



Date: April 6, 2010
To: Honorable Mayor and City Council
From: Councilmember Patrick O'Donnell, Chair, State Legislation Committee
Subject: **REPORT ON THE STATE LEGISLATION COMMITTEE MEETING HELD ON MARCH 24, 2010, AND REQUEST SUPPORT ON AB 12 (BEALL AND AB 2179 (MONNING), CURRENTLY IN LEGISLATIVE SESSION**

The State Legislation Committee, at its meeting held March 24, 2010, considered communications relative to the above subject.

It is the recommendation of the State Legislation Committee to the City Council that the report be received and filed, and that the City Council concur in the recommendation of the Committee to support AB 12 (Beall) and AB 2179 (Monning), currently in Legislative Session.

Respectfully submitted,

STATE LEGISLATION COMMITTEE

Councilmember Patrick O'Donnell, Chair

Prepared by:
Dina Lopez



Date: April 6, 2010

To: Mayor and Members of the City Council

From: Patrick O'Donnell, Chair of the State Legislation Committee 

Subject: **Recommendation to Receive and File Action Taken at the March 24, 2010 State Legislation Committee meeting**

On Thursday, March 24, 2010 the State Legislation Committee held a meeting to discuss a number of pending state issues, as well as to consider positions on bills for recommendation to the City Council. The following is an update of the Committee meeting and action taken:

Reports Received and Filed

The State Legislation Committee received and filed reports from City staff and the City's State Legislative Advocate Mike Arnold on the State Budget, the recent Gas Tax Swap legislation that was signed into law, a potential Hotel Occupancy Tax bill, and the following three bills the City is sponsoring this year:

AB 1921 (Davis) – This bill allows the City to participate in a pilot program to permit electronic filing of Form 700 (a statement of economic interest), saving the City time and resources related to processing the form.

AB 2067 (B. Lowenthal) – This bill allows the City to permit vehicles to park on the left-hand side of the roadway on narrow, residential streets that dead-end with no designated area in which to turn around.

AB 2663 (B. Lowenthal) – This bill provides that if the Legislature borrows revenues from cities, the transactions would be suspended during the months of July, August, and September for cities observing the federal fiscal year. The transfer, borrowing, or suspension of revenues would begin on October 1. This bill would help alleviate some of the hardship cities on the federal fiscal year face at the end of budget cycle if the State decides to borrow funds.

Items Held in Committee

The Committee held the following bills in Committee for staff to monitor, conduct further analysis on, and report back to the State Legislation Committee:

SB 949 (Oropeza) – This bill provides that officers must cite the State Vehicle code in all moving violations as opposed to a similar municipal code. The Committee recommended staff work with Senator Oropeza's office on staff's concerns with the bill and report back to the Committee. Concerns include: restrictions on officer discretion, parking issues, pedestrian/bicyclist issues, how to cite specific local traffic violations such as sharrows and cruising, and loss of local revenue.

AB 1060 (De La Torre) – This bill provides that alcohol may not be sold using self-service checkouts without the approval of a store employee and classifies as a misdemeanor any violation of the Alcohol Beverage Control Act that is currently not punishable. The Committee moved to hold this bill in committee and has directed staff to monitor the bill and refer the item back to Committee if the legislation reaches the Governor's desk.

AB 2706 (B. Lowenthal) – This bill defines homelessness for the first time in State law, as well as creates a protected class for persons qualifying under the definition of homelessness. The bill provides that homeless persons who have suffered intimidation as a result of their homeless status and win the case in criminal court can pursue further compensation for damages under the Civil Code. The Committee moved to hold this bill in committee and requested the City Attorney provide an analysis of the City's civil liability under the proposed bill.

Bills Forwarded to the City Council with a Recommendation of Support

The Committee moved to recommend City Council support of the two bills in the current legislative session: AB 12 (Beall) and AB 2179 (Monning).

