CITY OF ROSEVILLE CALIFORNIA

AGENDA
JUNE 26, 2013
CITY COUNCIL
LAW & REGULATION COMMITTEE
5:30 P.M.
CITY COUNCIL CHAMBERS
311 VERNON STREET

1. CALL TO ORDER

2. ROLL CALL (Appointed Committee Members)

Councilmember/Committee Member: **Bonnie Gore**
Mayor/Committee Chair: **Susan Rohan**

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

NOTICE TO THE PUBLIC

Persons may address the Law & Regulation Committee on items not on this agenda. Speakers shall restrict their comments to issues that are within the subject jurisdiction of the Law & Regulation Committee and limit their comments to three (3) minutes per person. The total time allocated for Public Comment is 25 minutes. The Brown Act, with certain exceptions, does not permit the Committee to discuss or take action on issues that are not listed on the agenda.

5. MINUTES

5.1 Minutes of Prior Meetings
May 29, 2013 Law & Regulation meeting, (File 0103-32).
CONTACT: Sonia Orozco (916) 774-5263 sorozco@roseville.ca.us

6. PRESENTATIONS

6.1 Senate Bill 7 – Charter City Prevailing Wage Authority (Steinberg)
Memo from Government Relations Analyst Mark Wolinski and Public Affairs & Communications Director Megan MacPherson providing information to the Law & Regulation Committee (L&R) on Senate Bill 7 (SB 7). Senate Bill 7 (SB 7), if enacted, would prohibit a charter city from receiving state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage provisions on any public works contract.

This bill would authorize charter cities to receive or use state funding or financial assistance if the city has adopted a local prevailing wage ordinance that includes requirements that are equal to or greater than the state's prevailing wage requirements. This bill would exclude contracts for projects of $25,000 or less for construction work, or projects of $15,000 or less for alteration, demolition, repair, or maintenance work. This bill would require the Director of Industrial Relations to maintain a list of charter cities that may receive and use state funding and financial assistance for their construction projects. As a charter city, Roseville has the authority to pass an ordinance restricting the requirement of paying prevailing wages for projects run by the city. To date, the City has not passed such an ordinance. In fact, the City has made it its business practice to comply with prevailing wage requirements. As such, the payment of prevailing wage requirements is embedded in all of City's construction contracts. It is apparent that the focus of SB 7 is to weaken the authorities prescribed to charter cities by punishing charter cities for exercising their rights under the law. The bill would prevent charter cities that have passed a prevailing wage exclusion ordinance from applying for state funding for projects that are financed solely by city funds. The bill places an affirmative duty on a charter city to adopt an ordinance requiring payment of prevailing wages if the charter city wishes to preserve its ability to receive or use state funding or financial assistance for its construction projects. If enacted, SB 7 would demonstrate a strategy the legislature could employ to potentially circumvent other rights available to charter cities. Aside from its significant financing implications, the aspect of SB 7 has the potential to present the greatest concern for the City (and all charter cities) in future years. Staff continues to recommend "oppose" to this bill. Staff will continue to track this proposed legislation and any amendments made to the bill to understand the outcome of the bill and the implications, if any, the bill would present to the City if it is signed into law. Staff recommends providing an update on the bill to the committee at their next scheduled committee meeting, but requests the committee's input on the bill and direction regarding bringing the bill to the full Council.
(Law & Regulation Committee Communication No. 5385 – File 0103-32).
CONTACT: Mark Wolinski (916) 774-5179 mwolinksi@roseville.ca.us

6.2 Overview of Legislation Introduced in 2013 Regarding the California Environmental Quality Act (CEQA)
Memo from Senior Planner Kathy Pease, Environmental Coordinator Mark Morse, Government Relations Analyst Mark Wolinski, and Planning Director Paul Richardson providing information to the Law & Regulation Committee (L&R) with an updated list of CEQA bills presented to the L&R committee at their May 29th committee meeting. The update provides information on the bills that passed their original house of origin and remain active in the legislative process. At the May 29, 2013 L&R Committee meeting staff provided the committee with an overview of the approximately 26 bills that were introduced regarding CEQA and CEQA reform. The city's working group reviewed the bills and made recommendations based on the city's adopted legislative platform and the potential impact each bill might have on the city or community if it were signed into law. During the presentation it was noted by staff that while the leadership of the legislature had indicated they were interested in CEQA reform, the majority of the introduced bills would expand CEQA and its requirements. Subsequently, staff's recommendation for the majority of the bills was an oppose position. Each year the legislative calendar has specific milestones that each bill must pass to move forward through the legislative process. This year, May 31st was the day that bills were required to pass out of their house of origin. Bills that failed to meet this milestone were no longer

a viable bill this legislative session. There are currently nine bills from the CEQA list of bills that met the May 31st milestone and remain on the list of tracked CEQA legislation. The remaining bills are no longer active and staff is contacting the offices of the authors of those bills to understand if the authors intended to make the bills a two-year bill. Staff will add the bills that become two-year bills to the 2014 list of tracked legislation to ensure the city is engaged with any bill that was identified as important to the city. The following is the list of CEQA bills that were presented to the L&R committee at the May 29th meeting by the working group with their recommendations and have moved to the second house for committee hearings. The bills are:

