

ENVIRONMENTAL QUALITY POLICY COMMITTEE

Thursday, January 17, 2008
10:00 a.m. – 3:00 p.m.
Sacramento Convention Center

A G E N D A

- I. **Welcome and Introductions**
- II. **Public Comment**
- III. **Overview of Parliamentary Procedure and Roberts Rules (Handout)**
- IV. **Committee Orientation**
- V. **League Strategic Goals (Attachment A)**
- VI. **Review of Summary of Existing Policy & Guiding Principles (Attachment B)**
- VII. **Committee Work Program**
 - 2007 Work Program Status (Attachment C)
 - 2008 Work Program (Attachment D)
- VIII. **State Budget and Legislative Update (Handout)**
- IX. **Coastal Cities Issues Group Update**
- Jere Melo, Chair, Coastal Cities Issue Group
- X. **Proposed League Climate Change Policy (Attachment E)**
- XI. **Extended Producer Responsibility: Presentation and Proposed League Policy (Attachment F)**
- Heidi Sanborn, Executive Director, California Product Stewardship Council
- Paul Abernathy, Executive Director, Association of Lighting and Mercury Recyclers
- XII. **Next Meeting: WEDNESDAY, April 2, 2008 – Ontario Convention Center**

Brown Act Reminder: The League of California Cities' Board of Directors has a policy of complying with the spirit of open meeting laws. Generally, off-agenda items may be taken up only if:

- 1) *Two-thirds of the policy committee members find a need for immediate action exists and the need to take action came to the attention of the policy committee after the agenda was prepared (Note: If fewer than two-thirds of policy committee members are present, taking up an off-agenda item requires a unanimous vote); or*
- 2) *A majority of the policy committee finds an emergency (for example: work stoppage or disaster) exists.*

A majority of a city council may not, consistent with the Brown Act, discuss specific substantive issues among themselves at League meetings. Any such discussion is subject to the Brown Act and must occur in a meeting that complies with its requirements.

NOTE: Policy committee members should be aware that lunch is usually served at these meetings. The state's Fair Political Practices Commission takes the position that the value of the lunch should be reported on city officials' statement of economic interests form. Because of the service you provide at these meetings, the League takes the position that the value of the lunch should be reported as income (in return for your service to the committee) as opposed to a gift (note that this is not income for state or federal income tax purposes—just Political Reform Act reporting purposes). The League has been persistent, but unsuccessful, in attempting to change the FPPC's mind about this interpretation. As such, we feel we need to let you know about the issue so you can determine your course of action.

If you would prefer not to have to report the value of the lunches as income, we will let you know the amount so you can reimburse the League. The lunches tend to run in the \$25 to \$35 range. To review a copy of the FPPC's most recent letter on this issue, please go to www.cacities.org/FPPCletter on the League's website.

2008 STRATEGIC GOALS

Building Sustainable Communities

The League of California Cities is strongly committed to advocating policies that support sustainable communities across our state that help build a strong economy, protect our environment and advance social equity in the following ways.

PROTECT FUNDING FOR VITAL COMMUNITY SERVICES. Vigorously oppose efforts to erode funding for vital community services that keep Californian families safe from crime, support transportation mobility and economic growth, provide housing and important after-school recreation opportunities, ensure orderly development and protect the environment. Funding for local community-based services and programs should not be sacrificed again to meet state revenue needs.

SUPPORT GREEN AND SUSTAINABLE CITIES. Lead in the development of state and local policies, strategies and programs to protect the environment and reduce greenhouse gas emissions through more efficient and sustainable land use and building practices, increased energy efficiency and use of alternative/renewable energy sources, improved water supply and wastewater treatment system efficiencies, expanded public transit opportunities and innovations in other city operations.

EXPAND INFRASTRUCTURE INVESTMENT. Support continued implementation of the 2006 infrastructure bond program and the development of new funding sources and programs to meet the infrastructure needs of our rapidly growing communities in a sustainable way for water supply, wastewater treatment, public transit, streets and roads, storm water management and other critical infrastructure.

ENACT HONEST AND RESPONSIBLE EMINENT DOMAIN REFORM. Support enactment of eminent domain reforms that protect homeowners, such as the Homeowners Protection Act, and oppose proposals that would cripple the ability of state and local agencies to manage development, develop new water supplies, protect the environment, and develop affordable housing.

SUMMARY OF EXISTING POLICIES AND GUIDING PRINCIPLES Update – 2008

Every two years, the League updates its “Summary of Existing Policies and Guiding Principles” to reflect new League policy adopted during the past two years. The purpose of this update is *not* to develop new League policy or re-visit existing League policy. The document provided indicates new policy adopted during the past two years in **bold underlining** or ~~**bold strikeouts**~~. This is new policy that has been adopted through Annual Conference Resolutions, League positions on bills approved by the League Board of Directors, or broad League policy approved by the League Board of Directors over the last two years.

Committee members should review the proposed update and consider whether it accurately reflects the actions taken by the policy committee (and League Board) over the last two years, whether there are any missing policy items or errors in describing policy. Committee members who wish to propose new League policy or to revisit existing League policy should suggest that the issue be agendaized for a future policy committee meeting, as opposed to attempting to modify the policy through this update.

ENVIRONMENTAL QUALITY

SCOPE OF RESPONSIBILITY

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

SUMMARY OF EXISTING POLICY AND GUIDING PRINCIPLES

Air Quality

- The League supports inclusion of city officials on the governing boards of air districts and opposes efforts to delete such city representation.
- The League believes cities should have the authority to establish local air quality standards and programs that are stricter than state and federal standards and opposes efforts to restrict such authority.
- The League opposes legislation redirecting the funds authorized by Health and Safety Code Section 44223, which currently are used by local governments for locally based air quality programs.
- The League opposes air quality legislation that restricts the land use authority of cities.
- The League supports the requirement that both public and private diesel garbage trucks be retrofitted to reduce the amount of particulate matter pollution emitted from the trucks. (See also Integrated Waste Management Section below.)

Water Quality

- The League supports the ability of cities to enact discharge and water quality requirements or standards that are stricter than state or federal standards and opposes efforts to restrict such authority.

