

2020 FEB -6 PM 4: 03

CITY OF OAKLAND



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February 20, 2020

**RULES & LEGISLATION COMMITTEE
OAKLAND CITY COUNCIL**
Oakland, California 94612

**Re: 2019 Legislative Report (Selected Laws) from the City
Attorney's Office, Item No. 6 on the February 20, 2020, Rules
Committee Agenda**

Dear Chairperson Thao and Members of the Committee:

Attached is the City Attorney's Report of Selected Legislation Enacted in 2019. The report identifies and provides a brief summary of new California laws of interest and relevance to municipalities (Attachment A). This report is on the February 20, 2020, Rules Committee agenda.

The information provided in the attached report was obtained from the League of California Cities Legislative Report, A Compilation of 2019 Statutes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Barbara J. Parker', written over a horizontal line.

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Doryanna Moreno, Assistant City Attorney

Attachment

cc: Mayor Libby Schaaf
Members of the City Council
Sabrina Landreth, City Administrator

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ITEM NO. 6
RULES AND LEGISLATION COMMITTEE
2/20/2020

ATTACHMENT A

Report of Selected Legislation Enacted in 2019

Information obtained from California League of Cities' Annual Legislative Summary which can be viewed in full at: <https://www.cacities.org/Resources-Documents/Policy-Advocacy-Section/Legislative-Resources/Legislative-Reports/2019-Legislative-Report.aspx>

Please note: Legislation marked with an asterisk (*) has been identified as high priority by League staff.

I. BUDGET AND TRAILER BILLS

AB 97 (Committee on Budget) Cannabis. Chapter 40, Statutes of 2019 (Urgency)

This measure contains the following significant provisions related to local regulation of cannabis:

- CEQA Exemption
 - Extends the CEQA exemption through July 1, 2021.
 - Currently, CEQA does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity.
- Provisional Licenses
 - Extends the repeal date for provisional licensing to January 1, 2022; and
 - Modifies the applicant requirements to provide evidence of compliance with local ordinances. These modifications:
 - Require a provisional license to be valid for no more than 12 months from the date it was issued;
 - Require a licensing authority to include the outstanding items needed to qualify for an annual license if renewing a provisional license;
 - Authorize a licensing authority to renew provisional licenses annually until the licensing authority issues or denies the provisional licensee's annual license;
 - Authorize a licensing authority to revoke or suspend a provisional license if the licensing authority determines the licensee failed to actively and diligently pursue requirements for an annual license; and

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- Require a licensing authority to cancel a provisional license upon issuance of an annual license, denial of an annual license, abandonment of an application for licensure, or withdrawal of an application for licensure.
- Cannabis Appeals Panel Statute
 - Clarifies that the Cannabis Control Appeals Panel is established in the Business, Consumer Services, and Housing Agency (BCSHA).
- Equity Grants
 - Authorizes the GO-BIZ to administer on behalf of the BCC provisions related to the review and granting of funding for cannabis equity programs.
 - Eligible local jurisdictions may submit an application to BCC for a grant to assist with the development of an equity program or to assist local equity applicants and local equity licensees through that local jurisdiction's equity program.
- Penalties Against Unlicensed Activity
 - Authorizes a licensing authority to issue a citation to a licensee or unlicensed person for any violations of existing law or regulations related to the Control, Regulate and Tax Adult Use of Marijuana Act of 2016;
 - Authorizes licensing authorities to assess administrative fines not to exceed \$5,000 per violation for licensees and \$30,000 per violation for an unlicensed person each day; and
 - Requires proceeds from citations to be used for the recovery of investigation and enforcement costs and to be deposited into the Cannabis Control Fund.

***AB 101 (Committee on Budget) Housing Development and Financing. Chapter 159, Statutes of 2019 (Urgency)**

This measure provides \$2.5 billion in funding to address California's housing and homelessness crisis, establishes incentives to encourage cities and counties to increase housing production, establishes a process for a court to determine compliance with housing element law, and imposes penalties in cases which there is disregard of the direction of a court to fulfill responsibilities under housing element law.

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II. COMMUNITY SERVICES

A. *Aging and Seniors (p. 33)*

AB 1128 (Petrie-Norris) Program of All-inclusive Care for the Elderly. Chapter 821, Statutes of 2019

This measure exempts from licensure by the State Department of Public Health (DPH) a primary care clinic, an adult day health care center, or a home health agency that is approved by the State Department of Health Care Services (DHCS) to operate exclusively as part of a Program of All-Inclusive Care for the Elderly (PACE) organization or that provides services to individuals who are being assessed for eligibility to enroll in the PACE program under certain conditions.

B. *Animals (p. 34)*

AB 588 (Chen) Animal Shelters. Disclosure. Dog Bites. Chapter 430, Statutes of 2019

This measure requires an animal shelter, including public animal shelters, to disclose if a dog four months or older bit a person and broke that person's skin before releasing the dog. This measure requires the animal shelter to obtain a signed acknowledgment from the person obtaining the dog before the dog is released to them.

