

ANNUAL

REPORT



CEAC's Purpose

The County Engineers Association of California, formed in 1914, is comprised of County Engineers, Public Works Directors, County Road Commissioners & Professional Personnel throughout California's fifty-eight counties. Its Purpose? "To Advance County Engineering and Management by Providing a Forum for the Exchange of Ideas and Information Aimed at Improving Service to the Public."

Furthermore, the objective of CEAC is "To Accomplish the Advancement of Engineering Methods and Ethical Practice Through Networking Efforts of All 58 Counties in the State." Through discussion, interchange, and dissemination of engineering and administrative data/ideas, the organization shall strive to affect "Maximum Efficiency and Modernization in Engineering and Administrative Units of Local Government."

Throughout CEAC's history, it has maintained a close relationship with the California State Association of Counties to lend support in policy development and advocacy efforts, thus benefiting counties and their ability to serve their citizens.



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President's Message

2006 has been a historical year for CEAC! The legislature finally started to pay more attention to infrastructure problems. After a five month roller coaster ride, Proposition 1A through 1E were approved by the legislature to be placed on the November ballot. With DeAnn Baker orchestrating the efforts and with help from many members of the Board of Supervisors and all of you, CSAC was able to get a \$1 billion set aside for county roads. Karen Keene was also instrumental in obtaining full repayment of the flood control subventions as part of the package. The impossible mission was accomplished!

We asked for it and now we got it. SAFETEA-LU mandated each State to prepare a Strategic Highway Safety Plan (SHSP). Drafting the SHSP and its implementation strategies required all of us to be engaged. While this is a lot of work, it will ultimately drive how we will spend the High Risk Rural Road Safety money as well as the more generic highway safety program funds.

The mission of CEAC is to serve the needs of its members. In November 2005, we launched CEAC Vision 2008 by asking members their vision of CEAC. The input was overwhelming. Based on that, we held a policy conference in September, we are in the process of upgrading our website, we participated in the new supervisors training program at CSAC and we are redefining the newsletter.

I did not do it! Each one of you, together with superb CSAC staff made all this happen. You answered every call for action on the legislative side as well as the CEAC Vision 2008. You should be congratulated. Last November, I said, "Just do it!" and now I can honestly say, "You done it!" Thank you.



Maurice Shiu
CEAC President

Legislative Highlights



DeAnn Baker

&

Karen Keene



Reflecting on 2006

Due to bi-partisan efforts between the Legislature and Governor 2006 will go down as a historic year for infrastructure investment in California. Not only did counties do well in the State Budget process this year, but also a record infrastructure bond package of nearly \$38 billion was placed before the voters and successfully passed in November. In addition, voters approved Proposition 1A to stabilize Proposition 42 funding into the future, which will contribute over \$1.5 billion annually for transportation investments in California.

CEAC set a very aggressive and proactive agenda and was poised to capitalize on this opportunity. As a result we were successful in getting all of the Proposition 42 loans owed to counties for local streets and roads paid back, as well as an additional \$1 billion directly allocated to counties for local streets and roads in Proposition 1B.

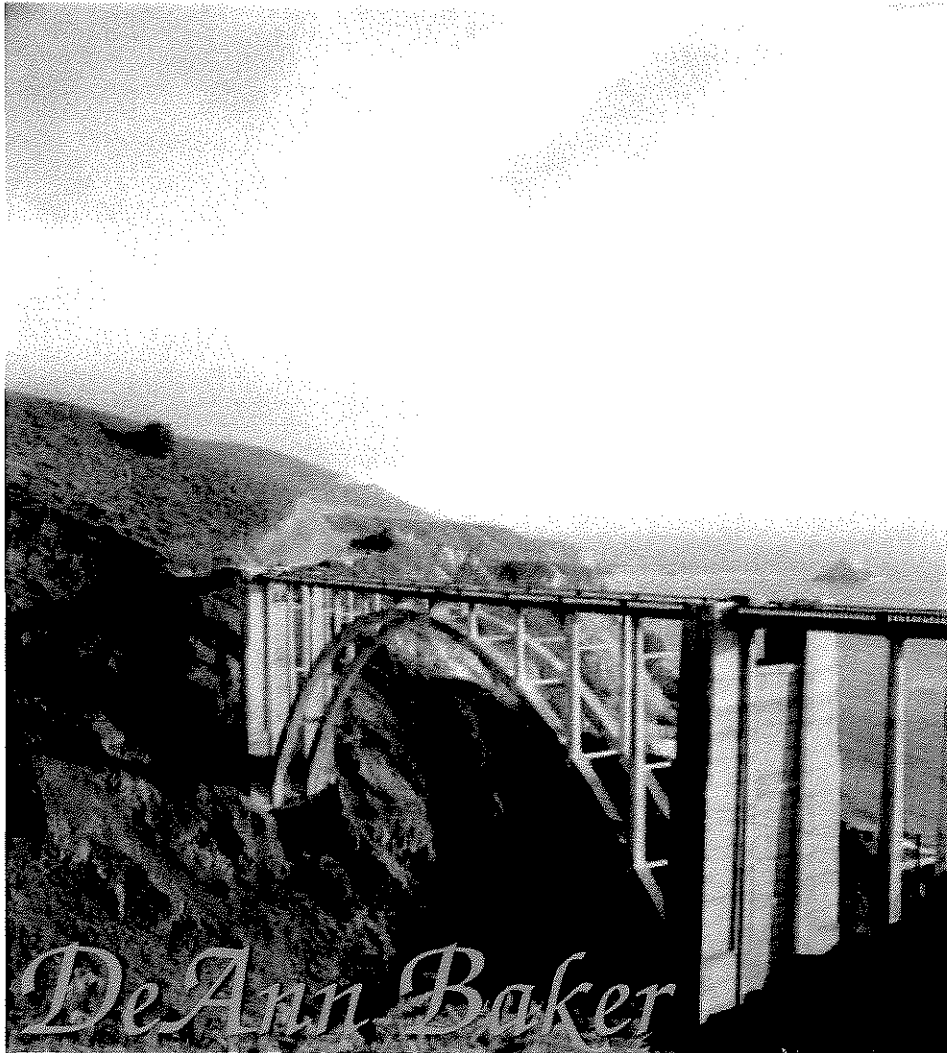
Proposition 90, which would have made land-use planning, zoning and regulation, and infrastructure investments very difficult and expensive, was defeated 47% to 53%. CSAC joined forces with its local government partners to lead the campaign against Prop. 90, and dedicated significant funds and staff time to ensure its defeat at the polls. Through the course of the campaign, "No on 90" amassed the largest and broadest coalition in recent memory, including business interests, labor unions, environmentalists, homeowners' groups, property rights advocates, taxpayer groups, agricultural interests, public safety, consumer advocates, and others. This was a very sweet defensive victory for public works projects in the state.

Predictions of devastating flood damage that could match the damage caused by the Gulf Coast Hurricanes, certainly assisted in our efforts to obtain long awaited funding for the subvention program, and other important flood management facilities and programs.

CSAC joined with other stakeholders in developing a flood protection bond measure that would muster the support of voters statewide. These efforts proved successful with the recent passage of Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act of 2006. It provides a total of \$4.1 billion to fund a wide array of flood protection needs throughout the State, including \$500 million for the flood control subvention program. Proposition 1E represents the first significant investment in flood protection in the last thirty years.

The following report outlines in greater detail these issues of importance to public works in California.

Public Works Administration, Land Use & Transportation



by DeAnn Baker

CSAC Legislative Representative

TRANSPORTATION

As expressed in the introduction, 2006 held many victories for transportation investment in California. CEAC adopted a number of priorities in the transportation arena that came to fruition this past year. Proposition 42 loans from two previous years for local streets and roads were paid in full to counties. In addition, efforts to stabilize Proposition 42 funding became a reality with the passage of Proposition 1A. CSAC was also successful in shaping and including numerous funding categories contained in the transportation infrastructure bond or Proposition 1B that was passed in November.

Further, efforts to implement the federal reauthorization act or SAFETEA LU were fast and furious once adopted by Congress and signed by the President. SB 1694 (Aanestad) was sponsored by CSAC in an effort to capture a portion of the SAFETEA LU Equity Bonus monies for the local county road system. After a valiant effort to reach a consensus amongst various transportation stakeholders this measure failed passage in the Legislature. Implementation efforts that will determine the allocation of the federal safety monies remain underway.

Lastly, CSAC sponsored AB 2295 (Arambula) to ensure local rehabilitation projects remain eligible for State Transportation Improvement Program (STIP) funding and successfully placed this measure on the Governor's desk. However the bill was vetoed.

Summaries of these efforts are outlined in greater detail below.