AB 12 (Beall) - The California Fostering Connections to Success Act will extend foster care for dependents of the state up until age 21 providing that the foster youth show proof of enrollment in secondary education or an equivalent transitional employment program.

AB 2179 (Monning) – This legislation will grant title to the City of Long Beach for the Long Beach 1991 Pike land exchange. AB 2179 only addresses the 1991 Pike land exchange, and does not affect the 2002 Queensway Bay Land Exchange.

Recommendation: Receive and File a report on the action taken at the March 24, 2010 State Legislation Committee meeting.



AB 12 (BEALL): CALIFORNIA FOSTERING CONNECTIONS TO SUCCESS ACT

(INTRODUCED: DECEMBER 1, 2008)

MARCH 2010

Introduction

The following is an analysis of AB 12, the California Fostering Connections to Success Act. This bill was introduced on December 1, 2008; and has currently been referred to two Senate committees: the Human Services Committee and Judiciary Committee.

Background

California's foster care system covers foster youth until age 18. This is in contrast to other states that provide care until age 21. At the age of 18, California's foster youth "age out," or emancipate from the system, making them no longer eligible for foster care services. Many foster youth go directly into homelessness. In California, approximately 5,000 foster youth emancipate from the system annually.

Purpose

AB 12 helps older foster youth ages 18 – 21 transition into adulthood. To be qualified for financial assistance resulting from this bill, the nonminor foster youth must demonstrate one or more of the following:

- Enrollment in secondary education or an equivalent credential program;
- Enrollment in postsecondary or vocational education institution;
- Enrollment in a program designed to promote or remove barriers to employment;
- Employment of at least 80 hours per month;
- Inability to fulfill one of the above requirements due to a medical condition that is documented in the individual's foster care case plan.

The bill replaces California's CalWORKs Kinship Guardianship Assistance Program (KinGAP) with a new federal KinGAP program and allows the State to receive federal funds for current or former dependent children or wards of the juvenile court. These funds are appropriated from the Fostering Connections Act, and will be implemented as follows:

- Effective January 1, 2012, extends foster care to eligible youth up to age 19;
- Effective January 1, 2013, extends foster care to eligible youth up to age 20;
- Effective January 1, 2014, extends foster care to eligible youth up to age 21.

Bill Summary

AB 12 proposes to use new federal funds to provide foster youth ages 18-21 with transitional support services, and creates a three major changes to the current foster care system. The first change requires the California's Department of Social Services to amend its state foster care plan to extend care to specified individuals up to 21 years of age. The second change requires the courts to ensure that the child's transitional case plan is reviewed periodically and includes a plan for the child to meet one or more criteria that would allow the child to remain a nonminor dependent, and to ensure that the child has been informed of his or her right to seek the termination of dependency jurisdiction. The third change extends the Adoption Assistance Program (AAP) to include children under 21 years of age who turned 16 years of age before the adoption assistance agreement became effective. These changes to the state's current foster care system are necessary to make California eligible for funds under the Fostering Connections to Success and Increasing Adoptions Act.

Funding

The State's current foster care system is funded entirely with State Temporary Assistance for Needy Families (TANF) maintenance of effort (MOE) funds. This bill will eliminate this fund by \$185 million,

and replace it with a combination of Title IV-E federal funds, state General Funds and county funding. Funds are estimated as outlined below:

- \$80 million in new federal Title IV-E dollars;
- \$83 million from the State's General Fund;
- \$22 million from county funding.

The Assembly Appropriations Committee estimates that depending on the number of foster care nonminors who elect to stay in foster care until the age of 21, first-year costs for extending foster care would likely be \$40 to \$60 million. The State's General Fund would be impacted by \$30 to \$40 million not including licensing and automation costs. A one-time automation cost to include nonminors in the foster care system is estimated to cost \$1 million.

By the third year of the new KinGAP program, the program should be fully implemented and annual costs would range from \$100 to \$155 million per year. The State's General Fund would be impacted by \$65 to \$100 million.

