



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Report Regarding Communications Pertaining to Assembly Bills 5, 325, 537, 574, 1229 and Senate Bills 33 and 64

**MEETING DATE:** June 5, 2013

**PREPARED BY:** City Clerk

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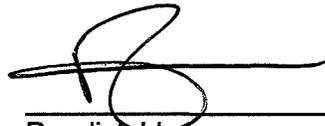
**RECOMMENDED ACTION:** Receive report regarding communications pertaining to Assembly Bills 5, 325, 537, 574, 1229 and Senate Bills 33 and 64.

**BACKGROUND INFORMATION:** The City received a request for communications from the League of California Cities (League) regarding its "hot bills" and the need to send letters of support and opposition to various legislators immediately. A few bills were previously addressed by Council.

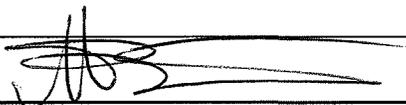
The letters (attached) were signed by the Mayor on May 7, 2013 and sent out shortly thereafter. A copy of the initial request is also attached. This report is provided for informational purposes only pursuant to policy.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

  
\_\_\_\_\_  
Randi Johl  
City Clerk

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**APPROVED:**   
\_\_\_\_\_  
Konradt Bartlam, City Manager

## Randi Johl

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**From:** Randi Johl  
**Sent:** Wednesday, May 22, 2013 11:04 AM  
**To:** Randi Johl  
**Subject:** FW: League Letters

**Attachments:** Support & oppose letters.docx; Sample oppose letter.doc; AB 325 Sample Letter.doc; Sample letter of support.docx; Sample opposition letter.docx; Sampleletter of support.docx; AB 981-Sample support ltr.docx; AB 1059 Sample Opposition -Local Gov-FINAL.DOCX; AB 1229 Sample support letter-FINAL.doc; Sample letter of support.doc; Sample letter of support.docx; Sample Oppose Letter.doc



Support & oppose letters.docx ...



Sample oppose letter.doc (30 K...



AB 325 Sample Letter.doc (31 K...



Sample letter of support.docx ...



Sample opposition letter.docx ...



Sampleletter of support.docx (...



AB 981-Sample support ltr.docx...



AB 1059 Sample Opposition -Loc...



AB 1229 Sample support letter-...



Sample letter of support.doc (...



Sample letter of support.docx ...



Sample Oppose Letter.doc (27 K...

-----Original Message-----

**From:** Stephen R. Qualls [mailto:squalls@cacities.org]  
**Sent:** Tuesday, April 30, 2013 10:36 AM

**Subject:** URGENT: LETTERS NEEDED

Now is the time of year that the bills in Sacramento that are onerous or advantageous to local government are making their way through their various committees. It is also the best time to kill or support them before they can proceed any further.

Attached you will find a list of bills that have been identified as "Hot Bills" by our legislative staff.

I have also included links to the bills as well as sample letters for you to use.

We need to send letters and or make calls to try and influence the outcome of these bills.

As we learned last week at our Legislative Action Day, your letters do make a difference and any additional information on why the bill will harm or help your community is also appreciated by your legislator.

I know that this is a large number of bills I apologize for attaching so many files but I would hope that it's easier to receive just one "URGENT" email with all of the letters.

As usual, if you could cc me on any correspondence I would appreciate it.

Thank you for your help,

Stephen Qualls  
Central Valley Regional Public Affairs Manager  
League of California Cities

209-614-0118  
Fax 209-883-0653  
squalls@cacities.org<mailto:squalls@cacities.org>

To expand and protect local control for cities through education and advocacy in order to enhance the quality of life for all Californians.

<<http://www.cacities.org/AC>>

PLEASE DO NOT distribute political campaign advocacy information from public (city hall) computers, on city time, or using public resources, even if it's from your personal email account. If in doubt, check with your city attorney.

\*\*\*Disclaimer\*\*\*Please Note: Please take the following precautions if this email is about a CITIPAC event. Though it is not illegal for you to receive this notice via a city e-mail address, you should not respond to it or forward it using public resources. You may however forward this message to your non-public e-mail account for distribution on non-public time. If you have questions about the event or need additional information, please contact Mike Egan at (916) 658-8271 or [egan@cacities.org](mailto:egan@cacities.org)

CITY COUNCIL

ALAN NAKANISHI, Mayor  
PHIL KATZAKIAN,  
Mayor Pro Tempore  
LARRY D. HANSEN  
BOB JOHNSON  
JOANNE MOUNCE

# CITY OF LODI

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 7, 2013

The Honorable Tom Ammiano  
California State Assembly  
State Capitol Building, Room 3146  
Sacramento, California 95814  
Via Facsimile: (916) 319-2117

**SUBJECT:     AB 5 (Ammiano). Homelessness.**  
**NOTICE OF OPPOSITION**

Dear Assembly Member Ammiano:

The City of Lodi has taken a position of oppose on AB 5, which would create the Homeless Person's Bill of Rights and Fairness Act.

