

**April 28, 2017**  
**Issue #33**

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## **Governor Signs SB 1**

Gov. Jerry Brown today signed SB 1 (Beall), the Road Recovery and Repair Act of 2017. SB 1 generates \$5.2 billion annually for California’s state and local transportation system. Cities and counties will receive \$1.5 billion annually to fix local streets and roads. Two weeks ago, the Governor signed ACA 5 (Frazier), which ensures that the revenues are spent wisely on state highways as well as on local streets and roads. *For more, see Page 2.*



## **Senate Governance and Finance Committee Votes to Limit Local Control and Revenue over Installation of “Small Cell” Equipment** *SB 649 Now Heads to Appropriations Committee*

Despite opposition from at least 90 cities across the state to [SB 649 \(Hueso\)](#), the Senate Governance and Finance Committee unanimously voted (7-0) to limit local control and revenue from the installation of “small cell” equipment on all public property within and out of the public right-of-way (PROW). *For more, see Page 2.*



## **Trailer Bill to Implement Proposition 64 Scheduled for May 4 Hearing**

The Administration trailer bill seeking to implement Proposition 64, the Adult Use of Marijuana Act, will be heard in a joint hearing of three Budget Subcommittees on Thursday, May 4. The three committees are: Senate Budget Subcommittee 2 — Resources, Environmental Protection, Energy and Transportation, Senate Budget Subcommittee 3 — Health and Human Services and Senate Budget Subcommittee 4 — State Administration and General Government. *For more, see Page 3.*

**'SB 1' Continued from Page 1...**

League President and Lodi City Council Member JoAnne Mounce issued the following statement today: "California cities appreciate the Governor's signature on SB 1 today. Now our cities can get to work repairing and maintaining our streets and roads. These investments will also reduce car repair bills for our residents and improve our transportation system that is so vital to our economy and quality of life."

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**'SB 649' Continued from Page 1...**

During Wednesday's committee hearing, the wireless telecommunications industry claimed its proposal was aimed at streamlining the process to install small cell technology and to establish "fair" permitting rates. Instead the measure removes local land use authority and establishes arbitrarily low fee structures that do not even cover the cost of staff to review small cell applications.

While Committee Chair Sen. Mike McGuire (D-Healdsburg) worked vigorously to improve components of the bill, details of the proposed amendments are still pending and continue to be problematic. On their surface, the amendments propose to:

- Carve out coastal zones and historic districts from the provisions of this bill; and
- Remove reference to the word "ministerial," instead requiring city or county approval for a "small cell" through a building permit or its functional equivalent when outside of the PROW and through an encroachment permit, its functional equivalent, and any ministerial permits when in the PROW.

The wireless industry claims the intent is not to limit local discretion over installation of these cells within their jurisdictions, yet the provisions would limit a local agency's ability to:

- Impose requirements to provide additional services, such as a condition to make the data network available for police, fire, or library services or to reserve public pole space for other technologies such as solar panels or public safety tools such as gunshot triangulation technology;
- Require submission of additional information beyond what's required of similar construction projects regarding the "small cell," limiting the city's ability to know exactly what is being installed in their communities;
- Require the wireless companies to perform regular maintenance, maintenance during certain hours, or repair/replacement of failed or dilapidated equipment; and
- Exempt any area of their community from this proposal's permitting process that is not located in a local historic district or in a coastal zone.

SB 649 allows small cell antennas on public pole structures to be as large as six cubic feet, and its associated equipment (i.e. power supply, etc) as large as 21 cubic feet on the pole structure itself. The proposal excludes the following ancillary equipment from all of the size limitations mentioned above:

- Electric meters and their pedestals;
- Concealment elements;
- Demarcation boxes;
- Grounding equipment;
- Power transfer switches; and
- Vertical cable runs.

Ultimately, SB 649 and its proposed amendments would unnecessarily shut out public input when a better approach would be one that encourages coordination and vision for "small cell" deployment in a way that works best for each city across California.

