



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
August 5, 2010

Honorable Members of the
Law and Legislation Committee

Subject: City Position: Oppose Proposition 23, the California Jobs Initiative, which qualified for the November 2010 Statewide Ballot

Location/Council District: Citywide

Recommendation:

This report recommends that the Law and Legislation Committee 1) approve staff's recommendation to oppose Proposition 23, the California Jobs Initiative, which qualified for the November 2010 Statewide Ballot, and 2) forward the recommendation to the full City Council for adoption.

Contact: Michelle Heppner, Special Projects Manager, 916-808-1226

Presenters: Michelle Heppner, Special Projects Manager

Department: City Manager's Office

Organization No: 09200

Summary: Council Member Cohn requested staff to bring forward a position on Proposition 23, the California Jobs Initiative, which qualified for the November 2010 statewide ballot. This report provides information on the Proposition and a recommendation by staff on Proposition 23.

Committee/Commission Action: None.

Background Information:

In 2006, the City supported Assembly Bill 32 (AB 32) which implemented specific goals to reduce the greenhouse gas emissions that cause global warming. The bill required the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide

greenhouse gas emissions levels in 1990 to be achieved by 2020, as specified. AB 32 has launched California to the forefront of the clean energy industry and positioned us to corner the clean technology market. The City currently has \$4.7 million invested in projects and programs that will fulfill AB 32's requirements. Over time, these actions will save the City money, improve local air quality and reduce our carbon footprint.

Proposition 23 would suspend air pollution control laws like AB 32, which require major polluters to report and reduce greenhouse gas emissions that cause global warming until the unemployment rate in California drops below 5.5 percent or less for four consecutive quarters (which it has done only 3 times in the past 3 decades). It further requires the State to abandon implementation of comprehensive greenhouse-gas-reduction program that includes increased renewable energy and cleaner fuel requirements, and mandatory emission reporting and fee requirements for major polluters such as power plants and oil refineries, until suspension is lifted.

Rationale for Recommendation:

Opposing this proposition is consistent with City Council policy direction in support of green, clean energy and sustainability. Failure of this measure is beneficial to the 500,000 "green jobs" and 12,000 clean energy businesses currently operating locally and across California. According to the December 2009, Next10 Report, the Sacramento Region has had the greatest green job growth in the state, 87% over the past 13 years.

Financial Considerations:

Proposition 23 will put California at a significant disadvantage in becoming the nation's clean energy and clean technology leader. Clean energy and clean technology represent one of the few job growth areas in our recovering economy. According to the Next10 Report, since 2005, California green jobs have grown 10 times faster than the statewide average. Since 2005, the region's clean energy technology businesses grew from 30 to nearly 100 in 2010.

Environmental and Sustainability Considerations:

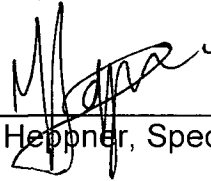
AB 32, which the City unanimously supported in 2006, promotes greenhouse gas emissions reductions that have shown public health and environmental benefits by reducing pollutants not only associated with climate change, but also with smog, haze, and particulates. Opposing the Proposition will keep the provisions and protections provided by AB 32 in place.

Policy Considerations:

The recommended position is consistent with the City's unanimous support of AB 32, the City's Sustainability Master Plan, which Council adopted in 2007, the 2010 Sustainability Implementation Plan, the 2030 General Plan, the Mayor's Green Initiative, the Sacramento Climate Action Plan, the City's 2010 State Legislative Platform and the City Manager's Operational principles to promote public safety and livability and create economic vitality in our city.

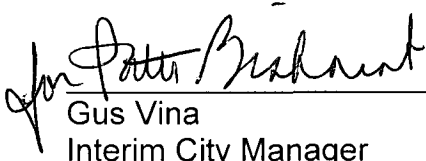
Emerging Small Business Development (ESBD): n/a

Respectfully Submitted by:



Michelle Heppner, Special Projects Manager

Recommendation Approved:



Gus Vina
Interim City Manager

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Initiative Measure to be Submitted to Voters California Jobs Initiative

SECTION 1. STATEMENT OF FINDINGS

- A. In 2006, the Legislature and Governor enacted a sweeping environmental law, AB 32. While protecting the environment is of utmost importance, we must balance such regulation with the ability to maintain jobs and protect our economy.
- B. At the time the bill was signed, the unemployment rate in California was 4.8%. California's unemployment rate has since skyrocketed to more than 12%.
- C. Numerous economic studies predict that complying with AB 32 will cost Californians billions of dollars with massive increases in the price of gasoline, electricity, food and water, further punishing California consumers and households.
- D. California businesses cannot drive our economic recovery and create the jobs we need when faced with billions of dollars in new regulations and added costs; and
- E. California families being hit with job losses, pay cuts and furloughs cannot afford to pay the increased prices that will be passed onto them as a result of this legislation right now.

