

  
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City Manager

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**City of Pasadena  
2005 STATE LEGISLATIVE PLATFORM**

**ADMINISTRATIVE SERVICES**

**Elections**

As the voting and election process is evaluated for efficiency and cost-effectiveness, it is important to ensure that modifications to the process are carefully considered.

1. 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.

1. 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 and opposes any cuts to such programs.
2. 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.
3. 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.
4. The City supports efforts to provide all children with universal access to high-quality, sustainable early care and education services.
5. 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.

6. 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.

1. 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.
2. 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.

1. The City opposes any cut to the funding for programs that assist persons with disabilities in establishing independent lifestyles.

### **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 under funded and negatively impacts the ability to meet the needs of local job seekers and businesses.

1. The City supports sustained funding and enhanced policy development for workforce development initiatives.
2. 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.
3. The City opposes reductions in local control and governance of workforce development areas, particularly where consolidation of existing workforce investment areas to create larger regions would be done without regard to effective performance of the existing workforce areas and governing bodies.

### **Human Relations Issues**

The City realizes that prejudice, intolerance and discrimination based on race, religion, national origin, sexual orientation, disability, marital status, parental status, gender, age, or cultural background are root causes of hate crimes and affect the lives of every resident in Pasadena.

1. The City supports legislation and regulations that would eliminate hate crimes.

### **Women's Issues**

The City of Pasadena is actively involved in promoting networks and programs involved in the advancement of women's issues.

1. The City supports legislation and regulations that would improve women's access to quality healthcare.
2. The City promotes protection for domestic violence victims, including the availability of domestic violence shelters.
3. The City supports expanding resources to prevent sexual harassment in the workplace.
4. The City supports legal assistance for women who are forced into slavery, prostitution and pornography (human trafficking).
5. The City supports the strengthening of laws that encourage equal pay for equal work without regard for gender.

### **Public Library Programs and Funding Issues**

Funding for the Public Library Fund has been dramatically reduced since FY 2000-01. At that time, the funding level of the Public Library Fund (which has never been fully funded) was \$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 \$240,000 in FY 2000-01 to a low last year of \$63,000. In addition, the City of Pasadena 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. The Pasadena Reads program serves approximately 100 adult learners each year to reach their potential as workers, parents, community members and life-long learners. Another source of funds is the State's Transaction Based Reimbursement (TBR) program that 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. In the past legislative session, the Governor signed SB1161 into law, authorizing a new Library Construction and Renovation Bond Bill.

1. The City supports efforts to restore the Public Library Fund from its current level of \$15.8 million to the FY2001 level of \$56.8 million.
2. The City supports the Library Construction and Renovation Bond Bill as it may provide a source of funding for the Allendale Joint Use Library Project. The 600 million dollar bond measure may go to the voters as early as November 2006.
3. The City Supports legislation and/or funding opportunities that supports the development and operation of literacy programs in libraries.
4. 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**

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.

1. The City supports legislation to repeal binding arbitration for public safety employees.

### **Mandated Benefit Increases**

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.

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

### **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.

1. The City opposes any increase, as it would cause tremendous financial hardship for the city for every additional lost time claim filed.

### **Workers Compensation**

Recent improvements to the workers' compensation system were the result of many individual efforts seeking to resolve specific issues. The system needs additional work to continue to move toward fair and equitable programs.

1. The City supports legislation that would control medical and legal costs through: a) requiring quality and unbiased and objective medical-legal reporting; b) improving the Qualified Medical Examiner (QME) selection process in order to provide unrepresented workers and the claims administrators with clear and comprehensive reports; and c) enforcing the discipline of the QME's for the failure to produce timely and accurate reports among other things.
2. The City 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.
3. 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 has had to severely deplete fund balances to pay Educational Revenue Augmentation Fund (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.

1. The City opposes any State reallocations and/or removal of redevelopment funds.

### **Local control**

Recently, several pieces of high-profile legislation have been presented which serve the purpose of superseding local discretion and land use controls, which are generally established to maintain quality of life standards.