- The League believes that individuals and companies that discharge PCE into the collection system of a publicly-owned treatment works (POTW) as part of their business should be liable for pollution or contamination to groundwater from leaks from the collection system of the POTW, if those works comply with existing state and federal standards. The League believes that public agencies should not be responsible for clean-up costs simply because they provided the infrastructure to protect health and safety.
- The League supports the efforts of the National League of Cities to streamline and reform the Federal Safe Drinking Water Act and the Federal Clean Water Act.
- The League opposes legislation to enact “bounty-hunter” rewards for individuals who identify water quality or water pollution violators.
- The League supports the right of cities to enact water softener ordinances that restrict the use of water softeners.
- The League supports regulations and legislation that promote watershed management. The League views watershed management as a water quality tool that appropriately spreads the responsibility for clean water beyond the requirements that apply to point source dischargers and publicly owned treatment works.
- The League supports legislation that encourages the treatment of municipal wastewater for nonpotable reuse and promotes the promulgation of reasonable regulations to encourage and maximize the responsible use of reclaimed water as an alternative to California’s fresh water supply.
- The League generally opposes legislation that requires the use of numeric limits in waste discharge permits, especially in storm water permits, because of the difficulties in meeting them, problems with exceeding them, the cost and potential enforcement impacts.
- The League shall actively evaluate and pursue, as appropriate, state and federal legislative and administrative remedies that would accomplish:
 - Limiting the use of frivolous citizen lawsuits for personal financial gain but continuing to allow injunctive relief for documented violations of the Clean Water Act if the violations are not the subject of enforcement proceedings by state agencies or by local water quality control boards;
 - Ensuring that the majority of monies collected from a city as fees, penalties, or judgments are directed toward correcting the cause of past, current and projected violations of the city’s National Pollution Discharge Elimination System permit;
 - The return of some discretion to state and regional water quality control boards in setting penalties to allow fairness based on severity and circumstances of the violation and the population of the city.
- The League encourages the state and regional water quality control boards to use their existing discretionary authority, in keeping with the requirements of the Clean Water Act, to issue permits that are reasonably achievable, based on the unique conditions of a city or a region.
- The League supports legislation that makes it easier for cities to take legal action against polluters who contaminate drinking water sources, for example with chemicals such as MTBE and perchlorate, provided the legislation does not inappropriately expose waste water treatment and collection facilities or recycled water suppliers or customers to liability for trace contaminants that may be released in accordance with lawful and permitted activities.

- The League supports legislation to modify the Mandatory Minimum Penalty provisions of existing law to make it more workable and more fair for local governments.
- The League supports the Maximum Extent Practicable standard for storm water permits that is included in the federal Clean Water Act and supports state legislation that would require California storm water permits to conform to this standard.

Flood Control

- The League has adopted Policies and Guiding Principles on Issues Related to Flood Control which can be found on the Environmental Quality Issues page on the League's website. These policies and guiding principles are starting points for League engagement in legislative discussions. In developing these recommendations, the League strove to find the right balance between the need to permit development of housing with the need to avoid intentionally putting people at risk due to inadequate flood protection.

The Guiding Principles are as follows:

- The League believes our citizens have a reasonable expectation that their federal, state and local governments will work to protect them from flooding.
- The League believes that flood protection and management is a statewide issue, involving flood infrastructure issues related to levees, urban/suburban/rural creeks, streams and rivers, and alluvial fans.
- The League believes that it is important to recognize that levee failures in the Sacramento-San Joaquin River delta have water quality, water supply and economic impacts that may have statewide effects beyond the local or regional levee break situation.
- Flood control issues require planning, evaluation and solutions that take a statewide perspective.
- In assessing problems and proposing solutions, it is important to consider the differences between infill development and new, greenfield development.
- The public safety and health of our citizens and the economic health of our communities and our state depend upon good flood protection. This includes the potentially devastating impacts of floods on our homes and businesses.
- The League supports efforts to improve communication, cooperation and better coordinated planning between different government agencies involved in flood management. The League believes that there must be a genuine partnership between state and local agencies in addressing flood control issues.
- The League believes cities must ask the right questions and have the means to obtain accurate information prior to approving development in floodplains. This involves educating elected officials and staff about whether their city is located in a floodplain, the local flood control infrastructure, the agencies that are responsible for providing flood protection, the status of levees and other structures that provide flood protection, emergency response and evacuation protocols, and how their city would be impacted by flooding.
- The League believes that city officials should understand that a 100-year flood zone does *not* mean a low, once-in-100-years risk of flooding. The designation *actually* means a 1 percent chance of flooding in any given year, which translates into a 26 percent chance of flooding over

the life of a typical 30-year mortgage.

- **The League supports a 200-year flood standard for those cities in the Sacramento-San Joaquin and Central Valley.**
- The League generally endorses the recommendations of the State's Flood Control Task Force, especially those recommendations involved in updating the CEQA Checklist and General Plan Guidelines and building codes.

Hazardous Materials

- The League supports the ability of local governments to enact local standards or regulations that are stronger than those enacted by the state and federal level. To this end, where the city fire department is the lead agency for regulating and enforcing hazardous materials laws, the League supports the provisions of existing law that permit a local fire department to adopt stronger local requirements, as long as it complies with specified procedures to enact such stronger local standards. The League opposes legislation or regulations that restrict such authority.
- The League supports efforts to streamline and coordinate hazardous materials regulation among various levels of government, including city fire departments and county environmental health departments. The League supports the ability of city fire departments to be administering agencies for any of the major hazardous materials laws or to be the lead agency (the Certified Unified Program Agency) under the SB 1082 program, and opposes legislation or regulations to restrict such authority.
- The League opposes any efforts to restrict the ability of cities to issue building or other permits it is now authorized to issue, relative to hazardous materials laws.
- The League opposes any proposals that would preempt the ability of a city to deny a land use permit or restrict its ability to issue a conditional use permit for the siting of a hazardous waste facility.
- The League opposes legislation that mandates that cities post information on the Internet regarding adoption, amendment or repeal of hazardous materials ordinances. However, the League does not object to legislation that makes such posting voluntary.

The League supports the following principles related to brownfields revitalization:

- The League supports state and federal legislation that would create additional fiscal resources and options to restore and develop urban and industrial brownfields contaminated by hazardous materials. The League also supports creative state and federal efforts to encourage revitalization and better use of abandoned urban and industrial brownfields, as long as local governments retain existing land use authority.
- Cities should have the ultimate say on whether a proposed brownfield remediation project is consistent with local land use policy. The proposed use of a project (i.e., parking garage, business park, residential development) should be consistent with a city's general plan and land use authority.
- The clean up level of a project should be based on its proposed use (i.e., parking garage, as oppose to residential development);
- Mechanisms, such as restrictive covenants of deed restrictions, need to be in place to ensure that if a future use for the property is different than that which was proposed when the site was cleaned up,

that the clean up levels be re-evaluated and additional remediation be required before the new use can be approved;

- Local agencies do not have the desire or generally the expertise to do the technical evaluation for site assessment and remediation plans. Appropriate state agencies should have that responsibility; and
- If a property owner plans to develop the site, then the owner should be required to do the necessary site assessment and clean up.

