



**Affordable Housing and Homelessness Legislative Advocacy Position**

***AB 11 – Community Redevelopment Law of 2019.***

**Bill Summary:** The intent of AB 11 is to restore tax increment financing as a tool to local jurisdictions to enable the production of affordable housing. If passed, the bill could provide Santa Clara with a useful financing tool for the development of infrastructure in support of meeting the City's affordable housing goals.

**Status of Bill:** This is now a 2-year bill.

***AB 68 – Land use: accessory dwelling units.***

**Bill Summary:** AB 68 makes major changes to facilitate the development of more ADUs and address barriers to building. The bill reduces barriers to ADU approval and construction, which will increase production of these low-cost, energy-efficient units and add to California's affordable housing supply.

The City's Zoning Code was recently amended to comply with State law regarding ADUs. These new amendments can be addressed in the upcoming Zoning Code update. Some community members may find these new mandates to be too permissive.

**Status of Bill:** AB 68 was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 655, Statutes of 2019.

***AB 881 – Accessory dwelling units.***

**Bill Summary:** AB 881 removes impediments to ADU construction by restricting local jurisdictions' permitting criteria, clarifying that ADUs must receive streamlined approval if constructed in existing garages, and eliminating local agencies' ability to require owner-occupancy for five years.

The City's Zoning Code was recently amended to comply with State law regarding ADUs. These new amendments can be addressed in the upcoming Zoning Code update. Some community members may find these new mandates to be too permissive.

**Status of Bill:** AB 881 was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 659, Statutes of 2019.

***AB 891 – Public property: safe parking program.***

**Bill Summary:** In an effort to provide safe space for individuals who live in their vehicles, this bill requires cities and counties with greater than 330,000 population to establish a safe parking program for vehicle dwellings. Safe parking programs are

required to include bathroom facilities, onsite security, a background check process and other regulations. Counties of less than 1 million that have a safe parking program are deemed in compliance. The bill provides that a city or county that establishes a safe parking program pursuant to this bill is not civilly liable for an employee's good faith act or omission that fails to prevent an injury to a person participating in the program that occurs in, or in close proximity to, a safe parking program location. This immunity does not apply to gross negligence, intentional misconduct, or violations of other provisions of law.

This bill does not require the City of Santa Clara to prepare a safe parking program, but the County of Santa Clara would be required to develop such a program in coordination with local cities. Should a safe parking program move forward within Santa Clara, the bill would provide legal protections for City employees.

**Status of Bill:** This bill was vetoed by the Governor on October 12, 2019.

***AB 1482 – Tenant Protection Act of 2019: tenancy: rent caps.***

**Bill Summary:** AB 1482 limits rent-gouging in California by placing an upper limit on annual rent increases: 5% plus inflation. To prevent landlords from engaging in rent-gouging by evicting tenants, this bill also requires that a landlord have and state a just cause, as specified, in order to evict tenants who have occupied the premises for a year. Both the rent cap and the just cause provisions are subject to exemptions including, among others: housing built in the past 15 years, single family residences unless owned by a real estate trust or a corporation. This bill sunsets after ten years and does not preempt any local rent control or just cause ordinances.

This measure would have varying impacts on state and local revenues, specifically property tax, sales tax, and income tax revenues, depending on the actions of landlords and renters.

The bill protects existing just cause ordinances while allowing local governments in the future to adopt new ordinances that are more protective of tenants than this bill. This means that in a jurisdiction that has a just cause ordinance adopted prior to Sept. 1, 2019 that local ordinance and not this bill applies to units covered by the local ordinance. Santa Clara does not have a just cause ordinance. Any jurisdiction may adopt a new just cause ordinance or amend an existing one provided that at a minimum it provides the same level of protection from eviction that this bill does. With new or amended ordinances, jurisdictions can go further than this bill by limiting causes, providing greater relocation assistance, or adding stronger tenant protections. However, they cannot enforce a new or amended ordinance that is weaker. In that case, this bill would apply.

**Status of Bill:** This bill was approved by the Governor on October 8, 2019 and was chaptered by the Secretary of State under Chapter 597, Statutes of 2019.

***AB 1483 – Housing data: collection and reporting.***

**Bill Summary:** This bill requires that local jurisdictions make publicly available on the internet a current schedule of fees, exactions and affordability requirements, all zoning,

design and development standards, annual fee reports for the current and previous five years, and an archive of impact fee nexus studies and cost of service studies. The State HCD is also required to develop a 10-year housing data strategy.

Passage of the bill will increase workload for staff who will have to review and update the City's website within 30 days of any changes to comply with the new requirements.

**Status of the Bill:** The bill was approved by the Governor on October 10, 2019 and was chaptered by the Secretary of State under Chapter 662, Statutes of 2019.

***AB 1485 – Housing development: streamlining.***

**Bill Summary:** AB 1485 proposes various changes to SB 35, that was recently adopted to allow for streamlining of housing developments that include a percentage of low income and/or moderate-income housing. AB 1485 expands the SB 35 streamlined ministerial approval process for qualifying projects in the Bay Area.

