



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chairperson (D-5)

Patti Bisharat
Government Affairs

SANDY SHEEDY (D-2)
Councilmember

Yvette Rincon
Legislative Analyst

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

City Hall
915 I Street
First Floor Council Chambers
April 18, 2006
12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council, established to consider subjects of particular class.

Its purpose is to review proposed legislation, revisions to existing legislation, proposed city ordinance, and revisions to existing ordinances in order to make recommendation to the full City Council.

NOTICE IS HEREBY GIVEN that the Sacramento City Council will conduct concurrent meetings with the Council Committee(s) listed on this agenda which is incorporated herein by reference. The Special Meeting(s) are called to permit members who are not on the listed committees to attend the meetings and participate in the discussion. In the event five (5) or more members of the City Council are present at a committee meeting, only those items listed on the agenda can be acted upon or discussed.

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This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda is located in the posting cabinet on the I Street side of City Hall. Any item not addressed at this meeting may be continued, by motion, to a future afternoon or evening meeting.

Meeting facilities are accessible to persons with disabilities. Please notify the City Clerk's office at (916) 808-7200 at least 48 hours prior to the meeting if you require special assistance to participate in the meeting. The meeting is archived and accessible along with other meeting information on the City's website.

**Law and Legislation Committee
Agenda**

CALL TO ORDER

ROLL CALL

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of April 4, 2006 Minutes

RECOMMENDATION: Approve April 4, 2006 Minutes

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

3.0 SB 1404 Vehicles, Parking Violations, Street Cleaning.

RECOMMENDATION: Adopt an oppose position on SB 1404.

4.0 AB 32 Relating to Greenhouse Gas Emissions

RECOMMENDATION: Adopt a support position on AB 32.

5.0 AB 1319 Relating to Homeless Dumping

RECOMMENDATION: Adopt a support position on AB 1319.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

6.0 To be announced

Adjournment

7.0 To be announced

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of April 6, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

Thursday, May 4, 2006

Amend Ordinance Relating to Northgate Boulevard Special Planning District – **Development Svcs**

AB 777 Relating to Tax Credits and Motion Picture Production – **CMO**

AB 2987 Cable & Video Service - **CMO**

Tuesday, May 16, 2006

Amend City Code Regarding Animal Control - **DGS**

R Street Urban Design Plan and SPD Amendments - **Development Svcs**

Thursday, June 8, 2006

Mobile Food Vendor Ordinance – **Finance**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards - **General Svcs**

Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**

Contractual Conflict of Interest of City Employees - **Finance**

Ordinance Amending Code Relating to Temporary Construction Zones - **Transportation**

Amendments to the Condominium Conversion Regulations - **Development Svcs**

Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**

Report Back on City-wide Sign Ordinance - **Development Svcs**

Illegal Dumping Vehicle Impound Ordinance – **Code Enforcement**

Housing Trust Fund Nexus Study - **Development Svcs**

Front yard Landscaping – **Code Enforcement**

Amend Ordinance Regarding Reward Program – **Code Enforcement**

Solid Waste Facility Fee - **Utilities**

Amend Tree Ordinance – **Parks & Rec**

Public Financing of Campaigns – **City Clerk**

Report Back on Rental Inspection Pilot Program – **Code Enforcement**

Report Back on City Infill Housing Project – **Development Svcs**

Second Hand Smoke in Multi-Family Rental Units – **Code Enforcement**

Amend Ordinance Relating to Recycling Centers – **Development Svcs**

Discussion paper on Truancy/Daytime Curfew for Teens – **Police**

Discussion paper on Trespassing Ordinance – **Code Enforcement & Police**

Amendments to Update Development Services Code – **Development Svcs**

Alcohol Use Permit Processing Ordinance – **Police**

Amendments to Marina Ordinance– **CC&L**



1

REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

Consent
April 18, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – April 4, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of April 4, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff is recommends the approval of the minutes for the Committee meeting of April 4, 2006.

Committee/Commission Action: None.

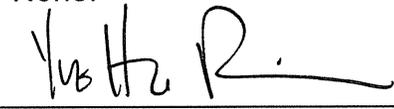
Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by:



Yvette Rincon, Legislative Analyst

Recommendation Approved:

GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

Pg 1-2 Report

Pg 3-5 Attachment A - Minutes for April 4, 2006 Meeting



City of Sacramento Law and Legislation Committee Minutes

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Patti Bisharat
Government Affairs

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**Law and Legislation Committee
Minutes**

CALL TO ORDER - 12:42 pm

ROLL CALL – Sheedy, Cohn, Hammond, Waters, all present

Consent Calendar

All items listed on the consent calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1.0 Approval of March 21, 2006 Minutes

RECOMMENDATION: Approve March 21, 2006 Minutes

ACTION: Moved/Seconded/Carried (Waters/Sheedy) Approval of March 21, 2006 Minutes

2.0 Law and Legislation Log

RECOMMENDATION: Approve legislative log

ACTION: Moved/Seconded/Carried (Waters/Sheedy) Approval of legislative log

3.0 Amendments to Update the Health and Safety Code

RECOMMENDATION: Approve and forward to full Council the amendments to update the Health and Safety Code.

ACTION: Moved/Seconded/Carried (Waters/Sheedy) approval of amendments to update the Health and Safety Code.

Staff Reports

Each speaker is limited to a maximum of 3 minutes.

4.0 City Position on State Bills Relating to Redevelopment and the Use of Eminent Domain

RECOMMENDATION: Adopt an oppose position.

ACTION: Moved/Seconded/Carried (Sheedy/Hammond) approval of an oppose position on SB 1206, AB 2197, ACA 22, SCA 15, SCA 20, AB

2922, AB 1990, SB 1210; a support position on AB 773 and AB 782; and a watch position on SB 53.

5.0 Pedi-Cab Ordinance

RECOMMENDATION: Committee information and direction to staff on whether to draft an ordinance to regulate pedi-cabs, and, if so, what policies to include.

Public Testimony Given by Dan Roth

ACTION: The Committee provided staff with direction in drafting a pedi-cab ordinance including the requirement of badges, insurance, uniforms, and good hygiene of those operating pedi-cabs. The Committee also wants ped-cabs confined to the downtown and Old Sacramento area. Finally, outreach efforts should include but not be limited to Old Sacramento, the Downtown Partnership, Midtown Business Association, Ethnic Chambers, and Metro Chamber. Staff should also evaluate the demand and business interest level to determine if an ordinance is warranted.

Citizens Addressing Council (Matters not on the Agenda)

Each speaker is limited to a maximum of 3 minutes.

