



Sept. 2, 2016
Issue #78

IN THIS ISSUE:

- Page 5: League's Regional Divisions Contribute to Defeat of Legislation Undermining Local Control of Regional Authority
California City Solutions: Livermore Library Develops Innovative Service Model to Continue Providing Accessibility to Services
- Page 7: State Launches Revised Open Data Portal
U.S. EPA Will Release RFP for Brownfield Assessment and Cleanup Funding this Fall
Marijuana Cannabis Cultivation Program Public Scoping Period Opened Sept. 1
- Page 9: Bureau of Medical Cannabis Regulation and Department of Public Health Announce Pre-Regulatory Stakeholder Meetings

Key Climate Change Bills and Cap-and-Trade Expenditure Plan Clear Legislature in Final Days

\$900 million Allocated, but Uncertainty of Cap-and-Trade Program Remains

The League tracked legislation dealing with climate change and measures to reduce California's greenhouse gas emissions (GHG) throughout the session. Although the League did not take formal positions on all of these bills, cities will want to be aware of their effects.

For more, see Page 2.



Second Attempt at Costly Employee Orientation Proposal Fails in Senate

The Legislature often acts in a manner that is responsive to issues that have local, state or even national implications. In the wake of the U.S. Supreme Court's 4-4 ruling in the [controversial *Friedrichs v. California Teachers Association*](#), which challenged the collection of "fair share" or "compulsory" union fees from nonunion employees, organized labor responded with [AB 2835 \(Cooper\)](#). Co-authored by legislative leadership, the measure was amended in June in and would have required that all public employer labor organizations be allowed 30 minutes of paid time to organize new hires. The measure did not move forward at the end of session.

For more, see Page 3.



Legislation Undermining Local Taxi Regulation Authority Sent to Governor

Flawed Bill Redrafted in Final Hours of Session

Without any meaningful input from the public and affected stakeholders in the closing hours of the legislative session, the Legislature redrafted [AB 650 \(Low\)](#) to arbitrarily restrict the ability for cities and counties to properly regulate the taxi industry, in an attempt to level the playing field for taxis against their competition (transportation network companies, or TNCs, such as Uber and Lyft). Enhancing competition at the expense of maintaining important community standards, including ensuring public safety, community-wide coverage, and disabled access is the wrong approach.

For more, see Page 4.

Extending State GHG Goals and Changing Air Resources Board

In the face of strong opposition from business groups, oil companies, and agricultural interests, [SB 32 \(Pavley\)](#) and [AB 197 \(E. Garcia\)](#) cleared final legislative hurdles and are currently on Gov. Jerry Brown's desk. The Governor's office was heavily engaged in the effort to pass these bills.

SB 32 provides the California Air Resources Board (ARB) with clear authority to limit statewide GHG emissions equivalent to at least 40 percent below 1990 levels by 2030. However, SB 32 does not explicitly extend the cap and trade program. The Governor attempted to insert last-minute amendments into SB 32 to clarify that the program shall continue beyond 2020, but was unsuccessful.

AB 197 establishes a new Joint Legislative Committee on Climate Change Policies to provide ongoing, permanent oversight over the implementation of the state's climate policies and the Greenhouse Gas Reduction Fund (GGRF). The Joint Legislative Committee on Climate Change Policies is comprised of at least three senators and three assembly members. AB 197 also makes substantial changes to ARB. The measure imposes six-year term limits on voting members and adds two members of the Legislature as non-voting, ex-officio members, one appointed by each house.

At a press [conference](#) announcing the passage of SB 32 and AB 197, Governor Brown was asked about the fate of the Cap-and-Trade program given the significant decline in recent auction revenues and the pending challenge to the legality of the Cap-and-Trade program in court, which argues that the program functions as a tax, and not a fee. He said that the passage of SB 32 provides leverage to lawmakers to reach a deal with opponents of the Cap-and-Trade program that would prefer such a program over more rigorous regulations to reduce pollution.