In the nine county Bay Area, this bill would allow developments that restrict 20% of the units in a development to 120% of area median income (AMI) or less to access streamlining in jurisdictions that have not met their above-moderate (market) income RHNA for the prior reporting period. The average income of the 20% set-aside must be 100% of AMI and households can only be charged 30 percent of their income in rent or mortgage payments.

While some provisions in SB 35 continue to potentially apply to Santa Clara, the proposed modifications in AB 1485 would not affect Santa Clara at present as the City is meeting its RHNA targets for above-moderate units. In general, the City is somewhat protected from the impacts of a mandated ministerial approval process through provisions and objective criteria included within the General Plan, Specific Plan, or Zoning Code, but if projects make use of such provisions in the future, it would limit most opportunities for public engagement in the land use planning process for a particular project.

**Status of Bill:** The bill was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 663, Statutes of 2019.

***AB 1486 – Surplus land.***

**Bill Summary:** This bill expands Surplus Land Act requirements for local agencies, requires local governments to include specified information relating to surplus lands in their housing elements and annual progress reports (APRs), and requires the state Department of Housing and Community Development (HCD) to establish a database of surplus lands, as specified.

Existing law requires a city or county to have a general plan for development with a housing element and to submit the housing element to the Department of Housing and Community Development prior to adoption or amendment. Existing law also requires that the housing element include an inventory of land suitable and available to residential development, as specified. This bill would require the Department of Housing and Community Development to furnish the Department of General Services with a list

of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website.

**Status of Bill:** The bill was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 664, Statutes of 2019.

***AB 1487 – San Francisco Bay area: housing development: financing.***

**Bill Summary:** AB 1487 establishes the San Francisco Bay Area Regional Housing Finance Act and creates the Bay Area Housing Finance Authority (BAHFA), a regional housing agency for the nine-county San Francisco Bay Area. The bill provides for the powers and duties, governance, financing, and elections provisions for a potential regional tax measure and specifies how revenues can be spent.

This bill provides joint decision-making authority to the Executive Board of Association of Bay Area Governments (ABAG), the region's council of governments, and Metropolitan Transportation Commission (MTC) (acting as BAHFA), the region's metropolitan planning organization, with oversight provided by an advisory board with expertise in affordable housing. The choice of what revenue options to pursue and which projects to fund would be subject to the approval of both boards, with ABAG acting first. The bill also specifically states that BAHFA may not regulate or enforce local land use decisions or acquire property by eminent domain. The bill specifies that BAHFA may raise new revenue by authorizing the entity to place on the ballot in all or a subset of the nine counties in the San Francisco Bay area. The choice of what revenue options to pursue and which projects to fund would be subject to the approval of both boards, with ABAG acting first.

Staff has opposed the legislation due to the structure of a regional housing agency, which could ultimately determine the disbursement of local finances. While the bill may create a much-needed funding resource for Santa Clara's housing development pipeline, there remains the risk that the expenditure plan could still be heavily weighted toward the interests of bigger cities in the region, while there is no guarantee that funds generated by smaller cities would be allocated back to the cities of origin. The City would expect to be involved with the Countywide formation of any expenditure plan.

Recent amendments have lessened some of these concerns by removing the ability for the regional entities to utilize a sales tax to raise revenue for affordable housing. Also, both the tax measures and the adoption of a regional expenditure plan are subject to the approval of the executive board and required to be placed as a measure on the local ballot, which then requires 2/3 of all voters to vote affirmatively for the measure to take effect in the counties in which the measure appears on the ballot.

**Status of Bill:** This bill was approved by the Governor on October 8, 2019 and was chaptered by the Secretary of State under Chapter 598, Statutes of 2019.

***AB 1763 – Planning and zoning: density bonuses: affordable housing.***

**Bill Summary:** AB 1763 provides for an additional density bonus of 80% of the otherwise established maximum density for 100% affordable housing projects. Affordable projects within ½ mile of a major transit stop have no density bonus and are granted a 33-foot increase in height above the existing height limit. “Major transit stop” generally means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

Since the bill is only applicable to certain 100% affordable housing projects, it should have a limited impact upon Santa Clara. However, the City should expect that some affordable housing projects could be proposed near transit at higher densities to take advantage of these new allowances.

**Status of Bill:** The bill was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 666, Statutes of 2019.

***SB 13 – Accessory Dwelling Units.***

**Bill Summary:** SB 13 creates a tiered fee structure which charges ADUs more fairly based on their size and location. The bill also addresses other barriers by lowering the application approval timeframe, creating an avenue to get unpermitted ADUs up to code, and enhancing an enforcement mechanism allowing the state to ensure that localities are following ADU statute.

**Status of Bill:** SB 13 was approved by the Governor on October 9, 2019 and was chaptered by the Secretary of State under Chapter 653, Statutes of 2019.

***SB 50 – Planning and zoning: housing development: streamlined approval: incentives.***

**Bill Summary:** SB 50 would limit local land use control for multifamily projects that are in either “jobs-rich” or “transit-rich” areas by requiring that the review of such project be limited to objective General Plan and Zoning criteria, processed administratively and granted a waiver from density controls and parking requirements greater than 0.5 space per unit. The local jurisdiction would not be able to deny a qualifying project based on density.