SB 245 (Chang) Public Animal Shelters. Adoptions. Veterans. Chapter 205, Statutes of 2019

This measure prohibits a public animal shelter from charging an adoption fee for a dog or cat if the person has a current and valid driver's license or identification card with the word "VETERAN" printed on its face. This measure also authorizes a public animal shelter to limit the number of dogs and cats adopted by an eligible veteran to one dog and cat every six months.

SB 313 (Hueso) Animals. Prohibition on Use in Circuses. Chapter 768, Statutes of 2019

This measure prohibits a person from sponsoring, conducting, or operating a circus in this state that uses any animal other than a domestic dog, domestic cat, or domesticated horse. This measure also prohibits a person from exhibiting or using any animal other than a domestic dog, domestic cat, or domesticated horse in a circus in the state and authorizes a civil penalty against a person who violates these prohibitions pursuant to an action brought by specified law enforcement, including a city prosecutor.

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D. Mental Health and Homelessness (p. 36)

AB 761 (Nazarian) State Armories. Homeless Shelters.

Chapter 338, Statutes of 2019

This measure authorizes, at the sole discretion of the Adjutant General, the use of any armory, deemed vacant by the Military Department throughout the year by the county or city where the armory is located, to provide temporary shelter from hazardous weather conditions for homeless persons.

AB 1235 (Chu) Youth Homelessness Prevention Centers.

Chapter 341, Statutes of 2019

This measure renames “runaway and homeless youth shelters” to “youth homelessness prevention centers,” and expands the categories of youth served by these centers to include youth at risk of homelessness and youth exhibiting status offender behavior.

This measure also extends the maximum allowable stay at these centers from 21 to 90 consecutive days.

F. Parks and Recreation (p. 38)

AB 209 (Limón) Parks. Outdoor Environmental Education. Grant Program.

Chapter 675, Statutes of 2019

This measure requires the Director of Parks and Recreation to establish the Outdoor Equity Grants Program to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands. Eligible entities for these grants include local governments and joint powers authorities, among others. This measure prioritizes funding to outdoor environmental education programs that primarily serve pupils who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency.

AB 1191 (Bonta) State Lands Commission. Exchange of Trust Lands. City of Oakland. Howard Terminal Property. Oakland Waterfront Sports and Mixed-use Project, Waterfront Access, Environmental Justice, and Revitalization Act.

Chapter 752, Statutes of 2019

This measure enacts the Oakland Waterfront Sports and Mixed-Use Project, Waterfront Access, Environmental Justice, and Revitalization Act. This measure authorizes the State Lands Commission and the San Francisco Bay Conservation and Development Commission to approve an exchange of the Howard Terminal property located in the City of Oakland for a professional sports stadium, the Oakland Sports and Mixed-Used Project.

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III. ENVIRONMENTAL QUALITY

H. Solid Waste and Recycling (p. 56)

***AB 1162 (Kalra) Lodging Establishments. Personal Care Products. Small Plastic Bottles.**

Chapter 687, Statutes of 2019

This measure prohibits lodging establishments from providing small plastic bottles containing shampoo, hair conditioner, and bath soap to guests and holds the lodging establishments liable for civil penalties in the event of a violation. This measure also prohibits a city, county, or city and county, on and after January 1, 2020, from passing or enforcing an ordinance relating to personal care products in plastic bottles provided at lodging establishments that is in conflict with this measure, unless they have passed such an ordinance that is at least as stringent as, and not in conflict with, this section, before January 1, 2020.

IV. GOVERNANCE, TRANSPARENCY AND LABOR RELATIONS

A. Labor Relations (p. 62)

***AB 5 (Gonzalez) Worker Status. Employees and Independent Contractors. Chapter 296, Statutes of 2019**

This measure, for purposes of the Labor Code, Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, requires a worker providing labor or services for payment to be classified as an employee rather than an independent contractor, subject to the three-part ABC test established in the case of *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903 (*Dynamex*). The ABC test requires the hiring entity to demonstrate that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity's business, and the person is customarily engaged in an independently established trade, occupation, or business. This measure additionally provides for exemptions under the *Dynamex* decision and subjects those exemptions to the common law test adopted in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations (DIR)* (1989) 48 Cal.3d 341 (*Borello*).

AB 672 (Cervantes) Public Employees' Retirement. Disability Retirement. Reinstatement.

Chapter 98, Statutes of 2019

This measure prohibits a person who has retired for disability from being employed by any employer without reinstatement from retirement if the position from which the person retired, or if the position includes duties or activities that the person was previously restricted from performing at the time of retirement, unless an exception applies.

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AB 1554 (Gonzalez) Employers. Dependent Care Assistance Program. Notice to Employees.

Chapter 195, Statutes of 2019

This measure requires an employer to notify an employee who participates in a flexible spending account of any deadline to withdraw funds before the end of the plan year.

