

CITY OF LOS ANGELES  
CALIFORNIA

HOLLY L. WOLCOTT  
Interim City Clerk



ERIC GARCETTI  
MAYOR

Office of the  
CITY CLERK

Council and Public Services  
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SHANNON HOPPES  
Council and Public Services  
Division

[www.cityclerk.lacity.org](http://www.cityclerk.lacity.org)

When making inquiries relative to  
this matter, please refer to the  
Council File No.

December 27, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 14-0002,  
at its meeting held December 11, 2013.

City Clerk  
cr

Mayor's Time Stamp  
OFFICE OF THE MAYOR  
RECEIVED  
2013 DEC 17 PM 2:00  
CITY OF LOS ANGELES

City Clerk's Time Stamp  
RECEIVED  
CITY CLERK'S OFFICE  
2013 DEC 17 PM 1:58  
CITY CLERK  
BY \_\_\_\_\_  
DEPUTY

SUBJECT TO THE CONCURRENCE OF THE MAYOR

COUNCIL FILE NO. 14-0002

COUNCIL DISTRICT \_\_\_\_\_

COUNCIL APPROVAL DATE December 11, 2013

RE: RECOMMENDATIONS FOR THE CITY'S 2014 LEGISLATIVE PROGRAM

LAST DAY FOR MAYOR TO ACT DEC 27 2013  
[10 Day Charter requirement as per Charter Section 231(h)]

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DO NOT WRITE BELOW THIS LINE - FOR MAYOR USE ONLY

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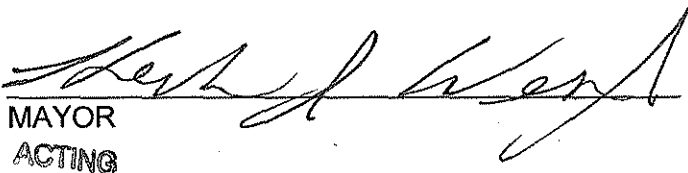
APPROVED

✓

\*DISAPPROVED

\*Transmit objections in writing  
pursuant to Charter Section 231 (h)

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 23 2013

  
MAYOR  
ACTING

RECEIVED  
CITY CLERK'S OFFICE  
2013 DEC 24 AM 11:20  
BY \_\_\_\_\_  
CITY CLERK  
DEPUTY

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT and RESOLUTIONS relative to recommendations for the City's 2014 Legislative Program.

Recommendations for Council action, SUBJECT TO THE CONCURRENCE OF THE MAYOR:

1. ADOPT the accompanying RESOLUTIONS recommending legislative positions as submitted by the Department of Transportation to include in the City's 2014 Legislative Program; a) Signage for the Three Feet for Safety Act, b) Cycle Track Bikeway Design Guidelines, c) Prohibit Small Claims Court jurisdiction over parking citation disputes, d) Prohibit Superior Court appeals of parking citations if there was no administrative hearing decision, and e) Provide design guidance for the implementation of shared space street design elements.
2. ADOPT the accompanying RESOLUTIONS recommending legislative positions as submitted by the Department of Fire and Police Pensions to include in the City's 2013 - 2014 Federal Legislative Program SUPPORT for H.R. 1795 (Davis)/S. 896 (Begich), the Social Security Fairness Act of 2013, legislation which would repeal the Windfall Elimination Provision and the Government Pension Offset; as well as legislation which would exempt qualified retired public safety employees between the ages of 50 and 55 from the 10% early distribution tax on 457 distributions (those from deferred compensation plans) that have been rolled over from defined benefit pension plans, substantially similar to S. 1432 (Nelson), introduced in the 112th Congress.
3. ADOPT the accompanying RESOLUTIONS recommending legislative positions as submitted by the Housing and Community Investment Department to include in the City's 2013-2014 Federal Legislative Program SUPPORT for S. 1442 (Cantwell), the Improving the Low Income Housing Tax Credit Rate Act and to include in the City's 2013-2014 State Legislative Program SUPPORT for legislation or administrative action that would a) Authorize inclusionary housing and b) Ensure Cap-and-Trade proceeds are dedicated for their intended purpose.

Fiscal Impact Statement: None submitted by the Chief Legislative Analyst (CLA). The City Administrative Officer has not completed a financial analysis of this report.

Community Impact Statement: None submitted.

