

**Sept. 20, 2017**  
**Issue #68**

**IN THIS ISSUE:**

- Page 6: League-Sponsored U.S. Communities Program Holding Summit on Oct. 18 in Sacramento
- Page 7: League-Sponsored Bond Agency Issues \$12 Million in Tax-Exempt Bonds for Affordable Housing in Lindsay  
Free Municipal Law Webinar Series from Best Best & Krieger LLP

## **Governor’s Action Pending on Bills Impacting Cities** *Cities Should Send Signature and Veto Requests Now*

Late last week — while many city officials were visiting Sacramento for the League of California Cities® Annual Conference — the Legislature was churning through bills before adjournment of the 2017 legislative session on Friday, Sept. 15. Now it is Gov. Jerry Brown’s turn to decide whether to sign or veto the hundreds of bills on his desk by midnight Oct. 15.  
*For more, see Page 2.*



## **End of Session Signature/Veto Requests Webinar Scheduled for Sept. 21**

The League’s legislative team will host a webinar on Sept. 21 to review top priority bills that cities will need to advocate Gov. Jerry Brown on as he reviews legislation. *For more, see Page 4.*



## **Cap-and-Trade Expenditure Legislation Signed**

On Sept. 16, Gov. Jerry Brown signed two bills that spend Cap-and-Trade revenues in FY 2017–18. Revenues from Cap-and-Trade auctions are deposited into the state’s Greenhouse Gas Reduction Fund (GGRF), which have been appropriated on an annual basis. [AB 109](#) (Ting) and [AB 134](#) contained this year’s GGRF appropriations. *For more, see Page 4.*

While there are many positive bills for cities, such as SB 3 (Beall), the housing bond, and SB 5 (de Leon), the park bond, other measures are very harmful to local authority including SB 649 (Hueso), which would preempt local authority over the installation of various wireless facilities.

The following is a list of bills on which the League is urging the Governor to sign or veto. Cities should submit letters regarding bills in which they have an interest. Given that many of the bills on the Governor's desk relate to housing/land use planning, for ease of tracking they have been identified with an asterisk (\*). Bills that the League strongly encourages letter on are marked **HOT**.

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](#). Cities can also submit sign or veto letters on priority bills through the League's online [action center](#).

### Request for Signature

#### **HOT SIGN AB 22 (Bonta) Storing and recording electronic media**

A permissive measure allowing local governments to use cloud-based storage for archival documentation purposes.

#### **\*AB 45 (Thurmond) School Employee Housing Assistance Grants**

Establishes a program to assist in the creation of affordable rental housing for school employees, including teachers.

#### **\*AB 56 (Holden) Infrastructure Bank: Housing**

Provides local governments and developers additional infrastructure financing options by clarifying the types of housing-related projects are available for funding through the California Infrastructure and Economic Development Bank (I-Bank).

#### **HOT SIGN \*AB 73 (Chiu) Planning and Zoning: Housing Sustainability Districts**

Allows a city or county to create a housing sustainability district to complete upfront zoning and environmental review in order to receive incentive payments for development projects that are consistent with the district's ordinance.

#### **\*AB 74 (Chiu) Housing**

Creates the Housing for a Healthy California Program to provide rental assistance to individuals who are homeless and receive services from the Whole Person Care pilot program, Health Homes, or another locally controlled funding source. A county or a city collaborating with a county may apply for a grant administered by the California Department of Housing and Community Development.

#### **AB 525 (Aguiar-Curry) State Board of Equalization: California Department of Tax and Fee Administration: Offer In Compromise: Extension**

Extends until Jan. 1, 2023 the Board of Equalization's (BOE) Offer in Compromise Program (OIC), which helps resolve outstanding unpaid tax disputes.

#### **AB 765 (Low) Local initiative measures**

Requires that the election for a county, municipal, or district initiative measure that qualifies for the ballot be the next statewide or regular election unless the governing body of the county, city, or district calls a special election.

#### **AB 1120 (Cooper) Controlled Substances: Butane**

Directs the Department of Justice (DOJ) to develop and maintain an electronic database to track the amount of butane purchased by individual customers and allows the DOJ to impose of a civil penalty of \$2,500 if businesses sell over 600 milliliters of non-odorized butane to a customer in any 30-day period.

**AB 1158 (Chu) Carpet Recycling**

Establishes a target recycling rate of 24% for postconsumer carpet by 2020, incentivizes recyclable carpet, improves transparency for better program evaluation, and creates an advisory committee of stakeholders to make program recommendations.

