

TO: SOUTH BAY CITIES COG BOARD MEMBERS
FROM: JEFF KIERNAN, REGIONAL PUBLIC AFFAIRS MANAGER, LEAGUE OF CALIFORNIA CITIES®
RE: UPDATE FOR COG MEETING ON OCTOBER 24, 2019 (prepared 10/15/2019)

City Issues

Cannabis: The House recently passed H.R. 1595 (Perlmutter), the SAFE Banking Act, with a vote of 321 to 103. This bill would give banks “safe harbor” for providing the cannabis industry with access to banking and other financial services. The bill is awaiting action in the Senate Committee on Banking, Housing & Urban Affairs.

Here in CA, the League continues to await a trial date over the lawsuit with the Bureau of Cannabis Control’s regulations that require cities to allow delivery in violation of Prop 64. We are hopeful that the Court will select a date by the end of the year.

Small Cells / FCC: The League of CA Cities is part of a coalition that includes, the National League of Cities and many cities around the country that are challenging the FCCs regulations restricting government fees, leases, & permitting review of small cell wireless infrastructure in the 9th Circuit.

The League is also reviewing options challenging the FCC’s preemption actions related to cable franchising which would include expanding the wireless telecom preemptions (i.e. leases, fees & permitting) to cable providers’ small cell infrastructure. The League continues to support S. 2012 (Feinstein) & H.R. 530 (Eshoo) that would repeal the FCC’s 2018 action and oppose S. 3157 (Thune), the STREAMLINE Act, which would codify these regulations in legislation. None of these bills appear poised to move anytime soon.

League Pension Survey: The League has just completed the information-gathering phase of our 2019 Pension Survey. It has been two years since the last statewide survey of city pension obligations and the League is now working on analyzing the data for use next year as we look to working with Governor Newsom and the Legislature on additional ways to reduce cities unfunded pension obligations.

Other Legislation: [SB 378](#) (Wiener) was amended too late in the year for the League’s policy committees to take action, but our EQ committee will consider it in January. This bill would help prevent and mitigate the impact of planned blackouts, like the recent planned public safety power shutoffs, by ensuring that shareholders – not ratepayers – are responsible for the costs associated with a planned outage. The hope is that this ensures that utilities prioritize infrastructure upgrades and safety over simply shutting off the power.

End of Year Legislation

[AB 68](#) (Ting) Land Use. Accessory Dwelling Units. Significantly amends the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs). Changes include: prohibits minimum lot size requirements; requires at least 850 sq.ft. per ADU; and requires approval within 60 days.

League Position: Oppose

Governor Action: Chaptered

[AB 171](#) (Gonzalez) Employment. Sexual harassment. Creates another pathway for costly litigation against employers for issues that are already protected under the Fair Employment and Housing Act (FEHA) by adding sexual harassment retaliation protections to the Labor Code.

League Position: Oppose

Governor Action: Vetoed

[AB 220](#) (Bonta) Political Reform Act of 1974. Campaign Funds. Childcare Costs. Clarifies that a candidate running for office is authorized to use campaign funds to pay for childcare expenses.

League Position: Support

Governor Action: Chaptered

[AB 314 \(Bonta\) Public employees. Labor relations. Release time.](#) Creates a uniform and expanded standard of time off without loss of compensation for public employees to engage in activities related to employer-employee relations, also known as “release time.”

League Position: Oppose

Governor Action: Vetoed

[AB 344 \(Calderon\) New Beginnings California Program.](#) Establishes the New Beginnings California Program, which will provide annual matching funds to up to 50 cities, counties, or local continuum of care programs to expand or continue employment programs for homeless individuals.

League Position: Support

Governor Action: Vetoed

[AB 485 \(Medina\) Local government. Economic Development Subsidies.](#) Imposes an extensive and onerous list of conditions that would overly restrict a local agency from offering economic incentives (with their own funds) to locate a warehouse.

League Position: Oppose

Governor Action: Chaptered

[AB 836 \(Wicks\) Wildfire Smoke Clean Air Centers.](#) Establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program. This grant program seeks to create a network of clean air centers by providing funding to public facilities for smoke-protective filtration systems.