6.0 To be announced

Committee Ideas and Questions

7.0 To be announced

Adjournment

8.0 Adjourned – 1:22 pm.

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
8	1.06.3 Update on Rental Inspection Program Pilot	L&L Committee/Code	Fall 06	At the meeting of January 17, 2006 the Law & Leg Committee requested a report back on the Rental Inspection Pilot Program after six months.	No	Not Applicable	Code
9	3.06.3 Report Back on City Infill Housing Project	L&L Committee/DSD/ Luncinda Wilcox	September 2006	The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date.	No	N/A	DSD
10	1.05.02 Amend Tree Ordinance	Parks & Rec/Joe Benassini	Fall 2006	Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process.	To be Determined	To be determined	Parks & Rec
11	03.05.05 Public Campaign Financing	CMO/Clerk	Winter 2006	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight.	Yes	Moderate	CMO/Clerk
				LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING			
12	3.04.3 Contractual Conflict of Interest of City Employees	Finance	Pending	Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Limited	Citywide
13	11.04.1 Amend Code Relating to Temporary Construction Zones	Transportation/ Parking/ Howard Chan	Pending	Amend Section 10.36.140 of Title 10 of City Code to delete the use of the cumbersome portable construction signs in favor of a monthly hangtag to improve staff efficiency and provide better customer service.	Unlikely	Moderate	Trans
14	12.04.2 Amend Condominium Conversion Regulations	Dev Svcs/Aaron Sussman	Pending	Proposed updates and revisions to the City Code relative to Condominium Conversions. Heard by Council on 05/17/05 and referred back to staff for report back. Item scheduled to be heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L.	Possibly	To be determined	Dev Svcs

1 Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.
 2 Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
15	Establish Drug & Gun Free Zones and Creation of Civil Exclusion	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Significant	Police/CAO
16	Update on Sign Ordinance and Sign Program	CM Waters/Dev Svcs/ NSD	Pending	Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD
17	Illegal Dumping Vehicle Impound Ordinance	CM Hammond Utilities/Harold Duffy	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision.	Potentially Yes	Significant	Code
18	Housing Trust Fund Nexus Study	Dev Svcs	Pending	Amend City Code related to Housing Trust Fund fees. Item scheduled to be heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L.	Possibly	To Be Determined	Dev Svcs
19	Amend Ordinance Relating to Reward Program	Waters/Utilities/ Harold Duffy	Pending	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Limited	Code

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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
20	Report Back on Representation of Neighborhood Associations	CM Sheedy/DSD/NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue. Staff will update the Neighborhood Assc. list and discuss options to public outreach.	To Be Determined	To Be Determined	DSD/NSD
21	Report Back on Contract Standards	CM Sheedy/ Gen Svcs	Pending	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Gen Svcs
22	Second Hand Smoke in Rental Units	CM McCarty/Code/ David Paul	Pending	Second hand smoke is an official toxic pollutant. Request that staff look into and provide direction to SHRA on developing non-smoking sections in multi-family public housing units, and talk with RHA on private complexes. Staff will be drafting a resolution for Council approval for educational outreach relating to the health impacts of second hand smoke.	Possibly	To be determined	Code
23	Amend Ordinance relating to Recycling Centers	CM Hammond/ DSD	Pending	Address design guidelines for recycling cubicles (dumpsters), definition of recycling and developing siting criteria.	TBD	TBD	DSD
24	Truancy/ Daytime Curfew for Teens	CM McCarty/ Police	Pending	Research possible ordinance regarding truancy/daytime curfew for teens.	TBD	TBD	Police

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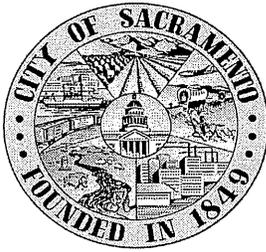
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Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
25	Amendments to Development Svcs code	DSD/Julia McGinnis	Pending	An Ordinance amendment updating various sections of chapters 3, 5, 12, 16, and 18 of the City Code referencing City Engineer and Director of Public Works and adding a definition for City Manager's Designee	No	Limited	Dev Svcs
26	Amendments to Marina Code	CC&L/Michelle Heppner	Pending	Amendments to the Marina Code to update and address administrative processes.	Yes	Moderate	CC&L
27	Approved Alcohol Use Permits Processing	GM Hammond/ Police/Sherri Scruggs	Pending	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code

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REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
April 18, 2006

Honorable Members of the
Law and Legislation Committee

Subject: SB 1404 (Machado) Vehicles, parking violations, street cleaning.

Location/Council District: All Districts

Recommendation:

Oppose Senate Bill 1404 which proposes to amend Section 40202 of the Vehicle Code relating to vehicles, parking violations and street cleaning.

Contact: Azadeh Doherty, Staff Aide, 808-3137

Michael J. Melvin, Program Specialist 808-7475

Presenters: Michael J. Melvin, Program Specialist

Department: Transportation

Division: Planning and Policy

Organization No: 3416

Summary:

SB 1404 proposes to have the notice of parking violation include a statement that a violation of street cleaning ordinances will be dismissed if contested and the city in which the violation occurred is unable to demonstrate that the street upon which the violation occurred was cleaned on the date of the violation. This could increase the number of contested parking citations by as much as one third.

Currently, the City of Sacramento provides a number of services during hours that are designated for "Street Cleaning" which include:

Weekly - Garbage pickup

Weekly - Lawn and garden debris pickup (material is placed on the street)

Twice a month - Recycle pickup

Monthly - Street sweeping

Access to Curb and Gutter for other maintenance services

Restricting parking only when street sweeping actually occurs will not allow the City to perform these services and will cause a hardship for residents because parked vehicles will block the pickup of garbage, recyclables and lawn debris.

Committee/Commission Action: None.

Background Information:

It is a violation of existing law (Section 40202 of the California Vehicle Code) to park a vehicle on designated streets during scheduled street cleaning days. Vehicles will be cited by the peace officer or person authorized to enforce parking laws and regulations. In addition, a notice of parking violation setting forth specified information, including the type of violation, the date and time of the violation and the final date of payment for the fine must be posted securely to the vehicle.

SB 1404 proposes to have the notice of parking violation include a statement that a violation of street cleaning ordinances will be dismissed if contested and the city in which the violation occurred is unable to demonstrate that the street upon which the violation occurred was cleaned on the date of the violation.

Financial Considerations: Passage of SB 1404 will increase parking administrative costs and reduce parking violation fees.

Environmental Considerations: None

Policy Considerations: None

Emerging Small Business Development (ESBD): N/A

Respectfully Submitted by: _____



Howard Chan
Parking Services Manager

Approved by: _____



Francesca Lee Halbakken
Interim Director of Transportation

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

Pg 1 Report

Pg 3 Attachment 1: Opposition Letter to Senator Machado

Pg 4 Attachment 3: Senate Bill 1404

April 18, 2006

The Honorable Senator Machado
California State Senate
1020 N Street, Suite 506
Sacramento, CA 95814

Subject: Senate Bill 1404 (Machado) Vehicles, parking violations, street cleaning.

Dear Senator Machado:

On behalf of the City of Sacramento, I write to oppose SB 1404 which proposes to amend Section 40202 of the Vehicle Code relating to vehicles, parking violations and street cleaning. SB 1404 proposes to have the notice of parking violation include a statement that a violation of street cleaning ordinances will be dismissed if contested and the city in which the violation occurred is unable to demonstrate that the street upon which the violation occurred was cleaned on the date of the violation. This could increase the number of contested parking citations by as much as one third.

Currently, the City of Sacramento provides a number of services during certain hours that are designated for "Street Cleaning" work which include:

Weekly - Garbage pickup
Weekly - Lawn and garden debris pickup (material is placed on the street)
Twice a month - Recycle pickup
Monthly - Street sweeper sweeps the street
Access to Curb and Gutter for other maintenance services

Restricting parking only when street sweeping actually occurs will not allow the City to perform these services and will cause a hardship for residents because parked vehicles will block the pickup of garbage, recyclables and lawn debris.

Thank you for your attention concerning the City of Sacramento's opposition to SB 1404.

