

South Bay Cities Council of Governments

May 8, 2017

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, SBCCOG Executive Director

RE: Bills to Monitor and for Action – Status as of **May 7, 2017**

Adherence to Strategic Plan:

Goal B: Regional Advocacy. Advocate for the interests of the South Bay

ADMINISTRATIVE PROCEDURES

AB 1250 (Jones-Sawyer)	Counties and cities: contracts for personal services. Would: <ul style="list-style-type: none">• Require a city, before entering a contract or renewing a contract, to perform a full economic analysis of the potential impacts of outsourcing, including the impact on local businesses if consumer spending power is reduced.• Mandate a city to conduct a full environmental impact analysis caused by contracting for the services.• Force a city to conduct an annual audit of each contract.• Eliminate local agency hiring discretion by limiting a local agencies' ability to utilize a contract for the sole purpose of cost savings through salaries and benefits.• Require that the agency provide an orientation to contract non-city employees.• Require a city to create a new, fully searchable database that must be posted on the city website. Apart from the inherent cost drivers with this provision, there are significant privacy concerns about posting full names, job titles, and salaries of non-city employees. This database must include:<ul style="list-style-type: none">○ The names, job titles, salary of each contracted non-city employee and subcontractors.○ The services of the contract, the name of the agency department or division of the city who manages the contract.○ The amount paid to the contract including the total projected cost of the contract for all fiscal years and the funding source.○ The total number of "full time equivalent" employees being contracted out.	RECOMMEND OPPOSE	Assembly Appropriations Comm Hearing Date: 5/10/17 LCC opposes
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<p>AB 1479 (Bonta)</p>	<p>Public records: custodian of records: civil penalties. Would:</p> <ul style="list-style-type: none"> • Mandate that every local agency assign a “Supervisor of Record” to review each public records act denial prior to the final determination being issued. • Cause further delays in processing requests by creating an additional step in the process whereby every request denial would have to be reviewed by the Supervisor of Record before a final determination from the agency can be issued. • Establish new and costly punitive damages assessed to agencies above and beyond plaintiffs’ attorney fees established in current law. The additional punitive damages award provision could be as high as \$5,000 per violation. This may lead to a litany of satellite litigation given the grounds for punitive damages are so vast. Under this measure damages can be awarded on every type of violation, no matter if a denial was made in good faith, etc. 	<p>RECOMMEND OPPOSE</p>	<p>Assembly Appropriations Comm Hearing Date: 5/10/17</p> <p>LCC opposes</p>
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ENVIRONMENT

<p>AB 79 (Levine)</p>	<p>Electrical generation: hourly greenhouse gas emissions: electricity from unspecified sources. Requires the Air Resources Board (ARB) to adopt a methodology to calculate hourly greenhouse gas (GHG) emissions from unspecified sources of electricity. Requires the Public Utilities Commission (PUC) and California Energy Commission (CEC) to incorporate the methodology into programs addressing disclosure of GHG emissions and procurement of electricity.</p>	<p>MONITOR</p>	<p>Assembly Appropriations Comm Hearing Date: 5/10/17</p>
<p>AB 1274 (O’Donnell)</p>	<p>Smog check: exemption. Would, except as provided, exempt motor vehicles that are 8 or less model-years old from being inspected biennially upon renewal of registration. Would assess an annual smog abatement fee of \$24 on motor vehicles that are 7 or 8 model-years old. Would require the fee be deposited into the Air Pollution Control Fund and be available for expenditure, upon</p>	<p>RECOMMEND SUPPORT</p>	<p>5/3/17 Asm Appropriations Comm Suspense file</p> <p>Per Wayne Nastri, AQMD</p>

