

Summer Recess and End of Session Briefing

Tuesday, August 11, 2015
10:00 a.m. – 11:30 a.m.

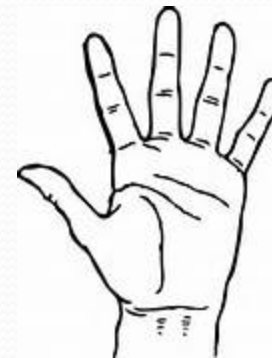


Agenda

- Introduction
- Transportation & Public Works
- Public Safety
- DOF Redevelopment Dissolution Proposal
 - **Questions and Answers**
- Economic Development and Housing Financing Tools
- Land Use Zoning
- Environmental Quality, Water and Drought
- Community Services
 - **Questions and Answers**
- Administrative Services
- Employee Relations: Workers Comp, Collective Bargaining and More
- Revenue and Taxation
 - **Questions and Answers**
- Wrap-Up

How to Ask a Question

- All phone lines have been muted.
- For written questions - use the Q&A window to the right side of your screen. Please enter your name, title and city.
- For verbal questions, raise your hand by clicking on the icon.



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Vacant

Land Use and Planning

Overview

- Get Ready to Run! Legislature Returns August 17th, Adjourns September 11th.
- **Major Outstanding issues:**
 - Transportation Funding. Special Session.
 - Medical Marijuana Regulation, AB 266, etc.
 - DOF RDA Dissolution Proposal, AB 113.
 - Cap and Trade: Allocating the remaining 40%.
 - Affordable housing funding proposals (AB 35 & AB 1335).
 - Additional local economic development bills.
 - Usual Mix of Bills and Gut & Amend Season.

Transportation & Public Works

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Transportation

First Extraordinary Session on Infrastructure

- Governor called special session on June 16.
- Focus is on transportation infrastructure, but is worded broadly enough that other issues could be included.
- Allows legislation to be introduced and considered outside regular legislative process/deadlines.
- So far, 22 bills and 1 constitutional amendment introduced.

Fix Our Roads Coalition

- Coalition of local government, labor, businesses, and other stakeholders who have agreed to seven main principles for any funding package.



Fix Our Roads Coalition

Principles

- 1) Make a significant investment in transportation infrastructure.
- 2) Focus on maintaining and rehabilitating the current system.
- 3) Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.
- 4) Raise revenues across a broad range of options.

Fix Our Roads Coalition

Principles (cont.)

- 5) Equal split between state and local projects.
- 6) Strong accountability requirements to protect the taxpayers' investment.
- 7) Provide consistent annual funding levels.

Fix Our Roads Coalition

What you and your city can do:

- Talk to your legislator!
- Pass a resolution in support.*
- Send a letter in support.*
- Join the Fix Our Roads Coalition: www.FixCARoads.com
- Provide a list of projects that would be funded (will also be used to build a website).
- Write a letter to the editor or op-ed (*coming soon!*).

*For sample resolutions, letters, or city-by-city allocation estimates, please contact your Regional Public Affairs Manager or email jwhiting@cacities.org.

Transportation Funding

SBx1 1 / SB 16 (Beall) Transportation Funding

- League Position: Support
- Increases transportation revenues for 5 years.
- \$4.3-4.6 billion annually.
- Focus on preservation and maintenance of existing system.

Transportation Funding

SBx1 1 / SB 16 (Beall) Transportation Funding (cont.)

Allocations:

- 12 cents of Diesel tax increase to go to trade corridors.
- 5% off the top to incentivize local measures in counties that do not currently have a local measure.
- Remainder split 50/50 between the SHOPP (highway maintenance) and Local Streets and Roads .

Transportation Funding

SBx1 1 / SB 16 (Beall) Transportation Funding (cont.)

Revenues raised from following sources:

- 12 cent increase in excise tax on fuel.
- 22 cent increase in excise tax on diesel.
- \$35 VRF increase for all vehicles.
- \$100 VRF increase for electric vehicles.
- Payback of outstanding loans over a 3-year period.
- \$35 Road Access Fee (replaces the previous proposal to increase the VLF).

Transportation Funding

Other Special Session Bills to Note:

- ABx1 1 (Alejo) – Weight Fees
- SB x1 11 (Berryhill) – CEQA Exemption
- ABx1 2 (Perea) & SBx1 14 (Canella) – Public-Private Partnerships
- SCAx1 1 / SCA 7 (Huff) – Constitutional Protections
- ABx1 3 & ABx1 4 (Frazier) – Transportation Funding

Public Transit Funding

- **ABx1 7 (Nazarian) / SB x1 8 (Hill)** – Doubles cap and trade appropriations for Transit and Intercity Rail Program (to 20%) and Local Carbon Transit Program (to 10%).
- **ABx1 8 (Chiu & Bloom) / SB x1 7 (Allen)** – Increases sales and use tax on diesel from 1.75% to 5.25%. Revenues go to transit via formula (State Transit Assistance Formula).