Integrated Waste Management

- The League supports continued efforts by local agencies to meet the 25% and 50% recycling and diversion provisions of the Integrated Waste Management Act of 1989 (AB 939) and believes that decisions on how to achieve those requirements are best determined at the local level, rather than by state agencies. The League believes that those jurisdictions that have made a good faith effort to comply with the requirements of AB 939 should not be subject to enforcement penalties. The League opposes the repeal of AB 939, but supports continued efforts to streamline its provisions and to assist in compliance.
- The League believes that green waste used as alternative daily cover (ADC) should be eligible for limited AB 939 credit, as long as the ADC meets performance and health and safety criteria established by the California Integrated Waste Management Board (CIWMB).
- The League opposes efforts to dismantle the CIWMB and transfer its functions to a department. This position is based upon the need to have public access to decision makers outside of the administrative process, similar to access that Waste Board members currently provide. The League supports inclusion of a designated local government representative on the CIWMB.
- The League continues to support legislation to provide changes to AB 939 (the California Integrated Waste Management Act) that will:
 - Place more emphasis on implementation of waste diversion programs and less strict mathematical accounting;
 - Require the California Integrated Waste Management Board to evaluate the level of accuracy of the existing system the board uses to measure jurisdictions' achievement of the waste diversion requirements of state law and develop appropriate policies, in consultation with local jurisdictions, to account for any inaccuracies in the system;
 - Encourage the development of non-burn transformation technologies by providing full diversion credit for the waste that jurisdictions send to non-burn transformation facilities;
 - Require the board to expand its market development activities, including providing more funding for research and development of markets for recyclable materials; and
 - Require the California Integrated Waste Management Board to staff its existing regional offices with personnel that can assist jurisdictions in carrying out the requirements of the act.
- The League supports legislation and other efforts to increase the markets for recycled materials, including advance disposal fees, minimum content laws, and recycling market development zones. The League opposes legislation that requires local governments to adopt refuse fees based upon variable can rates.

- Electronic Waste. The League supports legislation implementing the concept of manufacturer responsibility for electronic waste (e-waste). This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, CRT and other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs. Such programs should require products to be sustainably designed and labeled, offer financial incentives to consumers to properly dispose e-wastes, encourage recycling, reuse and collection programs by manufacturers, incentives to consumers to redeem or recycle e-waste, and fund a convenient collection infrastructure. The League supports statewide and manufacturer education programs to educate consumers about e-waste and recycling efforts. The League also supports an advance disposal fee on computer and other electronic products in order to fund such manufacturer responsibility programs and local collection and recycling programs. Finally, the League supports national efforts to address the e-waste problem.
- The League supports efforts to strengthen curbside recycling programs and opposes efforts to weaken such programs. The League supports legislation to expand the container types included in the AB 2020-bottle bill program.
- The League supports the right of cities under existing law to be designated as Local Enforcement Agencies for solid waste facility permitting, inspection and enforcement, and opposes legislation to restrict this authority or transfer it to state agencies.
- The League opposes legislation that would preempt local land use authority over solid waste facilities, would restrict the ability of a city to issue a land use permit for a solid waste facility or would restrict the ability of a city to condition such facilities through the conditional use permit process.
- The League does not oppose legislation that assesses fees on solid waste that is disposed of out of state, as long as the fees reflect the pro-rata portion of in-state costs.
- The League opposes legislation that would authorize the Waste Board to consider landfill capacity as a reason for denying concurrence of a solid waste facility permit and also opposes legislation that would prohibit a public agency from being certified as a Local Enforcement Agency if the public agency is also an operator of a solid waste facility.
- The League opposes legislation that would authorize the Waste Board to consider environmental justice as a basis for concurring or denying a solid waste facility permit. The League has adopted the policy that issues of environmental justice are best addressed at the local level through the local land use and public hearing process and through existing federal and state policy.
- While the League supports the retrofit of public and private diesel fueled garbage trucks to reduce particulate matter air pollution (see Air Quality above), the League opposes funding such retrofits in a way that would either interfere with the existing franchise relationship between local governments and haulers or would impose a surcharge on landfills.

Utilities

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

- The League opposes legislation that dictates the mix of generating sources (i.e., hydro, coal, biomass, wind, etc.) used by municipal utilities.
- The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund.
- The League is neutral on legislation to require municipal electric utilities to include a "renewable portfolio standard" (RPS) in their mix of sources of electricity, as long as the requirement is the same as that which applies to investor owned utilities. The League opposes legislation that requires municipal electric utilities to meet an RPS that is stronger than that applied to investor owned utilities.
- The following principles will guide the League's position regarding exit fees to avoid cost shifting for newly formed municipal utilities or extensions of existing municipal utilities.
 - A mechanism or venue other than the PUC should be used to determine and impose the exit fees in order to prevent PUC jurisdiction over municipal utilities. For example, exit fees might be best evaluated and incorporated by the courts as part of the eminent domain and the condemnation proceeding used when a city wishes to take over the IOU's distribution system;
 - The League does not object to fair exit fees to avoid cost shifting for customers that were actually served by an investor owned utility;
 - Exit fees should consist of payments of a fair share of the DWR bond costs, a fair portion of the IOU under collections and a fair share of the remaining amount of the CTC (competition transition charge, left over from AB 1890);
 - Exit fees should not be charged to newly annexed municipal utility territory that was never served by an IOU (so called "greenfields").
 - In addition, the League believes photovoltaic systems should be completely exempt from any type of exit fee.

Electric Industry Restructuring

- The League supports restructuring of the electricity services industry, provided it meets the following criteria:

Support the Concept. The League of California Cities supports the concept of electric industry restructuring if it results in lower electricity rates that continue permanently into the future. The League does not support or oppose any specific form of restructuring and believes the program ultimately implemented must satisfactorily address the adopted criteria listed below. Any new industry restructure should be based on a thorough economic analysis of the full costs and potential benefits of the alternatives under consideration.

