

AMENDED IN SENATE JULY 7, 2005

AMENDED IN ASSEMBLY MAY 31, 2005

AMENDED IN ASSEMBLY APRIL 18, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1690

Introduced by Assembly Member Laird

February 22, 2005

An act to add Article 4.3 (commencing with Section 92043) to Chapter 1 of Part 57 of the Education Code, relating to municipal services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1690, as amended, Laird. Municipal services: University of California.

Existing law establishes the University of California under the administration of the Regents of the University of California.

This bill would express findings and declarations of the Legislature with respect to the relationship between the growth of campuses of the University of California and the ability of local cities and counties to provide municipal services to these campuses.

~~The bill would express the intent of the Legislature that each campus of the University of California and each city or county in which that campus is located should enter into an enforceable agreement upon the inception of or updating of the Long Range Development Plan of that campus. The bill would further express the intent of the Legislature that an agreement entered into pursuant to the bill should include a schedule of infrastructure, as defined, mitigations, and municipal services that are necessary to~~

~~accommodate each planned phase of growth of that campus in order to preserve and enhance educational objectives of the University of California and the quality of life of the host community.~~

The bill would require the Legislative Analyst, in collaboration with other entities, as specified, to conduct a study of the University of California planning process to determine whether that process adequately considers the impact of campus growth on surrounding cities and counties. The bill would require the study to be completed and delivered to the Legislature no later than December 1, 2006.

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

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

1 SECTION 1. Article 4.3 (commencing with Section 92043) is
2 added to Chapter 1 of Part 57 of the Education Code, to read:

3
4 Article 4.3. Provision of Municipal Services to Campuses

5
6 92043. The Legislature finds and declares all of the
7 following:

8 (a) The University of California (UC) is an internationally
9 recognized educational and research university system composed
10 of 10 campuses. Additionally, the UC has a significant impact on
11 the economic growth of state, regional, and local governments
12 and businesses, on the education of a highly skilled workforce,
13 and on the development of new technologies.

14 (b) California’s Master Plan for Higher Education established
15 an admissions principle of universal access and choice, ~~providing~~
16 ~~that UC shall guarantee admission to the top one-eighth (12.5~~
17 ~~percent) of the state’s high school graduating class. through~~
18 *which UC provides eligible California residents who apply in a*
19 *timely manner a place at UC and the State of California provides*
20 *resources to assist in supporting enrollment growth.*

21 (c) The state has made, and continues to make, substantial
22 investments in the UC system for the development and
23 construction of educational facilities and infrastructure needs.

24 (d) The 10 UC campuses and related facilities are, of course,
25 located within cities and counties, but they are exempt from local
26 land use regulation. Given the state’s investment and the

1 commitment to ~~the UC system~~ *public higher education*, the state
2 has a compelling interest in fostering coordination and mutual aid
3 between campuses and ~~host communities~~ *cities and counties*.

4 (e) Under current ~~UC policy~~ *state law*, each campus develops
5 a Long Range Development Plan (LRDP) ~~to prepare for future~~
6 ~~enrollment growth. LRDPs are planning documents that can~~
7 ~~serve as a guide to a campus and its host city and county for~~
8 ~~dealing with anticipated student enrollment and campus growth.~~
9 *outlining the physical plan necessary to accomodate the*
10 *academic goals and enrollment growth of the campus.*

11 (f) The growth of UC faculty, staff, and student populations
12 *may* have significant impacts on ~~the host~~ cities and counties,
13 principally in the areas of housing and traffic, but also in areas
14 such as public safety services and municipal service
15 improvements.

16 (g) ~~Host cities~~ *Cities* and counties typically provide municipal
17 services to a campus. Although input from ~~host~~ cities and
18 counties and local communities is solicited and considered in the
19 development of an LRDP, UC has the ~~sole authority~~
20 *responsibility* to approve and adopt an LRDP. ~~At the same time,~~
21 ~~host cities~~ *LRDP environmental impact report. Cities* and
22 counties often complete improvements to municipal services and
23 infrastructure to accommodate planned university growth in
24 order to meet the needs of the campus and to maintain the quality
25 of life in the communities surrounding that campus.

26 (h) ~~Existing contracts between each UC campus and its host~~
27 ~~city and county also may not adequately consider the impacts~~
28 ~~that the growth of a campus may have on its host community.~~

29 (i) ~~In order for the UC system to continue to meet the state's~~
30 ~~educational and enrollment goals, and for the local host~~
31 ~~communities to plan for service needs resulting from meeting~~
32 ~~those goals, it is in the state's interest that campuses and host~~
33 ~~cities and counties should cooperate in an effective and mutually~~
34 ~~supportive manner.~~

35 (j) ~~The goal of this cooperative effort should be to~~
36 ~~accommodate any additional students, faculty, and staff in a~~
37 ~~manner that gives both the campus and host cities and counties~~
38 ~~the assurance that the necessary infrastructure, mitigations, and~~
39 ~~municipal services are provided at each level of enrollment~~
40 ~~growth as set forth in the LRDP.~~