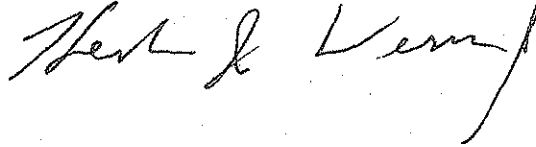
Summary:

At its special meeting of December 6, 2013, the Rules, Elections and Intergovernmental Relations Committee considered CLA reports and Resolutions as submitted by the Departments of Transportation, Housing and Community Investment, and Fire and Police Pensions. The CLA reports and Resolutions, attached to the Council file, provide additional background information.

After consideration and providing an opportunity for public comment, the Committee recommended that Council adopt the accompanying Resolutions. This matter is now submitted to Council for its consideration.

Respectfully Submitted,

RULES, ELECTIONS AND INTERGOVERNMENTAL RELATIONS COMMITTEE



<u>MEMBER</u>	<u>VOTE</u>
WESSON:	YES
HUIZAR:	ABSENT
LABONGE:	YES

-NOT OFFICIAL UNTIL COUNCIL ACTS-

**ADOPTED**

DEC 11 2013

LOS ANGELES CITY COUNCIL

MAYOR WITH FILE

## RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the Tax Reform Act of 1986 created the Low-Income Housing Tax Credit (LIHTC), which is used to incentivize the development of affordable rental housing for low-income households; and

WHEREAS, the tax credit is designed to subsidize either 30 percent or 70 percent of the low-income unit costs; and

WHEREAS, Congress originally set the tax credit rate at four percent (for the 30 percent subsidy) and nine percent (for the 70 percent subsidy) in the first year of the law, with the out-year credit rates determined by a floating rate based on federal borrowing costs; and

WHEREAS, to ensure a stable tax credit, in 2008 Congress set the annual rate on the 70 percent subsidy at a flat nine percent for properties placed in service by the end of 2013 and further extended the nine percent credit to apply to credit allocations made before January 1, 2014; and

WHEREAS, should Congress fail to extend the flat nine percent minimum rate, the tax credit would revert to the prior used floating rate based on federal borrowing costs, which would lower the value of the tax credit and serve as a disincentive to construct affordable housing; and

WHEREAS, S. 1442 (Cantwell) would end the option of the floating LIHTC tax credit and make permanent the temporary nine percent minimum tax credit and create a new four percent minimum tax credit for the 30 percent subsidy, thereby eliminating the financial risk of the floating rate system and creating stability and predictability in the affordable housing community; and

WHEREAS, this bill will potentially serve as a significant financing source for constructing additional affordable housing in the City, whose need has never been more in demand;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT for S. 1442 (Cantwell), which would eliminate the floating rate used by the Low-Income Housing Tax Credit (LIHTC) program and make permanent a nine percent and four percent minimum rate.

I CERTIFY THAT THE FOREGOING  
RESOLUTION WAS ADOPTED BY THE  
COUNCIL OF THE CITY OF LOS ANGELES  
AT ITS MEETING OF DEC 11 2013  
BY A MAJORITY OF ALL ITS MEMBERS.



HOLLY L. WOLCOTT  
INTERIM CITY CLERK

BY   
DEPUTY

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations, or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, inclusionary housing ordinances require developers to retain a certain percentage of housing units in a new development as affordable to lower income households; and

WHEREAS, the case *Palmer v. City of Los Angeles* (2009) prevented local governments from mandating rent restrictions on inclusionary units in new rental housing developments, as such restrictions were preempted by the Costa-Hawkins Rental Housing Act, which gives landowners the right to set the initial rent level at the start of a tenancy; and

WHEREAS, in June 2013 the City took a support position for AB 1229 (C.F. 13-0002-S97) which would state the Legislature's intent to supersede *Palmer v. City of Los Angeles* and reaffirm the authority of local jurisdictions to enact and enforce inclusionary housing ordinances; and

WHEREAS, the Governor recently vetoed AB 1229; and

WHEREAS, with limited land and financial resources, the option to create an inclusionary housing program is critical for developing and distributing affordable housing throughout the City; and

WHEREAS, based on the acute need for affordable housing, the City of Los Angeles should continue to support the policies of AB 1229;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program SUPPORT for legislation or administrative action that would authorize the legislative body of any city or county to establish, as a condition of development, inclusionary housing requirements which may require the provision of residential units affordable to, and occupied by, owners or tenants whose household incomes do not exceed the limits for lower income, very low income, or extremely low income households.