Equitable Benefits. Any restructuring program should result in all ratepayers directly sharing in the benefits equitably.

Municipal Utilities. Any restructuring program should maintain the concept of municipal utilities. No restructuring proposal should abridge the existing authority of municipal utilities to operate or abridge the ability of cities to form municipal utilities in the future.

Franchise Authority. Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises.

Aggregation. Under any restructuring program agreed upon by the PUC or the Legislature, cities should have the opportunity to become aggregators for municipal operations or the community at large. As an aggregator, a city would be able to combine the electric loads of various users and negotiate the purchase of electricity for those users.

Stranded Investments. The problem of stranded investments should be resolved in a way that keeps investors, ratepayers, and generators financially whole. Any policy to deal with stranded investments for large energy producers (i.e., nuclear power) should be applicable to all other producers (i.e., independent power producers).

Wheeling. Any program should facilitate the wheeling of electricity between generators and users.

Alternative Sources. Consistent with existing League policy that supports the development of alternative energy sources, any restructuring program should incorporate support for alternative energy in order to enhance the mix of energy sources available in California, both for environmental and strategic energy security reasons.

Biomass. The unique problems of the biomass industry, as they relate to California's solid waste infrastructure, should be fairly resolved in any deregulation program.

Social and Environmental Impacts. Consistent with existing League policy, California should not abandon its energy programs that provide social and environmental benefits.

- In addition to those policy guidelines, the League agrees that cities that are aggregators should be required to follow the same consumer protection standards as other aggregators, that participation in aggregation by an electricity user should be voluntary, and that cities should have the opportunity to serve as aggregators for their municipal operations or for those residential or commercial customers who wish to participate in a city-sponsored aggregation program.
- Finally, the League believes that any federal action in the area of electricity restructuring must not preempt legislation and actions in states that choose to restructure their utility industry if such federal action relates to state and local government home rule authority. This includes authority related to regulation of rights-of-way, franchises, taxing utilities and services, or to aggregate.

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

- Land Use Control. Local control over land use should be inviolate. The League will oppose legislation that restricts local land use control beyond that which is already in existing law.
- Municipal Utilities. The autonomy of municipal utilities should not be eroded. The League will oppose any legislation that harms municipal utilities.
- Energy Prices and Rates. The League is concerned about the impacts of escalating energy prices on the overall economic health of our state, including city budgets. Although at this time, the League will not get involved in individual bills dealing with technical aspects of pricing, the League believes that any solution to address the short and long term energy price situation should meet several key criteria.

- The League believes energy prices should encourage conservation and reward those who reduce energy use (i.e., tiered rates).
- The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community.
- The League is concerned about the impacts of rising energy prices on the economic base and health of our state. In designing rates, the state should be aware of the operational constraints of some businesses and thus their potential inability to take advantage of conservation pricing. Thus, the state should provide other incentives to conserve to businesses that cannot take advantage of other options.
- Conservation in City Facilities. Support legislation that provides direct funding for conservation and demand reduction projects in city facilities.
- Work to obtain the greatest level of funding for local governments, and work with all authors and the Administration in crafting legislation that will be most effective and beneficial to local governments.
- Siting Energy Facilities -- Incentives to Local Governments. Funding should be available to cities to streamline the siting process at the local level.
- Eligible projects to receive incentive payments would not only cover new electricity generating facilities, but also projects to expand existing generation facilities, to replace them with more efficient facilities, or to build renewable projects, including photovoltaics, fuel cells or cogeneration.
- In order to stimulate the development of these facilities, it will be necessary to provide additional long-term community benefits that the local government can demonstrate to its citizens.
- Any city or county that approves siting of a privately developed generating facility should receive 100% of the property tax of that facility. To stimulate development of projects such as cogeneration facilities, the standby charges for the facility should be waived.
- The state should provide additional financial assistance to cities and counties for such projects, which could include the cost of transmission line extension.
- Ensure there are no negative impacts on municipal utilities from efforts to streamline energy facility siting.
- Power Plant Siting -- Other Issues. Support legislation that increases the threshold at which a city is the lead permitting agency for an energy facility from 50 to 100 MW (or above). Oppose legislation that decreases this threshold.
- Take no position on proposals to streamline the facility approval process, except to suggest appropriate revisions to reflect technical comments from city experts on local government review and comment related provisions.
- Explore exempting cities with municipal utilities completely from the Energy Commission review process for all power plants proposed within their jurisdiction, regardless of the size of the

facility (i.e., the municipal utility city would have lead agency authority, regardless of the size of the facility).

- Environmental Regulation of Power Plants. The League should not get directly involved in legislative discussions and should not take a position on legislation to relax, suspend, or eliminate environmental regulation, with several exceptions.
- If environmental standards are relaxed, suspended, or eliminated, the League should seek legislation to ensure that cities do not bear the burden of meeting the shortfall in environmental protection. For example, suspended or reduced waste discharge requirements for a power plant may result in increased hot or salty cooling water discharged from a power plant into a bay or stream. Publicly owned treatment works should not be required to meet a higher discharge level to offset the power plant discharge or fined as an indirect result of the increased water pollution that would result. Similar arguments can be made for air pollution burdens. There should be some sunset included for environmental waivers for re-powering of existing facilities and all new plants should be required to meet the BACT (best available control technology) standard.
- Public Power Options. Support all bills that enhance the public power options available to cities and counties.
- Condition support and/or sponsorship upon the correct language being written. Work with municipal utilities and others to ensure the provisions are drafted properly.
- The League should not support legislation that would give up the existing, limited authority of cities to regulate cable and telecommunications companies as a trade-off to make it easier to form a municipal electric utility.
- Interruptible Rates. The League should take no position on the legislation dealing with changes to interruptible rates, but should watch the subject carefully.
- The League should comment on these bills, as appropriate, to express concern that resolution of the issue should seek equity in how it handles classes of ratepayers and communities. Legislation should take into consideration economic gains previously made by customers on interruptible rates and should provide assistance for those caught in extreme situations.
- Rotating Outages – Exemptions. The League should not get directly involved in bills dealing with which type of customers are exempt from rotating block outages and should not take a position on these bills. However, we should work with police and fire chiefs to ensure that police and fire facilities are appropriately protected either legislatively or administratively, if proposals move ahead to expand the range of exempted facilities.
- In addition, the League should seek legislative or administrative resolution to giving advance notification to those businesses, such as some agricultural businesses, that use hazardous materials that could pose a danger if the plant is not shut down properly.
- In addition, the League should seek grant or loan funding for essential services (i.e., police/fire, water/waste water) to purchase new or replace existing backup generators that are more energy efficient and less polluting.
- Wholesale Regional Price Caps -- Federal Legislation. The League should not take a position on federal legislation to give the Secretary of Energy authority to impose regional wholesale price caps on electricity. This is a mixed bag and the League should stay out of the issue.