The Governor and others suggest the Cap-and-Trade program, a market based system, is not needed to reduce GHG emissions. With SB 32 providing ARB clear authority to regulate GHG emissions to achieve a 40 percent reduction below 1990 levels by 2030, ARB could force GHG emitters to take action or face penalties without a process to help offset the cost of compliance.

At the press conference, Governor Brown warned "*they're going to plead for a market system.*"

\$900 Million in Remaining Cap-and-Trade Funds Allocated, New Transformative Climate Communities Program to be Launched

In addition to SB 32 and AB 197, the Legislature passed [AB 2722 \(Burke\)](#), a measure that establishes the programmatic framework for the new Transformative Climate Communities Program (TCCP) that received funding in the Cap-and-Trade expenditure program. The TCCP is very similar to a program that the League, the California State Association of Counties, the Local Government Commission, and other have sought the last three years. Its purpose is to provide funding to develop and implement neighborhood-level climate community plans that include multiple, coordinated GHG emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities.

The approved Cap-and-Trade [expenditure plan](#) is the first meaningful discretionary spending of Cap-and-Trade auction proceeds in two years.

Specific allocations are as follows:

- \$135 million for the Transit and Intercity Rail Capitol Program to fund essential local capital projects for bus and commuter rail;
- \$10 million for the Active Transportation Program to fund bicycle and pedestrian programs;
- \$133 million for the Clean Vehicle Rebate Program to assist with the purchase of clean vehicles;
- \$150 million for the Heavy Duty and Off-Road Investments to help develop and pilot cleaner industrial vehicles;

- \$80 million for the Enhanced Vehicle Fleet Modernization program to provide low income families help replacing old vehicles with new, cleaner vehicles;
- \$140 million for the Transformative Climate Communities Program to fund a community-wide approach for disadvantage communities to implement an integrated transportation, housing, and green space development plan to reduce pollution, GHG emissions, and improve local communities;
- \$80 million for the Urban Greening Program to fund green spaces and parks in local communities;
- \$15 million for the Urban Forestry Program to assist disadvantaged communities with tree planting and care; and
- \$2 million for the Strategic Growth Council to assist disadvantage communities and local governments with developing climate.

Next Steps

There is likely to be a great deal of activity this fall related to the Cap-and-Trade program and implementation of the newly adopted climate change legislation. In particular, the outcome of the pending court challenge to the legality of the Cap-and-Trade program should be determined in the coming weeks.

The November 2016 election will also add to the dynamics of the situation. It is possible that the Democrats in the Assembly and the Senate could win enough seats to regain a two-thirds super majority. If this happens, it is much more likely that the Legislature will resolve the uncertainty around the Cap-and-Trade program by approving it with a two-thirds vote, making it a tax, instead of a fee.

League staff will also closely monitor and update cities on developments associated with ARB's actions as they relate to implementation of the new GHG emission reduction targets contained in SB 32.

Finally, in the next few weeks, League staff will update its website and the Cap-and-Trade Guide to reflect the 2016-17 Cap-and-Trade expenditure plan. These resource materials are meant to assist cities with accessing Cap-and-Trade funds.

'AB 2835' Continued from Page 1...

A similar attempt was made last year, before the Court's ruling. The League along with public employer counterparts strongly opposed the effort. With only four days remaining of the legislative session, the measure never made it out of mock up form.

Aside from the loss of local control, the logistical challenges and the estimated \$350 million dollars annually that the measure would have shifted to the state, local governments and school districts, AB 2835 was simply unnecessary because labor unions already have broad access to meet with and inform public employees.

City engagement on this issue played a critical role in educating and informing legislators. In the final weeks of the legislative session hundreds of cities made their presence known through participating in the League's data collection surveys. Preliminary results from over 100 cities found that the average expected staff turnover over the next five to 10 years is 37 percent, varying little between city size and staff. One city reported an expected staff turnover of 67 percent and many others estimate 50 percent or more due to expected retirements. While the real number of retirements will vary by staff size, the growing number will require a number of new employee hires — which would only drive up the cost of this measure in every year.