1. The City opposes any trespass into local control of land use, including second units, and supports the repeal of previous actions that reduced local control.

### **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.

1. 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.
2. The City opposes new regulations that would create cumbersome processes or other obstacles to the development of affordable housing.

### **Housing Element Law**

As of the beginning of 2003, 33% of California cities were out of compliance with Housing Element law. Studies have shown no strong connection between non-compliance and the underproduction of new housing. However, non-compliance limits local eligibility for funds for affordable housing and makes local governments more vulnerable to lawsuits.

1. The City supports adjustments to Housing Element law that place more emphasis on results and less on process.
1. The City opposes new regulations that create cumbersome processes to ensure compliance with Housing Element law.
2. The City supports legislation that leads to regional planning on housing issues.

### **Building Codes**

Modifications to building codes can be rigid and can apply a "one-size-fits-all" approach not only to building construction but also to building preservation and site planning.

1. 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.

1. The City supports policies and/or programs that would provide support to small businesses.

### **Enterprise Zones**

Enterprise zones are an important tool for designating portions of a jurisdiction for special assistance or consideration through the planning process.



1. The City supports legislation to extend the designation period for enterprise zones allowing tax credits and other benefits to continue.

### **Bioscience**

The Pasadena Bioscience Collaborative (PBC) was created to train a wide variety of students and professionals for the life science industry. The Pasadena Bioscience Collaborative Board includes the Presidents of Cal State L.A., Cal Poly Pomona, and Pasadena City College, along with the Mayor of Pasadena and key technology business leaders. Two years of classes have been conducted with curriculum specific to the needs of the Biomedical industry. In addition, the PBC was instrumental in developing successful public/private training partnerships. This year, particular emphasis is being directed to collaborating with Convergent Ventures for business incubation and with the Los Angeles/Orange County Community College Biotechnology Center located in Pasadena. Initial grant funds were provided by the State of California and City of Pasadena. A grant of \$320,000 will provide a sufficient funding base to secure matching private funds to insure training and incubation efforts for two years.

1. The City supports legislation and programs that would provide additional resources for the continued funding and support of the Pasadena Bioscience Collaborative.

### **Arts Funding/California Arts Council**

The organization of State arts and culture agencies is a crucial consideration not only for Arts funding in general but specifically for cultural and artistic resources in the City of Pasadena.

1. The City supports the reorganization of State arts and culture agencies under an umbrella agency with the mandate to improve the quality of life for all through cultural and artistic activities and champion the creative and tourism industries.
2. The City opposes the proposed California Service Corps that would combine arts and culture agencies with the conservation corps, mentoring programs in health/human services, and others. This structure would likely impact funding for the arts and could directly impact funding to the City.

## **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 environmental 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.

1. The City supports any funding that strengthens core public health capacities in all relevant areas and opposes any cuts to funding.
2. The City also supports the practice of designating the award of specific funds directly to local health jurisdictions, rather than through county distribution processes.
3. 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.

1. 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.
2. 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

1. The City opposes any cuts to funding levels for the COPS program.

#### **Support 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.

1. The City strongly supports funding to local governments for homeland defense measures.

#### **Emergency Training Services**

The CSTI facility provides training that is critical to achieving successful response to emergencies of all kinds.

1. 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.

1. The City requests our legislators initiate legislation that would provide local government with more control over the abatement of nuisance liquor stores.

### **TRANSPORTATION, COMMUNICATION AND PUBLIC WORKS**

#### **Transportation Funding**

Local bus operations are an important component of successful transit in the City.

1. The City seeks funding for bus operations in order to maintain and expand current services to the community.

#### **Gold Line Phase II**

The second phase of the Gold Line is a much-anticipated addition to the transportation system throughout the San Gabriel Valley and beyond. The second phase of the Gold Line will relieve congestion in the area and provide a greater modal choice for residents of the San Gabriel Valley.