***SB 142 (Wiener) Employees. Lactation Accommodation.**

Chapter 720, Statutes of 2019

This measure requires an employer to provide a lactation room and to provide access to a sink and refrigerator in close proximity to the employee's workspace. This measure deems a denial of reasonable break time or adequate space to express milk a failure to provide a rest period in accordance with state law. This measure prohibits an employer from discharging, or in any other manner discriminating or retaliating against, an employee for exercising or attempting to exercise rights under these provisions and would establish remedies that include filing a complaint with the Labor Commissioner.

B. Elections (p. 65)

***AB 220 (Bonta) Political Reform Act of 1974. Campaign Funds. Childcare Costs.**

Chapter 384, Statutes of 2019

This measure authorizes the use of campaign funds to pay for childcare expenses resulting from a candidate engaging in campaign activities.

***AB 571 (Mullin) Political Reform Act of 1974. Contribution Limits. Chapter 556, Statutes of 2019**

This measure sets the default contribution limits for elective county or city office at the level established by the Fair Political Practices Commission (FPPC) for state Senate and Assembly elections. Allows a county or city, by ordinance or resolution to impose contribution limits that differ from those established in this measure, and also allows for the adoption of enforcement standards for violations of those limits which may include administrative, civil, or criminal penalties.

***AB 849 (Bonta) Elections. City and County Redistricting.**

Chapter 557, Statutes of 2019

This measure requires the governing body of each local jurisdiction to adopt new district boundaries after each federal decennial census. This measure specifies redistricting criteria and deadlines for the adoption of new boundaries by the governing body. This measure also specifies hearing procedures that allow the public to provide input on the placement of boundaries and on proposed boundary maps. This measure requires the governing body to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process.

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AB 902 (Levine) Political Reform Act of 1974. Fair Political Practices Commission. Regulations.

Chapter 312, Statutes of 2019

This measure codifies an existing regulation adopted by the FPPC that where the filing deadline for statements or reports falls on a Saturday, Sunday, or official state holiday, the filing deadline shall be extended to the next regular business day, with the exception of reports that must be filed immediately before an election.

***AB 1043 (Irwin) Political Reform Act of 1974. Campaign Funds. Cybersecurity.**

Chapter 46, Statutes of 2019

This measure authorizes the expenditure of campaign funds to pay for, or reimburse the state for, the installation and monitoring of hardware, software, and services related to the cybersecurity of the electronic devices of a candidate, elected officer, or campaign worker. This measure also requires a candidate or elected officer to report any expenditure of campaign funds for these purposes to the FPPC in the candidate or elected officer's campaign statements.

SB 359 (Moorlach) Elections. Referendum.

Chapter 567, Statutes of 2019

This measure permits each section of a referendum petition to contain an impartial summary of the referendum instead of the text of the ordinance or the portion of the ordinance that is the subject of the referendum. The summary would be drafted by the proponents of the referendum, filed with the local elections official, and approved by the city attorney.

***SB 681 (Stern) Local Referenda and Charter Amendments. Withdrawal.**

Chapter 569, Statutes of 2019 (Urgency)

This measure authorizes the proponent of a county, municipal, or district referendum to withdraw the referendum at any time before the 88th day before the election, whether or not a petition has already been found sufficient by the elections official. This measure grants the same authority to withdraw to the proponent of an amendment of a city or county charter.

C. *Workers' Compensation/Healthcare (p. 70)*

AB 1291 (Jones-Sawyer) Adult-use Cannabis and Medicinal Cannabis. License Application. Labor Peace Agreements.

Chapter 826, Statutes of 2019

This measure requires that an applicant for a cannabis license with 20 or more employees provide a notarized statement that the applicant will enter into and abide by the terms of a labor peace agreement or demonstrate that it has already entered into a labor peace agreement. This measure further requires that an applicant with less than 20 employees at the time of application, which has not yet entered into a labor peace agreement, provide a notarized statement as a part of its application indicating that the

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applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing 20 employees.

***SB 542 (Stern) Workers' Compensation.**

Chapter 390, Statutes of 2019

This measure provides that in the case of state and local firefighting personnel and peace officers, the term "injury" also includes post-traumatic stress that develops or manifests itself during a period in which the injured person is in the service of the department or unit. This measure applies to injuries occurring on or after January 1, 2020. This measure sunsets on January 1, 2025.

D. General Government (p. 72)

***AB 931 (Boerner Horvath) Local Boards and Commissions. Representation. Appointments.**

Chapter 813, Statutes of 2019

This measure, on and after January 1, 2030, requires, with respect to a city with a population of 50,000 or more, that the city not appoint members of non-salaried, nonelected boards or commissions consisting of five or more members such that individuals of the same gender identity comprise more than 60 percent of the board or commission's membership.

AB 1223 (Arambula) Living Organ Donation.

Chapter 316, Statutes of 2019

This measure requires a private or public employer to grant an employee an additional unpaid leave of absence, not exceeding 30 business days in a one-year period, for the purpose of organ donation. This measure requires a public employee to first exhaust all available sick leave before taking that unpaid leave.