Transportation Funding

SB 321 (Beall) Variable Gas Tax Rates

- League Position: Support
- Provides stability for Section 2103 revenues (Prop 42 replacement).
- “Smooths” rate for 5 years (4 preceding years and current year estimates).

Transportation Funding

ACA 4 (Frazier) Voter Approval: Transportation Projects

- League Position: Support
- Lowers voter threshold for local transportation measures from 2/3rds to 55%.

Telecommunications

AB 57 (Quirk) Telecommunications: Wireless Telecom Facilities

- League Position: Oppose
- Deems approved any application for colocation or siting of new wireless facilities if a jurisdiction does not approve or disapprove the application within the timelines required by the Federal Communications Commission.

Telecommunications

AB 806 (Dodd) Strand-Mounted Antenna

- League Position: Gathering Input
- Exempts strand-mounted antennas used for the provision of video, voice, or data service from additional permitting requirements as long as the antennas are attached to communications infrastructure constructed in accordance with state or local permitting requirements.

Other Transportation and Public Works

AB 1222 (Bloom) Tow Trucks

- League Position: Support
- Adds additional requirements on tow truck operators with the intention of addressing unscrupulous tow truck businesses.

AB 1262 (Wood) California Advanced Services Fund

- League Position: Support
- Transfers \$5 million to the Rural and Urban Regional Broadband Consortia Grant Account.

Other Transportation and Public Works

AB 1250 (Bloom) Vehicles: Buses: Gross Axle Weight

League Position: In Negotiations

Main Issue Areas:

- Set and enforce a descending schedule of unladen limits for public transit buses.
- Clarify that transit buses cannot be used on any bridge where the bus exceeds the maximum capacity of the bridge without a permit from owner of the bridge.
- Require notification/permitting for articulated buses.
- Grandfather in existing buses.

Public Safety

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Public Safety

AB 22 (Rodriguez) Office of Emergency Services: Oil Spills: Firefighters

- League Position: Support
- Requires the state Office of Emergency Services (OES) to establish a program to reimburse local fire departments for costs incurred in sending firefighters to such training courses identified by the Curriculum Development Advisory Committee and OES, upon an appropriation by the Legislature.
- Potentially removes an impediment – funding to backfill staff away on trainings – to participation in systematic firefighter training in responding to oil spills.

Public Safety

AB 36 (Campos) Local Government: Federal Surplus Property

- League Position: Oppose
- Prohibits local agencies from receiving surplus military equipment under the federal 1033 program unless the legislative body of the local agency has first voted to approve the acquisition at a public meeting that is compliant with the Brown Act.
- Seeking amendments allowing for closed-session votes and limited disclosure about approved equipment.

Public Safety

AB 56 (Quirk) Unmanned Aircraft Systems

- League Position: Oppose
- Specifies requirements for the use of drones by law enforcement agencies, including adoption of local policies governing that use.
- Prohibits surveillance of activities covered by the First Amendment, and surveillance of private property without a warrant or the owner's consent, with narrow exceptions.
- Codifies cause of action against local agencies for violations.
- Imposes rules re: aerial surveillance that contradict the Plain View Doctrine governing observation by helicopters.
- Imposes requirements on destruction of data with narrow exceptions for training purposes and academic research.

Public Safety

AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey) Medical Marijuana

- League Position: Support
- Protects local control as it establishes statewide regulatory scheme by requiring dual licensing for all medical marijuana businesses.
- State regulation headed by unit within Governor's office.
- Provides for dual licensing: state will issue licenses, and local governments will issue permits or licenses to operate marijuana businesses, according to local ordinances.
- Requires establishment of uniform health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product.

Public Safety

SB 168 (Gaines) Unmanned Aircraft Systems: First Responder Immunity

- League Position: Support
- Provides local agency first responders, excluding sheriffs departments, with immunity for any damage to an unmanned aircraft system, if that system was interfering with emergency ambulance services, firefighting operations, or search and rescue operations.
- Addresses multiple incidents in which drones operating in restricted air space during emergencies have forced authorities to ground firefighting aircraft for safety reasons.

