



CITY OF MONTCLAIR

Montclair Civic Center
5111 Benito Street
Montclair, CA 91763

November 29, 2012

TO: Honorable Mayor and City Council

FROM: Edward C. Starr, City Manager

SUBJECT: CITY MANAGER'S WEEKLY REPORT: November 22-29, 2012

➤ **CITY MANAGER/ADMINISTRATIVE SERVICES DEPARTMENTS**

- Earlier this month, Senior Administrative Intern Mikey Fuentes and I attended the 2012 End of the Year Legislative Briefings presented by the League of California Cities. The annual Legislative Briefings focus on key legislative developments for the current calendar year—this year's session also focused on results of the statewide November 2012 election.

During the course of the program, it was apparent the last few years have not been the best of times for local governments in the Golden State. A grueling economy forced many businesses and municipalities into bankruptcy and required nearly every other public and private sector organization to undergo painful fiscal reductions. Job and revenue losses forced many tough decisions at kitchen tables, city council chambers, boardrooms, and the state Capitol.

The worst of the economic decline appears to now be behind us, creating a fragile foundation for slow, but long-term, recovery.

In 2012, cities were also forced to cope with the loss of a powerful economic engine when Governor Brown and the Legislature arbitrarily decided to eliminate community redevelopment agencies under the guise of ABX1 26. Cities sued to declare the measure unconstitutional; but the California Supreme Court, in *Matosantos v. California Redevelopment Association*, upheld the legislation, killing off the redevelopment process effective February 1, 2012. The loss of redevelopment has proved to be a serious economic blow to many municipalities—a loss made less palatable by (1) a

legislature that failed to initiate effective replacement tools; and (2) an often un-collaborative Department of Finance charged with administering the demise of the redevelopment process.

The Legislature also imposed AB 340—a package of pension reform measures that effectively alter the public employee pension landscape for new hires into the CalPERS system on and after January 1, 2013. Many analysts believe the pension reform measure passed only because Governor Brown needed a tool to push voters to approve Proposition 30—an initiative containing his proposed package of tax increases. Other skeptics of the bill believe it has built-in structural weaknesses that grant the Legislature authority to dilute the measure in future years.

To the surprise of many, Proposition 30 did receive majority support of voters at the November 6, 2012 statewide General Election. The success of Proposition 30 is likely to set the tone for the 2013 Legislative Session. Flush with \$8 billion in new tax revenues, the state can expect to see annual deficits decline to less than \$5 billion, provided the Legislature and Governor refrain from engaging in new spending and program sprees.

For cities, the unwinding of local control will continue to play out in the aftermath of redevelopment dissolution; a legislative agenda progressively designed to saddle local government with a growing list of unreasonable demands; and a lack of reasonable legislative initiatives that effectively cope with the state's unyielding budget difficulties.

In the next month, staff will complete its review of 2012 statutes to determine their impact on local operations.

November 2012 Election Wrap-up:

Ballot Measures

Passed

- ✓ Prop. 30 (Governor's Tax Measure package)
- ✓ Prop. 35 (Increases penalties for human trafficking)
- ✓ Prop. 36 (Revises Three Strikes Law)
- ✓ Prop. 39 (Repeals Business Tax Exemption: Budget and Energy Funding)
- ✓ Prop. 40 (Confirms Redistricting for State Senate)

Failed

- ✓ Prop. 31 (California Forward's Proposed Reforms)
- ✓ Prop. 32 (Prohibiting Political Contributions by Payroll Deduction)
- ✓ Prop. 33 (Auto Insurance Price Based on Driver History)

- ✓ Prop. 34 (Repealing Death Penalty)
- ✓ Prop. 37 (Genetically Engineered Food Labeling)
- ✓ Prop. 38 (Tax Increase for Education, Early Childhood Programs)

Legislature Composition. As a result of the November 2012 Election, democrats will now maintain a supermajority in both legislative houses. This will give democrats in both houses a two-thirds vote granting them vast new legislative powers. The democratic supermajority will be able to pass tax increases, adopt fees per Proposition 26 (Supermajority Vote to Pass New Taxes and Fees), sunset tax exemptions, adopt urgency measures, override executive vetoes, and place measures on the ballot.

The 2013–2014 Legislature will be composed primarily of representatives from local government backgrounds: 65 percent of the Assembly and 60 percent of the Senate. With this large share of representatives from local government backgrounds, some analysts believe more "local issues" will be dealt with during this upcoming legislative session.

