



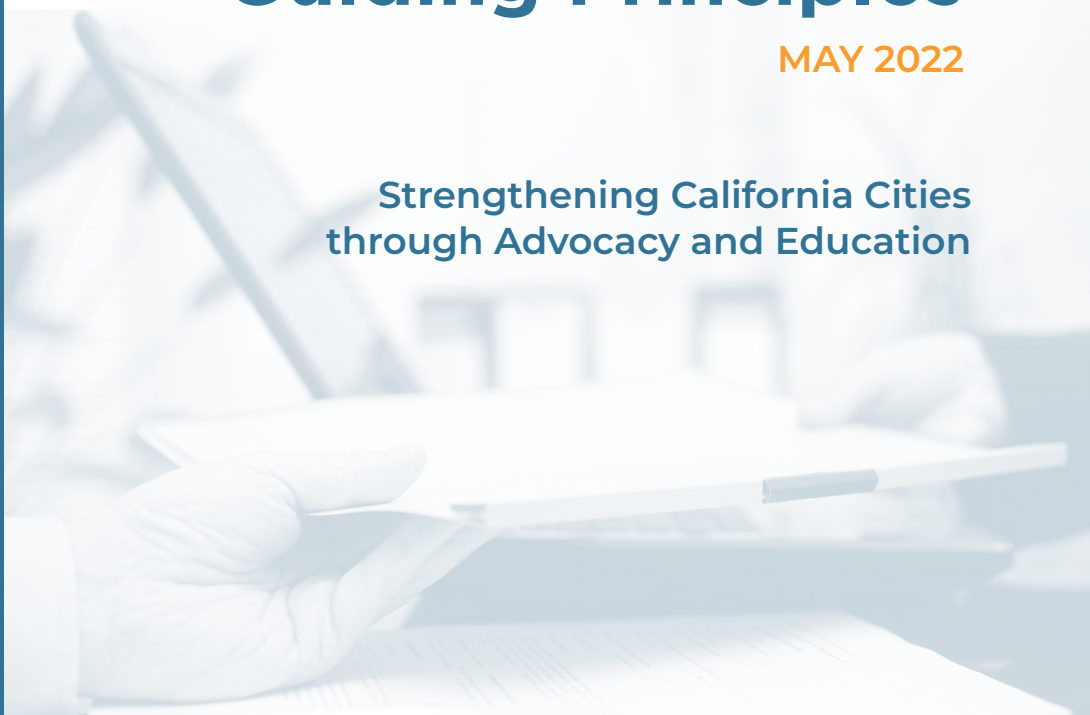
LEAGUE OF  
**CALIFORNIA  
CITIES**



# Summary of Existing Policy and Guiding Principles

MAY 2022

Strengthening California Cities  
through Advocacy and Education





### Mission Statement

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

### Vision

To be recognized and respected as the leading advocate for the common interests of California's cities.

### We Believe

- Local self-governance is the cornerstone of democracy.
- Our strength lies in the unity of our diverse communities of interest.
- In the involvement of all stakeholders in establishing goals and in solving problems.
- In conducting the business of government with transparency, openness, respect, and civility.
- The spirit of honest public service is what builds communities.
- Open decision-making that is of the highest ethical standards honors the public trust.
- Cities are vital to the strength of the California economy.

- The vitality of cities is dependent upon their fiscal stability and local autonomy.
- The active participation of all city officials increases Cal Cities' effectiveness.
- Partnerships and collaborations are essential elements of focused advocacy and lobbying.
- Ethical and well-informed city officials are essential for responsive, visionary leadership and effective and efficient city operations.

### About Cal Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. Cal Cities strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents.

In addition to advocating on cities' behalf at the state capitol, Cal Cities provides its members with professional development programs and information resources, conducts educational conferences and research, and publishes *Western City* magazine.

To learn more about Cal Cities and how to be involved, see inside back cover.

# Introduction

We are pleased to present the 2022 edition of the League of California Cities Summary of Existing Policy and Guiding Principles. In a process that continues today, the document was first prepared in 1997 by researching and summarizing policy guidelines and positions on legislation adopted by Cal Cities, as well as Cal Cities Annual Conference resolutions.

The 2022 edition was developed with the input of the seven Cal Cities policy committees and Cal Cities Board of Directors to ensure that the content accurately reflects existing Cal Cities policy. The content reflects policy changes adopted by Cal Cities through February 2022, following the review of Cal Cities positions on legislation and annual conference resolutions. The document is posted on Cal Cities website in its entirety, as well as relevant sections on individual policy committee pages.

The Summary of Existing Policy and Guiding Principles is intended to be a living reference, updated biennially, to reflect changes to Cal Cities policy. Cal Cities uses the publication as a reference tool when reviewing legislation that is introduced to determine how it relates to existing Cal Cities policy. We also encourage cities to use this publication as a guide as they consider positions on legislation introduced at the state and federal levels that would impact cities.

We hope you will find the publication useful in your city's involvement in the legislative process and Cal Cities advocacy. Please do not hesitate to relay any comments you may have about this reference guide to me or Melanie Perron, Deputy Executive Director, Advocacy and Public Affairs, at [mperron@calcities.org](mailto:mperron@calcities.org). Your feedback is always welcome.



Carolyn M. Coleman  
*Executive Director and CEO*  
*League of California Cities*

April 2022

# Contents

<b>Community Services</b> .....	2	Streamlining .....	17
<b>SCOPE OF RESPONSIBILITY</b> .....	2	Coastal Issues .....	17
<b>Summary of Existing Policy and Guiding Principles</b> .....	2	Miscellaneous.....	17
Animals.....	2	<b>California Water Guidelines</b> .....	19
Arts, Cultural Resources, Historic Preservation and Activities.....	2	<b>INTRODUCTION</b> .....	20
Child Care.....	2	<b>APPENDIX A</b> .....	30
Children.....	2	<b>APPENDIX B: GLOSSARY</b> .....	32
Park Bond Funds .....	3	<b>Governance, Transparency, and Labor Relations</b> .....	38
Public Parks/Recreational Facilities.....	3	<b>SCOPE OF RESPONSIBILITY</b> .....	38
Public Libraries.....	3	<b>Summary of Existing Policy and Guiding Principles</b> .....	38
Seniors .....	3	Labor Relations .....	38
Healthy Cities.....	3	Public Sector Pensions, Compensation and Other Post-Employment Benefits (OPEBs) .....	38
Natural Disaster Preparation .....	3	CalPERS (California Public Employees' Retirement System).....	40
Smoking and Tobacco Control.....	3	Workers' Compensation .....	41
<b>Environmental Quality</b> .....	5	Other Employer and Employee Related Issues.....	42
<b>SCOPE OF RESPONSIBILITY</b> .....	5	Transparency .....	42
<b>Summary of Existing Policy and Guiding Principles</b> .....	5	Open Meeting Law (Ralph M. Brown Act) and Open Access to Public Records (California Public Records Act).....	43
Air Quality .....	5	Political Reform Act of 1974 (PRA).....	43
Climate Change.....	5	Governance and Ethics .....	44
Hazardous Materials.....	7	Elections .....	44
Solid Waste and Recycling.....	7	Recall Elections.....	44
Electronic Waste.....	9	Elected Officials.....	44
Household Hazardous Waste.....	9	Legal Issues .....	45
Extended Producer Responsibility (EPR).....	9	Data and Privacy Protection .....	45
Single-Use Plastics.....	9	<b>Housing, Community, and Economic Development</b> .....	46
Energy and Utilities.....	10	<b>SCOPE OF RESPONSIBILITY</b> .....	46
Community Choice Aggregation.....	11	<b>Summary of Existing Policy and Guiding Principles</b> .....	46
Microgrids.....	11	Planning and Zoning.....	46
Electric Industry Restructuring .....	11	Housing Element.....	47
California Environmental Protection Act (CEQA) .....	14		
<b>PROCEDURES AND NOTICES</b> .....	14		
Definition of a Project.....	16		
Significant Environmental Effect .....	16		
Alternatives.....	16		

Housing Finance .....	47	Sex Offender Management.....	57
Economic Development .....	47	Corrections.....	57
Eminent Domain.....	48	Firearms.....	57
Tenant Protections .....	48	Miscellaneous.....	57
Subdivision Map Act .....	48		
Residential Care Facilities.....	48	<b>Revenue and Taxation.....</b>	<b>58</b>
Development Fees.....	48	<b>SCOPE OF RESPONSIBILITY .....</b>	<b>58</b>
Annexation and Incorporation .....	49	<b>Summary of Existing Policy and Guiding Principles ..</b>	<b>58</b>
Development Agreements.....	49		
Building Standards.....	49	Cities and Cal Cities.....	58
Housing for Homeless .....	49	Legislature or the Voters.....	59
Military Base Closure and Reuse.....	50	State Mandates .....	59
Mobile Home Regulation.....	50	Additional Revenue.....	59
Sign Regulation .....	50	Reduce Competition .....	60
Principles for Smart Growth .....	50	Funding for Counties.....	60
Residential Insurance Policy.....	51	Regional Revenues.....	61
		Revenue Modernization .....	61
<b>Public Safety.....</b>	<b>52</b>	Federal Streamlined Sales and Use Tax Agreement	
<b>SCOPE OF RESPONSIBILITY .....</b>	<b>52</b>	(SSUTA).....	61
<b>Summary of Existing Policy</b>		Federal Legislation Requiring Use Tax Collection.....	62
<b>and Guiding Principles .....</b>	<b>52</b>		
Fire Services.....	52	<b>Transportation, Communications,</b>	
Emergency Services and Preparedness.....	52	<b>and Public Works.....</b>	<b>63</b>
Law Enforcement .....	53	<b>SCOPE OF RESPONSIBILITY .....</b>	<b>63</b>
Mental Health/Substance Use Disorder .....	54	<b>Summary of Existing Policy</b>	
Police Use of Force.....	54	<b>and Guiding Principles .....</b>	<b>63</b>
Drones.....	54		
Fireworks.....	55	Transportation .....	63
Wildland Urban Interface .....	55	Public Works.....	65
Nuisance Abatement .....	55	Micromobility .....	66
Violence.....	55	Vehicles .....	66
Indian Gaming.....	55	Contracts.....	66
Gaming.....	56	Telecommunications.....	67
Alcohol .....	56	Plain Old Telephone System (POTS):.....	68
Cannabis Regulation .....	56	Air Pollution.....	69
Graffiti .....	57		



# Community Services

## SCOPE OF RESPONSIBILITY

The Committee on Community Services reviews issues related to childcare, parks and recreation, libraries, cultural arts and community and human services programs.



## Summary of Existing Policy and Guiding Principles

### Animals

Cal Cities supports legislation to prevent a person or animal shelter from selling, giving, or otherwise transferring living animals to research facilities or animal dealers.

### Arts, Cultural Resources, Historic Preservation and Activities

Cal Cities supports continued state funding that recognizes the important role of local arts activities and historic preservation in community life and how these cultural activities affect the social health and economic vitality of cities.

### Child Care

Cal Cities supports the creation of more affordable, innovative, and quality parks and recreation, as well as child care options for parents and concurrently encourages adherence to strict regulations and guidelines.

Cal Cities supports funding and resources to address the affordability and availability of early learning and care options.

### Children

Cal Cities believes that the children of California must be recognized as our state's most valuable resource. Their development, education, and well-being are key to our state's future. Further, it is essential that each child have the support needed to become a productive citizen in the world of the 21st century. This involves supporting diverse before- and after-school programs and creating stronger linkages between municipal services and school-based job training programs in order to produce more job placement opportunities.

Cal Cities promotes the development of a cooperative program with the goal to increase enrollment of California's children in the Healthy Families Program.

Cal Cities encourages cities to promote anti-bullying efforts across California as well as provide education and awareness to the general public about the imminent health and safety concerns for bullied children, especially those with special needs.

Cal Cities supports increasing opportunities for California's youth to participate in civic engagement activities.

### Park Bond Funds

Cal Cities believes that any statewide park bond measure should include a component that provides per capita grants to cities and counties. Cal Cities opposes tying local eligibility for grant funds to non-park related issues, such as rent control or housing element status.

### Public Parks/Recreational Facilities

While the State of California studies the use of crumb rubber in synthetic turf and playground surfaces, Cal Cities opposes legislation that requires cities to undertake specific actions before installation can occur.

Cal Cities supports requiring public pools to provide automated external defibrillators during pool operations.

### Public Libraries

Cal Cities supports full funding of the Public Library Fund so that the State of California can fully fund its share of the program, understanding how libraries play an integral role in building and sustaining our communities. (Additional library-related policy is included in “Restructuring California’s Public Library Services,” the report of a joint task force co-sponsored by Cal Cities, California State Association of Counties, California Library Association, and the California Association of Library Trustees and Commissioners.)

Cal Cities opposes legislation that requires public libraries to install and maintain computer software for use on computers in the library that prohibits access to obscene material to minors and other library patrons. Cal Cities believes that this issue is more appropriately addressed at the local level, in ways that meet local circumstances, and thus is an issue of local control.

### Seniors

Cal Cities encourages cities to recognize seniors as a valuable state resource and to develop and improve intergenerational programs and activities.

Cal Cities supports legislation that would provide funding for side-by-side day care facilities for California’s youth, adults, and seniors.

### Healthy Cities

Cal Cities encourages California cities to help parents make healthy family choices; create healthy schools; provide access to healthy and affordable foods; and adopt city design and planning principles that promote physical activity.

Cal Cities encourages cities to involve youth, especially middle and high school students, with city health-related programs.

Cal Cities encourages cities to address the needs of an aging population through local and statewide planning, education, and conference programming.

Cal Cities encourages cities to establish their own rules and regulations pertaining to community recreational activities.

### Natural Disaster Preparation

Cal Cities supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. Cal Cities also supports additional funding for local agencies to preposition “emergency response” personnel and equipment as well as coordinate notification systems with local and state agencies.

Cal Cities supports measures that provide resources for local governments to coordinate services to assist displaced residents and communities recover from wildfires, earthquakes, and other natural disasters.

### Smoking and Tobacco Control

Cal Cities supports legislation that establishes a statewide smoking and tobacco control standard that includes electronic cigarettes and vapor products, as long as such legislation does not preempt the ability of cities and counties to enact

local laws that are stronger than the statewide standard or to regulate in areas not covered in the statewide standard. Cal Cities opposes legislation that would restrict such local authority.

Cal Cities supports legislation that limits the ability of minors to obtain tobacco and tobacco products, including electronic cigarettes and vapor products.

Cal Cities supports and advocates that all 482 California cities be equitably included in the distribution of moneys that the state receives from the Tobacco Settlement Memorandum of Understanding; believes that the moneys received by counties should benefit all cities within the county; and that cities have input into the decision-making process.

Cal Cities supports legislation that requires tobacco retailers to obtain a state-issued license to sell tobacco products, as long as the legislation does not restrict or preempt the ability of cities to enact and enforce their own retail licensing programs and to enforce the state-wide licensing program. Cal Cities also supports legislation designed to restrict the sale of illegal, counterfeit tobacco products.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."*



# Environmental Quality

## SCOPE OF RESPONSIBILITY

The Committee on Environmental Quality reviews issues related to air, water and water quality, climate change, CEQA, integrated waste management, hazardous materials, coastal issues, energy, and utilities.



## Summary of Existing Policy and Guiding Principles

### Air Quality

Cal Cities supports inclusion of city officials on the governing boards of air districts and opposes efforts to delete such city representation.

Cal Cities believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards. Cal Cities opposes efforts to restrict such authority.

Cal Cities opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which are currently used by local governments for locally based air quality programs.

Cal Cities opposes air quality legislation that restricts the land use authority of cities.

Cal Cities supports the requirement that both public and private diesel garbage trucks be retrofitted to reduce the amount of particulate matter pollution emitted from the trucks. (See also Integrated Waste Management Section below.)

### Climate Change

Cal Cities recognizes that climate change is both immediate and long-term, with the potential for profound environmental, social, and economic impacts to the planet and to California.

Through the Global Warming Solutions Act of 2006 (AB 32 (Nuñez), Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution, and magnitude of the effects of climate change, Cal Cities recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions and has adopted the following principles:

- **Action Plans for Mitigating Greenhouse Gas Emissions.** Encourage local governments to complete an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.
- **Smart Growth.** Consistent with Cal Cities Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.

- **Green Technology Investment Assistance.** Support tax credits, grants, loans, and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low-emission vehicles.
  - **Energy and Water Conservation and Efficiency.** Encourage energy efficiency, water efficiency, and sustainable building practices in new and existing public, residential, and commercial buildings and facilities. This may include using the U.S. Green Building Council's LEED program or similar systems.
  - **Green Building Guidelines.** Cal Cities encourages state agencies to provide leadership in developing voluntary, model statewide residential green building guidelines that will provide information to local jurisdictions on how to evaluate and use different green building strategies. Additionally, Cal Cities encourages cities to adopt voluntary residential green building guidelines as a reference guide, to evaluate available green building programs and adopt those best suited for their communities, and to explore incentives that encourage green building by private developers of residential construction projects.
  - **Increase the Use of Clean Alternative Energy.** Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production, and waste-to-energy technologies.
  - **Reduction of Vehicle Emissions in Public Agency Fleets.** Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low-emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low-emission vehicles in private fleets.
  - **Climate Change Impacts.** Encourage all levels of government to share information to prepare for climate change impacts.
  - **Coordinated Planning.** State policy should encourage and provide incentive for cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
  - **Water Supply for New Development.** Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
  - **Recycled Content and Green Purchasing Policies.** Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.
  - **Environmental Standards.** Cal Cities supports flexibility for state and local governments to enact environmental and other standards or mandates that are stronger than the federal standards. However, Cal Cities reserves the right to question or oppose stronger standards on the merits. Cal Cities also opposes legislation that prohibits state and local governments from enacting stricter standards.
- Cal Cities supports efforts to encourage regional climate adaptation planning to reduce climate risk, foster collaboration among local, regional, and state entities, and develop guidance for potential state, federal, or private investment in regional adaptation projects.

## Hazardous Materials

Cal Cities supports the ability of local governments to enact local standards or regulations that are stronger than those enacted at the state and federal level. To this end, where the city fire department is the lead agency for regulating and enforcing hazardous materials laws, Cal Cities supports the provisions of existing law that permit a local fire department to adopt stronger local requirements, as long as it complies with specified procedures to enact such stronger local standards. Cal Cities opposes legislation or regulations that restrict such authority.

Cal Cities supports efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire and county environmental health departments. Cal Cities supports the ability of city fire departments to be administering agencies for any of the major hazardous materials laws or to be the lead agency (the Certified Unified Program Agency) under the SB 1082 program and opposes legislation or regulations to restrict such authority.

Cal Cities opposes any efforts to restrict the ability of cities to issue building or other permits they are now authorized to issue relative to hazardous materials laws.

Cal Cities opposes any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.

Cal Cities opposes legislation that mandates that cities post information on the Internet regarding adoption, amendment, or repeal of hazardous materials ordinances. However, Cal Cities does not object to legislation that makes such posting voluntary.

Cal Cities supports the following principles related to Brownfields Revitalization:

- Cal Cities supports state and federal legislation that would create additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials. Cal Cities also supports creative state and federal efforts to encourage revitalization and better use of abandoned urban and industrial brownfields, as long as local governments retain existing land use authority.
- Cities should have the ultimate say on whether a proposed brownfield remediation project is consistent with local land use policy. The proposed use of a project (i.e., parking garage, business park, residential development) should be consistent with a city's general plan and land use authority.
- The clean-up level of a project should be based on its proposed use (i.e., parking garage, as opposed to residential development).
- Mechanisms, such as restrictive covenants of deed restrictions, need to be in place to ensure that if a future use for a property is different than that which was proposed when the site was cleaned up, that the clean-up levels be re-evaluated and additional remediation be required before the new use can be approved.
- Local agencies do not have the desire or generally the expertise to do the technical evaluation for site assessment and remediation plans. Appropriate state agencies should have that responsibility.
- If a property owner plans to develop the site, then the owner should be required to do the necessary site assessment and clean up.