After months of intense lobbying from both sides, the author decided to send the measure to the Inactive File on the final day of the legislative session, meaning the measure is shelved for the year. Although this may only be a temporary reprieve as similar proposals may return next year.

Stopping this legislation took significant effort. Sustained messaging outlining the logistical and financial burden this measure would have placed on our cities truly was the catalyst in stopping

this bill. City officials answered the call to action through sending letters of opposition and making phone calls to their lawmakers. The League appreciates the engagement of city officials on this important matter.

'Taxi Cab' Continued from Page 1...

The regulation of taxis has been a municipal affair for nearly a century. Local governments have begun to modify regulations to provide a balanced regulatory approach in response to the quickly evolving for-hire transportation industry. AB 650, however, limits their authority and reverses such advancements. Rushing a major policy shift of this magnitude could lead to more problems than it looks to solve.

AB 650 applies unevenly. A carve-out for the city and county of San Francisco was inserted into the bill, despite other unique circumstances other cities may also have. Whatever the justifications, the reality is that for all other cities and counties, much of their authority would be retroactively limited to what they had in place on July 1, 2016.

If the bill is signed, cities and counties would no longer be able to:

- Impose any new service charges, fees, or assessments on taxicab transportation services even if taxicab companies are newly introduced into those jurisdictions;
- Impose fees for taxi driver permits in excess of \$75 in perpetuity, regardless of inflation, with no consideration of existing constitutional restrictions on permit fees or the real cost for taxi program administration; and
- Impose any additional regulations to help ensure adequate levels of service to all areas within the jurisdiction for individuals covered under the Americans with Disabilities Act of 1990, such as expansion or adoption of an ordinance similar to Los Angeles' requirement that 10 percent of its taxi fleet must be wheelchair accessible.

While purporting to "level the playing field" for taxis, this measure will not accomplish that objective. AB 650 continues to hold taxicab regulation to a stricter standard than TNCs. Some cities have enacted more stringent background criteria than required by the state and it remains unclear if this legislation may prevent cities from adopting standards stronger than what's required by state law. In an era of increased threats to the general public, the Legislature should aim for strengthening safety measures, not weakening them.

Switching taxi regulation from locals to a state agency is also part of the bill's objective, which is apparent in the intent language. Earlier versions of AB 650 proposed that the California Public Utilities Commission (PUC) assume jurisdiction to regulate taxis because it also regulates TNCs. The problem is that legislators and the Governor have proposed to reform the PUC, which would include switching the regulation of TNCs to the California State Transportation Agency. That measure failed to make it out of the Legislature in the final hours of session. Meanwhile, AB 650 limits the only existing regulatory authority for taxicabs when there is not even a clear home for taxi regulation at the state level. At a minimum, this legislation is premature.

The world of for-hire transportation is rapidly changing. TNCs have expanded options in a revolutionary way. Regulations for taxis should be modernized, but such change should take place in a thoughtful and deliberative forum instead of with legislation redrafted in the late hours of a legislative session. Local governments should be a full partner in any discussion of the integration of new technologies affecting transportation options within communities, so that important community priorities such as public safety, community-wide coverage, anti-discrimination policies and disabled access can continue to be assured.

Gov. Jerry Brown should veto AB 650 and allow time for future legislation to be more carefully drafted with the input of affected local agencies and ensure that any role for the state, including the specific agency tasked with new responsibilities, is clarified.

Next Steps

Cities are encouraged to submit veto request letters on this legislation. A copy of the League's letter and sample letter can be obtained at www.cacities.org/billsearch by plugging AB 650 into the search function.

