

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

2009 LEGISLATIVE ADVOCACY PROGRAM

Summary Statement:

The 2009 Legislative Advocacy Program provides guidelines for the Town of Apple Valley's legislative advocacy activities. Guided by these principles, staff analyzes proposed state and federal legislation of interest to local government, then advocates positions adopted by the Town Council to legislative representatives.

Advocacy efforts include written correspondence signed by the Mayor, and in some cases, personal contact with legislative representatives' staff in order to effectively communicate the Town's position. This established Legislative Advocacy Program will enable staff to respond to legislation quickly as it moves through the process.

Over the course of the last year, local governance has continued to feel the effects of the factors influencing our national and state capitols, including: the state's structural deficit and shift of \$350 million from redevelopment agencies; transportation and infrastructure; the mortgage foreclosure crisis and the turbulent economy. The Town lobbied for federal dollars for local projects, including the Yucca Loma Bridge/Interstate 15 (Nisqualli) Congestion Relief Project, High Desert Corridor (E-220) and Falchion Interchange Improvements and the Downtown Development Program. Council and staff remain vigilant in lobbying the State Legislature, Governor and/or Members of Congress regarding issues presented in this Program and other pertinent matters affecting the Town and local government.

While this Program remains a framework for Council and staff legislative efforts, it does not encompass all the issues and challenges that will face the Town in the coming year(s). Accordingly, the Council and staff will continue to remain proactive in tracking, identifying and taking positions on legislation and regulations that may affect the quality of life in Apple Valley and local government.

Attachment:

2009 Legislative Advocacy Program

Recommended Action:

Approve and Adopt the 2009 Legislative Advocacy Program.

Proposed by: Linda Mayfield, Administrative Analyst

Item Number: _____

Town Manager Approval: _____

Budgeted Item: Yes No N/A



Town of Apple Valley

LEGISLATIVE ADVOCACY PROGRAM

-2009-

Town Council Legislative and Administrative Positions

Subject to Town Council adoption of the subsequent issues and positions, the Town Council and Staff, in conjunction with our legislative advocates, shall actively pursue these policy directives in support of the Town's vital needs and interests, and to continue to provide "A Better Way of Life" for our residents.

**Town of Apple Valley
2009 LEGISLATIVE ADVOCACY PROGRAM**

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Purpose Statement

The purpose of the Town of Apple Valley's Legislative Advocacy Program is to provide a medium for the Town Council and Staff, its state and federal advocates and its elected representatives, to advocate on legislation and regulations that affect the quality of life in Apple Valley.

Goals and Objectives

The primary goal of the Legislative Advocacy Program is for the Town Council to adopt official Town positions on clearly stated legislative and fiscal issues prior to the start of the state and federal legislative session.

A secondary objective is to implement a process that ensures that the Town Council provides input and direction on legislative issues that have not been previously reviewed by the Town Council. This objective will ensure that staff will seek the Council's guidance on issues not contained within the Town's adopted legislative positions.

Program

Adopted annually by the Town Council, the Town's Legislative Advocacy Program consists of a framework and reference guide for legislative and fiscal positions and objectives that provide direction for the Town Council and Staff. The following steps outline the process.

▪ ***Development of Legislative Issues and Administrative Initiatives***

During October and November of each year, Town Staff, in conjunction with federal and state legislative advocates, will update the proposed legislative positions for the upcoming legislative sessions.

Annually, the Town Council approves the legislative positions cooperatively developed for the upcoming legislative session for the Town Council, staff and legislative advocates to petition on behalf of the Town.

The Council understands that legislative advocates provide a useful service in the success of the Town's goals and objectives. Therefore, the Council will consider the dedication of budget dollars for legislative advocates annually during the budget process or on a case-by-case basis for specific legislative needs.

▪ ***Town Council State and Federal Responsibilities***

Annually, in January or as required, Town Council Members meet with state and federal legislators and staff, to seek support for Town's Legislative Program.

- Seek support/opposition from other interested entities.
- Prepare, review, and testify on behalf of the Town before state and federal legislative committees.

COUNTY/ REGIONAL
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In the interest of community improvement and public good, promote legislation and funding that provide “A Better Way of Life” in Apple Valley, while continuing to oppose any measures that would encumber abilities and authorities of local governance.

I. Local Authority/Transportation Sales Tax

Adopted by San Bernardino County voters in 1989 and renewed by voters a few years ago, Measure I, San Bernardino County’s half-cent transportation sales tax, is a major source of revenue for transportation improvements.