Sincerely,

Lauren Hammond
Councilmember

cc: Senator Deborah Ortiz
Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
Emanuel and Jones

Introduced by Senator MachadoFebruary 22, 2006

An act to amend Section 40202 of, and to add Section 40216 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1404, as introduced, Machado. Vehicles: parking violations: street cleaning.

(1) Existing law requires, if a vehicle is unattended during a parking violation, the peace officer or person authorized to enforce parking laws and regulations to securely attach to the vehicle a notice of parking violation setting forth specified information, including the violation, the date and time of the violation, and a statement printed on the notice indicating that the date of payment is required to be made not later than 21 calendar days from the date of citation issuance.

This bill would require the notice of parking violation also to include a statement that a violation of an ordinance for street cleaning will be cancelled if contested and the city in which the violation occurred cannot prove that the street upon which the violation occurred was cleaned on the date of the violation. The bill would require a parking violation of an ordinance for street cleaning to be cancelled if contested and the city in which the violation occurred cannot prove that the street upon which the violation occurred was cleaned on the date of the violation. The bill would require, upon request by a person for an initial review of a notice of parking violation by the issuing agency, the issuing agency to cancel the notice if the notice is for a violation of an ordinance for street cleaning, unless the issuing agency can verify that the street upon which the vehicle was found to be in violation of a street cleaning ordinance was

cleaned on the day of the violation. By imposing new duties or a local agency, the bill would impose a state-mandated local program.

The bill would contain legislative findings and declarations that the regulation of parking violations of an ordinance for street cleaning as specified is in need of uniform statewide regulation and constitutes a matter of statewide concern that is required to be governed solely by specified provisions of the Vehicle Code.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40202 of the Vehicle Code is amended
2 to read:
3 40202. (a) If a vehicle is unattended during the time of the
4 violation, the peace officer or person authorized to enforce
5 parking laws and regulations shall securely attach to the vehicle a
6 notice of parking violation setting forth the violation, including
7 reference to the section of this code or of the Public Resources
8 Code, the local ordinance, or the federal statute or regulation—
9 violated; the date; the approximate time ~~thereof~~ *of the violation*;
10 the location where the violation occurred; a statement printed on
11 the notice indicating that the date of payment is required to be
12 made not later than 21 calendar days from the date of citation
13 issuance; *a statement printed on the notice that a violation of an*
14 *ordinance for street cleaning will be cancelled if contested and*
15 *the city in which the violation occurred cannot prove that the*
16 *street upon which the violation occurred was cleaned on the date*
17 *of the violation*; and the procedure for the registered owner,
18 lessee, or rentee to deposit the parking penalty or, pursuant to
19 Section 40215, contest the citation. The notice of parking
20 violation shall also set forth the vehicle license number and

1 registration expiration date if they are visible, the last four digits
2 of the vehicle identification number, if that number is readable
3 through the windshield, the color of the vehicle, and, if possible,
4 the make of the vehicle. The notice of parking violation, or a
5 copy—thereof of the notice of parking violation, shall be
6 considered a record kept in the ordinary course of business of the
7 issuing agency and the processing agency and shall be prima
8 facie evidence of the facts contained therein.

9 (b) The notice of parking violation shall be served by attaching
10 it to the vehicle either under the windshield wiper or in another
11 conspicuous place upon the vehicle so as to be easily observed by
12 the person in charge of the vehicle upon the return of that person.

13 (c) Once the issuing officer has prepared the notice of parking
14 violation and has attached it to the vehicle as provided in
15 subdivisions (a) and (b), the officer shall file the notice with the
16 processing agency. ~~Any~~ A person, including the issuing officer
17 and ~~any~~ a member of the officer's department or agency, or ~~any~~
18 a peace officer who alters, conceals, modifies, nullifies, or
19 destroys, or causes to be altered, concealed, modified, nullified,
20 or destroyed the face of the remaining original or ~~any~~ a copy of a
21 citation that was retained by the officer, for any reason, before it
22 is filed with the processing agency or with a person authorized to
23 receive the deposit of the parking penalty, is guilty of a
24 misdemeanor.

25 (d) If, during the issuance of a notice of parking violation,
26 without regard to whether the vehicle was initially attended or
27 unattended, the vehicle is driven away prior to attaching the
28 notice to the vehicle, the issuing officer shall file the notice with
29 the processing agency. The processing agency shall mail, within
30 15 calendar days of issuance of the notice of parking violation, a
31 copy of the notice of parking violation or transmit an electronic
32 facsimile of the notice to the registered owner.

33 (e) If, within 21 days after the notice of parking violation is
34 attached to the vehicle, the issuing officer or the issuing agency
35 determines that, in the interest of justice, the notice of parking
36 violation should be canceled, the issuing agency, pursuant to
37 subdivision (a) of Section 40215, shall cancel the notice of
38 parking violation or, if the issuing agency has contracted with a
39 processing agency, shall notify the processing agency to cancel
40 the notice of parking violation pursuant to subdivision (a) of

1 Section 40215. The reason for the cancellation shall be set forth
2 in writing.

3 If, after a copy of the notice of parking violation is attached to
4 the vehicle, the issuing officer determines that there is incorrect
5 data on the notice, including, but not limited to, the date or time,
6 the issuing officer may indicate in writing, on a form attached to
7 the original notice, the necessary correction to allow for the
8 timely entry of the notice on the processing agency's data
9 system. A copy of the correction shall be mailed to the registered
10 owner of the vehicle.

11 (f) Under no circumstances shall a personal relationship with
12 ~~any~~ an officer, public official, or law enforcement agency be
13 grounds for cancellation.

14 SEC. 2. Section 40216 is added to the Vehicle Code, to read:

15 40216. (a) Notwithstanding any other provision of law, if a
16 violation of an ordinance for street cleaning is contested, and the
17 city in which the violation occurred cannot prove that the street
18 upon which the violation occurred was cleaned on the date of the
19 violation, the notice of parking violation shall be cancelled.

20 (b) Notwithstanding Section 40215, upon request by a person
21 for an initial review of a notice of parking violation by the
22 issuing agency, the issuing agency shall cancel the notice if the
23 notice is for a violation of an ordinance for street cleaning, unless
24 the issuing agency can verify that the street upon which the
25 vehicle was found to be in violation of a street cleaning
26 ordinance was cleaned on the day of the violation. Acceptable
27 verification includes contractor records, street cleaning
28 equipment records, or a statement from a person employed or
29 contracted by the issuing agency.

30 (c) The Legislature finds and declares that the regulation of
31 parking violations of an ordinance for street cleaning provided in
32 this chapter is in need of uniform statewide regulation and
33 constitutes a matter of statewide concern that shall be governed
34 solely by this chapter.

35 SEC. 3. If the Commission on State Mandates determines that
36 this act contains costs mandated by the state, reimbursement to
37 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

O



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
April 18, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 32 Relating to Greenhouse Gas Emissions

Location/Council District: Citywide

Recommendation:

Staff recommends that the Law and Legislation Committee adopt a support position on AB 32 (Pavley) relating to greenhouse gas emissions.

Contact: Yvette Rincon, Legislative Analyst, 808-5827

Presenters: Patti Bisharat, Government Affairs

Department: City Manager's Office

Division: Government Affairs

Organization No: 0310

Summary:

This report provides information on AB 32, authored by Assembly Member Fran Pavley, which establishes targets and requires reporting of greenhouse gas emissions from major sources in California. This bill promotes greenhouse gas emissions reductions that will have public health and environmental benefits by reducing pollutants not only associated with climate change but also with smog, haze, and particulates.