***AB 1607 (Boerner Horvath) Gender Discrimination. Notification.**

Chapter 293, Statutes of 2019

This measure, commencing January 1, 2021, requires a city, county, or city and county that issues local business licenses to provide written notification in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean of the above provisions to the licensee when the business license is issued or renewed. By requiring local agencies to comply with these requirements, this measure imposes a state-mandated local program.

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V. HOUSING, COMMUNITY AND ECONOMIC DEVELOPMENT

A. *Accessory Dwelling Units (p. 78)*

***AB 68 (Ting) Land Use. Accessory Dwelling Units.**

Chapter 655, Statutes of 2019

This measure significantly amends the statewide standards that apply to locally-adopted ordinances concerning accessory dwelling units (ADUs). This measure's changes include: prohibiting minimum lot size requirements, requiring at least 850 sq.ft. per ADU, and requiring approval within 60 days.

***AB 587 (Friedman) Accessory Dwelling Units. Sale or Separate Conveyance.**

Chapter 657, Statutes of 2019

This measure authorizes a local agency to allow, by ordinance, an ADU to be sold or conveyed separately from the primary residence to a qualified low-income home buyer.

***AB 881 (Bloom) Accessory Dwelling Units.**

Chapter 659, Statutes of 2019

This measure prohibits a local jurisdiction from requiring a property owner live in the main house or one of the accessory structures. This measure also:

- Requires local agencies to ministerially approve ADUs on lots with multi-family residences and within existing garages; and
- Adds a definition of "public transit" to mean a bus stop, bus line, light rail, street car, car share drop off or pick up, or heavy rail stop.

B. *Housing and Housing Finance (p. 79)*

***AB 1483 (Grayson) Housing Data. Collection and Reporting.**

Chapter 662, Statutes of 2019

This measure requires cities, counties, and special districts to maintain a current schedule of fees, exactions, and affordability requirements imposed by the city, county, or special district, including any dependent special district, applicable to a proposed housing development project, all zoning ordinances and development standards, and annual fee reports or annual financial reports on its internet website. Cities, counties, and special districts must also provide an archive of impact fee nexus studies, cost of service studies, or equivalent on its internet website.

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C. *Homelessness (p. 82)*

AB 143 (Quirk-Silva) Shelter Crisis. Homeless Shelters. Counties of Alameda and Orange. City of San Jose.

Chapter 336, Statutes of 2019 (Urgency)

This measure expands the eligible cities and counties that may authorize emergency housing to include emergency shelter, upon the declaration of a shelter crisis to the cities in the County of Orange, the City of San Jose, and the Counties of Orange and Alameda.

SB 211 (Beall) State Highways. Leases.

Chapter 343, Statutes of 2019

This measure authorizes Caltrans to lease highway airspace and real property to a state agency, city, county, or political subdivision of a city or county for temporary emergency shelters or feeding programs. This measure requires the entity that enters into the lease to pay Caltrans \$1 per month for the lease and an annual administrative fee up to \$5,000, or the actual cost for Caltrans to administer the lease, not to exceed \$15,000. This measure authorizes Caltrans to terminate the lease at any time without penalty if needed for departmental purposes.

D. *Land Use/Planning (p. 85)*

***AB 747 (Levine) Planning and Zoning. General Plan. Safety Element. Chapter 681, Statutes of 2019**

This measure requires cities and counties to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios in the safety element of their general plan by January 1, 2022. A city or county that has adopted a local hazard mitigation plan, emergency operations plan, or other document that fulfills commensurate goals and objectives may use that information in the safety element to comply with this requirement.

***AB 1763 (Chiu) Planning and Zoning. Density Bonuses. Affordable Housing. Chapter 666, Statutes of 2019**

This measure revises Density Bonus Law (DBL) to require a city or county to award a developer additional density (80%), concessions and incentives, and height increases if 100% of the units in a development are restricted to lower income households. A housing development that qualifies for a density bonus under this measure may include up to 20% of the total units for moderate-income households. A housing development that meets these criteria will also receive four incentives or concessions under the DBL and, if the development is located within ½ of a major transit stop, a height increase of up to three additional stories or 33 feet, and no maximum controls on density.

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***SB 330 (Skinner) Housing Crisis Act of 2019.**

Chapter 654, Statutes of 2019

This measure establishes the Housing Crisis Act of 2019, which places restrictions on certain types of development standards, amends the Housing Accountability Act (HAA), and makes changes to local approval processes and the Permit Streamlining Act. This measure, among other things, declares a statewide housing crisis and for a five-year period:

- Creates a “preliminary” housing project application;
- Freezes nearly all development related fees once a developer submits a “preliminary” application; and
- Allows a developer 2 1/2 years to begin construction without being subject to increased development fees.

F. Care Facilities (p. 90)

SB 234 (Skinner) Family Daycare Homes.