Proposition 42 Early Payback

Proposition 42 loans were returned in the state budget to the tune of \$1.415 billion. This amount included \$440 million to cities and counties for outstanding loans from Fiscal Years 2003-04 and 2004-05. The Legislature and Governor also agreed to fully fund Proposition 42 in 2006-07, which meant another \$1.4 billion for transportation systems, including state highways and transit.

The budget provided \$495 million to repay a portion of the 2003-04 Proposition 42 suspension. The repayment provided full repayment of the principal and interest to the State Transportation Improvement Program (STIP) at \$198 million, \$198 million to cities and counties for local streets and roads, and \$99 million to the Public Transportation Account (PTA). The budget also provided \$920 million to repay a portion of the 2004-05 Proposition 42 suspension. The repayment provided full repayment of the STIP at \$242 million, \$242 million to local streets and roads, and \$121 million to the PTA. In addition, the Traffic Congestion Relief Fund (TCRF) received \$315 million in Proposition 42 early payback.

In total, early payback for both fiscal years 2003-04 and 2004-05 Proposition 42 suspensions provided \$440 to the STIP, \$440 to cities and counties for local streets and roads, \$220 to the PTA, and \$315 to the Traffic Congestion Relief Projects. This represents the balance of Proposition 42 loans owed cities and counties for local streets and roads.

Proposition 42 Permanent Fix: Prop. 1A: Stabilize Transportation Funding (\$1.5 billion annually and growing)

Another critical CSAC objective to stabilize this funding source was met as the Legislature placed on the ballot Proposition 1A to make it more difficult to raid these funds in the future. This measure successfully passed by nearly 77% of the voters.

Proposition 1A stabilizes this revenue source by restricting diversion to only twice in ten years and inclusion of the requirement that the loans be repaid with interest prior to borrowing again.

This will stabilize a growing revenue stream targeted at congestion on our freeways, fixing deteriorating local streets and roads and providing additional revenues for transit systems throughout the state. This is a critical revenue stream to provide a seamless transportation system and a vital economy in our State.

Counties are slated to receive a projected \$314 million beginning in 2008-09 and will receive 20% of the total revenues generated from this source every year into the future.

Infrastructure Bond Package: Proposition 1B: Transportation Funding

Consistent with one of CSAC's top priorities, reinvesting in California's infrastructure was the focus of major attention by the Governor and Legislature in 2006. California's population is expected to reach 50 million in the next 20 years—twice what our current infrastructure was designed for. Recognition of deteriorating and congested transportation systems, as well as the need to invest in housing, flood protection, education and parks was recognized through the passage of a major infrastructure bond package that was successfully passed by voters this November.

Proposition 1B, approved by 61.3%, makes over \$20 billion available to boost investment in California's transportation systems. CSAC outlined several objectives in the infrastructure debate and was successful in exceeding those as the Legislature wrangled over funding amounts and categories to include in the bond. In addition to the billions that will be available for state freeways and transit systems—both critical to a seamless transportation system—there are several categories that will directly benefit county government.

Specifically those include; \$2 billion each for cities and counties for our local streets and roads, \$2 billion for the State Transportation Improvement Program (STIP) which will be allocated across the State, \$1 billion for a new State/Local Partnership program and \$125 million to seismically retrofit the remaining local bridges. While allocation of the monies contained in the first two programs mentioned above will be based on existing formulas, implementing legislation will be required for a number of the new categories contained in the bond. CSAC is participating on those working groups developing the policies and processes for allocation.

SAFETEA-LU Implementation

In addition to Proposition 42 monies, additional federal gas tax dollars began to flow to the state after a two-year delay in reauthorizing the federal act needed to allocate the 18-cent federal gas tax to the 50 states. Overall California received a 30% increase from the previous federal act resulting in a total of \$28 billion expected for transportation purposes thru 2009. CSAC was successful in meeting several objectives in SAFETEA LU including delegation of compliance with the National Environmental Policy Act (NEPA) to the State. California was one of four states included in this pilot project. The effort to develop this pilot project was stalled in the Legislature, but continues at the administrative level.

Another CEAC objective was recognition of the need to address safety needs of the rural road system, which was acknowledged by the inclusion of a new set-aside referred to as the High Risk Rural Roads Program. California will carve out approximately \$8.2 million annually from the previous Hazard Elimination Safety (HES) program for this purpose. We remain engaged in negotiations to develop California's newly required Safety Plan, which will dictate how close to \$700 million in federal safety monies will be allocated over the life of SAFETEA LU. CEAC remains involved in numerous working groups dedicated to developing state implementation of SAFETEA LU.

AB 2295 (Arambula): Local Rehabilitation in the STIP

AB 2295, by Assembly Member Juan Arambula, was a CSAC and Regional Council of Rural Counties (RCRC) co-sponsored bill that would have codified current California Transportation Commission (CTC) policy guidelines, which provide that local road rehabilitation projects are eligible for State Transportation Improvement Projects (STIP) funding.

AB 2295 had bi-partisan support in both houses and only received one "No" vote during its movement though the legislative process. However, on September 28 the Governor vetoed the measure on the basis that codifying this category of projects as eligible for STIP funding would have reduced the CTC's ability to modify its guidelines to reflect future changes in available funding and transportation policy.

While currently local rehabilitation projects programmed in the \$3 billion STIP only represent about 7% or \$200 million, these are projects critical to many jurisdictions. CSAC wanted to retain flexibility into the

future for regions to choose local rehabilitation projects for STIP funding if they found such projects to be the priority for their region. Unfortunately we were not successful and the veto message causes concern for the future of regional discretion and funding for local rehabilitation projects that can actually provide significant savings should these roads continue to deteriorate in the manner that we are experiencing.

SIGNIFICANT TRANSPORTATION LEGISLATION

AB 372 (Nation) Public contracts: transit design-build contracts

Chaptered by the Secretary of State - Chapter Number 262, Statutes of 2006

AB 372, by Assembly Member Joe Nation, prohibits a local government from imposing additional charges for an oversized load variance permit if those charges are for services within the scope of the local authority's ordinary duties.

Position: Watch

AB 521 (Runner, Sharon) Transportation facilities: public-private partnerships

Chaptered by the Secretary of State - Chapter Number 542, Statutes of 2006

AB 521, by Assembly Member Sharon Runner, provides that lease agreements for public-private partnership transportation projects are to be deemed approved unless the Legislature passes a concurrent resolution rejecting within 60 legislative days of an agreement being submitted to it.

Position: Watch

AB 573 (Wolk) Design professionals: indemnity

Chaptered by the Secretary of State - Chapter Number 455, Statutes of 2006

AB 573, by Assembly Member Lois Wolk, regulates the use of indemnification provisions in public agency contracts with design professionals. The measure provides that, for all contracts and amendments entered into on or after January 1, 2007, with a public agency for design professional services, all provisions that purport to indemnify the public agency against liability for claims against the public agency, are unenforceable, except for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional.

Position: Oppose

AB 713 (Torricon) Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century

Chaptered by the Secretary of State, Chapter Number 44, Statutes of 2006

AB 713, by Assembly Member Alberto Torricon, postpones, until 2008, the scheduled November 7, 2006 vote on the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century.

Position: Watch

AB 1020 (Hancock) Transportation planning: improved travel models

Vetoed

AB 1020, by Assembly Member Loni Hancock, would have required the California Transportation Commission (CTC) to develop guidelines for the use of travel demand models for the preparation of regional transportation plans. It would have also established a review process involving the California Department of Transportation (Caltrans) and specified regional transportation planning agencies (RTPAs) for evaluating transportation planning computer models and required selected transportation planning agencies to incorporate measures pertaining to land use transit service levels into these models.

Position: Neutral

AB 1157 (Frommer) Rail Safety and Traffic Mitigation Bond Act of 2006

Dead

AB 1157, by Assembly Member Dario Frommer, would have required the Department of Transportation (Caltrans) to develop specified performance measures to evaluate and rate the overall quality of the state highway system, and require the distribution of an annual report to the Legislature in that regard.

Position: Pending

AB 1785 (Bermudez) Grade separation projects

Dead

AB 1785, by Assembly Member Rudy Bermudez, would have increased the budgeted allocation for grade separation projects from \$15 million to \$70 million annually.

Position: Pending

AB 1935 (Bermudez) Railroads: maintenance and safety

Chaptered by the Secretary of State - Chapter Number 885, Statutes of 2006

AB 1935, by Assembly Member Rudy Bermudez, increases the frequency of railroad yard inspections and increases the penalties for railroad safety violations, and increases the amount that the California Department of Transportation must set aside for allocations to the California Public Utilities Committee (PUC) to pay the railroad or street railroad costs to local agencies of maintaining automatic grade-crossing protection from \$1 million to \$4 million.