	appropriation by the Legislature, to fund the Carl Moyer Memorial Air Quality Standards Attainment Program.		
AB 1646, 1647, & 1649 (Muratsuchi)	<p>Relating to Refineries:</p> <p><u>1646</u> – Hazardous materials: risk management plans: petroleum refineries - requires the risk management plan of a petroleum refinery to be posted on the web at various places specified. Provides for a system of automatic notification for residents within a 5 mile radius, an audible alarm system covering a 10 mile radius and an emergency alert system for specified locations (ex. schools, hospitals)</p> <p><u>1647</u> – Petroleum refineries: air monitoring systems - requires the owner or operator of a petroleum refinery to install a community air monitoring system on or before January 1, 2020 and to install a fence-line monitoring system on or before January 1, 1919.</p> <p><u>1649</u> – Interagency Task Force on Refinery Safety - creates task force.</p>	MONITOR	<p>1646 – 5/1/17 Asm Appropriations Committee</p> <p>1647 – 5/8/17 Asm 3rd Reading</p> <p>1649 – 5/3/17 Asm Appropriations Committee Suspense File</p>
SB 242 (Skinner)	<p>Property Assessed Clean Energy Program: Program Administrator. Enacts consumer protections to PACE loans. Requires a program administrator that administers a PACE program on behalf of a public agency to comply with certain requirements when approving an assessment contract for the installation of an eligible measure, as well as the administration of that contract, including requiring the contract to comply with specified criteria and requirements. Requires a program administrator to obtain a sworn declaration of income containing specified financial information from each property owner, and would provide that a declarant who willfully states as true a material fact on that declaration that he or she knows to be false be subject to a civil penalty of a specified amount. Requires a program administrator to underwrite an assessment contract, and would prohibit a program administrator from approving an assessment contract if it determines that the property owner is unlikely to be able to make payments on that contract. Requires a program administrator, before a PACE assessment is consummated and in addition to other disclosures, to</p>	RECOMMEND SUPPORT	<p>5/8/17 Senate 2nd Reading</p> <p>LCC Supports</p>

	<p>provide an oral confirmation of the key terms of an assessment contract with the property owner or an authorized representative of the property owner. Requires a program administrator for each PACE Program that it administers to establish and make publicly available an eligible measure list that has been approved by the sponsoring public agency, and would prohibit the program administrator from approving PACE assessments for a measure that is not included on that list, unless the program administrator establishes a custom measure in accordance with specified requirements.</p>		
<p>SB 263 (Leyva)</p>	<p>Climate Assistance Centers. Requires the Strategic Growth Council to establish no less than 10 regional climate assistance centers, equitably distributed across urban and rural areas of the state, to build the capacity of local community organizations, municipalities, and small businesses from disadvantaged communities to participate in state climate investment programs, as specified. Requires the council to allocate available moneys to community-based and nonprofit organizations to engage with climate assistance centers and conduct outreach in disadvantaged communities, as specified. Authorizes moneys from the Greenhouse Gas Reduction Fund to be available, upon appropriation, for allocation by the council for the purposes of the climate assistance centers. Requires the council to establish a state interagency working group, coordinated by the council and including specified state agency staff, to develop integrated outreach information on state climate investment programs and to coordinate outreach activities with the climate assistance centers.</p>	<p>MONITOR</p>	<p>Senate Appropriations Comm Hearing Date: 5/15/17</p>

SB 618 (Bradford)	Load-serving entities: integrated resource plans: This bill would require that the integrated resource plan filed by a load-serving entity be reviewed and approved by the commission. The bill would require that the plans of all load-serving entities contribute to a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy in a cost-effective manner and meets the specified emissions limits for greenhouse gases in proportion to each load-serving entity's load share so that there is no cost shifting among load-serving entities.	MONITOR	Senate Appropriations Comm Hearing Date: 5/15/17 NOTE: Could restrict CCA power purchases LCC opposes
AQMD Rule 1410	Hydrogen Fluoride Storage and Use at Petroleum Refineries. This rule is intended to minimize the possibility of harm to the public due to an accidental release of hydrogen fluoride. Presentation to Working Group: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1410/mtg1-final.pdf?sfvrsn=6	MONITOR	PR1410 Working Group began meetings 4/19/17. Governing Board consideration of PR 1410 expected 12/17.

