

**PUBLIC SAFETY POLICY COMMITTEE
HIGHLIGHTS**

Thursday, March 28, 2019

Hilton Orange County/Costa Mesa, Catalina I Room, 3050 Bristol Street, Costa Mesa

ATTENDANCE

Members: Rich Garbarino (Chair), Marty Simonoff (V.Chair), Walt Allen, Art Bishop, Ken Carlson, Chris Constantin, Timothy Davis, Bea Dieringer, Phillip Dupper, Bob Frutos, Jose Gurrola, Daniel Hahn, Eugene Hernandez, Rod Hill, Melissa Hunt, Mike Judge, Kerry Kallman, Kenneth Kao, Gustav Larsson, Ty Lewis, Sean McGlynn, LeeAnn McPhillips, Jake Miller, Lori Ogorchock, Ernesto Olivares, Afshin Oskoui, Greg Park, John Pena, Darold Pieper, Karen Rarey, Gracie Retamoza, Nat Rojanasathira, Kelly Seyarto, Ed Smith, Dan Stefano, Ali Taj, Joseph Tessari, Bob Whalen, Brad Wilkie, Jon Wizard

League Partners: Chris Bout

Staff: Charles Harvey

I. State Budget and General Briefing

Stacey Mattina, Chair, League Housing, Community and Economic Development Policy Committee, gave a brief introduction at the General Briefing Session. After her welcome, she introduced League President Jan Arbuckle, Council Member, Grass Valley, who welcomed everyone to the second round of policy committee meetings of the year. President Arbuckle then introduced Rich Garbarino, League Immediate Past President, Carolyn Coleman, League Executive Director, and acknowledged all of the League Partners in the room.

President Arbuckle shared a highlight of the most recent League board meeting where the Board had the pleasure of meeting with newly elected Governor Gavin Newsom. Arbuckle stated that the Governor's decision to visit the League Board of Directors and his willingness to stay for over an hour demonstrates the importance of our collective city voice. She encouraged everyone in the room to register for the League's Legislative Action Day and remain engaged, then handed the meeting over to Carolyn Coleman.

Ms. Coleman thanked President Arbuckle for all of the hard work she dedicates to her role, and emphasized the importance of the policy committees in developing the Leagues positions on key issues. She introduced Dan Carrigg, League Deputy Executive Director and Legislative Director. The rest of the briefing was presented by the League's legislative team.

Mr. Carrigg began by reinforcing the importance of showing up for Legislative Action Day and meeting with Assembly Members and Senators face to face. Mr. Carrigg then introduced the League's fiscal advisor, Michael Coleman, to walk everyone through the State Budget update. Mr. Coleman briefly discussed the moderate growth of the economy, but acknowledged that there are some signs of a slowing economy, and stressed the importance of maintaining a balanced budget.

Mr. Carrigg gave an overview of the political dynamics of having a new Governor, a Democratic legislative super majority, and longer legislative term limits. He said that legislators and interest groups are inclined to test Governor Newsom by sending him many bills Governor Brown would not previously sign. This is the year we find out what the Governor is willing to say no to.

Mr. Carrigg went on to discuss two important economic development bills, SB 5 and AB 11. Both of these measures would reinvest the state into tax increment financing. A renewed investment would greatly improve opportunities for economic development and provide a great opportunity for the state to work with locals to accomplish shared state and local goals. Mr. Carrigg referred to a handout with a list of economic development tools currently available to cities. In addition, Mr. Carrigg discussed ACA 1 and several initiatives that have qualified for the ballot including the split roll, bail reform, and the Grocers and Police Chiefs criminal justice reform initiative. Mr. Carrigg introduced the League's lobbyists to discuss their respective issue areas.

Jason Rhine, League Assistant Legislative Director, focused on the housing affordability and availability challenges throughout the state. Mr. Rhine noted that housing legislation is a high priority for the Governor, Legislature, and the League this year. He noted that if achieved, Governor Newsom's goal of producing 3.5 million housing units by 2025 would create an unprecedented level of housing production in the state. Additionally, Mr. Rhine encouraged members to engage and advocate for legislation that will help local governments address their housing challenges while preserving appropriate local control.

Mr. Rhine also briefly discussed the Governor's housing trailer bill proposal and a list of bills of significant concern. This year, he said, housing related legislation touches on nearly every section of housing law before many of the laws enacted over the past two years have had time to be implemented. The League has been working closely with the Governor's office and Legislators on the trailer bill language and the 200+ housing related bills introduced this legislative session.