League Position: Support

Governor Action: Chaptered

[AB 881 \(Bloom\) Accessory Dwelling Units.](#) Prohibits a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures. Requires local agencies to ministerially approve ADUs on lots with residential or mixed-use zones. Adds a definition of "public transit" to mean a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

League Position: Oppose

Governor Action: Chaptered

[*AB 931 \(Boerner Horvath\) Local Boards and Commissions. Representation. Appointments.](#) Prohibits cities, with populations over 50,000, from having nonelected local boards and commissions comprised of more than 60 percent of the same gender identity beginning January 1, 2030.

League Position: Oppose

Governor Action: Chaptered

[AB 1079 \(Santiago\). Telecommunications. Privacy Protections.](#) Authorizes public safety agencies to test the systems that respond to 911 calls or communicate threats to life or property on unpublished or unlisted telephone numbers without first obtaining the subscriber's express consent.

League Position: Support

Governor Action: Chaptered

[AB 1110 \(Friedman\) Rent Increases. Noticing.](#) Lengthens the notification time requirement a tenant must receive before the effective date of specified rent increases.

League Position: Support Governor Action: Chaptered

[*AB 1184 \(Gloria\) Public Records. Writing Transmitted by Electronic Mail. Retention.](#) Requires all public agencies to store all public records transmitted electronically for at least two years. Additionally, prohibits local agencies from filing a state mandate claim because the bill states that it furthers the California Public Records Act (CPRA).

League Position: Oppose

Governor Action: Vetoed

[AB 1297 \(McCarty\) Firearms. Concealed Carry License.](#) Requires, rather than authorizes, a local licensing authority to charge a fee that is equal to the reasonable costs associated with processing a concealed carry weapon (CCW) license application, issuing a CCW license, and enforcing the license. The bill would also remove the current prohibition on charging more than \$100 for the fee.

League Position: Oppose

Governor Action: Chaptered

AB 1483 (Grayson) Housing Data. Collection and Reporting. Requires local jurisdictions to provide public information regarding its zoning ordinances, development standards, fees, exactions, and affordability requirements. This information must be available on the local jurisdiction's internet website.

League Position: Oppose

Governor Action: Chaptered

AB 1600 (Kalra) Discovery. Personnel Records. Peace Officers and Custodial Officers. Shortens the notice requirement in criminal cases when a defendant files a motion to discover police officer misconduct from 16-days to 10-days. Creates a limited exception to the prohibition on the release of supervisory officer records.

League Position: Oppose

Governor Action: Chaptered

***AB 1763 (Chiu) Planning and Zoning. Density Bonuses. Affordable Housing.** Expands the existing Density Bonus Law (DBL) to require a city or county to award a developer significantly more density, additional concessions and incentives, and greater allowable height if 100% of the units in a development are restricted to lower income households.

League Position: Oppose

Governor Action: Chaptered

AB 1212 (Levine) Public Employees' Retirement. Pension Fund Management. In-State Infrastructure. Requires a state agency that is responsible for infrastructure projects to produce a list of priority infrastructure projects for funding consideration by the boards of the California Public Employees' Retirement System (CalPERS), California State Teachers' Retirement System (CalSTRS) and the boards of investment and retirement for 1937 Act county retirement systems (CERL), respectively, and the state agency to provide further project information to the board upon request.

League Position: Support

Governor Action: Vetoed

AB 1320 (Nazarian) Public Employee Retirement Systems. Prohibited Investments. Turkey. Prohibits the California Public Employees' Retirement System (CalPERS) and the California State Teachers' Retirement System (CalSTRS) from investing in an investment vehicle issued or owned by the government of Turkey, if the federal government of the United States (U.S.) imposes sanctions on the government of Turkey for failing to officially acknowledge its responsibility for the Armenian Genocide, among other provisions.

League Position: Oppose

Governor Action: Chaptered

AB 1637 (Smith) Unclaimed Property Law. Authorizes the State Controller to automatically allocate to a state or local agency, without the requirement for an agency to file a claim, any unclaimed property in that agency's name received as part of the Controller's unclaimed property database.

League Position: Support

Governor Action: Chaptered

***SB 5 (Beall, McGuire, Portantino) Affordable Housing and Community Development Investment Program.** Establishes a new, local-State partnership to provide up to \$2 billion annually to fund State approved affordable housing, infrastructure, and economic development projects that also support State policies to reduce greenhouse gas emissions, expand transit oriented development (TOD), address poverty, and revitalize neighborhoods.

