

# AMENDED



LAST ORDINANCE NO. 13-xx  
LAST RESOLUTION CITY COUNCIL NO. 13-xx  
LAST RESOLUTION FINANCING AUTHORITY NO. 13-xx  
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 13-xx  
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 13-xx

## CITY OF RIDGECREST

### CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

#### AGENDA

Special Council  
Wednesday March 11, 2013

**CITY COUNCIL CHAMBERS CITY HALL**  
100 West California Avenue  
Ridgecrest, CA 93555

#### **Special Session – 9:00 a.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

#### **CALL TO ORDER**

#### **ROLL CALL**

#### **APPROVAL OF AGENDA**

#### **SPECIAL SESSION – 9:00 a.m.**

- Pledge Of Allegiance
- Invocation

#### **PUBLIC COMMENT**

**AGENDA - CITY COUNCIL - SPECIAL**

**March 11, 2013**

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**CONSENT CALENDAR**

1. Approve A Letter Of Opposition From The Ridgecrest City Council To California State Senate President Pro Tem, Opposing SB 7 **Speer**

**DISCUSSION AND OTHER ACTION ITEMS**

2. Discussion of Budget Strategy and Preliminary Priority Planning for Fiscal Year Budget 2013-2014 **Speer**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Letter Of Opposition From The Ridgecrest City Council To California Senate President Pro Tem, Opposing SB 7

**PRESENTED BY:**

Dennis Speer – Interim City Manager

**SUMMARY:**

Pursuant to discussions at the Kern County Mayor and City Manager's meeting last week, the League of California Cities has requested all agencies prepare and submit letters of opposition to SB 7.

SB 7 (Steinberg). Threatens the constitutional limits on state authority and establishes a template for future state erosion of local control.

SB 7 (Steinberg) would prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has a voter-approved charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by (non-state) city funds.

*The League's opposition to this measure rests on the fundamental principle of local control and the constitutional limits on state authority over charter cities.* Moreover, this measure would establish a disturbing framework for future state micromanaging of charter city laws and policies by the tactic of withholding state funds as political leverage to attempt to force changes to city charters and ordinances.

SB 7 tries to indirectly impose requirements on Charter Cities that the State cannot do constitutionally. This measure tries to leverage a different outcome than the Court's ruling by withholding vital state construction funds, derived from all of the state's taxpayers, from charter cities that fail to adopt prevailing wage requirements for projects they build with *local* funds. Such a condition is unlawful because the State is seeking to accomplish indirectly what it cannot achieve directly.

**SB 7 Is Not Just A Charter City Issue!**

The threat posed by this measure to local charter authority is much broader. If this framework is authorized, there will be no end to efforts to leverage compliance with other State laws, while ignoring the constitutional legitimacy of the doctrine of municipal affairs.

This bill is scheduled to be heard in the Senate Labor and Industrial Relations Committee on March 13, therefore letters of opposition should be faxed before March 12.

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve a letter of opposition to SB 7 and direct staff to fax the letter to the Honorable Darrell Steinberg, Senate President Pro Tem before March 12.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approve a letter of opposition to SB 7 and direct staff to fax the letter to the Honorable Darrell Steinberg, Senate President Pro Tem before March 12

Submitted by: Dennis Speer  
(Rev. 02/13/12)

Action Date: March 11, 2013



## CITY OF RIDGECREST

Telephone 760 499-5000

FAX 760 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

March 11, 2013

The Honorable Darrell Steinberg  
Senate President Pro Tem  
State Capitol, Room 205  
Sacramento, CA 95814

RE: **Opposition to SB 7 (Steinberg) Charter Cities: Unlawful Conditions on State Funding**

Dear Senator Steinberg:

The City of Ridgecrest regrets to inform you of our opposition to your SB 7 (Steinberg), which would prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by (non-state) city funds.

This measure violates the fundamental principle of local control and the constitutional limits of state authority over charter cities, as recently held by the Court in the *Vista* decision.<sup>1</sup> This measure conflicts with *Vista* by attempting, via the Legislature, to leverage a different outcome than the Court's ruling by withholding vital state construction funds, derived from all of the state's taxpayers, from charter cities that fail to adopt prevailing wage requirements for projects built with *local* funds. Such a condition is unlawful because the state is seeking to leverage outcomes it lacks the legal authority to compel.

*While the City of Ridgecrest is a general law city, we still oppose this measure for its intrusion into local authority as well as the effort to undercut the flexibility provided in the Constitution to charter cities*

This measure would establish a disturbing framework for future state micromanaging of charter city laws and policies by the tactic of withholding state funds as political leverage to attempt to force changes to city charters and ordinances.

For these reasons, the City of Ridgecrest opposes this legislation.

Sincerely,

Daniel O. Clark  
Mayor

Cc:

Senator Ted Lieu, Chair, Senate Committee on Labor and Industrial Relations  
(Committee Fax: Attn. Alma Perez @ 916-327-5703)  
Gareth Elliott, Legislative Affairs Secretary, Office of Governor Jerry Brown  
City's Senator and Assembly Member  
Hilary Baird, League of CA Cities, 661-664-8291

<sup>1</sup> The California Supreme Court upheld that (1) the construction of a city-operated facility for the benefit of the city's inhabitants with city funds is "*quintessentially a municipal affair*," and (2) the state cannot require a charter city to exercise its purchasing power based upon "*some indirect effect [of the charter city's purchasing power] on the regional and state economies.*" *State Building and Construction Trades Council of California, AFL-CIO v. City of Vista* (2012) 54 Cal. 4<sup>th</sup> 547.



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**CITY COUNCIL/SUCCESSOR REDEVELOPMENT AGENCY/FINANCING  
AUTHORITY/HOUSING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Discussion of Budget strategy and Preliminary Priority Planning for Fiscal Budget Year 2013-2014

**PRESENTED BY:**

Dennis Speer – Interim City Manager

**SUMMARY:**

At the request of Council, a special meeting will be held to review the budget strategy and discuss establishing parameters and preliminary priorities for the fiscal year 2013-2014 budget.

Staff members will prepare presentations for Council to view.

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Discussion and direction to staff.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Discussion and Direction to Staff

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