Dane Hutchings, League Legislative Representative, briefed members on issues related to governance, transparency, and labor relations. Mr. Hutchings began by discussing the political realities in Sacramento surrounding employee relations legislation and then briefly discussed several bills regarding worker compensation and elections. Mr. Hutchings highlighted AB 1332, which would significantly limit the ability for state and local agencies to cost-effectively contract for a variety of public services, create an ever-evolving blacklist of prohibited companies and create millions of dollars of unfunded mandates. Mr. Hutchings also briefly discussed the recent Cal Fire pension decision and its impact.

Charles Harvey, League Legislative Representative, gave an update on various public safety related issues including cannabis and cannabis deliveries, drones, police use of force, and gun legislation. On the topic of cannabis, Mr. Harvey discussed the legislative and expected judicial challenges of the recent Bureau of Cannabis Control regulations authorizing cannabis deliveries in any jurisdiction in the state. In addition, Mr. Harvey discussed AB 392 (Weber), the re-introduction of a police use-of-force bill from last year, which the League opposed, and SB 230 (Caballero) an alternative bill backed by police chiefs that the League would likely support.

Derek Dolfie, League Legislative Representative, highlighted evolving environmental and community services issues that will be big in 2019. A major issue is organic waste diversion and the regulations that will implement a 50% reduction target coming out this summer. Mr. Dolfie also discussed various proposals that seek to provide clean water to California residents. He also touched on bills regarding recycling, energy, disaster preparedness, storm water, aging, homelessness and tobacco use regulations.

Rony Berdugo, League Legislative Representative, discussed transportation, communications, and public works. Mr. Berdugo began by discussing the proposal to link SB 1 transportation dollars with housing production. The proposal was met with hostility by many legislators and Mr.

Berdugo suggested that folks in the room speak to their legislator and tell them that this proposal should not move forward. Next, he discussed the FCC small cell order and how the League and others have attempted to push back against this in the courts and on the federal level. Finally, Mr. Berdugo discussed emergency alert legislation and disaster preparedness regarding seismic safety.

Lastly, Dan Carrigg briefly discussed issues related to revenue and taxation. Mr. Carrigg touched on the League's support of AB 147 (Burke) which would implement the Wayfair decision in California and increase revenue for local governments, and discussed legislation that would limit sales tax agreements that shift revenue from other jurisdictions.

II. Welcome and Introductions

Chair Rich Garbarino gave a brief introduction to the committee. All members introduced themselves by stating their name, title, and city.

III. Public Comment

Council Member Melissa Hunt from the city of Anderson expressed her support for CalPERS' rollout of its new Private Equity Model, which would establish a separate fund within the CalPERS investment structure that would allow the fund to take better advantage of investment opportunities in private equity.

IV. Policy Agenda

FirstNet Program by the First Responder Network Authority:

Retired Battalion Chiefs and Senior Advisors for FirstNet Chris Baker and Kevin Nida, along with Government Affairs Manager Jeanette Kennedy briefed the Committee on emerging public safety communications technology, known as FirstNet. FirstNet seeks to address the problem of incompatible communications networks across public safety personnel by creating a single, nationwide, and interoperable network. The need for these technologies was highlighted after the tragedy of 9/11 wherein a lack of proper communications technology led to disastrous gaps in service aid.

The FirstNet team presented to committee members the basics of the technology, including its partnership with AT&T, which will eventually provide coverage with both satellite and broadband services, with emphasis on expanding coverage to rural communities. The network will be integrated into smartphones and similar devices, and will include a group chat feature which city officials can utilize to communicate should the need present itself. The FirstNet team emphasized that their support team will be available 24/7/365 to ensure that any issues with the system's functionality will be made stable.

The committee expressed interest in the emerging FirstNet technology and echoed the need for a more robust communications network between public safety personnel. [Chris Baker](#), [Kevin Nida](#), and [Jeanette Kennedy](#) made themselves available for further comments or questions, should committee members need to reach them.

V. Legislative Agenda

AB 266 (Choi): Tax Credit for Attic Vent Closures

League Legislative Representative Charles Harvey briefed the Committee on AB 266 (Choi), which seeks to reduce fires from spreading to residential homes during wildfires by providing a tax credit for the purchase and installation of attic vent closures. The Committee motioned to support this bill, which was met with unanimous approval.

SB 257 (Nielsen): Firearms and Prohibited Persons

Mr. Harvey briefed the committee on SB 257 (Nielsen), which would require the state Department of Justice, to notify local law enforcement upon discovering that a person in the Armed Prohibited Persons (APPS) database has attempted to acquire a firearm. The Committee motioned to follow staff's recommendation to support this bill, which was met with unanimous approval.