- AB 37 – (Perea) – **Oppose** - Would require that specified projects or upon the request of a project applicant and the consent of a lead agency that the lead agency prepare an administrative record concurrently with preparation of negative declaration, mitigated negative declarations, etc.
- AB 543: CEQA (Campos) – **Oppose** - Requires lead agencies to translate specified project notices if the project is at or near any population of non-English speakers, into their native language. This would require hiring of professional translation services of key CEQA documents and add costs to the overall project. Although 'environmental justice' is important, this is a one-size-fits-all bill and should be focused on parts of the state where this is an issue
- AB 667: CEQA (Hernandez, R.) – **Oppose**
  This bill would, in addition, require a city, county, or city and county, including a charter city, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined, to cause an economic impact report to be prepared, as specified, to be paid for by the project applicant, and that includes specified assessments and projections, including, among other things, an assessment of the effect that the proposed superstore will have on specified designated economic assistance areas, as defined, and an assessment of the effect that the proposed superstore will have on retail operations and employment in the same market area. This bill essentially erodes local control on land use decisions and is the basis for the oppose recommendation.
- SB 633 (Pavley) – **Watch/Possible support**
  Would amend the CEQA guidelines section that requires the submission of a subsequent or supplemental environmental impact report when new information which was not known and could not have been known at the time of the original report was certified as complete becomes available. Requires the new information that becomes available was not known and could not have been known by the lead agency or any responsible agency at the time the report was certified as complete. This bill could reduce legal challenges designed to delay projects.
- SB 731 (Steinberg) – **Watch**
  This is an intent bill that the author has indicated will be central to the CEQA reform effort. However, in its current form, it appears to provide little CEQA relief for cities such as Roseville. The portions for streamlining appear to only pertain to high density transit priority areas, and in addition, require increased administrative burdens for all jurisdictions. The bill would require the lead agency, in making specified findings, to make those findings available to the public at least 15 days prior to the approval of the proposed project and to provide specified notice of the availability of the findings for public review. The bill would

also require the lead agency, at the request of a project applicant for specified projects, to, among other things, prepare a record of proceedings concurrently with the preparation of negative declarations, mitigated negative declarations, EIRs, or other environmental documents for specified projects. Because the bill would require a lead agency to prepare the record of proceedings as provided, and provide increased review and availability of Findings, this bill would impose a state-mandated local program.

- AB 417 (Frazier) – **Support**
  Would exempt from CEQA a bicycle transportation plan for an urbanized area. Requires a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with the Office of Planning and Research and the county clerk.

Staff recommends bringing an updated list back to the committee at their next scheduled committee meeting, but requests input from the committee on any bill(s) that are of particular importance to the committee.
(Law & Regulation Committee Communication No. 5383 – File 0103-32).
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6.3 Modifications to Government Operated Mortgage Programs
Memo from Government Relations Analyst Mark Wolinski and Public Affairs & Communications Director Megan MacPherson with a report for the L&R committee regarding proposed federal amendments or modifications to government operated mortgage programs. Since the housing and economic downturn of 2008 there has been an assortment of initiatives developed by the government that focused at redefining and re-energizing the national housing market. The programs range from helping homeowners struggling to retain their homes to reforming the credit rating agencies. Some of the programs and efforts have been successful; some have not. Realizing that the housing market is becoming stronger this is an important time for the city to understand what changes are being contemplated at the federal level by the administration and departments that oversee programs and regulations relating to the housing market. One reason it is important that the City has a clear understanding of changes being proposed is because California is so vulnerable to modifications the government makes to the mortgage programs it offers or regulates. Any restrictions made to the programs that are currently offered by the government have the potential to negatively impact the current upward trend in the housing market, which would have similar impacts to the City. If the City does not have a clear, comprehensive understanding of changes being considered at the federal level it becomes more difficult to plan effectively for the future. Having a comprehensive understanding of the direction the government is taking with these types of programs will allow the City to be in a proactive rather than a reactive position to fluctuations or sustained changes in the housing market. Staff will review the information once it is collected and will bring a more detailed report to the committee for its consideration and comment.
(Law & Regulation Committee Communication No. 5386 – File 0103-32).
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6.4 Roseville's List of Priority Legislation for 2013