SECTION 2. STATEMENT OF PURPOSE

- A. The people desire to temporarily suspend the operation and implementation of AB 32 until the state's unemployment rate returns to the levels that existed at the time of its adoption.

SECTION 3. SUSPENSION OF AB 32

Division 25.6 (commencing with section 38600) of the Health and Safety Code is hereby added to read:

- §38600(a) From and after the effective date of this measure, Division 25.5(commencing with section 38500) of the Health and Safety Code is suspended until such time as the unemployment rate in California is 5.5% or less for four consecutive calendar quarters.
- (b) While suspended, no state agency shall propose, promulgate, or adopt any regulation implementing Division 25.5(commencing with section 38500) and any regulation adopted prior to the effective date of this measure shall be void and unenforceable until such time as the suspension is lifted.

SAMPLE RESOLUTION IN OPPOSITION TO THE DIRTY ENERGY PROPOSITION

WHEREAS, out-of-state oil companies are spending millions to push a deceptive ballot proposition that will kill California clean energy and air pollution control standards.

WHEREAS, the oil companies claim their proposition will only "suspend" AB 32's air pollution and health regulations until California's economy gets better, but the truth is their proposition will kill California's clean air standards by prohibiting them from being enforced unless the state's unemployment rate drops to a fixed level that has rarely ever been achieved.

WHEREAS, air pollution is a major threat to public health in California, with skyrocketing rates of asthma and lung disease, especially among children and this initiative will let polluters off the hook – increasing air pollution and public health risks.

WHEREAS, this proposition would also destroy California's newly emerging clean energy businesses that have flourished because of California clean energy and clean air laws.

WHEREAS, since 2005, California green jobs have grown 10 times faster than the statewide average. California's clean technology sector received \$2.1 billion in investment capital in 2009 - more than five times the investment in our nearest competitor – and is generating tens of thousands of jobs.

WHEREAS, this proposition would halt the dynamic growth we've seen in clean energy businesses, resulting in the loss of tens of thousands of jobs and billions of dollars in economic growth.

WHEREAS, by killing competition from clean energy producers, this proposition would keep us addicted to dirty oil which will result in rising prices for consumers and a continued drag on our economy.

NOW, THEREFORE, BE IT RESOLVED, that _____ formally opposes the Dirty Energy Proposition (Attorney General Initiative # 09-0104).

BE IT FURTHER RESOLVED that we hereby authorize the listing of _____ in opposition to the Dirty Energy Proposition and instruct staff to fax a copy of this resolution to campaign offices at (916) 442-3510.

PASSED AND ADOPTED this ___ day of _____, 2010 by the following vote:



We Oppose Prop. 23 – The Texas Oil Companies' Dirty Energy Proposition!

Member List –Individual Supporters
(as of 7.23.10)