- Price Gouging by Electricity Suppliers. The League should send a letter to the Governor and Attorney General supporting their ongoing efforts to determine whether wholesale market abuse occurred and asking that appropriate action be taken to remedy the problem if illegal activity occurred.

California Environmental Protection Act (CEQA)

Procedures and Notices

- Fair Argument Test. The League strongly opposes the elimination of the fair argument test as the threshold for determining whether to prepare an Environmental Impact Report (EIR). There are a number of other reforms that will reduce CEQA’s complexity while preserving the fair argument test’s role as a planning tool. These include funding for Master EIRs and eliminating attorneys fees for petitioners.
- Master EIR Funding. The League strongly supports the development of a funding source for Master EIRs. Both of the proposals contained in the Little Hoover Commission report would meet the needs of cities.
- Exemption for Modified Project Renewals. The League opposes exempting the renewal or reissuance of a permit, license, or other entitlement where there is a change in the project.
- Centralized Responsible Agency Notification. The League opposes shifting the responsibility to notify responsible agencies from the lead agency to the State Clearing House.
- Centralized Responsible Agency Notification. The League would oppose making identification of Responsible Agencies at the Notice of Preparation stage by other than the Lead Agency (e.g., the Office of Planning and Research) conclusive so that agencies not identified would be barred from later commenting on projects.
- Responsible Agency Documentation. The League supports requiring that Responsible Agency comments be supported by specific referenced documentation.
- Substitution of Environmental Impact Statements. The League opposes allowing an Environmental Impact Statement to be substituted for an Environmental Impact Report in any situation other than military base closures because the National Environmental Policy Act does not contain CEQA’s duty to mitigate.
- Duty to Respond to Comments. The League would oppose shielding lead agencies from responding to comments received more than 30 days after a Notice of Preparation (NOP) or received verbally.
- Timelines for CEQA Contracts. The League would support eliminating subdivision (b) of Public Resources Code Section 21151.5, which mandates the timeline for entering into CEQA contracts.
- Arbitration of Disputes. The League would support adding an arbitration option to the requirement that each county over 200,000 designate a “CEQA judge.” Among the issues that will need further refinement are whether an alternative dispute resolution process should be a condition precedent to litigation, whether the alternative dispute resolution process would be binding on participants, and how to limit the alternative dispute resolution process to CEQA adequacy issues rather than community mitigation issues.

- Bounty Hunter Limitations. The League would support discouraging lawsuits that have little merit by eliminating the availability of section 1094.5 fee recovery to petitioners or by authorizing cities to collect their fees and costs where they prevail.
- Recirculation Standards. The League would support raising the threshold for recirculation of EIRs so that only new “significant unavoidable impacts” would necessitate recirculation.
- Basis for Statements of Overriding Considerations. The League would support clarifying that the basis for Statements of Overriding Considerations is information contained in the record.
- The League supports legislation to require all projects proposed by state or local public agencies, including universities, community colleges, schools, counties, cities, and special districts, to comply with the identical local public notice requirements that would be applicable to projects sponsored by private developers in the jurisdiction where the project is located.

Definition of a Project

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

Significant Environmental Effect

- Significance Thresholds. The League would oppose the creation of a new mandate requiring each city to develop boilerplate significance thresholds. The League would also oppose a single statewide set of standards for determining significance at the local level. Instead, the League supports requiring that each EIR contain significance thresholds formally adopted by the lead agency for the project.
- Consideration of Socio-Economic Factors. The League also opposes adding social, economic, recreational or other factors to be considered when analyzing the significance of environmental impacts.
- Indirect Effects. The League opposes amending the definition of effects to eliminate the analysis of indirect and cumulative environmental effects.
- Cumulative Effects. The League would support the elimination of EIRs for projects with solely cumulatively significant impacts where the impact has been addressed by a comprehensive plan that identifies specific mitigation measures.
- Cumulative Effects. The League would oppose exempting projects that are subject to their own subsequent environmental review from consideration as a reasonably foreseeable future project when analyzing cumulative impacts.

Alternatives

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

Coastal Issues

- The League opposes legislation that would permit the state to impose conditions on Local Coastal Plans developed by cities and counties.
- The League supports efforts to curb frivolous appeals to local coastal decisions.
- The League supports the Federal Coastal Protection Act, which prohibits additional offshore development through the year 2002. This position was based, in part, on concern about the impacts to on-shore support facilities and services by offshore development activities.
- The League opposes legislation that grants authority to the Coastal Commission that is inconsistent, duplicative and overlapping with the authority of other regulatory agencies, such as regional water quality control boards or other agencies or that grants the Coastal Commission authority outside the coastal zone.
- League of California Cities affirms its commitment to local control by requesting the Coastal Commission to defer to the elected officials of a City with respect to choices in the implementation of a Local Coastal Plan that complies with the requirements of state law and regulation.

Miscellaneous

- The League encourages cities to consider the *Ahwahnee Water Principles for Resource-Efficient Land Use* when making future land use decisions.
- The League encourages state agencies to provide leadership in developing voluntary, model statewide residential green building guidelines that will provide information to local jurisdictions on how to evaluate and use different green building strategies. Additionally, the League encourages cities to adopt voluntary residential green building guidelines as a reference guide, to evaluate available green building programs and adopt those best suited for their communities, and to explore incentives to encourage green building by private developers of residential construction projects.
- The League supports the right of cities to serve as lead agencies for the purposes of the Surface Mining and Reclamation Act (SMARA).
- Consistent with policy adopted by the National League of Cities, the League believes the appropriate venue for addressing the issue of “regulatory takings” is within the evolving judicial interpretations

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

- The League supports flexibility for state and local governments to enact environmental and other standards or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.
- The League supports the ability of local governments to voluntarily develop and approve species habitat plans for their communities, in conjunction with willing property owners. The League opposes requiring local governments to amend their general plans to include species habitat plans developed by others but not approved by the local government.
- The League supports legislation and regulation that authorizes the land application of biosolids that meet specified statewide health and safety standards. The League supports legislation that permits enactment of stronger local ordinances only if they are based upon protecting public health and safety and good science. The League opposes legislation that preempts outright stronger local ordinances, regardless if they are based on protecting public health and safety and good science.
- The League supports legislation that imposes “Sinclair”- type fees on products in order to fund the cost of prevention or mitigation of the pollution or environmental and health impacts of such products. The League opposes legislation that would restrict the imposition of such fees at the state or local levels.

