



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: FEBRUARY 28, 2012

TITLE: CITY OF IRVINE 2012 STATE AND FEDERAL LEGISLATIVE PLATFORM

Senior Management Analyst

City Manager

RECOMMENDED ACTION

Adopt the 2012 State and Federal Legislative Platform.

EXECUTIVE SUMMARY

The 2012 State and Federal Legislative Platform for the City of Irvine (Attachment 1) is presented for the City Council's review and approval. The purpose of a Legislative Platform is to guide City officials, staff and the City's legislative advocates, Townsend Public Affairs, in considering legislative proposals introduced both at the State and Federal levels.

Adopting a Legislative Platform allows for timely response to legislative issues important to the City or which may impact the City. The Platform also summarizes the City Council's positions on priority issues without precluding the consideration of additional legislative and budget issues that arise during the legislative session.

The City's Legislative Platform is reviewed and amended every year in conjunction with the opening of a new legislative session. This enables the Legislative Platform to evolve and adapt to changing needs and issues.

The Legislative Platform in previous years has been accompanied with a Federal Agenda; yet staff's recommendation this year is to eliminate a separate agenda as it is an unnecessary document. We have, therefore, compiled one State and Federal Legislative Platform instead and will continue to do so going forward.

COMMISSION/BOARD/COMMITTEE RECOMMENDATION

None

BACKGROUND AND ANALYSIS

Legislative Platform

The Legislative Platform includes City Council Guiding Principles and Policy Statements for the 2012 Legislative Session. The purpose of a Legislative Platform is to guide City officials, staff and the City's legislative advocates in considering legislative proposals introduced at both the State and Federal levels. Maintaining a legislative platform allows for timely response to legislative issues important to the City. Response may come in many forms, from conversations with legislators, legislative staff, to letters from the Mayor or City Manager to the Legislature and/or Congress consistent with the Platform.

The Guiding Principles and Policy Statements represent core principles and positions that may or may not be addressed in the 2012 Legislative Session. While the City Council has established goals and policies in various strategic plans and policy documents, the Legislative Platform provides more concise statements of support or opposition. These policy statements have traditionally been based on the City Council's understanding that investments of financial, physical, and staffing resources made today ensure that the community's quality of life is preserved and enhanced in the future.

The 2012 Legislative Platform reflects input from all departments and from Townsend Public Affairs. This year marks the introduction of a section on Guiding Principles (page 3), presented as fundamental principles to guide staff and the City's legislative advocates on a number of topics, some of which were previously in the City Manager's Office/Local Government Finance section. The policy statements are presented by department for ease of reference; however, some policy statements are inter-departmental. When possible and warranted, policy statements were streamlined to eliminate duplication and to be presented more efficiently.

The Legislative Platform serves as a baseline from which to evaluate proposed legislation, regulatory provisions, and requests for support or opposition. Complex or unclear policy issues lead to further discussion, departmental input, City Manager guidance and additional City Council direction as appropriate. Additional direction will be requested for new legislative matters not included in the Platform.

The Legislative Platform is updated annually to address new issues and to assure that the City Council's policy statements have been accurately presented.

Federal and Financial Legislative Agenda

The Legislative Platform in previous years has been accompanied with a Federal Agenda; however, staff's recommendation and the recommendation of Townsend Public Affairs, is to present only the Legislative Platform for approval. The Federal Agenda was not needed and legislative direction could be streamlined into one Legislative Platform.

The Federal Agenda has served as a statement of funding priorities in the past. However, there is sufficient and more comprehensive direction for project funding priorities in existing City Council-approved documents, including the Strategic Business Plan, Annual Budget, and the Capital Improvement Project list. Staff from all departments and Townsend Public Affairs continue to monitor funding opportunities, taking a strategic approach with recent opportunities coming primarily in the form of competitive grants.

ALTERNATIVES CONSIDERED

The City Council may choose to further revise the Legislative Platform.

FINANCIAL IMPACT

Adopting the Legislative Platform provides staff and Townsend Public Affairs with a streamlined approach from which to begin its evaluation of proposed legislation, regulations and/or budget proposals. It will also guide response to funding opportunities, in addition to other existing City Council-approved policy documents, such as the Strategic Business Plan and Annual Budget.

