



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Fahey and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Sherilyn Lombos, Deputy City Manager

DATE: May 3, 2005

SUBJECT: Consideration of the State Budget and Legislative Update from Shaw / Yoder, Inc., the City's Legislative Advocate

RECOMMENDATION:

Staff recommends that the City Council receive and file the May Budget and Legislative Update from Shaw / Yoder, Inc.

FISCAL IMPLICATION:

There are no fiscal implications associated with staff's recommendation.

BACKGROUND:

The City contracts with Shaw / Yoder, Inc. for legislative advocacy and representation. One of the deliverables of the contract with Shaw / Yoder, Inc. is that they will provide monthly updates on the state budget and legislative activity.

DISCUSSION:

The May 2005 Budget and Legislative Update from Shaw / Yoder, Inc. is attached.

On a side note related to the State, the League of California Cities annual Legislative Action Days are scheduled for May 11 and 12. Several staff members will be attending.

Attachment: A. Budget and Legislative Update



May 3, 2005

To: Manhattan Beach City Council

Fm: Shaw / Yoder, Inc.

RE: BUDGET AND LEGISLATIVE UPDATE

Budget

The Legislature has begun deliberations on making a formal response to the Governor's Proposed 2005-06 State Budget, initially released on January 10, 2005. The various budget committees, and budget subcommittees, have been meeting regularly to ascertain the affects of the Governor's proposals, as well as determine what should be a priority for the upcoming budget, from the Legislature's perspective. Much of this work, however, is not overly productive in that no "real" action will take place until after the "May Revise", which is the Governor's updated budget proposal based on the state's most recent tax receipts. This document is scheduled to be released sometime in mid-May, at which point the Legislature will have a better understanding of what actions need to be taken. As a refresher, after the May Revise is released, along with the Governor's updated budget proposal, the Legislature will begin earnest deliberations to craft a response. Constitutionally, the Legislature is supposed to pass a balanced budget to the Governor by June 15, and a balanced budget is supposed to be in place, through approval by the Governor, no later than July 1, the beginning of the state's fiscal year. As you know, these deadlines have rarely been met. Practically speaking, the Senate and the Assembly will pass their own versions of the budget, which inevitably have differences between them. To solidify the budget, a Joint Budget Conference Committee will be convened, composed of three legislators from each House, with four members from the majority party and two members from the minority party. The Administration is involved in these discussions and, for the most part, this is the forum by which a final budget agreement is generally achieved. The Joint Budget Conference Committee will likely convene for the first time in May, to early June. We will be in a better position to detail the facts and politics of the budget deliberations after the final, known tax receipts are released. At this point, most of the "dancing" around my legislators and the Administration is more posturing than anything else.

Legislation

BILLS PASSED OUT OF ASSEMBLY:

AB 791 Lieber

This bill would specify that provisions of existing law regulating the terms and conditions of tenancy apply to homeowners and residents of mobilehome parks. This bill passed out of the Assembly on April 18, 2005. It is currently in the Senate Rules Committee for assignment.

Tel: 916.446.4656
Fax: 916.446.4318
1414 K Street, Suite 320
Sacramento, CA 95814

AB 1528 Jones

This bill specifies that the law of agency applies to the relationship of a landlord or owner and his or her agent. It requires an inference from being drawn regarding the inapplicability of the law of agency from the presence or absence of a reference to an agent in specified provisions. The bill states that its provisions are declaratory of existing law. On April 21, 2005 the bill passed out of the Assembly. It is currently in the Senate Rules Committee for assignment.

OTHER LEGISLATION:

AB 11 De La Torre

This bill requires that an elected member of a city council who serves on a commission or committee created by or under the jurisdiction of the city council shall not receive compensation for that service in excess of \$150 per commission or committee per month. The bill was amended on March 31, 2005 to reflect additional language including elected members who serve on a board, authority, or similar body. The bill passed out of the Local Government Committee on April 13, 2005 and was heard a second time in the Assembly on April 18, 2005.

AB 14 Harman

This bill requires that a document be recorded certifying the consent of the city or county to a conversion of an existing property into a common interest development of less than 5 units as part of the creation of a development. It prohibits an assessor from taking action on, or assigning parcel numbers for, a common interest development, without receiving a document certifying the consent of the local government. This bill passed out of the Assembly Local Government Committee on April 20, 2005.

AB 1102 Hancock

This bill prohibits the issuance of a confidential marriage license based upon an inability of the parties to appear. Makes related changes with regard to notary publics and the state registrar. It allows the county clerk to charge any fee to cover the actual costs of issuing that duplicate license. It also changes the fee charged notary publics for approval to issue confidential marriage licenses to an unspecified amount. This bill passed out of the Assembly Judiciary Committee on April 19, 2005 and was referred to the Assembly Appropriations Committee.

SB 435 Hollingsworth

This bill would include within those eligibility requirements the construction of a mobile home park that limits residency based on age requirements for housing for older persons and the construction, for the persons and families of moderate income, of a community apartment project and stock cooperative. It would require a city, county, or city and county to permit an additional incentive or concession for projects in which the developer is entitled to a density bonus, but can use less than 50% of the density bonus. This bill passed out of the Senate Transportation and Housing Committee on April 19, 2005. It will be heard in the Senate Appropriations Committee on May 2, 2005.