HOUSING

SB 2 (Wiener)	Building Homes and Jobs Act. Would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. Would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. Would require that a county recorder quarterly send revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, to the Controller for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. Would, upon appropriation by the	MONITOR	4/3/17 Senate Approp Suspense File LCC supports
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	Legislature, require that 20% of the moneys in the fund be expended for affordable owner-occupied workforce housing and 10% of the moneys for housing purposes related to agricultural workers and their families, and would authorize the remainder of the moneys in the fund to be expended to support affordable housing, home ownership opportunities, and other housing-related programs, as specified. Would impose certain auditing and reporting requirements and would establish the Building Homes and Jobs Trust Fund Governing Board that would, among other things, review and approve recommendations made by the Department of Housing and Community Development for the distribution of moneys from the fund.		
SB 3 (Wiener)	Affordable Housing Bond Act of 2018. Would enact the Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided.	MONITOR	4/3/17 Senate Approp Comm Suspense file
SB 35 (Wiener)	Planning and zoning: affordable housing: streamlined approval process. Would require the planning agency to include in its annual report specified information regarding units of housing, including rental housing and housing designated for homeownership, that have secured all approvals from the local government and special districts needed to qualify for a building permit. Would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.	RECOMMEND OPPOSE	Senate Appropriations Comm Hearing Date: 5/15/17 LCC opposes

PUBLIC SAFETY

<p>AB 27 (Melendez)</p>	<p>Violent felonies: sex offense. Would additionally define as violent felonies rape, sodomy, penetration with a foreign object, or oral copulation, if the victim was unconscious, if the victim was incapable of giving consent due to intoxication, if the victim was incapable of giving legal consent because of a mental disorder or developmental or physical disability, if the victim submitted to the act under the belief that the person committing the act was someone known to the victim other than the accused, or if the act was accomplished against the victim's will by threatening to use the authority of a public official for purposes of the above-specified sentencing enhancements.</p>	<p>RECOMMEND SUPPORT</p>	<p>4/26/17 Assembly Approp Comm Suspense file</p>
<p>SB 75 (Bates)</p>	<p>Violent felonies: sex offense. Would additionally define beyond Proposition 83 from 11/06, among other crimes, the offenses of vehicular manslaughter, human trafficking involving a minor, assault with a deadly weapon, solicitation of murder, rape under various specified circumstances, and grand theft of a firearm as violent felonies for purposes of imposing specified sentence enhancements.</p>	<p>RECOMMEND SUPPORT</p>	<p>4/19/17 Failed passage in Senate Public Safety Comm. Reconsideration granted.</p>

NEW LAW

<p>SB 1 (Beall)</p>	<p>Transportation Funding. Raises revenue from variety of sources will generate an additional \$6 billion annually to provide funding for the state and local transportation network. In addition to raising revenue, the proposal includes a series of reforms to address efficiency, transparency, and accountability.</p>	<p>SUPPORT (3/23/17) (Ltr for SB 1 sent to Sen. Approp Comm 3/24/17)</p>
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TWO YEAR BILLS

<p>AB 1645 & 1648 (Muratsuchi)</p>	<p>Relating to Refineries: <u>1645</u> - Hydrogen fluoride: notice of use: substitution. Requires a business that, at any time, handles, maintains, or stores more than 250 gallons of hydrogen fluoride or hydrofluoric acid to, if possible, convert to a known, significantly less hazardous substitute by January 1, 2020.</p> <p><u>1648</u> – Refineries: inspectors - increases number of inspectors</p>	<p>MONITOR</p>
<p>AB252 (Ridley-Thomas)</p>	<p>Local government: taxation: prohibition: video streaming service.. This bill, until January 1, 2023, prohibits the imposition by a city, city and county, or county, including a chartered city, city and county, or county, of a tax on video streaming services, including, but not limited to, any tax on the sale or use of video streaming services or utility user taxes.</p>	<p>OPPOSE (3/23/17) (Ltr sent to author & Asm Rev & Tax Comm. 3/24/17)</p>

LEGISLATIVE CALENDAR

- May 12, 2017 – Last Day for Policy Committees to Hear Non-Fiscal Bills
- May 19, 2017 – Last day for Policy Committees to Meet Prior to June 5, 2017
- May 26, 2017 – Last Day for Fiscal Committees to Meet.
- May 30-June 2, 2017 – Floor Session Only
- June 2, 2017 – Last Day to Pass Bills out of Their House of Origin.
- June 15, 2017 – Budget Bill Must be Adopted
- July 14, 2017 – Last day for Policy Committees to Hear Fiscal Bills
- July 21, 2017 – Last day for Policy Committees to Hear Bills.
- July 21-August 21, 2017 – Summer Recess
- September 1, 2017 – Last Day for Fiscal Committees to Hear Bills
- September 5-15, 2017 – Floor Session Only
- September 8, 2017 – Last Day to Amend on the Floor