Committee/Commission Action: None.

Background Information:

Existing law establishes the California Climate Action Registry as a nonprofit public benefit corporation to voluntarily record and register greenhouse gas emissions reductions made by California entities after 1990. Under existing law, the Registry is required to:

- Provide referrals to approved providers for advice on designing programs to establish emissions baselines and to monitor and track greenhouse gas emissions, establishing emissions reduction goals, and designing and implementing organization-specific plans that improve energy efficiency or utilize

renewable energy, or both, and that are capable of achieving emission reduction.

- Perform various functions, including among other things, adopting standards for verifying emissions reductions, adopting a list of approved auditors that verify emission reductions, establishing emissions reduction targets, designing and implementing efficiency improvement plans, maintaining a record of all emission baselines and reductions, and recognizing, publicizing, and promoting entities that participate in the Registry.
- Adopt procedures and protocols for the various offsets that a participant can use to mitigate emissions.
- Adopt procedures and protocols for the monitoring, estimating, calculating, reporting, and certifying of carbon stores and carbon dioxide emissions resulting from the conservation and conservation-based management of native forest reservoirs in California, so that participants can include those conservation activities in registered emissions results.

City of Sacramento

The City of Sacramento became a charter member of the California Climate Action Registry in October 2002. As a member, the City has developed a greenhouse gas emissions inventory totaling 80,000 metric tons for calendar year 2004 as a result of City operations. As a comparison, the entire City of Sacramento emits approximately 5-8 million tons of greenhouse gasses. A summary of the emissions due to City operations includes:

• Purchased Electricity	41,800 tons	(52.2%)
• Purchased Natural Gas	5,100 tons	(6.4%)
• Purchased Fleet Fuel	21,500 tons	(26.9%)
• Landfill Emissions	11,600 tons	(14.5%)

The City is in the process of hiring a third party Certifier so that the emissions inventory can be reported to the California Climate Action Registry. General Services has requested funding in the FY 2007 budget to develop a Climate Action Plan to reduce greenhouse gas emissions for the internal operations of the City.

All actions performed thus far have been voluntary and are consistent with City Council's Strategic Plan to achieve sustainability.

The City's Department of Utilities and General Services have reviewed this bill and support staff's recommendation. Also, the SMAQMD supports AB 32.

Major Provisions of AB 32

AB 32 (Pavley) would do a number of things including expanding the work of the Registry, enacting the California Climate Act of 2006, providing direction as to how the Registry should set a greenhouse gas emissions cap, requiring a schedule for reducing emissions to meet the cap.

First, this bill expands the work of the Registry by requiring that it:

- Adopt procedures and protocols for monitoring, estimating, calculating, reporting, and certifying greenhouse gas emissions resulting from the oil and natural gas, cement production, and municipal solid and industrial waste industries and
- Coordinate with state agencies to promote the development of harmonized reporting standards, as specified, and would require the registry, to the extent possible, to coordinate with other states and regions to ensure that businesses and organizations operating both in this state and out of state follow uniform protocols when reporting to multiple registries, states, or regions.

Second, the bill enacts the California Climate Act of 2006. This Act requires on or before January 1, 2008, the Secretary of the California Environmental Protection Agency to do all of the following:

- Implement, by regulation and in an economically efficient manner, a greenhouse gas emissions cap for the electrical power, industrial, and commercial sectors of the California economy, based on carbon dioxide equivalence, in consultation with the Business, Transportation and Housing Agency, the Department of Food and Agriculture, the Resources Agency, the state board, the Energy Commission, and the Public Utilities Commission.
- Institute a schedule of greenhouse gas emissions reductions by regulation for entities that own, control, or contract for a source of greenhouse gas emissions in the electrical power, industrial, or commercial sectors; refine or import petroleum products for use in transportation; or produce or import hydrofluorocarbons, perfluorocarbons, or sulfur hexafluoride.
- Develop an enforcement mechanism for reducing greenhouse gas emissions to the target level by regulation.
- Establish a program to track and report greenhouse gas emissions from the electrical power, industrial, and commercial sectors of the economy, and to monitor and enforce compliance with the greenhouse gas emissions cap by regulation.

Third, the bill requires in instituting the schedule of greenhouse gas emissions reductions, the Secretary of the California Environmental Protection Agency shall, at a minimum, comply with all of the following requirements:

- The reduction schedule shall not create large windfall profits for private businesses.
- The reduction schedule shall not penalize industries or companies that have acted prior to the date of the enactment of the act that adds this chapter to reduce greenhouse gas emissions.
- The reduction schedule shall not result in disproportionate impacts to consumers.
- The reduction schedule shall not place a disproportionate burden on any geographic or socioeconomic group.
- The reduction schedule shall ensure that entities are appropriately motivated to make investments that will reduce emissions.
- The reduction schedule shall minimize the administrative burden involved in implementation.

AB 32 Presents Minimal Impact on City of Sacramento Operations

The proposed expansion of the Registry to include municipal solid waste disposal facilities and require reporting and certifying greenhouse gas emissions would have minimal impact on the City of Sacramento. It would require a voluntary action that the City is already performing and mandating it, of which the cost is small.

Similarly, the proposed California Climate Act of 2006 is not expected to have a significant long-term negative impact on the City. While this Act would require selected industries and companies to comply with a schedule to reduce greenhouse gas emissions, there are provisions in the bill that would not penalize industries and companies that have acted prior to reduce greenhouse gas emissions. Except for City landfills, the City is a purchaser not a provider of sources that emit greenhouse gasses therefore much of City Operations would not be impacted significantly by this Act.

Financial Considerations:

None.

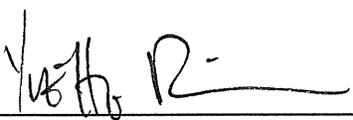
Environmental Considerations:

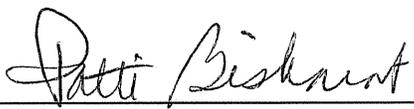
This bill promotes greenhouse gas emissions reductions that will have public health and environmental benefits by reducing pollutants not only associated with climate change but also with smog, haze, and particulates.

Policy Considerations:

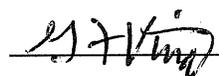
This bill is consistent with the City of Sacramento's goals of sustainability.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by 
Yvette Rincon, Legislative Analyst

Approved by: 
Patti Bisharat Government Affairs

Recommendation Approved:



GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

Pg	1-5	Report
Pg	6	Draft Position Letter to Bill Author
Pg	7-17	Bill Text

April 4, 2006

Honorable Fran Pavley
California State Assembly
State Capitol
Sacramento, CA 95814

Support: Assembly Bill 32 Relating to Greenhouse Gas Emissions

Dear Assembly Member Pavley:

On behalf of the City of Sacramento, I am pleased to express the City's support of Assembly Bill 32 relating to greenhouse gas emissions. This bill promotes greenhouse gas emissions reductions that will have public health and environmental benefits by reducing pollutants not only associated with climate change but also with smog, haze, and particulates. We support all efforts to reduce emissions that will have public health and environmental benefits.

Thank you for introducing this important piece of legislation.