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ATTACHMENTS

1. City of Irvine 2012 State and Federal Legislative Platform



CITY OF IRVINE 2012 STATE AND FEDERAL LEGISLATIVE PLATFORM

The Legislative Platform includes City Council Guiding Principles and Policy Statements for the 2012 Legislative Session. The City Council recognizes the need to protect Irvine's interests and local legislative authority and identify various avenues to implement its strategic goals.

The purpose of a Legislative Platform is to guide City officials, staff and the City's legislative advocates in considering legislative proposals introduced both at the State and Federal levels. Maintaining a legislative platform allows for timely response to legislative issues important to the City, including letters from the Mayor or City Manager to the Legislature and/or Congress consistent with the Platform. The Platform also summarizes the City Council's positions on priority issues without precluding the consideration of additional legislative and budget issues that arise during the legislative session.

The Guiding Principles and Policy Statements are core principles and positions that the City should take to address a variety of issues that may or may not be addressed in the 2012 Legislative Session. The City Council has established goals and policies in various strategic plans and policy documents. These goals have traditionally been based on the City Council's understanding that investments of financial, physical, and staffing resources made today ensure that the community's quality of life is preserved and enhanced in the future. The goals are referenced in documents that include, but are not limited to:

- General Plan
- Strategic Business Plan
- Strategic Plan for Children, Youth and Families
- Energy Plan

Policy statements are organized by department for ease of reference; however, some policy statements are inter-departmental.

The Legislative Platform will guide the City until a new Platform is ratified by the City Council.



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GUIDING PRINCIPLES

I. PRESERVE LOCAL CONTROL

Preserve and protect the City's charter powers, duties and prerogatives to enact local legislation and policy direction concerning local affairs, and oppose legislation that preempts local authority. Local agencies should preserve and enhance authority and accountability for revenues raised and services provided.

II. PROMOTE FISCAL STABILITY

Support measures that promote fiscal stability, predictability, financial independence, and preserve the City's revenue base and maximum local control over local government budgeting. Oppose measures that shift local funds to the County, State or Federal Governments and/or make cities more dependent on the County, State or Federal Governments for financial stability, such as mandated costs with no guarantee of local reimbursement or offsetting benefits.

III. SUPPORT FUNDING EFFORTS TO MEET NEEDS OF A GROWING COMMUNITY

Support efforts to bring increased revenue to the State and local revenue structure, including grants, to fund and maintain City goals and standards while meeting the needs of a growing population. This planned growth increases demand on infrastructure, public safety, park, library, program and service development and maintenance.

POLICY STATEMENTS

CITY MANAGER'S OFFICE

A. Local Government Finance/Fiscal Stability

1. Support the ability of cities to retain public, educational and government access channels, institutional networks and revenue from cable/internet/video service providers.
2. Support the establishment of dedicated funding streams for public infrastructure projects through legislative authorization, grants and the expansion of financing opportunities.
3. Support the preservation and enhancement of the City's ability to generate sales and use tax revenue.

B. Redevelopment

1. Support efforts to protect the City's ability to use tax increment funding and to identify and pursue additional funding mechanisms in support of infrastructure development, economic development and housing needs associated with military base reuse.

C. International Trade

1. Monitor legislation promoting international trade.

D. Governmental Affairs

1. Monitor mandates in connection with any proposed legislation to implement or revise the governing responsibilities of City Councils or Redevelopment Board Members, including but not limited to ethics, California Fair Political Practices Commission (FPPC) requirements, compensation, Brown Act, and the California Public Records Act, election law, etc., applicable to both Charter and General Law Cities.
2. Support changes in the law that allow public agencies the option to use design/build contracting and other innovations designed to bring efficiency to public contracting.
3. Support legislation that modifies public legal notice publication requirements to allow for electronic posting to meet requirements.

ADMINISTRATIVE SERVICES

A. Employee Relations

1. Oppose measures that reduce local control over employee relation issues that can be more properly negotiated at the bargaining table, including mandated employee benefits, and employee dispute resolution.
2. Oppose proposals that would create additional financial burden on, or threaten the viability of, the California Public Employees' Retirement System (CalPERS).