The November 2012 Election was also the first election in which Proposition 14 (California Top Two Primaries Act) was in effect. Proposition 14 requires that candidates run in a single primary open to all registered voters, with the top two vote-getters meeting in a run-off. Proposition 14 was passed in 2010 as a way to counter the extreme polarization of both parties and to create a "moderate" consensus. The effects of Proposition 14 have yet to be fully seen, and legislative representatives predict the full effects of this proposition will not be seen until several years down the road.

Legislative and Executive Priorities for 2013:

During the Governor's post-election press conference, Brown discussed his priorities for the next legislative session which will include regulatory reform–investment and job creation, water reliability, high-speed rail, education, and budgetary restraint.

Senate Pro Tem Darrel Steinberg discussed the priorities for the democratic party for the next legislative session which will include job creation, reinvestment in public schools and colleges, restoration of budget stability, the restoration of adult dental care for the poor, tax reform, ballot initiative reform, and same-sex marriage.

- As part of its Healthy Hearths initiative, the South Coast Air Quality Management District (SCAQMD) has initiated a mandatory "Check Before You Burn" Program to help improve wintertime air quality by reducing emissions from wood-burning fireplaces.

From November 1, 2012 through February 27, 2013, SCAQMD will issue mandatory no-burn advisories for areas where fine particulate air pollution is forecast to reach unhealthy levels—one of the first such advisories was issued this past weekend for the Los Angeles basin.

Daily forecast information can be found on SCAQMD's "Check Before You Burn" map at www.aqmd.gov/healthyhearths/checkbeforeyouburn.htm, or by phone at 866-966-3293, and via email for those that sign up for Air Alerts at www.aqmd.enviroflash.info.

Wood smoke contains gases and tiny particles known as fine particulates that lodge deep in the lungs, reduce lung function, cause chronic bronchitis and potentially cause premature death. Wood burning creates approximately 5.5 tons of emissions per day in the southland—four times the amount emitted from all power plants in the area.

SCAQMD recently approved funding for incentives to reduce the cost of purchasing and installing gas log sets or gas stoves. Southland residents (excluding residents of mountain communities) can receive up to a \$200 discount to replace existing wood-burning fireplaces or stoves with gas models. A list of participating retailers is available at www.aqmd.gov/healthyhearths/incentives_faq.htm.

➤ **COMMUNITY DEVELOPMENT DEPARTMENT**

- Donations are still being accepted for the Human Services Division's Annual Canned Food and Toy Drive. Employees and community members are encouraged to donate to this worthy cause.

For the health and safety of those receiving food baskets, we cannot accept outdated, dented, or bulging cans; or opened packages. Toys must be new and unwrapped. Marked collection bins are located at the Recreation facility, City Hall lobby, Youth Center, Fire Station No. 1, Senior Center, and the Police Department. All food and toys collected will be distributed to needy Montclair residents during the City's Holiday Toy and Food Basket Program.

Monetary donations are also being accepted to purchase perishable food items and toys. A donation of \$50 will provide a complete basket of food and toys for a parent and a child, and a \$75 donation will provide a complete basket of toys and food for a family of four. Your tax-deductible donation should be made payable to "Montclair Youth Sponsorship Fund."

All donations need to be delivered to the Recreation facility by December 14. For additional information, please call Senior Program Specialist Ester Vargas Pipersky at 909-625-9462 or Senior Human Services Supervisor Michelle Roche Castillo at 909-625-9451.

- Join us next Thursday, December 6 at 7 p.m. at the City's Annual Tree Lighting Ceremony and visit with Santa and Mrs. Claus. The lighting of the community tree and complimentary family pictures with Santa and Mrs. Claus will be held outside the Youth Center, while free refreshments and the letters to Santa station will be located inside the Youth Center. A community holiday sing-along will be held both inside and outside the Youth Center.

Gift lights on the community tree can be purchased in honor of, or in memory of, loved ones for \$10 each. Money raised from the sale of gift lights will be used to benefit youth programs in Montclair. This event is sponsored by the Community Action Committee and the Montclair-Ontario Junior Women's Club.

Please direct questions to 909-625-9451.

➤ ***POLICE DEPARTMENT***

- Officers were prepared for a busy Black Friday since people were camped out for several days at stores that promised huge deals on Thanksgiving and the day after. However, when stores opened for business, Officers did not experience the high volume of calls as anticipated.

On Black Friday, Reserve Officers provided additional patrol and traffic control around Montclair Plaza.