Sincerely,

Lauren Hammond, Chair
Law and Legislation Committee

cc: Senator David Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council

AMENDED IN SENATE AUGUST 15, 2005
AMENDED IN ASSEMBLY MARCH 31, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 32

Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Chan, Hancock, Koretz, and
Laird)
(Coauthor: Senator Simitian)

December 6, 2004

An act to amend Sections 42801 and 42823 of, *and to add Chapter 6.5 (commencing with Section 42875) to Part 4 of Division 26 of*, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 32, as amended, Pavley. Greenhouse gas emissions: ~~California Climate Action Registry.~~

Existing law requires the Secretary of the Resources Agency to establish the California Climate Action Registry (hereafter registry) as a public benefit nonprofit corporation, and makes legislative findings and declarations relating to the registry. Existing law requires the registry to perform various functions, including, among other things, the adoption of procedures and protocols for the reporting and certification of greenhouse gas—~~emission~~ *emissions* reductions resulting from a project or an action of a participant in the registry.

This bill would revise the functions and duties of the registry by requiring the registry, in coordination with the California Environmental Protection Agency and the State Energy Resources Conservation and Development Commission, to adopt specified procedures and protocols for monitoring, estimating, calculating,

reporting, and certifying greenhouse gas emissions resulting from specified industrial sectors, as provided. This bill would require the registry to coordinate with state agencies to promote the development of harmonized reporting standards, as specified, and would require the registry, to the extent possible, to coordinate with other states and regions to ensure that businesses and organizations operating both in this state and out of state follow uniform protocols when reporting to multiple registries, states, or regions.

The bill would enact the California Climate Act of 2006 to require the Secretary of the California Environmental Protection Agency to institute a cap on greenhouse gas emissions from the electrical power, industrial, and commercial sectors of the economy, institute a schedule of emissions reductions for specified entities, develop an enforcement mechanism for reducing greenhouse gas emissions to the target level, and establish a program to track and report greenhouse gas emissions and to monitor and enforce compliance with the greenhouse gas emissions cap. The bill would require the secretary, on or before January 1, 2008, to submit a detailed plan to achieve the greenhouse gas emissions cap to the Governor and the Legislature, and to submit a report, on or before January 1, 2009, and annually thereafter, on the progress made toward meeting the greenhouse gas emissions cap. The bill would set standards for the schedule of greenhouse gas emissions reductions, and would require, by regulation, any entity subject to the greenhouse gas emissions cap to be prohibited from meeting those obligations using emissions reductions achieved outside the scope of the greenhouse gas emissions cap. This bill would also make legislative findings and declarations with regard to reducing greenhouse gas emissions associated with climate change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42801 of the Health and Safety Code is
- 2 amended to read:
- 3 42801. The Legislature finds and declares all of the
- 4 following:
- 5 (a) It is in the best interest of the State of California, the
- 6 United States of America, and the earth as a whole, to encourage

1 voluntary actions to achieve all economically beneficial
2 reductions of greenhouse gas emissions from California sources.

3 (b) Mandatory greenhouse gas emissions reductions may be
4 imposed on California sources at some future point, and in view
5 of this, the state has a responsibility to use its best efforts to
6 ensure that organizations that voluntarily inventory their
7 emissions receive appropriate consideration for changes in
8 emissions quantities made prior to the implementation of any
9 mandatory programs.

10 (c) Past initiatives in the state that took early and responsible
11 action to reduce air pollution and ozone smog have demonstrated
12 political, economic, and technological leadership, and have
13 proven to benefit the state.

14 (d) The state's tradition of environmental leadership should be
15 recognized through the establishment of a registry to provide
16 documentation of greenhouse gas emissions levels voluntarily
17 achieved by sources in the state. The registry will provide
18 participants an opportunity to register greenhouse gas emissions
19 information in a consistent format using publicly reviewed and
20 adopted procedures and protocols.

21 (e) The state hereby commits to use its best efforts to ensure
22 that organizations that establish greenhouse gas emissions
23 baselines and register emissions results that are certified in
24 accordance with this chapter receive appropriate consideration
25 under any future international, federal, or state regulatory scheme
26 relating to greenhouse gas emissions. The state cannot guarantee
27 that any regulatory regime relating to greenhouse gas emissions
28 will recognize the baselines and annual results recorded in the
29 registry.

30 (f) The state hereby commits to review future international or
31 federal programs related to greenhouse gas emissions and to
32 make reasonable efforts to promote consistency between the state
33 program and these programs and to reduce the reporting burden
34 on participants, if changes to the state program are consistent
35 with the goals and intent of Section 42810.

36 (g) The state has supported developing standardized
37 greenhouse gas ~~emission~~ *emissions* accounting, reporting, and
38 certifying guidelines through the creation of the California
39 Climate Action Registry. Further industry-specific and project
40 greenhouse gas emissions reporting protocols are needed to

1 facilitate participation in the registry and to provide streamlined
2 guidance for certain sectors. To the extent feasible, the state
3 hereby commits to coordinate greenhouse gas emissions
4 programs with other states and regions, until a national program
5 is established to limit greenhouse gas emissions.

6 SEC. 2. Section 42823 of the Health and Safety Code is
7 amended to read:

8 42823. The registry shall perform all of the following
9 functions:

10 (a) Provide participants with referrals to approved providers
11 for technical assistance and advice, upon the request of a
12 participant, on any or all of the following:

13 (1) Designing programs to establish greenhouse gas emissions
14 baselines and to monitor, estimate, calculate, report, and certify
15 greenhouse gas emissions.

16 (2) Establishing emissions reduction goals based on
17 international or federal best practices for specific industries and
18 economic sectors.

19 (3) Designing and implementing organization-specific plans
20 that improve energy efficiency or utilize renewable energy, or
21 both, and that are capable of achieving ~~emission~~ *emissions*
22 reduction targets.

23 (4) Designing plans for the conservation and management of
24 native forest reservoirs as a means to assist participants in
25 attaining ~~emission~~ *emissions* reduction goals and reporting
26 annual emissions results.

27 (b) In coordination with the State Energy Resources
28 Conservation and Development Commission, the registry shall
29 adopt and periodically update a list of organizations recognized
30 by the state as qualified to provide the detailed technical
31 assistance and advice in subdivision (a) and assist participants in
32 identifying and selecting providers that have expertise applicable
33 to each participant's circumstances. The registry shall coordinate
34 with the Department of Forestry and Fire Protection and the State
35 Board of Forestry and Fire Protection to provide referrals to
36 providers for purposes of paragraph (4) of subdivision (a).

37 (c) The registry shall adopt procedures and protocols for the
38 reporting and certification of greenhouse gas ~~emission~~ *emissions*
39 reductions resulting from a project or an action of a participant.

1 A participant shall report ~~emission~~ *emissions* reductions as a
2 separate item in its annual emissions results.

3 (d) In coordination with the California Environmental
4 Protection Agency and the State Energy Resources Conservation
5 and Development Commission, the registry shall adopt
6 procedures and protocols for monitoring, estimating, calculating,
7 reporting, and certifying greenhouse gas emissions resulting from
8 all of the following industrial sectors:

9 (1) Oil and natural gas exploration, extraction, processing,
10 refining, transmission, and distribution.

11 (2) Cement production.

12 (3) Municipal solid waste and industrial waste hauling and
13 disposal.

