

# 2021 Legislative Action Days

May 12-13, 2021



# Agenda



- Welcome and Opening Remarks
- Introduction and Overview
- State Budget Ask
- Environmental Quality
- Transportation, Communications, and Public Works
- Governance, Transparency, and Labor Relations
- Public Safety
- Housing, Community, and Economic Development

# Welcome and Opening Remarks



**Cheryl Viegas Walker, President**  
League of California Cities  
Mayor, El Centro



**Carolyn Coleman, Executive Director and CEO**  
League of California Cities

## Legislative Action Day Priority Areas

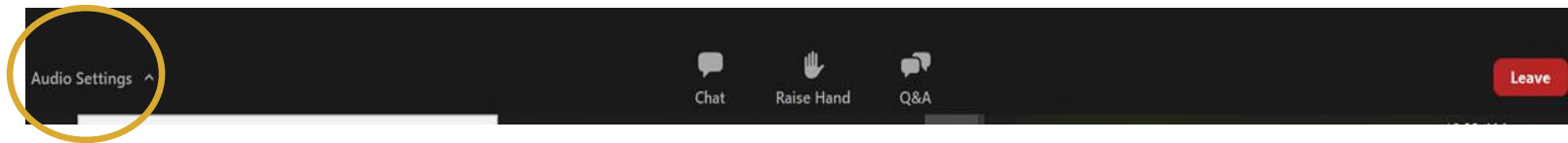
- State Budget Ask
- Housing and Land Use
- Broadband Infrastructure to Close the Digital Divide
- Public Safety
- Reducing Landfill Waste and Pollution
- Stopping Unfunded State Mandates

# Introduction and Overview

Melanie Perron, Deputy Executive Director  
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# Housekeeping notes for attendees

1. Please make sure your audio is connected. You should have been prompted to connect your audio when joining the webinar, but you can confirm by clicking the audio settings on your tool bar.

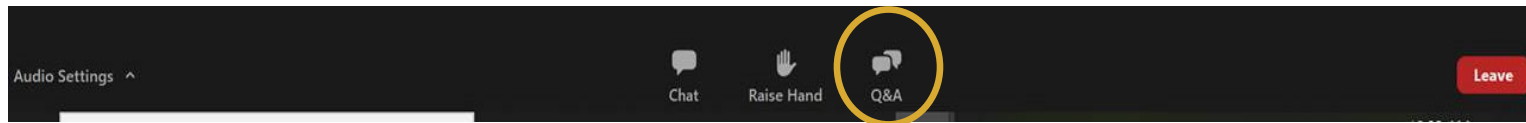


2. All attendees have been muted upon entry.

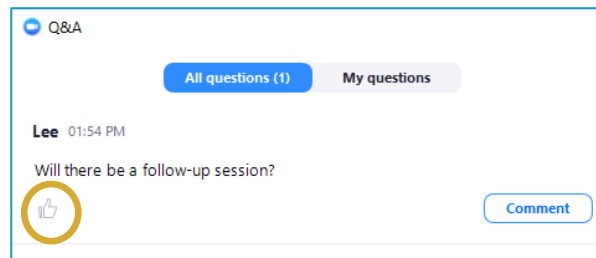
3. This webinar is being recorded.

# How to ask a question

To write in a question, select the 'Q&A' button on your tool bar.



You can also “up vote” other attendees’ questions if you have the same question. This will help speakers prioritize questions during the Q&A portion of the presentation.



# Cal Cities Legislative Team

**Melanie Perron,**  
**Deputy Executive**  
**Director Advocacy**  
**and Public Affairs**



**Jason Rhine, Assistant**  
**Legislative Director**  
*Housing, Community, and*  
*Economic Development*



**Derek Dolfie,**  
**Legislative**  
**Representative**  
*Community Services,*  
*Environmental Quality*



**Bijan Mehryar,**  
**Legislative**  
**Representative**  
*Governance,*  
*Transparency, and Labor*  
*Relations*



**Elisa Arcidiacono,**  
**Legislative**  
**Representative**  
*Public Safety*



**Nick Romo,**  
**Legislative**  
**Representative**  
*Revenue and Taxation*





# Cal Cities Legislative Team

**Caroline Cirrincione,  
Legislative Analyst**

- *Community Services*
- *Environmental Quality*
- *Public Safety*
- *Transportation,  
Communications and Public  
Works*



**Meg Desmond,  
Legislative and Policy  
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**Johnnie Pina,  
Legislative Analyst**

- *Housing, Community and  
Economic Development*
- *Governance, Transparency  
and Labor Relations*
- *Revenue and Taxation*





# State Budget Ask

Nick Romo, Legislative Representative  
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## Commit \$10 billion in the State Budget to help cities recover from the pandemic

The League of California Cities urges the State to **commit at least \$10 billion for cities** in the 2021-22 State Budget to help cities recover from the pandemic, bolster investment towards meaningful solutions to homelessness, improve housing affordability, and advance critical infrastructure.

