

South Bay Cities Council of Governments

August 14, 2017

TO: SBCCOG Steering Committee

FROM: Jacki Bacharach, Executive Director

RE: Bills to Monitor and for Action – Status as of **August 5, 2017**

Adherence to Strategic Plan:

Goal B: Regional Advocacy. Advocate for the interests of the South Bay

ADMINISTRATIVE PROCEDURES

<p>AB 1250 (Jones-Sawyer)</p>	<p>CITIES AND JPAS AMENDED OUT OF THE BILL – APPLIES TO COUNTIES ONLY Beginning January 1, 2018, would allow a county or county agency to contract for personal services currently or customarily performed by employees, as applicable, when specified conditions are met. Among other things, would require the county to clearly demonstrate that the proposed contract will result in actual overall costs savings to the county and also to show that the contract does not cause the displacement of county workers. Would require a contract entered into under these provisions to specify that it may be terminated upon material breach, if notice is provided, as specified. Additionally, would require the county to conduct an audit of contracts for personal services in excess of \$100,000 annually to determine whether cost savings have been realized and would require the contractor to reimburse the county for the cost of the audit. Also, would impose additional disclosure requirements for contracts exceeding \$100,000 annually. Would exempt certain types of contracts from its provisions, and would exempt a city and county from its provisions.</p>	<p>OPPOSE (5/8/17) (Ltr faxed to Asm Approps 5/9/17)</p>	<p>7/13/17 Senate Appropriations LCC opposition removed</p>
<p>AB 1479 (Bonta)</p>	<p>Public records: custodian of records: civil penalties. AMENDED <i>Until January 1, 2023</i>, would require public agencies to designate a person or persons, or office or offices to act as the agency’s custodian of records who is responsible for responding to any request made pursuant to the California</p>	<p><u>MONITOR</u> <u>(7/27/17)</u> <u>OPPOSE</u> <u>(5/8/17)</u></p>	<p>7/18/17 Senate Appropriations Comm LCC removed opposition</p>

	<p>Public Records Act and any inquiry from the public about a decision by the agency to deny a request for records. <i>Until January 1, 2023, also would</i> authorize a court that finds by preponderance of the evidence that an <i>agency, knowingly and willfully without substantial justification</i>, failed to respond to a request for records, improperly withheld from a member of the public, public records that were clearly subject to public disclosure, unreasonably delayed providing the contents of a record subject to disclosure in whole or in part, or improperly assessed a fee upon a requester that exceeded the direct cost of duplication, or otherwise did not act in good faith to comply with these provisions, to assess a civil penalty against the agency in an amount not less than \$1,000, nor more than \$5,000. The bill would require the penalty to be awarded to the requester. The bill would prohibit assessment of the penalty if <i>the court determines that</i> the public record was not subject to public disclosure pursuant to the California Public Records Act or decisional-law <i>law, or that the agency reasonably withheld the record based upon an ambiguous or unsettled question of law or a legally recognized privilege.</i></p>	<p>Ltr faxed to Asm Approps 5/9/17) (Ltr to Senate Judiciary Comm 6/13/17)</p>	
<p>SCA 12 (Mendoza)</p>	<p>Counties: governing Body: county executive. Would, commencing January 1, 2022, in a county that is found at a decennial United States census, beginning with the 2020 United States census, to have a population of more than 5,000,000, require, and deem any applicable law, including a county charter, to require, a governing body consisting of the greater of either 5 members or a sufficient number of members so as to ensure that each member represents a district containing a population equivalent to no more than 2 districts in the United States House of Representatives. The measure would require that the members of the governing body serve for a term of 4 years and limit election to the governing body to no more than 3 terms. Would also provide that, in such a county, the expenditures for the governing body and its staff may not exceed, for any subsequent fiscal year after the release of the census finding that the county has a population of more than 5,000,000, the amount that was allocated for the expenses</p>	<p>MONITOR</p>	<p>Senate Appropriations Committee Hearing Date: 8/21/17</p>

	of the governing body and its staff in the county's adopted budget for the fiscal year in which that same census was conducted, unless adjusted as provided.		
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ENVIRONMENT