AB 1096 (Melendez): Concealed Carry Licenses

Mr. Harvey briefed the committee on AB 1096 (Melendez), which would require, instead of authorize, a county sheriff or chief of police to issue a license to carry a handgun if good cause exists for the issuance and the applicant satisfies other enumerated criteria. The bill would also define the term "good cause" with the intent of clarifying the requirements for concealed carry weapon (CCW) license applicants. Mr. Harvey iterated that the bill would hinder a chief or sheriff's use of discretion when issuing licenses, which is why the staff recommendation was to oppose the bill.

Discussion: The Committee engaged in a thoughtful discussion about the potential implications of the bill. Many members voiced their concern about how removing an officer's discretion violated the goal of preserving local control and that the bill was looking to solve a problem that does not exist. Additionally, members grew concerned with the potential increase in costs associated with retaining managerial staff to accommodate a new approval process without a funding mechanism. Members of the committee that expressed support for the concept of the bill and mentioned that the current exertion of discretion on firearm licensure creates a political scenario that allows police chiefs and sheriffs to exercise their personal beliefs about gun ownership and rights.

Ultimately, despite the lengthy discussion and slight difference in opinion, the Committee motioned to follow staff's recommendation and oppose the bill. The motion was approved by more than two-thirds of the committee, with three dissenting votes.

AB 1297 (McCarty): Concealed Carry Licenses

Mr. Harvey briefed committee members on AB 1297, which would require, rather than authorize, a sheriff, chief, or other head of a municipal police department issuing a concealed carry permit, to charge an applicant for the license a fee sufficient to cover the reasonable costs of issuing and enforcement of the license. The bill also seeks to remove the \$100 cap on licensing fees that local licensing entities may not exceed. Mr. Harvey made mention that as proposed, AB 1297 would remove the discretion currently afforded to county sheriffs and municipal police chiefs to charge a fee for the processing of concealed carry weapon license applications. Because of this, League staff recommended an "Oppose-unless-amended position," with the desired amendment being to strike the provision requiring local licensing authorities to charge a fee. The Committee motioned to follow staff recommendation and oppose the bill unless the aforementioned provision was removed from its language. This was met with unanimous approval.

SB 230 (Caballero): Police Use of Force

Mr. Harvey briefed committee members on Senator Caballero's SB 230, which was crafted as a response to the recent tragic outcomes of use of force incidents. The bill seeks to require all law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing deescalation techniques and other alternatives to force when feasible, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents. Additionally, the bill would require each agency to make its use of force policy accessible to the

public and would impose higher training standards with additional coursework regarding use of force.

Mr. Harvey explained that while it is not a perfect bill, law enforcement's formal acknowledgment of the issue and willingness to work with policy makers and criminal justice advocates to address the various challenges associated with Use of Force is a meaningful step forward in helping to build and/or restore proposed trust between law enforcement and members of the public, which is why staff recommended a support position.

Discussion: Committee members expressed their support for the bill, with consideration of the fact that Assemblymember Weber's opposing use of force bill, AB 392, could potentially become written law if not met with another option. Concerns with the bill stemmed from its proposition to add additional use of force education training to an already inundated training schedule with tight funding. Ultimately, there was a motion to follow staff recommendation and support Caballero's SB 230 which was met with approval of more than a two-thirds vote.

Immediately after voting to support SB 230, the Committee began a discussion on Assembly Bill 392 (Weber), related legislation that would establish an entirely new legal standard that outlines when peace officers may engage in the use of deadly force. AB 392 would also introduce for officers, the notion of criminal negligence without a definition, likely leaving a determination of what that means to the courts.

The Committee acknowledged that while the bill reserves the use of deadly force for those situations that are deemed "necessary," the question of whether deadly force was the only reasonable option can only be determined in hindsight, and does not allow for the fact that police officers are often forced to make split second judgments.

The Committee inquired as to why AB 392 was not on the legislative agenda. Staff explained that the bill is virtually identical to AB 931 (Weber) from 2018, which the League opposed, and that based on this guidance from both the Public Safety Committee and League Board, staff had already planned to formally oppose AB 392.

Despite this explanation, the Committee decided to formally add AB 392 to the March Agenda as an action item, and ultimately voted to formally oppose the measure for consideration by the Board.

VI. Legislative Update

Mr. Harvey concluded the meeting with a brief overview of other public safety-related bills currently in the legislature. Of note were bills relating to cannabis marketing, deliveries and retailing, criminal procedure, and firearm procurement. Mr. Harvey concluded his presentation with an update on AB 1190 (Irwin) which authorizes a local agency to enact local ordinances relating to drone regulation and provides indemnity to local jurisdictions in the event of a drone-related incident.

Next Meeting: Thursday, June 13, Sacramento Convention Center, Sacramento