Chapter 244, Statutes of 2019

This measure revises statutes regarding licensed family daycare homes pertaining to local zoning laws and housing protections. This measure instead requires a large family daycare home to be treated as a residential use of property for purposes of all local ordinances. This gives large family daycare homes the same status as small family daycare homes with regard to local ordinances. This measure additionally revises provisions of law to:

- Update housing protections for licensed family daycare providers to ensure they will not be prohibited from living in a home solely based on the fact that they are operating a family daycare home;
- Clarify that licensed family daycare homes are permitted to operate in apartments and other types of multifamily units;
- Clarify that family daycare providers may be subject to remedies and procedures available to them under FEHA; and
- Require the SFM to update the building and fire standards relating to life and fire safety for large and small family daycare homes.

I. Excess and Surplus Property (p. 94)

***AB 1255 (Rivas, Robert) Surplus Public Land. Inventory.**

Chapter 661, Statutes of 2019

This measure requires each county and each city to make a central inventory of specified surplus land and excess land located in all urbanized areas and urban clusters on or before December 31 of each year. The city or county must make a description of each parcel and its present uses a matter of public record and report this information to the HCD no later than April 1 of each year, beginning April 1, 2021. HCD may delay implementation of this requirement for one year. HCD must then provide this information to the state Department of General Services (DGS) for inclusion in a digitized inventory of state surplus land sites.

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A county or city, upon request, must provide a list of its surplus governmental properties to a citizen, limited dividend corporation, housing corporation, or nonprofit corporation without charge.

K. *Miscellaneous (p. 96)*

AB 206 (Chiu) Public Nuisance. Abatement. Lead-based Paint. Chapter 171, Statutes of 2019

This measure makes a property owner who participates in a program to abate lead-based paint created as a result of a judgment or settlement in any public nuisance or similar litigation, and all public entities, immune from liability in any lawsuit seeking to recover any cost associated with that abatement program.

This measure also clarifies that participation in a lead paint abatement program is not considered evidence that a property constitutes a nuisance, or is substandard or untenable. This measure does not alter existing obligations on homeowners to maintain their property under applicable law or otherwise limit a tenant's legal remedies for addressing the presence of lead paint on a dwelling.

***AB 377 (Garcia, Eduardo) Microenterprise Home Kitchen Operations. Chapter 536, Statutes of 2019 (Urgency)**

This measure states that the governing body of a city, county, or city and county that is designated as the enforcement agency may authorize within its jurisdiction the permitting of microenterprise home kitchen operations (MEHKO). If a governing body of a city, county, or city and county authorizes the permitting of microenterprise home kitchen operations, the authorization shall apply to all areas within its jurisdiction, including being applicable to all cities within a county that authorizes microenterprise home kitchen operations, regardless of whether each city located within the jurisdiction of the county separately authorizes them. This measure also clarifies the inspection requirements for MEHKOs and clarifies regulations for MEHKO permit holders.

VI. PUBLIC SAFETY

B. *Cannabis (p. 99)*

SB 527 (Caballero) Local Government. Williamson Act. Cultivation of Cannabis and Hemp.

Chapter 273, Statutes of 2019

This measure clarifies that commercial cannabis and hemp cultivation may be designated as an agricultural use or a compatible use under the Williamson Act (WA). Specifically, this measure defines industry hemp as an agricultural commodity. It also provides that commercial cultivation of cannabis, as defined by the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), may constitute a compatible use on WA or non-contracted lands (agriculture preserves).

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***SB 630 (Stern) Human Trafficking.**

Chapter 57, Statutes of 2019

This measure provides that state law does not preempt local ordinances related to human trafficking. Specifically, this measure:

- Provides that nothing in the law establishing requirements for training of employees or posting of notices prevents a local governing body from adopting and enforcing a local ordinance, rule, or regulation to prevent slavery or human trafficking; and
- Provides that if a local ordinance, rule, or regulation duplicates or supplements those requirements that state law imposes upon businesses and other establishments, state law does not supersede or preempt that local ordinance, rule, or regulation.

E. Firearms and Other Weapons (p. 105)

AB 61 (Ting) Gun Violence Restraining Orders.

Chapter 725, Statutes of 2019

This measure, beginning September 1, 2020, expands the category of persons who may file a petition requesting an ex parte, one-year, or renewal GVRO to include:

- An employer;
- A coworker who has had substantial and regular interactions with the subject of the petition for at least one year and has obtained the employer's approval; and
- An employee or teacher of a secondary or postsecondary school that the subject has attended in the last six months, if the employee or teacher has obtained the approval of the school administration staff.

F. Fire Service, Emergency and Disaster Response (p. 109)

***AB 1168 (Mullin) Emergency Services. Text to 911.**

Chapter 237, Statutes of 2019

This measure requires, by January 1, 2021, each public safety answering point (PSAP) to deploy a text to 911 services that enables an individual to text "911" for emergency services, and that is capable of accepting Short Message Service (SMS) messages and Real-Time Text (RTT) messages.