Position: Pending

AB 1941 (Nava) Vehicles: bicycles

Failed Passage

AB 1941, by Assembly Member Pedro Nava, would have specified a minimum distance that a vehicle must maintain between itself and a bicycle upon a highway. Specifically, the bill would have allowed a vehicle to be driven in a designated two-way, left-turn lane for purposes of overtaking and passing a bicycle. It would have prohibited a vehicle from driving in a designated two-way, left-turn lane, for purposes of overtaking and passing a bicycle or merging into the adjacent lanes of travel, for more than 200 feet. It would have required the driver of a motor vehicle overtaking a bicycle proceeding in the same direction to pass at a minimum of three feet, without interfering with the safe operation of the overtaken bicycle.

Position: Pending

AB 2002 (La Malfa) Highway signs: veterans

Chaptered by the Secretary of State - Chapter Number 204, Statutes of 2006

AB 2002, by Assembly Member Doug La Malfa, allows county boards of supervisors to place a "Where We Honor Veterans" sign at or near the county line on any state highway with the permission of the California Department of Transportation, or on any county highway under the county's jurisdiction.

Position: Watch

AB 2154 (Goldberg) Parking: car share vehicle

Chaptered by the Secretary of State - Chapter Number 189, Statutes of 2006

AB 2154, by Assembly Member Jackie Goldberg, allows a city or county to designate a specific area for the exclusive parking of vehicles participating in a vehicle car share program or ridesharing program.

Position: Pending

AB 2295 (Arambula): Local Rehabilitation in the STIP

Vetoed

AB 2295, by Assembly Member Juan Arambula, was a CSAC and Regional Council of Rural Counties (RCRC) co-sponsored bill that would have codified current California Transportation Commission (CTC) policy guidelines, which provide that local road rehabilitation projects are eligible for State Transportation Improvement Program (STIP) funding.

Position: Sponsor

AB 2444 (Klehs) Congestion management and motor vehicle environmental mitigation fees

Vetoed

AB 2444, by Assembly Member Johan Klehs, would have allowed Bay Area county congestion management agencies and the Bay Area Air Quality Management District (BAAQMD) to impose annual vehicle registration fee surcharges of up to \$5 to fund congestion management and environmental mitigation activities.

Position: Pending

AB 2483 (Baca) State highways: sale of excess property

Dead

AB 2483, by Assembly Member Joe Baca, would have authorized the Department of Transportation (Caltrans) to first make available its excess property to cities, counties, or redevelopment agencies for redevelopment purposes.

Position: Pending

AB 2495 (Frommer) Transportation facilities: public-private partnerships

Dead

AB 2495, by Assembly Member Dario Frommer, would have clarified that a public-private partnership lease agreement for the development of certain transportation projects shall automatically be deemed approved unless within 90 days, not counting days when the Legislature is in adjournment, either house of the Legislature specifically adopted a resolution rejecting it.

Position: Pending

AB 2538 (Wolk) Transportation funds: planning and programming: regional agencies

Chaptered by the Secretary of State - Chapter Number 821, Statutes of 2006

AB 2538, by Assembly Member Lois Wolk, increases the maximum amount of funds that local transportation agencies may spend on project planning, programming, and monitoring from 1% to 5% of Regional Transportation Improvement Program (RTIP) funds.

Position: Neutral

AB 2600 (Lieu) Vehicles: HOV lanes

Chaptered by the Secretary of State - Chapter Number 614, Statutes of 2006

AB 2600, by Assembly Member Ted Lieu, allows an additional 10,000 high-mileage hybrid vehicles to obtain stickers allowing them to drive in high occupancy vehicle (HOV) lanes regardless of the number of occupants and extends the sunset date on the authorization for these and other "Clean Air" vehicles to operate in HOV lanes.

Position: Watch

AB 2625 (Pavley) California Heritage Corridor Act

Dead

AB 2625, by Assembly Member Fran Pavley, would have created the California Heritage Corridor Program, intended to be similar to the current-law Scenic Highway Program. The corridor program would have linked locations sharing "concepts." Though the term "concepts" was not defined, it listed examples of the concepts, and could have included references to culture, industry, philosophy or achievements.

Position: Pending

AB 2681 (Pavley) Vehicles: registration fees: fines

Vetoed

AB 2681, by Assembly Member Fran Pavley, would have allowed a county to increase the annual vehicle registration surcharges that support county abandoned vehicle abatement programs. Specifically, this bill would have allowed a county to increase, from \$1 to \$2, the abandoned vehicle surcharge the county is allowed to impose on all noncommercial vehicles subject to annual registration and, from \$2 to \$4, the abandoned vehicle surcharge the county is allowed to impose on all commercial vehicles subject to annual registration.

CSAC supported AB 2681 and made a request for signature to the Governor. However, he vetoed the measure stating that although abandoned vehicles are a public nuisance and a safety hazard, and that he supports the goal of the bill, fees such as these should be approved by the voters.

Position: Support

AB 2873 (Wolk) County sales and use taxes: rate increase

Dead

AB 2873, by Assembly Member Lois Wolk, would have authorized a county or city and county to impose an additional 1/4 of 1% sales and use tax rate under the Bradley-Burns Law. This bill would have required

a county or city and county that imposed this additional rate to deposit all revenues derived there from, less specified administrative costs, into a local transportation fund. This bill would have also required a county or a city and county that imposed this additional tax to comply with the applicable voter-approval requirements of a specified provision of the California Constitution.

Position: Support

AB 3028 (Laird) California Coastal Trail

Vetoed

AB 3028, by Assembly Member John Laird, would have authorized a state agency providing a grant or a permit for a public development project located along the California Coastal Trail (Trail) to require that the project provide public access to the trail.

Position: Pending

ACA 7 (Nation) Local governmental taxation: special taxes: voter approval

Dead

ACA 7, by Assembly Member Joe Nation, would have lowered the voter approval requirement for a city, county or special district to impose a special tax from two-thirds to 55 percent of the voters voting on the measure.

Position: Support

ACA 36 (Nation) Transportation: motor vehicle fuel taxes

Dead

ACA 36, by Assembly Member Joe Nation, would have imposed an additional excise tax of 5 cents per gallon on distributors of motor vehicle fuel beginning on January 1, 2007, and would have annually increased this tax in 5-cent increments to 25 cents per gallon on January 1, 2011, and thereafter. This measure specified that the additional revenues from the tax should be used, upon appropriation by the Legislature, only for purposes of regional transportation improvements and alternative energy.

Position: Pending

ACA 39 (Haynes) Motor vehicle fuels taxes

Dead

ACA 39, by Assembly Member Ray Haynes, would have suspend the levy of any taxes on motor vehicle fuels during any month immediately following any high-price month, which was defined as any month during which the State Board of Equalization determines on the 21st day that the average retail price in this state for motor vehicle fuels for the immediately preceding 30 days was equal to or greater than \$2.50 per gallon.

Position: Pending

ACR 151 (Matthews) Grade separation projects

Chaptered by Secretary of State - Chapter No. 133, Statutes of 2006

ACR 151, by Assembly Member Barbara Matthews, requests that the Public Utilities Commission revise the prioritization formula used to establish the priority list for grade separation projects at the next Order Instituting Investigation to add a factor for delays that disproportionately affect emergency vehicles. The measure also requests the Public Utilities Commission to notify the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing when it has considered this revision.

Position: Watch

AJR 9 (Horton, Shirley) Transportation infrastructure finance

Dead

AJR 9, by Assembly Member Shirley Horton, would have memorialized the President and the Congress of the United States to enact legislation that would ensure that California received a more equitable distribution of federal tax dollars for transportation funding and a higher rate of return in terms of federal money received per dollar of federal tax paid.

Position: Pending

SB 3 (Torlakson) Highways: Safety Enhancement-Double Fine Zones

Chaptered by the Secretary of State - Chapter Number 179, Statutes of 2006

SB 3, by Senator Tom Torlakson, authorizes a double fine zone on a designated portion of Vasco Road in Alameda County and Contra Costa County.

Position: Pending

SB 372 (Margett) Vehicles: size, weight, and load: local authorities: issuance of variance permits

Chaptered by the Secretary of State - Chapter Number 242, Statutes of 2006

SB 372, by Senator Bob Margett, prohibits a local government from imposing additional charges for an oversized load variance permit if those charges are for services within the scope of the local authority's ordinary duties.

Position: Pending

SB 858 (Kehoe) Department of Transportation: surplus property

Dead

SB 858, by Senator Christine Kehoe, would have required Caltrans to sell to a private nonprofit children's hospital in San Diego County that serves at least 50% of the Medi-Cal children in that county, the real property in San Diego County made surplus as a result of an action of the California Transportation Commission (CTC) on February 2, 2006, at a price equal to 50% of the property's appraised value.

Position: Watch

SB 1161 (Alarcon) State highways: design-sequencing contracts

Dead

SB 161, by Senator Richard Alarcon, would have extended for two years the sunset date for the design-sequencing program as undertaken on a pilot basis by the Department of Transportation.