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



1400 K Street, Suite 400 • Sacramento, California 95814
 Phone: 916.658.8200 Fax: 916.658.8240
 www.cacities.org

Environmental Quality Policy Committee

2007 Work Program Update

1. LEAGUE 2007 STRATEGIC GOALS

The committee will focus on supporting the 2007 goals adopted by the League Board of Directors. The 2007 strategic goals include:

- **Infrastructure:** Ensure fair and effective implementation of the 2006 infrastructure bonds, consistent with the needs of California cities.
- **Eminent Domain:** Adopt statutory and constitutional reforms of the laws governing the use of eminent domain for private economic development purposes.
- **Affordable Housing:** Expand the supply of affordable housing by adopting reforms that reduce the barriers to improved planning and expand the financial resources available.

Update:

The Environmental Quality Policy Committee provided a forum and agenda space for updates and status reports from League staff members.

The Committee also supported the League's goals through communications efforts and information sharing among committee members and constituents, advocating when necessary to further League priorities in these areas, evaluating and considering support or opposition for legislation.

The committee will also focus on the following:

2. CLIMATE CHANGE

The committee will study the issue of climate change, including how the following items relate to climate change causes and impacts: the science related to climate change concerns, renewable energy and resources, water, smart growth, sustainable development, best management practices, CEQA, and general plans.

Update:

The committee studied the issue of climate change including causes and impacts and the science related to climate change concerns. Additionally, the committee formed a Climate Change Working Group, consisting of representatives from the EQ, HCED, TCPW, and other city officials. The working group met several times and developed policy principles which will be sent to the EQ policy committee for review in early 2008, and then up to the League Board of Directors for approval. These policies will guide the League's advocacy efforts when evaluating potential legislation regarding climate change issues.

3. IMPLEMENTATION OF INFRASTRUCTURE BONDS

The committee will address issues related to the implementation of Proposition 84 and Proposition 1E, as well as implementation of Proposition 1C as it relates to park funding.

Update:

The committee discussed and provided input related to the implementation of Proposition 84 and Proposition 1E, as well as implementation of Proposition 1C as it related to park funding. Additionally, several members of the EQ policy committee participated on the League's Infrastructure Task Force.

4. LEGISLATIVE MONITORING

The committee will review pending legislation, making recommendations where appropriate.

Update:

The committee received updates and provided feedback on a number of legislative items in the 2007. Highlights include extensive discussions on the package of flood-related bills and solid waste issues.

5. SMART GROWTH PRINCIPLES / AWHAHNEE WATER PRINCIPLES

The committee will review the League's existing Smart Growth Principles and the Ahwahnee Water Principles for Resource Efficient Land Use as they relate to environmental quality. The committee will consider whether they should be updated.

Update:

The committee, in light of other major issues like climate change, flood protection, and solid waste issues, did not take up this item, and instead will focus on it in the upcoming year.



1400 K Street, Suite 400 • Sacramento, California 95814
 Phone: 916.658.8200 Fax: 916.658.8240
 www.cacities.org

COMMITTEE ON ENVIRONMENTAL QUALITY
Proposed 2008 Work Program
January 17, 2008

The 2008 Work Program for the Environmental Quality Policy Committee includes the following goals:

- 1.) **CLIMATE CHANGE**. Continue to work on the issue of climate change and will consider the principles developed by the League's Climate Change Working Group, and provide recommendations to the League Board. The recently formed Climate Change Working Group consists of policy committee representatives from EQ, HCED, and TCPW, as well as other city officials, and has been tasked with the development of policy principles for the League to use when evaluating potential climate change legislation.
- 2.) **INFRASTRUCTURE BONDS**. Continue to address issues related to the implementation of Proposition 84, Proposition 1E, and Proposition 1C as they relate to environmental quality issues.
- 3.) **ENVIRONMENTAL QUALITY LEGISLATION**. The committee will actively monitor legislation within the committee's jurisdiction including air and water quality, CEQA, integrated waste management, hazardous materials, coastal issues, solid waste, and utilities. As needed, the committee will take discuss and take positions on bills and make recommendations to the League Board.
- 4.) **SMART GROWTH PRINCIPLES / AHWAHNEE WATER PRINCIPLES**. The committee will review the League's existing Smart Growth Principles and the Ahwahnee Water Principles for Resource Efficient Land Use as they relate to environmental and smart growth principles. The Committee will consider whether the League's Smart Growth Principles should be updated.
- 5.) **EDUCATION OF COMMITTEE MEMBERS**. The committee will, as appropriate, receive updates from state legislators or other state or local officials on topics of interest to the committee. When receiving updates from guest speakers, committee members will also be tasked with presenting their positions and communicating local needs.

The committee will also receive informational updates on the four League goals:

- PROTECT FUNDING FOR VITAL COMMUNITY SERVICES
- SUPPORT GREEN AND SUSTAINABLE CITIES
- EXPAND INFRASTRUCTURE INVESTMENT
- ENACT HONEST AND RESPONSIBLE EMINENT DOMAIN REFORM

CLIMATE CHANGE WORKING GROUP

League of California Cities

Environmental Quality Policy Committee (EQ)

Housing, Community and Economic Development Policy Committee (HCED)

Transportation, Communications and Public Works Policy Committee (TCPW)

Proposed League Climate Change Policies and Guiding Principles

Recommended by the League Climate Change Working Group – November 2007

A. Policy Question:

- What positions should the League take on climate-change related legislation and regulations that directly or indirectly impact cities? Is this an issue in which the League and cities should be involved?

B. Background. The League’s Climate Change Working Group was approved by the League’s Board of Directors in February to “...develop recommendations for League Climate Change Guiding Principles that the League can use in evaluating legislation to determine a League position...” The Working Group, consisting of representatives from three League policy committees (EQ, HCED and TCPW), met at the League offices on March 1, 2007, and subsequently by telephone conference call. Their recommendations were provided to policy committee members in March 2007 and subsequently considered by the League Board in May 2007. Because of the large discrepancy between the policy committee changes, the League Board chose to send the proposed climate change policies back to the Working Group for further refinement. The Working Group met again in October 2007 and subsequently by phone in November 2007.