League's Regional Divisions Contribute to Defeat of Legislation Undermining Local Control of Regional Authority

A bill proposing to add state appointments to the South Coast Air Quality Management District (SCAQMD) board, was defeated on the Assembly Floor in the final hours of the legislative session. The measure, SB 1387 (de León) represented a clear threat to local control and was strongly opposed by all four of the League's affected regional divisions — Los Angeles County, Orange County, Riverside County and Inland Empire. Many stakeholder organizations, individual cities and the state League also opposed the measure.

Under SB 1387, Gov. Jerry Brown, the Senate and the Assembly would each have had the authority to appoint one new member to the SCAQMD board. These state appointments would have comprised 40 percent of the board. The broad coalition opposing this measure reminded legislators that regional boards should be overwhelmingly comprised of representatives selected by and from local communities within the geographic region. Having a disproportionate number of state-appointed members completely undermines the role and effectiveness of a regional board. For more, please see "[Legislation Giving State Appointments to SCAQMD Threatens Local Control.](#)" *CA Cities Advocate*, Aug. 24.

There often can be a diversity of perspectives on legislation affecting regional matters — but not in this case. All four League divisions were in agreement that it was inappropriate for the state to have such authority over a regional body. The League joined in the opposition effort because of the impacts this measure would have had on the local control of cities within the region and its disturbing precedent for further state intrusion into local affairs. The successful outcome on this bill demonstrates the power that can come from a collective effort focused on a specific goal, which is captured by the League's motto: "*cities working together.*" The League thanks legislators who did not support this measure.

California City Solutions: Livermore Library Develops Innovative Service Model to Continue Providing Accessibility to Services

This story is part of an ongoing series featuring Helen Putnam Award entries. The 2015 entries are available on the League's website as a resource for cities in a searchable database called [California City Solutions](#). Livermore's Easy Access Library was submitted in 2015 for the Community Services and Economic Development award category.

When faced with the challenges of the economic downturn, the city of Livermore created a new model for library services. The result was a hybrid library branch that is the first known library of its type. This hybrid branch, the Easy Access Library, has provided residents several additional hours per year of access to library books and materials. It is a creative and fiscally responsible way of providing a service where a need still exists despite a lack of ongoing funding. This innovative service model is not only applicable in the library field, but also for other municipal services.

Livermore operates its own library system. The flagship is the Livermore Public Library Civic Center, a beautiful 53,000 square-foot library that opened in 2004. In addition to this main library, two small branches serve other areas of the city. As of 2009, the main library was open seven days per week for a total of 65 hours; the two branch libraries were open six days per week for a total of 51 hours each. In response to the economic downturn, in January 2010, staff reduced library service hours at each of the two branches to three days (23 hours) per week. Unfortunately, funding shortfalls required additional budget cuts in the fall of 2010 and as a result, staff decided that they would need to close down the smallest and oldest library in the city, the Springtown Branch Library.

This branch library was originally created from a small portable building that was formerly used as a convenience store. This portable was moved from another location and donated to the city to open as Livermore's first branch library in 1986. Although the facility was very outdated, community members would not accept its closing and the city council requested that some library services be provided for the Springtown community. This would require creative solutions on the part of library management. Management reorganized staffing throughout the library system in order to keep the Springtown Branch Library open one day per week and also began exploring innovative methods for offering some level of service throughout the week.

The Springtown Branch Library is located in an area of the city isolated by a major freeway. This freeway creates both a physical and conceptual separation between the two areas of the city and the residents in this area historically have felt cut off from the majority of city services. Although the main library is less than four miles from the Springtown Branch Library, public transportation between the two areas is limited and there are few vehicle traffic routes across the freeway. After the reduction in library branch hours, some Springtown residents began to use the main library; however, other residents did not, due to the travel inconvenience.

Several traditional approaches to library services were explored, including service reductions at the main library and collaboration opportunities with other agencies. Since branch staffing was minimal, library management began exploring self-service technologies. In looking beyond traditional solutions, they found creative inspiration in some unusual places — the U.S. Postal Service, a video rental company, and a local health club. All of these facilities used different types of technology to provide services without the use of staff. Library management began to research the variety of self-service equipment that the library could use to offer basic services within this type of operation and ultimately created the model for a new type of hybrid library.