***SB 160 (Jackson) Emergency Services. Cultural Competence.**

Chapter 402, Statutes of 2019

This measure requires cities and counties to integrate cultural competency, as defined, in the next regular update to their emergency plan. Specifically, this measure:

- Requires city and county local emergency managers to incorporate cultural competence, as defined, into their emergency plan upon its next update and at a minimum, describe how all cultural populations within its jurisdiction are served by emergency notifications, evacuations, sheltering, mitigation, prevention, planning, and preparedness;

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- Requires cities and counties, when updating their emergency plans, to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities;
- Provides that cities and counties may establish a separate community advisory board, as specified, for the purpose of cohosting, coordinating, and conducting outreach for the community engagement forums;
- Defines “cultural competence” to mean the ability to understand, communicate with, and effectively interact with people across cultures in order to ensure that the needs of all community members are addressed, with priority given to “culturally diverse communities.” “Cultural competence” includes, but is not limited to, being respectful and responsive to the cultural and linguistic needs of diverse population groups;
- Defines “culture” to mean, but is not limited to, race, ethnicity, age, gender, sexual orientation, disability, religion, income level, education, geographic location, or profession; and
- Defines “culturally diverse communities” to include, but not limited to, race and ethnicity, including indigenous peoples, communities of color, and immigrant and refugee communities; gender, including women; age, including the elderly and youth; sexual and gender minorities; people with disabilities; occupation and income level; people with disabilities; occupation and income level including low-income individuals and the unhoused; education level; people with no or limited English language proficiency; as well as geographic location.

***SB 438 (Hertzberg) Emergency Medical Services. Dispatch. Chapter 389, Statutes of 2019**

This measure makes clear that medical control by a local emergency medical services agency (LEMSA) medical director, or medical direction and management of an emergency medical services (EMS) system, will not be construed to limit, supplant, prohibit, or otherwise alter a public safety agency’s (PSA’s) authority to directly receive and process requests for assistance originating within the PSA’s territorial jurisdiction through the emergency “911” system.

This measure prohibits, with some exceptions, a public agency from delegating, assigning, or entering into a contract for “911” call processing or emergency notification duties regarding the dispatch of emergency response services, unless the contract or agreement is with another public agency. It also requires a PSA that provides “911” call processing services for medical response to make a connection available from the PSA dispatch center to an EMS provider’s dispatch center for the timely transmission of emergency response information.

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H. Judicial Processes and Criminal Procedure (p. 113)

***AB 339 (Irwin) Gun Violence Restraining Orders. Law Enforcement Procedures.**

Chapter 727, Statutes of 2019

This measure requires specified law enforcement agencies, including municipal police departments, by January 1, 2021, to develop, adopt, and implement written policies and standards relating to GVROs. This measure states that an agency's written policies and standards developed pursuant to these provisions must be consistent with any GVRO training administered by the Commission on Peace Officer Standards and Training, and must include specified standards and procedures. Finally, this measure encourages law enforcement agencies to consult with gun violence prevention experts and mental health professionals in developing these policies and standards.

***AB 1600 (Kalra) Discovery. Personnel Records. Peace Officers and Custodial Officers.**

Chapter 585, Statutes of 2019

This measure accelerates the timing of motions for discovery of peace or custodial officer personnel records, commonly referred to as Pitchess motions, in all criminal cases.

Explicitly, this measure shortens the amount of notice that the defense must give prior to the hearing on the Pitchess motion from sixteen court days to ten court days. In doing so, it also shortens the timeframe within which an opposition to the motion or a reply to the opposition must be filed.

In addition, this measure permits the discovery of records of supervisory officers even if those officers neither were present during the arrest or at the time conduct is alleged to have occurred within a jail facility, nor had any contact with the party seeking disclosure from the time of the arrest until the time of booking.

Specifically, if a supervisory officer issued command directives or had command influence over the circumstances and had direct oversight of an officer - who either was present during the arrest or at the time conduct is alleged to have occurred within a jail facility, or had contact with the party seeking disclosure from the time of arrest until the time of booking - the supervisor's record will be subject to disclosure through the Pitchess motion process.

J. Public Safety Professionals (p. 123)

***SB 230 (Caballero) Law Enforcement. Use of Deadly Force. Training. Policies. Chapter 285, Statutes of 2019**

This measure requires law enforcement agencies to maintain a policy that provides guidelines on the use of force, utilizing de-escalation techniques, and other alternatives

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to use of force, specific guidelines for the application of deadly force, and factors for evaluating and reviewing all use of force incidents. Specifically, this measure:

- Requires each law enforcement agency to maintain a policy that provides a minimum standard on the use of force and includes specified elements;
- Requires each law enforcement agency to make its use of force policy accessible to the public;
- Requires the California Commission on Peace Officers Standards and Training (POST) to develop and implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force and to also develop uniform, minimum guidelines for adoption and promulgation by California law enforcement agencies for use of force; and
- Provides that the course or courses of instruction, the learning and performance objectives, the standards for the training, and the guidelines must be developed by POST in consultation with appropriate groups and individuals having an interest and expertise in the field on use of force. The groups and individuals must include, but not be limited to, law enforcement agencies, police academy instructors, subject matter experts, and members of the public. POST, in consultation with these groups and individuals, is required to review existing training programs to determine the ways in which use of force training may be included as part of ongoing programs.