1 92043.5. ~~(a) It is the intent of the Legislature that all of the~~
2 ~~following should occur:~~

3 ~~(1) Each campus of the University of California (UC) and each~~
4 ~~city or county in which that campus is located should enter into~~
5 ~~an enforceable agreement upon the inception of, or the updating~~
6 ~~of, the Long Range Development Plan of that campus.~~

7 ~~(2) An agreement entered into pursuant to this article should~~
8 ~~include a schedule of infrastructure, mitigations, and municipal~~
9 ~~services that are necessary to accommodate each planned phase~~
10 ~~of growth of that campus in order to preserve and enhance~~
11 ~~educational objectives of the University of California and the~~
12 ~~quality of life of the host community.~~

13 ~~(3) A schedule agreed to under this article should specify~~
14 ~~whether the campus or local government is responsible for~~
15 ~~providing and funding each component in order for each party to~~
16 ~~meet its respective responsibilities for each level of growth~~
17 ~~before that campus moves to the next level of enrollment growth.~~

18 ~~(b) For purposes of this section, “infrastructure” includes, but~~
19 ~~is not necessarily limited to, all of the following:~~

20 ~~(1) Municipal services, including water and sewer services.~~

21 ~~(2) Student and faculty housing.~~

22 ~~(3) Public safety services, including fire and life safety.~~

23 ~~(4) Facilities and programs to protect the environment.~~

24 ~~(5) Traffic-related impacts, such as roads and traffic signs and~~
25 ~~signaling, mass transit services, parking, bicycle lanes, walking~~
26 ~~paths, and other applicable transit alternatives.~~

27 ~~92043.7. This article shall not be interpreted or applied in a~~
28 ~~manner that would supersede any other state or federal statute,~~
29 ~~regulation, or rule that is more stringent, including, but not~~
30 ~~necessarily limited to, Division 13 (commencing with Section~~
31 ~~21000) of the Public Resources Code.~~

32 ~~(h) Over time, however, disputes over growth and whether the~~
33 ~~campus or the city and county adequately mitigate that growth~~
34 ~~have resulted in litigation between these public entities, which is~~
35 ~~both costly and harms the relationship between the campus and~~
36 ~~the city and county.~~

37 ~~(i) In order for the UC system to continue to meet the state’s~~
38 ~~educational and enrollment goals, and for the local cities and~~
39 ~~counties to plan for service needs resulting from meeting those~~
40 ~~goals, it is in the state’s interest that campuses and local cities~~

1 *and counties work together in an effective and mutually*
2 *supportive manner to provide for campus growth.*

3 *(j) A review and evaluation should be done to determine*
4 *whether the existing UC campus planning process adequately*
5 *addresses campus growth and its resulting impacts or whether*
6 *there is a better model that can be adopted to facilitate a better*
7 *collaborative and mutually beneficial planning process.*

8 *92043.5. (a) The Legislative Analyst shall conduct a study to*
9 *determine whether the existing planning process conducted by*
10 *the University of California adequately considers and addresses*
11 *the impacts that campus growth has on the surrounding host*
12 *cities and counties and whether there are better solutions*
13 *available to mitigate those impacts. The study shall include all of*
14 *the following:*

15 *(1) An overview of the current planning process used by the*
16 *University of California system and its host cities and counties,*
17 *including existing statutory obligations, University of California*
18 *policy, agreements, or memoranda of understanding to address*
19 *campus and community impacts.*

20 *(2) A determination of whether those impacts enumerated in*
21 *the California Environmental Quality Act are adequately*
22 *addressed by the campus or city and county and whether a*
23 *schedule of mitigations is followed or should be followed to*
24 *resolve the effect campus growth has on host cities and counties.*

25 *(3) Methods to measure the economic benefit that the campus*
26 *provides host cities and counties and whether those benefits*
27 *exceed or adequately compensate the city and county for*
28 *infrastructure improvements and mitigation measures necessary*
29 *to accommodate future campus growth and program levels.*

30 *(4) A review of the relative impacts on host cities and counties*
31 *based upon the size of the campus and the size of the city or*
32 *county in which the campus is located.*

33 *(5) A review of whether cities or counties are the only local*
34 *jurisdictions that are affected by the campus impacts or if special*
35 *districts are impacted as well.*

36 *(6) A review of policies adopted by other states to mitigate*
37 *local impacts of university campuses, and identification of any*
38 *models for implementation in California.*

39 *(b) The study shall be conducted in a collaborative manner,*
40 *drawing upon resources and organizations that are pertinent to*

1 *the objectives of the study, including the University of California,*
2 *the League of California Cities, the California State Association*
3 *of Counties, or organizations that have expertise on land use*
4 *policies and environmental impacts. It shall also be conducted in*
5 *consultation with the California Research Bureau, the Public*
6 *Policy Institute of California, or the Governor's Office of*
7 *Planning and Research.*

8 *(c) The study shall be completed and delivered to the*
9 *Legislature no later than December 1, 2006.*