Library staff surveyed area residents and asked them to rank services that they would use in a self-service facility. The highest ranked services were: the ability to pick up materials transferred from the main library; to check out DVDs and books; and to return items through an automated machine.

In 2011, the library received an Innovations Grant in the amount of \$63,000 from the Bay Area Library Information System to use toward the hybrid library project. The city of Livermore and the Friends of the Livermore Library then provided the remainder of the funding.

With this funding, staff created a new hybrid service space at the Springtown Branch Library. The branch was to remain open one day a week with staffing from the main library, and would be unstaffed but accessible the remainder of the week through self-service technology. The unstaffed portion of the Springtown Branch Library opened in January 2013 as the Easy Access Library.

The Easy Access Library provides access to library materials seven days a week, from 8 a.m. to 8 p.m., through a secure keycard entry during the hours the Springtown Branch Library is unstaffed. For a nominal fee, adults holding a Livermore Public Library card may apply for an Easy Access keycard in order to utilize the extended service hours. The self-service Easy Access Library offers secured DVD lending; automated materials return; a variety of youth and adult books and magazines available with self-service checkout; and holds lockers where patrons can pick up library materials requested from the main library.

The library uses video cameras and panic buttons to ensure safety. The facility's alarm arms and disarms automatically to ensure that people do not remain in the facility after hours. Residents who need to utilize the expertise of a librarian can continue to access the library during staffed hours. Residents who merely need routine checkout, pickup, and return services now have the flexibility to access these services seven days per week.

The innovative Easy Access Library has become a point of pride in the community. This unique hybrid library has given neighborhood residents more than 3,800 hours per year of additional access to library books and materials, and issued over 350 Easy Access Cards to residents. Residents use the service daily and express positive feedback about the convenience. Other municipalities have visited the branch to learn about this new hybrid service model.

Before the Easy Access Library opened, library materials usage at the Springtown Branch showed a steady decline of 21 percent. However, that downward trend reversed to a 1 percent increase in FY 2013-14 and continues to increase. Residents are also discovering that the Easy Access Library is the only city library open on holidays, which resulted in a 24 percent increase in materials usage in December 2014.

The ongoing costs of the Easy Access Library are minimal and mostly include equipment and facility maintenance. The cost to staff a similar level of access for a traditional library service model would be approximately \$300,000 per year. Additionally, there was an initial concern among staff about the potential for theft in an unstaffed facility. Surprisingly, the Easy Access keycard has instilled a sense of ownership in the library itself. Residents proactively notify library administration upon discovering any potential issues with door or equipment malfunctions, and theft has not been an issue.

The technology in the Easy Access Library has become a point of interest for both the local and library communities. Numerous libraries and community groups have requested tours of the space and the automated technologies. The Livermore Public Library has also presented information about the Easy Access Library and its unique hybrid service approach at national and regional conferences. After seeing the presentation, several conference attendees have expressed an interest in exploring a similar service model. This new service model is not only applicable in the library field, but could be explored for other municipal services as well.

State Launches Revised Open Data Portal

The California Government Operations Agency (GovOps) announced today that its [open data portal](#) has been updated with open source technology. Hosted by the Department of Technology, the portal is a collection of data gathered from multiple state agencies. Information contained in this portal can be of use to government agencies, the public, researchers and the press.

The portal is broken into content types, topics and tags. Topics include:

- Water;
 - Fleet and Transportation;
 - Economy and Demographics;
 - Recycling;
 - Buildings; and
 - Grants and Contracts.
-

U.S. EPA Will Release RFP for Brownfield Assessment and Cleanup Funding this Fall

The United States Environmental Protection Agency's (EPA) Brownfields program is expecting the release of their annual request for proposals for brownfields assessment and cleanup funding in September/October 2016 with applications due 60-75 days after the release. These grants support property redevelopment and economic revitalization. Funds can be used to develop a brownfields inventory, conduct community outreach, perform environmental site assessments and clean up brownfield properties.