While we appreciate the concept of this bill, homelessness is a complicated societal issue that cannot be adequately addressed with a broad program. California would be better served by targeting the root causes of homelessness and providing the resources to allow cities and counties to address the issue at the local level.

For these reasons, the City of Lodi has an oppose position on AB 5.

Sincerely,



Alan Nakanishi  
Mayor

C:     Kevin Baker, Deputy Chief Counsel, Assembly Judiciary Committee (916-319-2188)  
       Paul Dress, Consultant, Assembly Republican Caucus (916-319-3902)  
       Kirstin Kolpitcke, League of California Cities  
       Stephen Qualls, League of California Cities

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 7, 2013

The Honorable Norma Torres  
Chair, Housing and Community Development Committee  
California State Assembly  
State Capitol Building, Room 2179  
Sacramento, California 95814  
Via Facsimile: (916) 319-2152

**SUBJECT: AB 325 (Alejo). Land Use and Planning: Cause of Actions: Time Limitations. NOTICE OF OPPOSITION**

Dear Assembly Member Torres:

The City of Lodi has taken a position of oppose on AB 325, which would expand the statute of limitations to file suit against a city's housing element to over four years.

Government Code Section 65009 states that legal action against a city or county "has a chilling effect on the confidence with which property owners and local governments can proceed with projects." In addition, "The purpose of this section is to provide certainty for property owners and local governments regarding decisions made pursuant to this division." Expanding the statute of limitations goes against the very purpose of this section with which this bill seeks to amend.

AB 325 is an attempt to expand the current statute of limitations without regard to whether a city's housing element follows the letter of the law or a jurisdiction fails to adopt a housing element entirely. Our city has worked hard to meet the state's statutory housing requirements. The possibility of a lawsuit looming over our head for over four years would have a devastating effect on development and our local economy.

For these reasons, the City of Lodi has an oppose position on AB 325.

Sincerely,



Alan Nakanishi  
Mayor

C: Anya Lawler, Consultant, Assembly Housing and Community Development Committee (916-319-3182)  
William Weber, Consultant, Assembly Republican Caucus (916-319-3902)  
Kirstin Kolpitzke, League of California Cities  
Stephen Qualls, League of California Cities

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KONRADT BARTLAM,  
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RANDI JOHL, City Clerk  
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City Attorney

May 7, 2013

The Honorable Rob Bonta  
Member, California State Assembly  
State Capitol Building, Room 6025  
Sacramento, California 95814  
Via Facsimile: (916) 319-2118

**SUBJECT: AB 537 (Bonta) Meyers-Milias-Brown Act. Impasse Procedures. NOTICE OF OPPOSITION**

Dear Assembly Member Bonta:

The City of Lodi is opposed to your AB 537, which would authorize the representatives of a public agency or an employee organization to request mediation if an impasse is reached. Current law requires the public agency and employee organization to agree to mediation in the event of an impasse. Under this bill, no agreement is required, and mediation would be mandatory if either party requests it.

While it may be advisable to attempt mediation after impasse, we question the wisdom of mandating mediation on a party that has not agreed to it. Not only is requiring parties to participate in involuntary mediation unlikely to be successful, it will delay the labor negotiations process and make it more difficult for us to prepare and plan our budget.

We are also concerned that the sheer number of mediation requests may result in further delays as we may have to wait for a mediator to be appointed. Finally, we are not clear how we would proceed if we cannot agree on a mediator. For these reasons, the City of Lodi opposes AB 537.

Sincerely,



Alan Nakanishi  
Mayor

C:     Natasha Karl, League of California Cities  
       Stephen Qualls, League of California Cities  
       Meg Desmond, League of California Cities

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 7, 2013

The Honorable Richard Pan  
Member, California State Assembly  
State Capitol Building, Room 6005  
Sacramento, California 95814  
Via Facsimile: (916) 319-2109

**SUBJECT: AB 574 (Lowenthal). Greenhouse Gas Reduction Fund:  
Sustainable Communities Strategies  
NOTICE OF SUPPORT**

Dear Assembly Member Pan:

The City of Lodi is pleased to support AB 574, which would create the Sustainable Communities Infrastructure Program and allocate funding from the transportation-related Cap and Trade revenues to integrate transportation and public infrastructure investments to reduce greenhouse gas (GHG) emissions.