**Next Steps**

The bill will go next to the Senate Appropriations Committee. The League encourages cities to contact their legislators below to urge them to oppose SB 649 and its proposed amendments. The League's sample letter is available at [www.cacities.org/billsearch](http://www.cacities.org/billsearch) by plugging SB 649 into the search function.

Senate Appropriations Committee Members:

- [Sen. Ricardo Lara \(Chair\) \(D-Bell Gardens\)](#)
  - [Sen. Patricia Bates \(Vice Chair\) \(R-Laguna Niguel\)](#)
  - [Sen. Jim Beall \(D- San Jose\)](#)
  - [Sen. Steven Bradford \(D-Compton\)](#)
  - [Sen. Jerry Hill \(D-San Mateo\)](#)
  - [Sen. Jim Nielsen R-Gerber](#)
  - [Sen. Scott Wiener \(D-San Francisco\)](#)
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'Marijuana' Continued from Page 1...

The trailer bill has yet to be amended and still contains a number of provisions that will frustrate local control and local enforcement efforts in relation to marijuana businesses.

The following provisions from the Medical Cannabis and Regulation Safety Act of 2015, which the League and the California Police Chiefs Association supported and helped shepherd to Gov. Jerry Brown's desk, do not conflict with Prop. 64, but are not included in the trailer bill:

- A provision expressly empowering local governments to conduct enforcement of state health & safety and other standards, if they request and are granted that authority from the relevant state agency;
- A provision expressly empowering local governments to inspect the books of cannabis businesses and conduct audits — vital with any all-cash business; and
- A provision requiring a business' ability to operate to be suspended upon revocation of a local permit, subsequent to the issuance of a state license (consistent with Prop. 64 provision providing that state licenses cannot be issued if they are in violation of local ordinances).

Without these protections cities will be easy targets for litigation if they try to enforce existing law, and will be at the mercy of a state-only enforcement system similar to that currently in place for liquor stores.

The trailer bill repeals anti-concentration language from existing law which helps protect economically challenged neighborhoods in our cities from having a disproportionate number of marijuana businesses concentrated in such areas.

It also repeals the state medical marijuana ID card program, leaving only a doctor's recommendation as the sole criteria to qualify for a sales tax exemption for medical marijuana. This will encourage all consumers to obtain a doctor's recommendation to avoid paying sales tax, regardless of the reason they are using marijuana. Cities can impose sales tax on recreational marijuana, but not on medical. Going forward, the recreational market can be expected to shrink, therefore cities will take a sales tax hit of over \$20 million statewide in the short term, if the ID card program is eliminated.

### **Next Steps**

Cities are urged to register opposition to the trailer bill with members of the committees.

Senate Budget Subcommittee 2 — Resources, Environmental Protection, Energy and Transportation

- Chair Sen. Bob Wieckowski (D-Fremont) (916) 651-4010 Fax: (916) 651-4910
- [Sen. Mike McGuire](#) (D-Healdsburg) (916) 651-4002 Fax: none listed
- Sen. Tony Mendoza (D-Artesia) (916) 651-4032 Fax: (916) 651-4932
- Sen. Jim Nielsen (D-Gerber) (916) 651-4004 Fax: (916) 651-4904

Senate Budget Subcommittee 3 — Health and Human Services

- Chair Sen. Richard Pan (D-Sacramento) (916) 651-4006 Fax: (916) 651-4906
- Sen. Bill Monning (D-Carmel) (916) 651-4017 Fax: (916) 651-4917

- Sen. Jeff Stone (R-Temecula) (916) 651-4028 Fax: (916) 651-4928

Senate Budget Subcommittee 4 — State Administration and General Government

- Chair Sen. Richard Roth (D-Riverside) (916) 651-4031 Fax: (916) 651-4931
  - Sen. Steve Glazier (D-Orinda) (916) 651-4007 Fax: (916) 651-4907
  - Sen. Scott Wilk (R-Lancaster) (916) 651-4021 Fax: (916) 651-4921
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## **Long Term Water Conservation: Legislative Efforts Begin**

Since Gov. Jerry Brown's [April 7 Executive Order](#) declaring an end to the statewide drought, conversations have turned to long-term water conservation. The Administration released a final version of its *Making Conservation a Way of Life* report, with a [fact sheet](#) outlining the proposals, as well as trailer bill language to effectuate some of the changes.