**\$2 billion in direct and flexible state aid** to cities to address local budget gaps left by the American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund.

## Commit \$10 billion in the State Budget to help cities recover from the pandemic

**\$5 billion for homelessness and housing solutions** to support cities in their efforts towards ending homelessness and increasing the construction of housing that is affordable to all Californians. Key programs include:

- Homekey
- Homeless Housing, Assistance and Prevention
- Homeless Emergency Aid Program
- Infill Infrastructure Grant Program
- Low-Income Housing Tax Credit Program

## Commit \$10 billion in the State Budget to help cities recover from the pandemic

**\$3 billion for broadband infrastructure** to support expansion and related infrastructure upgrades in unserved and underserved communities to help cities catalyze projects statewide. Includes:

- Middle mile network buildout to underserved areas
- Programs to increase adoption, including devices, digital skills training, and language access

**\$225 million** to help fund mandates **to divert organic waste from landfills.** Includes:

- Developing edible food recovery programs
- Procuring recovered organic waste products
- Providing education and outreach

# Key messages

**Action: SUPPORT** Urge your legislator to support Cal Cities' budget ask to ensure an equitable and comprehensive recovery for all.

- The State has a historic opportunity to invest its unexpected surplus (stands at \$75 billion) into the hearts of our communities to ensure an equitable and comprehensive recovery. Targeted investments in the State's budget would ensure our communities do not simply survive but thrive.
- California's 482 cities will have lost over \$6 billion through next fiscal year.
- Cities have also spent at least \$5 billion in unanticipated emergency response, protecting residents, supporting vulnerable populations, and helping Main Street businesses stay afloat.
- Nine out of 10 cities are currently experiencing a revenue shortfall due to the pandemic, and 7 out of 10 cities anticipate that revenue shortfall to continue into FY 2021-22.

# Environmental Quality

Derek Dolfie, Legislative Representative  
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# Reducing Landfill Waste and Pollution

## **SB 619 (Laird) Organic Waste. Reduction Regulations.**

This measure would seek to help local governments implement **SB 1383** (Lara, 2016), and the subsequent CalRecycle organic waste regulations, through delaying penalties for local jurisdictions demonstrating a reasonable effort to comply.

**Cal Cities Position: Support in Concept**

## **Budget Ask: Commit \$225 million in the State Budget to help with regulation implementation.**

Cal Cities is requesting a one-time \$225 million appropriation to help cities and counties develop and begin implementing the **SB 1383** regulations. All cities would receive initial funding to help get this unfunded mandate up and running in all cities.



## Key messages

- 7 out of 10 cities surveyed anticipate a solid waste and recycling rate increase between 1 to 20 percent in the next three years.
- The burden of paying for the costs associated with implementing the program will fall to residents and businesses without a source of state funding.
- Cities need both funding and **SB 619** – while funding will greatly aid cities with initial implementation costs, additional regulatory changes may be necessary to maximize program effectiveness and efficiency, and address challenges that may arise in program implementation.
- With the economic hardships facing cities, residents, and businesses due to the COVID-19 pandemic, more time and a flexible enforcement of the regulations, such as those contemplated in **SB 619**, will be needed to soften the blow of increased solid waste rates and to get programs running.



# Transportation, Communications, and Public Works

Caroline Cirrincione, Legislative Analyst  
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# Priority Broadband Bills

**AB 14 (Aguiar-Curry) Communications. Broadband Services. California Advanced Services Fund (CASF).**

**SB 4 (Gonzalez) Communications: CASF. Deaf and Disabled Telecommunications Program. Surcharges.**

These measures would reform the existing CASF surcharge to help close the digital divide. Specifically, these measures would:

- Continue to fund CASF beyond the original 2022 sunset date
- Make it easier for local governments to apply for these grants
- Expand the definition of unserved, making more areas eligible for funding
- Raise speed requirements for new networks
- Make it more difficult for existing internet providers to block or delay grants

**Cal Cities Position: Support**

## Key messages

- Cal Cities is committed to closing the digital divide while continuing to protect and modernize the critical infrastructure in our communities.
- As local governments mobilized to address COVID-19, lack of access to reliable and affordable broadband service was highlighted as communities struggled to stay connected to school, work, and healthcare in the new digital environment.
- While Californians increasingly use the internet to connect with others, local governments have taken to online platforms to ensure civic engagement during these unprecedented times.
- Expanding the eligibility requirements for funding provides opportunities for communities struggling with obsolete speeds to ensure their residents can receive reliable and affordable broadband.
- **AB 14** and **SB 4** take a step in the right direction, ensuring continued collection of an essential source of broadband funding so local governments can continue to play a vital role in deploying broadband infrastructure in their communities.