As the closest level of government to citizens, our city plays a key role in taking action to meet state climate and energy goals promoting public awareness. We can work together with partners on projects to integrate investments in new mobility, new and improved infrastructure, and new jobs, all while creating healthy communities and a better quality of life.

However, due to the recent economic downturn our city budget for such projects is limited. AB 574 will support the implementation of SB 375 and other GHG-reducing plans that require rebuilding aging infrastructure within urban infill and rural areas targeted for more intense development. Transportation investments can yield cost-effective GHG reductions, especially when combined with thoughtful land use strategies.

For these reasons, the City of Lodi supports AB 574.

Sincerely,



Alan Nakanishi  
Mayor

C: Assembly Member Bonnie Lowenthal (916-319-2170)  
Jennifer Whiting, League of California Cities  
Stephen Qualls, League of California Cities

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KONRADT BARTLAM,  
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City Attorney

May 7, 2013

The Honorable Toni G. Atkins  
Member, California State Assembly  
State Capitol Building, Room 319  
Sacramento, California 95814  
Via Facsimile: (916) 319-2178

**SUBJECT: AB 1229 (Atkins). Land Use: Zoning Regulations.**  
**NOTICE OF SUPPORT**

Dear Assembly Member Atkins:

The City of Lodi is pleased to support your AB 1229, which would restore cities' zoning authority for inclusionary housing.

In the appellate court decision, *Palmer/Sixth Street Properties L.P. v. City of Los Angeles*, 175 Cal. App. 4<sup>th</sup> 1396 (2009), the courts took a very broad interpretation of the Costa-Hawkins Act and its application on inclusionary housing ordinances, opining that inclusionary housing ordinances with regards to rental housing conflicted with and were preempted by the Costa-Hawkins Act. Costa-Hawkins was intended to restrict systems of rent control, not preclude rent restrictions on inclusionary housing.

Inclusionary housing programs are an important tool in the production of affordable new homes for working families. As a result, California's affordable housing stock continues to be severely diminished.

For these reasons, the City of Lodi supports AB 1229.

Sincerely,



Alan Nakanishi  
Mayor

C: Anya Lawler, Consultant, Assembly Housing and Community Development  
Committee (916-319-3182)  
William Weber, Consultant, Assembly Republican Caucus (916-319-3902)  
Kirstin Kolpitcke, League of California Cities  
Stephen Qualls, League of California Cities

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KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 7, 2013

The Honorable Senator Lois Wolk  
State Capitol, Room 5114  
Sacramento, California 95814  
Via Facsimile: (916) 323-2304

**SUBJECT: SB 33 (Wolk) Infrastructure Financing Districts.**  
**NOTICE OF SUPPORT**

Dear Senator Wolk:

The City of Lodi is pleased to support your Infrastructure Financing District (IFD) bill SB 33, as introduced Dec. 3, 2012. Cities throughout the state are facing dire infrastructure challenges such as deteriorated streets and roads and outdated sewer and water systems and SB 33 is a sensible and practical solution.

While IFD law has been on the books for years, its restrictive and confusing requirements have made the tool virtually useless. The improvements SB 33 will make to IFD law will provide cities an opportunity to begin to address critical infrastructure issues. The City of Lodi will be able to address our own local infrastructure needs such as deteriorated water and sewer systems and buckled sidewalks.

For these reasons, the City of Lodi supports SB 33.

Thank you for your ongoing leadership on this critical issue.

Sincerely,



Alan Nakanishi  
Mayor

C: Stephen Qualls, League of California Cities

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City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

May 7, 2013

The Honorable Ellen Corbett  
Member, California State Senate  
State Capitol Building, Room 313  
Sacramento, California 95814  
Via Facsimile: (916) 327-2433

**SUBJECT: SB 64 (Corbett) – Proposition 39 Implementation**  
**NOTICE OF SUPPORT**

Dear Senator Corbett,

The City of Lodi is pleased to support your SB 64, which would require the California Energy Commission (CEC) to develop and administer programs to provide financial assistance to school districts, cities and counties to install energy efficiency and clean energy technology projects for their facilities.

Proposition 39 calls for its funding to be prioritized to "maximize job creation, energy savings, geographical and economic equity." It provides significant and much-needed public investment.

SB 64 requires the CEC to use existing resources, programs, and expertise to develop and administer energy efficiency programs. Agencies that apply for funds must submit a feasibility study showing cost and energy saving estimates for each project. We believe SB 64 would provide for implementation of Proposition 39 in a way that honors voter intent and maximizes the opportunity to invest broadly in the most cost-effective projects from all public agencies.

For these reasons, the City of Lodi supports SB 64.

Sincerely,



Alan Nakanishi  
Mayor

C: Jason Rhine, League of California Cities  
Stephen Qualls, League of California Cities