Cities that may have sites are encouraged to start early and contact EPA, engage interested stakeholders, and begin preparing the application. Additional information on the brownfields grant program can be found on [EPA's website](#).

For practical advice and hands-on technical assistance, feel free to contact members of the [CALED Brownfields & Land Revitalization Committee](#).

Marijuana Cannabis Cultivation Program Public Scoping Period Opened Sept. 1 *Scoping Workshops Scheduled Statewide*

The California Department of Food & Agriculture (CDFA) is developing regulations to establish cannabis cultivation licensing and a track and trace system, collectively referred to as the Medical Cannabis Cultivation Program (MCCP). The overall purpose of CDFA's licensing program is to ensure medical cannabis cultivation is performed in a manner that protects the environment, cannabis cultivation workers, and the general public from the individual and cumulative effects of these operations, and fully complies with all applicable laws. In addition, the program has been set up to establish a track and trace program to ensure the movement of medical cannabis items are tracked throughout the production chain.

The agency is preparing a Programmatic Environmental Impact Report (PEIR) to provide the public, state and local agencies, and permitting agencies information about the potential environmental effects associated with the adoption and implementation of statewide medical cannabis cultivation regulations.

The official public scoping period runs from Sept. 1–30 and provides CDFA an opportunity to obtain public input regarding the upcoming environmental analysis and regulation development.

The [Notice of Preparation and Public Notice](#) is available online.

Written comments can be [emailed](#) or mailed to:
California Department of Food & Agriculture
Attn: Amber Morris
Medical Cannabis Cultivation Comments
1220 N St. Ste. 400
Sacramento, CA 95814

Scoping Workshop Schedule

The public is also invited to attend eight scoping workshops across the state to learn more about the MCCP and submit formal comments for the record. All workshops will be from 4–7 p.m.

Sept. 13: Sacramento

Sacramento Convention Center
1400 J St. Rm 202
Sacramento, CA 985814

Sept. 14: Redding

Red Lion Hotel (Sierra Room)
1830 Hilltop Dr. Redding, CA 96002

Sept. 15: Eureka

Red Lion Hotel (Pacific Room)
1929 4th St.
Eureka, CA 95501

Sept. 20: Oakland

Oakland Marriott (Skyline Room)
1001 Broadway
Oakland, CA 94607

Sept. 21: San Luis Obispo

Courtyard by Marriott (Grand Ballroom)
1605 Calle Joaquin
San Luis Obispo, CA 93405

Sept. 22: Coalinga

Harris Ranch Garden Ballroom
23505 West Dorris Ave.
Coalinga, CA 93210

Sept. 27: Pasadena

Pasadena Convention Center (Ballroom F)
300 E. Green St.
Pasadena, CA 91101

Sept. 28: Desert Hot Springs

Miracle Springs Resort and Spa (Mirage Ballroom)
10625 Palm Dr.
Desert Hot Springs, CA 92240

**Bureau of Medical Cannabis Regulation and Department of Public Health
Announce Pre-Regulatory Stakeholder Meetings**

During September and October, the Bureau of Medical Cannabis Regulation (BMCR) and the Department of Public Health will be holding pre-regulatory stakeholder meetings. These meetings will be used to gather input on upcoming regulations.

Dates and Locations

Meetings have been set for the following dates and locations. Information on exact locations have yet to be announced.

- Sept. 19: Redding
- Sept. 20: Sacramento
- Sept. 22 Santa Rosa
- Sept. 26: Oakland
- Sept. 27: Fresno
- Oct. 4: Los Angeles
- Oct. 5: San Diego

Additional Information

BMCR invites cities to sign up for its listserv at www.bmcr.ca.gov for information and updates.