COMMUNITY DEVELOPMENT

A. Building Code

1. Support adoption of effective state building codes to promote community building safety and mitigation of natural hazards such as earthquakes and wildland fires.
2. Support adoption of effective and clear green building standards in the California Building Code.
3. Support adoption of accessibility standards in the California Building Code consistent with federal standards.
4. Support adoption of building construction related measures as part of the California Building Code rather than as separate stand-alone legislation.

5. Oppose measures diminishing the authority of local jurisdictions to enforce building codes or mandating the manner of enforcement with no provisions for local reimbursement.

B. Housing

1. Support housing measures that promote the development and enhancement of safe and decent affordable, sustainable, and accessible housing within the City, for all economic segments of the population.
2. Oppose legislation and measures diminishing the housing and community development authority of local elected officials.
3. Support measures that give local government the legislative authority to implement reasonable housing occupancy standards.
4. Support measures allowing local jurisdictions to pool resources in meeting sub-regional affordable housing goals.
5. Support housing bonds within State capacity limits to increase financial assistance to local governments, redevelopment agencies, nonprofit housing organizations and public/private partnerships to provide affordable, transitional, and emergency housing.
6. Support measures to establish regulations that increase the City's ability to effectively compete for state and federal funding, such as Proposition 1C funds.
7. Support Federal legislation that would maintain or increase funds dedicated to the Community Development Block Grant Program and HOME program and supports the expansion of eligibility and allowable uses under this program.
8. Support housing legislation that creates and supports an equitable Regional Housing Needs Allocation process subject to a formal hearing and appeal process to ensure they are realistic, and that allows for cities to work together to allocate housing units among themselves within a subregion.
9. Support reforms to the housing element process that address potential conflicts between local growth projections and state regional housing need numbers, regional transportation plans, sustainable community strategies and resolve problems associated with the distribution of RHNA units within a council of governments.
10. Support legislation that permits self-certification of the City's Housing Element.
11. Support housing legislation and regulation that allow non-profits and land trusts to broaden opportunities for and types of affordable homeownership.

C. Land Use Planning

1. Protect local land use planning authority; oppose efforts that would impose regional, state or federal growth, development or land use planning standards within the City.
2. Oppose legislation that diminishes the City's discretionary ability to approve land use patterns and entitlement applications.
3. Support land use patterns that maintain safe residential neighborhoods, bolster economic prosperity, preserve open space, and enhance overall quality of life in Irvine.
4. Support efforts to strengthen the legal and fiscal capability of local agencies to prepare, adopt, and implement plans for orderly growth, development, beautification and conservation of local planning areas including, but not limited to, regulatory authority over zoning, subdivisions, and annexations.

D. Regional Governance/Growth Management

1. Support proposals encouraging regional, sub-regional, or countywide cooperation in planning urban development strategies, especially those that provide funding for effective implementation of agreed-upon goals.
2. Oppose legislation that mandates compliance between the City's local land use authority and regional, sub-regional or countywide plans.
3. Oppose legislation or acquisition of land that would attempt to establish casino gambling-type operations within the City of Irvine.
4. Support measures to achieve fair and proportionate representation on countywide and regional boards.
5. Support policies promoting wildlife and habitat protection and enhancement, including endangered and threatened species, and sustainable economic development.
6. Support the fair and effective implementation of State infrastructure bonds, consistent with the needs of local cities.
7. Support funding for state and local investment in the physical infrastructure of California including, but not limited to, its roadways, bridges, levees, parks, libraries, and systems for delivering and treating water, wastewater, and storm water.
8. Support legislation that extends the implementation of the 2008 Senate Bill 375 to integrate the Housing Element, Regional Housing Needs Assessment, Regional Transportation Plan and Sustainable Communities Strategy for the Southern California region.

9. Support legislation to extend deadlines for local and regional compliance with the provisions of SB 375 and to align those deadlines with the next RHNA cycle.
10. Support follow up legislation to SB 375 to create clear, fair and equitable emission reduction goals that can realistically be achieved and which do not infringe upon local government land use authority.
11. Support funding and incentives for smart growth and sustainable development.