League Position: Support

Governor Action: Vetoed

***SB 13 (Wieckowski) Accessory Dwelling Units.** Prohibits local jurisdictions from imposing any impact fees on ADUs less than 750 square feet, and limit the charge on ADUs over 750 square feet to 25 percent of the fees otherwise charged for a new single-family dwelling on the same lot. Prohibits replacement parking when a garage, carport, or covered parking structure is demolished or converted into an ADU. This measure also prohibits owner occupancy requirements.

League Position: Oppose

Governor Action: Chaptered

SB 137 (Dodd) Federal Transportation Funds. State Exchange Programs. Authorizes Caltrans to expand the existing Match-Exchange Program to regions with populations greater than 200,000 that would allow the department to swap its funds with federal funds local agencies receive for transportation projects, for purposes of reducing duplicative federal environmental review requirements.

League Position: Support

Governor Action: Chaptered

SB 209 (Dodd) Office of Emergency Services. Wildfire Forecast and Threat Intelligence Integration Center. Establishes the Wildfire Forecast and Threat Intelligence Integration Center to serve as the State’s integrated central organizing hub for wildfire forecasting, weather information, and threat intelligence gathering.

League Position: Support

Governor Action: Chaptered

SB 212 (Allen) Elections. Local Voting Methods. Grants general law cities the ability to adopt two majority-winner voting methods for local elections: top-two primary and ranked choice voting.

League Position: Support

Governor Action: Vetoed

SB 230 (Caballero) Law Enforcement. Use of Deadly Force. Training. Policies. Requires law enforcement agencies to maintain a use of force policy. Requires each agency to make its use of force policy accessible to the public. Standardizes use of force training and education for officers across California through both coursework and uniform minimum guidelines on use of force, as developed by the Commission on POST.

League Position: Support

Governor Action: Chaptered

***SB 329 (Mitchell) Discrimination. Housing. Source of Income.** Prohibits landlords from discriminating against tenants who rely upon housing assistance paid directly to landlords, such as a Section 8 voucher, to help them pay the rent.

League Position: Support

Governor Action: Chaptered

***SB 330 (Skinner) Housing Crisis Act of 2019.** Declares a statewide housing crisis and for a five-year period freezing nearly all development related fees once a developer submits a “preliminary” application, including essential project specific fees.

League Position: Oppose

Governor Action: Chaptered

***SB 344 (McGuire) UUT Prepaid Mobile Telephony Collection.**

This measure grants a one-year extension of a sunset date to the Local Prepaid Mobile Telephony Services Collection Act (Local Prepaid MTS) until January 1, 2021, to ensure the affected local agencies can continue to implement this law and collect revenue needed for local services.

League Position: Support

Governor Action: Chaptered

SB 518 (Wieckowski) Civil Actions. Settlement Offers.

Removes a key provision in current law that encourages settlements and avoids costly litigation in disputes between parties involving the Public Records Act.

League Position: Oppose

Governor Action: Vetoed

***SB 531 (Glazer) Local Agencies. Retailers.**

Prohibits future sales tax agreements between local agencies and retailers with a warehouse, sales office, or fulfillment center that results in a shift of sales taxes from other jurisdictions.

League Position: Support

Governor Action: Vetoed

SB 542 (Stern) Workers’ Compensation.

Creates a new presumption of industrial causation for all mental health conditions or mental disabilities that result in a diagnosis of post-traumatic stress disorder, or mental health disorder that develops or manifests itself during a period when a firefighter or peace officer is in service of the department.

League Position: Oppose

Governor Action: Chaptered

SB 670 (McGuire) Telecommunications. Community Isolation Outage. Notification.

Requires telecommunications service providers to submit a specified outage notification to the Office of Emergency Services (OES) when a telecommunications outage impacting 911 service and emergency notifications occurs. The Office of Emergency Services is then responsible for notifying the appropriate county offices of emergency services, public safety answering points (PSAPs), and sheriffs for areas affected by an outage.

League Position: Support

Governor Action: Chaptered

[SB 681](#) (Stern) Local Referenda and Charter Amendments. Withdrawal.

Provides local jurisdictions with the ability to withdraw referenda or charter amendments up to 88 days prior to an election.

League Position: Support

Governor Action: Chaptered