AB 79 (Levine)	Electrical generation: hourly greenhouse gas emissions: electricity from unspecified sources. Requires the Air Resources Board (ARB) to adopt a methodology to calculate hourly greenhouse gas (GHG) emissions from unspecified sources of electricity. Requires the Public Utilities Commission (PUC) and California Energy Commission (CEC) to incorporate the methodology into programs addressing disclosure of GHG emissions and procurement of electricity. AMENDMENT: Would authorize the state board to not update its methodology for the calculation of emissions of greenhouse gases associated with electricity from unspecified sources if it determines that updating the methodology is infeasible or is not appropriate because the administrative burden is excessive and differentiating is unlikely to materially improve the accuracy of the calculations needed for the state programs designed to regulate emissions of greenhouse gases.	MONITOR	7/17/17 Senate Appropriations Committee Suspense File
AB 1274 (O'Donnell)	Smog check: exemption. Would, except as provided, exempt motor vehicles that are 8 or less model-years old from being inspected biennially upon renewal of registration. Would assess an annual smog abatement fee of \$24 on motor vehicles that are 7 or 8 model-years old. Would require the fee be deposited into the Air Pollution Control Fund and be available for expenditure, upon appropriation by the Legislature, to fund the Carl Moyer Memorial Air Quality Standards Attainment Program.	SUPPORT (5/25/17) (Ltr faxed to Asm Approp 5/30/17)	7/13/17 Senate Appropriations Committee Per Wayne Nastri, AQMD
AB 1646, 1647, & 1649 (Muratsuchi)	Relating to Refineries: 1646 – Hazardous materials: risk management plans: petroleum refineries - requires the risk management plan of a petroleum refinery to be posted on the web at various places specified. Provides for a system of automatic notification for residents within a 5 mile radius, an audible	MONITOR	1646 6/21/17 Senate Appropriations Committee

	<p>alarm system covering a 10 mile radius and an emergency alert system for specified locations (ex. schools, hospitals)</p> <p><u>1647</u> – Petroleum refineries: air monitoring systems - requires the owner or operator of a petroleum refinery to install a community air monitoring system on or before January 1, 2020 and to install a fence-line monitoring system on or before January 1, 1919.</p> <p><u>1649</u> – Interagency Task Force on Refinery Safety - creates task force.</p>		<p>1647 7/20/17 Senate Third Reading</p> <p>1649 7/10/17 Senate Appropriations Committee Suspense File</p>
SB 231 (Hertzberg)	<p>Local government: fees and charges. Articles XIIC and XIID of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIIC and XIID of the California Constitution and defines terms for these purposes. This bill would define the term “sewer” for these purposes. The bill would also make findings and declarations relating to the definition of the term “sewer” for these purposes.</p>	MONITOR	<p>7/20/17 Assembly Third Reading</p> <p>LCC supports</p>
SB 242 (Skinner)	<p>Property Assessed Clean Energy Program: Program Administrator. Enacts consumer protections to PACE loans. Requires a program administrator that administers a PACE program on behalf of a public agency to comply with certain requirements when approving an assessment contract for the installation of an eligible measure, as well as the administration of that contract, including requiring the contract to comply with specified criteria and requirements. Requires a program administrator to obtain a sworn declaration of income containing specified financial information from each property owner, and would provide that a declarant who willfully states as true a material fact on that declaration that he or she knows to be false be subject to a civil penalty of a specified amount. Requires a program administrator to underwrite an assessment contract, and would prohibit a program administrator from</p>	<p>SUPPORT (5/25/17)</p> <p>Ltr faxed to Asm Local Government 6/27/17)</p>	<p>7/20/17 Assembly Third Reading</p> <p>LCC Supports</p>