Local Implications:

Of the Measure I funds received each year by Apple Valley, 65% is used for regional arterial projects, 30% is used for improvements to local streets and roads, and the remaining 5% is designated for public transit.

Legislative Positions:

Support legislation that promotes greater local and county control and authority of local transportation sales tax.

Support legislation that distributes local transportation sales tax revenues to local governments.

II. Regional Economic Development

Economic development relies on county/regional collaboration with local communities. County and local economic development departments should be encouraged to develop policies encouraging housing construction; job production and transportation modes necessary for projected increased population growth in the High Desert over the next decade.

Local Implications:

The Town will continue participation in the Victor Valley Economic Development Authority (VVEDA) Technical Advisory Committee and VVEDA Marketing Committee to market the region. Additionally, the Town participates in the annual High Desert Opportunity Conference that showcases business opportunities in the High Desert.

Legislative Position:

Support regional economic development policies that provide for planned economic growth in the Town and neighboring communities.

III. Land Use

The unincorporated areas of our region, particularly those within the Town’s *sphere of influence*, must be planned and developed with standards equal to that of the Town’s Municipal and Development Codes.

Local Implications:

The Town supports policies and regulations that require developers to consult and comply with local community general plans and development codes. This will assure lot sizes will be consistent with the goals and policies of the Town and that development projects contribute their fair share, in terms of infrastructure and development fees (Traffic Impact, Quimby) towards the mitigation of the developments’ impact on the Town. On several occasions, the County has consulted the Town in regards to proposed development within the Town’ sphere of influence—the Town acknowledges this important collaboration and remains committed to its continuance.

Legislative Position:

Support efforts to protect local control of land use decision-making and oppose legislation that would hinder or threaten local control.

IV. Booking Fees

The State budget includes an appropriation of \$31.5 million for county sheriffs for Local Detention Facilities (Gov Code 29552) in both FY 2008/09 and FY 2009/10. This is a 10 percent reduction in funding for local law enforcement and booking fee reimbursements paid to counties to process arrestees. Current law stipulates that in any year that the budget appropriation is less than \$35 million, counties may impose booking fees on cities in proportion to the amount under appropriation.

Local Implications:

If the County imposes booking fees in proportion to the amount under appropriation, the fiscal impact could diminish potential public safety resources.

Legislative Position:

Support full reimbursement of the booking fee paid to counties to process arrestees.

Oppose any increase to the booking fee beyond the actual cost for service.

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In the interest of community improvement and public good, promote legislation and funding that provide “A Better Way of Life” in Apple Valley, while continuing to oppose any measures that would encumber abilities and authorities of local governance.

V. Protection of Local Revenues

When Proposition 1A was approved in 2004, it was clear that voters agreed with the importance of retaining local funds for police, fire, parks and other community services. A similar measure was passed by voters in 2006 to protect Proposition 42 transportation funding in the same manner as stipulated in Proposition 1A.

The FY 2008/09 state budget did not include borrowing of local government (Proposition 1A) or transportation (Proposition 42) revenues. It does, however, include a one-year, one-time, Educational Revenue Augmentation Fund (ERAF) shift of \$350 million from redevelopment agencies (included in AB 1389, trailer bill). These funds will not be repaid. Redevelopment agencies must pay their shares of the \$350 million prior to May 10, 2009. Borrowing from redevelopment housing funds is permitted under restricted circumstances. Legislative bodies are allowed to loan redevelopment agencies funds to make the payment based upon terms established by the legislative body and agency.

It has been reported that the state's budget shortfall for this fiscal year is \$11.2 billion. This may result in serious cuts to the 2008-09 budget and perhaps even deeper cuts when constructing the 2009-10 budget. Cities are once again at risk during these budget debates whether in the form of reductions in public safety subventions or potential "loans" of local property taxes or transportation revenues.

Local Implications:

Though local government is better protected from state revenue takeaways, cities are not immune from negative fiscal impacts associated with the state's structural budget deficit. The shift of redevelopment funds represents a loss of \$400,000 to Apple Valley. City officials recognize that the same forces affecting their budgets have put the state in a similar position; however, the Legislature has to develop permanent solutions in both the short and long term instead of "borrowing" city money or shifting local redevelopment funds to finance state program responsibilities.

Legislative Position:

Support protection of local government revenue from being taken, shifted, diverted or otherwise used to fund state government operations and responsibilities, or for any other purpose.

Support solutions that restore budgetary stability.

Support full reimbursement to cities for all state and federal government mandated programs.