**AB 1219 (Eggman) Food Donations: Liability Protection**

Creates the California Good Samaritan Food Donation Act that would expand liability protection provisions to persons and gleaners who donate food.

**HOT SIGN AB 1408 (Calderon) Crimes: Supervised Release**

Provides a range of important reforms associated with managing the population of ex-offenders who are subject to post-release community supervision, in a manner that will enhance public safety in our communities.

**AB 1444 (Baker) Livermore Amador Valley Transit Authority: Demonstration Project**

Authorizes the Livermore Amador Valley Transit Authority to conduct a demonstration project in the City of Dublin to test the full range of autonomous vehicle technology, including vehicles without a steering wheel, gas/brake pedal, or driver.

**AB 1452 (Muratsuchi) Parking: Exclusive Electric Charging and Parking on Public Streets**

Clarifies local governments' authority to designate spaces on a public street for charging and parking of electric vehicles.

**\*AB 1598 (Mullin) Affordable Housing Authorities**

Authorizes a city/county to create an affordable housing authority coterminous with its boundaries with various powers and dedicate a portion of its property tax, sales tax and other revenues to develop affordable housing.

**HOT SIGN \*AB 1505 (Bloom) Inclusionary Zoning: Rental Housing**

Clarifies and strengthens local authority to enact inclusionary rental housing programs in accordance with their police power in an effort to address the shortage of affordable housing.

**HOT SIGN \*SB 2 (Atkins) Building Homes and Jobs Act**

Creates an ongoing source of affordable housing funding which will provide hundreds of millions of dollars per year for local planning, affordable housing, supportive housing, emergency shelters, transitional housing and other housing needs via a \$75 recordation fee on specified real estate documents. 70% of available funding is directed to local governments.

**HOT SIGN \*SB 3 (Beall) Veterans and Affordable Housing Bond of 2018**

Authorizes a \$4 billion general obligation bond for placement on the November 2018 statewide ballot to fund affordable housing programs, infill infrastructure projects and the veteran's home ownership program (CalVet).

**HOT SIGN \*SB 5 (de León) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018**

Authorizes a \$4 billion bond to be placed on the June 2018 ballot with major funding for parks, climate and environmental programs, and water. It includes \$200 million in per-capita grants for park rehabilitation and improvement grants for local governments, \$725 million for safe neighborhood parks, and additional funding available to local governments through a variety of competitive grant programs.

**SB 17 (Hernandez) Health Care Prescription Drug Costs**

Adds a layer of transparency and accountability for prescription drug manufactures in an effort to reduce overall healthcare premiums for employers.

**SB 231 (Hertzberg) Storm Water Project Funding**

Adds "storm water" to the definition of "sewer" in the Proposition 218 Omnibus Implementation Act in an effort to clarify the process for funding storm water projects is the same as funding other water and sewer projects.

**SB 242 (Skinner) PACE Programs: Standards For Third Party Administrators**

Requires all Property Assessed Clean Energy Program (PACE) programs administered by third parties to meet additional operating standards including a recorded telephone confirmation for homeowners in the homeowner's preferred language, a three-day right to cancel, contractor standards, marketing standards, and reporting requirements.

**SB 384 (Wiener) Sex Offenders**

Establishes a three-tiered system of supervision for all sex offenders based on the seriousness of the offense, the individual risk of recidivism, and the individual's criminal history. Creates process for lower-tier offenders to petition a court for release from the registry, and requires public disclosure of an offender's recidivism risk factors.

**HOT SIGN \*SB 540 (Roth) Workforce Housing Opportunity Zones**

Streamlines the housing approval process by authorizing local governments to identify Workforce Housing Opportunity Zones, which would incentivize the development of workforce and affordable housing in areas close to jobs, transit, and conform to California's greenhouse gas reduction laws.

**SB 541 (Allen) School Facility Water Capture Practices**

Encourages the State Water Resources Control Board (Board) to partner with local municipalities to address storm water pollution by calling on the Board and the Division of the State Architect to recommend best design practices for water capture for public schools.

**Request for Veto**

**\*AB 72 (Santiago) Powers of the Department of Housing and Community Development**

Provides the Department of Housing and Community Development (Department) with broad and nearly unlimited new authority to review any action by a city or county that it determines is inconsistent with an adopted housing element.