## Solid Waste and Recycling

Cal Cities supports continued efforts by local agencies to meet the 25% and 50% recycling and diversion provisions of the Integrated Waste Management Act of 1989 (AB 939) and believes that decisions on how to achieve those requirements are best determined at the local level, rather than by state agencies. Cal Cities believes that those jurisdictions that have made a good faith effort to comply with the requirements of AB 939 should not be subject to enforcement penalties. Cal Cities opposes the repeal of AB 939, but supports continued efforts to streamline its provisions and to assist in compliance.

Cal Cities believes that green waste used as alternative daily cover (ADC) should be eligible for limited AB 939 credit, as long as the ADC meets performance and health and safety criteria established by the California Integrated Waste Management Board (CIWMB), now the California Department of Resources Recovery and Recycling (CalRecycle).

Cal Cities continues to support legislation to provide changes to AB 939 (the California Integrated Waste Management Act) that will:

- Place more emphasis on the implementation of waste diversion programs and less strict mathematical accounting;
- Require Cal Recycle to evaluate the level of accuracy of the existing system the board uses to measure jurisdictions' achievement of the waste diversion requirements of state law and develop appropriate policies, in consultation with local jurisdictions, to account for any inaccuracies in the system;
- Encourage the development of non-burn transformation technologies by providing full diversion credit for the waste that jurisdictions send to non-burn transformation facilities;
- Require the board to expand its market development activities, including providing

more funding for research and development of markets for recyclable materials; and

- Require Cal Recycle to staff its existing regional offices with personnel that can assist jurisdictions in carrying out the requirements of the act.

Cal Cities supports legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones. Cal Cities opposes legislation that requires local governments to adopt refuse fees based upon variable can rates.

Cal Cities supports efforts to strengthen curbside recycling programs and opposes efforts to weaken such programs. Cal Cities supports legislation to expand the container types included in the AB 2020-bottle bill program.

Cal Cities supports the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection and enforcement, and opposes legislation to restrict this authority or transfer it to state agencies.

Cal Cities opposes legislation that would preempt local land use authority over solid waste facilities, would restrict the ability of a city to issue a land use permit for a solid waste facility or would restrict the ability of a city to condition such facilities through the conditional use permit process.

Cal Cities does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata portion of in-state costs.

Cal Cities opposes legislation that would authorize the Director of Cal Recycle to consider landfill capacity as a reason for denying concurrence of a solid waste facility permit and also opposes legislation that would prohibit a public agency from being certified as a Local Enforcement

Agency if the public agency is also an operator of a solid waste facility.

Cal Cities opposes legislation that would authorize the Director of Cal Recycle to consider environmental justice as a basis for concurring or denying a solid waste facility permit. Cal Cities has adopted the policy that issues of environmental justice are best addressed at the local level through the local land use and public hearing process and through existing federal and state policy.

While Cal Cities supports the retrofit of public and private diesel-fueled garbage trucks to reduce particulate matter air pollution (see Air Quality section), Cal Cities opposes funding such retrofits in a way that would either interfere with the existing franchise relationship between local governments and haulers or would impose a surcharge on landfills.

Cal Cities supports legislation and regulation that authorizes the land application of biosolids that meet specified statewide health and safety standards. Cal Cities supports legislation that permits enactment of stronger local ordinances only if they are based upon protecting public health and safety and good science. Cal Cities opposes legislation that preempts outright stronger local ordinances, regardless if they are based on protecting public health and safety and good science.

### **Electronic Waste**

Cal Cities supports legislation implementing the concept of manufacturer responsibility for electronic waste (e-waste). This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, cathode-ray tube (CRT), photovoltaic modules (solar panels), and other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs. Such programs should

require products to be sustainably designed and labeled, offer financial incentives to consumers to properly dispose of e-wastes, encourage recycling, reuse and collection programs by manufacturers, incentives to consumers to redeem or recycle e-waste, and fund a convenient collection infrastructure.

Cal Cities supports statewide and manufacturer education programs to educate consumers about e-waste and recycling efforts.

Cal Cities supports an advance disposal fee on computer and other electronic products in order to fund such manufacturer responsibility programs and local collection and recycling programs.

Cal Cities supports national efforts to address the e-waste problem.

### **Household Hazardous Waste**

Cal Cities opposes legislation that requires local jurisdictions to collect household hazardous waste in a specific collection manner, including mandatory curbside collection.

### **Extended Producer Responsibility (EPR)**

Cal Cities supports legislation implementing producer responsibility. This includes, but is not limited to, mandating or providing incentives including funding for comprehensive producer responsibility programs for hazardous and universal wastes and products and packaging for which disposal or recycling is problematic for local governments.

### **Single-Use Plastics**

Cal Cities supports reducing the amount of single-use plastic packaging and products that enter the waste stream through methods such as source reduction and increases to the recyclability and composability of these items. This includes reducing the waste generated from single-use plastics, such as plastic straws.



- **Single-Use Carryout Bags:** Cal Cities supports in concept legislation that charges a fee for all consumers for single-use carryout bags at the point of sale; however, Cal Cities does not have a position on the amount of the fee except that it should be set to modify consumer behavior.

Cities should be eligible for moneys generated from any fee placed upon single-use carryout bags, provided those dollars are used by the city to mitigate the effects of single-use carryout bags on the stormwater, solid waste diversion, visitor education and awareness, and water quality in the city. Any application for funding provided to cities by single-use carryout bag fees should be streamlined, simple, and not overly burdensome.

Cal Cities supports CEQA exemptions for single-use carryout bag bans or a programmatic EIR.

Cal Cities opposes any bill that would preempt local governments from individually banning or placing a fee on single-use carryout bags distributed within the city.

### Energy and Utilities

Cal Cities supports the constitutional right of municipal utilities to operate outside the jurisdiction of the California Public Utilities Commission (PUC) and opposes any legislation that would erode the ability of municipal utilities to operate or place them under PUC control.

Cal Cities supports maintaining the standard of inverse condemnation for investor-owned utilities that require utilities to pay damages. Cal Cities opposes reducing the inverse condemnation standard for incidents caused by a utility, whether retroactive or otherwise, and supports ensuring local governments can recover applicable damages.

Cal Cities supports the prohibition of passing through the costs of fines and penalties incurred by electrical and gas corporations to ratepayers.

Cal Cities opposes legislation that dictates the mix of generating sources (i.e., hydro, coal, biomass, wind, etc.) used by municipal utilities.

Cal Cities opposes any legislation that interferes with local utility rate-setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund.

Cal Cities is neutral on legislation requiring municipal electric utilities to include a "renewable portfolio standard" (RPS) in their mix of sources of electricity, as long as the requirement is the same as that which applies to investor-owned utilities. Cal Cities opposes legislation that requires municipal electric utilities to meet an RPS that is stronger than that applied to investor-owned utilities.

The following principles will guide Cal Cities' position regarding exit fees to avoid cost-shifting for newly formed municipal utilities or extensions of existing municipal utilities:

- A mechanism or venue other than the PUC should be used to determine and impose the exit fees in order to prevent PUC jurisdiction over municipal utilities. For example, exit fees might be best evaluated and incorporated by the courts as part of eminent domain and the condemnation proceeding used when a city wishes to take over the IOU's distribution system.
- Cal Cities does not object to fair exit fees to avoid cost-shifting for customers that were actually served by an investor-owned utility.
- Exit fees should consist of payments of a fair share of the DWR bond costs, a fair portion of the IOU under collections, and a fair share of the remaining amount of the CTC (competition transition charge, leftover from AB 1890).
- Exit fees should not be charged to newly annexed municipal utility territory that was never served by an IOU (so-called "greenfields").

- In addition, Cal Cities believes photovoltaic systems should be completely exempt from any type of exit fee.

Cal Cities supports efforts to reduce the number and frequency of utility-initiated power shutoffs, also called public safety power shutoffs, to maintain city electricity grid integrity and city operations.

### Community Choice Aggregation

- **Local Energy Autonomy:** Cal Cities supports programs that increase local control over the purchase and development of renewable energy resources, as an effective means of increasing consumer access to renewable energy at stable, competitive rates, and decreasing statewide greenhouse gas emissions.

Cal Cities supports cities' exercise of the right to form or join existing Community Choice Aggregation (CCA) entities, as an effective method of increasing local control over power supply. Accordingly, Cal Cities supports legislation and regulatory policies that support CCA autonomy in policymaking and decision-making and opposes legislation and regulatory policies that unfairly disadvantage CCAs or CCA customers, or reduce or undermine local decision-making autonomy by the CCA or its governing board.

Cal Cities supports continuing development of local renewable energy resources and supply, including the protection of local autonomy to administer energy efficiency and install and utilize integrated distributed energy resources.

Consumer Protection: Cal Cities supports complete transparency of all energy procurement practices, stranded costs, and departing load charges. Cal Cities supports fair competition in statewide energy markets for CCAs and municipal or other publicly owned utilities. Cal Cities supports legislation and regulatory policies that protect CCA customers from improper cost allocation. Cal

Cities opposes legislation that conflicts with or diminishes CCA procurement autonomy.

- **Energy Efficiency:** Cal Cities supports effective leveraging of energy efficiency programs tailored to address local needs and concerns.

### Microgrids

Cal Cities supports the use and deployment of microgrids, especially as a tool to aid energy resiliency and disaster preparedness.

### Electric Industry Restructuring

Cal Cities supports the restructuring of the electricity services industry, provided it meets the following criteria:

- **Support the Concept.** Cal Cities of California Cities supports the concept of electric industry restructuring if it results in lower electricity rates that continue permanently into the future. Cal Cities does not support or oppose any specific form of restructuring and believes the program ultimately implemented must satisfactorily address the adopted criteria listed below. Any new industry restructure should be based on a thorough economic analysis of the full costs and potential benefits of the alternatives under consideration.
- **Equitable Benefits.** Any restructuring program should result in all ratepayers directly sharing in the benefits equitably.
- **Municipal Utilities.** Any restructuring program should maintain the concept of municipal utilities. No restructuring proposal should abridge the existing authority of municipal utilities to operate or abridge the ability of cities to form municipal utilities in the future.
- **Franchise Authority.** Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises.

- **Aggregation.** Under any restructuring program agreed upon by the PUC or the Legislature, cities should have the opportunity to become aggregators for municipal operations or the community at large. As an aggregator, a city would be able to combine the electric loads of various users and negotiate the purchase of electricity for those users.
- **Stranded Investments.** The problem of stranded investments should be resolved in a way that keeps investors, ratepayers, and generators financially whole. Any policy to deal with stranded investments for large energy producers (i.e., nuclear power) should be applicable to all other producers (i.e., independent power producers).
- **Wheeling.** Any program should facilitate the wheeling of electricity between generators and users.
- **Alternative Sources.** Consistent with existing Cal Cities policy that supports the development of alternative energy sources, any restructuring program should incorporate support for alternative energy in order to enhance the mix of energy sources available in California, both for environmental and strategic energy security reasons.
- **Biomass.** The unique problems of the biomass industry, as they relate to California’s solid waste infrastructure, should be fairly resolved in any deregulation program.
- **Social and Environmental Impacts.** Consistent with existing Cal Cities policy, California should not abandon its energy programs that provide social and environmental benefits.

In addition to those policy guidelines, Cal Cities agrees that cities that are aggregators should be required to follow the same consumer protection standards as other aggregators, that participation in aggregation by an electricity user should be voluntary, and that cities should have the opportunity to serve as aggregators for their municipal operations or for those residential or

commercial customers who wish to participate in a city-sponsored aggregation program.

Finally, Cal Cities believes that any federal action in the area of electricity restructuring must not preempt legislation and actions in states that choose to restructure their utility industry if such federal action relates to state and local government home rule authority. This includes authority related to the regulation of rights-of-way, franchises, taxing utilities and services, or to aggregate.

In response to the energy crisis of 2001, Cal Cities adopted the following principles related to energy:

- **Land Use Control.** Local control over land use should be inviolate. Cal Cities will oppose legislation that restricts local land use control beyond that which is already in existing law.
- **Municipal Utilities.** The autonomy of municipal utilities should not be eroded. Cal Cities will oppose any legislation that harms municipal utilities.
- **Energy Prices and Rates.** Cal Cities is concerned about the impacts of escalating energy prices on the overall economic health of our state, including city budgets. Although at this time Cal Cities will not get involved in individual bills dealing with technical aspects of pricing, Cal Cities believes that any solution to address the short- and long-term energy price situation should meet several key criteria.
  - » Cal Cities believes energy prices should encourage conservation and reward those who reduce energy use (i.e., tiered rates).
  - » Cal Cities is concerned about the impacts of escalating energy prices on low-income residents and small businesses. Cal Cities supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community.
  - » In designing rates, the state should be aware of the operational constraints of some businesses and thus their potential

inability to take advantage of conservation pricing. Thus, the state should provide other incentives to conserve to businesses that cannot take advantage of other options.

- » Work to obtain the greatest level of funding for local governments, and work with all authors and the Administration in crafting legislation that will be most effective and beneficial to local governments.
  - » Eligible projects to receive incentive payments would not only cover new electricity generating facilities, but also projects to expand existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells, or cogeneration.
    - » In order to stimulate the development of these facilities, it will be necessary to provide additional long-term community benefits that the local government can demonstrate to its citizens.
    - » Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility. To stimulate the development of projects such as cogeneration facilities, the standby charges for the facility should be waived.
    - » The state should provide additional financial assistance to cities and counties for such projects, which could include the cost of transmission line extension.
  - » Cal Cities will work to ensure that there are no negative impacts on municipal utilities from efforts to streamline energy facility siting.
  - » Take no position on proposals to streamline the facility approval process, except to suggest appropriate revisions to reflect technical comments from city experts on local government review and comment-related provisions.
    - » Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plants proposed within their jurisdiction, regardless of the size of the facility (i.e., the municipal utility city would have lead agency authority, regardless of the size of the facility).
  - » If environmental standards are relaxed, suspended, or eliminated, Cal Cities should seek legislation to ensure that cities do not bear the burden of meeting the shortfall in environmental protection. For example, suspended or reduced waste discharge requirements for a power plant may result in increased hot or salty cooling water discharged from a power plant into a bay or stream. Publicly owned treatment works should not be required to meet a higher discharge level to offset the power plant discharge or fined as an indirect result of
- Conservation in City Facilities.** Support legislation that provides direct funding for conservation and demand reduction projects in city facilities.
- Siting Energy Facilities– Incentives to Local Governments.** Funding should be available to cities to streamline the siting process at the local level.
- Power Plant Siting – Other Issues.** Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above). Oppose legislation that decreases this threshold.
- Environmental Regulation of Power Plants.** Cal Cities should not get directly involved in legislative discussions and should not take a position on legislation to relax, suspend, or eliminate environmental regulation, with several exceptions.

the increased water pollution that would result. Similar arguments can be made for air pollution burdens. There should be some sunset included for environmental waivers for re-powering of existing facilities and all new plants should be required to meet the BACT (best available control technology) standard.

- **Public Power Options.** Support all bills that enhance the public power options available to cities and counties.
  - » Condition support and/or sponsorship upon the correct language being written. Work with municipal utilities and others to ensure the provisions are drafted properly.
  - » Cal Cities should not support legislation that would give up the existing, limited authority of cities to regulate cable and telecommunications companies as a trade-off to make it easier to form a municipal electric utility.
- **Interruptible Rates.** Cal Cities should take no position on legislation dealing with changes to interruptible rates but should watch the subject carefully.
  - » Cal Cities should comment on legislation, as appropriate, to express concern that resolution of the issue should seek equity in how it handles classes of ratepayers and communities. Legislation should take into consideration economic gains previously made by customers on interruptible rates and should provide assistance for those caught in extreme situations.
- **Rotating Outages – Exemptions.** Cal Cities should not get directly involved in bills dealing with which type of customers are exempt from rotating block outages and should not take a position on these bills. However, Cal Cities should work with police and fire chiefs to ensure that police and fire facilities are appropriately protected either legislatively or

administratively, if proposals move ahead to expand the range of exempted facilities.

- » Cal Cities should seek legislative or administrative resolution giving advance notification to those businesses, such as some agricultural businesses, that use hazardous materials that could pose a danger if the plant is not shut down properly.
  - » Cal Cities should seek grant or loan funding for essential services (i.e., police/fire, water/wastewater) to purchase new or replace existing backup generators that are more energy-efficient and less polluting.
- **Wholesale Regional Price Caps – Federal Legislation.** Cal Cities should not take a position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity. This is a mixed bag and Cal Cities should stay out of the issue.
  - **Price Gouging by Electricity Suppliers.** Cal Cities should send a letter to the Governor and Attorney General supporting their ongoing efforts to determine whether wholesale market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity occurred.

## California Environmental Protection Act (CEQA)

### *Procedures and Notices*

- **Fair Argument Test.** Cal Cities strongly opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). There are a number of other reforms that will reduce CEQA's complexity while preserving the fair argument test's role as a planning tool. These include funding for Master EIRs and eliminating attorneys fees for petitioners.



- **Master EIR Funding.** Cal Cities strongly supports the development of a funding source for Master EIRs. Both of the proposals contained in the Little Hoover Commission report would meet the needs of cities.
- **Exemption for Modified Project Renewals.** Cal Cities opposes exempting the renewal or reissuance of a permit, license, or other entitlement where there is a change in the project.
- **Centralized Responsible Agency Notification.** Cal Cities opposes shifting the responsibility to notify responsible agencies from the lead agency to the State Clearing House. Cal Cities opposes making identification of Responsible Agencies at the Notice of Preparation stage by other than the Lead Agency (e.g., the Office of Planning and Research) conclusive so that agencies not identified would be barred from later commenting on projects.
- **Responsible Agency Documentation.** Cal Cities supports requiring that Responsible Agency comments be supported by specific referenced documentation.
- **Substitution of Environmental Impact Statements.** Cal Cities opposes allowing an Environmental Impact Statement to be substituted for an Environmental Impact Report in any situation other than military base closures because the National Environmental Policy Act does not contain CEQA's duty to mitigate.
- **Duty to Respond to Comments.** Cal Cities opposes shielding lead agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.
- **Timelines for CEQA Contracts.** Cal Cities supports eliminating subdivision (b) of Public Resources Code Section 21151.5, which mandates the timeline for entering into CEQA contracts.
- **Arbitration of Disputes.** Cal Cities supports adding an arbitration option to the requirement that each county over 200,000 designate a "CEQA judge." Among the issues that will need further refinement are whether an alternative dispute resolution process should be a condition precedent to litigation, whether the alternative dispute resolution process would be binding on participants, and how to limit the alternative dispute resolution process to CEQA adequacy issues rather than community mitigation issues.
- **Good Faith Settlements.** Cal Cities supports discouraging lawsuits that have little merit by (1) eliminating the application of a multiplier analysis to the amount of attorney's fees awarded in a lawsuit that is subject to a settlement agreement; and (2) by precluding the adoption of measures or project conditions as part of a settlement agreement that do not mitigate a significant effect on the environment.
- **Recirculation Standards.** Cal Cities supports raising the threshold for recirculation of EIRs so that only new "significant unavoidable impacts" would necessitate recirculation.
- **Basis for Statements of Overriding Considerations.** Cal Cities supports clarifying that the basis for Statements of Overriding Considerations is information contained in the record.
- **Compliance with Local Public Notice Requirements.** Cal Cities supports legislation to require all projects proposed by state or local public agencies, including universities, community colleges, schools, counties, cities, and special districts, to comply with the identical local public notice requirements that would be applicable to projects sponsored by private developers in the jurisdiction where the project is located.

- **Tolling Agreements.** Cal Cities supports tolling agreements, but acknowledges and relies on existing published case law that already allows for the use of tolling agreements in CEQA cases.
- **Concurrent Preparation of Administrative Record.** Cal Cities opposes legislation that would require concurrent preparation of the administrative record and the electronic posting of administrative record unless (1) the full costs of concurrent preparation and electronic posting as determined by the lead agency are paid for by the applicant or other member of the public who requests these processes; and (2) a lead agency that is unable to comply with such a request because of either a lack of personnel or technological capability is not required to provide these processes.
- **Court Remedies.** Cal Cities supports legislation that would clarify a court’s ability to fashion a remedy that is specific to the project and limited to only those aspects of the project held invalid under CEQA.