I CERTIFY THAT THE FOREGOING  
RESOLUTION WAS ADOPTED BY THE  
COUNCIL OF THE CITY OF LOS ANGELES  
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HOLLY L. WOLCOTT  
INTERIM CITY CLERK

BY [Signature]  
DEPUTY

RESOLUTION

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WHEREAS, AB 32, the Global Warming Solutions Act of 2006, established a goal of reducing the State of California's greenhouse gas emissions to 1990 levels by 2020. To meet this goal, AB 32 established a cap-and-trade program, whereby emissions are capped and companies are required have an emissions allowance for every metric ton of CO2 emitted; and

WHEREAS, emission allowances can be allocated by the state, bought from the state at auction, traded, or created through offset projects; and

WHEREAS, the state has raised considerable revenue from these cap-and-trade auctions, which are deposited in the Greenhouse Gas Reduction Fund; and

WHEREAS, the Enacted 2013-2014 State Budget includes a proposal by the Governor to loan \$500M in cap-and-trade auction proceeds to the General Fund; and

WHEREAS, these funds were intended to be used to reduce greenhouse gas emissions; and

WHEREAS, such reductions could be realized through weatherization retrofits and affordable housing development near transit in the City of Los Angeles;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this resolution, the City of Los Angeles hereby includes in its 2013-2014 State Legislative Program SUPPORT for legislation or administration action to ensure cap-and-trade proceeds are dedicated for their intended purpose, to fund programs and strategies that reduce greenhouse gas emissions.

I CERTIFY THAT THE FOREGOING  
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COUNCIL OF THE CITY OF LOS ANGELES  
AT ITS MEETING OF DEC 11 2013  
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HOLLY L. WOLCOTT  
INTERIM CITY CLERK  
BY O. Smith  
DEPUTY

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under current law, spouses of individuals who have earned Social Security benefits are normally entitled to spousal benefits; and

WHEREAS, public employees are often defined as "non-contribution" employees, because they are entitled to a fixed benefit pension plan; and

WHEREAS, public employees who are entitled to collect Social Security benefits as a spouse are often penalized through the Government Pension Offset (GPO); and

WHEREAS, the GPO can result in a retiree losing all spousal benefits that they should be entitled to, including access to lower Medicare rates and death benefits; and

WHEREAS, public employees who are entitled to collect Social Security benefits on their own behalf due to other employment are also penalized under the Windfall Elimination Provision (WEP) in the current law; and

WHEREAS, current law treats public employee pensions in the same way as Social Security benefits, even though they are earned separately; and

WHEREAS, H.R. 1795 (Davis) and S. 896 (Begich), The Social Security Fairness Act of 2013, would address this issue by eliminating the GPO and the WEP;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 Federal Legislative Program SUPPORT for H.R. 1795/S. 896, The Social Security Fairness Act of 2013, which would repeal the Government Pension Offset and the Windfall Elimination Provision from the Social Security Act, and enable retired government workers to collect Social Security benefits that they or a spouse have earned.

jwd

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COUNCIL OF THE CITY OF LOS ANGELES  
AT ITS MEETING OF DEC 1 2013  
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HOLLY L. WOLCOTT  
INTERIM CITY CLERK

BY [Signature]  
DEPUTY



RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, qualified Public Safety employees are exempt from the 10% tax penalty on early dispersal of certain defined pension plan distributions; and

WHEREAS, this exemption does not apply to 457 distributions, those that are from a deferred compensation fund, that have been rolled over from a defined benefit pension plan; and

WHEREAS, the current law applies a 10% tax penalty on those public safety employees who choose distribution from a deferred compensation plan prior to age 59 ½; and

WHEREAS, S. 1432 (Nelson) was introduced in the 2012-2013 Legislative year to extend the tax exemption to early distributions from 457 funds, however, this legislation did not pass and has not been reintroduced; and

WHEREAS, this tax penalty negatively affects City employees enrolled in the Delayed Retirement Option Program (DROP) who elected to roll their DROP account balances into the City's deferred compensation plan; and


WHEREAS, legislation eliminating the 10% tax penalty would benefit those employees, and give DROP participants the opportunity to participate in deferred compensation without worrying about a tax penalty for early withdrawal;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 Federal Legislative Program SUPPORT for legislation which would amend Internal Revenue Code of 1986 to exempt qualified retired public safety employees between the ages of 50 and 55 from the 10% early distribution tax on 457 distributions that have been rolled over from defined benefit pension plans, substantially similar to S. 1432 (Nelson), introduced in the 112<sup>th</sup> Congress.

jwd

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## RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, there are safety issues on the roadway for bicyclists due to high volumes of fast moving motor vehicle traffic; and

WHEREAS, the California Vehicle Code Section 21750 requires motorists "...overtaking another vehicle or a bicycle proceeding in the same direction shall pass to the left at a safe distance," but this distance was not defined; and

