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Issue #85

Governor's Action on League Priority Bills Mostly Positive

Governor Signs 25 of League's 31 Requested Signatures; Vetoes 7 of 11 Requests

Gov. Jerry Brown finished his work on Friday signing and vetoing legislation sent to him by the Legislature in 2016. Overall the news was mostly positive for cities, with the Governor agreeing with the League's position 76 percent of the time. *For more, see Page 2.*



Governor Signs Legislation Expanding State Regulation over Medical Marijuana

Gov. Jerry Brown on Sept. 29 signed AB 2679 (Cooley), expanding the universe of state regulation on medical marijuana. This League-supported legislation is helpful as it addresses instances in which local governments have approved certain manufacturing activities, only to have them shut down by law enforcement. *For more, see Page 6.*

Major positives for the League this year were his signature on several bills helping improve implementation and reduce legal costs associated with implementation of the Voting Rights Act, including AB 2220 (Cooper) and AB 350 (Alejo); helpful economic development bills AB 2492 (Alejo and E. Garcia) and AB 806 (Dodd and Frazier). He also vetoed numerous bills that would have undermined local authority with parking in AB 2586 (Gatto), and taxis in AB 650 (Low), and other measures proposing to expand worker's compensation benefits. Disappointments included the Governor's signature on SB 1069 (Wieckowski) which restricts a local agency's ability to impose requirements on second units (now named "accessory dwelling units") and AB 626 (Chiu) regarding construction claim resolution processes.

The following is a list of bills on which the League asked the Governor to either sign or veto with the Governor's action listed. For more information on legislative language, the League's position letters and sample position letters for cities, please enter bill number in the League's bill search.

Requested Signature

AB 350 (Alejo) California Voting Rights Act: Notice and Cure

Governor's Action: Signed

Provides a 'notice and cure' provision for cities who are being sued under the California Voting Rights Act (CVRA). This measure would give cities 135 days to switch to district-based elections through the ordinance process without the fear of soaring legal fees.

AB 723 (Chiu) Housing: Finance

Governor's Action: Signed

Makes helpful changes to rules governing the allocation of Community Development Block Grant (CDBG) funds for small, "non-entitlement" cities, and expands eligibility requirements for affordable housing development loans awarded by the California Housing and Finance Agency.

AB 806 (Dodd and Frazier) Economic Development

Governor's Action: Signed

Clarifies loan, lease and sale agreements and property acquisition are included in the range of options a community may employ to advance economic development. Provides additional flexibility for local agencies to acquire and dispose of properties to create economic opportunities.

AB 1244 (Gray) Workers Compensation: Fraud

Governor's Action: Signed

Creates a suspension process for medical providers who commit serious crimes or are involved in fraudulent activity that is modeled after the suspension process for Medi-Cal. Currently, there is no suspension process for medical providers in the workers' compensation system beyond removal from the Qualified Medical Examiner list. This bill should decrease fraud in the workers' compensation system, thereby reducing costs to employers.

AB 1276 (Santiago) Child Witnesses: Human Trafficking

Governor's Action: Signed

Allows a minor age 15 or younger who is a victim of human trafficking to testify in court by means of closed-circuit television in criminal proceedings, if a court finds:

- Open court testimony would cause severe emotional distress;
- Defendant has issued threats of serious bodily injury against the minor or his/her family;
- Defendant caused great bodily injury to the minor during the commission of the offense;
- Defendant or his counsel behaved in a way that prevented completion of minor's testimony during a hearing or trial; and
- Defendant used a deadly weapon during the commission of the offense.

AB 1592 (Bonilla) Autonomous vehicles: pilot project

Governor's Action: Signed

Allows the Contra Costa Transportation Authority to conduct a pilot project to test the full range of autonomous vehicle technology, including vehicles without a steering wheel, gas/brake pedal, or driver.

AB 1719 (Rodriguez) CPR Training

Governor's Action: Signed

Requires school districts and charter schools that require a course in health education as a prerequisite to graduation from high school, to include within the curriculum instruction in cardiopulmonary resuscitation.

AB 1787 (Gomez) Local Government Translation Services

Governor's Action: Signed

Requires, for agencies that have a time limit on public comment, the legislative body to provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

AB 1789 (Santiago) Personal Income Taxes: Voluntary Contributions: School Supplies for Homeless Children Fund

Governor's Action: Signed

Extends the voluntary tax contributions to the School Supplies for Homeless Children Fund until January 2022 or until the contribution by taxpayers does not meet the \$250,000 contribution amount.

AB 1952 (Gordon) Property Tax Postponement Program

Governor's Action: Vetoed

Makes several modifications to assist with the implementation of the recently reestablished Property Tax Postponement, a state loan program operated by the State Controller to help lower income seniors and disabled persons stay in their homes and reduce their risk of default and delinquency.

HOT AB 2220 (Cooper) District-Based Elections

Governor's Action: Signed

This is a simple expansion of SB 493 (Cannella, 2015) which will allow cities with a population threshold over 100K to switch to districts via the ordinance process versus the ballot process. Ballot initiatives are costly and do not insulate a city from CVRA litigation if the measure fails.