SB 338 (Hueso) Senior and Disability Victimization. Law Enforcement Policies. Chapter 641, Statutes of 2019

This measure establishes the "Senior and Disability Justice Act," which:

- Authorizes local law enforcement agencies to adopt a policy regarding senior and disability victimization;
- Requires that if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including those provisions related to enforcement and training;
- Requires a law enforcement agency that adopts or revises a policy on elder and dependent adult abuse on or after April 13, 2021, to make available a copy upon request to the state protection and advocacy agency; and
- Makes clarifying changes to related provisions with respect to the entities that have jurisdiction to investigate elder and dependent adult abuse.

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L. Miscellaneous (p. 125)

***AB 1289 (Chen) Alarm Company Act. Local Use Permit.
Chapter 65, Statutes of 2019**

This measure prohibits a city, county, or city and county from fining an alarm company requesting dispatch to a residential or commercial customer that does not have a current local use permit for an alarm system if either of the following applies:

- It was not the alarm company's legal responsibility to obtain the local use permit for the customer or renew the local use permit for the customer; or
- If it is the alarm company's legal responsibility to renew the local use permit for the customer, but the alarm company was not notified that the customer's local use permit had expired.

VII. REVENUE AND TAXATION

B. Utility User Tax (p. 131)

**AB 1208 (Ting) Utility User Taxes. Exemption. Clean Energy Resource.
Chapter 238, Statutes of 2019**

This measure extends the sunset on the existing exemption from local utility user taxes (UUT) for electricity generated by a clean energy resource located solely on the customers' premises for use only by that customer. This measure specifically applies to all cities, including charter cities. This measure sunsets on January 1, 2027.

C. Property Tax Administration (p. 131)

**SB 196 (Beall) Property Taxes. Community Land Trust.
Chapter 669, Statutes of 2019**

This measure enacts a new welfare exemption from property owned by a community land trust and modifies property tax assessments of property subject to contracts with a community land trust.

D. Local Government Finance (p. 132)

***AB 116 (Ting) Local Government.
Chapter 656, Statutes of 2019**

This measure makes changes to Enhanced Infrastructure Financing District (EIFD) law, including the removal of the 55 percent vote requirement for bond issuances. This measure is effective January 1, 2020.

***AB 485 (Medina) Local Government. Economic Development Subsidies.
Chapter 803, Statutes of 2019**

This measure prospectively requires each local agency, before approving an economic development subsidy for a warehouse distribution center (one hundred thousand dollars (\$100,000) or more), to provide detailed information related to the impacts of the

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proposed warehouse, hold annual public hearings and annually report on any granted subsidies. Specifically, this measure:

- Prohibits a local agency from signing a nondisclosure agreement regarding a warehouse distribution center as part of negotiations for any subsidy;
- Requires all of the following information to be made available to the public in written form and through its Web site, in addition to being submitted to the Governor's Office of Business and Economic Development (GO-Biz):
 - The name and address of all corporations, including members of a commonly controlled group or members of a combined reporting group of which the corporation is a member, or any other business entities, except for sole proprietorships, that are the beneficiary of the economic development subsidy;
 - The name and address of all warehouse distribution centers that are the beneficiary of the subsidy;
 - The information required under existing law for any economic development subsidy;
 - The estimated number of workers employed through temporary agencies;
 - Whether any benefit package is offered;
 - For each warehouse distribution center that is the beneficiary of the subsidy, the outreach, training, and hiring plans, including plans to hire disadvantaged workers, and a description and total value of any state or federal subsidies applied for, or received by, the warehouse distribution center; and
 - A description of any accountability measures provided in the contract if the warehouse distribution center does not meet the goal outlined in the contract for subsidies.
- Requires the information to remain available to the public under existing state and federal law and to be posted on the local agency's Web site for the entire term of the subsidy;
- Requires each local agency to provide public notice and conduct a hearing before granting a subsidy to a warehouse distribution center. This is not required if a hearing and notice regarding the subsidy is otherwise required by law;
- Requires a local agency, after it grants a subsidy for a warehouse distribution center, to issue an annual report for each subsidy during the term of each subsidy and make the report available to the public and through its Web site, *in addition to* being submitted to GO-Biz;
- Requires each local agency, after it grants a subsidy for a warehouse distribution center, to hold an annual public hearing during the term of the subsidy to consider any written or oral comments on the information contained in the annual report;

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- Requires each public hearing required by this measure to be consolidated with a local agency's regularly scheduled hearing; and
- Requires a warehouse distribution center to provide a local agency any information necessary to comply with this measure.

AB 1743 (Bloom) Local Government. Properties Eligible to Claim or Receiving a Welfare Exemption.

Chapter 665, Statutes of 2019

This measure expands the properties that are exempt from community facility district (CFD) taxes to include properties that qualify for the property tax welfare exemption, provides that "method of financing" under Zoning and Planning Law includes qualifying for the welfare exemption and provides, under the Housing Accountability Act (HAA), that inconsistency with the zoning ordinance or general plan land use designation or the receipt of a welfare exemption shall not constitute a specific, adverse impact upon the public health or safety.