The Assembly Appropriations Committee estimates that when the program is fully implemented (in FY 2012 and beyond) the net cost of the program to the state will be in the range of \$5 million to \$41 million. The Appropriation Committee also contends that if this program is delayed until September 30, 2010 when ARRA funds for federal fiscal relief ends, the cost to implement the program will be significantly less.

Fostering Connections to Success and Increasing Adoptions Act funds can be used for three purposes:

- Foster care
- Kinship-guardianship
- Adoption assistance benefits to youth who meet certain criteria.

Registered Support

This bill has an extensive list of supporters as of May 29, 2009. The City and County of San Francisco as well as the City of Culver City support this bill. Other supporters and co-sponsors of include: California Alliance of Child and Family Services, California Youth Connection, Children's Law Center of Los Angeles (CLCLA), County Welfare Directors Association of California (CWDA), John Burton Foundation, Judicial Council of California, Service Employees International Union, and Youth Law Center.

Registered Opposition

The most current bill analysis shows no opponents.

Legislative History

- Introduced in the State Assembly on December 1, 2008
- Assembly Committee on Human Services, passed (5-0) on April 14, 2009
- Assembly Committee on Appropriations, passed (13-4) on January 21, 2010
- Assembly Floor, passed (72-0) on January 27, 2010
- Referred to Senate Committee on Human Services and Committee on Judiciary on February 11, 2010
- Currently in the Senate Committee on Human Services

Bill Text

Bill text for AB 12 is over 250 pages. A copy of the bill can be obtained by visiting California's Official Legislative Website at: http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0001-0050/ab_12_bill_20100125_amended_asm_v95.pdf



AB 2179 (MONNING): STATE LANDS COMMISSION

BILL: LAND EXCHANGE

MARCH 2010

Overview

AB 2179 will grant title to local government agencies for two land exchanges: the Long Beach 1991 Pike land exchange and a land exchange in the City of Santa Cruz.

Current Situation

Section 6307 of the Public Resources Code (PRC) allows the State Lands Commission to enter into a land exchange under limited circumstances. In many cases, the land being exchanged was part of a legislative grant that transferred administrative control of sovereign land deemed to be "relatively useless for public trust purposes" to a local government. The local government then transfers control of that land to the State Lands Commission in return of land that "will provide a significant benefit to the public trust."

The original legislative grant that gave the local government control over the sovereign lands does not grant the local government final control of the land. Therefore, in the interim of the land exchange, the Commission is required to lease the exchanged land to the trading local government, while the local government pursues grant legislation to receive final administrative control of the land. The local government must legally have final control of the land before the exchange can be finalized. This process can take several years and requires significant staff time and resources.

Long Beach Issue

The 1991 Pike land exchange is the only land transaction in Long Beach that will be affected by this bill. In 1981, a relocation of Seaside Way cut off continuous access of certain trust lands and isolated other parcels of land. The City and the State entered into a land exchange to exchange certain parcels. On the following page is a map of the 1991 land exchange parcels. Through AB 2179, the State Lands Commission would like the Legislature to grant Long Beach the lands the City has acquired through the 1991 Pike exchange. Specific language that refers to the 1991 Pike exchange is found in Section 2 of AB 2179. Long Beach staff is supportive of effectuating the final transfer of title for this piece of property.

2002 Queensway Bay Development Plan Area (DDR) Land Exchange

Long Beach and the State Lands Commission were involved in a separate land exchange in 2002 that included land in the Pike and land adjacent to the Los Angeles River. The California Court of Appeals overturned this exchange in April 2005. AB 2179 only addresses the 1991 Pike land exchange and does not affect the final decision of the 2002 DDR land exchange.