AB 2269 (Waldron) Animal Shelters

Governor's Action: Signed

Prohibits the sale or transfer of live animals from pounds and animal shelters to any animal dealer or research facility for purposes of research or experimentation.

AB 2406 (Thurmond) Junior Accessory Dwelling Units

Governor's Action: Signed

Allows a local agency to create an ordinance for junior accessory dwelling units (JADU) in single-family residential zones. JADUs are units that are no more than 500 square feet in size and contained entirely within a single-family residence. The unit may include separate sanitation facilities or may share the facilities with the existing structure.

AB 2491 (Nazarian) Vehicles: Stopping, Standing, and Parking

Governor's Action: Signed

Authorizes local governments to adopt an ordinance that prohibits a person from stopping, parking, or leaving a vehicle parked within 15 feet of driveways used by emergency vehicles to enter or exit a police station, ambulance service facility, or general acute care hospital.

AB 2492 (Alejo and E. Garcia) Cleanup to CRIA Law

Governor's Action: Signed

Includes helpful changes for implementation of last year's AB 2 Community Revitalization and Investment Authorities (CRIAs):

- Clarifies calculation of crime and unemployment data.
- Allows use of countywide and citywide income data.
- Allows access to financing options provided to EIFD's.
- Facilitates disadvantaged communities' use of the tool.

AB 2594 (Gordon) Stormwater Resources

Governor's Action: Signed

Clarifies that a public entity that captures stormwater, in accordance with a stormwater resource plan, before the water reaches a natural channel, may use the captured water.

AB 2679 (Cooley) Medical Marijuana: Regulation: Research

Governor's Action: Signed

Expands authorized research activities of the University of California's Marijuana Research Program to include motor skills. Provides interim guidance for what manufacturing processes are legal for marijuana-derived products under the Medical Cannabis Regulation and Safety Act, including legal forms of butane extraction. Sunsets once the state begins issuing manufacturing licenses.

AB 2693 (Dababneh) Property Assessed Clean Energy (PACE)

Governor's Action: Signed

Enhances existing consumer protections and disclosures associated with the PACE program.

AB 2722 (Burke) Transformative Climate Communities Program

Governor's Action: Signed

Creates the Transformative Climate Communities Program to award competitive grants to develop and implement neighborhood-level climate community plans that include greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities.

AB 2724 (Gatto) Unmanned Aircraft/Drones

Governor's Action: Vetoed

Requires drone manufacturers to provide information for online access to Federal Aviation Administration (FAA) Safety regulations and the FAA registration requirement in their product packaging. Requires drone owners to procure liability insurance in an amount determined by the Department of Insurance.

AB 2728 (Atkins) California Organized Investment Network (COIN)

Governor's Action: Vetoed

Extends the sunset date on the COIN tax credit program to Jan. 1, 2018. Includes language that expands the definition of a "community development investment" to include reservation-based and rural communities (either up to 10,000, or up to 20,000 population, as defined).

AB 2821 (Chiu) Housing for a Healthy California Program

Governor's Action: Vetoed

Requires HCD to establish the Housing for a Healthy California Program, which would fund competitive grants to pay for interim and long-term rental assistance for homeless Medi-Cal recipients. Establishes criteria for an applicant to be eligible for a grant, including having identified a source of funding for housing transition services and tenancy sustaining services.

AB 2853 (Gatto) Public Records Internet Reports

Governor's Action: Signed

Allows a public agency to comply with certain disclosure requirements under the California Public Records Act by posting any public record on its internet website and, in response to a request for a public record posted on the internet website, directing a member of the public to the location on the internet website where the public record is posted.

SB 441 (Wolk) Public Records Act: Exemptions

Governor's Action: Signed

Exempts from disclosure any identification number, alphanumeric character, or other unique identifying code used by a public agency to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency.

SB 807 (Gaines) Unmanned Aircraft: Local Agency Immunity

Governor's Action: Signed

Provides stronger immunity for local agency first responders who damage or destroy a drone that interferes with their emergency operations.

SB 817 (Roth) Property Tax Allocation: Recently Incorporated Cities

Governor's Action: Vetoed

Assists four recently incorporated cities in Riverside County which were severely harmed in 2011 when the state swept all remaining shares of city vehicle license fee (VLF) revenues. These lost revenues would be replaced with shares of property tax in the same manner that all existing cities (under the 2004 VLF-property tax swap) received property tax to offset lost shares of the VLF. In short, these cities will be treated equally with all others.

SB 866 (Roth) Veterans Housing

Governor's Action: Signed

Allows Proposition 41 bond funding to be used to create supportive housing for female veterans and their children who have suffered sexual abuse.

SB 1046 (Hill) Ignition Interlock Devices

Governor's Action: Signed

Expands an existing four-county ignition interlock device program to be statewide in scope. Requires persons convicted of Driving Under the Influence offenses to install and maintain an Ignition Interlock Device, i.e. a breathalyzer, on their motor vehicle in order to obtain a restricted driver's license, or to have a driver's license reinstated.