The focus of the Working Group and policy committees is to consider and recommend positions or policy principles that can guide the League staff when they review legislation related to cities and climate change. Members of the Working Group include representatives from three policy committees, EQ, HCED, and TCPW as well as Community Services, City Attorneys and Fire Chiefs Department. Some members were unable to attend all of the meetings, but were encouraged to review and comment on all materials prepared for the Working Group, including the recommendations by the larger group.

The Climate Change Working Group Members are:

Environmental Quality Policy Committee

Judy Mitchell, Council Member, Rolling Hills Estates (Chair)

Jake McKenzie, Vice Mayor, Rohnert Park

Lynda Deschambault, Vice Mayor, Moraga

Tonia Reyes Uranga, Council Member, Long Beach

Nadia Holober, Vice Mayor, Milbrae

Pat Eklund, Mayor Pro Tem, Novato

Debbie Cook, Council Member, Huntington Beach

Maggie Houlihan, Council Member, Encinitas

Chad Mayes, Council Member, Yucca Valley

(-more-)

HCED

Lynn Osborn, Planning Commissioner, Danville
Greg Larson, Town Manager, Los Gatos
Ana Natarajan, Council Member, Fremont
Ed Balico, Mayor, Hercules
Brad Kilger, City Manager, Ceres
Arne Simonsen, Council Member, Antioch
Nathan Magsig, Council Member, Clovis
Fred Strong, Council Member, Paso Robles
Carl Morehouse, Mayor, Ventura
Joe Garcia, Council Member, Monrovia
Ken Cooley, Council Member, Rancho Cordova

TCPW

Keith Millhouse, Council Member, Moorpark
Das Williams, Council Member, Santa Barbara
John Fantazia, Mayor, Newman
Robin Lowe, Council Member, Hemet
Harry Armstrong, Council Member, Clovis
Nora Campos, Council Member, San Jose
Tom Curry, City Attorney, Sonoma
Paul Christman, Fire Chief, Murrietta
Ana Alvarez, Community Services Director, Santa Fe Springs

C. California Enacts AB 32 in 2006. In 2006, the Legislature approved and the Governor signed pioneering legislation, AB 32, thus placing California at the national forefront of combating climate change. AB 32 does not directly impact cities, except those that have municipal energy utilities and landfills and are thus considered significant generators of greenhouse gases. AB 32 requires the Air Resources Board (ARB) to establish, by 2008, a statewide Green House Gas (GHG) emissions cap for 2020, based on 1990 emissions. It requires the ARB to adopt a plan by January 1, 2009 indicating how emissions reductions will be achieved from significant GHG sources via regulations, market mechanisms and other actions.

E. Policy from Other Municipal Associations and Cities. Most of the information available regarding policy adopted by municipal associations and cities or groups of cities relates to actions they are taking to reduce greenhouse gas emissions (i.e. conduct carbon emission inventory, incorporate energy efficiency into new municipal buildings). Some have adopted policies embracing policies and practices, including adopting goals that meet or exceed those included in the Kyoto Accords.

For example, the U.S. Conference of Mayors (which the League Board endorsed in May 2007) has adopted an extensive policy statement titled: “U.S. Mayors Climate Protection Agreement”, which includes the statement: “We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as...”. Numerous cities have adopted policies and principles to address climate change in their own facilities and in the larger community.

F. Existing League Policy

Except for the League’s neutral position on AB 32, which was recommended by the EQ Committee and adopted by the League Board, the League has no specific policy position on the issue of legislation related to climate change, global warming and local actions or requirements. Indirectly, the League’s general support of energy conservation and energy efficiency and

increased automotive fuel efficiency could be considered as a policy on climate change, since one of the biggest sources of greenhouse gas emissions is energy generation and automotive emissions.

The League's Smart Growth Principles (Attachment 4) are relevant to a League policy on climate change. Similarly, an annual conference resolution adopted by the League in 2005 directs the League to "... encourage its member cities to consider the *Ahwahnee Water Principles for Resource-Efficient Land Use* and to encourage the use of the Principles in their future land use decisions." The same year, the League adopted an annual conference resolution regarding voluntary statewide green residential building guidelines that directs the League to "...encourage cities to adopt voluntary residential green building guidelines ...to evaluate available green building programs and adopt those best suited for their communities and to explore incentives to encourage green building by private developers of residential construction projects." (It should be noted that technically, League policy adopted through an annual conference resolution may only be changed by another annual conference resolution on the same topic.)

G. Anticipated Legislative, Regulatory and Other Proposals Impacting Cities

A variety of climate change related bills have been introduced for the 2008-2009 legislative session. While many are spot bills (i.e., place holders), it is clear that legislative or regulatory climate change proposals impacting cities will likely fall into several categories for which the League needs to have policy. These areas likely are:

- Energy efficiency in city buildings;
- Energy efficiency in new residential or commercial developments approved by cities;
- Use of alternative fuel or fuel efficient/low emission vehicles in city fleets;
- CEQA;
- Updating general plans to reflect climate change impacts;
- Water supply impacts from climate change;
- Land use planning;
- Recycled content procurement policies.

H. Proposed League Climate Change Policies and Guiding Principles

The League's Climate Change Working Group met in person and by conference call to compile a comprehensive set of recommendations for League policy and guiding principles.

Climate Change Working Group Recommendations: Adopt the proposed climate change policies and guiding principles (beginning on page 22).

**League of California Cities
Climate Change Working Group
League Principles for Climate Change**

The League of Cities recognizes that climate change is both immediate and long term, with the potential for profound environmental, social and economic impacts to the planet and to California. Through the Global Warming Solutions Act of 2006 (AB 32 (Nunez) Chapter 488, Statutes of 2006) California has embarked on a plan that requires the reduction of greenhouse gas emissions to 1990 levels by 2020. Although uncertainty remains about the pace, distribution and magnitude of the effects of climate change, the League recognizes the need for immediate actions to mitigate the sources of greenhouse gas emissions.