VI. Uncollected Sales and Use Tax

The Board of Equalization's (BOE) two-year pilot Business License Inspection Program estimates that over 3 percent of California businesses operate without appropriate permits or licenses. This failure results in more than \$2 billion sales and use tax gap.

As an effort to close the tax gap, the BOE is launching the Statewide Compliance and Outreach Program (SCOP). More than 8,000 businesses in seven different zip codes throughout California were notified the week of Aug. 18 about impending visits from BOE specialists.

Local Implications:

Improved collection of these revenues could provide an important source of funding for vital state and local programs.

Legislative Position:

Monitor legislation regarding collection of use tax revenues owed to state and local government by consumers and businesses.

VII. Public Safety

The Office of Traffic and Safety (OTS) funds Sobriety Checkpoint and Click it or Ticket programs. The goal of the statewide Sobriety Checkpoint program is to reduce the number of people killed in alcohol-involved crashes. Sobriety checkpoints are an effective way to maximize the deterrent effect and increase the perception of apprehension of motorists who would operate a vehicle while impaired by alcohol. Click it or Ticket promotes seat belt enforcement. The grant offsets overtime and reporting costs for seat belt enforcement conducted during the two mobilization periods and sustained enforcement throughout the year.

Cities recognize that exploring options to realign or reorganize state services is an appropriate policy discussion given the current fiscal crisis. However, when the state realigns responsibility to another level of government, it should also shift the specific state revenues to fund the program (i.e., parole responsibility).

Local Implications:

In 2008, the Apple Valley Police Department obtained a grant in the amount of \$58,284.50 from the Office of Traffic and Safety (OTS) for Sobriety Checkpoint and \$7,000 for Click it or Ticket seat belt enforcement. The Apple Valley Police Department purchased a Mobile Command Post trailer with a \$50,505 State grant from Homeland Security.

For 2009, the Office of Traffic and Safety (OTS) has approved a grant in the amount of \$15,000 for the Click It or Ticket program. The Apple Valley Police Department has also applied to OTS for a \$65,416.70 grant for the Sobriety Checkpoint program and to Homeland Security for a grant in the amount of \$55,000.

Legislative Position:

Support legislation that protects funding for public safety programs, equipment or personnel.

Oppose legislation that shifts state parole responsibility to counties and pay for it by taking Proposition 172 (public safety) dollars and shifting special district property tax dollars.

VIII. Transportation Funding

Although protection and stabilization of transportation funding sources continues to be a critical issue, \$950 million was appropriated from Proposition 1B in FY 2007/08 to cities and counties from the Local Street and Road Program. Specifically, \$550 million was designated for cities. The State Controller disperses the funds to cities on a per-capita formula included in Proposition 1B. The formula provides a minimum funding level of \$400,000 for each city. Additionally, Proposition 42 (Traffic Congestion Relief Program) dedicates revenues from the state's share of the sales tax on gasoline to transportation projects.

Local Implications:

Several projects are planned or in progress using Proposition 1B funding for local road maintenance. These revenues will be used on various paving projects throughout the community and completing various Town of Apple Valley Road improvements. Apple Valley's share of the FY 2007/08 allocation of Proposition 1B funds was \$1.1 million.

Additionally, the Town receives revenue for the street maintenance program from Proposition 42 (Traffic Congestion Relief funds.) The State Controller's Office made the first quarterly payment in two years to all cities on October 16, of which the Town received \$171,173.

Legislative Positions:

Support protection and stabilization of transportation funds dedicated to cities and counties for maintenance, rehabilitation and delivery of future transportation projects.

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.

Support required use of Proposition 42 funding for transportation purposes, as intended by the voters, and timely repayment of Proposition 42 funds diverted to the State's General Fund.

IX. Private/Public Partnerships/ Infrastructure

A key component of Governor Schwarzenegger's long-term plans for meeting California's infrastructure needs are public-private partnerships, which employ capital and skills from the private sector in order to build and maintain infrastructure faster, better and cheaper while improving service.

Local Implications:

According to Senator Runner's office, public-private partnerships will hasten the construction of the High Desert Corridor, E-220—and will improve traffic congestion and goods movements from the Los Angeles basin to the high desert.

Legislative Position:

Support administrative and legislative attempts to open alternative financing mechanisms and create public and private partnerships for the continued expansion of transportation construction.

Support administrative efforts to take down barriers to public/private partnerships and "design build" agreements to enable infrastructure to be built, faster and cheaper.