SB 1108 (Allen) Local Redistricting Commissions

Governor's Action: Signed

Allows a general law city to establish their own citizen redistricting commission. Currently, charter cities already have that authority.

SB 1221 (Hertzberg) Firefighters: Interaction with Mentally Disabled

Governor's Action: Signed

Authorizes the Commission on Peace Officer Standards and Training to make its coursework on assessing, interacting with, and providing assistance to mentally disabled persons available to firefighters and fire departments.

SB 1288 (Leno) Rank Choice Voting

Governor's Action: Vetoed

Allows a general law city to change their voting methodology to rank choice voting but must be done through the vote of the people. Currently, charter cities already have that authority.

Request for Veto

HOT AB 626 (Chiu) Public contracts: claim resolution

Governor's Action: Signed

Establishes a claims resolution process that would require local governments to respond to every claim for disputed payment amounts from a contractor within 45 days; pay undisputed amounts within 60 days; meet and confer if claimant continues to dispute payment amounts or if the agency fails to respond to a claim; and force mediation when meet and confers don't resolve disputes.

AB 650 (Low) Taxicab Transportation Services

Governor's Action: Vetoed

Makes preemptory changes in anticipation of the expected reorganization of the California Public Utilities Commission (PUC) that would remove transportation companies from the PUC's regulatory authority. Except for the city and county of San Francisco, will limit city/county service fees, cap taxi driver permit fees at \$75, and prevent expansion or adoption of ordinances that help ensure adequate levels of disability access if those policies were not in place by July 1, 2016. Cities and counties would still have to perform all other regulatory functions that are required of them, such as background checks and drug and alcohol testing, until the PUC is reorganized.

AB 779 (C. Garcia) Local Government Compensation Reports

Governor's Action: Vetoed

Creates a duplicative compensation report that must be posted to an agencies' website for each elected official. Compensation is broken down into: salary; overtime; unused vacation; stipends; pension; retirement and health premium contributions; automobile, phone and technology allowances.

HOT AB 1217 (Daly) Orange County Fire Authority

Governor's Action: Signed

Establishes a legal precedent of state interference in the governance of local joint powers authorities by codifying a rule that members of the Orange County Fire Authority Board of Directors cannot appoint alternates.

AB 1505 (Hernández) Statute of Limitations: Public Contracts

Governor's Action: Vetoed

Increases the statutes of limitations on competitive bidding violations, specifically Public Contract Code Section 20163, that prohibits local governments from breaking up public works projects into smaller projects for purposes of evading competitive bidding requirements.

AB 1643 (Gonzalez) Workers Compensation: Apportionment

Governor's Action: Vetoed

Eliminates the 'apportionment' process for certain non-industrial work injuries. Apportionment is a key cost controller in the workers compensation system.

AB 1669 (Hernández) Displaced Employees: Service Contracts: Collection and Transportation of Solid Waste

Governor's Action: Signed

Requires local governments to give a 10 percent bidding preference to solid waste collection and transportation services contractors that agree to retain the employees from the previous such contractor for up to 90 days.

HOT AB 2586 (Gatto) Parking

Governor's Action: Vetoed

Permanently deletes the Jan. 1, 2017 sunset on AB 61 (Gatto, Chapter 71, 2013), which prohibits cities from ticketing cars at broken meters. Also requires that cities make parking promptly available once street sweeping and other maintenance activities have been provided and prohibits cities from providing incentives when contracting out for private parking enforcement

SB 654 (Jackson) Parental Leave

Governor's Action: Vetoed

Expands the current California Family Rights Act (CFRA) to public and private entities of 20 employees or more. Current law mandates CFRA applies to employers of 50 or more.

HOT SB 897 (Roth) Workers Compensation: '4850' Time Expansion

Governor's Action: Vetoed

Expands '4850' time for an additional year for first responders who suffer a catastrophic injury at the hands of another. Definitions within the bill will expand the applicability of the new law to allow for increased abuse of '4850' time.

HOT SB 1069 (Wieckowski) Land Use: Zoning

Governor's Action: Signed

Restricts a local agency's ability to impose requirements on second units (renamed "accessory dwelling units" or ADUs). Prohibits local agencies from imposing parking standards on units that are within one half mile of public transit, located within an architecturally and historically significant district, or when there is a car share vehicle within one block; among other conditions. Also places confusing restrictions on the water/sewer connection and capacity fees.

AB 2679 provides critical state guidance as to what manufacturing processes are legal for marijuana-derived products under the Medical Cannabis Regulation and Safety Act, including legal forms of butane extraction, in the interim period between now and the time more detailed state regulations are developed to govern this activity. It provides that its manufacturing provisions will expire one year after the Bureau of Medical Cannabis Regulation posts a notice on its website announcing that state licensing authorities have begun issuing licenses. In addition, AB 2679 authorizes the research activities of the University of California's Marijuana Research Program to include motor skills.

This bill went to the Governor's office with the support of the League and Police Chiefs Association, which worked with industry to develop the detailed language in the bill, then vetted it with the Fire Chiefs Association to ensure they were at least neutral.