Position: Watch

SB 1224 (Chesbro) Vehicles: limitations of access

Chaptered by the Secretary of State - Chapter Number 449, Statutes of 2006

SB 1224, by Senator Wesley Chesbro, extends a provision of law that exempts specified livestock carriers on portions of Highway 101 from vehicle length limitations until January 1, 2012. This bill extends the requirement that the Department of the California Highway Patrol study the effect of this law on public safety until January 1, 2011.

Position: Pending

SB 1225 (Chesbro) Service authority: registration and service fees

Vetoed

SB 1225, by Senator Chesbro, would have allowed a county to increase the annual vehicle registration surcharges that support county abandoned vehicle abatement programs. Specifically, this bill would have allowed a county to increase, from \$1 to \$2, the abandoned vehicle surcharge the county is allowed to impose on all noncommercial vehicles subject to annual registration and, from \$2 to \$4, the abandoned vehicle surcharge the county is allowed to impose on all commercial vehicles subject to annual registration.

CSAC was in support of this measure however; the Governor vetoed it along with AB 2681 (Pavley), which included the same provisions. The Governor stated that he vetoed the measure because although abandoned vehicles are a public nuisance and a safety hazard, and that he supports the goal of the bill; fees such as these should be approved by the voters.

Position: Support

SB 1237 (Maldonado) Vehicles: combination length

Chaptered by the Secretary of State - Chapter Number 450, Statutes of 2006

SB 1237, by Senator Abel Maldonado, extends the sunset of an exemption to the maximum length limitation of longer combination vehicles and adds additional criteria and safety measures under which the exemption is authorized.

Position: Pending

SB 1282 (Ducheny) Transportation: federal funds: border infrastructure program

Chaptered by the Secretary of State - Chapter Number 451, Statutes of 2006

SB 1282, by Senator Denise Ducheny, exempts specified federal funds from the State Transportation Improvement Program's (STIP) distribution formulas. Specifically, the measure specifies that federal funds for the coordinated border infrastructure program (CBI) shall be included, but separately identified, in the fund estimates for the STIP, in the Interregional Transportation Improvement Program, and in the STIP adopted by the California Transportation Commission (CTC) and also be exempt from the STIP allocation formulas.

Position: Pending

SB 1587 (Lowenthal) Transportation planning: federal funds

Chaptered by the Secretary of State - Chapter Number 673, Statutes of 2006

SB 1587, by Senator Alan Lowenthal, increases the planning cycle for Regional Transportation Planning Agencies (RTPAs) submitting updated regional transportation plans and allows the Monterey Bay and Santa Barbara regions to temporarily continue to receive certain federal funds it also allows Caltrans to use a nontraditional candidate screening process.

Position: Pending

SB 1611 (Simitian) Congestion management fees

Dead

SB 1611, by Senator Joe Simitian, would have allowed county transportation congestion management agencies (CMAs) or boards of supervisors to impose, subject to majority vote approval of county voters, a maximum \$25 surcharge on the annual renewal of vehicles registered in their respective jurisdictions to fund transportation-related projects and programs, including pollution prevention programs carried out by a congestion management agency, a regional water quality control board, or a local air district.

Position: Pending

SB 1694 (Aanestad)

Dead

SB 1694, by Senator Sam Aanestad, would have dedicated a portion of the SAFETEA LU or federal gas tax dollars returned to California to counties for the secondary highway system. More specifically, SB 1694 would have amended the Streets & Highways Code to allocate 15% or \$30 million annually, whichever is higher, of the Equity Bonus monies to counties for the secondary highway system. CSAC was a co-sponsor of this measure along with the Regional Council of Rural Counties.

Federal monies directed to the rural or secondary highway system have been frozen since 1991 when city and county direct subventions were eliminated and a hold harmless clause was adopted in state law (SB 1435, Kopp, Chapter 1177, Statutes of 1992). While other program categories have experienced a 70% increase in funding, the secondary highway system has not shared in that growth. SB 1694 would have ensured that the secondary highway system shared in the growth of SAFETEA LU or federal dollars directed to California.

Position: Sponsor

SB 1703 (Lowenthal) California Transportation Commission

Vetoed

SB 1703, by Senator Alan Lowenthal, would have increased the membership of the California Transportation Commission (CTC) from 11 members to 13, with additional voting members appointed by the Speaker of the Assembly and the Senate Rules Committee, respectively.

Position: Pending

SB 1812 (Runner) Department of Transportation: surface transportation project delivery pilot program

Dead

SB 1812, by Senator Sharon Runner, would have authorized the Department of Transportation (Caltrans) to consent to the jurisdiction of the state and federal courts with regard to the assumption of certain federal responsibilities under the National Environmental Policy Act (NEPA), and waived the state's Eleventh Amendment protection against lawsuits brought in federal court for as long as the state participated in the federal surface transportation project delivery pilot program.

Position: Support

LAND USE

In its founding year, the Land Use Committee devoted much of its time to defining its role, purpose, and goals for the future. Certain things were obvious from the onset. The committee wanted to focus their attention on land use legislation with implications for public works. The committee also recognized its potential as a resource and educational tool. Throughout the year members of the committee surveyed other public works directors on various topics, such as Road Extension Agreements, to gather information to help members make more informed decisions in their own counties. The surveys were very successful and three more are already in the works.

A broad concept heard in the legislature and among the committee members is that land use decisions and planning for housing and transportation needs are interdependent. Policy makers and practitioners no longer look to solve any one of these issues in isolation. With this understanding the committee reached out to the planning directors association to begin a collective dialogue on land use issues, specifically regarding the hot topic of regional blueprint planning.

Regional blueprints offer solutions to infrastructure issues such as, traffic congestion, skyrocketing housing prices, overcrowded schools, deteriorating transportation systems, inadequate flood protection, water shortages, dwindling open spaces, and poor air/water quality. All of these problems facing California today are due in part to a lack of investment in infrastructure. Finding lasting solutions to these problems is a complex challenge.

California's population will reach 50 million in the next 20 years; two times what its infrastructure was built to support. In order to promote a vibrant economy and support a good quality of life, decision-makers must not only use our current infrastructure more efficiently, but also strive toward sound planning decisions for future growth.

The good news is that planning and policy decisions are becoming collaborative efforts involving multiple levels of government. The State of California has recognized this practice and has provided grants to numerous regional governments that use this process, commonly referred to as regional blueprint planning.

Regional blueprint planning attempts to evaluate various land use patterns across local jurisdictional boundaries in an effort to provide more efficient growth, while working to preserve critical agricultural and resource lands. More specifically, regional blueprint planning involves comprehensive scenario planning that results in the various stakeholders agreeing to participate in regional collaboration and integrated planning so that a region's future growth is accommodated and sprawl is reduced.

Regional blueprint planning is underway in 14 of the 18 metropolitan planning organizations (MPOs) within California. Four of these organizations are considered major urban area MPOs, representing 22 counties. In addition to the 4 urban MPOs, another 10 MPOs received blueprint planning funds in Fiscal Year (FY) 2005-06. These areas encompass the eight San Joaquin Valley counties as well as Butte, Merced and San Luis Obispo Counties. The remaining areas in the state are outside of the MPOs and not readily eligible for blueprint planning funding.

Overall, 32 of 58 counties are currently within a regional blueprint planning area that has received grants for this effort. Thirty-seven of the 58 counties are within an MPO that is eligible for regional blueprint planning grants. CSAC is working with numerous stakeholders to shape this process and identify a functional equivalent for areas outside those targeted for blueprint funds.

Regional blueprint planning is expected to continue to serve as a tool for regional growth, planning and decision-making. The California Business, Transportation, and Housing Agency has already allocated \$5 million in grant funding in FY 2005-06 and plans to allocate another \$5 million in FY 2006-07.

Many see this blueprint process as the solution to uncontrolled or inefficient growth. They hope it will lead to further protection of critical lands, as well as more efficient use of and investment in infrastructure. Leading policymakers and stakeholders are promoting this process. In the immediate future, portions of the infrastructure bond money passed in November 2006 may be used as incentives for regional blueprint planning programs.

SIGNIFICANT LAND USE LEGISLATION

AB 1020 (Hancock) Transportation planning: improved travel models

Vetoed

AB 1020, by Assembly Member Loni Hancock, would have required the California Transportation Commission (CTC) to develop guidelines for the use of travel demand models for the preparation of regional transportation plans. It would have also established a review process involving the California Department of Transportation (Caltrans) and specified regional transportation planning agencies (RTPAs) for evaluating transportation planning computer models and required selected transportation planning agencies to incorporate measures pertaining to land use transit service levels into these models.