# Broadband Funding

## **AB 34 (Muratsuchi) Communications. Broadband for All Act of 2022.**

This measure would enact a \$10 billion general obligation bond measure for the statewide general election ballot on November 8, 2022. Specifically, this measure would:

- Allocate funding to cities, counties, special districts, school districts, universities, community colleges, state emergency service providers, California Native American tribes, and joint power authorities to build their own broadband networks.
- Require funded networks to be "open-access" — meaning any provider could pay to use it.
- Reserve 25% of funding for unserved or disadvantaged communities.
- Direct the Department of Technology to administer funds.

**Cal Cities Position: Support in Concept**

# Broadband Permitting

## **AB 537 (Quirk) Communications. Wireless Telecommunications and Broadband Facilities.**

This measure would implement the Federal Communications Commission's (FCC) adopted regulations on broadband permit shot clocks into state law.

**Cal Cities Position: Watch (Requested Amendments)**

## **SB 378 (Gonzalez) Local Government. Broadband Infrastructure Development Project Permit Processing. Microtrenching Permit Processing Ordinance.**

This measure would require local governments to allow microtrenching for the installation of underground fiber if the installation in the microtrench is limited to fiber.

**Cal Cities Position: Watch (Requested Amendments)**

# Broadband Permitting

## **SB 556 (Dodd) Street Light Poles, Traffic Signal Poles: Small Wireless Facilities Attachments.**

This measure would:

- Directly conflict with Federal Communications Commission's (FCC) adopted regulations on wireless services deployment.
- Require local governments to make space available on street light poles, traffic signal poles, utility poles, and other public infrastructure to telecommunications providers.
- Create ambiguity in the fees local governments can charge for access to their infrastructure.

**Cal Cities Position: Oppose**

# Governance, Transparency, and Labor Relations

Bijan Mehryar, Legislative Representative  
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# Unfunded State Mandates

## **SB 278 (Leyva) Public Employees' Retirement System. Disallowed Compensation.**

This measure would require public agencies and schools to directly pay retirees and/or their beneficiaries disallowed retirement benefits using their general fund and Proposition 98 dollars.

It also places 100 percent liability for these overpayments on public agencies. This measure would remove all responsibility by CalPERS to ensure benefits are reviewed, calculated, and administered correctly.

**Cal Cities Position: Oppose**

## Key messages

- **SB 278** is a de facto and retroactive benefit enhancement measure that will further strain local agency budgets at a time when retirement obligations are effectively eliminating agencies' ability to provide critical services to the public.
- **SB 278** would require public agencies to issue direct general fund payments for benefits deemed unlawful by CalPERS, constituting a gift of public funds.
- **SB 278** would present cities with costly operational challenges to track and report these liabilities to the federal government. Such additional responsibilities will require cities to hire costly outside actuarial and legal experts to ensure compliance with federal reporting laws.
- **SB 278** fails to recognize that legal counsel for employers and employees agreed to terms of employment and compensation through the collective bargaining process and insinuates that the employer is solely at fault.

# Unfunded State Mandates

## **AB 339 (Lee) Local Government. Open and Public Meetings.**

This measure would require city councils and boards of supervisors for cities and counties that have more than 250,000 people in their jurisdiction to:

- Provide telephonic **OR** internet based call-in but would not require two-way video.
- Remove all language translation and interpretation requirements.
- Sunset on December 31, 2023.

**Cal Cities Position: Oppose**

# Public Safety

Elisa Arcidiacono, Legislative Representative  
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# Decertification of Law Enforcement

## **SB 2 (Bradford) Peace Officers. Certification. Civil Rights.**

This measure would:

- Lower the standard for filing a lawsuit under The Tom Bane Civil Rights Act.
- Impact the federally held doctrine of qualified immunity, that protects state and local governments from having to pay damages for actions not yet deemed unconstitutional by a court.
- Outline a peace officer decertification process.

**Cal Cities Position: Oppose**

## Key messages

- **SB 2** would remove the legal requirement in The Bane Act that public officials intended to violate a person's civil rights. The change would subject public employees to the Bane Act's enhanced civil, and in some cases criminal, liability any time someone claims an employee made an error or disagrees with the outcome of a decision.
- **SB 2** would completely undo the intent of The Bane Act and open the floodgates for a surplus of frivolous lawsuits against public officials and agencies, with taxpayers footing the bill to support a spike in lawsuits and potentially multi-million-dollar payouts.
- There are already remedies for wrongful death, violence, and threats of violence but those do not include the application of heightened fines, attorney's fees, and punitive damages.
- If the intent is to remove officers guilty of serious misconduct, then The Bane Act section of the bill should be removed as it fails to create more accountability but punishes cities and counties.