X. Funding for Parks and Planning

AB 31, which created the Statewide Park Development and Community Revitalization Act of 2008 (Statewide Park Act), was signed into law by Governor Schwarzenegger on September 30, 2008. Funding for the Statewide Park Act grant program was made available through the sustainable Communities and Climate Change Reduction chapter in Proposition 84 (2006 Safe Drinking Water Bond Act). AB 31 will provide \$400 million from Proposition 84 money for new parks and recreation facilities all over the state of California, directed to those communities most in need. In addition, Proposition 1C contains \$200 million for parks associated with housing development. Unfortunately, funds were not allocated for this in the FY 2007-08 budget.

Local Implications:

Applications for the first competitive round of Proposition 84 funds will be due in late summer or early fall of 2009.

Legislative Position:

Support legislation that provides funding/grant opportunities for parks and planning.

Support legislation that expedites the allocation of Proposition 1C park funds immediately with balanced and reasonable application criteria.

XI. Waste Management

The Integrated Waste Management Act requires every city or county to develop a source reduction and recycling element of an integrated waste plan that requires diversion from the solid waste stream.

Local Implications:

Continuing with the direction of Town Council to obtain voluntary involvement from the business community in recycling efforts, staff will be implementing a comprehensive educational program for commercial recycling.

Legislative Positions:

Support legislation that encourages responsible source reduction and recycling to meet solid waste reduction goals.

Oppose legislative or regulatory actions to increase a city's mandated diversion percentage, particularly without local government input and absent State funding.

XII. Wastewater Reclamation and Reuse

Treated sewage effluent from municipal treatment plants is one available supply that can assist the state in meeting its future demand for water. The Town and VVWRA actively support the reuse of treated effluent to help preserve the Victor Valley's most valuable commodity—its local groundwater.

Local Implications:

Potable water provided within the Town of Apple Valley is 100% pumped groundwater from the underground Mojave River Aquifer. The underground aquifer is in a state of severe overdraft (more water being pumped out than is naturally recharged). Availability of reclaimed water will offset the pumping of potable water for irrigation of large turf areas (parks and schools), provide reclaimed water for industrial process clients, assist in restoring surface water flows to wetlands areas of the Mojave River and assure continued supply of potable water for uses in the home.

The Town will continue to assist VVWRA in the feasibility studies necessary to site a sub-regional wastewater reclamation plant within the Town. Additionally, Town staff communicates regularly with representatives of the neighboring communities and the MWA to discuss the issues relating to a sound reclaimed water conservation and reuse policy.

Legislative Position:

Support incentives that encourage the usage of reclamation and reclaimed water.

Support increased funding assistance for the construction of a sub-regional wastewater reclamation and water reuse facility.

XIII. Emergency Preparedness Funding

It is crucial that funding/grants be provided for local disaster planning and emergency response services. The High Desert region remains on alert for several natural disasters, including wildfires and earthquake. Therefore, disaster planning for first responders and the community at large cannot be restrained by lack of funding.

Local Implications:

Disaster management programs cannot remain efficient and current without financial support from the state. Jurisdictions cannot afford to reduce disaster management planning, training, and public education at a time when it is needed most. In the event of an emergency, this program has proven

an essential tool in providing citizen and public safety assistance. Without this program in place, the Town would risk loss of critical Federal Emergency Management Assistance (FEMA) reimbursement funds as received in the past.

Legislative Position:

Support funding for local emergency operations including equipment, services and personnel.

XIV. California Environmental Quality Act (CEQA)

The emerging role of CEQA in addressing climate change and greenhouse gas emissions has been the subject of much discussion and debate in recent months. Governor Schwarzenegger signed SB 375, which connects land use and transportation policy with the reduction of greenhouse gas emissions. SB 375 includes provisions that streamline the CEQA process for residential projects consistent with the regional "sustainable communities strategy" and for transit-oriented projects that meet specified criteria.

Local Implications:

Similar to many California cities, the Town is confronted with serious housing and transportation issues. An appropriate CEQA streamlining, while protecting its intent, can act to improve affordability and supply in the housing market and expedite transportation improvement and construction projects.

Legislative Position:

Monitor closely the development of CEQA streamlining and protection of local land use authority.

XV. Sober Living Homes

Existing law provides for the licensure and regulation of various community care facilities by the Department of Social Services. Existing law also provides for the licensure and regulation by the Department of Alcohol and Drug programs of alcoholism and drug abuse recovery and treatment facilities for adults.

Local Implications:

Often times, owners or operators will falsely claim to be operating a sober living home to avoid local regulation. Most of these properties present substandard conditions and can thereby avoid local regulation by claiming to be a sober living home.

