

**PUBLIC SAFETY POLICY COMMITTEE
HIGHLIGHTS**

June 13, 2019

Sacramento Convention Center, Room 202, 1400 J Street, Sacramento

ATTENDANCE

Members: Rich Garbarino (Chair), Marty Simonoff (V.Chair), Walt Allen, Art Bishop, Russ Brown, Lance Calkins, Aram Chaparyan, Chris Constantin, Mike Diaz, Bea Dieringer, Bob Frutos, Gerardo Gonzalez, Daniel Hahn, Melissa Hunt, Mike Judge, Kerry Kallman, Gustav Larsson, Ty Lewis, Ray Marquez, Sean McGlynn, LeeAnn McPhillips, Peggy McQuaid, Jake Miller, Daniel Mintz, Lori Ogorchock, Afshin Oskoui, Greg Park, John Pena, Darold Pieper, Karen Rarey, Kelly Seyarto, Marty Simonoff, Ed Smith, Glenn Sylvester, Ali Taj, Tami Trent, Alan Wapner, Bob Whalen, Brad Wilkie,

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 third round of policy committee meetings of the year. President Arbuckle thanked everyone for making the trip to Sacramento for policy committees and expressed her appreciation for their attendance. President Arbuckle then shared that she has visited all of the League's 16 regional divisions and shared how much she has enjoyed visiting the various divisions. President Arbuckle closed by reiterating the importance of policy committees and expressing that the League is strongest when we focus on our common interests.

President Arbuckle then introduced Carolyn Coleman, League Executive Director. Ms. Coleman thanked President Arbuckle for all of the hard work she dedicates to her role. She also briefly mentioned the success of the recent Joint Disaster Summit that brought together local government and the Governor to discuss disaster response in the state. Ms. Coleman went on to acknowledge the League partners in the room and thank League staff for all of their hard work. She concluded by reminding everyone that while we have already done so much to protect the interests of cities this legislative session, there is still much work to be done.

Ms. Coleman then 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 giving a brief overview of the budget and highlighted how Governor Newsom has heeded the advice of Governor Brown regarding budget spending.

Mr. Carrigg then introduced the League's fiscal advisor, Michael Coleman, to walk everyone through the State Budget update. Mr. Coleman's State Budget Update included how the State is going to spend the \$20.8 Billion surplus and pay down debts while growing its reserves. He also went on to explain how the impact of the sales tax exemption of diapers and menstrual products will have on local revenues. Mr. Coleman handed the meeting back over to Mr. Carrigg where he then 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 highlighted several bills including SB 330, SB 13, AB 1279, and AB 1763. Mr. Rhine encouraged policy committee members to speak to

their legislator about SB 330 and to look at the SB 330 Action Alert. SB 330 would, among other things, declare a statewide housing crisis for a five-year period and freeze nearly all project related fees once a developer submits a “preliminary” application. (For more information, please visit the League’s Action Center.) Mr. Rhine also briefly discussed the unprecedented amount of dollars to housing and homelessness. The Housing and Homelessness Update Document mentions several existing funding opportunities including SB 2 planning grant dollars. While the Housing and Homelessness Budget Trailer bill had not yet been released, Mr. Rhine stated that the League has been working closely with the Governor’s office and Legislators on the trailer bill language.

Dan Carrigg, League Deputy Executive Director and Legislative Director gave an update on issues related to governance, transparency, and labor relations. Mr. Carrigg began by discussing the political realities in Sacramento surrounding employee relations legislation and then briefly discussed several bills regarding workers’ compensation and elections. Mr. Carrigg highlighted SB 266, which would require cities to directly pay retirees compensation that has been deemed “disallowed.” This would result in an unconstitutional gift of public funds and would lead to a significant increase in costs for some cities. Mr. Carrigg also highlighted several bills in the workers’ compensation space, including SB 542, AB 932, and AB 1400, which would expand the scope of workers’ compensation and ultimately lead to increased costs for local agencies. More details can be found in the Workers’ Compensation Document. While Governor Brown held the line on worker’s compensation, we will have to wait and see where Governor Newsom will land on workers’ compensation bills this year.