## Key messages

- Qualified immunity has clearly outlined parameters and does not apply to every officer in every incident and is meant to protect state and local governments from having to pay damages for actions not yet deemed unconstitutional by a court.
- The courts state that “this accommodation for reasonable error exists because officials should not err always on the side of caution because they fear being sued.” *Hunter v. Bryant*, (1991).
- The powers granted to the Commission on Peace Officers Standards and Training to investigate and proceed with findings undercuts the leadership of our chiefs of police.
- Cal Cities recognizes the need for a decertification process and firmly supports officer accountability through the creation and utilization of oversight entities. However, SB 2 misses the mark on both, and opens cities up for liability to the point of potential bankruptcy.

# Release of Law Enforcement Records

## **SB 16 (Skinner) Peace Officers. Release of Records.**

This measure would:

- Make every incident involving use of force, sustained findings of unlawful arrests and unlawful searches, and incidents where a peace officer or custodial officer engaged in conduct involving prejudice or discrimination on the basis of specified protected classes to be subject to disclosure;
- Require indefinite retention of all complaints and related reports or findings currently in the possession of a department or agency; and
- Require records subject to disclosure to be provided no later than 45 days from the date of a request for their disclosure, and would impose a civil fine not to exceed \$1,000 per day for each day beyond 30 days that records subject to disclosure are not disclosed.

**Cal Cities Position: Oppose**



## Law Enforcement Technology/Access

### **SB 210 (Wiener) Automated License Plate Recognition Systems. Use of Data.**

This measure would require Automated License Plate Reader data that does not match a hot list be destroyed within 24 hours.

**Cal Cities Position: Oppose**

# Officer Use of Force

## **AB 48 (Gonzalez) Law Enforcement. Kinetic Energy Projectiles and Chemical Agents.**

This measure would:

- Prohibit the use of kinetic energy projectiles or chemical agents to disperse any assembly, protest, or demonstration, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive.
- Limit those weapons only to be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer.

**Cal Cities Position: Oppose**

# Law Enforcement Investigations

## **AB 718 (Cunningham) Peace Officers. Investigations of Misconduct.**

This measure would:

- Require a law enforcement agency or oversight agency to complete its investigation despite the peace officer's or custodial officer's voluntary separation from the employing agency.
- Require an agency conducting an investigation of these allegations to disclose its findings with the employing agency no later than the conclusion of the investigation.

**Cal Cities Position: Support**



# Housing, Community and Economic Development

Jason Rhine, Assistant Legislative Director  
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# Planning and Zoning

## **SB 9 (Atkins) Housing Development Approvals.**

This measure would require cities and counties to ministerially approve, without condition or discretion, a housing development containing two residential units on an individual parcel in single-family zones. Additionally, this measure would require local governments to ministerially approve an urban lot split, thus creating two independent lots that may be sold separately. SB 9 would allow up to six housing units on a parcel that was otherwise zoned for one home.

**Cal Cities Position: Oppose**

# Key messages

- Housing supply and affordability are among the most critical issues facing California cities. The COVID-19 pandemic has only intensified and highlighted this urgent issue.
- Cities are committed to planning and zoning for more housing in a manner that acknowledges state housing goals, but also respects community input and involvement.
- **SB 9** is a top-down, one-size-fits-all approach to land use policy that fails to recognize or incorporate local flexibility, decision-making, and community input.
- Nearly all cities are currently updating their housing plans to identify sites for more than two million additional homes. **SB 9** would disregard this process and mandate more housing in existing single-family zones.
- Lawmakers must avoid pushing new, unproven policies that would undermine local planning, change the rules mid-stream, or conflict with the myriad of new housing laws recently passed that cities are now implementing.

# Planning and Zoning

## **AB 215 (Chiu) Housing Element.**

This measure would require cities to have a mid-cycle housing element consultation with HCD if housing production is below the regional average; require cities to amend their laws so as to attain HCD's "pro-housing designation" if housing production is substantially below the regional average; and allow the Attorney General to enforce violations of the Housing Crisis Act of 2019 (SB 330, Skinner).

**Cal Cities Position: Oppose**

# Planning and Zoning

## **AB 989 (Gabriel) Housing Appeals Committee.**

This measure would require HCD to establish a housing appeals committee and would establish procedures by which an applicant for a conditional use permit or other discretionary approval for a housing development project, could appeal to that committee the decision of a city or county to either deny the application or approve the application with conditions in a manner rendering it infeasible for the development of the housing development project.

**Cal Cities Position: Oppose**



# Planning and Zoning

## **AB 1401 (Friedman) Residential and Commercial Development. Parking Requirements.**

This measure would prohibit a local government from imposing a minimum parking requirement, or enforcing a minimum parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit or located within a low-vehicle miles traveled area.

**Cal Cities Position: Oppose**



Questions?



Thank you!