Business Community Leaders

Dan Abrams, President/CEO, Cross River Pictures
Michelle Alberda, Senior Financial Advisor,
Ameriprise Financial
Karen Alter, E2 Member
Scott Badenoch, Founder and CEO, Creative Citizen
Lee Bailey, VC, Rustic Canyon Group
Meera Balakumar, Principal, Sterling Analytics
Kathy Barry, E2 Member
Gautam Barua, Partner, Aclaria Capital
Christie Batterman Jordan, CEO, Lindsay / Barnett Inc.;
Green Age Press
Fiona Bensen, E2 Member
Tod Bensen, Chairman, WildAid
Laura Berland-Shane, Manager, Business Development,
Siemens Alternative Energy
Tony Bernhardt, Physicist; Angel investor, Lawrence
Livermore National Laboratory
Anthony Bernheim, Principal, Sustainable Design, HDR
Shelley Billik, Warner Bros.
Rachel Binah, Chair Emeritus, Environmental Caucus,
California Democratic Party
Maureen Blanc, E2 Northern California Chapter Director,
Environmental Entrepreneurs
Dayna Bochco, President, Steven Bochco Productions
Steven Bochco, Steven Bochco Productions
Hale Boggs Manatt, Phelps & Phillips
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Jamie Campbell, President, Investment Marketing Inc.
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Joy Covey, President, Beagle Foundation
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Marco DeMiroz, Managing Director, Selby Ventures
Harry Dennis, Pediatrician, Palo Alto Medical Clinic
Susan Dennis, Fine Arts Advisor, Self-employed
Mike Dierks, Chief Operating Officer, Crossbow
Technology Inc.
Todd Dipaola, President, Pier Alliance LLC
Ted Driscoll, Venture Partner, Claremont Creek
Ventures
Charisse Bartholomew Dunn, Owner, Healing Spaces by
Design
Anne Earhart, E2 Member
Karen Eggerman, E2 Member
Ira Ehrenpreis, General Partner, Technology Partners
Kristin Elsmore, Assistant Program Manager, California
Building Performance Contractors Association

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Paul Ferreri, Co-Founder, Blossom Investment
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Partners
Steve Fioretti, VP, CRM Product Strategy, Oracle
Corporation
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Sally Supplee, Former Chief Financial Officer, various
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Terry Tamminen, President, Seventh Generation
Advisors and former Secretary of the California
Environmental Protection Agency
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Better Place
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Linda Rosenstock, Dean, School of Public Health,
University of California, Los Angeles
Stephen H. Schneider, PhD, Professor, Department of
Biology, Stanford University
Michael Wara, PhD, JD, Assistant Professor of Law,
Stanford Law School

State and Federal Elected Officials

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US Senator Dianne Feinstein
Senate Pro Tempore Darrell Steinberg
Senator Elaine Alquist
Senator Ellen M. Corbett

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State and Federal Elected Officials (cont.)

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 Assemblymember Jerry Hill
 Assemblymember Jared Huffman
 Assemblymember Dave Jones
 Assemblymember Ted Lieu
 Assemblymember Bill Monning
 Assemblymember Pedro Nava
 Assemblymember Ira Ruskin
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 Assemblymember Nancy Skinner

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 Mayor Richard B. Collins, City of Tiburon
 Mayor Bruce Delgado, City of Marina
 Mayor Bill Fulton, City of Ventura
 Mayor Carmelita Garcia, City of Pacific Grove
 Mayor Susan Gorin, City of Santa Rosa
 Mayor Gary Liss, City of Loomis
 Mayor Ronald O. Loveridge, City of Riverside
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 Mayor Gavin Newsom, City & County of San Francisco
 Mayor Mike Rotkin, City of Santa Cruz
 Mayor Ann Schwab, City of Chico
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 Mayor Pro Tem Don Saylor, City of Davis
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 Vice Mayor Sid Espinosa, City of Palo Alto
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 Councilmember Greg Brockbank, City of San Rafael
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 Councilmember Laurie Capitelli, City of Berkeley
 Councilmember Steve Castaneda, City of Chula Vista
 Councilmember Steve Cohn, City of Sacramento
 Councilmember Rob Fong, City of Sacramento
 Councilmember Alice Fredericks, Town of Tiburon

Local Government (cont.)

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 Councilmember Monica Garcia, City of Baldwin Park
 Councilmember Pam Hartwell-Herrero, City of Fairfax
 Councilmember Barbara Heller, City of San Rafael
 Councilmember Don Lane, City of Santa Cruz
 Councilmember Marc Levine, City of San Rafael
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 Councilmember Owen Newcomer, City of Whittier
 Councilmember Terry O'Day, City of Santa Monica
 Councilmember Kimberly Peterson, City of Watsonville
 Councilmember Jim Prola, City of San Leandro
 Councilmember Bill Quirk, City of Hayward
 Councilmember Tiffany Renee, City of Petaluma
 Councilmember Ed Reyes, City of Los Angeles
 Councilmember Susan Seamans, City of Rolling Hills
 Estates
 Councilmember Jonathan Sharkey, City of Port
 Hueneme
 Councilmember Ron Swegles, City of Sunnyvale
 Councilmember Dan Wilson, City of Portola
 Councilmember Kriss Worthington, City of Berkeley
 Supervisor, Susan L. Admas, Ph.D., RN, Marin County
 Supervisor, Keith Carson, Alameda County
 Supervisor, Mark Lovelace, Humboldt County
 Supervisor, Eric Mar, San Francisco County
 Supervisor, Charles McGlashan, Marin County
 Supervisor, Gaile Steele, Alameda County
 Supervisor, Janet Wolf, Alameda County
 Rocky Fernandez, President, AC Transit Board of
 Directors