Charles Harvey, League Legislative Representative, gave an update on various public safety related issues including cannabis, drones, and police use of force. Mr. Harvey discussed AB 392 (Weber), the reintroduction of a police use-of-force bill from last year, which the League opposed. AB 392 was amended and a large number of law enforcement groups now no longer oppose the bill. More information can be found in the Police Use of Force Document. On the topic of cannabis, Mr. Harvey discussed AB 1356 (Ting). Under this bill, if more than 50 percent of the voters of a local jurisdiction voted in favor of Proposition 64, these local jurisdictions would be required to adopt a local licensing structure for retail commercial cannabis activity. More specifically, the bill requires these cities to issue a minimum of one retail cannabis license for every four liquor licenses. AB 1356 was moved to the inactive file and is dead for the year.

Derek Dolfie, League Legislative Representative, highlighted evolving environmental and community services issues. The issue of improving the quality of drinking water in California continues this year with several proposals spanning from an increased safe drinking water tax to general fund allocations. There is currently a deal struck that does not involve a tax but the deal is not finalized. Another major issue is organic waste diversion and the regulations that will implement a 50% reduction target coming out this summer. Mr. Dolfie also discussed the various bills and proposals that have been introduced because of the recent wildfires. This includes the issue of utility liability and the recommendation out of the Governor’s Strike Force Report. The discussion is ongoing and the League will continue to work closely with the Governor’s office and Legislators on the language. More details regarding disaster and emergency response can be found in the Disasters and Emergency Response Document. Mr. Dolfie also touched on issues such as homelessness and a master plan on aging.

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 will not be included in the budget this year. Mr. Berdugo then described AB 516 (Chiu). This measure

would eliminate the ability for cities and law enforcement to adequately enforce state and local vehicle violations. This bill is still moving through the legislative process and Mr. Berdugo encouraged policy committee members to speak to their legislator about the bill. More information can be found in the AB 516 Action Alert. (For more information, please visit the League's Action Center.) 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 two bills related to scooters that have been tabled for the year, seismic safety legislation, the 911 fee budget trailer bill, and AB 1699 (Levine), which would prohibit a mobile internet service provider from impairing or degrading the lawful internet traffic of public safety agencies during a state of emergency.

Lastly, Dan Carrigg briefly discussed issues related to revenue and taxation. Mr. Carrigg touched on AB 147 (Burke) being signed into law. This measure implements the Wayfair decision in California and increases revenue for local governments. It is also anticipated that revenues collected through the implementation of AB 147 will be higher than what was initially expected. Mr. Carrigg went on to discuss SB 5, an important economic development bill. SB 5 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 encouraged policy committee members that are with cities who have not yet submitted a support letter, to do so as soon as they can. (For more information, please visit the League's Action Center.)

II. Welcome and Introductions

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

III. Public Comment

There were no public comments.

IV. Legislative Agenda

AB 1544 (Gipson): Community Paramedicine & Triage to Alternate Destination

League Legislative Representative Charles Harvey briefed the Committee on AB 1544 (Gipson), which authorizes a local emergency services agency to develop and seek approval for a program that provides community paramedic and/or triage to alternate destination services.

Speakers: Chair Garbarino introduced the three speakers who were to brief the committee on the potential benefits of this proposed legislation. The speakers included Brian Rice (California Professional Firefighters), Christy Bouma (California Professional Firefighters), and Jeff DelBono (Alameda Fire Department). These proponents touched on how AB 1544 would potentially help to address overcrowded emergency rooms that generate long wait times, and the various benefits of providing medical assistance to individuals in more tailored ways. Chair Garbarino then introduced one speaker from the opposition, Jimmy Pierson (Medic Ambulance), who spoke to issues related to creating a second Emergency Medical Services (EMS) commission that may not accurately represent EMS services in their entirety.

Discussion: The Committee engaged in a thoughtful discussion in which several members were curious about how these programs would be funded, the potential for jurisdiction liability, and the need for additional EMS training.

Action: The Committee motioned to follow the staff's recommendation to support this bill, which was met with unanimous approval.

SB 438 (Hertzberg): Emergency Medical Dispatch Services

Mr. Harvey briefed the committee on SB 438 (Hertzberg), which seeks to do two things. First, it would prohibit a public agency from entering into a contract for 911 call processing regarding the dispatch of emergency response resources, unless the contract is with another public agency, or was created prior to January 1, 2019 by a joint powers authority that only comprises public agencies. Second, the bill would provide that medical direction and management of an EMS system may not be construed to limit the authority of a public safety agency to deploy emergency response resources within the agency's territorial jurisdiction.