The Assembly is leading the debate after its April 26 hearing on eight proposals. Among the bills are three by Assembly Member Laura Friedman (D-Glendale), who has amended the trailer bill proposals into AB 1667-1669.

Water agencies and other stakeholders have put forward their own proposals in Assembly Member Blanca Rubio's (D-West Covina) AB 968 and AB 1654, which take a different approach to water conservation from the Administration.

To set the context for the Assembly Committee on Water, Parks, and Wildlife, the nonpartisan Legislative Analyst's Office released the chart below along with a [handout](#). The committee passed all of the measures, while acknowledging the need to ultimately have one approach to addressing long-term water conservation.

## Water Conservation Legislation Before Assembly Committee on Water, Parks, and Wildlife

*April 25, 2017 Hearing*

| Bill number | Author   | Version Date | Description  |
|-------------|----------|--------------|--|
| AB 869      | Rubio    | 3/28/2017    | Exempts recycled water from conservation requirements under all conditions.  |
| AB 968      | Rubio    | 4/17/2017    | Requires new 2025 water use efficiency targets for urban water suppliers. Provides options for the targets, protects water rights, and exempts recycled water.   |
| AB 1000     | Friedman | 2/16/2017    | Requires CEC to certify innovative water conservation and water loss detection and control technologies.   |
| AB 1323     | Weber    | 2/17/2017    | Requires DWR to convene a stakeholder workgroup to develop proposals for new long-term water use targets.  |
| AB 1654     | Rubio    | 3/28/2017    | Requires new drought shortage response procedures in urban water management plans. Defines emergency supply, and protects water suppliers that comply with the plans from any state action in times of drought.                      |
| AB 1667     | Friedman | 4/18/2017    | Requires all agricultural water suppliers report water budgets, have drought plans, and expands efficient water management practices.  |
| AB 1668     | Friedman | 4/18/2017    | Requires new drought shortage response with detailed levels of response. Incorporates climate change, enhances water supply analysis, and strengthens the enforceability of urban water management plans and drought response plans. |
| AB 1669     | Friedman | 4/18/2017    | Authorizes and requires SWRCB to adopt long-term water use efficiency standards.   |

Source: Assembly Committee on Water, Parks, and Wildlife staff.  
CEC = California Energy Commission, DWR = Department of Water Resources, and SWRCB = State Water Resources Control Board.

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### Submit Session Proposals for the 2017 Fire Chiefs Leadership Seminar

*Deadline to submit is May 31*

Making its comeback last year, the League of California Cities® 2017 Fire Chiefs Leadership Seminar is opening its online submission process for sessions and proposals. This day-and-a-half conference commences on Dec. 13–14 at the Newport Beach Marriott and is designed to appeal to fire service leaders, including fire chiefs, chief officers and union leadership.

Topics and sessions offered at the conference are selected to deliver challenging leadership topics such as succession planning, labor relations, emergency response, late breaking changes in EMS and more.

#### Topic Suggestions

Some suggestions and topics of current interest to fire chiefs include:

- Emergency Medical Services;
- Local Control: Protecting your city's right to deliver what your community wants;
- Data collection and measuring patient outcomes;
- Demonstrating efficiency and effectiveness;
- How to implement innovative delivery models in your city;
- Behavioral Health – Health and Wellness for Fire Chiefs;
- Cancer prevention and tracking;

- Mental health and wellness / suicide prevention;
- Labor;
- The looming pension crisis – can we fix it together?;
- Model Labor/Management processes in California;
- Leadership and Management;
- Leadership and innovation;
- Culture change to overcome the status quo and tradition;
- What do tomorrow's leaders need today?; and
- What does succession development look like from the labor side?.

### **Submission Guidelines**

- Submissions, non-commercial in nature, from any individual, group, business or organization, on any topic are welcome.
- The Program Planning Committee will consider the educational value of each proposal and the extent to which it presents new and/or significant information.
- Sessions may not include sales, commercialism or product promotion of any kind.
- Proposals must be submitted [online](#).