**AB 570 (Gonzalez-Fletcher) Workers' Compensation: Permanent Disability Apportionment**

Prohibits apportionment in cases of physical injury based on pregnancy, childbirth, or other medical conditions related to pregnancy or childbirth.

**\*AB 879 (Grayson) Planning and Zoning: Housing Element**

Requires the Department of Housing and Community Development to undertake a study and make recommendations to substantially reduce developer fees via potential amendments to the Mitigation Fee Act, the law that outlines the constitutional baseline local governments use to establish fees on new development that reflects actual costs for services and infrastructure.

**AB 1069 (Low) Local Taxi Regulations**

Usurps the licensing and permitting authority of jurisdictions with significant taxicab activity but not the largest share of a particular taxicab's business.

**\*AB 1397 (Low) Housing Elements: Land Inventory**

Revises the inventory of land suitable for residential development identified in a city or county's housing element to include vacant sites and sites that have "realistic and demonstrated potential" for redevelopment to meet a portion of the locality's housing need for a designated income level.

**AB 1414 (Friedman) Solar Energy Systems: Permit Fee Caps**

Caps permit fees for residential rooftop photovoltaic and thermal installations at \$450 and commercial at \$1,000, with adjustments for size.

**HOT VETO \*SB 35 (Wiener) Housing Production and Approvals**

Penalizes all communities where private and non-profit developers do not propose and develop housing for all income levels consistent with state-generated regional housing need allocations by making approvals of multifamily developments that meet inadequate criteria "ministerial" actions lacking project level environmental review and public input.

**SB 182 (Bradford) Transportation Network Company Drivers: Business Licenses**

Prohibits local agencies from requiring drivers for transportation network companies (TNCs) to obtain a business license to operate unless the driver lives in the jurisdiction.

### **SB 285 (Atkins) Union Organizing**

This measure would prohibit a public employer from deterring or discouraging employees to join an employee organization. However, this measure does not define what “detering or discouraging” means, which may lead to serial litigation and first amendment issues.

### **HOT VETO SB 649 (Hueso) Wireless Telecommunications Facilities**

Eliminates local control over the leasing of publicly owned infrastructure, environmental and design review, public input, and the ability of local agencies to ensure broad deployment of new technology to underserved areas associated with the installation of “small cell” wireless equipment on taxpayer-funded property.

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'Webinar' Continued from Page 1...

#### **Registration**

The webinar is scheduled for Sept. 21 from 1:30–3 p.m. There is no cost to register for League members and League partners. Non-member cities will be charged \$100.

Please register by 5 p.m. on Wednesday, Sept. 20 at [www.cacities.org/events](http://www.cacities.org/events).

For most League webinars, only one connection is offered. Due to the capacity for this webinar, the League is allowing two connections per city to provide easier access for members.

Webinar log-in information will be sent the morning of Sept. 21.

For questions about how to register for the webinar, please contact [Megan Dunn](#). For all other questions, please contact [Meg Desmond](#).

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'Cap-and-Trade' Continued from Page 1...

The Legislature passed and the Governor signed legislation in July extending Cap-and-Trade system through 2030. One of the three-bill extension package also set out new priorities for spending GGRF funds. Major funding under this plan is directed to mobile source emissions reductions and implementing the state's new air quality program enacted along with Cap-and-Trade extension.

Cities stand to benefit from a number grant programs funded with Cap-and-Trade revenues. Below are some of the highlights for local governments of the \$1.5 billion expenditure plan:

- \$26 million — urban greening programs (Natural Resources Agency)
- \$20 million — urban forestry programs (CalFIRE)
- \$10 million — Transformative Climate Communities Program (Strategic Growth Council)
- \$220 million — fire prevention and forest health (CalFIRE)
- \$40 million — waste diversion (CalRecycle)
- \$18 million — low-income multifamily, solar, and farmworker weatherization programs (Department of Community Services and Development)
- \$180 million — HVIP Hybrid and Zero Emission Truck and Bus Voucher Incentive Program (Air Resources Board)
- \$140 million — clean vehicle rebate program (Air Resources Board)
- \$100 million — Enhanced fleet modernization, plus-up pilot program, replace school buses, clean vehicle rebates for low income (Air Resources Board)

In addition, \$900 million of the available GGRF funds will automatically be spend on continuous appropriations for High Speed Rail, the Affordable Housing and Sustainable Communities program, the Transit and Intercity Rail Capital program, and Low Carbon Transit Operations.