### Definition of a Project

- **Effect on the Environment.** Cal Cities supports narrowing the definition of “project” to prevent CEQA lawsuits on non-environmental matters.
- **School Operations Exemption.** Cal Cities supports exempting any school closure or student transfers from CEQA.
- **Categorical Exemption for Nonindustrial Infill Projects.** Cal Cities supports expanding categorical exemptions to include development projects in urbanized areas that are consistent with general plans, zoning and cumulative impact projections analyzed in a Master EIR. Such projects should be limited to infill and nonindustrial.

Cal Cities supports legislation that exempts public works projects, within the existing right-of-way,

from CEQA if approved by the city in which the project takes place.

### Significant Environmental Effect

- **Significance Thresholds.** Cal Cities opposes the creation of a new mandate requiring each city to develop boilerplate significance thresholds. Cal Cities also opposes a single statewide set of standards for determining significance at the local level. Instead, Cal Cities supports requiring that each EIR contain significance thresholds formally adopted by the lead agency for the project.
- **Safe Harbor.** Cal Cities supports the concept of “safe harbor,” which means that if a project complies with certain locally adopted standards, then a project could not be challenged in court based upon those impacts on the environment.
- **Aesthetics.** Cal Cities opposes any effort to limit a local agency’s ability to challenge the aesthetic impact of a project under CEQA.
- **Consideration of Socio-Economic Factors.** Cal Cities opposes adding social, economic, recreational, or other factors to be considered when analyzing the significance of environmental impacts.
- **Indirect Effects.** Cal Cities opposes amending the definition of effects to eliminate the analysis of indirect and cumulative environmental effects.
- **Cumulative Effects.** Cal Cities supports the elimination of EIRs for projects with solely cumulatively significant impacts where the impact has been addressed by a comprehensive plan that identifies specific mitigation measures. Cal Cities opposes exempting projects that are subject to their own subsequent environmental review from consideration as a reasonably foreseeable future project when analyzing cumulative impacts.

- **Statement of Overriding Considerations.** Cal Cities supports transparency in CEQA decision-making but opposes a public comment period for the notice of draft Statement of Overriding Considerations.

### Alternatives

- **Alternative Site Requirement.** Cal Cities supports eliminating the alternative site requirement for all private projects.
- **Level of Detail.** Cal Cities supports requiring that projects of statewide, regionwide, or area-wide significance describe at least two feasible project alternatives with a level of detail equal to the proposed project.
- **No Project Alternative.** Cal Cities opposes the elimination of the “no project alternative.”
- **Environmental Impact Report (EIR).** Cal Cities opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). Cal Cities strongly supports the development of a funding source for Master EIRs. Cal Cities supports adding an arbitration option to the requirement that each county over 200,000 population designate a “CEQA judge.”

### Streamlining

Cal Cities supports expanding the definition of “emergency” under CEQA to include projects that mitigate a high threat to life and property as a result of a catastrophic wildfire.

### Coastal Issues

Cal Cities opposes legislation that would permit the state to impose conditions on Local Coastal Plans developed by cities and counties.

Cal Cities supports efforts to curb frivolous appeals to local coastal decisions.

Cal Cities supports prohibiting the expansion of offshore oil and natural gas production along the California coast.

Cal Cities supports the Federal Coastal Protection Act, which prohibits additional offshore development through the year 2002. This position was based, in part, on concern about the impacts to onshore support facilities and services by offshore development activities.

Cal Cities opposes legislation that grants authority to the Coastal Commission that is inconsistent, duplicative, and overlapping with the authority of other regulatory agencies, such as regional water quality control boards or other agencies, or that grants the Coastal Commission authority outside the coastal zone.

Cal Cities affirms its commitment to local control by requesting the Coastal Commission to defer to the elected officials of a city with respect to choices in the implementation of a Local Coastal Plan that complies with the requirements of state law and regulation.

Cal Cities supports additional resources and tools to help cities plan for and address sea level rise. This includes efforts to better coordinate with the California Coastal Commission and Ocean Protection Council to combat sea level rise.

### Miscellaneous

**Mitigation Monitoring Program.** Cal Cities supports efforts to ensure compliance with Mitigation Monitoring Programs but opposes any effort to require local agencies to report on compliance or add other procedures regarding the implementation of Mitigation Monitoring Programs.

Cal Cities supports the right of cities to serve as lead agencies for the purposes of the Surface Mining and Reclamation Act (SMARA).

Consistent with the policy adopted by the National League of Cities, Cal Cities believes the appropriate venue for addressing the issue of “regulatory takings” is within the evolving judicial interpretations of the Fifth Amendment of the U.S. Constitution.

- Cal Cities opposes any federal or state regulation, statute, or constitutional amendment which would place restrictions on federal, state, and local government actions regulating private property or requiring additional compensation beyond the continually evolving judicial interpretation of the Fifth Amendment of the U.S. Constitution.
- Cal Cities will oppose any legislation that includes such a provision, regardless of what else is included in the legislation (i.e., legislation that designates a listing of an endangered species as a “regulatory taking”).

Cal Cities supports the ability of local governments to voluntarily develop and approve species habitat plans for their communities, in conjunction with willing property owners. Cal Cities opposes requiring local governments to amend their general plans to include species habitat plans developed by others but not approved by the local government.

Cal Cities supports legislation that imposes “Sinclair”-type fees on products in order to fund the cost of prevention or mitigation of the pollution or environmental and health impacts of such products. Cal Cities opposes legislation that would restrict the imposition of such fees at the state or local levels.

Cal Cities supports partnering with the Legislature and the Governor to address the devastating environmental impacts of illegal marijuana grows on both private and public lands and the associated threats to public safety. Cal Cities supports the creation of responsive solutions with adequate funding support and effective State and federal government leadership to address this widespread problem.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”*

LEAGUE OF CALIFORNIA CITIES

# California Water Guidelines

FEBRUARY 2010

## TABLE OF CONTENTS

- I. California Water: General Principles.....20
- II. Water Conservation.....21
- III. Water Recycling.....22
- IV. Water Quality.....22
- V. Areas of Origin .....25
- VI. Water Storage .....25
- VII. Conveyance Systems.....25
- VIII. Flood Management .....27
- IX. Groundwater.....28
- X. Fish And Wildlife .....28
- XI. Drainage .....29
- XII. Recreation .....29
- XIII. New Technology.....29
- XIV. Financial Considerations .....30
- XV. Appendix A: Water Quality Improvement Initiative (2008) .....30
- XVI. Appendix B: Glossary.....32

---

**NOTE:** *The League of California Cities most recently updated and revised the California Water Guidelines in 2010. The effort began in 2008 with the formation of the Water Task Force, which was comprised of members from Cal Cities 16 Regional Divisions and all interested city officials. After months of meetings and conference calls, the Water Task Force submitted the California Water Guidelines revisions to the Board of Directors. Upon formal adoption by the Board, the California Water Guidelines were incorporated in the Environmental Quality Policy Committee’s scope of responsibility. For additional information, please see the California Water Guidelines introduction on the following page.*



## Introduction

The **California Water Guidelines** were first adopted by the League of California Cities (Cal Cities) in 1988. Cal Cities and the County Supervisors Association of California (CSAC) developed the guidelines. Together, at the time, the two organizations represented 58 counties and 449 cities.

Much has changed in the realm of water policy in the more than 20 years that have passed since the Guidelines were first adopted. The number of counties has remained at 58, but California has gained an additional 31 cities and the population of the state has increased to more than 38 million people, creating increased demands on water supply. There is growing recognition that there are better ways of managing the flow of water within California's many watersheds and through the Delta, to prevent harmful environmental impacts while still ensuring a reliable supply of water to its citizens. Climate change is seen as having an increasingly important impact on water supply and water quality. Water shortages place renewed emphasis on the importance of water reclamation, water recycling, and other means of nurturing and protecting an essential resource.

In 2003, Cal Cities Board created Cal Cities Water Quality Task Force to identify and evaluate wastewater and stormwater regulatory issues of concern to cities and to recommend steps that Cal Cities should take to address those concerns. The Task Force drafted new Cal Cities policy on water quality and the Cal Cities Board of Directors adopted their report on July 18, 2003.

In 2008, Cal Cities formed a new Water Task Force to consider updates and revisions to the Water Guidelines Cal Cities drafted and adopted 20 years earlier. Cal Cities 16 Regional Divisions designated voting members; but membership on the Task Force was open to all interested city officials, and meetings were open to all interested parties.

The Task Force first met in Sacramento in April 2009 and organized three working groups (Water Use, Water Supply, and Water Discharges). Members of the working groups held numerous meetings by conference call over the next two months. Subsequent meetings of the full Task Force were held in June and September 2009 before the revised Guidelines were submitted to Cal Cities policy committees in January 2010, for review and approval. The Guidelines were formally approved by the Cal Cities Board of Directors in February 2010.

The California Water Guidelines are designed to be used by policymakers at all levels of government in developing future water policy for the state of California. Cal Cities encourages city, county, and state officials, as well as representatives from other organizations, to review the guidelines as water policies and programs are developed.

### I. CALIFORNIA WATER: GENERAL PRINCIPLES

1. Water needs are projected to increase significantly in the future. While water is a renewable resource, it is also a finite one.
2. Cal Cities supports the development of additional groundwater and surface water storage, including proposed surface storage projects now under study if they are determined to be feasible, including, but not limited to, environmentally, economically, and geographically relating to point of origin. Appropriate funding sources could include, but are not limited to, user fees, bonds, and federal funding.
3. Local, state, and federal agencies should prepare plans for short-term water emergencies as well as long-term cooperative water management plans and policies, such as the Integrated Regional Water Management Plan (IRWMP) process.

4. All water development projects must be economically, environmentally, and scientifically sound.
5. Critical California water issues cannot be solved without the cooperation of the state and federal governments. Communication and cooperation among policy groups with emphasis on finding statewide consensus is supported.
6. Adequate water quality requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported. Beneficial water quality is fundamental to the health and welfare of California and all of its citizens.
7. The long-term viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
8. Cal Cities encourages all cities to work with counties, water agencies, and special districts to facilitate water conservation, recycling, and reuse efforts.
9. Cal Cities supports state water policy that allows undertaking aggressive water conservation and water use efficiency while preserving, and not diminishing, public and constitutional water rights.
10. Cal Cities supports land use as an important strategy for water supply and water quality benefits.

## II. WATER CONSERVATION

1. **Statewide Goal.** Cal Cities supports the development of a statewide goal to reduce water use by 20% by 2020 through the implementation of fair and equitable measures consistent with these principles.
2. **Statewide Effort.** Accomplishing water conservation and water use efficiency goals will require statewide action by

all water users, including residential, commercial, industrial, and agricultural water users, local and regional planning agencies, state and federal agencies, chambers of commerce, and business, commercial and industrial professional and trade associations.

3. **Comprehensive Solutions.** Water conservation and water use efficiency must be part of a comprehensive solution that includes local resource development and infrastructure improvements, including storage and conveyance, as part of a statewide system that promotes economic and environmental sustainability.
4. **Monitoring, Reporting, and Accountability.** Cal Cities supports the implementation of programs to assure prudent measurement and monitoring of water use to provide accountability and transparency toward the accomplishment of water conservation and water use efficiency goals.
5. **Protect Water Rights.** Implementation of water conservation and water use efficiency programs must be consistent with existing state law in that the act of conservation cannot be allowed to undermine the water rights of the entities implementing the water conservation or water use efficiency program or interfere with existing water conservation or water use efficiency projects.
6. **One Size Does Not Fit All.** Water conservation and water use efficiency programs must have the flexibility to adjust to widely varying local circumstances recognizing that one size does not fit all. Cal Cities encourages each city to develop its own ordinance outlining its conservation plan.

**7. Urban Water Conservation and Water Use Efficiency.**

In urban areas, Cal Cities advocates for the implementation of residential and commercial retrofit programs, innovative pricing strategies, water-efficient landscaping, including the implementation of urban Best Management Practices (BMPs).

Cal Cities encourages cities to consider the Ahwahnee Water Principles for Resource-Efficient Land Use when making future land use decisions. (<http://www.lgc.org/about/ahwahnee/h2o-principles/>)

**8. Agricultural Water Use Efficiency.**

In agricultural areas, Cal Cities advocates for incentive-based programs.

**III. WATER RECYCLING**

1. Wherever feasible, water recycling should be practiced in urban, industrial, and agricultural sectors. This includes increasing the use of recycled water over 2002 levels by at least one million acre-feet/year (afy) by 2020 and by at least two million afy by 2030.
2. Potable water should include as much use of reclaimed water and water conservation by 2030 as possible.
3. Increased recycling, reuse, and other refinements in water management practices should be included in all water supply programs.

**IV. WATER QUALITY**

**1. General**

a) Cal Cities supports the development of objectives and standards to assure high-quality water throughout California. Surface and groundwater should be protected from contamination.

- b) Cal Cities supports efforts to provide safe and affordable drinking water across the state. However, Cal Cities opposes imposing a tax on water as a funding mechanism.
- c) Cal Cities supports the development of economic protocols and guidelines to assist local governments and water boards in determining reasonably achievable, cost-effective, and environmentally sound regulations.
- d) Cal Cities supports the ability of cities to enact discharge and water quality requirements or standards that are stricter than state or federal standards and opposes efforts to restrict such authority.
- e) When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in-stream or end-of-pipe treatment.
- f) Cal Cities encourages water boards to address cross-media pollution of water including, but not limited to, the problems of atmospheric deposition of water pollutants.
- g) Cal Cities encourages all state offices, departments, and boards to comply with state policy for water quality control, including compliance with the Basin Plans.
- h) Cal Cities encourages Federal and State Governments to ensure proper funding to the U.S-Mexico Border Water Infrastructure Program to address issues related to cross-border pollution.

## 2. Water Board Reforms

- a) Cal Cities generally supports the concept of water board reform.
- b) Any water board reforms should recognize the inherent differences between cities and regions in California.
- c) Water board reform should recognize the symbiotic relationship between regional water quality control boards and local governments.
- d) Cal Cities supports the retention of designated local government representatives on the regional boards and the inclusion of a designated local government representative on the State Water Board.
- e) Cal Cities supports streamlining the board process, including delegating permit authority to the executive officers, with rights of appeal, and giving greater authority to the State Water Board over regional board policies and decisions.

## 3. Basin Plan Updates

- a) Cal Cities supports the option of local agencies developing funding for basin plan updates.
- b) Cal Cities supports comprehensive updates to the basin plans that recognize the unique and varied nature of stormwater. Basin plans need to recognize the unique and varied nature of stormwater, both wet weather and dry weather runoff.
- c) Basin plan updates should comply with the Porter-Cologne requirements to recognize economic impacts, local drainage conditions, and scientific consensus, including source control and atmospheric deposition strategies.

## 4. National Pollutant Discharge Elimination System (NPDES) Permits

- a) Cal Cities supports reform of the State's Water Board's administration of the federal NPDES program.
- b) Cal Cities encourages the water boards to issue permits that are reasonably achievable, based on the unique conditions of a city or region.
- c) Cal Cities supports regulations and legislation that promotes watershed management, that appropriately spreads the responsibility for clean water beyond the requirements that apply to point-source dischargers, municipal storm drain systems and publicly-owned treatment works.
- d) Cal Cities generally opposes legislation that requires the use of numeric limits in waste discharge permits, especially in stormwater permits, because of the difficulties in meeting them, problems with exceeding them, and the cost and potential enforcement impacts.
- e) Cal Cities supports the development of a standard definition of "maximum extent practicable."

## 5. Total Maximum Daily Load (TMDL)

- a) Cal Cities supports the development of reasonably achievable, environmentally sound, and cost-effective TMDL's based on monitoring and sound science and addressing local water conditions.
- b) Although Cal Cities is supportive of local agency development of TMDL funding, greater emphasis needs to be given to state and federal funding of the TMDL program, including providing increased funding to local government for implementation.

- c) Cal Cities supports the implementation of TMDLs through alternatives to the NPDES permits, consistent with the Clean Water Act and policy, such as Memorandums of Agreement between local governments and the water boards.

## 6. Water Quality Recommended Legislation/Policies

- a) **Ex-Parte Communication.** Cal Cities supports public access to decision-makers, including during the time that new proposed permits and permit terms are being proposed. Cal Cities also supports access to pending permittees outside of the administrative process.
- b) **Maximum Extent Practicable (MEP).** Cal Cities supports legislation to define MEP.
- c) **Safe Harbor.** Cal Cities supports legislation that provides immunity from fines or third-party litigation for a local government that is in compliance with the maximum extent practicable iterative best management practices
- d) **Mandatory Minimum Penalty (MMP).** Cal Cities supports legislation to modify the MMP provision of the existing law to make them fair and equitable for local governments. This would include eliminating the provisions relied upon to compound penalties for single violations and providing economic hardship exemption for small cities (50,000 in population or less) where there have been no significant adverse impacts on the public or the environment from the alleged violation.
- e) **Economic Analysis.** Cal Cities supports legislation to develop economic protocols and guidelines to assist local government and the water boards in determining reasonably achievable, cost-effective, and environmentally sound regulations, as outlined in Porter-Cologne Sections 13000 and 13241.
- f) **Basin Plans.** Cal Cities supports legislation allowing local agencies to participate in funding basin plan updates.
- g) **Water Softeners.** Cal Cities supports the right for cities to enact ordinances that restrict the use of water softeners.
- h) **Local Discharge Prohibitions.** Cal Cities supports legislation that would enable cities to adopt ordinances that limit or regulate industrial discharges into local sewers and storm drains, based on limits in municipal discharge permits.

## 7. General Water Quality Guidelines

- a) Protection and maintenance of objectives and standards to assure high-quality water throughout California is essential. Beneficial uses of surface and groundwater should be protected from contamination, even when treatment methods are available to meet drinking water standards.
- b) Local, state, and federal governments and the private sector should provide for the safe management of hazardous materials, including mining leachates, to avoid pollution and degradation of both surface water and groundwater.
- c) Adequate research funding to determine appropriate public health standards for water should be supported.



- d) Additional research and education in the application and use of herbicides and pesticides and alternatives to their usage as well as research to reduce industrial and household hazardous wastes should be supported.
- e) The importance of water quality of bays, estuaries, groundwater, and other bodies of water important to municipalities, including the problem of saltwater intrusion, should be recognized.

## V. AREAS OF ORIGIN

1. Ultimate reasonable and beneficial water needs of all areas of origin should be assured. State law should continue to provide that only water surplus to the reasonable and beneficial needs of the areas of origin may be exported. Cal Cities supports preserving the principle of protecting the water rights of areas of origin.
2. Areas of origin protections should apply to all water sources, including groundwater.
3. Reasonable and beneficial water needs of the areas of origin should include instream needs or uses, including recreation and sediment flushing.
4. Areas of origin should be afforded financial assistance, such as the Davis-Grunsky type bonds, in developing new water facilities.
5. Projects that export water from areas of origin should not increase the cost of new local water development projects.
6. Those features of new projects that are required by state and/or federal agencies to enhance area of origin recreation, fish, wildlife, and water quality should be the financial responsibility of the state and/or federal government.

7. New policies and programs should not undermine or alter the water rights of the entities implementing the policies or programs.

## VI. WATER STORAGE

1. Cal Cities believes that California needs to develop additional water storage and therefore believes that the construction and retention of economically feasible and environmentally sound flood control, storage and multi-use projects that will meet present and future needs should be supported.
2. The development of additional surface facilities and the use of groundwater basins to store surface water that is surplus to that needed to maintain State Water Resource Control Board (SWRCB) Bay-Delta estuary water quality standards should be supported.
3. Cal Cities encourages project developers to mitigate the negative impacts of water storage projects on fishery and wildlife resources, adjacent lands, water quality, and recreation.