14 (e) In coordination with the Resources Agency and consistent
15 with the data and information acquired and developed pursuant to
16 subdivision (b) of Section 25730 of the Public Resources Code,
17 the registry shall adopt procedures and protocols for the
18 monitoring, estimating, calculating, reporting, and certifying of
19 carbon stocks and carbon dioxide emissions resulting from the
20 conservation and conservation-based management, including
21 reforestation, of native forest reservoirs in California in order to
22 permit participants to include the results of those activities as a
23 participant's registered emissions results, or as a part thereof.
24 Procedures and protocols shall require, at a minimum, that those
25 forestry activities meet the following criteria in order to be
26 reported as a participant's emissions results, or as a part thereof:

27 (1) Forestry activities that are reported as a participant's
28 emissions results, or as a part thereof, shall be based on forest
29 management practices within a defined project area that exceed
30 applicable federal, state, and local land use laws and regulations,
31 including, but not limited to, the Z'berg-Nejedly Forest Practice
32 Act of 1973 (Chapter 8 (commencing with Section 4511) of Part
33 2 of Division 4 of the Public Resources Code). Applicable
34 federal, state, and local land use laws and regulations shall be
35 those in effect each time a participant registers a defined project
36 area in the registry.

37 (2) Forestry activities that are reported as a participant's
38 emissions results, or a part thereof, shall occur on forest land that
39 is permanently dedicated to forest use through a restriction,
40 granted in perpetuity, on the use that may be made of real

1 property that is consistent with the conservation purposes listed
2 in Section 170(h)(4)(A)(ii) and (iii) of Title 26 of the United
3 States Code.

4 (3) Forestry activities reported as emissions results, or as a
5 part thereof, shall reflect the amount of time that net carbon gains
6 are stored.

7 (4) Forestry activities maintain and promote native forest
8 types.

9 (5) If emissions results are derived from forest lands
10 undergoing harvest and regeneration, those results are derived
11 from natural forest management practices.

12 (f) Adopt procedures and protocols for certification of reported
13 baseline emissions and emissions results. When adopting
14 procedures and protocols for the certification, the registry shall
15 consider the availability and suitability of simplified techniques
16 and tools.

17 (g) Qualify third-party organizations that have the capability to
18 certify reported baseline emissions and emissions results, and
19 that are capable of certifying the participant-reported results as
20 provided in this chapter.

21 (h) Adopt procedures and protocols, including a uniform
22 format for reporting emissions baselines and emissions results to
23 facilitate their recognition in any future regulatory regime.

24 (i) Maintain a record of all certified greenhouse gas emissions
25 baselines and emissions results. Separate records shall be kept for
26 direct and indirect emissions results. The public shall have access
27 to this record, except for any portion of the data or information
28 that is exempt from disclosure pursuant to the California Public
29 Records Act (Chapter 3.5 (commencing with Section 6250) of
30 Division 7 of Title 1 of the Government Code).

31 (j) Coordinate with state agencies to promote the development
32 of harmonized reporting standards for measuring, accounting,
33 reporting, and certifying greenhouse gas emissions. The registry
34 shall also encourage organizations from various sectors of the
35 state's economy, and those from various geographic regions of
36 the state, to report emissions, establish baselines and reduction
37 targets, and implement efficiency improvement and renewable
38 energy programs to achieve those targets, and, to the extent
39 possible, coordinate its policies and programs with policies and
40 programs in other states and regions to ensure that businesses and

1 organizations operating both in this state and out of state follow
2 uniform and consistent protocols when reporting to multiple
3 registries, states, or regions.

4 (k) Recognize, publicize, and promote participants.

5 (l) In coordination with the State Energy Resources
6 Conservation and Development Commission and the state board,
7 adopt industry-specific reporting metrics at one or more public
8 meetings.

9 (m) In consultation with the state board, adopt procedures and
10 protocols for the reporting and certification of reductions in
11 emissions of greenhouse gases, to the extent permitted by state
12 and federal law, for those reductions achieved prior to the
13 operative date of the regulations adopted pursuant to subdivision
14 (a) of Section 43018.5.

15 *SEC. 3. Chapter 6.5 (commencing with Section 42875) is*
16 *added to Part 4 of Division 26 of the Health and Safety Code, to*
17 *read:*

18
19 *CHAPTER 6.5. CALIFORNIA CLIMATE ACT OF 2006*

20
21 *42875. This chapter shall be known, and may be cited, as the*
22 *California Climate Act of 2006.*

23 *42876. The Legislature hereby finds and declares all of the*
24 *following:*

25 (a) *The world's leading scientists, including the National*
26 *Academy of Sciences from 11 nations, have definitively*
27 *established that human activity in the form of greenhouse gas*
28 *emissions is changing the global climate, with consensus*
29 *estimates of an average increase in temperature between 2 and*
30 *10 degrees by the end of the century.*

31 (b) *The impacts of climate change include the likelihood of a*
32 *rise in sea level that could displace tens of thousands of coastal*
33 *residents, changes in weather patterns that could negatively*
34 *affect water supplies and food production, increases in disease*
35 *outbreaks and heat-related deaths in some areas, and*
36 *degradation of air quality, among other worldwide impacts.*

37 (c) *A study by the Union of Concerned Scientists in 2004*
38 *indicated that, without controls on greenhouse gas emissions,*
39 *California's summer temperatures could increase by as much as*
40 *10 degrees annually in some parts of the state by 2100, resulting*

1 *in increased mortality among the elderly and other vulnerable*
2 *populations, increased respiratory illness, a profound*
3 *transformation of the landscape, including the potential wipeout*
4 *of several animal species, increased disease and death from*
5 *insect-borne illnesses, loss of the annual Sierra snowpack and*
6 *related water supply problems, rising sea levels that could*
7 *impact coastal cities, towns, and valuable coastal wetlands,*
8 *changes in agricultural production, and a dramatic increase in*
9 *state energy needs to keep parts of the state habitable in the*
10 *summer.*

11 *(d) The Kyoto Protocol, which has been ratified by 140*
12 *countries, went into effect on February 16, 2005, requiring*
13 *reductions in greenhouse gas emissions on the part of signatories*
14 *that include many countries that emit a smaller quantity of*
15 *greenhouse gases than California.*

16 *(e) Over 170 mayors of cities around the country have made a*
17 *commitment to reduce greenhouse gas emissions to meet targets*
18 *consistent with the Kyoto Protocol.*

19 *(f) California has led the United States in taking action to*
20 *reduce greenhouse gas emissions by enacting legislation in 2002*
21 *to reduce vehicular emissions of greenhouse gases, and by the*
22 *subsequent adoption of regulations to reduce greenhouse gases*
23 *from cars and light trucks beginning in 2009.*

24 *(g) California is also taking a leadership role in promoting the*
25 *use of clean renewable energy, including solar and wind power,*
26 *and noncarbon transportation fuels, including hydrogen.*

27 *(h) To protect the environment, public health, and quality of*
28 *life, California should take aggressive steps to further reduce*
29 *greenhouse gas emissions in order to help lessen the negative*
30 *impacts of global climate change.*

31 *(i) Global warming will have serious adverse consequences on*
32 *the economy, health, and environment of California.*

33 *(j) The control and reduction of emissions of greenhouse gas*
34 *pollutants are critical to slow the effects of global warming.*

35 *(k) Many California businesses face multiple financial risks*
36 *based on their emissions of greenhouse gases, and businesses*
37 *that substantially reduce emissions will reduce these risks and*
38 *may gain a competitive advantage. Decisions about new*
39 *commitments to carbon-emitting resources should take into*

1 *account potential exposures of California consumers to future*
2 *pollution-control costs.*

3 *(l) California, when compared against countries around the*
4 *globe, is the 10th largest emitter of carbon dioxide pollution in*
5 *the world.*