Position: Pending

AB 1387 (Jones) CEQA: residential infill projects

Chaptered by the Secretary of State- Chapter Number 715, Statutes of 2006

AB 1387, by Assembly Member Dave Jones, authorizes, under the California Environmental Quality Act (CEQA), a lead agency to approve a residential project on an urban infill site without having to mitigate or make a finding of overriding consideration for significant impacts on traffic in an environmental impact report (EIR) if specified criteria are met. The criteria that must be met are: (1) A residential project consists of 100 units or less, with a minimum density of 20 units per acre, within one-half mile of a transit stop, and is on an infill site in an urbanized area; (2) A project is in compliance with the traffic, circulation, and transportation policies of the General Plan, applicable community plan, applicable specific plan, and applicable ordinances of the city or county with jurisdiction over the area where the project is located; and, (3) The city or county requires that the mitigation measures approved in a previously certified "project area environmental impact report" applicable to the project be incorporated into the project.

The measure prohibits the exemption under the following circumstances: (1) Application for a proposed project is more than five years after the certification of the project area EIR applicable to the project; (2) A major change has occurred within the project area after the certification of the project area EIR applicable to the project; (3) The project area EIR applicable to the project was certified with overriding considerations with respect to traffic, circulation, and transportation policy of the general plan and applicable local ordinances; and, (4) The proposed project covers more than four acres. The bill also provides that a project may not be divided into smaller projects in order to qualify for this exemption.

Position: Neutral

AB 2140 (Hancock) General Plans: safety element

Chaptered by the Secretary of State, Chapter Number 739, Statutes of 2006

AB 2140, by Assembly Member Loni Hancock, authorizes a city, county, or a city and county to adopt a local hazard mitigation plan (HMP) with the safety element of its General Plan, and creates incentives for local governments to adopt HMPs.

Position: Neutral

AB 2221 (Vargas) School site acquisition: requirements

Dead

AB 2221, by Assembly Member Juan Vargas, would have added the State Allocation Board (SAB) to the list of entities that must receive written notice from a local school district governing board of a proposed acquisition or lease of a school site before it acquired title to or leased the property for a new school site if it were located within two miles of an airport. The bill also would have required that the SAB be notified if the school site was within two miles of a facility conducting research, development, testing, and evaluation of any federal Department of Defense weapons.

Position: Pending

AB 2223 (Salinas) Local government annexation

Chaptered by the Secretary of State - Chapter Number 351, Statutes of 2006

AB 2223, by Assembly Member Simon Salinas, extends two sunset dates related to local agency formation commissions (LAFCo). This bill extends until January 1, 2014, the requirement that a LAFCo waive the protest hearing for annexations of unincorporated islands of 150 acres or less. The measure also extends until January 1, 2008, the requirement that a city and county meet at least 30 days prior to the city applying

to the LAFCo for a new or updated sphere of influence to discuss the proposed sphere, its boundaries, and the zoning requirements and development standards within the proposed new sphere.

Position: Support

AB 2259 (Salinas) Local agency formation: extension of services

Chaptered by the Secretary of State - Chapter Number 460, Statutes of 2006

AB 2259, by Assembly Member Simon Salinas, extends until January 1, 2013, the authority of a local agency formation commission (LAFCo) to review and comment on the extension of services into previously unserved unincorporated territory and to review the creation of new service providers to extend urban-type development into previously unserved unincorporated territory.

Position: Neutral

AB 2641 (Coto) Native American human remains and multiple human remains

Chaptered by the Secretary of State - Chapter Number 863, Statutes of 2006

AB 2641, by Assembly Member Joe Coto, provides additional procedures to be followed after the discovery of Native American human remains on privately owned land. Among other things, the measure requires that the most likely descendants of a deceased Native American whose remains are discovered and reported to the California Native American Heritage Commission (Commission) shall complete their inspection and state their recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site where the remains were discovered by the landowner or his or her representative. The bill also requires a landowner, upon the discovery of Native American remains, to ensure that the immediate "vicinity," as understood by generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

Position: Neutral

AB 2751 (Wyland) Development project fees: use

Chaptered by the Secretary of State - Chapter Number 194, Statutes of 2006

AB 2751, by Assembly Member Mark Wyland, prohibits a fee on a development project from including costs attributable to existing deficiencies in public facilities, but allows the fee to include costs attributable to increased demand on public facilities reasonably related to the development project.

Position: Neutral

SB 1052 (Kehoe) Subdivision appeal hearings

Chaptered by the Secretary of State, Chapter Number 247, Statutes of 2006

SB 1052, by Senator Christine Kehoe, allows a city council or county board of supervisors to hold a subdivision appeal hearing at its next regular meeting for which it can give proper public notice or within 60 days, whichever period is shorter. This bill makes it clear that all decisions on subdivision appeals must be consistent with the Subdivision Map Act and local subdivision ordinances.

Position: Pending

SB 1395 (Ducheny) Environmental quality: Native American sites

Vetoed

SB 1395, by Senator Denise Ducheny, would have required a lead agency that determined a project is subject to specified exemptions from the California Environmental Quality Act (CEQA) to notify Native American tribes that would have an interest in the project area.

When first introduced, SB 1395 would have require a lead agency, before acting on the project it had determined was exempt from CEQA, to consult with the Native American tribe regarding the potential direct or indirect effect on the California Native American prehistoric, archeological, cultural, spiritual, or ceremonial place, and to provide the notice of exemption for the project to that tribe before that consultation and at least 45 days before acting on the project. Concerns were express that SB 1395 would introduce new terminology into well-established statutory and case law regarding CEQA, which is relied upon to address "significant effects" on the environment. SB 1395 would have created a CEQA-related

duty whenever there may be a direct or indirect affect on a Native American site. The opposition to the measure was successful in working with the author's office to obtain amendments which narrowed the projects for which notice would be required, and deleted the requirement that the lead agency enter into a formal consultation process with the tribe.

Position: Neutral

SB 1509 (Soto) Zoning regulations

Vetoed

SB 1509, by Senator Nell Soto, would have required the Governor's Office of Planning and Research to develop a model ordinance for voluntary use by cities and counties that promotes specified state planning priorities.

Position: Neutral

SB 1627 (Kehoe) Wireless telecommunications facilities

Chaptered by the Secretary of State - Chapter Number 676, Statutes of 2006

SB 1627, by Senator Christine Kehoe, requires a city or county to administratively approve, through the issuance of a building permit or nondiscretionary permit issued by the planning department, an application for a collocation facility on or immediately adjacent to a wireless telecommunications facility that complies with specified state and local requirements for such projects.

When introduced, SB 1627 nearly eliminated local discretion over the placement of antennae and similar devices on structures that already support such equipment. However, negotiations were ongoing throughout session and discretion to determine aesthetic and design requirements were included, which removed our concerns.

Position: Neutral

SB 1650 (Kehoe) Eminent domain

Chaptered by the Secretary of State - Chapter Number 602, Statutes of 2006

SB 1650, by Senator Christine Kehoe, prohibits a public entity from using a property for any use other than the public use stated in its resolution of necessity, unless the entity first adopts a new resolution that finds the public interest and necessity of using the property for a new stated public use. This bill also requires a public entity to adopt a new resolution finding the continued public interest and necessity of using a property for its original stated public use if the property was not put to use within ten years of adoption of the applicable resolution of necessity. Upon an entity's failure to adopt a new resolution as required, this bill requires the public entity to offer a right of first refusal for the original owner or owners of the property to repurchase the property, under specified conditions.

Position: Pending

SB 1798 (Perata) California Environmental Quality Act: infill development

Dead

SB 1798, by Senator Don Perata, would have revised the definition of "infill site" by allowing a site to be created within the infill site as a result of the merger of previously existing parcels to implement a redevelopment agency plan.

Position: Pending

PUBLIC WORKS ADMINISTRATION

Once again the posture for legislation in the public works arena was defensive. Several measures were introduced to hinder local agencies ability to protect the public's interests in relation to the administration of public works projects. Many of those proposals were dropped or amended to address concerns conveyed by public agencies.

SIGNIFICANT PUBLIC WORKS ADMINISTRATION LEGISLATION

AB 372 (Nation) Public contracts: transit design-build contracts

Chaptered by the Secretary of State - Chapter Number 262, Statutes of 2006

AB 372, by Assembly Member Joe Nation, prohibits a local government from imposing additional charges for an oversized load variance permit if those charges are for services within the scope of the local authority's ordinary duties.

Position: Watch

AB 463 (Tran) Subsurface installations: excavation

Chaptered by the Secretary of State - Chapter Number 263, Statutes of 2006

AB 463, by Assembly Member Van Tran, permits the use of power-driven, power operated, or vacuum excavation or boring equipment only if underground installation operators receive documented notice of excavators' plans to use such equipment and the use of that equipment is "mutually agreeable" with installation operators and excavators.