	<p>approving an assessment contract if it determines that the property owner is unlikely to be able to make payments on that contract. Requires a program administrator, before a PACE assessment is consummated and in addition to other disclosures, to provide an oral confirmation of the key terms of an assessment contract with the property owner or an authorized representative of the property owner. Requires a program administrator for each PACE Program that it administers to establish and make publicly available an eligible measure list that has been approved by the sponsoring public agency, and would prohibit the program administrator from approving PACE assessments for a measure that is not included on that list, unless the program administrator establishes a custom measure in accordance with specified requirements.</p>		
<p>SB 618 (Bradford)</p>	<p>Load-serving entities: integrated resource plans: This bill would require that the integrated resource plan filed by a load-serving entity be reviewed and approved by the commission. The bill would require that the plans of all load-serving entities contribute to a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy in a cost-effective manner and meets the specified emissions limits for greenhouse gases in proportion to each load-serving entity's load share so that there is no cost shifting among load-serving entities.</p>	<p>MONITOR (5/25/17) (Ltr to author removing opposition 6/14/17)</p> <p>Ltr sent to Sen Approps 5/12/17)</p>	<p>7/18/17 Assembly Appropriations Committee</p> <p>NOTE: Could restrict CCA power purchases</p> <p>LCC removed opposition on 5/19 after amendments. LCC is now neutral.</p>
<p>SB 649 (Hueso)</p>	<p>Wireless telecommunications facilities: Establishes a statewide framework for streamlining the permitting siting process of small cell wireless facilities that meet specified requirements. Would provide that a small cell is a permitted use, subject only to a specified permitting process adopted by a city or county, if the small cell meets specified requirements. Would authorize a city or county to require an encroachment permit or a building permit, and any additional ministerial permits, for a small cell, as specified. Would authorize a city or county to charge 3 types of fees: an annual charge for each small cell attached to city or county vertical infrastructure, an annual attachment rate, or a one-time reimbursement fee. Would require the city or</p>	<p>OPPOSE (5/25/17)</p> <p>(Ltr faxed to Asm Comm and Conveyance 7/3/17)</p>	<p>7/18/17 Assembly Appropriations Committee</p> <p>LCC opposes</p>

	<p>county to comply with notice and hearing requirements before imposing the annual attachment rate. Would require an action or proceeding to challenge a fee imposed under the provisions of this bill to be commenced within 120 days of the effective date of the ordinance or resolution. Would define the term “small cell” for these purposes.</p> <p>Would prohibit a city or county from adopting or enforcing any regulation on the placement or operation of a communications facility in the rights-of-way by a provider that is authorized by state law to operate in the rights-of-way or from regulating that service or imposing any tax, fee, or charge, except as provided in specified provisions of law or as specifically required by law.</p>		
<p>HR 1958 (Sherman) & S. 838 (Cotton)</p>	<p>PACE Act of 2017 – Protecting Americans from Credit Entanglements Act of 2017. – Summary pending</p>	<p>MONITOR</p>	<p>House Comm. on Financial Services</p> <p>@ request of S.B. Board of Realtors</p>
<p>AQMD Rule 1410</p>	<p>Hydrogen Fluoride Storage and Use at Petroleum Refineries. This rule is intended to minimize the possibility of harm to the public due to an accidental release of hydrogen fluoride.</p> <p>Presentation to Working Group: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/1410/mtg1-final.pdf?sfvrsn=6</p>	<p>MONITOR</p>	<p>PR1410 Working Group began meetings 4/19/17. Governing Board consideration of PR 1410 expected 12/17.</p>