Legislative Positions:

Support legislation that will place a valid definition for the term sober living home which local governments can rely on to determine the scope of local regulation applicable to use.

XVI. Sex Offender Housing Concentrations

The Town sent letters in April and May of this year supporting AB 2593 (Adams). This bill would provide cities and counties with greater oversight and authority over sex offender housing concentrations in Residential Care Facilities (small group homes of six residents or less) licensed by the State.

Local Implications:

Sex offenders pose a clear threat to the children residing, or visiting our community. Because convicted sex offenders are more likely than any other type offender to recommit another sexual assault, the Town desires to impose safety precautions in furtherance of the goal of protecting our children. The purpose of the proposed legislation is to reduce the potential risk of harm to children of our community by impacting the ability for sex offenders to be in contact with unsuspecting

children in locations that are primarily designed for use by children, i.e. schools, parks, playgrounds, day care or children services facilities.

Legislative Position:

Support legislation and administrative actions that provide stronger prohibitions of a sex offender's proximity from schools, parks, playgrounds, video arcades and other like children's type facilities.

Support legislation that strengthens sexual acts laws, including, to add rape committed in concert and committing lewd and lascivious acts to the type of sexual crimes.

XVII. Criminal Justice Facility Financing

State (and Federal) budget deficits have resulted in cuts to the continued development and expansion of statewide justice facility construction programs. AB 900 was signed by Governor Schwarzenegger on May 3, 2007 appropriating \$1.2 billion in jail construction funding through state lease-revenue bonds.

Local Implications:

The County's Juvenile Justice Center in Apple Valley includes plans for the addition of a Type II adult detention facility (booking and pre-trial housing) and Sheriff administrative functions. These facilities would support a satellite center for specialized investigative units with the San Bernardino County Sheriff's Department, for operations in the contract cities and county areas.

Legislative Position:

Support adequate financing of jails and criminal justice facilities.

XVIII. Climate Change

In the last year, California has begun to implement policies to reduce greenhouse gas (GHG) emissions as mandated by the Global Warming Solutions Act of 2006 (AB 32). The lead state agency for implementation of AB 32 is the State Air Resources Board (ARB). ARB met the first milestone in 2007 when it developed a list of nine discrete early action measures. The focus for ARB in 2008 was a document referred to as the "Scoping Plan." It is the plan on how the state will achieve the necessary reductions in greenhouse gas emissions (GHG) by 2020 and will be considered for approval at the ARB Board hearing on December 11th.

Most of the attention on GHG reductions from land use has focused on the attorney general's California Environmental Quality Act (CEQA) lawsuits and the movement of SB 375. Proposals affecting land use must be balanced and realistic. Applying a multitude of mandates on local governments to reduce GHG emissions will not allow the necessary creativity and flexibility at the local level.

Local Implications:

One issue of concern is the extent to which state agencies should be developing "local government strategies" for land use, which is typically the purview of local government. Cities are already leading climate change by saving energy, expanding the use of renewable power, purchasing "green" products and more. To promote a "better, greener way of life," the Green Apple program is a plan to help Apple Valley reduce, reuse, recycle and renew.

Legislative Position:

Oppose legislation that imposes new and costly mandates

Support carefully considered solutions that recognize local responsibilities, market realities and available resources

Support legislation that protects local land use control.

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In the interest of community improvement and public good, promote legislation and funding that provide “A Better Way of Life” in Apple Valley, while continuing to oppose any measures that would encumber abilities and authorities of local governance.

XIX. General Federal Funding

Specifically, but not limited to the following funding sources and appropriations:

- Transportation, TTHUD & Independent Agencies
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Office of Management and Budget/Presidential Budget Request to Congress for Appropriations

Legislative Position:

Pursue funding that specifically benefits the needs of the Town of Apple Valley's parks, recreation, public safety, transportation and public works.

XX. Economic Development and Eminent Domain

The *Kelo v. New London* majority was clear that the law of eminent domain is particular to each state and specifically cited the California Redevelopment Law as a specific example of a state law that provides further limits to the eminent domain authority. In addition, California's Eminent Domain Law also provides several important checks and balances designed to assure a fair process, including requirements that government agencies make fair offers, provide homeowners funds for appraisals, provide due process and the payment of relocation expenses.

Local Implications:

The Town does not condone abuse of eminent domain power that violates state or federal law. Many cities are actively engaged in redevelopment activities to improve blighted areas.

Legislative Position:

Support enactment of honest and responsible eminent domain reforms that protect homeowners.