Position: Pending

AB 573 (Wolk) Design professionals: indemnity

Chaptered by the Secretary of State - Chapter Number 455, Statutes of 2006

AB 573, by Assembly Member Lois Wolk, regulates the use of indemnification provisions in public agency contracts with design professionals. The measure provides that, for all contracts and amendments entered into on or after January 1, 2007, with a public agency for design professional services, all provisions that purport to indemnify the public agency against liability for claims against the public agency, are unenforceable, except for claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the design professional.

Position: Oppose

AB 2372 (Pavley) Public projects: sanction for noncompliance

Chaptered by the Secretary of State - Chapter Number 192, Statutes of 2006

AB 2372, by Assembly Member Fran Pavley, grants the California Uniform Public Construction Cost Accounting Commission the authority to sanction public entities that repeatedly violate provisions of the California Uniform Public Construction Cost Accounting Act.

Position: Pending

SB 1161 (Alarcon) State highways: design-sequencing contracts

Dead

SB 1161, by Senator Richard Alarcon, would have extended for two years the sunset date for the design-sequencing program as undertaken on a pilot basis by the Department of Transportation (Caltrans).

Position: Watch

SB 1431 (Cox) Public contracts: design-build contracting: cities, counties, special districts

Dead

SB 1431, by Senator Dave Cox, would have authorized all cities, counties, and special districts to utilize the design-build method for public contracting until January 1, 2017.

Position: Pending

SB 1604 (Margett) Public contracts: bids and disputes

Dead

SB 1604, by Senator Bob Margett, would have required the period of time in which bidders for a public works contract must provide data substantiating a request to substitute an "equal" material rather than the designated material to be only after the award of the contract, rather than "prior to or after, or prior to and after" at the discretion of the public entity.

CSAC was opposed to the measure as introduced because the proposed change attempted to strip local flexibility by limiting the options for substitution to only one timeframe. CSAC, along with the League of California Cities, entered into negotiations with the author's office and were successful in acquiring amendments to remove the changes the bill would have made to Public Contract Code Section 3400 (a), regarding when a substitution request should be submitted for a public project. Current statute works well to ensure a leveling playing field for all contractors, as well as provides local governments the flexibility to decide when substitution requests can be required.

Position: Opposition Removed

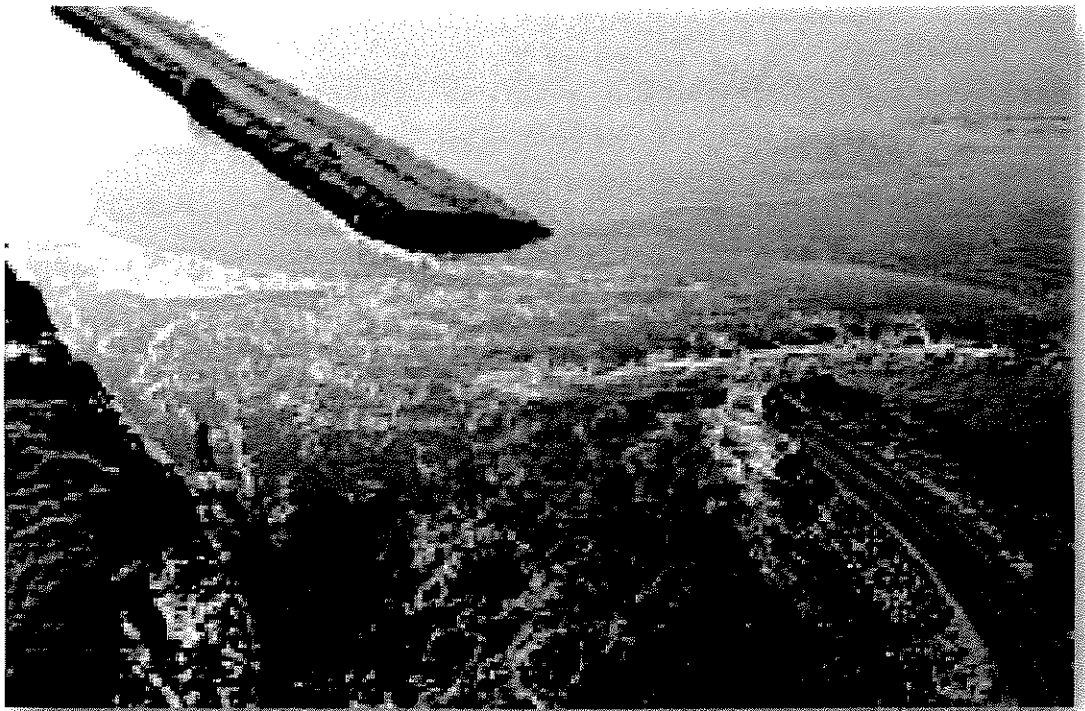
SB 1605 (Margett) Public contracts: public works

Chaptered by the Secretary of State - Chapter Number 183, Statutes of 2006

SB 1605, by Senator Bob Margett, clarifies when a public works contractor must notify a public agency, in relation to the change of soil conditions and makes conforming changes. Specifically, it clarifies that sub-surface or latent physical conditions at the site must differ from information provided at the time of the bid in order to trigger the requirement that the contractor notify the public agency of this condition. The obligation pertains only to local public agencies.

Position: Neutral

Flood Control, Solid Waste, & Surveyor



by Karen Keene

CSAC Legislative Representative

SOLID WASTE

Illegal Disposal of Waste

Illegal dumping has become a major problem with significant social, environmental, and economic impacts for many jurisdictions in California. In recognition of this growing problem and the need to develop solutions, the California Integrated Waste Management Board (CIWMB) established a "State/Local Level Illegal Dumping Enforcement Task Force", of which both CEAC and CSAC were invited to serve as members.

The purpose of the task force was to assess the extent of the illegal dumping problem and develop recommendations to the Waste Board to enhance the effectiveness of local and state responses to the problem. To that end, CSAC joined with the League of California Cities and the CIWMB to conduct a survey of the costs of illegal dumping to local governments. The CIWMB/CSAC/LCC survey, completed in the summer of 2006, sheds light on both the success stories and barriers local governments encounter in their battle to combat illegal dumping. Thirty-four of 58 counties responded to the survey. According to the survey results, those 34 counties spend a combined \$17,907,264 annually to combat illegal dumping. The county survey results are posted on the CEAC and CSAC websites.

Information collected via the surveys will be included in a report to the CIWMB along with the task force recommendations that include legislative, public education, enforcement, coordination, human resource, and financial proposals. The task force recommendations will be presented to the board in late 2006.

Illegal dumping also captured the attention of the Legislature this year. The following measures which directly or indirectly address illegal dumping were signed by the Governor:

- AB 1668 (Niello) – Authorizes local governments to appoint illegal dumping officers and grants the officers limited enforcement authority.
- AB 1992 (Canciamilla) – Clarifies in the Health and Safety Code that the placing, depositing, dumping, or overflow of solid waste on private property without the owner's consent is a misdemeanor.
- AB 2211 (Karnette) – Adds solid waste facilities and sites involving solid waste handling to those sites eligible for emergency action funding from the Solid Waste Disposal Site Cleanup Trust Fund, and authorizes the CIWMB to expend funds directly for the cleanup of the publicly owned or operated site only if the CIWMB determines that the public entity lacks resources or expertise to manage the cleanup itself.
- AB 2253 (Hancock) – Authorizes the impoundment and, in specific instances, civil forfeiture of a motor vehicle used in illegal dumping when the registered owner has multiple convictions for misdemeanor illegal dumping of waste matter.
- AB 2449 (Levine) – Beginning July 1, 2007, requires store operators to establish a recycling program that provides an opportunity for a store customer to return a clean plastic carryout bag to the store.

CSAC actively supported the Niello and Hancock measures.

Universal Waste

Early in the year, CSAC joined forces with a coalition of public and private sector interests in submitting a letter to the Department of Toxic Substances Control regarding universal waste. The letter urged the department to extend the Universal Waste exemption for households and small quantity generators that was scheduled to expire on February 8, 2006. The letter reasoned that the current exemption should be extended until a comprehensive strategy was developed and implemented to collect these types of hazardous wastes separate from solid waste collection services. Unfortunately, the Department ignored the request and the exemption expired.

SIGNIFICANT SOLID WASTE LEGISLATION

AB 17 (Koretz) Universal waste

Dead

AB 17, by Assembly Member Paul Koretz, would have established various programs for the handling, recycling, and disposal of various universal waste, including rechargeable batteries, electronic waste, and mercury-containing devices. This bill would have required the Integrated Waste Management Board, in collaboration with the Department of Toxic Substances Control, on or before January 1, 2008, to develop and report to the Legislature, an action plan to assist state and local governments in the handling of universal waste.