E. Water Supply

1. Support measures to increase water supply and improve drinking-water quality in this region.
2. Support measures that would increase funding for desalination and water reuse technologies, including support for the expansion of Groundwater Replenishment System project by the Orange County Water District and the Orange County Sanitation District to create new water supplies through recycling.
3. Support measures that permit the sale, lease, exchange or transfer of surplus water within the State, especially north to south, and agricultural-to-urban transfers.
4. Encourage the conservation of water resources, to the extent practical. Conservation programs among multiple agencies should be coordinated to maximize benefits.

F. Water Quality/Urban Runoff

1. Support regulations and legislation for water-quality improvements that are "watershed-based" and reflect state-of-the-art science, including cost-sharing studies with State and Federal agencies, including the U.S. Army Corps of Engineers.
2. Support policy development, funding, research, and implementation strategies based on scientific data and human/ecological risk assessment for addressing urban runoff.

COMMUNITY SERVICES

A. Parks, Recreation and Open Space

1. Support legislation and grants to fund parks, open space, recreation and capital improvements and programs to improve the quality of life for Irvine residents.
2. Support and work with County and State officials in the development of regional and State parks and open space.

B. Services to Families and Youth

1. Support legislation and grants that provide for the reduction of youth obesity and encourage proper nutrition.

2. Support legislation and grants that provide for affordable, innovative and quality child care services and assistance to low-income families.
3. Support legislation and grants that facilitate the provision of child and youth activities that promote socially productive behavior.
4. Support legislation and policies that promote activities and availability of resources that support and assist families.
5. Support reforms in health care by addressing prevention, health promotion, wellness, affordability, and cost containment.
6. Support legislation and policies that promote mental health services and availability of resources that support and assist families and youth.
7. Oppose attempts by the State to reduce Proposition 10 funding to balance the State budget or other State programs.

C. Services to Seniors and Persons with Disabilities

1. Support legislation and grants that provide services for senior citizens and persons with disabilities, especially in the areas of nutrition, accessibility, housing, transportation, recreation, and social services.

D. Animal Care

1. Support efforts that provide for quality care and shelter for impounded animals.
2. Support measures that facilitate responsible pet ownership.
3. Oppose animal services or care measures imposing state-mandated costs when there is no guarantee of local reimbursement or offsetting benefit or local fees.
4. Support funding and grants for capital development of animal care shelters and services.

E. Facility Services

1. Support grants and legislation that provide for appropriate construction, rehabilitation, and maintenance of public facilities.

F. Environmental

1. Air Quality & Climate Change

- i. Support measures that provide for continued funding and incentives to cities to work together to improve air quality while balancing the reduction of emissions with impacts on business.

- ii. Support air quality efforts that emphasize the use of advanced technologies, market incentives, and incentives for the use of alternative fuels and the development of the infrastructure for alternative fuel vehicles.
- iii. Support legislation and grants that encourage the use of clean-burning alternative fuels for vehicles and that provide incentives and rewards for cities and businesses with innovative alternative fuel programs.

2. Energy

- i. Support efforts that promote the use of cost effective solar/alternative energy within City facilities and promote cost effective solar energy programs for residents and businesses.
- ii. Support legislation and grants that would provide funds to support projects that demonstrate cost effective, environmentally friendly, cutting edge technologies and renewable energy for publicly owned facilities.
- iii. Support legislation and grants that would support zero-energy goals and assist in reducing the City's energy usage.
- iv. Support continuation of adoption of enhanced building energy efficiency standards in the California Building Code and incentive funding to meet those goals.
- v. Support the ongoing continuation of fully funded Energy Efficiency and Conservation Block Grant (EECBG) program funding.
- vi. Support legislation that would require that federal regulators and mortgage lenders treat Property Assessed Clean Energy (PACE) assessments like others and underwrite mortgages with PACE assessments to allow property owners to finance energy efficiency and renewable energy projects for their homes and commercial buildings.