HOUSING

<p>AB 71 (Chiu)</p>	<p>Income taxes: credits: low-income housing: farmworker housing. Eliminates the mortgage interest deduction on second homes, increases the state Low-Income Housing Tax Credit (LIHTC) Program by \$300 million. Beginning in 2018, increases the amount of low-income housing tax credits set-aside for farmworker housing from \$500,000 to \$25 million. Provides that any low-income housing tax credits set-aside for farmworker housing developments that go unused of the \$25 million will be available for qualified nonfarmworker housing projects. and makes other changes</p>	<p>MONITOR</p>	<p>7/10/17 Assembly Third Reading</p> <p>From CALCOG</p>
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	to the LIHTC. Urgency Bill.		
SB 2 (Wiener)	<p>Building Homes and Jobs Act. Would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. Would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. Would require that a county recorder quarterly send revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, to the Controller for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. Would, upon appropriation by the Legislature, require that 20% of the moneys in the fund be expended for affordable owner-occupied workforce housing and 10% of the moneys for housing purposes related to agricultural workers and their families, and would authorize the remainder of the moneys in the fund to be expended to support affordable housing, home ownership opportunities, and other housing-related programs, as specified. Would impose certain auditing and reporting requirements and would establish the Building Homes and Jobs Trust Fund Governing Board that would, among other things, review and approve recommendations made by the Department of Housing and Community Development for the distribution of moneys from the fund.</p>	MONITOR	<p>7/12/17 Assembly Rules Committee</p> <p>LCC supports</p>
SB 3 (Beall)	<p>Affordable Housing Bond Act of 2018. Would enact the Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$3,000,000,000 pursuant to the State General Obligation</p>	MONITOR	<p>7/12/17 Assembly Rules Committee</p> <p>LCC Supports</p>

	Bond Law. Proceeds from the sale of these bonds would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided.		
SB 35 (Wiener)	Planning and zoning: affordable housing: streamlined approval process. Requires the planning agency to include in its annual report specified information regarding units of housing, including rental housing & housing designated for homeownership, that have secured all approvals from the local government and special districts needed to qualify for a building permit. Would also require the Department of Housing and Community Development to post an annual report submitted pursuant to the requirement described above on its Internet Web site, as provided.	OPPOSE (5/8/17) Ltr sent to Sen Approps 5/12/17)	7/14/17 Assembly Rules Committee LCC opposes

PUBLIC SAFETY

SB 10 (Hertzberg)	Bail: pretrial release. Would declare the intent of the Legislature to enact legislation that would safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.	MONITOR	7/11/17 Assembly Appropriations Committee
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TELECOMMUNICATIONS & TRANSPORTATION

AB 1665 (Garcia)	Telecommunications: California Advanced Services Fund. Would revise the goal of the program to approve funding for infrastructure projects that will provide broadband access to no less than 98% of California households in each consortia region, as identified by the commission, by December 31, 2022. Would eliminate the Broadband Infrastructure and Revolving Loan Account and would require the transfer of the remaining unencumbered moneys in that account as of January 1, 2018, and the deposit of moneys collected that would be owed to that account into the Broadband Infrastructure Grant Account. Would establish within the CASF the Broadband Adoption Account and would require specified amounts of moneys to be deposited into this new account, the Broadband Infrastructure Grant Account, and	MONITOR	7/17/17 Senate Energy, Utilities & Communications Comm
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	<p>the Rural and Urban Regional Broadband Consortia Grant Account. Repeals the current authorization to collect up to \$315,000,000 for deposit in the CASF at a rate of up to \$25,000,000 per year through the 2020 calendar year, and instead would authorize the commission to collect \$330,000,000 for deposit into the CASF beginning January 1, 2018, and continuing through the 2022 calendar year. Would revise the eligibility requirements for projects and project applicants for grants funded from the Broadband Infrastructure Grant Account. Would make moneys from the Rural and Urban Regional Broadband Consortia Grant Account available to facilitate the deployment of broadband infrastructure by assisting infrastructure grant applicants in the project development or grant application process. Would require recipients of those moneys to conduct an annual audit and to submit to the commission an annual report regarding activities funded by those moneys. Would make available moneys in the Broadband Adoption Account to specified entities for digital literacy training, public education, & outreach programs to increase broadband adoption by consumers.</p>		
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LEGISLATIVE CALENDAR

- July 21-August 21, 2017 – Summer Recess
- September 1, 2017 – Last Day for Fiscal Committees to Hear Bills
- September 5-15, 2017 – Floor Session Only
- September 8, 2017 – Last Day to Amend on the Floor

NEW LAWS

AB 1572 – Integrated waste management plans – extends sunset date from Jan. 1, 2018 to Jan. 1, 2022 for local jurisdictions’ recycling compliance plans to be every 4 years instead of 2 years. SBCCOG supported.

SB 1 – Transportation Funding – raises revenues and includes series of reforms. – SBCCOG supported.