## VII. CONVEYANCE SYSTEMS

### 1. Statewide

- a) Conveyance facilities including, but not limited to, the Sacramento River, whether man-made or natural, should be constructed and/or operated to minimize seepage and erosion problems and, where practicable, to restore or maintain river functions and to protect previously existing riparian habitats. They should be constructed to mitigate these problems and other adverse impacts on adjacent lands.
- b) The owner or purveyor of the water conveyance system should be responsible for correcting adverse

impacts, i.e., erosion, seepage, and sediment problems upon waterways, either anthropogenic or natural.

- c) Environmentally-sound methods of erosion-control should be encouraged along river banks to protect adjacent lands from flood or other erosive flows provided any adverse impacts on fish and wildlife habitats are mitigated.
- d) Local distribution systems should be interconnected with regional systems, where feasible, to assist in maximizing the use of local ground and surface waters during droughts and emergencies.
- e) Solving the water quality, levee stability, and fishery problems in the Sacramento-San Joaquin Delta is a primary step in developing any plan to meet the state's water needs.
- f) Cal Cities acknowledges that the use of the Sacramento River as a conveyance system presents problems of erosion and seepage which must be addressed in the operation of existing projects and the design of future projects.

## 2. Delta

- a) Conveyance of water across the Delta should be through existing channels wherever possible. Delta transfer system improvements should be constructed and operated so as to minimize or, if possible, eliminate reverse flows in the lower San Joaquin River.
- b) Construction of Delta transfer facilities should not proceed until the Department of Fish and Game and the Department of Water Resources have entered into an agreement to implement measures to offset the

State Water Project's impacts on the Delta fisheries and other ecological concerns in the Bay-Delta estuary, which are shown to be adversely affected by the proposed transfer facilities.

- c) Implementation of an integrated program of rehabilitation and maintenance of Delta levees involving federal, state, local, and user interests for the purposes of protecting the islands, waterways and other features including, but not limited to, highways, railways, water conduits, natural gas storage, etc., should be supported. Costs and responsibilities should be fairly allocated among beneficiaries of such a program.
- d) Until an integrated Delta levee program is initiated, the Delta levee maintenance program, (by former California Sen. Howard Way), California Water Code Sections 12980-12991, should be funded and implemented.
- e) Any Delta governance and/or water management structure should include local government representation from the Delta region.
- f) When assessing conveyance projects, Cal Cities encourages cities to consider the guidelines outlined in other areas of this document.
- g) Protection, as well as enhancement where practicable, of Delta water quality, while providing adequate future supplies for all segments of the state, should be required.
- h) Standards balancing the protection of all beneficial uses of Bay-Delta waters, including water flowing into or exported from the Delta, must be adopted by the SWRCB and enforced

to protect the environmental health of the Bay-Delta system. Pollution from point and non-point sources into the Bay and Delta shall be controlled as stringently as practicable.

- i) Programs and facilities to assure safe drinking water for importing regions dependent on the Delta should be supported.
- j) The SWRCB should assure continued monitoring for contaminants in the Delta.

### VIII. FLOOD MANAGEMENT

1. Cal Cities believes that our citizens have a reasonable expectation that their federal, state, and local governments will work to protect them from flooding.
2. Cal Cities believes that flood protection and management is a statewide issue, involving flood infrastructure issues related to levees, urban/suburban/rural creeks, streams and rivers, and alluvial fans.
3. Cal Cities believes that it is important to recognize that levee failures in the Sacramento-San Joaquin River Delta have water quality, water supply, and economic impacts that may have statewide effects beyond the local or regional levee break situation.
4. Flood control issues require cooperative planning, evaluation, and solutions that utilize a regional and statewide perspective, such as the state IRWMP process.
5. In assessing problems and proposing solutions, it is important to consider the differences between infill development and new, greenfield development.
6. The public safety and health of California citizens and the economic health of California communities and our state depend upon good flood protection. This includes the potentially devastating impacts of floods on homes and businesses.
7. Cal Cities supports efforts to improve communication, cooperation, and better-coordinated planning between different government agencies involved in flood management. Cal Cities believes that there must be a genuine partnership between state and local agencies in addressing flood control issues.
8. Cal Cities believes cities must ask the right questions and have the means to obtain accurate information prior to approving development in floodplains. This involves educating elected officials and staff about whether their city is located in a floodplain, the local flood control infrastructure, the agencies that are responsible for providing flood protection, the status of levees and other structures that provide flood protection, emergency response, and evacuation protocols, and how their city would be impacted by flooding.
9. Cal Cities believes that city officials should understand that a 100-year flood zone does not mean a low, once-in-100-years risk of flooding. The designation actually means that there is a 1% chance of flooding in any given year. This translates to a 26% chance of flooding over the life of a typical 30-year mortgage.
10. Cal Cities supports a 200-year flood standard for cities in the Sacramento-San Joaquin and Central Valleys.
11. Cal Cities generally endorses the recommendations of the state's Flood Control Task Force, especially those recommendations involved in updating

the CEQA Checklist and General Plan Guidelines and building codes.

12. The state, Army Corps of Engineers (ACOE), and Federal Emergency Management Agency (FEMA) should work collaboratively with state and local governments regarding flood issues.

### IX. GROUNDWATER

1. The SWRCB, through the regulatory process of its regional boards, should ensure the highest possible quality and safety of groundwater by preventing contamination from point and non-point sources, especially for usable water.
2. Local drilling, sealing and abandonment ordinances for water supply and monitoring wells for the protection of groundwater and public health should be supported.
3. The principle that local entities within groundwater basins (i.e., cities, counties, special districts, and the regional water quality control boards) working cooperatively should be responsible for and involved in developing and implementing basin-wide groundwater, basin management plans should be supported. The plans should include, but not be limited to: a) protecting groundwater quality; b) identifying means to correct groundwater overdraft; c) implementing better irrigation techniques; d) increasing water reclamation and reuse; and e) refining water conservation and other management practices.
4. An active state and federal role in cleaning up contaminated groundwater basins should be supported.
5. State and federal involvement, if requested, in developing groundwater

management plans should include technical assistance for defining the characteristics of groundwater resources.

6. Financial assistance from state and federal governments should be made available to requesting local agencies to develop and implement their groundwater management plans.
7. Planned, joint use of surface and groundwater and the development of incentives for such conjunctive use for increased efficiency should be encouraged.
8. Early development of a cost-sharing formula among all beneficiaries to fund groundwater replenishment projects should be supported.
9. The importation of additional supplemental water, consistent with Section VI Conveyance Systems, as one means of eliminating groundwater overdraft in the critically overdrafted basins should be supported.

### X. FISH AND WILDLIFE

1. Protection, maintenance, and restoration of fish and wildlife habitats, resources, and their beneficial uses, including recreational and commercial uses, should be supported. Where feasible, enhancement of fish and wildlife habitats should be provided.
2. Water projects shall mitigate adverse impacts on fish and wildlife resources. Mitigation measures shall be on-site, if feasible; otherwise, as close as practicable to the area of adverse impact. Where practicable, such projects should incorporate programs designed to eliminate unnecessary barriers or impediments to fish migration, stabilize areas of streambank erosion, increase

spawning and rearing habitat for fish, and maintain riparian vegetation for cover and temperature control.

3. Protection and restoration of documented fish habitats should be supported.

## XI. DRAINAGE

### 1. Agricultural Drainage

a) Finding long-term, economically feasible, and environmentally sustainable solutions to agricultural drainage problems is essential and in the public interest. Solutions must be safe and environmentally acceptable in order to protect:

- » Viability of agricultural lands;
- » Rivers, estuaries, and groundwater from potential degradation from agricultural drainage; and
- » Water quality for public consumption. Drainage of agricultural lands must be part of current and future agricultural water project planning and implementation.

b) Both state and federal funding should be provided to investigate: a) further improvement in irrigation and drainage management practices and conservation; b) evaporation ponds; c) deep-well injection; and d) desalination and other treatment technologies.

An equitable cost-sharing formula for implementing solutions to existing and future drainage problems shall include state and federal governments and irrigation project beneficiaries.

### 3. Other (Run-Off)

a) Finding safe and environmentally acceptable solutions to problems caused by run-off from non-point

sources is essential and in the public interest.

- b) Similarly, finding safe and environmentally acceptable solutions to other drainage and run-off problems, such as those caused by mining, dairying, and forest practices, is essential and in the public interest.
- c) Equitable cost-sharing among appropriate public and private bodies for implementing solutions to urban and other run-off problems should occur.

## XII. RECREATION

1. Water development projects should minimize adverse impacts to existing recreational uses and provide new recreational opportunities where feasible.
2. The state and federal governments and the recreational users should bear the recreational development costs of water projects.
3. Operation and maintenance costs of recreational facilities developed in conjunction with water projects should be provided from on-site user fees and other applicable sources. Other costs incurred as a result of these recreational activities, such as law enforcement and emergency rescue, should receive appropriate assistance from state and federal sources.

## XIII. NEW TECHNOLOGY

Development of new technology in water use, reuse, desalination, detoxification, and so forth is encouraged. This should be primarily funded by the federal and state governments. Public-private partnerships in this research also should be encouraged. A high priority should be given to the protection of public health. New technology should be evaluated based on sound science.



**XIV. FINANCIAL CONSIDERATIONS**

1. It is recognized that:
  - a) The development and operation of water supply, water conveyance, flood control and stormwater management, water storage, and wastewater treatment facilities is frequently beyond the capability of local areas to finance;
  - b) Since most facilities have widespread benefits, it has become traditional for federal, state, and local governments to share their costs; and
  - c) It is necessary that such sharing be continued and that different institutional arrangements including cost-sharing formulas among all beneficiaries, public-private partnerships, and user fees should be explored.
  - d) The requiring agency (whether it be state, federal, or otherwise) should pay for the features of projects or programs that are required by that agency.
  - e) Cal Cities supports legislation to provide funding for stormwater, water, and wastewater programs, including a constitutional amendment or legislation which would place stormwater fees in the category of water and wastewater fees for the purposes of Proposition 218 compliance.
  - f) Any agency that regulates water with regard to local governments needs to be involved in the appropriate city with regard to how the city will pay for the new regulatory burden imposed by the agency.

## Appendix A

### State Water Resources Control Board Water Quality Improvement Initiative (2008)

1. Water Quality Improvement Initiative Item #1 (WQI 1): Cal Cities supports applying the 10% rule “One Per Region Basis”
2. WQI 2: Cal Cities supports staggering the regional water board terms
3. WQI 3: Cal Cities has no recommendation on reducing the size of the regional water board from nine members to seven, with the exception that at least one person on the regional board should have local government experience.
4. WQI 4: Cal Cities supports delegating permitting authority to the regional water board executive officer and that the executive officer should take his or her direction from the State Water Resources Control Board (SWRCB).
5. WQI 5: Cal Cities is opposed to regional water board’s having full-time chairs.
6. WQI 6: Cal Cities is opposed to the creation of a statewide council of full-time regional water board chairs. (Note: Water Discharge Subcommittee members believe that it may be helpful to combine a number of regional boards into larger regional boards to address areas that are similar (e.g., Los Angeles and Orange County). A large regional board could bring more consistency to basin plan management. Any inconsistencies between the regional boards should be addressed by the state Board.)
7. WQI 7: Cal Cities supports the implementation of biennial priority setting based on the Strategic Plan, with six-month updates by the regional water boards.

8. WQI 8: Cal Cities is opposed to allowing the SWRCB to make the TMDL environmental process subject to NEPA instead of CEQA.
9. WQI 9: Cal Cities supports requiring a TMDL to be affirmatively approved by the State Water Board or upon petition.
10. WQI 10: Cal Cities supports requiring the regional water board to consider costs of TMDL compliance.
11. WQI 11: Cal Cities supports authorizing the SWRCB to make changes to TMDLs, rather than remanding these decisions back to the regional water boards (Note: Subcommittee members believe that this policy should be tied into WQI#9).
12. WQI 12: Cal Cities has no position on confirmation of regional water board conflict of interest rules with the Political Reform Act – (Note: the Subcommittee asked for a legal opinion. The question is: “What are the current conflict of interest rules pursuant to AB 1234?” Staff and members believe that this provision is similar to what already exists for other state boards [example: Waste Board].)
13. WQI 13: Cal Cities has no position on the establishment of civil penalties for fraudulent information with regard to reporting by permittees.
14. WQI 14: Cal Cities is generally opposed to any removal of notice and hearing requirements prior to the SWRCB referring a case to the State Attorney General for additional action.
15. WQI 15: Cal Cities has no recommendation on the additional authorization of district and city attorneys to pursue civil violations (for cities over 750,000 in population).
16. WQI 16: Cal Cities believes the state should limit the number of mandatory minimum penalties (MMP) to one violation, and the population limit to qualify under the MMP law as a small, disadvantaged community for a single missing report should move from 10,000 to 50,000 (in accordance with federal law).
17. WQI 17: Cal Cities has no recommendation on early payment of MMP violations.
18. WQI 18: Cal Cities supports the enhanced ability of the Regional Water Boards to administratively enforce state Underground Storage Tank (UST) Requirements.
19. WQI 19: Cal Cities supports enhanced oversight of UST testers.
20. WQI 20: Cal Cities supports moving the SWRCB Enforcement Report deadline to July 1.
21. WQI 21: Cal Cities supports the SWRCB developing and implementing performance measures
22. WQI 22: Cal Cities supports improved data management systems for the SWRCB.
23. WQI 23: Cal Cities generally has no recommendation on the standardization of NPDES permits and believes that this issue should be worked out with the individual regional water boards.
24. WQI 24: Cal Cities generally has no recommendation regarding the update of SWRCB Strategic Plan.
25. WQI 25: Cal Cities supports SWRCB conducted training of regional water boards, provided the SWRCB both conducts the training and sets consistent standards statewide.

# Appendix B

## GLOSSARY

- **Affordable:** A word used increasingly to express concern whether recipients of water will be able to meet the cost. Whether people view water as affordable will depend on many factors.
- **Agricultural Drainage:** Usually refers to installed drains to permit removal of water which accumulates within a plant root zone. May be essential to maintain a favorable salt balance for plant growth. May contain selenium, salinity, pesticides, herbicides, etc.
- **Area and County of Origin Protections:** Refers to legislative provisions for protecting water rights of these areas.
- **Area of Origin Law:** Applies to a watershed or area wherein water originates, or an area immediately adjacent thereto which can be conveniently supplied with water therefrom. Because this law was enacted as part of the Central Valley Project Act, it applies to the Sacramento River watershed. The Burns-Porter Act subsequently defined the Sacramento-San Joaquin Delta to be part of the watershed of the Sacramento River. Gives area of origin preferential rights regarding operation of federal Central Valley Project and to contract for State Water Project water and to certain rights to construct projects or make diversions, provided use is reasonable and beneficial. (California Water Code Sections 11128, 11460-11463).
- **County of Origin Law:** Prohibits State Water Resources Control Board from the assignment of rights which will deprive a county in which the water originates of such water necessary for the development of the county. (California Water Code Section 10505).
- **Delta Protection Act:** Establishes that an adequate supply of water in the Delta is necessary to the peace, health, safety, and welfare of the people of the state, except that delivery of such water is subject to County of Origin and Area of Origin laws. (California Water Code Sections 12200-12220).
- **California Wild and Scenic Rivers Act and Federal Wild and Scenic Rivers Act:** Establish certain rivers or sections of rivers to be preserved in their free-flowing condition. The California law (California Public Resources Code Sections 5093.50-5093.65) allows domestic water diversion for residents of counties through which the river flows, provided there is no adverse effect upon the free-flowing character of the river. California law finds that the free-flowing state of such rivers is a reasonable and beneficial use within the meaning of the state constitution.
- **Atmospheric Deposition:** The transfer of pollutants suspended in the air to the earth's surface. Pollutants move directly from the atmosphere into water bodies through precipitation, falling particles, or the absorption of gases into water. They also may be deposited over land and transported to water bodies via runoff. Atmospheric deposition is believed to be a significant source of various pollutants to many water bodies.
- **Basin Plan:** The Regional Water Quality Control Plan adopted by a regional water quality control board for that board's area of responsibility in California. (See Cal. Water Code Section 13240). The basin plan establishes water quality standards, uses, and other criteria for surface and ground waters.
- **Best Management Practices (BMPs):** Methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and nonpoint source discharges, including urban runoff. BMPs include structural and

nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution-producing activities.

- **California Toxics Rule (CTR):** A federal rule adopted by the U.S. EPA on May 19, 2000, which established numeric criteria for various priority pollutants for California. The rule can be found at 65 Federal Register 31682-31719, and was codified in the Code of Federal Regulations at 40 CFR 131.38.
- **Characteristics of Groundwater Resource:** Include quality, quantity, rate of renewal, and yield.
- **Clean Water Act (CWA):** A comprehensive water quality statute (33 USC 1241 et seq.). The CWA was first adopted by Congress in 1972 and later amended in 1987 to apply to stormwater/urban runoff. The CWA was designed to restore and maintain the chemical, physical, and biological integrity of the nation's waters to support "the protection and propagation of fish, shellfish, and wildlife and recreation in and on the water."
- **Coliform:** A group of related bacteria that are generally benign to humans. They are natural and common inhabitants of the soil and ambient waters (e.g., lakes, rivers, and estuaries), as well as the gastrointestinal tracts of animals.
- **Compensation:** Full replacement for unavoidable fish and wildlife resource losses in terms of habitat area and long-term renewability of the quality and quantity of such resources. In the interest of clarification, compensation does not mean monetary payment as a substitute for replacement of resources losses.'
- **Conjunctive Use of Surface and Groundwater:** Planned joint use of surface and groundwater. This usually involves maximizing the use of surface water in wet years (with minimum groundwater pumping) and using any surplus surface water to recharge groundwater, and in dry years augmenting surface supplies by drawing on the stored groundwater.
- **Conservation:** Fish and wildlife resource loss prevention, mitigation, and compensation.
- **Conservation (of Water):** Means efficient use of water. Also means reducing water losses or eliminating waste; storing water for water use; preserving water quality.
- **Contamination:** An impairment of the quality of the waters of the state by waste to a degree that creates a hazard to the public health through poisoning or through the spread of disease. (California Water Code Section 13050) (See "Pollution").
- **Contamination Sources:**
  - » **Point Discharge:** Source is identifiable, as from a pipe or drain ditch.
  - » **Non-Point Discharge:** Sources are more diffuse and not easily identified with well-defined outlets; includes runoff from agricultural or forested land, general urban runoff, except where collected in identifiable drains.
  - » **Cross-Media Pollution:** The contribution or "flux" of pollution from one environmental medium to another. (For instance, the transfer of pollutants from the atmosphere to water.)
- **Davis-Grunskv Bond:** This legislation established a bond fund to facilitate the financing of projects in counties with limited financial resources.
- **Demand/Need:** "Demand" usually refers to a statement of water requirements that may be projected on the basis of past water use practices. In contrast, "need" is intended to refer to water that is truly needed to satisfy a purpose if water is efficiently utilized.