6 *(m) California's consumption of imported electricity is*
7 *responsible for carbon dioxide pollution emitted from*
8 *powerplants in other parts of the western United States.*

9 *(n) Addressing global warming early and aggressively may*
10 *result in substantial economic benefits. California and the region*
11 *are rich in renewable energy resources and advanced energy*
12 *efficiency technologies that will create new jobs, make California*
13 *a global leader, and provide a hedge against the economic*
14 *impact of price spikes for natural gas and oil.*

15 *(o) Climate change prevention strategies will have numerous*
16 *public health and environmental benefits by reducing the*
17 *pollutants that cause smog, soot, haze, and toxic air pollution,*
18 *and will also help to ensure adequate water supplies, preserve*
19 *farm and forest land uses, and reduce traffic congestion.*

20 *(p) A set of representative low-carbon policies analyzed for*
21 *the West Coast Governors' Global Warming Initiative estimates*
22 *that the west coast region would save a net cumulative total of*
23 *almost forty billion dollars (\$40,000,000,000) by 2020.*

24 *(q) Current state and federal policies alone will not lead to a*
25 *reduction in current greenhouse gas emissions levels associated*
26 *with global warming.*

27 *42877. (a) On or before January 1, 2008, the Secretary of*
28 *the California Environmental Protection Agency shall do all of*
29 *the following:*

30 *(1) Implement, by regulation and in an economically efficient*
31 *manner, a greenhouse gas emissions cap for the electrical power,*
32 *industrial, and commercial sectors of the California economy,*
33 *based on carbon dioxide equivalence, in consultation with the*
34 *Business, Transportation and Housing Agency, the Department*
35 *of Food and Agriculture, the Resources Agency, the state board,*
36 *the Energy Commission, and the Public Utilities Commission.*

37 *(2) Institute a schedule of greenhouse gas emissions*
38 *reductions by regulation for entities that own, control, or*
39 *contract for a source of greenhouse gas emissions in the*
40 *electrical power, industrial, or commercial sectors; refine or*

1 import petroleum products for use in transportation; or produce
2 or import hydrofluorocarbons, perfluorocarbons, or sulfur
3 hexafluoride.

4 (3) Develop an enforcement mechanism for reducing
5 greenhouse gas emissions to the target level by regulation.

6 (4) Establish a program to track and report greenhouse gas
7 emissions from the electrical power, industrial, and commercial
8 sectors of the economy, and to monitor and enforce compliance
9 with the greenhouse gas emissions cap by regulation.

10 (b) Upon implementation of the greenhouse gas emissions
11 reduction cap, the Secretary of the California Environmental
12 Protection Agency shall consider the feasibility of expanding the
13 program to include trading with other emissions reduction
14 programs in other states, regions, or countries.

15 (c) The Secretary of the California Environmental Protection
16 Agency shall, at a minimum, set the greenhouse gas emissions
17 cap at a level that would ensure that entities in the electrical
18 power, industrial, and commercial sectors meet or exceed the
19 level set by the greenhouse gas emissions cap. Any emissions
20 allowances shall be determined by the annual limits on emissions
21 established to comply with the schedule of greenhouse gas
22 emissions reductions. In instituting the schedule of greenhouse
23 gas emissions reductions, the Secretary of the California
24 Environmental Protection Agency shall, at a minimum, comply
25 with all of the following requirements:

26 (1) The reduction schedule shall not create large windfall
27 profits for private businesses.

28 (2) The reduction schedule shall not penalize industries or
29 companies that have acted prior to the date of the enactment of
30 the act that adds this chapter to reduce greenhouse gas
31 emissions.

32 (3) The reduction schedule shall not result in disproportionate
33 impacts to consumers.

34 (4) The reduction schedule shall not place a disproportionate
35 burden on any geographic or socioeconomic group.

36 (5) The reduction schedule shall ensure that entities are
37 appropriately motivated to make investments that will reduce
38 emissions.

39 (6) The reduction schedule shall minimize the administrative
40 burden involved in implementation.

1 *(d) Regulations developed and established pursuant to*
 2 *subdivision (a) shall prohibit entities subject to the greenhouse*
 3 *gas emissions cap from meeting obligations using emissions*
 4 *reductions achieved outside the scope of the greenhouse gas*
 5 *emissions cap.*

6 *42878. (a) On or before January 1, 2008, the Secretary of*
 7 *the California Environmental Protection Agency shall prepare*
 8 *and provide to the Governor and the Legislature a detailed plan*
 9 *for achieving the greenhouse gas emissions cap, with a full*
 10 *explanation of the methodology used to arrive at the cap level.*
 11 *The plan shall include recommendations to reduce greenhouse*
 12 *gas emissions in all sectors of the economy.*

13 *(b) On or before January 1, 2009, and annually thereafter, the*
 14 *Secretary of the California Environmental Protection Agency*
 15 *shall submit a report to the Governor and the Legislature on the*
 16 *progress made toward meeting the greenhouse gas emissions*
 17 *cap.*

18
 19
 20
 21
 22

CORRECTIONS:

Text — Pages 4, 5, 8, 9, and 10.



5

REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
April 18, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support SB 1319 relating to homeless dumping.

Location/Council District: Citywide

Recommendation:

Staff recommends that the Law and Legislation Committee adopt a support position on SB 1319 relating to homeless dumping.

Contact: Yvette Rincon, Legislative Analyst, 808-5827

Presenters: Yvette Rincon, Legislative Analyst

Department: City Manager's Office

Division: Government Affairs

Organization No: 0310

Summary:

This report provides information on SB 1319, authored by Senator Gilbert Cedillo, which would prohibit public agencies from releasing a person from their custody into a location for the purpose of removing the person from a specific neighborhood, city, county or jurisdiction. This bill would authorize a civil action and civil penalty against the agency in the amount of \$10,000 per violation and attorney's fees to be awarded to the prevailing plaintiff.

Committee/Commission Action:

None.

Background Information:

In December of 2005, the full Council approved and provided direction to staff on the conceptual approach to the Ten Year Plan to End Chronic Homelessness in the City and County of Sacramento. The purpose of the plan is to provide housing and support services to end chronic homelessness in the City and County of Sacramento. SB 1319

attempts to address the problem of surrounding communities dumping homeless persons into surrounding communities. This bill would benefit the City of Sacramento by creating a legal disincentive to local agencies for dumping their homeless population in the City of Sacramento.

SB 1319 Major Provisions

SB 1319 prohibits a hospital, medical facility, or law enforcement agency from transporting or providing transportation to a person who is in need of homeless support services to a homeless service provider or shelter unless each of the following apply:

- The person agrees to be transported.
- The agency transports or provides transportation for the person directly to the homeless service provider for immediate enrollment.
- The homeless service provider confirms there is available space for the person to be transported.

This bill also requires that where there is reasonable cause to believe that a hospital, medical facility, or law enforcement agency, or an employee or faculty of these agencies, violated the above provisions, the Attorney General, any district attorney, or city attorney, or any person aggrieved by the violation, is authorized to bring a civil action against the agency or facility, or the employee of the agency that violated the provisions. The agency, faculty, or employee is subject to a civil penalty of up to ten thousand dollars (\$10,000) per violation. A prevailing plaintiff may also be awarded attorney's fees and costs.

The Police Department, Neighborhood Services Department, and SHRA have all reviewed this bill and are in support of staff's recommendation.