➤ ***FIRE DEPARTMENT***

- On November 15, Angelic Bird participated in an annual Statewide Medical and Health Exercise designed to establish a learning environment for players to exercise emergency response plans, policies, and procedures as they pertain to a power outage caused by an earthquake.

Montclair Hospital Medical Center and many other agencies participated, including San Bernardino County Office of Emergency Services, San Bernardino County Department of Public Health, and hospitals in the San Bernardino County Operational Area.

Montclair Hospital's three main objectives for the exercise were the following:

- ✓ Management and organization in the Hospital Command Center

- ✓ Test redundant communication capabilities both internally and with external partners
- ✓ Management of healthcare surge during a loss of power and limited communication

In Montclair Hospital's Command Center, Angelic evaluated player actions against the established objectives. She also functioned as a SIM Cell for the City's Emergency Operations Center (EOC) when the scenario necessitated that the players contact the City's EOC to coordinate response efforts. During a real emergency, Montclair Hospital's Command Center would coordinate with the Medical/Health Branch in the City's EOC.

The exercises were successful and the enthusiastic participants executed many of the exercise objectives and provided valuable feedback. It is always a beneficial experience when response partners work together to prepare for emergencies.

- On November 27, Fire Engine 151 and crew participated as a static display during a funeral procession honoring Fallen Army Specialist Daniel Carlson. E151 and crew were positioned on the San Antonio Avenue overpass during the funeral procession which traveled the I-10 Freeway from Ontario to Oakdale Cemetery in Glendora.

Daniel was 21 years old. He served as a CH-47 Chinook Helicopter Repairman with the Army's 25th Infantry Division, Wheeler Army Airfield, Hawaii. Specialist Carlson was killed November 9 while serving our country in the Kandahar province of Afghanistan supporting Operation Enduring Freedom.

➤ **PUBLIC WORKS/SUCCESSOR REDEVELOPMENT AGENCY**

- The U.S. Department of Commerce released a report on November 28, 2012, indicating e-commerce sales in the U.S. reached \$56.99 billion in the third quarter of 2012, up from 17.3 percent from \$48.59 billion for the same period a year ago. In third quarter 2011, e-commerce sales increased only 3.7 percent from the second quarter. The 17.3 percent growth posted for the third quarter follows three quarters when e-retail sales growth hovered just above 15 percent.

E-commerce accounted for approximately 5.2 percent of total retail sales, excluding restaurant and bar sales, during the three months ending September 30, 2012. When further excluding sales of autos and fuel products not commonly purchased online, the publication *Internet Retailer* calculates e-commerce accounted for approximately 7.7 percent of the total adjusted retail sales during the third quarter, up from 6.8 percent a year ago.

Moving into the fourth quarter holiday shopping season, an advanced retail sales estimate issued by the Commerce Department this week pegged total retail sales, excluding foodservice, in October 2012, at \$361.2 billion, up 5.6 percent from October 2011. The web measurement firm, ComScore, predicts e-commerce sales will increase 15 percent to 18 percent this holiday shopping season compared with 2011.

Unfortunately, most city sales tax coffers do not benefit from e-commerce sales. In instances where sales tax is charged through e-commerce, the point of sale location captures the sales tax. Point of sales tax locations are generally considered the distribution centers from where goods are shipped.

ECS:spa

"I value the friend who for me finds time on his calendar, but I cherish the friend who for me does not consult his calendar."

~ Robert Brault

DECEMBER 2012



03	City Council Workshop – Code Enforcement Update Council Chambers	5:45 p.m.
03	City Council Meeting Council Chambers	7:00 p.m.
06	Montclair Chamber of Commerce Holiday Food and Toy Basket Drive, Chamber parking lot	Noon - 1:30 p.m.
06	Annual Tree Lighting Ceremony Youth Center	7:00 p.m.
10	Planning Commission Meeting Council Chambers	7:00 p.m.
11	City Manager’s Staff Meeting City Hall Conference Room	9:00 a.m.
12	Oversight Board Meeting Council Chambers	6:00 p.m.
17	Code Enforcement Meeting City Hall Conference Room	6:00 p.m.
17	City Council Meeting Council Chambers	7:00 p.m.
18	City Manager’s Staff Meeting City Hall Council Chambers	9:00 a.m.
19	Safety Committee Meeting Dolce Café & Bakery	11:30 a.m.
19	Public Works Committee Meeting City Hall Conference Room	2:00 p.m.
24	City Hall Closed through December 26 in Observance of Christmas	