For more information or to request a copy of last year's program, please contact [Katie Sacco](#).

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### **2018 City Managers Department Meeting Call for Proposals Open**

*Deadline to Submit Ideas is June 5*

The League of California Cities<sup>®</sup> is taking submissions for session proposals and speakers for the 2018 City Managers Department meeting, which is scheduled for Jan. 31–Feb. 2 at the Newport Beach Marriott Hotel & Spa. The call for proposals offers a chance to share best practices, innovative approaches, as well as research and information with managers at their largest annual gathering in California.

This three-day conference is geared toward California city managers and others in the profession and focuses on current issues and timely topics to assist officials in their daily roles and operations within their city.

Submissions, non-commercial in nature, from any individual, group, business or organization, on any topic are welcome. The Program Planning Advisory Committee will consider the educational value of each proposal and the extent to which it presents new and/or significant information.

Sessions may not include sales, commercialism or product promotion of any kind. Ideas need to be fully completed and [submitted through the online proposal form](#) by Monday, June 5 to be considered by the committee.

There is a limit to the amount of words allowed within the title and description of each proposal. Please write your proposal in a word-processing program first, and paste the final version into the online form.

A "Topic Suggestions" has been added to the proposal guidelines that are areas of current interest to this group.

Visit [www.cacities.org/citymanagersproposal](http://www.cacities.org/citymanagersproposal) for additional information and to submit ideas.

If you have any questions please contact [Dayna Casper](#) at (916) 658-8227.

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### **Bills in Committee and Legislative Hearings of Interest May 1–8**

As the legislative policy committee schedule is ramping up the League is tracking numerous bills affecting cities. Some hearings, if not all, will be televised. The [Senate](#) and [Assembly](#) publish

weekly television schedules, but audio is always available online. In addition, many hearings are also webcast via the [California Channel](#).

Additional information about the important bills the League is tracking is available in the [2017 Bills of Interest and Hot Bills List](#). Published on April 12, this list will continually be updated throughout the remainder of the Legislative Session. Bill language and the League's position letters and sample letters can be found at [www.cacities.org/billsearch](http://www.cacities.org/billsearch) by plugging the bill number into the search function.

Here are a number of upcoming hearings and measures of interest to cities:

### May 1

**Senate Appropriations**, 10 a.m., State Capitol, Room 4203

- **SB 79 (Allen)** Sales and use taxes: exemption: used electric vehicles. *League position: Oppose unless Amended.*
- **SB 541 (Allen)** School facilities: school facility water capture practices. *League position: Support.*
- **SB 780 (Wiener)** Water Conservation in Landscaping Act. *League position: Oppose.*

### May 2

**Senate Judiciary Committee**, 1:30 p.m., State Capitol, Room 112

- **SB 167 (Skinner)** Housing Accountability Act. *League position: Oppose.*

### May 3

**Assembly Appropriations, 9 a.m., State Capitol, Room 4202**

- **AB 20 (Kalra)** Public employee retirement systems: divestment: Dakota Access Pipeline. *League position: Oppose.*
- **AB 44 (Reyes)** Workers' compensation: medical treatment: terrorist attacks: workplace violence. *League position: Oppose.*
- **AB 45 (Thurmond)** California School Employee Housing Assistance Grant Program. *League position: Support.*
- **AB 420 (Wood)** Marijuana and medical cannabis: advertisements: license number disclosure. *League position: Support.*
- **AB 561 (Voepel)** Sales and use taxes: exclusion: public safety first responder vehicle and equipment: local public employee retirement: employer contributions. *League position: Oppose.*
- **AB 1333 (Dababnech)** Political Reform Act of 1974: local government agency notices. *League position: Oppose.*

**Assembly Insurance**, 9 a.m., State Capitol, Room 437

- **AB 570 (Gonzalez Fletcher)** Workers' compensation: permanent disability apportionment. *League position: Oppose.*