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## **League-Sponsored U.S. Communities Program Holding Summit on Oct. 18 in Sacramento**

*Additional summit next week in Poway*

U.S. Communities, the League of California Cities® and the California State Association of Counties sponsored government purchasing alliance, is hosting a free regional event on Oct. 18 in Sacramento. This free event will be an opportunity for public agencies to learn how to save time and money through the U.S. Communities program.

During this event, participants will be able to:

- Learn about new solutions and the latest innovations in procurement;
- Network with other local agencies using cooperative purchasing and hear what is working for their agency;
- Meet your local U.S. Communities Program Manager; and
- Connect with U.S. Communities suppliers to learn about and receive their lowest overall government pricing for these products and services:
  - Facilities
  - Fleet
  - Office and school solutions
  - Technology
  - Parks and recreation
  - Public works
  - Safety and fire
  - Specialty

This educational event will be of special interest to:

- Assistant city managers;
- Public safety officials;
- Parks and recreation officials;
- Public works directors;
- Facilities managers; and
- Procurement officers.

### **Sacramento Summit Event Details**

Wednesday, Oct. 18, 10 a.m. to 12:30 p.m.  
Mack Powell Event Center  
2003 Howe Avenue  
Sacramento

[Register online](#). Lunch will be provided.

### **Poway Summit Event Details**

Wednesday, Sept. 27, 10 a.m. to 1 p.m.  
City of Poway Community Park Auditorium  
13094 Civic Drive

[Register online](#). Lunch will be provided.

### **About U.S. Communities**

The U.S. Communities Government Purchasing Alliance, a strategic partner of the League of California Cities, is a government purchasing cooperative that reduces the cost of goods and services by aggregating the purchasing power of public agencies nationwide. U.S. Communities provides world class procurement resources and solutions to local and state government agencies, school districts (K-12), higher education, and nonprofits. State and local governments have access to a broad line of competitively solicited contracts with best in class national suppliers.

Learn more about U.S. Communities at [www.uscommunities.org/lcc](http://www.uscommunities.org/lcc).

For additional information or please contact [Jason Angel](#) with U.S. Communities or [Amanda Cadelago](#) with the League of California Cities.

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## **League-Sponsored Bond Agency Issues \$12 Million in Tax-Exempt Bonds for Affordable Housing in Lindsay**

Some of the most significant benefits of League membership for cities since 1988 have flowed from the League's co-sponsorship of the [California Statewide Communities Development Authority](#) (CSCDA).

This program provides a variety of public agencies and developers access to low-cost, tax-exempt financing and economic development tools. CSCDA recently issued a total of \$12,012,908 in tax-exempt multi-family affordable housing bonds for Palm Terrace Apartments in Lindsay.

### **About Palm Terrace Apartments**

Palm Terrace Apartments is the new construction of 50 affordable housing units by Self-Help Enterprises. The benefits of the Project for the City of Lindsay and County of Tulare include the following:

- 100 percent of the affordable rental housing units will be rent restricted for low-income tenants;
- The project consists of 14 one-bedroom units, 18 two-bedroom units, 17 three-bedroom units and a manager's unit; and
- All of the units will be restricted to households earning 50 percent or less of the area median income.

CSCDA and Self-Help Enterprises partnered with J.P. Morgan Chase and Jones Hall, P.C. to provide \$12,012,908 in tax-exempt multi-family affordable housing bonds for the project. The financing for the project requires the affordability of units for low-income tenants to be maintained for 55 years.

### **Background**

CSCDA is a joint powers authority created in 1988 and is sponsored by the League of California Cities® and the California State Association of Counties. It was created by cities and counties for cities and counties. More than 500 cities, counties and special districts are program participants in CSCDA, which serves as their conduit issuer and provides access to efficiently finance locally-approved projects. CSCDA has issued more than \$50 billion in tax exempt bonds for projects that provide a public benefit by creating jobs, affordable housing, healthcare, infrastructure, schools and other fundamental services. Visit [CSCDA's website](#) for additional information on the ways in which CSCDA can help your city.

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## **Free Municipal Law Webinar Series from Best Best & Krieger LLP**

Best Best & Krieger LLP is offering a series of free webinars on the legal issues that matter most to California cities, including telecommunications, marijuana regulation, pension benefits, prevailing wage requirements and more.

All of the webinars are scheduled for 10–11 a.m. Read a short [summary of each webinar](#) and register for one or multiple webinars on BB&K's [website](#).