1. **Action Plans for Mitigating Greenhouse Gas Emissions:** Encourage local governments to complete an inventory of greenhouse gas emissions, set appropriate reduction targets, and create greenhouse gas emission reduction action plans.
2. **Smart Growth:** Consistent with the League's Smart Growth policies, encourage the adoption of land use policies designed to reduce sprawl, preserve open space, and create healthy, vibrant, and sustainable communities.
3. **Green Technology Investment Assistance:** Support tax credits, grants, loans and other incentives to assist the public, businesses, and local agencies that invest in energy efficient equipment and technology, and fuel efficient, low emission vehicles.
4. **Energy and Water Efficiency:** Encourage energy efficiency, water efficiency, and sustainable building practices in city buildings and facilities, and new residential and commercial buildings. This may include using the U.S. Green Building Council's LEED program or similar systems.
5. **Increase the Use of Clean Alternative Energy:** Promote the use and purchase of clean alternative energy through the development of renewable energy resources, recovery of landfill methane for energy production and waste-to-energy technologies.
6. **Reduction of Vehicle Emissions in Public Agency Fleets:** Support the reduction of vehicle emissions through increased fuel efficiency, use of appropriate alternative fueled vehicles, and/or low emission vehicles in public agency fleets. Encourage the use of appropriate alternative fueled vehicles, and/or low emission vehicles in private fleets.
7. **Coordinated Planning for Climate Impacts:** State policy should encourage and incentive cities to coordinate and share planning information with neighboring cities, counties, and other governmental entities so that there are agreed upon regional blueprints and strategies for dealing with greenhouse gas emissions.
8. **Water Supply for New Development:** Encourage exchange of water supply information between state and local agencies, including information on the impacts of climate change on state and local water supplies.
9. **Recycled Content and Green Purchasing Policies:** Encourage the adoption and implementation of recycled content and green procurement policies, if fitness and quality are equal, including the adoption of an Environmental Management System and authorization of local agencies to consider criteria other than only cost in awarding contracts for services.

LEAGUE PRINCIPLES FOR SMART GROWTH

Principles for Smart Growth:

1. **Well-Planned New Growth:** Recognize and preserve open space, watersheds, environmental habitats, and agricultural lands, while accommodating new growth in compact forms, in a manner that:
 - De-emphasizes automobile dependency;
 - Integrates the new growth into existing communities;
 - Creates a diversity of affordable housing near employment centers; and
 - Provides job opportunities for people of all ages and income levels.
2. **Maximize Existing Infrastructure:** Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.
3. **Support Vibrant City Centers:** Give preference to the redevelopment and reuse of city centers and existing transportation corridors by supporting and encouraging:
 - Mixed use development;
 - Housing opportunities for all income levels;
 - Safe, reliable and efficient multi-modal transportation systems; and
 - Retaining existing businesses and promoting new business opportunities that produce quality local jobs.
4. **Coordinated Planning For Regional Impacts:** Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands and open space.
5. **Support High Quality Education and School Facilities:** Develop and maintain high quality public education and neighborhood-accessible school facilities as a critical determinant in:
 - Making communities attractive to families;
 - Maintaining a desirable and livable community;
 - Promoting life-long learning opportunities;
 - Enhancing economic development; and
 - Providing a work force qualified to meet the full range of job skills required in the future economy.
6. **Build Strong Communities:** Support and embrace the development of strong families and socially and ethnically diverse communities, by:
 - Working to provide a balance of jobs and housing within the community;
 - Avoiding the displacement of existing residents;
 - Reducing commute times;
 - Promoting community involvement;
 - Enhancing public safety; and
 - Providing and supporting educational, mentoring and recreational opportunities.
7. **Emphasize Joint Use of Facilities:** Emphasize the joint use of existing compatible public facilities operated by cities, schools, counties and state agencies, and take

advantage of opportunities to form partnerships with private businesses and nonprofit agencies to maximize the community benefit of existing public and private facilities.

8. **Support Entrepreneurial/Creative Efforts:** Support local economic development efforts and endeavors to create new products, services and businesses that will expand the wealth and job opportunities for all social and economic levels.
9. **Encourage Full Community Participation:** Foster an open and inclusive community dialogue and promote alliances and partnerships to meet community needs.
10. **Establish a Secure Local Revenue Base:** Support the establishment of a secure, balanced and discretionary local revenue base necessary to provide the full range of needed services and quality land use decisions.

COMMITTEE ON ENVIRONMENTAL QUALITY
Extended Producer Responsibility
January 17, 2008

Staff: Kyra Emanuels Ross, Legislative Representative
 Debbie Michel, Legislative Analyst

1. Extended Producer Responsibility

Guest Speakers:

- Heidi Sanborn, Executive Director, California Product Stewardship Council
- Paul Abernathy, Executive Director, Association of Lighting and Mercury Recyclers

Policy Questions:

- Should the League endorse specific Extended Producer Responsibility (EPR) policy?
- Does an EPR policy create a direct or indirect financial benefit for cities?
- Does an EPR policy assist in cities meeting their solid waste diversion goals?

Staff Recommendation: Use existing League policy to acknowledge support for the concept of EPR. Bring EPR legislation to the committee on a case-by-case basis as it comes forward.

What Is EPR? EPR is a policy approach that refers to shifting responsibility away from local governments and general taxpayers to the manufacturer of a product. There are a number of different levels of responsibility that manufacturers can assume for their products from post-consumer recycled packaging to full take-back of a product or packaging. Any level of responsibility for a product and its packaging is in keeping with EPR.

Statewide EPR Policy Initiatives. In addition to international efforts by the EU and other countries to push EPR policy, over the last several years a number of pieces of California state legislation have attempted to mandate manufacturer responsibility for products. These have included fees on products to fund collection and disposal (e.g., televisions, computer monitors, used lubricating oil) to retailer take-back (e.g., cell phones, rechargeable batteries, plastic grocer sacks). They all represent attempts to reduce the dependence on local government to foot the bill for management, and include manufacturers and distributors of products as part of the solution. In addition to the statewide efforts, proponents of EPR policy have been working diligently with local governments encouraging the passage of resolutions and ordinances supporting EPR policy. To date, an estimated 22 cities that have pledged to support EPR policy initiatives and legislation.

Existing League Policy. Existing League policy provides both indirect policy support for EPR as well as support for a number of similar types of EPR policies. Existing League policy states:

“The League supports legislation implementing the concept of manufacturer responsibility for electronic waste (e-waste). This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, CRT or other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs.”

The League also supports the existing fee on beverage containers for the purposes of recycling those containers at recycling centers or in curbside recycling programs.