3. Solid Waste

- i. Support measures that expand the market for recyclable materials, including creative, business-friendly programs.
- ii. Support measures that maintain and enhance local authority and economic flexibility to regulate solid waste and recyclables.
- iii. Support cost-effective efforts to reduce the toxic and non-reusable waste load.

- 4. Support measures that promote a multi-disciplinary, multi-departmental and collaborative approach to facilitating a more active and healthy community, and greater environmental awareness and stewardship.

5. Support strategies that demonstrate responsible approaches, including relative cost/benefits, and provide for the most cost-effective means for meeting air quality, energy, water quality, and other environmental goals.
6. Support measures that maintain and enhance local decision-making authority, where appropriate, in the development and implementation of air quality, energy, water quality and other environmental attainment strategies.

ORANGE COUNTY GREAT PARK

1. Oppose efforts that would jeopardize the development of the Orange County Great Park at the former Marine Corps Air Station, El Toro, including the use of federal lands and all agreements made at the time of base closure and transfer to ensure consistency with the Orange County Central-Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP).
2. Support efforts to secure federal and state funds for programs and activities, and the development, operation and maintenance of facilities and open space areas, including infrastructure implementation (sewer, water, natural gas, electricity), at the Orange County Great Park.
3. Support implementing legislation that increases opportunities to compete for Federal, State and local grants and future bond measures to meet 2012 goals including, but not limited to:
 - 3a. Park and Recreation - Support ongoing construction efforts, including the Western Sector Development Plan.
 - 3b. Water – Obtain funding for water infrastructure planning and projects, including but not limited to, the Orange County Great Park Storm Water Management Plan.
 - 3c. Transportation – Secure funding to improve access and mobility both to and within the Orange County Great Park
 - 3d. Agriculture – Support efforts to expand both agricultural operations and educational programming to demonstrate to visitors the importance of fresh produce and nutrition.
 - 3e. Education/Culture – Obtain funding to support the development and expansion of current/future programming
4. Support efforts to work collaboratively with regional agencies and organizations to pursue efforts that meet 2012 goals.
5. Support efforts to protect the City's ability to use tax increment funding and to identify and pursue additional funding mechanisms in support of infrastructure development, economic development and housing needs associated with military base reuse.

PUBLIC SAFETY

A. Public Safety

1. Support legislation to provide a greater share of asset forfeiture funds and increased latitude for spending local funds.
2. Oppose the development of maximum-security county facilities within close proximity to residential neighborhoods.
3. Support legislative efforts to improve local law enforcement, fire suppression and prevention, hazardous materials mitigation, rescue, emergency medical services, and disaster preparedness initiatives.
4. Support legislation that seeks to reimburse the City for overtime costs paid to public safety personnel who are required to appear in State and/or County courts.
5. Support legislative efforts to grant state and federal funding to supplement local law enforcement to increase staffing and equipment to maintain the safety, security and the quality of life for Irvine residents.
6. Support the Federal efforts to provide law enforcement and other public safety agencies greater access to wireless communication necessary to support a national, interoperable, wireless broadband network to serve and protect communities throughout the United States.
7. Support legislation and grants which provide funding for equipment upgrades, training and capital improvements.
8. Support legislation that promotes comprehensive drug and alcohol education and rehabilitation.
9. Support legislation that discourages drivers from operating motor vehicles while under the influence of drugs or alcohol and maintain state funding to operate sobriety and driver's license checkpoints.
10. Support legislation and seek funding to assist local law enforcement to reduce crimes related to illicit drugs, burglary, and assault, including domestic violence.
11. Support legislation that provides funding at the local level to promote crime prevention, public outreach, intervention and mental health programs, including support of strategies identified in the Children, Youth and Families Strategic Plan; and oppose legislation that seeks to reduce funding for said programs.
12. Support maintaining and increasing grant funding for the Community Oriented Policing Services ("COPS") Program and State Supplemental Law Enforcement Service Funds (SLESF) funding.
13. Support increases in grant funding for the Edward Byrne Memorial Justice Assistance Grant ("JAG") Program.