Public Safety

SB 175 (Huff) Peace Officers: Body-worn Cameras

- League Position: Support
- Requires each local agency that voluntarily elects to require its peace officers to wear body cameras, to develop a policy in collaboration with non-supervisory officers, relating to the use of the cameras, and to distribute a copy of that policy to the officers required to wear them.

RDA Dissolution

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RDA Dissolution Bill - Status

- AB 113, Pending in Senate.
- Six-Member Assembly Democrat Working Group taking more deliberate look.
- Nearly 100 Cities opposed to harmful provisions.
- DOF “carve out” strategy, not yet successful.

Affected cities need to stay in contact with their legislators on this issue during hectic final weeks.

Key Message: Reject the DOF Proposal! Cities have been harmed enough!

Questions?

Housing, Community & Economic Development

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New Tools Proposals

Affordable Housing Funding Package:

With the loss of redevelopment and the exhaustion of past state affordable housing bond funds, California has virtually no resources to construct affordable housing.

AB 35 and AB 1335, supported by the League, propose to fill that void with up to \$1 billion per year in affordable housing funds.

- **AB 35 (Chiu/Atkins)**, proposes to increase the state's Low Income Housing Tax Credit from \$70 to \$370 million annually, providing a \$300 million boost to this popular program that is always heavily oversubscribed. (**Majority Vote, Bi-Partisan Support**)
- **AB 1335 (Atkins)**, the Building Homes and Jobs Act, would establish a permanent source of funding for affordable housing by placing a \$75 fee on real estate transaction documents, excluding home sales. This proposal is similar to SB 391 (DeSaulnier) of the 2013-14 Legislative Session, which the League also supported, and is projected to generate up to \$700 million annually while leveraging billions more in federal, local, and bank investments. (**2/3rds Vote, Heavier Lift**)

New Tools Proposals

League-Supported Economic Development and Infrastructure Proposals:

- **Re-establishing a redevelopment tool.** AB 2 by Assembly Member Luis Alejo (D-Watsonville) represents the latest effort to restore redevelopment authority to cities. This version is redrafted to address Governor's office concerns. Objective is to get the bill back to the Governor's desk.
- **Clean up of SB 628:** Last year's SB 628 (Beall), which created the new EIFD tool, requires some clean up to facilitate implementation. The League drafted amendments to the law and they are contained within AB 313 (Atkins), which the League is supporting.
- **Tax incentives to stimulate private sector investment.** AB 428 (Nazarian) offers a 30 percent tax credit for seismic rehabilitation of endangered properties.

Zoning/Land Use



AB 744 (Chau) Density Bonus-Parking.

- League Position: Pending, Oppose, Unless Amended

AB 718 (Chu) Homeless Vehicle Habitation

- League Position: Oppose

SB 239 (Hertzberg) Fire Service Contracting/LAFCO

- League Position: Oppose

AB 74 (Calderon) Increased Inspection of DSS-Licensed Facilities.

- League Position: Support

Environmental Quality

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Environmental Quality

AB 45 (Mullin) Household Hazardous Waste

- League Position: Oppose (2-year bill)
- Requires each jurisdiction that provides for residential collection and disposal of solid waste to increase the collection and diversion of household hazardous waste (HHW).

Environmental Quality

AB 1063 (Williams) Solid Waste: Charges

- League Position: Pending
- Commencing January 1, 2017, the state solid waste disposal fee shall be increased to \$5 per ton.
 - \$1 shall be used by CalRecycle to fund activities that promote recycling through:
 - Incentive payments for recycling infrastructure and activities;
 - Grants and loans to local governments to implement programs that increase recycling and reduce disposal;
 - Grants and loans to develop recycling infrastructure.
 - \$.50 shall be used to fund State Water Resources Control Board permit fees.
 - \$3.50 shall be used to implement the Integrated Waste Management Act.
- Commencing January 1, 2022, the state solid waste disposal fee shall be \$3.50 per ton.
- Commencing January 1, 2019, CalRecycle shall establish a solid waste generator fee to cover the costs to implement the Integrated Waste Management Act.
 - The fee shall be applied to all generators of waste.
 - The fee shall be collected by a city, county, or city and county and up to two designees.

Environmental Quality

AB 1236 (Chiu, Low) EV Charging Stations

- League Position: Oppose Unless Amended
- Requires cities and counties to streamline and expedite the permitting and inspection process for electric vehicle charging stations.

Environmental Quality

AB 1362 (Gordon) Stormwater

- League Position: Support
- Defines “stormwater” in the Prop 218 Implementation Act.