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.

XXI. Transportation Funding

The upcoming Surface Transportation Reauthorization Bill will set funding authorization for transportation and transit projects throughout the country for the next six years and thus will have a great impact on the environment, air quality, health and greenhouse gas emissions. The Restoration of Highway Trust Fund Act, H.R. 6532, provides \$8 billion dollars for the Highway User Trust Fund (HTF). California is estimated to receive \$930 million from the account in funding for highway and mass transit systems. This is approximately one third of California's federal highway funding. In conjunction with San Bernardino Association of Governments (SANBAG), the County of San Bernardino's transportation agency, and other agencies and local communities, the Town supports federal efforts to provide an extension of highway, highway safety, motor carrier safety and transit.

Local Implications:

The High Desert remains one of the fastest growing regions in the nation. According to the Southern California Association of Governments (SCAG), regional population growth projections indicate San Bernardino County will add over one million new people by 2030. As a whole, Southern California's population will increase by 6.3 million people by 2030. With additional truck traffic, goods movement within the ports, rail, and highways, and increased commuter congestion—it is necessary that improved and increased means of surface transportation facilities are developed and funded.

Related projects include:

- **Yucca Loma Bridge/Interstate 15 (Nisqualli) Congestion Relief Project** will provide a new bridge crossing over the Mojave River, and will ultimately connect to Interstate 15 at the proposed La Mesa/Nisqually Interchange in Victorville. It will create a new east/west corridor in the Victor Valley, greatly improving traffic circulation and reducing congestion in Apple Valley, Victorville, Hesperia, and surrounding areas of unincorporated San Bernardino County.
- **High Desert Corridor (E-220) and Falchion Interchange Improvements** – Development of a new High Desert transportation corridor extending from the I-15 to SR-14 in the Antelope Valley. E-220 was aptly named for the 22 mile stretch from Apple Valley to SR-395. The Falchion Interchange Improvements and the High Desert Corridor, (Phase 1) is the connection segment between U.S. 395, and the existing Interstate 15.

Legislative Position:

Support transportation funding acts that promote construction and improvement of local transportation programs.

XXII. Downtown Development Program

Civic Center Park is a component of the Apple Valley Downtown Development Program. Completion of a multipurpose community center will further the development of the site. Recognizing the difficulty in acquiring at once all of the funds required to complete Civic Center Park, a phasing plan beginning with infrastructure was established to augment additional funds for completing the key elements of this important project.

Local Implications:

This project would create a “core area” for the community that all of its citizens could utilize and enjoy. Combined with the Apple Valley Government Center, Civic Center Park will enable the Town of Apple Valley, 78 square miles in size, serving 75,000 residents, to create a downtown in its geographic center.

Legislative Position:

Support and pursue increased federal appropriations for Civic Center Park Development.

XXIII. Sewage Treatment and Wastewater Reclamation Facility

In November 2005, President Bush signed the Energy and Water Development Appropriations bill (H.R. 2419) into law; this legislation provided \$100,000 to the Town to assist in the development of an appraisal study of the water reclamation portion of the Town’s sewage treatment and reclamation project.

Local Implications:

All potable water provided within the Town of Apple Valley is 100% groundwater, which is pumped from the underground Mojave River Aquifer. The aquifer is in a state of overdraft (more water pumped out than is naturally recharged). The availability of reclaimed water will offset the pumping of potable water for irrigation of large turfed areas (parks and schools), provide reclaimed water for serving potential industrial reuse clients, assist in restoring surface water flows to wetlands areas of the Mojave River, and assure continued supply of potable water for uses in the home. The Town received \$500,000 in FY 2002, \$90,000 in FY 2003, and \$100,000 in FY 2006 for planning and design of a sewage treatment and water reclamation facility.

Legislative Position:

Support increased federal support for wastewater infrastructure needs including both treatment and collection.

XXIV. Community Development Block Grant

The Town supports the continued and increased funding of Community Development Block Grant (CDBG), the HOME Investment Partnerships Program (HOME) and the Section 8 Housing Program funds. These programs support the low-income households within Town limits and are essential to continue to expand affordable housing opportunities and help homeowners live in a safe and healthy environment. The Housing and Economic Recovery Act of 2008 (H.R. 3221) will appropriate emergency CDBG funds to local governments for foreclosure and abandoned home assistance. State and local governments can use these funds to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities.