1. The City advocates that San Gabriel Valley cities have an important role in the continued construction of the Gold Line.
2. The City also supports funding and/or legislation that would expedite the completion of Phase II of the Gold Line.

#### **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.

1. The city would like to see legislation to amend the priority criteria for soundwalls to address areas of community concern.

#### **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.

1. The City supports efforts by the legislature to aid the timely completion of the 710 Freeway.

#### **Freight Volumes-Truck Congestion**

Significant concerns are developing over the capacity of the nation's freight transportation system to keep pace with expected growth over the next 20 years. Studies have shown that relatively small investments in the nation's freight railroads can be leveraged into large public benefits on highway infrastructure, reduction of congestion, air quality issues, etc. The I-210 Freeway is a major corridor for truck traffic and freight movement and additional congestion on this roadway has a direct impact on Pasadena.

1. The City supports efforts such as the GO-21 program (Growth Options for the 21<sup>st</sup> Century) to explore the benefits of investment in freight-rail.

#### **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.

1. 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.

1. The City supports legislation to fund park improvement projects.
2. 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**

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.

1. The City supports legislation that clarifies and protects local control of public power.
2. The City opposes legislation that shifts costs to public power customers for programs/problems related to investor-owned utility service territories or mandates specific retail direct access programs for local publicly owned utilities.

### **Water and Power Efficiency Funding**

Natural resources are finite. In an effort to maintain these resources, new methods of efficiency must be implemented.

1. The City supports funding opportunities for water reclamation projects and local groundwater storage programs.
2. The City supports funding opportunities for energy efficiency and demand-side management projects or programs.

### **Renewable Resource Energy Projects**

While renewable energy is highly desirable, Pasadena's is currently fully resourced and it is cost prohibitive to implement with existing funds.

1. The City supports programs that provide funding for local publicly owned utilities to implement renewable energy resource projects that bring a beneficial impact to the environment.
2. Where tax incentives are available for private entities to implement renewable energy resource projects, the City supports legislation that provides equivalent incentives to local publicly owned utilities.
3. The City opposes legislation that mandates specific levels of renewable resources of energy on local publicly owned utilities.

### **Perchlorate Treatment**

Near the City yards PWP has five groundwater wells that flow into the Sunset Reservoir. Each of these wells have detectable levels of perchlorate. PWP is seeking State Proposition 50 and EPA State and Tribal Assistance Grant (STAG)

funds to install an ion exchange treatment plant at Sunset Reservoir. Federal funds can be used to meet the 50% local matching fund requirement of proposition 50. The total cost of the plant is about \$3,000,000. This treatment plant will be designed to treat up to 4200 gallons per minute (gpm) of water for perchlorate.

It should be noted that PWP is currently in negotiations with NASA to fund the installation of an ion exchange treatment plant near Arroyo Seco Canyon. This treatment plant will treat up to 7000 gpm of water for perchlorate.

#### **Surface Water Treatment**

PWP is seeking \$1,750,000 in Proposition 50 funds to upgrade Behner Water Treatment Plant filtration system. The total cost of the upgrade is about \$3,500,000. The treatment plant was taken out of service in June 1993 because the plans filtration system did not comply with the changes in the Federal Surface Water Treatment Rule. The treatment plant historically treated an average of 2,000 acre feet of water per year.

#### **Reservoir Rehabilitation**

The City's 2003 Water System Master Plan has identified the City's reservoir facilities as being potentially subject to seismic damage from an earthquake occurring in the Sierra Madre fault system. Rehabilitation of the City's reservoir facilities will increase the water system's reliability and water quality.

1. The City requests state funding assistance with seismic rehabilitation of water facilities.

#### **Safe Drinking Water**

Regulations on safe drinking water are becoming increasingly stringent on local jurisdictions with water departments and local and regional water districts.

1. The City seeks funding to assist it in meeting safe drinking water requirements as regulations become ever more stringent.
2. The City supports funding opportunities for treatment facilities to treat contaminated groundwater in order to comply with new water quality regulations.
3. 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.