Environmental Quality

SB 122 (Jackson, Hill) CEQA

- League Position: No Position
- Requires the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of environmental document.
- Requires the lead agency to submit to the State Clearinghouse environmental documents in either a hard-copy or electronic form as required by OPR .
- Requires OPR to establish and maintain a database of environmental documents and to make the database available online to the public.

Community Services

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Community Services

AB 988 (Stone, Atkins) Outdoor Environmental Education and Recreation Grants Program

- League Position: Support
- Requires the Department of Parks and Recreation to establish an Outdoor Environmental Education and Recreation Grants Program with the purpose of increasing the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences.
- Requires grants to be awarded to public organizations, nonprofit organizations, or both.

Community Services

AB 1146 (Jones) Skateboard Parks

- League Position: Support
- Expands existing liability protections at public skateboard parks to include the use of all wheeled recreational devices.

Community Services

SB 140 (Leno) Electronic cigarettes

- League Position: Support
- Defines “smoking” and broadens the definition of “tobacco product” to include electronic cigarettes.
- Extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes.
- This measure is now a part of the special session – SBx2 5 (Leno)/ABx2 6(Cooper).

Community Services

SB 317 (De Leon) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016 - \$2.45 billion

- League Position: Pending
- Includes \$200 million for grants for local park rehabilitation and improvements to local governments on a per capita basis.
- Includes \$800 million for the creation and expansion of parks in “park-poor” neighborhoods.
- Extends current restrictions and prohibitions against the use of tobacco products to electronic cigarettes.

Questions?

Administrative Services

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Administrative Services

AB 952 (Garcia) Local Government: Vacancies

- League Position: Watch
- Provides an alternative procedure for filling a vacancy on a city council that occurs in the first half of the term of office.

SB 493 (Canella) California Voting Rights Act

- League Position: Support
- Allows a city to switch to a by-district election system using the ordinance process.

Administrative Services

AB 254 (Hernandez) Election Dates

- League Position: Oppose unless Amended
- Eliminates the established election dates in March and April.

SB 415 (Hueso) Consolidated Elections

- League Position: Watch
- Requires a local government to consolidate elections to a statewide election date. If past standalone elections have resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections.

Administrative Services

AB 10 (Gatto) Political Reform Act of 1974

- League Position: Watch
- Makes changes to reporting requirements on statements of economic interests (SEI) and behested payment reports.

SB 330 (Mendoza) Public Officers: Financial Interests

- League Position: Watch
- Expands the definition of what constitutes a remote interest for purposes of California law governing public officials' conflicts of interest in contracting.

Administrative Services

AB 169 (Maienschein) Open-Data

- League Position: Support

AB 259 (Dababneh) Personal Information Privacy

- League Position: Oppose

SB 272 (Hertzberg) CA Public Records Act: Local Agency Inventory

- League Position: Oppose Unless Amended

Employee Relations

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Employee Relations

AB 272 (Lackey) Workers' Compensation

- League Position: Oppose

AB 305 (Gonzalez) Workers' Compensation

- League Position: Oppose

AB 883 (Low) Public Employee Status

- League Position: Watch

Revenue and Taxation

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Revenue and Taxation

SB 533 (Pan) Sales Tax Rebate Agreements

- League Position: Support
- Amends existing law to remove several exceptions which enable sales tax rebate agreements that result in shifts of local Bradley-Burns sales taxes.
- Requires notification of affected agencies prior to enacting future agreements that would result in reduced sales tax allocations to the affected agencies.

Revenue and Taxation

SB 25 (Roth) Incorporations

- League Position: Support
- Assists, through a property tax adjustment, four recently incorporated cities harmed by prior VLF takeaway.

AB 448 (Brown) Annexations

- League Position: Support (**2-Year Bill**)
- Assists through a property tax adjustment, cities that had annexed land depending on prior VLF funding to provide needed services.
- Re-establishes this beneficial state policy for future annexations.

Revenue and Taxation

SB 593 (McGuire) Temporary Rentals

- League Position: Support (2-Year Bill)
- Adds several provisions to law aimed at supporting local ordinances that regulate residential short-term vacation rentals affecting both how such units are advertised as well as imposing duties on the operators of “hosting platforms” to collect and remit TOT to local agencies and publish quarterly reports

AB 464 (Mullin) Transaction and Use Tax: Maximum Rate

- League Position: Support If Amended
- This measure would increase the authorized cap on the local transaction and use tax from 2% to 3% percent.

AB 88 (Gomez) Sales Tax Exemption: Utility Appliance Purchases

- League Position: Oppose Unless Amended

Questions?

Thank you!

For more information on legislative language, the League's position letters, and sample position letters for cities, please visit www.cacities.org/billsearch and type the bill number into the search function