Local Implications:

HUD announced that funding allocations are available for the Neighborhood Stabilization Program (NSP), a new \$3.9 billion federal program to assist state and local governments in the redevelopment of abandoned and foreclosed homes and residential properties. Funding will be calculated and distributed to state and local governments with the greatest need. The formula is favorable to California since it has the most foreclosures.

Legislative Position:

Support protection of funding to CDBG and other federal funding sources.

XXV. Telecommunications

Over the past several years, a complex array of technological advances has merged data transmission, Internet access, telecommunications, and video (cable) services. The convergence of these industries, each with disparate, multi-level governmental frameworks for taxation and regulation, has blurred the lines between what is taxable and non-taxable, and is precipitating regulatory review and change that could have far-reaching negative implications for California cities.

Local Implications:

Although the Town of Apple Valley does not currently have a Utility Users Tax ordinance, at risk are a wide range of local taxes and fees as well as local control over these revenue sources.

Legislative Position:

Oppose legislation that would take away the ability of California cities to adopt voter-approved new wireless Utility Users Tax.

XXVI. Emergency Preparedness and Response

Federal funding would enable cities, as the first responders, to increase emergency response and public safety efforts, improve communications systems, effectively prepare against bioterrorism attacks, develop citizen preparedness programs, and meet other critical security needs. The national *Citizen Corps* was launched in the aftermath of 9/11 to support ordinary citizens who answered the government's call to action. Their mission is to make communities safer, stronger and better prepared to respond to threats of terrorism, crime, public health issues and disasters of all kinds.

Local Implications:

The Town Council approved the *Citizen Corps Council* in May 2003. The Town's *Community Emergency Response Team* program falls under Citizen Corps funding. This funding supplies instructors, equipment, and storage trailers for the CERT teams. Reduction in federal funds would be detrimental to this program's vitality and success.

Legislative Position:

Support legislation that provides sufficient and reliable funding for the National Citizen Corps Program and similar community based emergency preparedness and safety programs, through the Department of Homeland Security.

XXVII. Law Enforcement Assistance Programs

Community Oriented Policing program provides Federal resources to support local government crime fighting efforts by funding programs to implement community policing initiatives and deploy modern crime-fighting technologies and strategies. The program has been effective in reducing crime and generating benefits to society.

President Bush signed Senate Bill 231 into law on July 30 to reauthorize the Edward Byrne Memorial Justice Assistance Grant (Byrne/JAG) program through 2012. The Byrne Memorial Justice Assistance Grant (JAG) program provides federal resources to support local and state government crime fighting efforts by funding a broad range of law enforcement programs, from drug and gang task forces to programs that assist victims of crime, including children.

Local Implications:

Federal funds for local crime prevention programs continue to be targeted for budget cuts. Failure to fund federal crime prevention and law enforcement programs severely impacts the capability of California's law enforcement agencies by forcing cities to reduce police officer staffing levels, leading to an increase in crime and violence.

Legislative Position:

Support legislation to fund proven public safety programs, including the Community Oriented Policing Services (COPS) program, Byrne Justice Assistance Grants and other Law Enforcement Assistance Programs, that are essential resources for preventing crime..

XXVIII. Housing Finance Reform

The housing finance system has undergone changes in recent years that helped to foster a record rate of homeownership. Unfortunately, federal regulation to protect the interests of homeowners in the mortgage process failed to keep pace with the market. Additionally, since vacant properties all too often become havens for crime, cities must also now bear the costs associated with an increased police presence in those areas where foreclosed vacant properties are concentrated.

Local Implications:

The foreclosure crisis continues to negatively affect the California economy, its communities and budgets. Cities are losing property tax revenue due to declining home values. Additionally, cities must now bear costs of maintaining these vacant properties until the owner can be tracked down. This can be difficult since mortgages are resold among lenders and investors.

Legislative Position:

Support legislation that would reform the mortgage process.

Support legislation that strengthens and stabilizes the housing market.

XXIX. Energy Efficiency and Conservation Block Grant

Last year, Congress and the President enacted comprehensive energy reform legislation aimed at moving the U.S. toward greater energy independence, increasing the production of clean renewable fuels and increasing the energy efficiency of products, buildings and vehicles. The legislation included the creation of a new Energy Efficiency and Conservation Block Grant program that would provide grants to cities, counties and states for innovative practices designed to achieve greater energy efficiency and lower energy usage. The law authorizes an appropriation of \$2 billion a year through 2012.

Local Implications:

Cities recognize that they have a central role to play in affecting change, but need the support and cooperation of the federal government. A coordinated federal and local approach will expand the resources necessary for Apple Valley to develop and implement building and home energy conservation programs, and improve energy efficiency.