SB 379 (Committee on Governance and Finance) Validations.

Chapter 74, Statutes of 2019 (Urgency)

This measure enacts the First Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

SB 380 (Committee on Governance and Finance) Validations.

Chapter 75, Statutes of 2019 (Urgency)

This measure enacts the Second Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

SB 381 (Committee on Governance and Finance) Validations.

Chapter 76, Statutes of 2019

This measure enacts the Third Validating Act of 2019 to validate the organization, boundaries, acts, proceedings, and bonds of state and local agencies. Validating Acts protect investors from the chance that a minor error might undermine the legal integrity of a public agency's bond.

E. Miscellaneous (p. 134)

***AB 498 (Weber) Business Licensing. Fees. Exemptions. Veterans.**

Chapter 227, Statutes of 2019

This measure exempts a veteran of the U.S. Armed Forces from paying any local business license fees for a business that offers or provides services if the veteran is the sole proprietor. This measure specifically applies to all cities, including charter cities.

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***AB 857 (Chiu) Public Banks.**

Chapter 442, Statutes of 2019

This measure authorizes cities and counties to form public banks, subject to approval from the Department of Business Oversight and the Federal Deposit Insurance Corporation (FDIC).

***AB 945 (McCarty) Local Government. Financial Affairs. Surplus Funds.**

Chapter 619, Statutes of 2019

This measure increases from 30 percent to 50 percent the maximum allowable percentage of a local agency's surplus funds that the local agency may invest in depository institutions that use a private sector entity to assist in the placement of deposits. In addition, this measure:

- Places limits on a local agency if it pools its monies with other local agencies by only allowing it to invest up to 30 percent of its surplus funds in placement services. If that same local agency wants to separately invest outside of the pool, it would only be able to invest an additional 20 percent of its surplus funds in placement services for a maximum of 50 percent;
- Clarifies that local agency deposits in depository institutions which use private sector placement agencies are subject to existing limitations on the amount of money a local agency may deposit in a depository institution at a level intended to ensure that a local agency's deposits do not exceed the net worth, shareholder equity, or unimpaired capital and surplus of the depository;
- Requires placement agencies to ensure that each local agency which deposits its money in a depository institution that uses a private sector placement agency be provided, on a monthly basis, with an inventory of all depository institutions in which deposits have been placed on that local agency's behalf;
- Requires placement agencies to establish policies and procedures intended to ensure that they do not place additional deposits from a particular local agency with a depository institution, when such additional deposits would result in that local agency's total amount on deposit at that depository institution exceeding the FDIC or National Credit Union Administration limit; and
- Requires that depository institutions request that a participating local agency inform it of other depository institutions where it locates its deposits, which the depository institution must then provide to the private sector entity that assists with the placement of those deposits.

SB 646 (Morrell) Local Agency Utility Services. Extension of Utility Services.

Chapter 78, Statutes of 2019

This measure revises and further clarifies the definition of "fee" to mean a fee for the physical facilities necessary to make a water connection or sewer connection, and that

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the estimated reasonable cost of labor and materials for installation of those facilities bears a reasonable relationship to the payer's burdens on, or benefits received from, the water connection or sewer connection.

SB 780 (Committee on Governance and Finance) Local Government Omnibus Act of 2019.

Chapter 329, Statutes of 2019

This measure is the annual local government omnibus measure which makes several minor changes to state laws governing local agencies' powers and duties. Specifically, this measure:

- Changes the name of the "Roster of Public Agencies" to the "Registry of Public Agencies" maintained by the Secretary of State;
- Requires any entity authorized to issue a building permit to the list of entities that are required to provide building permits to the county assessor;
- Requires county auditors to report annual Vehicle License Fee adjustment amounts for the county and each city in the county for that fiscal year information in an electronic format specified by the SCO and directs SCO to compile and report this information on its website in a readily accessible electronic format; and
- Allows the Weed Recreation and Parks District to exercise the powers of a Cemetery District, if approved by the Siskiyou County LAFCO.

VIII. TRANSPORTATION, COMMUNICATIONS AND PUBLIC WORKS

C. Electric Vehicles, Vehicle Emissions and Vehicle Technology (p. 139)

***AB 1100 (Kamlager-Dove) Electric Vehicles. Parking Requirements. Chapter 819, Statutes of 2019**

This measure requires existing and future parking spaces served by electric vehicle charging equipment to be counted towards compliance with local parking minimums. This measure also requires existing and future accessible parking spaces with an access aisle served by electric vehicle charging equipment to be counted as at least two standard automobile parking spaces towards compliance with local parking minimums.

D. Parking (p. 142)

***AB 833 (Lackey) Parking Penalties. Chapter 495, Statutes of 2019 (Urgency)**

This measure clarifies that late fees and/or penalty assessments associated with parking violations are not to be calculated into the \$300 programmatic cap for a local entity's payment installment plan.