Financial Considerations:

To the extent this legislation prevents homeless dumping in the City, the City will have more resources available to provide its homeless population.

Environmental Considerations:

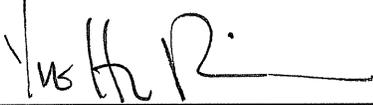
None.

Policy Considerations:

Staff's recommended support of SB 1319 (Cedillo) is consistent with the City's interest in dealing with the chronic homelessness issue. SB 1319 will provide a legal disincentive to local agencies for relocating or dumping their homeless population. It will also hold local agencies accountable and force them to provide services to their homeless population.

Emerging Small Business Development (ESBD):

None.

Respectfully Submitted by: 
Yvette Rincon, Legislative Analyst

Approved by: 
Patti Bisharat
Director of Government Affairs

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

Table of Contents:

Pg	1-3	Report
Pg	4	Draft Letter to Author
Pg	5-8	Bill Text

April 18, 2006

Honorable Gilbert Cedillo
California State Senate
State Capitol
Sacramento, CA 95814

Support: Senate Bill 1319 Relating to Homeless Dumping

Dear Senator Cedillo:

On behalf of the City of Sacramento, I am pleased to express the City's support of Senate Bill 1319 relating to homeless dumping. We believe SB 1319 will provide a legal disincentive to local agencies for relocating or dumping their homeless population. It will also hold local agencies accountable and force them to provide services to their homeless population. The City of Sacramento is very aware of the homeless problems in its jurisdiction and will be adopting a ten-year plan to end its chronic homelessness.

Thank you for introducing this important piece of legislation.

Sincerely,

Lauren Hammond, Chair
Law and Legislation Committee

cc: Senator David Cox
Senator Deborah Ortiz
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello

AMENDED IN SENATE MARCH 28, 2006
AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1319

Introduced by Senator Cedillo

February 16, 2006

An act to add Section 131.9 to the Health and Safety Code and to add Section 851.91 to the Penal Code, relating to ~~criminal procedure~~ civil actions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1319, as amended, Cedillo. Criminal procedure: release from custody in jail.

Existing law generally regulates the conditions of arrest and release from custody.

This bill would state findings and declarations of the Legislature relative to "homeless dumping," as defined.

This bill would prohibit public agencies, as defined, from releasing a person from their custody into a location for the purpose of removing the person from a specific neighborhood, city, county or jurisdiction. This bill would authorize a civil action against the agency for preventive relief, as specified. This bill would also authorize a civil penalty against the agency in the amount of \$10,000 per violation and attorney's fees to be awarded to the prevailing plaintiff.

By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the
2 following:
3 (a) Many cities and local arresting agencies transport persons
4 in need of drug treatment, mental health, or homeless support
5 services to other jurisdictions because of the presence of service
6 providers, regardless of available treatment beds.
7 (b) The act of transporting those persons in need to the streets
8 where service providers are present without confirming the
9 availability of services is known as “homeless dumping.”
10 SEC. 2. ~~Section 851.91 is added to the Penal Code, to read:~~
11 ~~851.91. No public agency, including, but not limited to, a law~~
12 ~~enforcement agency, public hospital, or any person employed by~~
13 ~~the agency, who has custody of a person shall release the person~~
14 ~~from custody into a location for the purpose of removing that~~
15 ~~person from a specific neighborhood, city, county or jurisdiction,~~
16 ~~either temporarily or permanently, unless otherwise required by~~
17 ~~law. Whenever there is reasonable cause to believe a public~~
18 ~~agency, or employee of the agency, is engaged in a pattern or~~
19 ~~practice of releasing persons from the agency’s custody for the~~
20 ~~purpose of removing the person from a specific neighborhood,~~
21 ~~city, county, or jurisdiction, either temporarily or permanently,~~
22 ~~the Attorney General, any district attorney, or city attorney, or~~
23 ~~any person aggrieved by this practice is authorized to bring a~~
24 ~~civil action in the appropriate court requesting preventive relief,~~
25 ~~including an application for a permanent or temporary injunction,~~
26 ~~restraining order, or other order against the public agency or~~
27 ~~public employee engaged in the pattern or practice. A public~~
28 ~~agency or employee who violates this section may also be subject~~
29 ~~to a civil penalty of up to ten thousand dollars (\$10,000) per~~
30 ~~violation. The civil penalties collected pursuant to this section~~
31 ~~shall be paid to the agency or individual bringing the action. A~~

1 ~~prevailing plaintiff may also be awarded attorney's fees and~~
2 ~~costs.~~

3 *SEC. 2. Section 1317.9 is added to the Health and Safety*
4 *Code, to read:*

5 *1317.9. (a) No hospital or medical facility may transport or*
6 *provide transportation to a person who is in need of homeless*
7 *support services to a homeless service provider or shelter unless*
8 *each of the following apply:*

9 *(1) The person agrees to be transported.*

10 *(2) The agency transports or provides transportation for the*
11 *person directly to the homeless service provider for immediate*
12 *enrollment.*

13 *(3) The homeless service provider confirms there is available*
14 *space for the person to be transported.*

15 *(b) Whenever there is reasonable cause to believe that a*
16 *hospital or medical facility, or an employee of the hospital or*
17 *facility, violated this section, the Attorney General, any district*
18 *attorney, or city attorney, or any person aggrieved by the*
19 *violation, is authorized to bring a civil action in the appropriate*
20 *court requesting preventive relief, including an application for a*
21 *permanent or temporary injunction, restraining order, or other*
22 *order against the hospital or facility, or the employee of the*
23 *hospital or facility that violated this section. A hospital or*
24 *facility, or an employee of the hospital or facility which violates*
25 *this section is subject to a civil penalty of up to ten thousand*
26 *dollars (\$10,000) per violation. Any civil penalty assessed*
27 *pursuant to this section shall be paid to the agency or person*
28 *bringing the action. A prevailing plaintiff may also be awarded*
29 *attorney's fees and costs.*

30 *SEC. 3. Section 851.91 is added to the Penal Code, to read:*

31 *851.91. (a) No law enforcement agency may transport or*
32 *provide transportation to a person who is in need of homeless*
33 *support services to a homeless service provider or shelter unless*
34 *each of the following apply:*

35 *(1) The person agrees to be transported.*

36 *(2) The agency transports or provides transportation for the*
37 *person directly to the homeless service provider for immediate*
38 *enrollment.*

39 *(3) The homeless service provider confirms there is available*
40 *space for the person to be transported.*

1 (4) The law enforcement agency transports the person to the
2 receiving area of the service provider for the purpose of
3 enrollment.

4 (b) Whenever there is reasonable cause to believe that a law
5 enforcement agency, or an employee of the law enforcement
6 agency, violated this section, the Attorney General, any district
7 attorney, or city attorney, or any person aggrieved by the
8 violation, is authorized to bring a civil action in the appropriate
9 court requesting preventive relief, including an application for a
10 permanent or temporary injunction, restraining order, or other
11 order against the law enforcement agency, or the employee of the
12 law enforcement agency that violated this section. A law
13 enforcement agency, or an employee of the law enforcement
14 agency which violates this section is subject to a civil penalty of
15 up to ten thousand dollars (\$10,000) per violation. Any civil
16 penalty assessed pursuant to this section shall be paid to the
17 agency or person bringing the action. A prevailing plaintiff may
18 also be awarded attorney's fees and costs.

19 ~~SEC. 3.~~

20 SEC. 4. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.