- **Delta:** Refers to the Sacramento-San Joaquin Delta. 700,000 acres of islands, waterways, levees, and lands into which the natural runoff flows from the Sacramento, San Joaquin, Mokelumne, and Consumnes river systems before either being exported or entering the San Francisco Bay and then, the Pacific Ocean.
- **Desalination:** A process designed to treat brackish or seawater to make it useful for potable or non-potable use.
- **Enhancement:** Development or improvement of fish and wildlife resource values of the area affected by a project beyond that which would occur without the project.
- **Enterococcus:** A non-coliform bacteria group used as an indicator of the presence of fecal material in drinking and recreational waters. USEPA believes that enterococci have a better correlation with swimming-associated gastrointestinal illness in both marine and freshwaters than coliform organisms, and “die off” more slowly in saltwater.
- **Environmentally Safe:** Not a precise technical term but used to mean actions that have little or no adverse impact.
- **Economically Sound/Feasible:** Not a precise technical term, but one that refers to a balance of costs and benefits. Formerly emphasis was placed on calculating benefit-cost ratios. Uncertainties and possible abuses in such calculations have raised questions concerning the usefulness of such calculations. Problems include what types of benefits to involve, as well as what costs to involve. Many, including environmentally-related benefits and costs, cannot be adequately quantified.
- **Fish and Wildlife Issues:** See Compensation, Conservation, Enhancement, Fish and Wildlife resources, Instream uses, Loss prevention measures, Mitigation, Preservation, Protection, and Restoration.
- **Fish and Wildlife Resources:** Birds, mammals, fishes, amphibians, reptiles, invertebrate animals, endangered, threatened or rare native plants, their habitat area, and all types of aquatic and land vegetation and other factors of the environment upon which resources are dependent. (See Fish and Game Code Section 45 for the definition of fish).
- **Flood Irrigation:** Used to describe what is more appropriately called basin and border irrigation in which land prepared as basins or land bordered by small levees is irrigated with relatively large streams of water.
- **Groundwater Management:** The process of controlling the extraction of groundwater and/or planned recharge to manage the supply and/or quantity of groundwater. Objectives of groundwater management may include minimizing (or preventing) adverse effects such as groundwater overdraft or quality degradation. (Also see conjunctive use and water management practices).
- **Groundwater Overdraft:** Where, over a period of time, groundwater extraction exceeds natural or artificial recharge.
- **Indicator Bacteria:** Bacteria that are used to assess the microbiological quality of water because, although not typically disease-causing themselves, they may indicate the presence of several waterborne disease-causing organisms. The concentration of indicator bacteria is used as a measure of water safety for body contact and for consumption of water.
- **In-stream Uses:** Include fish, wildlife, recreation, aesthetics, hydropower production, dilution of contamination, waste discharge, and sediment transport.
- **Local Entities:** Includes cities, counties, water districts, joint powers, etc.
- **Loss Prevention Measures:** Designing and implementing measures to avoid immediate



and long-term impacts to fish and wildlife resources.’

- **Maximum Extent Practicable (MEP):** The vaguely defined standard set forth in the CWA to be included in Municipal NPDES Permits to be complied with by municipal dischargers in order to reduce the discharge of pollutants from their municipal separate storm sewer systems. CWA Section 1342 (p)(3)(B)(iii) requires that permits for discharges from municipal storm sewers “shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.”
- **Mitigation:** Measures to lessen or reduce adverse effects on fish and wildlife resources through the use of structural and non-structural loss prevention measures in project design and operations. (See CEQA Guidelines Section 15370) NEPA regulations have a functionally similar definition. NEPA definition includes restoration as a mitigation measure, however.
- **National Pollutant Discharge Elimination System (NPDES):** The program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing wastewater and stormwater discharge permits, and imposing and enforcing pretreatment requirements under CWA.
- **Non-Point Source Discharge:** Pollution caused by rainfall or snowmelt moving over and through the ground. As the water moves, it picks up and conveys natural and human-made pollutants, depositing them into water bodies and groundwater. Atmospheric deposition and hydromodification are also nonpoint sources of pollution.
- **Numeric Limits:** Numeric or numerically expressed narrative restrictions on the quantity, discharge rate, concentration, or toxicity units of a pollutant or pollutants that may be discharged from an NPDES permitted location or outfall.
- **Pathogens:** Disease-causing bacteria, viruses, and protozoans that are transmitted to people when they consume contaminated water.
- **Pollution:** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities that serve such beneficial uses. Pollution may include contamination. (California Water Code Section 13050: Please see “Contamination”).
- **Porter-Cologne Water Quality Control Act (Porter-Cologne):** The California equivalent of the federal Clean Water Act. This legislation established that the State Water Resources Control Board (State Water Board) has the ultimate authority over state water rights, water quality policy, and the nine regional water quality control boards (regional water boards) which oversee water quality on a day-to-day basis in their geographic regions.
- **Preservation:** Maintenance and protection of fish and wildlife resources at levels that existed prior to the commencement of a (the current) project. Preservation is achieved through mitigation for avoidable resource losses and/or compensation for unavoidable resource losses and/or compensation for unavoidable resource losses. The term “preservation” is synonymous with “conservation” as used in the U.S. Fish and Wildlife Coordination Act. Preservation does not assume that restoration will occur, but it could.
- **Project Beneficiaries:** Those who gain value in some fashion from any of the following: water supply, flood control, power generation, recreation, salinity repulsion, wildlife.

- **Protection:** Department of Fish and Game appears to use this term when referring to legal enforcement by wardens. (See Preservation and Conservation).
- **Real Water Savings:** Simply means there is an “actual” savings of water that could be put to other use.
- **Reasonable and Beneficial:** Depends on the facts and circumstances of each case. What is a beneficial use at one time may, because of changed conditions, become a waste of water at a later time. (Tulare Irrigation District v. Lindsay-Strathmore Irrigation District). The courts have determined the law requires an evaluation of the ascertainable facts in view of the increasing need for water conservation within California.
- **Beneficial uses include:** storing water underground if thereafter to be applied to beneficial purposes; use of water for recreation and preservation and enhancement of fish and wildlife resources.
- **Reclaimed Water:** Wastewater that has been cleaned so that it can be used for most purposes except drinking.
- **Recycled Water:** Municipal and/or industrial wastewater that has been treated to a sufficiently high level that it can be reused usually for non-potable purposes such as irrigating landscape and refilling aquifers.
- **Restoration:** Means to return to “original” conditions. (Selection or “original” or base condition is often source of debate.)
- **Reverse Flows:** Where the direction of flow in a channel is reversed, as in the case of channels in South Delta which normally drain towards San Francisco Bay, but where pumping for export may cause flow reversal, drawing more saline water further into the Delta.
- **Sediment Transport:** Sediment of various particle sizes may be carried by moving water.
 

The size of particles transported by water increases as velocity rises.
- **Stormwater:** Water that accumulates on land as a result of storms and can include runoff from urban areas such as roads and roofs.
- **Surplus Water:** When used as a technical term in water contracts, this is the water that is available after entitlement water has been delivered. The amount of surplus water varies from year to year, generally according to amount of runoff. Surplus water ordinarily is less expensive to the user than entitlement water. Reference is also made to water which is surplus to reasonable and beneficial uses of area of origin and Bay/Delta.
- **System Expansion:** Extension of existing infrastructure exclusively to serve new customers in presently unserved areas and/or increase in water supply exclusively for the same purpose.
- **Total Maximum Daily Load (TMDL):** A calculation of the maximum amount of a pollutant that an impaired water body can receive and still meet applicable water quality standards. A TMDL is to include allocations for the maximum load a particular source of a pollutant may discharge to the subject water body. TMDLs are required pursuant to Section 1313(d) of the CWA for water bodies that have first been listed as being impaired for the particular pollutant or pollutants at issue.
- **Triennial Review:** A review of water quality standards in basin plans that is required at least once every three years by Section 1313(c) (1) of the CWA and periodically under Section 13240 of the Porter-Cologne Water Quality Control Act.
- **Ultimate:** Imprecise meaning. Depends on time frame.
- **Usable Groundwater:** Refers to groundwater that can be pumped within the cost and

technical constraints appropriate to the situation.

- **Water Banking:** Not a precise term. Generally refers to storing presently surplus water in groundwater basins or in surface storage facilities.
- **Water Management Practices:** Relate to the varied objectives of irrigation, municipal and industrial use. These objectives may not be compatible. In general, management practices are developed to maximize economic returns and/or to minimize (or prevent) adverse environmental impacts including water quality degradation. Conservation of supply, reuse, treatment for use and waste disposal, and the planned conjunction use of surface and groundwater are all aspects of water management. (Also see Conjunctive use and Groundwater management).
- **Water Quality Standards and Objectives:** The regional water quality boards set “objectives” in their basin planning process which are equivalent to what EPA calls “standards.” The “standards” include numerical narrative criteria and plans to implement these criteria.
- **Water Reclamation:** Usually refers to removing contaminants in water so that the water can be discharged into a receiving water without creating problems for fish, wildlife, and other aspects of environment. Also, refers to water which has been treated to remove contaminants as required to permit its reuse, particularly for irrigation of landscaped or agricultural areas.
- **Way Bill (Program):** Delta Levee Maintenance Program. Declares the Sacramento-San Joaquin Delta, characterized by islands and meandering waterways, as a unique resource of major statewide significance. Reasons are stated. Declares the system of levees is the key to preserving the physical characteristics of the Delta. Finds there is an urgent need for a higher degree of levee maintenance and

rehabilitation throughout the Delta and ‘that the state has an interest in providing technical and financial assistance. Establishes that local agencies maintaining non-project (private) levees shall be eligible for reimbursement from the General Fund. Reimbursement shall be at 50% of cost. (California Water Code Sections 12980-12991).

- **303(d) List of Impaired Waterbodies:** The State is required to prepare a list of water bodies that are polluted, under Section 303(d) of the CWA. Inclusion of a water body on the 303(d) list generally leads to the development of a total maximum daily load (TMDL) for the water body.

---

**Prepared by** *Robert M. Hagan, Extension Water Specialist, Marcia Kreith, Program Representative, University of California Cooperative Extension, July 1987 and Ken Farfsing, City Manager, City of Signal Hill, October 2009.*

### Sources:

Some of the preceding definitions were derived from the following sources:

- » California Wetlands Information System Website: Porter-Cologne Act
- » Los Angeles MS4 Permit: Basin plan, best management practices, maximum extent practicable, NPDES permit
- » RWA: Cross-media pollution
- » Southern California Coastal Waters Research Project (SCCWRP) Website: Atmospheric deposition
- » State Water Board Website: Numeric Limits, Triennial Review,
- » U.S. EPA Website: California Toxics Rule, Clean Water Act, coliform, enterococcus, TMDLs
- » U.S. Geological Service (USGS) Website: Indicator bacteria, pathogens

# Governance, Transparency, and Labor Relations

## SCOPE OF RESPONSIBILITY

The Committee on Governance, Transparency, and Labor Relations (GTLR) reviews state legislation as it relates to transparency, technology (open data), healthcare, elections, and political reform. Additionally, the committee oversees pension and workers compensation reform as well as other labor (employer/employee) related issues.



## Summary of Existing Policy and Guiding Principles

### Labor Relations

Cal Cities supports legislation that specifically exempts local public agencies from the requirement to negotiate with any labor or special interest group about matters submitted to the voters of that jurisdiction as initiatives or Charter amendments.

Cal Cities supports efforts to promote, initiate and improve both public and private sector labor-management relations.

Cal Cities opposes any system of compulsory and binding interest arbitration, including state mandates and the imposition of binding arbitration through the initiative process. No arbitrator board or other private person should have any control, direct or indirect, over local budgets, revenues, or appropriations.

Cal Cities opposes any legislative action that requires the continuation of the terms of any Memorandum of Understanding (MOU) between a

public agency and an employee organization until a successor MOU is agreed upon.

Cal Cities opposes any extension of the State Public Employment Relations Board jurisdiction over local public agency labor relations disputes and charges of unfair labor practices, and also opposes any interference or intervention in local collective bargaining by all labor-management relations councils or boards.

Cal Cities opposes state-mandated legislation related to employer/employee relations that are not mutually agreed upon by the local public agency and its employee organizations, except as provided by local law.

### Public Sector Pensions, Compensation and Other Post-Employment Benefits (OPEBs) *Pension Sustainability Principles*

Public compensation systems programs should be sustainable, fair to taxpayers and employees, and provide long-term financial stability.

Cal Cities believes that solutions towards realizing pension system sustainability should be the result of inclusive stakeholder collaboration at both the

local and state level (retirees, employees, employers, CalPERS).

Cal Cities supports legal or legislative remedies that facilitate options to restore sustainability to CalPERS benefit plans. As appropriate to each city, such actions could include one or more of the following:

- A single benefit level for every employee.
- Converting all currently deemed “Classic” employees to the same provisions (benefits and employee contributions) currently in place for “PEPRA” employees for all future years of service.
- Temporary modifications to retiree Cost of Living Adjustments (COLA) that are automatically added to a retiree’s pension benefit payment regardless of compensation level or CPI.

Cal Cities supports expanded flexibility for cities regarding their contract agreements with CalPERS, which could include additional mechanisms for exiting CalPERS and renegotiating UAL amortization terms.

Cal Cities supports a change in state law or judicial precedent to allow employers to negotiate plan changes with classic CalPERS members.

Cal Cities supports legislative solutions to address increasing costs associated with Industrial Disability Retirement (IDR).

### *General Pension Principles*

Cal Cities supports balanced measures that ensure sustainable retirement and health care benefits are offered to public agency employees while at the same time ensuring that public agencies have solid retirement benefits to attract and retain highly talented employees. Cal Cities supports locally negotiated retirement programs that are fiscally responsible, transparent, sustainable, affordable, and equitable for employees and for taxpayers in the long-term.

Cal Cities supports reasonable measures to ensure that retirement benefits are properly funded allowing flexibility to local agencies to

negotiate equitable cost-sharing with employees and smoothing the employers’ costs during challenging economic times. Cal Cities supports the long-term sustainability of retiree health benefits by including their costs in employer/employee costs sharing formulas.

Cal Cities recognizes and supports the value of a dependable, sustainable, employer-provided defined benefit plan for career employees; supplemented with other employee-only funded retirement options, including personal savings such as a 457 Plan. Cal Cities supports further exploration of defined contribution options as part of future pension reform discussions.

Cal Cities supports pension portability across all public agencies to sustain a competent cadre of California public servants.

Cal Cities supports calculating benefits only on core components; special pays such as temporary upgrade of out of class pay should be eliminated from final compensation calculations.

Cal Cities supports meeting any retirement needs for part-time employees with alternatives to a defined benefit plan.

Cal Cities supports employee benefits (including, but not limited to, retirement and disability) and desires to ensure that income derived from such sources is non-duplicative.

Cal Cities opposes preemption of charter city authority over public pension systems.

Cal Cities supports reducing public retirement benefit fraud and increasing transparency of other post-employment benefits.

Cal Cities supports full participation in the PERS Coalition (PERS/PAC) and its purpose of monitoring legislation, policies, and action necessary to maintain or further the interests of contracting agencies.

Cal Cities believes that cities with retirement programs must retain the ability to opt out of Social Security.



Cal Cities believes that the employee benefit structure within local government should be developed locally through the local government collective bargaining process and that process should be strictly honored by the state Legislature and the Governor.

### **CalPERS (California Public Employees' Retirement System)**

#### *CalPERS Divestments Policy*

Divestment in industries that may run contrary to environmental or other broad policy goals as an investment strategy can present challenging conflicts for CalPERS in balancing current affairs against its fiduciary duty to maximize retirement investments. Cal Cities supports CalPERS' priority to its members as stated in the State Constitution Article 16, Section 17, "[a] retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty."

Cal Cities supports responsible investment strategies that balance the short- and long-term ability of CalPERS to meet its financial commitments to its members.

Any divestment policy must be well-vetted and must include the opportunity to identify alternative revenue sources consistent with the intended impact of the divestment and CalPERS' fiduciary responsibilities outlined above.

Cal Cities supports CalPERS proxy access efforts to affect change from within businesses CalPERS has invested in to ensure they are well managed for sustained, responsible, long-term success.

Cal Cities supports an exemption for retired CalPERS employees, allowing them to work for CalPERS agency under contract or appointment by the local agency.

Cal Cities supports agencies having the maximum amount of flexibility when employing and compensating part-time, seasonal, and temporary employees (i.e. lifeguards, seasonal maintenance workers, recreation leaders, summer camp

leaders, and other temporary hires, etc.) to include eliminating the mandate that CalPERS retirement benefits must be provided when the part-time, seasonal, or temporary employee works 1,000 hours in a fiscal year given the costs associated with the CalPERS retirement plan.

Further, Cal Cities supports providing CalPERS with information regarding enrolled members while eliminating the requirement to provide information regarding employees who are not members of CalPERS. Cal Cities also encourages agencies to support long-term part-time/seasonal employees by providing proportional retirement benefits via appropriate mechanisms.

Cal Cities supports having CalPERS provide a broader range of formula choices classes with maximum local control and flexibility in negotiating all options.

Cal Cities supports having CalPERS provide a broader range of health plan choices with a variety of benefit options for all types of member classes with maximum local control and flexibility in negotiating all benefit options with active employees and for retirees.

Cal Cities supports legislation that allows agencies to offer a variety of different health care plans to retired employees that provides adequate, affordable coverage.

Cal Cities supports legislation permitting cities to establish their contributions toward retiree health premiums through the labor relations negotiating process, including: (a) multi-tiered contribution levels; (b) vesting eligibility other than PERS retirement eligibility; (c) prorated contribution based on age and/or length of service; and (d) different contributions for active and retired employees.

When discussing pension policy, the total cost of the pension benefit should be considered. In cost-share arrangements, Cal Cities supports shared employee/employer costs based on the total cost of the pension benefit.

Cal Cities supports providing local governments with maximum flexibility and options. Local agencies must be able to decide on issues such as minimum retirement ages, pension caps, cost-sharing, formulas, and other options to meet local needs and promote ease of administration.

Cal Cities supports giving government agencies through the collective bargaining process the option to extend retirement ages for miscellaneous employees up to social security retirement ages.

Cal Cities supports eliminating the requirement that any negotiated changes in pension benefits under the Public Employees' Retirement Law (PERL) are voted on twice by the affected employees.

Cal Cities supports a State Constitutional Amendment to allow employers to negotiate plan changes with classic CalPERS members.

Cal Cities supports restructuring the CalPERS Board of Administration to substantially increase in independent public members (preferably with financial expertise) to ensure greater representation of taxpayer interests with regard to public pension decisions.

Cal Cities supports setting uniform standards and definitions for disability benefits and evaluating the level of benefit that is considered as tax-exempt. The tax-exempt portion should either be eliminated or allowed on a proportional basis to the severity of the disability.

If the above reforms prove unfeasible or ineffective, Cal Cities supports considering a standard public employee pension system where one benefit level is offered to every employee as a further option to restore sustainability to CalPERS.

Cal Cities supports developing a program with the state to ensure that pension programs offered by localities are fully transparent and that professional actuarial evaluations of unfunded components

of other post-retirement benefits (OPEBs) and pension plans are completed.

### *Compensation Principles*

Employee compensation should be based on each individual agency's overall philosophy on employee compensation as well as the agency's ability to pay and provide services to their community. Cal Cities recognizes that sound compensation practices are based on the complexity of the job and the community, as well as the job requirements and the knowledge, skills, and abilities needed to meet those requirements.

Cal Cities believes that employee compensation should be based on job requirements, the complexity of both the makeup of the city organization and community, the leadership needed, labor market conditions, ethical considerations of what is just and fair, and the organization's ability to pay.

Public compensation systems programs should be sustainable, fair to taxpayers and employees, and provide long-term financial stability.

Transparency of compensation and other benefits ensures the public is informed about the fiscal realities local agencies face as they relate to fiscal obligations.

Cal Cities opposes legislation that would require employers to pay more than the regular pay for work on family holidays.

### **Workers' Compensation**

Cal Cities supports legislation and policy that controls escalating workers compensation costs to public agencies and taxpayers.

Cal Cities opposes legislation that would permit an employee to use more than one legal process in regard to disability claims (i.e., ADA, workers' compensation, DFEH), or any other erosion of the "exclusive remedy" principle as it relates to disability claims covered under workers' compensation.

Cal Cities supports reforming the workers compensation process to incentivize employees returning to work creating a penalty for those that do not return to available modified duty or alternate positions.

### Other Employer and Employee Related Issues

Cal Cities supports efforts to conform the California Family Care Leave Laws to the federal Family and Medical Leave Act (FMLA) laws.

Cal Cities supports the special protection of elected officials, county public defenders, public figures, and public employees acting in their official capacity against threats of death or serious bodily injury.

Cal Cities opposes legislation making it a misdemeanor to disclose peace officer personnel records and citizen complaint records, as well as prohibiting the use of documents or information obtained in violation of this procedure in any administrative proceeding against a peace officer, and any measure that makes it more difficult to discipline the misconduct of police officers.

Cal Cities supports maintaining the confidentiality of personnel matters and protecting public safety personnel discipline records from public disclosure.

Cal Cities opposes the mandated inclusion of governmental entities for Occupational Safety and Health Agency (OSHA) violations without appropriate compensation for the mandates.