AB 2179 (MONNING): STATE LANDS COMMISSION BILL: LAND EXCHANGE

MARCH 2010

Map of the 1991 Land Exchange



AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2179

Introduced by Assembly Member Monning

February 18, 2010

~~An act relating to recycling.~~ *An act relating to tidelands and submerged lands.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2179, as amended, Monning. ~~Public resources: recycling.~~ *Tidelands and submerged lands: City of Santa Cruz and City of Long Beach.*

Under existing law, the State Lands Commission has jurisdiction over tidelands and submerged lands of the state. Existing law authorizes grants to local entities of the right, title, and interest of the State of California in and to certain tidelands and submerged lands in trust for certain purposes.

This bill would grant to the City of Santa Cruz and the City of Long Beach, respectively, all the right, title, and interest of the state in certain trust lands pursuant to an agreement of the commission. The bill would require the cities to hold, operate, and manage, in trust for the benefit of the statewide public, the described trust lands in accordance with the common law public trust doctrine and specified statutory provisions.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City of Santa Cruz and the City of Long Beach.

~~Existing law imposes various powers and duties on the Department of Conservation relating to the enforcement and administration of various recycling and litter reduction programs.~~

~~This bill would state that it is the intent of the Legislature to enact legislation that would enhance recycling requirements in the state.~~

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

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

1 SECTION 1. (a) *There is hereby granted and conveyed in trust*
2 *to the City of Santa Cruz in the County of Santa Cruz all the right,*
3 *title, and interest of the State of California in certain trust lands,*
4 *acquired and held by the state, subject to the common law public*
5 *trust and the city's statutory trust, pursuant to the agreement that*
6 *was approved as Calendar Item 43 of the August 11, 2009, State*
7 *Lands Commission meeting, and which are further described as*
8 *follows:*

9 (1) *Volleyball Parcel, which consists of all that real property*
10 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
11 *California, and being a portion of Parcel VII as said Parcel VII*
12 *is described in Judgment and Decree Quieting Title No. 13476,*
13 *recorded March 25, 1933, in Volume 236 of Official Records, Page*
14 *413, described as follows:*

15 *All that portion of said Parcel VII bounded easterly by the 1st*
16 *Exception to said Parcel VII as said 1st Exception, being*
17 *Westbrook Street, is described in said Judgment;*

18 (2) *West Lawn Parcel, which consists of all that real property*
19 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
20 *California, and being a portion of Parcel VII as said Parcel VII*
21 *is described in Judgment and Decree Quieting Title No. 13476,*
22 *recorded March 25, 1933, in Volume 236 of Official Records, Page*
23 *413, described as follows:*

24 *All that portion of said Parcel VII bounded westerly by the 1st*
25 *Exception to said Parcel VII as said 1st Exception, being*
26 *Westbrook Street, is described in said Judgment, and bounded*
27 *easterly by the 2nd Exception to said Parcel VII, as said 2nd*
28 *Exception, being lands of the City of Santa Cruz, is described in*
29 *said Judgment; and*

30 (3) *Trestle Easement, which consists of all that real property*
31 *situated in the City of Santa Cruz, County of Santa Cruz, State of*
32 *California, and being a part of the lands conveyed to Santa Cruz*
33 *Seaside Company by deed recorded December 30, 1992, in Volume*

1 5178, at Page 702, Santa Cruz County Records and being more
2 particularly described as follows:

3 Commencing at the most southerly corner of the lands shown
4 as "SANTA CRUZ SEASIDE CO. a Corporation by decree of
5 quieting title Parcel 6, March 25, 1933, in 236-OR-413", said
6 corner being a point on the northeasterly line of Third Avenue, as
7 said lands and Avenue are shown on that certain map entitled
8 "San Lorenzo River Flood Control Project", recorded August 24,
9 1964, in Volume 42 of Maps at Page 16 (Sheet 1 of 19), Santa
10 Cruz County Records;