Memo from Government Relations Analyst Mark Wolinski and Public Affairs & Communications Director Megan MacPherson with information for the Law & Regulation Committee (L&R) regarding a working list of priority legislation comprised of bills that are of particular importance to the city. The current list contains more than 80 bills. The following is a summary of the types of bills that on the list of priority legislation and how they relate to the City's adopted legislative platform. The three primary principles defined by the legislative platform are:

- The City of Roseville believes in local control and the ability of the City Council to make decisions that address the needs of residents and businesses within the local jurisdiction they directly serve. In general, the City of Roseville will oppose legislation that erodes local control and will support legislation that increases control at the local level.
- The City of Roseville also believes in fiscal responsibility and requires financial flexibility to carry out its mission and objectives for the community. The City will oppose legislation that hinders financial flexibility and will support legislation that encourages financial flexibility.
- Oppose legislation that requires the City to provide a service or benefit without appropriate and full funding.

The review of the list of priority bills resulted in the following summary of how the 85 bills related to the principles outlined in the City's legislative platform:

- Local Control - 40 bills
- Financial Flexibility - 18 bills
- Service or Benefit Without Funding – 12 bills; and,
- Other Areas of Interest - 15

The following bills are a representation of the types of legislation contained on the City's initial priority bill list that relate to the City's legislative platform.

- AB 325 (Alejo) – **(Local Control)** Land Use and Planning: Cause of Actions: Time Limits – **(Oppose)** The Planning and Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year of accrual of the cause of action, if it meets certain requirements. Where the action or proceeding is brought in support of or to encourage or facilitate the development of housing that would increase the community's supply of affordable housing, a cause of action accrues 60 days after notice is filed or the legislative body takes a final action in response to the notice, whichever occurs first. This bill would authorize the notice to be filed any time within 3 years after a specified action pursuant to existing law. The bill would declare the intent of the Legislature that its provisions modify a specified court opinion. The bill would also provide that in that specified action or proceeding, no remedy pursuant to specified provisions of law abrogate, impair, or otherwise interfere with the full exercise of the rights and protections granted to a tentative map application or a developer, as prescribed.
- SB 1 (Steinberg) – **(Financial flexibility)** Sustainable Communities Investment Authorities – **(Support):** This bill would authorize certain public entities of a Sustainable Communities Investment Area, as described, to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan

a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would require the authority to contract for an independent financial and performance audit every 5 years.

- AB 562 (Williams) – (**Requirement Without Benefit**) Economic Development Subsidies: Local Agency Review – **(Oppose):** Relates to economic development activities by state and local agencies. Requires each local agency to provide information to the public before approving an economic development subsidy, and to hold hearings, and report on those subsidies at specified intervals.
- AB 39 (Skinner) (**Other**) – Proposition 39 Implementation – **(Watch):** Requires that of the revenues deposited into the Clean Energy Job Creation Fund, a percentage of those revenues be provided to eligible institutions for grants for eligible projects; requires the State Department of Education to administer a percentage of those revenues for local educational agencies for the purposes of eligible projects; provides moneys for job training, workforce development and public-private partnerships to be available from the Clean Energy Job Creation Fund.

The bills highlighted above are part of the attached list of priority bills and have been placed on the list because of the impacts, either positive or negative; they would have on the City or the community if they were signed into law. For example, AB 325 would extend the time from one to three years for groups to file actions against a city, county or agency for zoning or planning actions. This bill would impact the City's local control and would legislate how a city or county conducts its business adding to the erosion of the City's ability to maintain local control. The bill would also increase the risk of having a lawsuit filed against the City. SB 1 would authorize certain public entities to form a Sustainable Communities Investment Authority and to carry out the Community Redevelopment Law in a specified manner. The bill would provide cities with a funding mechanism that would help finance infrastructure and other improvements within defined areas within the city. AB 562 would require local agencies to provide information to the public before approving an economic development subsidy, and to hold hearings, and report on those subsidies at specified intervals. The bill would place a financial burden on the City to conduct public hearings and provide reports with no financial assistance or a demonstrated need for the change. Finally, AB 39 would require that the revenues deposited into the Clean Energy Job Creation Fund and other related programs. The City is watching this bill to understand how the community might benefit from the bill and how the bill might impact the City's departments. Staff recommends bringing a revised priority list back to the committee at each L&R Committee meeting during the legislative session, but requests input at this meeting from the L&R Committee on any bill(s) that are of particular importance to the committee.

(Law & Regulation Committee Communication No. 5384 – File 0103-32).

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7. REPORTS/COMMENTS/COMMITTEE/STAFF

8. ADJOURNMENT