Speakers: Vice Chair Marty Simonoff introduced the three speakers who were to brief the committee on the potential benefits of this proposed legislation. The speakers included Jeff Meston (California Fire Chiefs Association), Brian Rice (California Professional Firefighters), and Christy Bouma (California Professional Firefighters). These proponents discussed their view that this legislation would expand local control by ensuring that public agencies are the entities that oversee 911 call processing rather than privatizing this process.

Discussion: The Committee members expressed differentiating views of how this legislation would impact local control. Several members vocalized that this legislation would, in fact, diminish local control by prohibiting cities from being able to choose to contract with a private entity for these services, specifically in times of financial crisis. This was echoed throughout the discussion with many members voicing concerns about doing away with a contracting option that may be more tailored to their community's specific needs. A number of other committee members acknowledged that this bill would be of great benefit to cities, in that it would ensure the deployment of public EMS resources, which are paid for by city residents, in response to 9-1-1 emergencies within cities' respective jurisdictions. A couple of members mentioned wanting to hear from opposition stakeholders before reaching a conclusion on this legislation.

Action: Before taking this motion to a vote, Mr. Harvey reminded the committee that this legislation is essentially two bills in one, containing provisions that would prohibit the future contracting of EMS dispatch services by cities, while also providing certainty and clarity on a public safety entity's "201" rights to provide emergency medical services within its city's jurisdiction. Mr. Harvey thereby noted that, given these two different goals within the bill, there was no staff recommendation and members should vote their conscience. Vice Chair Simonoff then entertained a motion on the item. The first motion made was to support the measure, which concluded with vote of 10 ayes and 17 no's. There was then a subsequent motion of oppose unless amended, which was met with unanimous approval. As the proposed amendment, the committee recommended deleting the provisions that prohibit the contracting of EMS dispatch services.

AB 1215 (Ting): Facial Recognition & Other Biometric Surveillance

Mr. Harvey briefed the committee on AB 1215 (Ting), which would prohibit a law enforcement official from installing, activating, or using any biometric surveillance system in connection with an officer camera or data collected by an officer camera. The bill would also authorize a person to bring an action for equitable or declaratory relief against a law enforcement agency or official who violates that prohibition. Mr. Harvey emphasized that if this technology is used properly, it could be a great tool for cities in stopping crime and recognizing criminals. There was discussion about creating a working group that would focus on best practices in using this type of technology. Several committee members agreed that a working group would be important on this issue as this technology evolves and legislation of this nature becomes more common.

Action: The Committee motioned to follow the staff’s recommendation and oppose this bill. The motion was met with unanimous support.

V. Legislative Update

Mr. Harvey concluded the meeting with a brief overview of other public safety-related bills currently in the legislature. Of note was an update on the status of the two use of force bills, AB 392 and SB 230. Mr. Harvey explained that a compromise had been reached on the controversial AB 392, with much of the problematic language being removed from the measure. Notwithstanding this information, three committee members vocalized concern about the most recent version of AB 392 and expressed their desire to remain formally opposed to the bill. Specifically, these committee members noted that they wanted the term “necessary” taken out of the preamble of the current bill.

Mr. Harvey also briefed the committee on AB 1356, relating to retail commercial cannabis activity. Mr. Harvey explained that this legislation had been shelved and likely will not be taken up for the rest of the year.

Finally, Mr. Harvey concluded his presentation with an update on AB 1190, explaining that while there has been much progress between the League and drone industry representatives on this bill—especially under the guidance of the League Drone Task Force, which comprises several members of both the League’s Public Safety and TCPW committees—there had been recent interest in the bill expressed by a new group of stakeholders with varying concerns. Due to this new stakeholder interest, and given that the legislation was triple referred in the Senate, the author decided to make the measure a 2-year bill, in order to allow more time for continued conversations and negotiations with provisions of the bill.

Next Meeting (tent.): Annual Conference, Long Beach, October 16

Staff will notify committee members after August 22nd if the policy committee will be meeting in October.