**Senate Governance and Finance**, 9:30 a.m., State Capitol, Room 112

- **SB 182 (Bradford)** Transportation network company: participating drivers: single business license. *League position: Pending.*

**Assembly Local Government**, 1:30 p.m., State Capitol, Room 126

- **AB 346 (Daly)** Redevelopment: housing successor: Low and Moderate Income Housing Asset Fund. *League position: Support.*

**Assembly Governmental Organization**, 1:30 p.m., State Capitol, Room 4202

- **AB 1168 (Gipson)** Gambling: Local Moratorium. *League position: Oppose.*

### May 8

**Assembly Revenue and Taxation**, 2:30 p.m., State Capitol, Room 126

- **AB 53 (Steinorth)** Personal income taxes: deduction: homeownership savings accounts. *League position: Support.*
- **AB 960 (Brough)** Sales and use taxes: exemptions: textbooks. *League position: Oppose unless Amended.*

#### **Senate Appropriations, 10:30 a.m., State Capitol, Room 4203**

- **SB 17 (Hernandez)** Health care: prescription drug costs. *League position: Support.*
- **SB 78 (Leyva)** After school programs: grant amounts. *League position: Support.*
- **SB 558 (Glazer)** Property taxation: new construction exclusion: rain water capture system. *League position: Support.*
- **SB 589 (Hernandez)** Municipal separate storm sewer systems: financial capacity analysis: pilot project. *League position: Support.*
- **SB 618 (Bradford)** Load-serving entities: integrated resource plans. *League position: Oppose.*

### **NLC’s University Leadership Summit Scheduled for Oct. 2–5 in San Diego**

NLC University convenes elected officials, municipal leaders, city staff and industry professionals annually at the NLC University Leadership Summit. The Leadership Summit provides attendees with an opportunity to recognize and reflect with peers, and strengthen the profile of their cities, towns and villages. This year NLC University heads to San Diego on Oct. 2–5 with a focus on the theme of “Leadership for Inclusion.”

Now, more than ever, leaders are required to define who they are, what they stand for, and how they plan to pave a path for their constituents. By design, NLC University seeks to engage everyone under one banner of inclusion. Additionally, the Leadership Summit equips participants with specific tools and a stronger national network to refine their understanding and implementation of inclusion. Summit learning begins long before arrival — participants are already engaged in local efforts to improve the quality of life for all residents. NLC University values their unique perspective and challenges everyone to bring a definition of what inclusion means personally and for their communities.

This year, NLC University is partnering with the National League of Cities’ Race, Equity, and Leadership (REAL) initiative, and the National Civic League to deliver training focused on enhancing inclusion work in local communities. Additionally, Patrick Ibarra, Co-Founder and Partner of the Mejorando Group, will guide the conversations and weave summit themes together to maximize learning and application. Ibarra “seeks to challenge the status quo thinking of ‘we’ve always done it that way’ and replace it with a progressive approach to continuous improvement.

Leadership Summit attendees will have the opportunity to attend many engaging sessions including:

- Personal Leadership Development: Fostering Inclusion;
- From Exclusion to Collaboration: Building Inclusive Communities through Civic Engagement; and
- A National Conversation on Inclusion and Equity.

The conference starts with the 2017 Leadership Summit kickoff event. From 5–7 p.m., on Oct. 2, participants are invited to attend Big Ideas for Cities. Big Ideas for Cities is a series that features cities and businesses that are using “big ideas” to drive communities forward. The series has quickly become an ideal platform for leaders to share success stories and describe, in detail, the steps they have taken to make their communities better. Attendees are welcome to stay for a reception immediately following the presentations. Past locations for NLC’s Big Ideas for Cities include: Miami Beach, Florida, Los Angeles, California, and Chicago, Illinois.

#### **Additional Details and Registration**

NLC members earn 10 credits in the NLC University Certificate Program by attending the Leadership Summit.

[Leadership Summit Registration](#)

- You may also book reservation by calling 1 (866) 837-4270. Let the operator know you are attending the 2017 NLC University Leadership Summit.

[Hotel Accommodations](#)

US Grant Hotel  
326 Broadway  
San Diego, CA 92101

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