Medical Professionals

Dr. James W. Arrott V, MD, Dermatology
 Lynne Banta, Registered Nurse
 Nathan Gheen, Registered Nurse
 Dr. Linda Rudolph, MD, MPH, Occupational Medicine

Education

Richard Holober, Trustee, San Mateo County
 Community College

No on 23 – Californians to Stop the Dirty Energy Proposition. Sponsored by Environmental Organizations and Business for Clean Energy and Jobs.
 Major funding by Natural Resources Defense Council Action Fund, California Ballot Measure Committee for Clean Energy and Jobs and Green Tech
 Action Fund. FPCC ID #1324059. 1100 11th Street, Ste. 200, Sacramento, CA 95814 info@stopdirtyenergyprop.com phone/fax number 888.445.7880

California Jobs Initiative Supporters
(As of June 8, 2010)

State and National Organizations

American GI Forum of California
American GI Forum Women of California
Americans for Prosperity
Associated California Loggers
Association of Energy Service Companies
Black Business Association
California Association of Business and Property Owners
California Automotive Wholesalers Association
California Citrus Mutual
California Coalition of Filipino American Chambers
California Cotton Ginners and Growers Associations
California Dairy Campaign
California Dump Truck Owners Association
California Hispanic Chambers of Commerce
California Independent Oil Marketers Association (CIOMA)
California League of Food Processors
California Manufacturers & Technology Association
California Poultry Federation
California Republican Party
California Small Business Alliance
California Small Business Association
California State Firefighters Association
California Taxpayer Protection Committee
California Tomato Growers Association
California Trucking Association
Chemical Industry Council of California
Filipino Progress
Howard Jarvis Taxpayers Association
Independent Oil Producers Agency
Lumber Association of California and Nevada
National Federation of Independent Business – California (NFIB)
National Petrochemical and Refiners Association

National Tax Limitation Committee
National Taxpayers Union
Nisei Farmers League
Northern California Water Association
Printing Industries of California
Waste Watchers
Western Agricultural Processors Association
Air Quality/Public Health Officials:
Peter Foy, Ventura County Air Pollution Control District Board Member
Brad Mitzelfelt, Mojave Desert Air Quality Management District Board Member
Reb Monaco, Monterey Bay Unified Air Pollution Control District Board Member
Kim Yamaguchi, Butte County Air Quality Management District Board Member
Local and Regional Organizations
Alliance of Contra Costa Taxpayers
American GI Forum, Modesto Chapter
Antelope Valley Black Chamber of Commerce
Apple Valley Chamber of Commerce
Butte County Farm Bureau
Carson Black Chamber of Commerce
Central Solano Taxpayers Association
Clovis Chamber of Commerce
Contra Costa Taxpayers Association
Fontana Hispanic Chamber of Commerce
High Desert Auto Supply
Hispanic Chamber of Commerce of Contra Costa County
Hispanic Chamber of Commerce, Silicon Valley
Kern County Black Chamber of Commerce
Kern County Black Chamber of Commerce, Development Foundation
Kern County Taxpayers Association
Long Beach Chamber of Commerce
Los Angeles Metropolitan Hispanic Chamber of Commerce
Los Angeles Regional Homeless Restoration Advisory Coalition
Montclair Chamber of Commerce