Legislative Position:

Support full funding of the Energy Efficiency and Conservation Block Grant for 2009.

Support legislation to help get additional energy efficiency dollars for local governments

Town of Apple Valley 2008 Legislative Matrix

Updated: 12/3/2008 3:42 PM

<i>Bill</i>	<i>Author</i>	<i>Title</i>	<i>Summary</i>	<i>Apple Valley's Position</i>	<i>Last Legislative Action and Date</i>
AB 370	Adams	Sex Offenders: Residency Restrictions	This bill would remove the exclusion of a residential facility which serves 6 or fewer persons from the definition of a single family dwelling and would, instead, allow a county or city to include a residential facility which serves 6 or fewer persons within the local definition of a single family dwelling. This bill would also allow a county or city to prohibit a person released on parole, after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, from residing, during the period of parole, in any single family dwelling with any other person also on parole after having served a term of imprisonment in state prison for any offense for which registration as a sex offender is required, unless those persons are legally related by blood, marriage, or adoption.	<i>Support Letter Sent 1/23/08</i>	DEAD 2/1/2008
AB 844	Berryhill	Junk dealers and recyclers: nonferrous material	This bill requires recyclers to hold payment for three days, check a photo ID and take a thumbprint of anyone selling scrap metals. It also requires anyone convicted of metal theft to pay restitution for the materials stolen and for any collateral damage caused during the theft.	<i>Support Letter Sent 5/22/08</i>	ENROLLED 9/18/08
AB 2593	Adams	Sex Offenders	This bill would provide cities and counties with greater oversight and authority over sex offender housing concentrations in Residential Care Facilities (small group homes of six residents or less) licensed by the State.	<i>Support Letter Sent 4/23/08 & 5/13/08</i>	DEAD 9/24/2008
SB 691	Calderon	Junk dealers and recyclers: nonferrous material	This bill would require recyclers to take thumbprints of individuals selling copper, copper alloys, aluminum and stainless steel. Sellers must also show a government ID and proof of their current address. Recyclers who break the law face suspension or revocation of their business license and increased fines and jail time.	<i>Support Letter Sent 5/21/08</i>	ENROLLED 9/17/2008
AB 904	Feuer	Recycling: Food Containers	Prohibits a takeout food provider from distributing single-use food service packaging to a consumer, unless the packaging is either compostable packaging or recyclable packaging. Requires producers of such packaging to provide a list of the packaging distributed that is recyclable and compostable.	<i>Watch</i>	DEAD 9/24/2008
AB 1634	Levine	Dogs and Cats: Nonspayed or Unneutered: Civil Penalties	Lowers the dog or cat license fee for implementation of a microchip to identify the animal. Increases the fines for nonspayed or unneutered dogs and cats to include the cost of microchipping the dog at the owner's expense.	<i>Watch</i>	DEAD 9/24/2008
SB 1118	Negrete McLeod	Airports: airport land use commissions	The bill would provide that if a county has only one airport that (1) is not served by a scheduled airline, (2) is operated for the benefit of the general public, and (3) is owned by a city, then the city owning the airport is required to establish the airport land use commission and the bill would provide for the composition of the commission. The bill would limit the authority of a board of supervisors and city selection committee of mayors to designate a body to assume the planning responsibilities of an airport land use commission	<i>Oppose Letter Sent 6/16/08</i>	DEAD 9/24/2008
SB 1016	Wiggins	Diversion	Deletes a condition that solid waste subject to source reduction, recycling and composting be diverted from landfill disposal.	<i>Watch</i>	CHAPTERED 9/26/2008
SB 1020	Padilla	Solid Waste: Diversion	This bill requires the Integrated Waste Management Board to adopt policies and incentives to ensure that, on or before a specified date, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that	<i>Watch</i>	DEAD 9/24/2008

75% of all solid waste generated is source reduced, recycled or composted.

CONGRESSIONAL LEGISLATION

H.R. 3221	Pelosi	Housing and Economic Recovery Act of 2008	Designed to help the housing market in a variety of ways. Includes \$3.9 billion in emergency CDBG funds to assist states and local governments in the redevelopment of abandoned and foreclosed homes and residential properties.	Watch	SIGNED BY PRESIDENT 7/30/2008
H.R. 5793	Lofgren	Cell Tax Fairness Act of 2008	To restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property	Oppose Letter Sent 9/22/08	REFERRED TO HOUSE SUBCOMMITTEE ON COMMERCIAL AND ADMINISTRATIVE LAW 4/28/2008