Cal Cities supports legislation to protect the authority of city employers to request that an applicant disclose information or use for hiring decisions information concerning a felony conviction.

Cal Cities supports the establishment of a state program similar to that of the federal AmeriCorps program that would allow cities and other local agencies to host service members.

Cal Cities opposes legislation that would allow employment applicants to bring action against the agency for taking into consideration their status as a current or former public employee.

Cal Cities supports controlling the overall costs of healthcare through community-wide actions.

Cal Cities opposes requiring public agencies to continue employer contributions for health care coverage for employees who, during the duration of a strike, fall below the minimum hours worked to qualify for employee health care coverage.

Cal Cities opposes legislation that would interfere with a city's ability to maintain a safe workplace.

Cal Cities is committed to ensuring employees have access to, and are educated in, sexual harassment prevention training and supports the State of California's production of uniform training materials to be used to educate employees on the prevention of sexual harassment in the workplace. As employees move from agency to agency or between public and private employers, it is important that they have a uniform training standard related to sexual harassment prevention.

### Transparency

Public trust and confidence in government are essential to the vitality of a democratic system and are the reason ethics laws hold public officials to high standards.

Laws alone cannot foresee or prevent all actions that might diminish the public's trust in governmental institutions. Transparency laws impose the minimum standards of conduct; to preserve public trust, public officials should aspire to conduct that exceeds minimum standards.

State revisions to laws governing local agency transparency and ethics should address material and documented inadequacies in those laws and have a reasonable relationship to resolving those problems.

In order to encourage and facilitate compliance with new transparency and ethics requirements, state laws should be internally consistent, avoid redundancy and be mindful of the practical challenges associated with implementation.

State officials and agencies should aspire to conform to the same level of transparency and ethical behavior as is imposed on local officials and agencies.

### **Open Meeting Law (Ralph M. Brown Act) and Open Access to Public Records (California Public Records Act)**

Cal Cities supports legislation that recognizes the need to conduct the public's business in public. To this end, Cal Cities supported and was a co-sponsor of the original Ralph M. Brown Act and supports legislation that conforms to the intent of the Act. Cal Cities also supports the regulation of the state and other public agencies to ensure conformance to the principles of the open meetings provision in the Ralph M. Brown Act.

Cal Cities opposes legislation claiming to enhance open and public meetings that in practice unnecessarily complicates the ability of a local governing body to properly communicate with the public and that discourages communications among governing body members through unproductive restrictions and inappropriate activities.

Cal Cities opposes legislation that would impose further unnecessary restrictions on the action that a governing body can take in closed sessions.

Cal Cities supports legislation that recognizes the realities of other constraints under which a local governing body must operate that necessitates judicious use of closed sessions, including:

- The privacy rights granted to individuals under the U.S. and California constitutions.
- The personnel issues that have a potential impact on an individual's career and potential

earning capacity and that raise serious liability questions for a local jurisdiction.

- The protection of the taxpayer's interests over property and other acquisitions by a public agency.
- The proper maintenance of the same attorney-client privilege enjoyed by the private sector.

Cal Cities supports legislation that includes less-than-a-quorum advisory committees within the definition of "legislative body" as defined in the Ralph M. Brown Act, if the committee is composed solely of members of the legislative body whose subject matter jurisdiction has cumulatively lasted two years or less.

Cal Cities supports alternative methods of meeting public notice requirements and enhancing them through the use of cost-effective, innovative, and technology-friendly methods of communication.

### **Political Reform Act of 1974 (PRA)**

Cal Cities supports legislation and regulations that establish sound practices and principles related to political campaigns. Regulations and legislation that restrict or preempt local authority will be opposed.

Cal Cities should continue to explore opportunities to improve and streamline the Political Reform Act and its implementation through regulations.

Cal Cities supports an increase in the fee for the reproduction of statements required under the Political Reform Act from ten cents (\$0.10) per page to twenty-five cents (\$0.25) per page.

Cal Cities opposes legislation that would prohibit the use of public resources to commence an action to enjoin the operation of any law or constitutional amendment that was proposed by initiative petition and approved by the voters.

Cal Cities supports legislation providing the FPPC with the authority to issue opinions to guide local officials in understanding conflict of interest laws, including Government Code Section 1090.

### Governance and Ethics

Cal Cities supports legislation that strengthens the ethics laws related to the Board of Administration (Board) for the California Public Employees' Retirement System (CalPERS) including banning the ability for former Board members to do business with CalPERS.

Cal Cities believes that a statute of limitations for bribery should not begin until the act is discovered. Cal Cities also believes that in cases of conspiracy to commit a felony, the statute of limitations should be the same as the statute of limitations for the underlying crime.

### Elections

Cal Cities supports legislation that reduces any unnecessary and costly procedures for conducting a municipal election. Cal Cities opposes legislation that mandates costly and unnecessary procedures related to the election process.

Cal Cities opposes state-mandated consolidated elections as they lead to increased costs and move local elections further down on the ballot even though local outcomes have a direct impact on voters themselves.

Cal Cities supports providing city councils more flexibility to fill city council vacancies including extending the appointment period to fill a vacancy.

Cal Cities supports mail ballot elections.

Cal Cities supports the requirement that the intent and text of a local ballot measure is to be filed with the city clerk and published in a newspaper of general circulation with a filing fee. With regard to any land use measure, Cal Cities supports allowing the city council to refer it to the planning agency for a report on the measure's effects.

Cal Cities supports legislation that facilitates newly sworn citizen's voter registration.

Cal Cities supports permitting elections officials to administer voter information electronically so long as such a process remained voluntary to voters.

Cal Cities opposes any legislation or regulation that would prohibit legal action from being filed by any person(s) challenging the validity of the initiative petition or ordinance after the date of the election.

### California Voting Rights Act (CVRA)

Cal Cities supports a process that would allow a city presented with an allegation of a violation of the California Voter Rights Act (CVRA) to address the allegation before any person may file a lawsuit related to the alleged violation.

Cal Cities supports authorizing cities to convert from an at-large to a by-district election system using an ordinance process, thus avoiding possible California Voting Rights (CVRA) lawsuits and costs associated with gaining voter approval at the ballot.

Cal Cities supports modifying the California Voting Rights Act (CVRA) to provide cities more flexibility to remedy a potential CVRA lawsuit by converting to a rank-choice voting (RCV) method.

### Recall Elections

Cal Cities supports legislation that maintains the integrity of the recall process.

Cal Cities supports legislation that reduces the amount of recall abuse while improving, streamlining, and ensuring that the public has full knowledge of the issues.

### Elected Officials

Cal Cities recognizes that elected and appointed officials receive threats and have become the target of violence at their homes. The unauthorized publication of home addresses or telephone numbers in newspapers or similar periodicals, like publications on the Internet, is a threat to the security of public officials in their homes. Cal Cities supports legislation to extend or provide protection to elected and appointed officials from the unauthorized publication of their home addresses or telephone numbers in newspapers or similar periodicals.



Cal Cities supports requiring both elected local and state officials to maintain their place of residence in the jurisdiction they were elected to represent.

Candidates running for elected office with young children often face the practical reality of paying for increased childcare to campaign and network when running for office. Cal Cities supports increasing diversity of elected officials at all levels and supports the use of campaign funds to pay for childcare expenses resulting from a candidate or officeholder engaging in campaign activities or performing official duties.

## Legal Issues

### Attorney-Client Privilege

Cal Cities recognizes the special role of public agency attorneys in protecting the public interest, while at the same time maintaining appropriate and critical attorney-client confidentiality. The basis for this position is the belief that it is the public agency that is the public agency attorney's client, not an individual public official. Thus, Cal Cities supports legislation that permits public agency attorneys to breach attorney-client confidentiality to disclose only very serious wrongdoings where internal corrective measures have failed or are futile; the disclosure is made to narrowly circumscribe regulatory agencies and the public agency attorney follows specific procedures.

### Government Liability and Tort Reform

Cal Cities supports legislation that limits the exposure of local governments to lawsuits related to liability, including, but not limited to such areas as unimproved natural conditions, design immunity, hazardous recreational activities, and injuries due to wild animals in public places. Cal Cities opposes legislation that would unduly expose cities to increased liability and cost.

Cal Cities supports modifications to the joint liability laws that require the responsible parties in a civil action to pay only their fair share of judgment based on their relative responsibility.

### Private Sector Liability

Cal Cities will work closely with private sector representatives to evaluate the potential for Cal Cities' support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through Cal Cities' policy process.

Cal Cities supports legislation that enables cities to better prosecute unfair competition cases (Business and Professions Code 17200) in order to protect consumers and their residents, and that removes the 750,000 population and District Attorney approval for city attorney action in this area. Cal Cities opposes legislation that restricts cities from pursuing unfair competition cases beyond the restrictions in current law (2003).

### Interest on Judgments

Cal Cities supports ensuring that pre-and post-judgment interest rates are fair to all parties, including taxpayers, recognizing the impact on public budgets.

### Data and Privacy Protection

Cal Cities encourages cities to do everything in their power to protect the privacy of employees and constituents. However, Cal Cities opposes mandates that would require, in the event of a security data breach, cities to provide identity theft prevention and mitigation services at no cost to the impacted persons.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."*

# Housing, Community, and Economic Development



## SCOPE OF RESPONSIBILITY

The principle behind the policies reviewed by the Committee on Housing, Community, and Economic Development (HCED) is to foster local control of community planning decisions as they relate to land use and economic development. The issues within the purview of the HCED Committee include general plans and zoning, housing affordability, rent control, subdivision map act, residential care facilities, other land use regulation, development fees including school fee adequacy, annexation and incorporation policy, development agreements, building standards including seismic safety standards, economic development policy including redevelopment and enterprise zones, military base closure and reuse, mobile home regulation, and sign regulation.

## Summary of Existing Policy and Guiding Principles

### Planning And Zoning

#### *General Plans*

Cal Cities supports the use of the general plan as a guide to meeting community planning needs. A city's general plan should guide the individual city's land use planning and strategic decision-making. A city's general plan should not be subject to mandatory review by regional or state agencies. General plan requirements should be flexible and provide guidance to local communities without requiring inappropriate levels of detail or mandating new topics or elements. Cal Cities supports guidance by expert state agencies in a consultation format but opposes granting mandatory review, certification, or other approval authority to another level of government.

#### *Water Supply and Land Use Planning*

Cal Cities supports having the best information available on the reliability of water supplies when land use decisions are made by local agencies while protecting and retaining local land use decision-making authority.

#### *Zoning*

Cal Cities believes local zoning is a primary function of cities and is an essential component of home rule. The process of adoption, implementation, and enforcement of zoning ordinances should be open and fair to the public and enhance the responsiveness of local decision-makers. State policy should leave local siting and use decisions to the city and not interfere with local prerogative beyond providing a constitutionally valid procedure for adopting local regulations. State agency siting of facilities, including campuses and office buildings, should be subject to local notice and hearing requirements in order to meet concerns of the

local community. Cal Cities opposes legislation that seeks to limit local authority over parking requirements.

### Housing Element

Housing issues should be addressed in the general plan as other planning issues are. The housing element should be prepared for the benefit of local governments and should have equal status with the other elements of the general plan.

The projections of regional and local growth and the allocations of housing units should account for state and local planning factors and should be subject to a formal hearing and appeal process to ensure that they are realistic. Cities should be allowed to work together to allocate housing units among themselves within a subregion. Appeals should be heard by politically accountable officials at the state and regional levels. Allocated housing units are not a production requirement as cities do not construct housing.

Cities should focus their efforts on facilitating the production of below market-rate housing units. Local government efforts should be subject to realistic performance standards, not to arbitrary state agency review of the housing element. Local government housing efforts should be rewarded by incentives. These incentives should include streamlining by not being subject to the Department of Housing and Community Development review, priority ranking for discretionary funds, and new discretionary funds available for general fund purposes.

Cal Cities supports and encourages legislation that implements comprehensive reforms to the housing element process that:

- Address conflicts between local growth projections and state regional housing need numbers;
- Resolve the problems associated with the distribution of RHNA units within a council of governments;
- Achieve improvements to the housing element review process;
- Develop a neutral dispute resolution process and fair enforcement alternatives to deal with disputes over questions of compliance;
- Require state laws and policies which affect housing and land use to be internally consistent;
- Establish additional legal protections for local agencies that approve affordable housing and that establish local pro-active affordable housing policies; and
- Authorize communities that achieve quantifiable affordable housing production levels to self-certify their housing elements without being subject to state review.

### Housing Finance

Cal Cities supports legislation and state and federal programs that assist in providing financing for affordable housing, including the development of fiscal tools and incentives to assist local governments in their efforts to encourage housing and finance the infrastructure to support housing, as well as establishing an ongoing state commitment for funding affordable housing.

Cal Cities supports the re-establishment of federal tax incentives which were in effect prior to 1986 which encouraged private development and ownership of rental housing.

Cal Cities supports property tax assessment policies that match local affordable housing policies.

### Economic Development

#### *Job Creation, Retention, and Expansion*

Cal Cities supports legislation that will provide tangible and productive tools and incentives to support job creation and retention in housing-rich, jobs-poor communities, such as the awarding of direct grants to fund the development of infrastructure that results in the creation and

retention of jobs; the elimination of matching dollar requirements for economic development and infrastructure state grants; the provision of grant funding for infrastructure planning and design and the creation of economic development strategies; and, allowing cities the maximum flexibility in the use of state funds toward local priorities that support job creation. Cal Cities also encourages the state to adopt policies and programs that establish a comprehensive solution to the infrastructure and jobs/housing needs of all communities within the state.

### **Tax Increment Tools**

Cal Cities supports the enactment and expansion of tax increment financing authority for economic development, infrastructure, and community revitalization, including the recently enacted Enhanced Infrastructure Financing District Law (EIFD), Community Revitalization and Investment Authorities (CRIA), and Annexation Development Plans.

Cal Cities supports the enactment and expansion of state tax incentives that assist city economic development and community revitalization efforts.

### **Eminent Domain**

Cal Cities supports the enactment of fair eminent domain reforms that protect homeowners and opposes proposals that would cripple the ability of state and local agencies to manage development.

### **Tenant Protections**

Cal Cities supports prohibiting landlords from discriminating against tenants who use housing assistance vouchers issued under Section 8 of the United States Housing Act of 1937 and other public assistance towards their rental payments.

Cal Cities also supports requiring landlords that seek to increase monthly rent greater than 10% to provide tenants 90-day notice before the increase takes effect.

### **Rent Control**

Cal Cities opposes legislation that restricts the ability of cities to enact rent control ordinances for mobile homes and stick-built housing that are tailored to meet local conditions and circumstances.

Cal Cities opposes legislation that would require a city to adopt a mobile home rent control ordinance.

### **Subdivision Map Act**

Cal Cities supports maximizing local control over subdivisions and public improvement financing. Discretion over the conditions and length of subdivision and parcel maps should be retained by cities.

### **Residential Care Facilities**

Cal Cities supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building, and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. Cal Cities recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.

Cal Cities supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. Cal Cities supports notification of cities about conditional release participants residing in group homes.

### **Development Fees**

Cal Cities supports providing local discretion in the assessment, collection, and usage of development fees. The state should provide infrastructure funding to help local communities



meet California's growth demands and to increase housing affordability. Cal Cities opposes limiting the ability of cities to levy fees to provide for infrastructure or services.

Cal Cities recognizes that school facilities are a component of a community's infrastructure and must be maintained to foster positive outcomes for youth and economic development. Cal Cities supports maintaining city discretion over the extent to which legislative authority should be exercised to fully mitigate impacts from development to the adequacy of school facilities. Consistent with maintaining discretion, cities should maintain the ability to condition and deny projects that the city determines inadequately mitigate impacts to community schools.

Cal Cities opposes the elimination of any development fee or tax including excise taxes. Tax shifts and initiative measures have severely limited cities' abilities to provide for community needs. The state must ensure that cities have adequate revenues for local infrastructure and services.

### **Annexation and Incorporation**

Cal Cities supports strengthening city control over urban boundaries. Sphere of Influence law should be modified to ban county development and to allow cities to annex logical growth. The Revenue and Taxation Code should not allow counties to block annexations in exchange for unreasonable property tax sharing agreements. In addition, cities should have expanded authority over adjacent lands outside of their sphere of influence regardless of jurisdictional lines so long as the land is not within another city's sphere. Cities should not be required to incur costs for planning to meet infrastructure needs of unincorporated areas or leveraged to annex areas which would result in unfunded costs.

Cal Cities supports facilitating the incorporation of cities that have met procedural requirements and voter approval. Cal Cities opposes efforts by the

Legislature to disincorporate a city for any reason, unless requested by the affected city.

### **Development Agreements**

Cal Cities recognizes voluntary development agreements as one tool for providing flexibility in development approvals.

### **Building Standards**

Cal Cities supports flexibility in the adoption and implementation of health and safety standards contained in the building codes. Statutes should maximize local control over standards applying to local conditions. Cal Cities opposes new standards imposed by statute rather than regulation.

Cal Cities opposes attempts to have multiple state agencies develop specific or subject-related building standards. New building standards should be proposed through the California Standards Commission.

Cal Cities supports authorizing cities to adopt independent occupancy standards to prevent overcrowding and associated health and safety hazards, including fire-related fatalities.

### **Housing for Homeless**

Housing and programs for homeless and other extremely low-income populations are necessary to ensure quality of life and economic viability for all Californians.

Homelessness is a statewide problem that disproportionately impacts specific communities. The state should make funding and other resources, including enriched services and outreach and case managers, available to help assure that local governments have the capacity to address the needs of the homeless in their communities, including resources for regional collaborations.

Homeless housing is an issue that eludes a statewide, one-size-fits-all solution, and collaboration between local jurisdictions should be encouraged.



State and federal funding programs should be designed to reflect responsibilities imposed by state and federal law.

### **Military Base Closure and Reuse**

#### *Base Closures and Reuse*

Cal Cities supports local decision-making over military base closure and reuse. The affected cities independently or sub-regionally should work together toward efficient reuse planning.

#### *Economic Reuse*

Cal Cities supports incentives for broad economic reuse of closed military facilities. Cities should work on a regional and interstate basis to maintain economic productivity. Economic reuse includes both reuse of military facilities and the retooling of related industries to continue to provide jobs for residents of California's cities.

### **Mobile Home Regulation**

Cal Cities supports initiatives that maintain cities as the enforcement authority for mobile home regulation.

Cal Cities supports the preservation of existing mobile home parks as an important source of affordable housing.

### **Sign Regulation**

Cal Cities supports the authority of cities to regulate billboards and other signage. Cal Cities opposes mandatory local abatement programs.

### **Principles for Smart Growth**

#### *Well-Planned New Growth*

Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:

- De-emphasizes automobile dependency;
- Integrates the new growth into existing communities;

- Creates a diversity of affordable housing near employment centers; and
- Provides job opportunities for people of all ages and income levels.

#### *Maximize Existing Infrastructure*

Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.

#### *Support Vibrant City Centers*

Give preference to the redevelopment and reuse of city centers and existing transportation corridors by supporting and encouraging:

- Mixed-use development;
- Housing opportunities for all income levels;
- Safe, reliable, and efficient multi-modal transportation systems; and
- Retaining existing businesses and promoting new business opportunities that produce quality local jobs.

#### *Coordinated Planning for Regional Impacts*

Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands, and open space.

#### *Support High-Quality Education and School Facilities*

Develop and maintain high-quality public education and neighborhood-accessible school facilities as a critical determinant in:

- Making communities attractive to families;
- Maintaining a desirable and livable community;
- Promoting life-long learning opportunities;
- Enhancing economic development; and

- Providing a workforce qualified to meet the full range of job skills required in the future economy.

### **Build Strong Communities**

Support and embrace the development of strong families and socially and ethnically diverse communities, by:

- Working to provide a balance of jobs and housing within the community;
- Avoiding the displacement of existing residents;
- Reducing commute times;
- Promoting community involvement;
- Enhancing public safety; and
- Providing and supporting educational, mentoring, and recreational opportunities.