Position: Support

AB 2118 (Matthews) Solid waste

Dead

AB 2118, by Assembly Member Barbara Matthews, would have defined the terms "composting operation" and "composting facility" for purposes of the California Integrated Waste Management Act of 1989.

Position: Pending

AB 2206 (Montanez) Recycling: multifamily dwellings

Vetoed

AB 2206, by Assembly Member Cindy Montanez, would have required the California Integrated Waste Management Board (CIWMB) and, owners and managers of multifamily dwellings to provide information and assistance to residents to achieve higher levels of recycling in multifamily dwellings.

Position: Pending

AB 2296 (Montanez) Solid waste: landfill: standards: closure and postclosure maintenance.

Chaptered by the Secretary of State - Chapter Number 504, Statutes of 2006

AB 2296, by Assembly Member Cindy Montanez, requires the California Integrated Waste Management Board (CIWMB) to conduct a study and adopt regulations to define conditions and address financial assurance mechanisms that potentially affect the closure and postclosure maintenance periods of landfills.

Position: Pending

AB 2449 (Levine) Recycling: plastic carryout bags

Chaptered by the Secretary of State, Chapter Number 845, Statutes of 2006

AB 2249, by Assembly Member Lloyd Levin, requires the operator of a store, to establish an at-store recycling program that provides an opportunity for a customer of the store to return clean plastic carryout bags to that store. It also requires a plastic carryout bag provided by a store to have specified information printed or displayed on the bag, and would require the placement of a plastic carryout bag collection bin in each store that is visible and easily accessible to the consumer. Lastly, it requires the operator of a store to make reusable bags, available to customers, for purchase.

Position: Watch

SB 369 (Simitian) Solid waste: tire recycling: rubberized asphalt concrete

Chaptered by the Secretary of State - Chapter Number 300, Statutes of 2006

SB 369, by Senator Joe Simitian, extends the sunset date and makes program enhancements to the rubberized asphalt concrete grant program at the California Integrated Waste Management Board.

Position: Watch

SB 1305 (Figueroa) The Medical Waste Management Act

Chaptered by the Secretary of State, Chapter Number 64

SB 1305, by Senator Liz Figueroa, prohibits a person from knowingly placing home-generated sharps waste in the commercial and residential solid waste collection containers after September 1, 2008.

Position: Support

SB 1835 (Florez) Solid waste facilities permit: local initiative

Vetoed

SB 1835, by Senator Dean Florez, would have prohibited a city or county from approving and the California Integrated Waste Management Board from concurring in a solid waste facilities permit approved through an initiative unless the facility is consistent with existing state, local, and federal laws.

Position: Pending

FLOOD CONTROL AND WATER RESOURCES

CSAC Flood Protection Policy

In the aftermath of Hurricane Katrina, it was inevitable that the Schwarzenegger Administration and the California State Legislature would step-up their efforts in the 2006 Legislative session to enact legislation that would attempt to address California's looming flood control crisis. In preparation for the onslaught of flood related proposals, CSAC formed a "Flood Management Working Group", comprised of county supervisors, county administrative officers, county planners, county engineers and CSAC staff. The purpose of the CSAC Flood Management Working Group was to develop policy recommendations on those flood management issues where CSAC lacked such policy direction. The CSAC Board of Directors adopted the "Flood Protection Principles and Policy Guidelines" developed by the working group on March 3, 2006. The technical input provided by members of the CEAC Flood Control Committee proved invaluable during this policy development endeavor.

Flood Protection Bond – Proposition 1E

Relying upon the newly adopted flood protection policies, CSAC/CEAC staff actively participated in stakeholder discussions and legislative hearings regarding proposed flood protection bond measures, budget items and legislative proposals. In response to discussions surrounding proposed flood protection bonds, CSAC and the Regional Council of Rural Counties (RCRC) submitted a joint letter to members of the Legislature that outlined components of a bond measure that both organizations would support and those that would be objectionable. This effort paid off, as the flood protection bond passed by the voters includes components that both organizations strongly supported, such as funding for the State Flood Control Subvention Program, the Floodway Corridor Program, studies and surveys to identify flood-prone areas, and stormwater projects.

Specifically, Proposition 1E provides \$4.09 billion in bond funding for the following purposes:

\$3 billion – Levee Repair

This fund will be available to the Department of Water Resources (DWR) for levee repair, urban flood control system improvements, and delta levee repairs in the greater Central Valley. A portion of these funds would be available for local assistance under the Delta Levee Maintenance Subventions Program.

\$500 million – Flood Control Subvention Program

These funds will be made available to DWR for payment of the state's share of local flood control projects through the flood control subventions programs. It would include funding for what is currently owed local agencies (\$160 million) and for a portion of future flood protection projects.

\$300 million – Stormwater Flood Management Grants

The grants provided under this section of the bond will be available to local agencies for stormwater flood management projects that meet specified requirements.

\$290 million – Flood Control Corridor Program

Provides funding to establish floodplain corridors and set back levees in areas where annual flooding takes place, but where corridors will help manage high water flows.

Flood Protection and Land Use

CSAC/CEAC staff was also engaged in numerous stakeholder meetings on legislative proposals that attempted to better connect the local land use approval process and flood risk considerations. Early in these discussions, CSAC/CEAC staff was able to provide comments on suggested proposals based upon technical input provided by county planning and CEAC members. This input was very helpful when attempting to point out whether a proposal was feasible or not.

In respect to the major pieces of flood control legislation introduced during the 2005-2006 Legislative session, CSAC opposed legislation that would have shifted liability for flood damages to cities and counties – AB 3050 (Jones), AB 1220 (Jones) and AB 1665 (Laird), and bills that preempted the local land use decision-making process – AB 1899 (Wolk) and SB 1796 (Florez). All of these bills were defeated, with the exception of SB 1796, which was amended early in the process to address the preemption concerns expressed by CSAC, RCRC and the League of California Cities.

CSAC/CEAC staff also worked extensively with RCRC and the California Chapter of the American Planning Association in developing a workable alternative to AB 1899, Assembly Member Wolk's "show me the flood protection" bill. While some of our suggested amendments were accepted the bill remained onerous thus leading to continued opposition by all three organizations.

Given the direction provided by its flood protection policy guidelines, CSAC was able to support several bills that would have resulted in sensible flood protection practices and programs at both the state and local level. These measures included, AB 802 (Wolk), AB 2500 (Laird) and AB 1665 (Laird) prior to it becoming the "mega-flood bill" that included the shift in liability. None of these measures made it to the Governor's desk.

State Flood Control Subvention Program

CSAC/CEAC staff continued to coordinate a flood control subvention payment advocacy effort. The coalition included representatives of local entities currently owed funding by the State. This group urged the Governor and the Legislature to include funding in the 2006-07 State Budget for Flood Control Subvention Program and to include continuous program investment in future budgets and flood-control/infrastructure plans. These efforts also were successful, as the budget signed by the Governor includes \$101.3 million for the Subvention Program. This is the first budget since the early 1990's that includes funding for the subvention program. The budget also includes an appropriation to fund staff to process subvention claims, something that CSAC specifically advocated for at legislative budget hearings.

Water Quality

In response to concerns expressed by counties regarding the inflexibility of the state minimum mandatory penalty statute, CSAC joined with RCRC, the League of California Cities (League) and the California Association of Sanitation Agencies (CASA) in co-sponsoring SB 1733 (Aanestad), which was signed by the Governor. Under existing law, a small community to expend the equivalent amount of the penalties for water quality violations, on a project to bring the entity into compliance rather than send the money to the State's Cleanup and Abatement Account if certain findings are made. The definition of "small community", however, has been found to be too narrow to include those small cities or communities that the original definition intended to encompass. SB 1733 modifies the definition so that those small communities that clearly are facing financial constraints are indeed eligible to direct all or part of the mandatory minimum penalty into a project that will contribute towards compliance. By modifying the definition, SB 1733 provides the state or regional board with some additional flexibility in determining whether a community has a "financial hardship".

SB 1733 also confirms the Legislature's intent that public agencies be afforded due process rights when they participate as a party in a proceeding before the state or regional boards. In addition to obtaining this statutory change, CSAC, RCRC, the League and CASA convinced the State Water Resources Control Board to implement a series of steps to address deficiencies in the Regional Water Board hearing practices.

Department of Fish and Game

CEAC and CSAC continued their discussions with officials from the Department of Fish and Game (DFG) regarding county concerns and experiences with DFG's regulatory processes, and ways to improve the DFG/county relationship. The identified issues of interest to the counties and DFG fall under the four main categories of emergencies, mitigation, CEQA, and operations and maintenance. It was determined that the best way to tackle these issues was to have regional meetings throughout the state with county staff and DFG Regional Managers and their staff. This regional approach started this year with a pilot project in Region 2 coordinated and facilitated by staff from the Contra Costa County Public Works Department. The counties and DFG participants concluded that the two pilot meetings held in Region 2 were very successful. Consequently, CEAC, CSAC and DFG have agreed to expand this process throughout the state.