14. Support legislation that prohibits felons from using body armor.
15. Support legislation that prohibits "open carrying" of long guns (rifles and shotguns) and oppose any efforts to weaken existing state laws by allowing an individual to carry concealed firearms when visiting another state as long as the individual was entitled to carry concealed firearms pursuant to the laws of his or her home state.
16. Support measures that hinder access to illegal drugs, including marijuana, especially by minors.
17. Oppose efforts by the State to impose booking fees for arrestees brought to jail.
18. Oppose attempts by the State to eliminate non-court inmate rehabilitation programs.

B. Realignment

1. Oppose attempts to expand "early release" for low-risk serious and violent offenders without an increase in sustained funding to ensure responsible supervision by parole agents and for local agencies that provide post-release supervision.
2. Support measures that provide frontline funding for police services associated with the "early release" of state prisoners as a result of State-mandated criminal justice realignment provisions enacted in 2011.

C. Crime Victims

1. Support efforts to strengthen and enforce legal protections for all individuals who are victims of crime, especially victims of family violence and sexual assault.
2. Support legislation that provides funding for shelters, victim advocacy, trauma and crisis counseling and related mental health services, to assist victims of violent crime, especially victims of family violence and sexual assault.
3. Oppose efforts to reduce funding for domestic violence shelters and programs and mental health services.

D. Homeland Security

1. Support efforts to coordinate homeland security and emergency response efforts among federal, state, and local governments with clearly defined roles and responsibilities for all parties involved.
2. Support state and federal funding for counter-terrorism programs, including training.
3. Support and seek funding for Urban Area Security Initiative ("UASI") and other funding initiatives administered by the Department of Homeland Security to enhance Irvine's ability to respond to regional or national threats.

E. Emergency Preparedness

1. Support legislation that provides funds to cities and counties to enhance Emergency Operation Centers with state-of-the-art technology.
2. Support efforts, strategies, and state and federal legislation that promote and fund emergency preparedness and recovery efforts for cities.
3. Support efforts to secure adequate frequencies and communications systems for multi-jurisdictional connectivity for public safety and protect the frequencies from intrusion.
4. Support an increase in Emergency Management Performance Grant funding retaining flexibility in use of funds for emergency preparedness training, disaster events and disaster communication out-reach efforts.

F. Youth

1. Support legislation to treat and assist the needs of at-risk juvenile offenders and juveniles placed on court-ordered formal probation.
2. Support legislation that provides funding at the local level to address gang prevention and intervention programs.
3. Support measures that protect children and youth from tobacco, alcohol and drug use and related products, and that support related prevention and intervention programs.

PUBLIC WORKS

A. Transportation

1. Support efforts to assure that Irvine receives its fair share of transportation revenue, and increase funding for transportation programs and projects within the City, including support for transit programs.
2. Support measures to enhance the ability of local agencies to finance local transportation programs and facilities.
3. Support efforts to secure the maximum amount of State funding, and that increase State funding, to construct and maintain local roads, infrastructure, transportation projects and major corridors.
4. Support protection of dedicated transportation-related tax revenues and funding on an annual basis, to maintain and enhance personal mobility and the movement of goods and services, and thus oppose attempts to reduce such dedicated transportation related funding.

5. Support development of an integrated, comprehensive, and efficient multi-modal transportation network in Orange County, meeting the needs of its residents and businesses, to include inter-county and intra-county highways, mass transit, facilities, and infrastructure.
6. Support efforts to increase funding for the design and development of a regional multimodal transportation center in the City of Irvine. Enable public-private partnership for such development.
7. Support initiatives to provide transit operations and maintenance funding to local jurisdictions.

B. Utilities

1. Support legislation and funding for local governments to explore the feasibility to be providers of electricity and ancillary services for the residential, commercial, and industrial sectors.
2. Oppose efforts to erode the ability of local governments to maintain existing fees on telecommunications services.
3. Support the authority of cities to zone and plan for the deployment of telecommunications infrastructure.
4. Support the ability of cities to maintain and manage the public right-of-way and receive compensation for its use.
5. Support efforts, including but not limited to the CPUC, to require enhanced, more effective and timely notification requirements for planned Southern California Edison repairs resulting in power outages to customers.
6. Monitor CPUC and regulatory system for impacts to overall safety, health, and quality of life of the residents of Irvine.