11 Thence from said Point of Commencement, along said
12 northeasterly line of Third Avenue South 35°27'50" West 15.07
13 feet; thence leaving said northeasterly line, North 59°57'30" East
14 63.00 feet; thence South 74°20' East 16.27 feet, more or less to a
15 point on the northwesterly line of that certain land conveyed by
16 C. Cappellmann and George Otto to the Santa Cruz Railroad
17 Company in deed recorded September 7, 1878, in Book 27 of
18 Deeds, at Page 200, Official Records of Santa Cruz County; thence
19 along said northwesterly line, North 59°57'30" East 94.86 feet to
20 the Point of Beginning;

21 Thence from said Point of Beginning, leaving said northwesterly
22 line of the Santa Cruz Railroad Company, South 13°43' East 22.24
23 feet; thence South 77°47' West 10.00 feet; thence South 69°21'
24 West 15.00 feet; thence South 62°57' West 12.50 feet; thence South
25 55°17' West 20.00 feet; thence South 30°15' West 14.00 feet; thence
26 South 24°24' West 20.00 feet; thence South 30°02'30" East 6.00
27 feet; thence North 59°57'30" East 124.34 feet; thence South
28 30°02'30" East 13.23 feet; thence South 9°13'30" West 58.64 feet
29 to the southeasterly line of said land conveyed to said Railroad
30 Company; thence along said southeasterly line North 59°57'30"
31 East 146.81 feet, more or less, to the easterly boundary of said
32 land conveyed to said Railroad Company, said easterly boundary
33 being described in said deed to said Railroad Company as the
34 middle of the San Lorenzo River; thence northerly along said
35 easterly boundary 108 feet, more or less, to said northwesterly
36 line of said land conveyed to said Railroad Company; thence along
37 said northwesterly line South 59°57'30" West 167.63 feet, more
38 or less, to the Point of Beginning.

39 SUBJECT TO a reservation of an easement for railroad
40 operating purposes, and appurtenances thereto pertaining, on,

1 over, across, under, and through a strip of land 20 feet in width,
2 lying 10 feet on each side of the center line of an existing railroad
3 track, as said reservation is described in said deed recorded in
4 Volume 5178, at Page 702, Official Records of said County.

5 (b) The lease of the lands described in subdivision (a),
6 designated as PRC 8824, from the State Lands Commission to the
7 City of Santa Cruz shall terminate on January 1, 2011.

8 (c) The City of Santa Cruz shall hold, operate, and manage, in
9 trust for the benefit of the statewide public, the public trust lands
10 described in subdivision (a) in accordance with the common law
11 public trust doctrine and the terms, trusts, and conditions set forth
12 in Chapter 342 of the Statutes of 1872 and Chapter 1291 of the
13 Statutes of 1969.

14 SEC. 2. (a) There is hereby granted and conveyed in trust to
15 the City of Long Beach in the County of Los Angeles all the right,
16 title, and interest of the State of California in certain trust lands,
17 acquired and held by the state, subject to the common law public
18 trust and the city's statutory trust, pursuant to the agreement that
19 was approved as Calendar Item 8 of the June 5, 1991, State Lands
20 Commission meeting, which are further described as follows:

21 (1) Southern Parcel, which consists of land described as follows:

22 Southern parcel

23 Description: The land referred to herein is situated in the County
24 of Los Angeles, State of California, and is described as follows:

25 That certain parcel of land, in the City of Long Beach, described
26 as follows:

27 Beginning at the intersection of the easterly prolongation of the
28 northerly line of lot "e" as shown on map of ocean front of the
29 City of Long Beach, recorded in book 39 pages 18 to 33, inclusive
30 of miscellaneous records, in the office of the county recorder of
31 said county, and a line parallel with and 50.00 feet easterly of the
32 easterly lines of lots "e" and "k" of said ocean front of the City
33 of Long Beach; thence along said parallel line, South 00°05'02"
34 East, 405.24 feet; thence South 89°54'58" West, 69.85 feet; thence
35 South 00°05'02" East, 40.00 feet to the true point of beginning;
36 thence North 89°54'58" East, 38.57 feet to a point on a nontangent
37 curve concave to the southwest and having a radius of 29.50 feet,
38 a radial line through said point bears North 47°13'55" East; thence
39 southerly along said curve through a central angle of 38°56'41"
40 an arc distance of 20.05 feet; thence South 03°49'24" East 56.57