### **Emphasize Joint Use of Facilities**

Emphasize the joint use of existing compatible public facilities operated by cities, schools, counties, and state agencies, and take advantage of opportunities to form partnerships with private businesses and nonprofit agencies to maximize the community benefit of existing public and private facilities.

### **Support Entrepreneurial/Creative Efforts**

Support local economic development efforts and endeavors to create new products, services, and businesses that will expand the wealth and job opportunities for all social and economic levels.

### **Encourage Full Community Participation**

Foster an open and inclusive community dialogue and promote alliances and partnerships to meet community needs.

### **Establish a Secure Local Revenue Base**

Support the establishment of a secure, balanced, and discretionary local revenue base necessary to provide the full range of needed services and quality land use decisions.

## **Residential Insurance Policy**

Cal Cities believes homeowners should be insured for the value of rebuilding a home to current building standards. Cal Cities supports measures to increase transparency in insurance policies so that homeowners can make informed decisions.

Cal Cities believes residents who have experienced a wildfire or other natural disaster are entitled to fair residential property insurance practices that provide flexibility to rebuild, including that insured property owners should not lose insurance coverage during the rebuilding effort.

Cal Cities also believes residential property insurance policies should not be canceled based on weather-related claims or immediately following a disaster.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."*

# Public Safety

## SCOPE OF RESPONSIBILITY

The Committee on Public Safety reviews federal and state legislation and issues related to law enforcement, fire and life safety policies, emergency communications, emergency services, disaster preparedness, Indian gaming, and nuisance abatement.



## Summary of Existing Policy and Guiding Principles

### Fire Services

Cal Cities supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities.

Cal Cities supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

Cal Cities supports legislation to provide a framework for a solution to the long-standing conflict between cities, counties, the fire service, and LEMSA's, particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

Cal Cities supports stored pressure dry chemical fire extinguishers to be serviced and recharged every six years or after each use, whichever occurs first. Additionally, Cal Cities supports requiring a licensed technician to perform the annual external maintenance examination of stored pressure dry chemical fire extinguishers.

Cal Cities opposes legislation, regulations, and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

Cal Cities supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

Cal Cities supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions.

Cal Cities supports incentives for homeowners who undertake measures to "harden their homes."

### Emergency Services and Preparedness

Cal Cities supports the 2-1-1 California telephone service as a non-emergency, human and community services and disaster information resource.

Cal Cities supports “Good Samaritan” protections that include both medical and non-medical care when applicable to volunteer emergency, law enforcement, and disaster recovery personnel. Cal Cities also supports providing “Good Samaritan” protections to businesses that voluntarily place automated external defibrillators (AEDs) on their premises to reduce barriers to AED accessibility.

**Emergency Communications Interoperability:**  
Cal Cities supports activities to develop and implement statewide-integrated public safety communication systems that facilitate interoperability and other shared uses of the public safety spectrum with local, state, and federal law enforcement, fire, emergency medical, and other public safety agencies.

Cal Cities supports a single, efficient, performance-based state department to be responsible for overseeing and coordinating emergency preparedness, response, recovery, and homeland security activities.

Cal Cities supports efforts to secure additional funding for local agencies to provide training opportunities for appropriate first responder personnel to improve their ability to respond to oil spills, fires, and other hazardous materials accidents.

Cal Cities supports legislation and additional state and federal regulation crafted to ensure that first responders can perform their duties during emergency response operations without interference from unmanned aerial systems, or drones.

Cal Cities supports the authorization of cities to approve and develop Community Paramedicine or Triage to Alternate Destination programs for their jurisdictions.

Cal Cities opposes policies that limit cities' ability to privately contract for emergency medical services.

## Law Enforcement

Cal Cities supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Cal Cities opposes booking fees and continues to seek their repeal, while encouraging localities to pursue resolution of the issues with their respective counties.

Cal Cities supports a local government's ability to double the fine for traffic violations in school zones in an attempt to reduce the speed of drivers and protect our youth.

Cal Cities supports reimbursement by the federal government to local agencies, specifically cities, for the costs associated with incarcerating deportable criminals, including the direct costs associated with processing and booking at the time of arrest.

Cal Cities supports policies that promote a victim's right to seek restitution, create restrictions on the early release of state inmates from incarceration for the purpose of alleviating overcrowding, and limit parole hearing opportunities for state inmates serving a life sentence or paroled inmates with a violation.

Cal Cities supports parolee search and seizure terms, which aids local law enforcement's ability to manage paroled offenders.

Cal Cities supports increased penalties for metal theft and recognizes that statewide regulation is needed to discourage “jurisdiction shopping.” Cal Cities also supports increased record-keeping and reporting requirements for junk dealers, including the collection of thumbprints from sellers.

Cal Cities supports accountability on the part of law enforcement agencies concerning police surveillance technology and policies, as well as related oversight by local governing bodies, but also strongly supports limits on disclosure of the full capabilities of such technology to the general public where such disclosure would compromise the effectiveness of the technology's law enforcement applications.

Cal Cities supports policies that require state government entities to notify local law enforcement about known individuals that are prohibited from owning or possessing a firearm.

Cal Cities supports policies that authorize law enforcement officers to administer opioid antagonist medications.

Cal Cities opposes policies that restrict law enforcement agencies from utilizing surveillance technology that would otherwise enhance their ability to prevent criminal activity.

In addition to the mental health screening provided by local hiring entities, Cal Cities supports resources and education to support the mental health needs of local public safety personnel.

Cal Cities recognizes the need to establish a peace officer decertification process through POST.

### **Mental Health/Substance Use Disorder**

Cal Cities supports the promulgation of policies and the use of resources to increase collaboration between first responders and health agencies for incidents involving people living with mental illness or experiencing substance use disorders.

Cal Cities supports resources for increased training and education for first responders to serve people living with mental illness or experiencing substance use disorders, as well as increased multidisciplinary collaboration.

Cal Cities supports transparency relating to sustained findings of officer misconduct.

Cal Cities supports transparency and oversight relating to criminal investigations of officer misconduct.

Cal Cities supports the completion and disclosure of findings relating to officer misconduct despite their voluntary separation from the employing agency.

### **Police Use of Force**

Cal Cities supports transparency on the part of law enforcement agencies regarding agencies' policies on the use of force.

Cal Cities supports the establishment of minimum state standards on use of force that must be included in all California law enforcement agencies' use of force policies.

Cal Cities supports basic training requirements and guidelines for agencies and law enforcement officers on use of force, including, but not limited to training on the legal standards for use of force, one's duty to intercede, implicit and explicit bias, and alternatives to the use of deadly force.

Cal Cities opposes modifications to the legal standard on use of force; to the extent, such proposed changes elevate the safety risk to law enforcement officers. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.

Cal Cities opposes the limitation of law enforcement discretion to utilize less-lethal tools for dispersing unruly or unlawful crowds.

### **Drones**

Cal Cities supports policies that allow cities to impose reasonable time, place, and manner restrictions on the operation of drones in their jurisdictions.

Cal Cities supports policies that authorize local law enforcement to enforce state and local drone laws.

Cal Cities supports policies that promote the availability of information on state and local



drone laws so that operators are aware of and accountable to local rules.

Cal Cities supports local agencies' ability to enact and enforce rules of general applicability, such as trespass, nuisance, or noise, in a manner that addresses unsafe drone operations.

Cal Cities supports the promotion of transparency to the public, and as technology permits, encourages local agencies to pursue the development and use of real-time drone tracking systems to ensure residents can look up the details of drones operating in a given area.

Cal Cities opposes state legislation or regulations that outright bans drones.

Cal Cities supports the establishment of governmental immunity for local jurisdictions that designate drone recreational areas, which notify the public that drones may be flying overhead, and that persons enter these designated areas at their own risk.

### Fireworks

Cal Cities supports increased resources for local enforcement of illegal fireworks and aggressive interdiction efforts in collaboration with state agencies.

### Wildland-Urban Interface

Cal Cities supports activities to cooperate, coordinate, and communicate in the development of better land use policies and wildland fuel management programs to decrease impacts to public health and safety resulting from wildland urban interface fires.

### Nuisance Abatement

Cal Cities supports enhanced local control over public nuisances including, but not limited to:

- Adult entertainment facilities;
- Problem alcohol establishments; and
- Properties where illegal drugs are sold.

### Violence

Cal Cities supports the reduction of violence through strategies that address gang violence, domestic violence, youth access to tools of violence, including, but not limited to, firearms, knives, etc., and those outlined in the California Police Chiefs Policy Paper endorsed by Cal Cities Board of Directors.

Cal Cities supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

### Indian Gaming

Cal Cities supports the following principles that are intended to balance tribal self-reliance with the local government mandate to protect the public health and safety.

- Require an Indian Tribe that plans to construct or expand a casino or other related businesses to seek review and approval of the local jurisdiction for such improvements consistent with state law and local ordinances including the California Environmental Quality Act, with the Tribal government acting as the lead agency and with judicial review in the California courts.
- Require mitigation of off-reservation impacts consistent with environmental protection laws that are at least as stringent as those of the surrounding local community and CEQA.
- Require written agreements between tribes and affected local agencies to ensure tribes are subject to local authority related to the infrastructure needs and services outlined above.
- Require adequate compensation from the tribes to the local agency providing the government services that are required by the tribal casino or related businesses.
- Ensure compensation to local agencies from the Special Distribution Fund for off-

reservation mitigation coupled with other sources to ensure adequate compensation.

- Require a judicially enforceable agreement between tribes and local jurisdictions on all of these issues before a new compact or an extended compact may become effective.
- Establish appropriate criteria and guidelines to address future compact negotiations.
- The Governor should establish and follow appropriate criteria to guide the discretion of the Governor and the Legislature when considering whether to consent to tribal gaming on lands acquired in trust after October 17, 1988 and governed by the Indian Gaming Regulatory Act (25 U.S.C. § 2719).

### Gaming

Cal Cities supports measures expanding local control over local gaming operations, including, but not limited to, management of the hours of operation and number of tables in an establishment, as an effective tool to enhance related local revenue streams. Cal Cities opposes a restriction on those same revenue streams measures that would further restrict such local control, including, but not limited to, the extension of existing statewide gaming moratoriums.

### Alcohol

Cal Cities supports policies that limit the ability of minors to engage in alcohol consumption, and limit youth access to alcoholic beverages, so long as related state-mandated programs or services provide for full reimbursement to all local agencies.

Cal Cities supports local policies that hold social hosts responsible for underage drinking that occurs on property under their possession, control, or authority.

Cal Cities supports additional penalties for repeat driving under the influence (DUI) offenders that include, but are not limited to, permanent revocation of an individual's driver's license.

Cal Cities supports legislation and other regulations intended to improve local governments' enforcement capability against alcohol licensees that are in violation of state law and local ordinances.

Cal Cities supports the ability of bars and restaurants to operate expanded outdoor premises with local and state approval.

Cal Cities supports the sale of alcoholic beverages for off-sale consumption if the beverages are in manufacturer prepackaged containers with local and state approval.

### Cannabis Regulation

Cal Cities regards as a vital interest the maintenance of local control over medical and adult-use cannabis businesses and supports measures that enhance and protect maximum local regulatory, land use, and enforcement authority in relation to such businesses.

Reaffirming that local control is paramount, Cal Cities holds that cities must retain the authority to regulate all medical and adult-use cannabis businesses if the regulation relates to location, operation, or establishment to best suit the needs of the community.

Cal Cities affirms that revenue or other financial benefits from creating a statewide tax structure on medical cannabis should be considered only after the public safety and health ramifications are fully evaluated and addressed.

While the value of cannabis as a physical or mental health treatment option is uncertain, Cal Cities recognizes the need for proactive steps to mitigate the proliferation of unlawful medical cannabis businesses and other access points acting outside state or local regulation.

Cal Cities supports cannabis regulation only to the degree that any such regulatory structure preserves and upholds local control and the police power of local governments pursuant to Article XI, Section 7 of the California Constitution.

Cal Cities opposes policies that prohibit local law enforcement from cooperating with federal authorities on investigations into matters involving violations or other criminal activity by cannabis licensees, including, but not limited to, money laundering, sales to minors, and diversion.

### Graffiti

Cal Cities endorses the “Tag You Lose” anti-graffiti campaign and encourages other cities to implement this program into their existing anti-graffiti programs.

Cal Cities supports increased authority and resources devoted to cities for abatement of graffiti and other acts of public vandalism.

### Sex Offender Management

Cal Cities supports policies that will assist local law enforcement with the comprehensive and collaborative management of sex offenders, including tools for tracking the location of sex offenders within local jurisdictions, so long as state-mandated programs provide for full reimbursement to all local agencies.

### Corrections

Cal Cities supports constitutional protections for state-funded corrections realignment programs, so long as it includes funding for local police department needs. Cal Cities also supports increasing city representation and participation in the Community Corrections Partnerships, which are charged with developing local corrections plans.

### Firearms

Cal Cities recognizes that mental illness and firearms form a dangerous combination that threatens public safety. Consequently, Cal Cities supports policies that restrict persons with mental health disorders from possessing or owning a firearm. Cal Cities supports policies that ultimately allow such persons to petition for retrieval of their firearms.

Cal Cities supports local law enforcement agencies retaining the discretion to issue a concealed carry weapon permit, and thereby opposes policies that mandate the issuance of such permits.

Cal Cities supports the honoring of Gun Violence Restraining Orders (GVROs) that are issued by other states.

### Miscellaneous

Cal Cities opposes reductions to city authority to regulate needle and syringe accessibility and exchange programs.

Cal Cities asks any company manufacturing or marketing or planning to manufacture or market colored-tread tires in California to voluntarily abandon such a product line and thereby prevent the public safety, environmental and social problems these tires can potentially cause.

Cal Cities warns those individuals who advocate or perpetuate hate, not to test the cities’ resolve to oppose them, as each city is encouraged to vigorously pursue a course of an investigation, apprehension, prosecution, conviction, and incarceration of all those who participate in hate crimes.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”*

# Revenue and Taxation

## SCOPE OF RESPONSIBILITY

The Committee on Revenue and Taxation reviews issues related to finance administration, taxation reform, revenue needs, and revenue sources at the federal, state, and local levels.



## Summary of Existing Policy and Guiding Principles

### Cities and Cal Cities

#### Preamble

Inherent in these recommendations is the underlying principle that meaningful fiscal reform should allow each level of government to adequately finance its service responsibilities, with each being accountable to taxpayers for its own programs.

#### Efficiency

Cities and Cal Cities should continue to emphasize efficiency and effectiveness, encouraging, and assisting cities to achieve the best possible use of city resources.

#### Authority and Accountability

Cities must locally achieve political authority and accountability for revenues raised and services provided. For accountability, revenues should be logically linked to traditional and emerging responsibilities. Cities must effectively communicate the good news about city programs and operations, as well as information concerning financial conditions and city responsibilities.

#### Alliances

Cities should seek alliances with counties, schools, other cities, employee organizations, other local agencies, business, and professional organizations, and nonprofit organizations to support cooperation, sound financial policies, and joint action.

#### Initiative

Cities and Cal Cities are prepared to use the statewide initiative process, if necessary, to secure fiscal independence and a sound intergovernmental financial structure. Initiative efforts should, to the extent feasible, incorporate and, in no case violate, the principles developed by the Fiscal Reform Task Force as follows:

- Cities require a greater share of the property tax and other reliable, discretionary revenues in order to finance local services to property.
- Cities require constitutional protection of their revenue sources in order to provide insurance against diversion by the state of these revenues in the future for non-municipal purposes.
- Major reforms in the unfunded mandate reimbursement process should be enacted to make it more workable and meaningful.

## Legislature or the Voters

### Local Authority and Accountability

To preserve local authority and accountability for cities, state policies must:

- Ensure the integrity of existing city revenue sources for all cities, including the city share and situs allocation, where applicable, of property tax, sales tax, vehicle license fees, etc.
- Ensure the integrity of city revenue sources by providing fraud deterrence and enforcement tools that improve the collection of public funds.
- Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- Oppose any state or federal legislation that would pre-empt or threaten local taxation authority including, but not limited to, Utility User's Taxes.
- Allow every level of government to enjoy budgetary independence from programs and costs imposed by other levels of government.
- Authorize a simple majority of the voters in a city or county to establish local priorities, including the right to increase taxes or issue general obligation bonds.
- Offer incentives to reward cities achieving program goals, rather than withhold or reduce revenues to accomplish targets.

### State Legislative and Budget Reforms.

To stabilize state funding and programs and reverse the trend of the state's reliance on local revenues to solve the state's fiscal crises, the state should implement fiscal and legislative reforms which may include for consideration the following:

- A two-year spending plan with the first session focused on expenditures over the period.
- Oversight hearings that review programs for savings, duplication, or gaps in services.

- Limits on the number of bills that legislators may introduce.
- A prudent reserve fund.
- Official records kept of all Assembly and Senate official meetings.
- A balanced deficit reduction approach, which could include temporary revenue increases dedicated solely to retiring short-term debt, spending cuts, short-term borrowing, and multi-year spending limitations.
- Long-term restructuring measures, including increased local government property tax shares to create balanced growth and separate budget detail of all state expenditures at the local level.

### State Mandates

The state must provide full and prompt reimbursement to all local agencies for all state-mandated programs and/or infractions and losses associated with local revenue shifts.

Local agencies must be authorized to petition the Commission on State Mandates immediately after legislation is chaptered for determination of eligibility for reimbursement and reserve the right to directly pursue court intervention without an administrative appeals process.

Reforms are needed in the mandate approval and reimbursement process.

The state should be prohibited from deferring mandate payments.

Unless specifically requested by a city, no new duties, responsibilities, or obligations should be assigned to a city or cities under state realignment.

### Additional Revenue

Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.



When disasters or emergencies occur statewide or in various areas of the state, state government has traditionally stepped in to assist with recovery efforts through various means, including the passage of legislation to provide income and property tax relief to affected individuals and businesses, and reimbursing local governments for their losses. Cal Cities supports disaster recovery legislation that includes mitigation for losses experienced by local governments. Cal Cities supports this aid being allocated to cities through a process that objectively accounts for the impacts that a disaster or emergency has had on a city's residents, infrastructure, economy, and revenues. In the event that aid is provided solely on a per-capita basis, Cal Cities support that it be done equally per resident.

Cal Cities also supports establishing a federal debt guarantee program that supports state catastrophe insurance programs for post-event debt that they incur as a result of paying for insured losses caused by major natural catastrophes.

Cal Cities supports legislation that would make adjustments to the vehicle license fee-property tax swap of 2004 to ensure that the formula appropriately accounts for city incorporations and annexations of inhabited territory.

Cal Cities supports legislation that would bolster existing local efforts to enforce local ordinances and revenue collection associated with short-term rentals. Legislation must protect local transient occupancy tax collection authority, tax rates, and enforcement authority associated with short-term rentals.

### **Reduce Competition**

Revenue from new regional or state taxes or from increased sales tax rates should be distributed in a way that reduces competition for situs-based revenue. (Revenue from the existing sales tax rate

and base, including future growth from increased sales or the opening of new retail centers, should continue to be returned to the point of sale.)

The existing situs-based sales tax under the Bradley Burns 1% baseline should be preserved and protected.

Tax proceeds collected from internet sales should be allocated to the location where the product is received by the purchaser.

Restrictions should be implemented and enforced to prohibit the enactment of agreements designed to circumvent the principle of situs-based sales and redirect or divert sales tax revenues from other communities when the physical location of the affected businesses does not change.

Sales tax rebate agreements involving online retailers are inappropriate because they have the effect of encouraging revenue to be shifted away from numerous communities and concentrated to the benefit of one. Any type of agreement that seeks to lure a retailer from one community to another within a market area should also be prohibited going forward.

### **Funding for Counties**

Counties require additional funding if they are to fulfill their state-mandated and traditional roles.

As legal agents of the state, county expenditures in that capacity should be funded by the state. Their local programs should be financed locally.

The concept of "self-help" for counties should be expanded. An example might be that counties could receive certain state funding if they raise a specified level of revenue locally.

To alleviate competition among cities and counties, funding for counties should be accompanied by agreements on new development in undeveloped areas within the cities' sphere of influence.