SIGNIFICANT FLOOD CONTROL LEGISLATION

AB 1547 (Levine) Alluvial Fan Task Force

Dead

AB 1547, by Assembly Member Lloyd Levine, would have required the Alluvial Fan Task Force to develop a model ordinance on alluvial fan flooding to be made available to communities subject to alluvial fan flooding, and to prepare and submit a related report to the Legislature not later than June 30, 2006. This bill would extend each of those dates by 2 years.

Position: Support

AB 2000 (La Malfa) Levees: unlawful entry

Dead

AB 2000, by Assembly Member Doug LaMalfa, would have created a new part in the Water Code making it an infraction to drive a motor vehicle on a levee on which signs forbidding trespass are displayed, or to damage or otherwise impair the functions of a levee.

Position: Support

AB 2140 (Hancock) General plans: safety element

Chaptered by the Secretary of State, Chapter Number 739, Statutes of 2006

AB 2140, by Assembly Member Loni Hancock, authorizes a city, county, or a city and county to adopt a local hazard mitigation plan (HMP) with the safety element of its general plan, and creates incentives for local governments to adopt HMPs.

Position: Watch

AB 3022 (Umberg) Flood control: seller disclosures

Dead

AB 3022, by Assembly Member Tom Umberg, would have required any person who intends to sell or lease subdivided lands containing qualifying real property to include in his/her application for a public report a Notice of Levee Failure Flood Hazard" which states that the property is subject to a risk of flooding if a nearby levee fails, as well as information about purchasing subsidized federal flood insurance. This notice requirement only applies to public report applications submitted between July 1, 2007 and January 1, 2012.

Position: Watch

SURVEYOR

One of CEAC's long-term priorities is to pursue a statutory change that would eliminate exemptions from monument preservation requirements. In response to this direction, CSAC/CEAC staff initiated a dialog between the county surveyors and relevant stakeholders regarding the details of the monument preservation proposal. Although two of the stakeholders, the Consulting Engineers and Land Surveyors and the California Land Surveyors Association appeared supportive of the idea, the California Association of Realtors and the California Land Title Association were adamantly opposed. Because of their opposition, the proposal was not included in the Senate Local Government Committee's omnibus bill.

SIGNIFICANT SURVEYOR LEGISLATION

AB 2867 (Torrico) Land use: public hearings: notice

Chaptered by the Secretary of State - Chapter Number 363, Statutes of 2006

AB 2867, by Assembly Member Alberto Torrico, requires that any public notice required pursuant to the Planning and Zoning Law be provided to the owner of the affected property as determined by specified sources, and that notice of any such hearing also required by the Subdivision Map Act also be provided to persons who have given notice of retaining mineral rights.

Position: Neutral

SB 983 (Lowenthal) Subdivision Map Act

Chaptered by the Secretary of State - Chapter Number 636, Statutes of 2006

SB 983, by Senator Alan Lowenthal, requires local agencies to review lot line adjustments for conformity with any existing specific plans, and raises the maximum penalties a subdivider of a condominium conversion who fails to give proper notice must pay to prospective tenants.

Position: Watch

SB 1052 (Kehoe) Subdivisions: appeals

Chaptered by the Secretary of State - Chapter Number 247, Statutes of 2006

SB 1052, by Senator Christine Kehoe, allows a city council or county board of supervisors to hold a subdivision appeal hearing at its next regular meeting for which it can give proper public notice or within 60 days, whichever period is shorter.

Position: Support

SB 1196 (Committee on Local Government) Local Government Omnibus Act of 2006

Chaptered by the Secretary of State, Chapter Number 643, Statutes of 2006

SB 1196, by the Senate Committee on Local Government, enacts the Local Government Omnibus Act of 2006, and makes 27 changes to the state laws affecting local agencies powers and duties.

Position: Pending

SB 1676 (Ducheny) Subdivisions: final maps

Dead

SB 1676, by Senator Denise Ducheny, would have increased the notice period for tenants who rent units in properties with condominium subdivision maps approved after January 1, 1993, from 90 days to 180 days. It would have repealed the January 1, 1993 qualifying date for condominium subdivision maps, thereby requiring the subdivider or subsequent owner of any property with a condominium subdivision map to give tenants 180 days notice, after the tentative map is approved, before selling the rental units. During this 180-day period, the bill would have prohibited the owners from changing the terms of the tenancy and prohibits the owners from terminating the tenancy under the usual "no cause eviction" statute.

Position: Watch

SB 1849 (Committee on Business, Professions & Economic Dev) Professions & vocations

Chaptered by the Secretary of State, Chapter Number 760, Statutes of 2006

SB 1849, by the Senate Committee on Business, Professions, and Economic Development, revises the acts that constitute the practice of land surveying to include making certain determinations regarding the earth or relative fixed objects by applying geodesy, and would revise the definition of geodetic or cadastral surveying.

Position: Watch

What is on the

Horizon...



California County Engineers

On the Horizon...

Infrastructure Bond Monies

Future issues of immediate interest to CEAC are primarily in relation to the infrastructure bond monies. More specifically they include the following:

Proposition 1A was passed by nearly 77 percent of the voters and will ensure Proposition 42 revenues remain predictable into the future with the potential for significant growth. Aside from the immediate goal to statutorily continue the current allocations, including 20 percent to both cities and counties for local streets and roads, CSAC's involvement will be one of defense in retaining our share.

Proposition 1B, which would result in over \$20 billion in transportation investments, demands implementation at both the administrative and legislative level. One critical issue will be the timing of the allocation of the local streets and roads monies. In addition, clarification from the Controller's office responsible for potential audits as to which projects are eligible for the funding will be necessary. Further, several working groups are already involved in drafting policy and legislation which will effect the allocation of billions of dollars found in these proposals, such as the state/local partnership and corridor mobility account funds. CSAC will remain very involved in these ongoing discussions that will continue into 2007.

Proposition 1C, which would result in a \$2.85 billion investment in housing, parks and regional planning incentives, would also require legislative action. Numerous stakeholders continue to meet to develop legislation that would allocate nearly \$1 billion of these revenues. The current focus is to utilize these revenues as incentives for regional planning and smart growth actions by local governments. This same approach, which builds on the current regional blueprint planning process, is also expected to allocate \$580 million contained in Proposition 84. CSAC remains intimately involved in the negotiations related to Proposition 1C proceeds and has proposed expanding eligibility to areas outside the current regional blueprint planning counties. These efforts could result in significant legislation related to future growth strategies for California's cities and counties and dictate how future infrastructure investments are made.

Proposition 1E, which provides \$4.09 billion to improved flood management, is another bond measure that entails implementation action by the Administration and the Legislature. As a key stakeholder in the bond implementation discussions, CSAC will advocate for an equitable allocation of the bond funds; and oppose conditions attached to the allocation of funds that limit accessibility. In addition, CSAC urge the Department of Water Resources to utilize bond funds for an assessment of all flood control facilities statewide and to strengthen their efforts in seeking federal funding for the State and local flood protection.



On the Horizon...

Proposition 84, which authorizes \$5.4 billion in general obligation bonds to fund a variety of water, water-related and resource-related improvements and programs, including flood protection similar to the other infrastructure bonds requires implementation at both the administrative and legislative level. CSAC will be monitoring these efforts to ensure that such bond funds are accessible to all counties. It should also be noted that well before the November 2006 passage of Proposition 84, work was underway on another water bond slated for the 2008 ballot. Some stakeholders that were less than satisfied with components of Proposition 84 want to ensure that a future water bond includes funding for water supply measures that will truly address the State's water needs. CSAC plans to seek input from CEAC and CSAC members regarding their priorities for a 2008 water bond measure.

Federal Transportation Safety Funds: SAFETEA LU

In addition, to future implementation for the various infrastructure bond proceeds, SAFETEA LU implementation remains a high priority. There are efforts underway both administrative and legislative to determine the allocation of nearly \$140 million in federal safety revenues. CSAC will remain engaged in this effort in 2007.

The CEQA/NEPA delegation to California remains an unresolved issue as well.

Lastly, efforts are already underway to begin developing consensus principles for the next federal reauthorization due in 2009.

State and Federal Indian Gaming Issues

Indian gaming at both the State and Federal level will remain a high priority. The Governor did retain the provision to include judicially enforceable local government agreements in the most recently negotiated compacts; however, they were not ratified by the Legislature and thus will return in 2007. Federal legislation that CSAC supports to require local agreements, mitigation of impacts on neighboring communities and restrictions on reservation shopping are before Congress at this time, but promise to remain a priority in 2007. Numerous infrastructure related issues of interest to CEAC in this debate include access to casinos, safety on often times rural roads, and other impacts to nearby infrastructure.