1 *feet to the southerly line of that particular parcel of land described*
2 *in deed recorded in book 44843, page 136 of official records in*
3 *the office of said county recorder; thence along said southerly line*
4 *North 89°18'18" West, 231.02 feet; thence North 52°02'37" East,*
5 *27.08 feet to the beginning of a curve concave southeasterly having*
6 *a radius of 260.00 feet; thence northeasterly along said curve*
7 *through a central angle of 37°52'21" an arc distance of 171.86*
8 *feet to the true point of beginning.*

9 *Except that portion shown as Pine Avenue on map of said ocean*
10 *front of the City of Long Beach.*

11 *Also except that portion of said land lying easterly of the easterly*
12 *line of said lot "k" and/or its southerly prolongation; and*

13 *(2) Street Parcel, which consists of land described as follows:*

14 *Street parcel*

15 *A parcel of land in the City of Long Beach, in the County of Los*
16 *Angeles, State of California, described as follows:*

17 *Beginning at the intersection of the easterly prolongation of the*
18 *northerly line of lot "e" as shown on the map of ocean front of*
19 *the City of Long Beach, recorded in book 39 pages 18 to 33,*
20 *inclusive of miscellaneous records, in the office of the county*
21 *recorder of said county, and a line parallel with and 50.00 feet*
22 *easterly of the easterly lines of lots "e" and "k" of said ocean*
23 *front of the City of Long Beach; thence along said parallel line*
24 *South 00°05'02" East, 405.24 feet; thence South 89°54'58" West,*
25 *69.85 feet; thence South 00°05'02" East, 40.00 feet; thence North*
26 *89°54'58" East, 19.85 feet more or less to the southerly*
27 *prolongation of the East line of said lot "k", being the true point*
28 *of beginning; thence North 89°54'58" East 40 feet to the easterly*
29 *line of the parcel of land described in deed recorded in book 44843,*
30 *page 136 of official records in the office of the county recorder of*
31 *said county; thence southerly along said easterly line 74.66 feet*
32 *more or less to the southeasterly corner of said described parcel*
33 *of land; thence along the southerly line thereof North 89°18'18"*
34 *West 40 feet to the southerly prolongation of the east line of said*
35 *lot "k"; thence North 00°05'02" West 74.12 feet more or less to*
36 *the true point of beginning.*

37 *(b) The lease of the lands described in subdivision (a),*
38 *designated as PRC 7545, from the State Lands Commission to the*
39 *City of Long Beach shall terminate on January 1, 2011.*

1 (c) *The City of Long Beach shall hold, operate, and manage,*
2 *in trust for the benefit of the statewide public, the public trust lands*
3 *described in subdivision (a) in accordance with the common law*
4 *public trust doctrine and the terms, trusts, and conditions set forth*
5 *in Chapter 676 of the Statutes of 1911, Chapter 102 of the Statutes*
6 *of 1925, Chapter 158 of the Statutes of 1935, and Chapter 138 of*
7 *the Statutes of 1964 (First Extraordinary Session), as amended.*

8 SEC. 3. *The Legislature finds and declares that, because of*
9 *the unique circumstances applicable only to the lands described*
10 *in Sections 1 and 2 of this act, a statute of general applicability*
11 *cannot be enacted within the meaning of subdivision (b) of Section*
12 *16 of Article IV of the California Constitution. Therefore, this*
13 *special statute is necessary.*

14 ~~SECTION 1. It is the intent of the Legislature to enact~~
15 ~~legislation that would enhance recycling requirements in the state.~~