Moreno Valley Black Chamber of
Commerce
Northern California Water Association
Regional Hispanic Chamber of Commerce
Sacramento County Taxpayers League
San Diego Tax Fighters
San Diego Urban Economic Corporation
Santa Maria Valley Contractors
Association
Santa Maria Valley Chamber of
Commerce
Silicon Valley Black Chamber of
Commerce
Simi Valley Chamber of Commerce
Solano County Black Chamber of
Commerce
Southern California Rock Products
Association
Stockton Black Chamber of Commerce
Stockton/San Joaquin County Filipino
Chamber of Commerce
Yuba-Sutter Farm Bureau
Westminster Chamber of Commerce
Wilmington Chamber of Commerce
Yucaipa Chamber of Commerce
Local Governments and
Elected Officials
Butte County
City of Lake Forest
City of Laguna Hills
City of Laguna Niguel
Madera County
San Bernardino County
City of Suisun City
City of Tulare
City of Tustin
Walter Allen, III, Covina City Council
Member
Jerry Amante, Mayor of Tustin
Anthony Botelho, San Benito County
Supervisor
Donald Callison, American Canyon
Council Member
Joe Carchio, City of Huntington Beach
Council Member
Steven Choi, Irvine City Council Member
Joe Diduca, Vice-Mayor of Paradise

Jim DeMartini, Stanislaus County
Supervisor
Richard Dixon, Mayor Pro-Tem of Lake
Forest
Peter Foy, Ventura County Supervisor
Charlie Goeken, Mayor of Waterford
Matthew Harper, Trustee, Huntington
Beach
Union High School District
Peter Herzog, Mayor of Lake Forest
Frank Hilliker, Director, Lakeside Water
District
Mike Hudson, Suisun City Council
Member
Steve Jones, Mayor Pro-Tem, Garden
Grove
Janice Keating, former Modesto
City Council Member
Joel Lautenschleger, Laguna Hills Council
Member
Wendy Leece, Mayor Pro-Tem, Costa
Mesa
L. Dennis Michael, Mayor Pro-Tem,
Rancho
Cucamonga
Robert Ming, Laguna Niguel Council
Member
Brad Mitzelfelt, San Bernardino County
Supervisor
Reb Monaco, San Benito County
Supervisor
Vern Moss, Madera County Supervisor
Steve A. Nagel, Fountain Valley City
Council Member
Scott Nassif, Apple Valley Town Council
Member
Scott Nelson, Placentia Council Member
Ray Nutting, El Dorado County Supervisor
Kristin Olsen, Modesto City Council
Member
Allen Settle, San Luis Obispo Council
Member
Barry Talbot, Mayor Pro-Tem, City of
Canyon Lake
Frank Ury, Mission Viejo Council Member
Andy Vasquez, Yuba County Supervisor
Craig Vejvoda, Tulare Council Member
Joe Vinatieri, Whittier Council Member

Acquanetta Warren, Fontana Council
Member
Jeremy Yamaguchi, Placentia Council
Member
Kim K. Yamaguchi, Butte County
Supervisor
Businesses
Advanced Composite Tooling
Altraco, Inc.
AV Wedding Guide
Bishop-Wisecarver Corporation
Boyett Petroleum
Broadview Co-op Gin
Buttonwillow Ginning Company
Cobb's Pescadero Travel
Con10U
CRI Appraisals and Real Estate
Cross Petroleum
J.B. DeWar, Inc.
J.E. DeWitt, Inc.
Dion & Sons
Elm Communications
GCM Farms
Glove USA
Hand To Hand Marketing
Hernandez Sewing, Inc.
High Desert Auto Supply
Huley Enterprises, Inc.
Huron Ginning Company
Krueger & Company
Mid-Valley Cotton Growers

Miller Geosciences
Partners Management Group
Poma Holding Company, Inc.
Prado Farms
Products Engineering Corporation
Professional Small Business Services, Inc.
Riverside Truck & Equipment, Inc.
Rood & Dax Advanced Insurance Services
Scolari Ranches
SDSW Consulting
Sierra Valley Almonds
Smothers and Associates
Square One Enterprises
Supreme Steel Treating, Inc.
Taylor Trucking
TBS Petroleum
Team Heating and Air Conditioning
Terranova Ranch
Teixeira and Sons
Tesoro Corporation
Titus & Associates
TC Two Creative Studios
Touchstone Industrial Supply
Tuppan Cabinets
David A. Turner Homes, Inc.
Ugalde Trucking Company
Valero
Water Stewards, Inc.
West Island Cotton Growers, Inc.
Westside Farmers Cooperative
Yadari Enterprises