WHEREAS, on September 23, 2013, the Governor signed AB 1371 (Bradford), the "Three Feet for Safety Act," that amended the California Vehicle Code from requiring passing at a "safe distance" to a distance of at least three feet and establishes two penalties for drivers; and


WHEREAS, "The Three Feet for Safety Act" goes into effect on September 16, 2014; and

WHEREAS, new roadway signage is necessary to educate motorists on the requirement in the new law, particularly in areas with very narrow roadways with limited passing opportunities;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would require the State to develop a sign to be incorporated into the California Manual on Traffic Control Devices to accompany the new "Three Feet for Safety Act" that requires motorists overtaking another vehicle or a bicycle proceeding in the same direction to the left at a distance of at least three feet.

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WHEREAS, cycletracks serve to separate bicycles and motor vehicles in the roadway with a fixed buffer or barriers, signalization, and markings; and

WHEREAS, several cities in California, including Los Angeles, have installed or are developing European-style cycletrack bicycle facilities; and

WHEREAS, the Streets and Highways Code Section 890.6 defers design authority for roadways and bikeways to Caltrans; and

WHEREAS, Caltrans does not recognize cycletrack bicycle facilities and has been reticent to incorporate new bikeway designs in their design manuals; and

WHEREAS, the cities that implement cycletracks are incurring liability from these new projects as no approved design guidelines exist in California and no consensus exists as to what constitutes a safe design;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would require the California Vehicle Code to be amended to include Class IV Cycletrack and direct Caltrans to establish a new type of statewide type of design.

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INTERIM CITY CLERK

BY [Signature]  
DEPUTY

## RESOLUTION

WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Vehicle Code (CVC) Sections 40215 and 40230 state that parking citations are disputed by an initial review and administrative hearing within the local jurisdiction issuing the citation, which may be followed by a single appeal to the Superior Court, and no further review; and

WHEREAS, some individuals attempt to circumvent this process by filing cases purporting to contest their citations in Small Claims Court; and

WHEREAS, opposing these actions can be excessively burdensome and costly to local jurisdictions and ignoring them can result in unjustified dismissal of citations; and

WHEREAS, the Department of Transportation estimates that \$14,500, not including the costs of materials, overhead or costs borne by the court system, is spent each year addressing these court cases; and

WHEREAS, Small Claims Court commissioners or judges are often unfamiliar with parking citations and may not be aware of the jurisdictional issues nor the differences between a legitimate appeal and a wrongful small claims filing;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 40215 and 40230 and Code of Civil Procedure Section 116.226 by expressly prohibiting jurisdiction of Small Claims Court over parking citation disputes.

I CERTIFY THAT THE FOREGOING  
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WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Vehicle Code (CVC) Sections 40215 and 40230 provide for three reviews when a parking citation is disputed; an initial review by City employees, an administrative review by a hearing examiner and a de novo review in Superior Court; and

WHEREAS, some individuals attempt to circumvent this process by filing cases purporting to contest their citations prematurely in Superior Court without first exhausting prescribed administrative procedures; and

WHEREAS, the City has been able to prevail in such situations, but only after drafting and filing briefs with the Superior Court, which is a costly and inefficient use of the City's scarce transportation resources; and

WHEREAS, the CVC should be amended to expressly and clearly prohibit court filings including appeals of parking citations, or original actions, unless and until there has been a decision in an administrative hearing;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would amend the California Vehicle Code Section 40230 clearly prohibiting the Superior Court from hearing parking citation appeals unless both an initial review and an administrative hearing were conducted.

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WHEREAS, any position of the City Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the "Complete Streets Act" was passed in 2008 and requires local jurisdictions, when updating General Plan circulation or mobility elements, to ensure that those plans account for the needs of all roadway users; and

WHEREAS, Caltrans has issued an internal policy document that embraces a complete streets approach for all phases of state highway projects; and

WHEREAS, "shared space" street design elements use a combination of design elements and a low speed limit, minimize conflicts between vehicles and people walking and biking, and reduce collisions; and

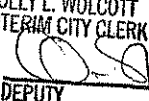
WHEREAS, there is no precedent in the California Vehicle Code or the Manual on Uniform Traffic Control Devices for provision of shared space street design; and

WHEREAS, enabling legislation is needed to legitimize this street design approach and combination of treatments as a viable street designation, wherein the pedestrians can claim the right-of-way and vehicles retain access and parking;

THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-14 State Legislative Program SUPPORT or SPONSORSHIP of legislation that would enable the use of "shared space" as a street designation.

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