LEGISLATION SET FOR HEARING:

AB 17 Koretz

This bill would make it an infraction for a person to smoke a pipe, cigar, or cigarette on a state coastal beach. It also permits the state to develop and post signs at a state coastal beach to provide notice of the smoking prohibition. The bill was **amended on April 19, 2005**, throwing out all language referring to smoking infractions on public beaches. The bill will now repeal and reenact the provisions in the California Integrated Waste Management Act which relates to litter receptacles and that provides the procedures for their maintenance. The bill will be heard in the Assembly Natural Resources Committee on April 25, 2005.

SB 250 Campbell

This bill would add hydrogen fuels to provisions of existing law for use in internal combustion engines and fuel cells in motor vehicles. The bill was amended on March 29, 2005. It will no longer require the California Environmental Protection Agency to facilitate a transition to broadbased, renewable hydrogen fuel. It was then re-referred to committee. The bill was set to be heard in the Senate Environmental Quality Committee on April 11, 2005 although the hearing has now been postponed to April 18, 2005 at 1:30pm. The bill was **amended on April 20, 2005**. The recent amendment retracted language that would have designated the State Fire Marshal as the lead agency for implementing issues pertaining to fire, life and safety for a hydrogen fueling network. The bill was re-referred to Senate Environmental Quality Committee and will be heard on April 25, 2005.

SB 942 Chesbro

This bill enacts the Cigarette Pollution and Litter Prevention Act of 2005. Requires a manufacturer to pay a fee to the Department of Conservation for each package of cigarettes sold in the State of California during the previous 6 months and thereafter pay a fee based upon the number of packages of cigarettes sold in the state during the previous 6 months. This bill is set to be heard in the Senate Environmental Quality Committee on April 25, 2005.

SB 596 Bowen

This bill would provide that, notwithstanding any provision of law, a county, or district may conduct a local election using a preference voting method. This bill would also describe the preference voting method as it applies to both a single-candidate election and a multiple-candidate election. The bill will be heard in the Elections, Reapportionment, and Constitutional Amendments on April 27, 2005.

SB 107 Simitian

This bill revises and recasts language so that the amount of electricity generated per year from renewable energy resources is increased to an amount that equals at least 20% of the total electricity sold to retail customers per year by December 31, 2010. It also requires the Energy Commission to establish a renewable energy credit trading program and to develop tracking, accounting, verification, and enforcement mechanisms for the program. The bill was amended on April 19, 2005 showing that it is no longer an appropriations bill. It may now be passed with a simple majority of Senate votes. It is set for hearing on April 26, 2005 at 9am in the Senate Energy, Utilities and Communications Committee.

SB 840 Kuehl

This bill makes all residents eligible for specified health care benefits under the Health Insurance System created by this bill. This bill passed out of the Senate Banking, Finance and Insurance Committee on April 6, 2005 with a seven to four vote. It will be heard in the Committee on Health on April 27, 2005 at 1:30pm.

SB 33 Battin

This bill provides that it is a crime punishable by imprisonment for persons within specified degrees of consanguinity who are 18 years of age or older to commit fornication or adultery with one another. It provides that, in lieu of prosecuting a person suspected of committing an act of physical abuse or neglect involving a minor victim, the prosecuting attorney may refer that person for counseling and psychological treatment. This bill was **amended on April 14, 2005** reflecting changes in the minimum age to 14 years. Also added to the bill was language providing that if the defendant is a member of the victim's household, he or she shall not be granted probation unless they are removed from the victim's household until the court determines that the best interests of the victim would be served by his or her return. The bill passed from the Senate Committee on Public Safety on April 19, 2005 and was re-referred to the Appropriations Committee and is set for hearing on May 2, 2005.

ACA 7 Nation

Tel: 916.446.4656
Fax: 916.446.4318
1414 K Street, Suite 320
Sacramento, CA 95814

This bill proposes a Constitutional Amendment to change the 2/3 voter-approval requirement for special taxes to instead authorize a city, county, or special district to impose a special tax with the approval of 55% of its voters voting on the tax. This bill will be heard in the Assembly Local Government Committee on May 4, 2005 at 1:30pm.

CANCELED HEARINGS:

SB 540 Kehoe

This bill prohibits a landlord from prohibiting a tenant from posting or displaying noncommercial signs, posters, flags, or banners on or within any portion of premises leased by the tenant, unless the posting or display would violate a local, state, or federal law. The bill was to be heard in the Senate Judiciary Committee on April 12, 2005, but the hearing was postponed.

SB 681 Simitian

This bill makes it an infraction to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. It provides that this prohibition does not apply to a person who is using the cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes. The bill was set for hearing in the Senate Transportation and Housing Committee on April 19, 2005 at 1:30pm but the hearing was canceled at the author's request.

UPDATES:

SB 153 Chesbro

This bill enacts the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006. On April 18, 2005 the Senate Appropriations Committee placed the bill in its suspense file.