## Regional Revenues

Local government issues, programs, and services do not always recognize local government jurisdictional boundaries. In cases where regional issues, programs, and services are identified, multi-jurisdictional revenues should then be identified and implemented. As an example, the sales tax has been considered and used by many countywide areas to address multi-jurisdictional transportation issues.

Support regional cooperation on common interests and goals by providing access to share incremental growth in ERAF property tax.

## Revenue Modernization

### Property Tax

Cal Cities supports legislation which would clarify and improve the definition of “change of ownership” for property tax reassessment purposes to include when more than 90% of direct or indirect ownership interests in a legal entity are cumulatively transferred in one or more transactions. Such changes would reduce the use of complicated strategies employed to evade reassessment of property upon changes of ownership.

### Sales Tax

- **Sales and Use Tax Base:** Cal Cities supports modernization to the sales tax through measures that would either broaden the tax base on goods, which includes reviewing existing exemptions on certain goods and expanding to digital forms of goods that are otherwise taxed, and expanding the sales tax base to services, such as those commonly taxed in other states. Specific proposals in these areas should be carefully reviewed so that the impacts of any changes are fully understood.

- **Sales Tax Sourcing Rules:** Support as Cal Cities policy that point of sale (situs) is where the customer receives the product. Specific proposals in this area should be carefully reviewed so that the impacts of any changes are fully understood.

Cal Cities supports as policy allowing more direct reporting of use taxes related to construction projects to the jurisdiction where the construction activity is located by reducing the existing regulatory threshold from \$5 million to \$100,000.

- **County Pool Use Tax Allocations:** Support Cal Cities working with the state California Department of Tax and Fee Administration to update the county pool allocation process to ensure that more revenues are allocated to the jurisdiction where the purchase or first use of a product occurs (usually where the product is delivered). Use Tax collections from online sales, including from the South Dakota v Wayfair Decision, should be shifted out of county pools, and allocated to the destination jurisdiction whose Bradley Burns tax applies and not throughout the entire county.
- **State Sales Tax Exemptions:** Cal Cities opposes state legislation that proposes to grant exemptions for specific products that fail to protect those portions of the sales tax that are dedicated to local government.
- **Data Collection:** Cal Cities supports efforts to modernize statewide sales tax data collection to improve understanding of out-of-state and in-state remote sales.

## Federal Streamlined Sales and Use Tax Agreement (SSUTA)

There are more questions than answers for California cities about potential state participation in the SSUTA. The SSUTA offers many more risks for California cities than benefits. Thus, Cal Cities should:

- Continue to monitor developments of the SSUTA and related federal legislations, but not support any additional efforts that would lead to California joining the agreement. This position can always be revisited at a future point if events change.
- Strongly oppose any federal effort that attempts to force California to conform to the Agreement, or amendments to federal legislation that would directly undermine California's utility user tax structure.
- Work with the California Department of Tax and Fee Administration and other parties on alternative efforts to increase the collection of use taxes within California. Share Cal Cities analysis of the SSUTA with interested parties, exchange information on use tax collection issues with municipal Leagues in other states, including those states with tax structures similar to California.

### Federal Legislation Requiring Use Tax Collection

Cal Cities supports federal legislation that would require the collection of use tax from internet or "remote sales" that meets the following conditions:

- Is limited to the collection of sales and use taxes.
- Does not require states to participate in the SSUTA.
- Requires remote sellers to collect the full destination rate (combination of state and local rates at location the product will be delivered).
- Exempts intrastate (non-remote sales within California) from the destination rule.
- Provides sufficient flexibility to accommodate California's tax structure. (There are instances where the state, for policy reasons, has opted not to collect the state's share of sales taxes on an item, but the local rates on those items are still collected).

State regulatory actions and possible legislation may be needed to address issues raised by the collection of new revenue from remote sales. Implementation by the California Department of Tax and Fee Administration would likely require appropriate software for remote sellers to implement the new system.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of "Summary of Existing Policies and Guiding Principles."*

# Transportation, Communications, and Public Works

## SCOPE OF RESPONSIBILITY

The Committee on Transportation, Communications, and Public Works reviews both state and federal legislation as it relates to issues of transportation funding, construction, public works, telecommunications, and other related areas.



## Summary of Existing Policy and Guiding Principles

### Transportation

Cal Cities supports constitutional protections for transportation funding to be dedicated for transportation purposes only and opposes any efforts to reduce or eliminate transportation funding for local government.

Cal Cities supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. One of Cal Cities' priorities is to protect the consistent and continuous appropriation of new monies from various sources directly to cities and counties for the preservation, maintenance, and rehabilitation of the local street and road system. New and additional revenues should continue to meet the following policies:

- System Preservation and Maintenance.** Given the substantial needs for all modes of transportation, a significant portion of new revenues should continue to focus on system preservation. Once the system has been brought to a state of good repair, revenues for

maintenance of the system would be reduced to a level that enables sufficient recurring maintenance.

- Commitment to Efficiency.** Priority should continue to be used to improve current systems. Recipients of revenues should incorporate operational improvements and new technology in projects.
- All Users Based System.** New revenues should continue to be borne by all users of the system from the traditional personal vehicle that relies solely on gasoline, hybrid, or electric technology, to commercial vehicles moving goods in the state, and even transit, bicyclists, and pedestrians who also benefit from the use of an integrated transportation network.
- Alternative Funding Mechanisms.** Given that new technologies continue to improve the efficiency of many types of transportation methods, transportation stakeholders must be open to new alternative funding mechanisms. Further, the goal of reducing greenhouse gases is also expected to affect vehicle miles traveled, thus further reduce gasoline consumption and revenue from the existing gas tax. The existing

user-based fee, such as the base \$0.30 cent gas tax is a declining revenue source. Collectively, we must have the political will to push for sustainable transportation revenues.

**Unified Statewide Solution.** For statewide revenues, all transportation stakeholders must stand united in the protection of new revenues. Any new statewide revenues should address the needs of the entire statewide transportation network, focused in areas where there is defensible and documented need.

**Equity.** New revenues should continue to be distributed in an equitable manner, benefiting both the north and south and urban, suburban, and rural areas, as well as being equally split between state and local projects.

**Flexibility.** Needs vary from region to region and city to city. New revenues and revenue authority should continue to provide the flexibility for the appropriate level of government to meet the goals of the constituents.

**Accountability.** All tax dollars must be spent properly, and recipients of new revenues must be held accountable to the taxpayers, whether at the state or local level.

**Education.** Through the City and County Pavement Improvement Center (CCPIC), educational opportunities to provide additional research and development, guidance, specifications, tools, and training in pavement management and engineering must be made available to local governments to help ensure local streets and roads last longer, cost less, and are more sustainable.

Cal Cities supports a permanent shift of the sales tax on gasoline for transportation purposes and an allocation formula equivalent to 40/40/20 split of 40% to cities and counties, 40% to STIP, and 20% to transit.

Cal Cities supports enhanced autonomy for local transportation decision-making and pursues

transportation policy changes that move more dollars and decisions to local policy leaders. Cal Cities supports spending transportation moneys for transportation purposes. Cal Cities will seek the maximum share of available funding for local transportation programs. Cal Cities supports the implementation of federal transportation funding re-authorization legislation in a manner that supports these principles.

Cal Cities supports the preservation and expansion of transportation grant funding opportunities to help incorporate new transportation technologies and practices into local transportation networks, such as active transportation grant funding and transportation innovation grant funding.

Cal Cities opposes the state pursuing any transportation policy change that would result in a reduction of revenue from the Highway Users Tax Account and/or the Road Maintenance and Rehabilitation Program. Cal Cities supports a requirement for the state to consult with Cal Cities of any transportation policy changes to help ensure such strategies include funding equal to or greater than what cities already receive to maintain, operate, and rehabilitate their existing streets and roads network.

Cal Cities supports the ongoing study of the Road User Charge, which aims to identify an alternative to the gas tax as a way to fund transportation infrastructure.

Cal Cities supports efforts that streamline funding between the state, federal, and local governments that help reduce the amount of time and resources it takes to fund and complete transportation projects, such as NEPA delegation and the Match-Exchange Program.

Cal Cities opposes conditioning a city's share of transportation funding on housing-related goals, such as planning and production, instead favoring comprehensive housing solutions for housing problems.



Cal Cities supports bicycle and pedestrian access with maximum local flexibility to prioritize this transportation need, as long as funding is available directly for it and other transportation priorities do not negatively affect transportation funding. Cal Cities opposes any mandatory set-asides or prioritization for bicycle and pedestrian access on the state or local system using state or local maintenance and/or rehabilitation funding.

Cal Cities opposes requiring a city or parking processing agency to automatically cancel notices of parking violations, prior to a request from a vehicle owner, if the violation does not substantially match the corresponding information on the vehicle registration.

Cal Cities opposes efforts that limit the ability for cities to remove or immobilize vehicles that chronically ignore moving and/or parking violations and/or are operating unlawfully on public roads.

Cal Cities supports the visionary effort of the High-Speed Rail project and supports the involvement of local officials in the project planning and implementation. However, Cal Cities opposes efforts to exempt the High-Speed Rail project from the California Environmental Quality Act (CEQA) and other processes that provide an opportunity for local input. Cal Cities also supports efforts to reaffirm voter support of the project, including voter reconsideration for the bond.

Cal Cities supports the development of best practices and funding to support all modes of goods movement including ports, roadways, storage/distribution centers, rail, and air. A focus should be kept on job creation and retention, economic development, and safety. Cal Cities encourages cities to actively engage their region and the state in making goods movement decisions.

Cal Cities supports efforts to improve the California Public Utilities Commission's ability to respond to and investigate significant transportation

accidents in a public and timely manner to improve rail shipment, railroad, aviation, marine, highway, and pipeline safety.

Cal Cities supports efforts to expand the Caltrans Business Logo Program, including the accurate deployment of EV charging signage.

Cal Cities supports having a balanced regulatory framework over both the taxi and TNC industries; encourages the PUC to include biometric identification data from TNC drivers and to have TNC companies conduct vehicle safety inspections; a policy where both industries are regulated by the state's PUC, while giving cities the ability to regulate both industries when any given city finds that state regulation is insufficient for their community.

Cal Cities supports the Full Funding Grant Agreement (FFGA) process for the Federal Transit Administration's (FTA) Capital Investment Grant (CIG) program.

### Public Works

Cal Cities supports retaining maximum flexibility for timely and cost-effective completion of public works projects. Cal Cities supports innovative strategies, including public-private partnerships at the state and local levels to enhance public works funding.

Cal Cities supports efforts to divert products that contribute to decreased capacity and increased maintenance costs at wastewater treatment facilities.

Cal Cities encourages the state to adopt maximum response time for all necessary state reports, including Project Study Reports, to allow for a timely and cost-effective completion of public works projects. Cal Cities supports the certification of private firms to complete reports when state staff is unavailable.

Cal Cities supports expedited permitting when the work is necessary to ensure the integrity of gas

pipelines, provided that local permitting and plan review requirements are met.

Cal Cities opposes efforts to alter the way that Caltrans prioritizes its litter cleanup and abatement program to just the segments of highway that receive the highest number of complaints.

Cal Cities supports improving the state's seismic readiness and resiliency, including tax credits for retrofitting seismically vulnerable buildings and the state conducting its own survey of buildings that are potentially vulnerable in seismic-prone regions of the state. Cal Cities opposes any efforts to impose such a mandate on local governments.

Cal Cities supports the inclusion of wildfire mitigation as an eligible project to receive the California Public Utilities Commission's Rule 20 funds and efforts to expand funding for Rule 20.

### Micromobility

Cal Cities supports efforts that reassert local authority to regulate emerging transportation technologies, such as e-scooters and e-bicycles, and opposes efforts to limit this authority and the city's access to meaningful data from companies operating within their jurisdiction.

### Vehicles

Cal Cities supports a requirement for transit operators to provide at least one staff person in each of its fully automated transit vehicles in the early stages of autonomous transit vehicle deployment.

Cal Cities opposes all efforts that allow vehicles and vehicle operators on the road that will jeopardize the integrity of the public infrastructure or the health and safety of the motoring public. Cal Cities supports all efforts to retain maximum control of the local street and road system. Cal Cities supports traffic safety enhancements such as motorcycle helmets, child restraints, seat belts, and speed limit laws.

Cal Cities opposes any efforts to increase truck size or weight. The size and weight of trucks are important because they affect the stability and control of the truck, the way it interacts with other traffic, and the impact it has when colliding with other vehicles. Truck safety is particularly important because these vehicles share city streets and county roads with users — such as motorists, pedestrians, cyclists, motorcyclists, and bus riders.

Cal Cities encourages cities to promote safe driving across California and the education of the general public about the dangers of texting while driving.

Cal Cities supports a requirement that all state rulemaking bodies consider the following factors for any proposed rule impacting vehicles: the weight added to any vehicle; the effect any added weight would have on pavement wear; and the resulting costs to state and local governments.

Cal Cities supports efforts to protect consumers from unscrupulous tow trucker companies and operators.

Cal Cities holds that increasing vehicle fines do not improve safety around school zones and encourages other efforts, such as increased police presence and additional crossing guards, as better solutions to safety issues in school zones.

Cal Cities supports legislation that authorizes the testing or conducting of pilot projects for autonomous vehicles.

### Contracts

Cal Cities supports maintaining maximum local flexibility in the area of contracting and contract negotiations. Cal Cities supports changes to the law that allow cities options to use design-build contracting and other innovations designed to bring efficiency to public contracting. Cal Cities also supports contracting out with private entities to increase project delivery efficiency and affordability.

Cal Cities opposes efforts to shift additional legal costs and liability away from design professionals and contractors to local governments.

### Telecommunications

Cal Cities supports a state tax levied on direct broadcast satellite television service providers if the proceeds are distributed to support local public safety programs consistent with a geographic distribution methodology that reflects households using this service and provided that the tax is repealed should the revenues be diverted by the state for another purpose.

Traditional franchising at the local level has served the valuable purpose of tailoring service to unique local conditions and needs and assuring responsiveness of providers to consumers. The continued involvement of local government in any new state or federal regulatory scheme by way of locally negotiated agreements is an essential component of telecommunications regulations; best serves the needs of consumers and is consistent with the goal of providing consumers greater choice in telecommunications options.

Any new state or federal standards must conform to the following principles:

#### Net Neutrality

- Access to fast, reliable, and high-quality internet is essential for the success of our collective communities.
- Reliable communications and data networks for essential services, such as police and fire, are necessary, especially during times of emergency.
- Communications and data networks are increasingly important for the relationship between local government and its residents and businesses.
- Net neutrality prevents internet service providers from blocking, throttling, degrading, or providing for paid prioritization of lawful content, applications, or services.

- Free and open internet can spur innovation and help close the digital divide in California.

#### Revenue Protection

- Protect the authority of local governments to collect revenues from telecommunications providers and ensure that any future changes are revenue neutral for local governments.
- Regulatory fees and/or taxes should apply equitably to all telecommunications service providers.
- A guarantee that all existing and any new fees/taxes remain with local governments to support local public services and mitigate impacts on local rights-of-way.
- Oppose any state or federal legislation that would pre-empt or threaten local taxation authority

#### Rights-of-Way

- To protect the public's investment, the control of public rights-of-way must remain local.
- Local government must retain full control over the time, place, and manner for the use of the public right-of-way in providing telecommunications services, including the appearance and aesthetics of equipment placed within it.

#### Access

- All local community residents should be provided access to all available telecommunications services. Cal Cities supports funding and resources to provide access to high-speed broadband infrastructure, including municipal broadband, for all California communities to close the digital divide, especially in unserved and underserved communities.
- Telecommunications providers should be required to specify a reasonable timeframe for the deployment of telecommunications services that include a clear plan for the

sequencing of the build-out of these facilities within the entire franchise area.

### *Public Education and Government (PEG) Support*

- The resources required of new entrants should be used to meet PEG support requirements in a balanced manner in partnership with incumbent providers.
- For cities currently without PEG support revenues a minimum percentage of required support needs to be determined.

### *Institutional or Fiber Network (INET)*

- The authority for interested communities to establish INET services and support for educational and local government facilities should remain at the local level.

### *Public Safety Services*

- The authority for E-911 and 911 services should remain with local government, including any compensation for the use of the right-of-way. All E-911 and 911 calls made by voice over internet protocol shall be routed to local public safety answering points (PSAPs); i.e., local dispatch centers.
- All video providers must provide local emergency notification services.

### *Customer Service Protection*

- State consumer protection laws should continue to apply as a minimum standard and should be enforced at the local level. Local governments should retain the authority to assess penalties to improve customer service.

### *Wireless Infrastructure*

- Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding.
- Cal Cities supports the authority of cities to zone and plan for the deployment of telecommunications infrastructure. Cal Cities supports the ability of cities to maintain and

manage the public right-of-way and receive compensation for its use. Cal Cities supports the innovation and economic development potential of the “information superhighway” and the many possible benefits in the areas of telecommuting and productivity it promises. Cal Cities will work with the California Public Utilities Commission, the various telephone companies, and federal regulatory agencies to improve telephone area code planning in California.

- Cal Cities supports model agreements between cities and wireless communications providers for the deployment of wireless infrastructure, including small cells and macro cell towers, within their jurisdiction.
- Cal Cities supports a requirement of telecommunications providers to notify the California Office of Emergency Services (CalOES) of 911 service or emergency warning outages to help ensure the most efficient deployment of emergency services in affected areas.

### **Plain Old Telephone System (POTS):**

Cal Cities believes the following principles in order to ensure minimum standards are met before service withdrawals of plain old telephone systems are made:

- Require that reliable communications systems are in place prior to any technology transition to ensure vital government services and public safety operations are available to communicate with citizens during emergencies.
- Telecommunications service should be technology-neutral to include similar regulatory protections and obligations, such as maintenance of infrastructure, access to facilities, and provision of basic voice and broadband service.
- Ensure a transparent process for the phase-out of POTS, avoiding self-certification

and arbitrary timelines for CPUC review of withdrawal requests.

- Require carriers to assist local governments in a proposed service withdrawal area to determine which public services are dependent on them.
- Require the CPUC to consult with state and local agencies to verify alternative communications services that meet or exceed POTS quality, accessibility, reliability, and affordability and determine adequate transition times, especially to ensure the functionality of the 911 system.
- For wireless technology alternatives, local governments must have guaranteed priority access to the 911 system.
- Ensure state enforcement and accountability over any proposed service withdrawals.
- Require that the transition to an alternative service is cost-neutral for consumers, with additional costs borne by the carriers, including ancillary costs such as software and equipment, for instance.
- Require the CPUC to notify and work with cities and other local governments of proposed service withdrawals to ensure appropriate transitions.
- Carrier cost savings from any such transition should be shared with customers, including local governments through a state-developed and administered financial assistance program.
- Require that “Lifeline” rates for customers with special needs are cost and technology-neutral, in the short- and long-term.
- Require that telecommunications companies that withdraw plain old telephone service within any given area continue to maintain the infrastructure and if no longer in use, be responsible and pay for the removal of the infrastructure.

Cal Cities opposes a deregulated framework for Voice over Internet Protocol (VoIP) technology given that VoIP is often a “communication of last resort,” as the state’s populace rapidly moves away from plain old telephone service and onto VoIP or wireless communications.

### Air Pollution

Cal Cities will monitor developments and the ramifications of efforts to regulate air quality and related congestion strategies as it is related to transportation.

---

**Note:** *Cal Cities will review new legislation to determine how it relates to existing Cal Cities policies and guiding principles. In addition, because this document is updated every two years to include policies and guiding principles adopted by Cal Cities during the previous two years, there may be new, evolving policies under consideration or adopted by Cal Cities that are not reflected in the current version of this document. However, all policies adopted by Cal Cities Board of Directors or Cal Cities General Assembly become Cal Cities policy and are binding on Cal Cities, regardless of when they are adopted and whether they appear in the current version of “Summary of Existing Policies and Guiding Principles.”*





1400 K Street, Suite 400, Sacramento, CA 95814

Phone: (916) 658-8200 | Fax: (916) 658-8240

[www.calcities.org](http://www.calcities.org)