“Jobs-rich” is yet to be defined. An outside agency will likely be brought in to help define what exactly is a “jobs-rich” community and how much of a city would be eligible for development under the measure.

“Transit-rich” means all development parcels that are within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor. It would apply to the half-mile radius surrounding every BART station, Caltrain stop or other rail hub, and a quarter-mile around bus stops with frequent bus service.

“Frequent” is defined as every 15 minutes during peak commute times.

The bill would require the local jurisdiction to allow specified minimum heights near

transit of 55 feet (e.g., five stories) tall within a quarter-mile of a train stop and 45 feet (e.g., four stories) within the next quarter-mile radius. Bus corridors won't be subject to the height requirements, but cities won't be able to reject proposals based on density, which means cities can't limit development to single-family homes but are required to allow multi-family apartment buildings even if those apartments are only two or three stories tall.

SB 50 would also provide for a specified streamlined ministerial approval process of specified "neighborhood multifamily projects" that would either construct a multifamily structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure. A neighborhood multifamily project must consist of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019.

Portions of Santa Clara will likely be identified as transit-rich and/or jobs-rich and therefore subject to this legislation if it is adopted. The City's local zoning could be overridden to allow up to 4 units on a single lot in cases where the City has single-family or duplex zoning in place. For the most part the City has zoned parcels near transit for multi-family use but may have more restrictive height limits and/or a small number of single-family and duplex lots that would be affected. The adoption of Specific Plans, as well as the City's Zoning Code Update, provide opportunities to put "objective standards" in place that can regulate new development and mitigate potential negative impacts from this legislation.

While these requirements generally require larger projects to provide more affordable units than Santa Clara's existing inclusionary policy, it would be less restrictive for smaller projects and allow more projects to pay an in-lieu fee, granting the Developer the ability to voluntarily fee-out of the requirement. It's not clear how the fees would be calculated but based on Santa Clara's existing fee schedule they would likely be too low to produce the same number of units as would be achieved through the City's current inclusionary requirement. In its current form, SB 50 allows developers to make a comparable affordability contribution toward offsite affordable housing and places the responsibility on the local government to identify and designate housing sites.

**Status of Bill:** SB 50 is now a 2-year bill.

### ***SB 102 – Housing development and financing.***

**Bill Summary:** SB 102 would establish potential fines for jurisdictions with non-compliant Housing Elements. Under this bill, if the Attorney General brings successful enforcement action, the local jurisdiction has 1 year to comply before monthly fines are imposed of \$10,000 - \$100,000. The Court can multiply fines by up to 6 times if violations persist.

The bill is not anticipated to affect Santa Clara as the City has historically maintained a compliant Housing Element.

**Status of Bill:** The bill passed in the Senate but did not pass in the Assembly.

### ***SB 330 – Housing Crisis Act of 2019.***

**Bill Summary:** This bill establishes the Housing Crisis Act of 2019, which, until January 1, 2025, 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 including reduction in timelines, a standardized checklist for determination of project completeness, and initiation of timelines upon submittal of a preliminary review application.

The bill freezes many development standards as of January 1, 2020; “affected” jurisdictions may not:

- Change a land use designation to remove housing as a permitted use or reduce intensity of residential uses permitted under the General Plan and zoning in place as of January 1, 2018; may upzone; some exceptions (e.g., downzoning may be offset with an upzoning if HCD approves)
- Adopt or enforce a housing moratorium
- Apply development standards adopted after January 1, 2020, except “objective” standards
- Limit residential permit allocations, except for pre-2005 growth management programs in predominantly agricultural counties
- Conduct more than five hearings for a project
- Approve development that would demolish existing housing unless as least as many new units are created as would be demolished. Relocation and right of first refusal benefits must be given to residents of any displaced affordable units, units occupied by lower income households, or rent stabilized / price-controlled units.

This Bill could have a significant impact on current land use planning and permitting practices in Santa Clara. The modifications to the Permit Streamlining Act will affect the City’s review of new applications, requiring more extensive staff work earlier in the permit process. Recently adopted or new land use policies, such as guidelines and policies included within a Specific Plan, could be considered as non-objective standards and thus difficult to apply to new development. It will be important to carefully review new Specific Plans, as well as the City’s Zoning Code Update, to ensure that the documents are based on “objective standards”. The City will lose some local control over land use as SB 330 prevents local governments from downzoning unless they upzone elsewhere. The duration of these impacts is potentially limited as SB 330 sunsets in 5 years so that the Legislature can evaluate its effectiveness.

**Status of Bill:** This bill was approved by the Governor October 9, 2019 and was chaptered by the Secretary of State under Chapter 654, Statutes of 2019.

### **Environmental Regulatory & Conservation Issues Legislative Advocacy Position**

#### ***AB 40 - Air Quality Improvement Program: Clean Vehicle Rebate Project.***

**Bill Summary:** AB 40 would, no later than January 1, 2021, require the State Air Resources Board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero

emission vehicles, as defined, by 2040, as specified.

This bill was amended in its entirety on September 10, 2019. The most current version of this bill would declare it a policy of the state to place at least 5 million zero-emissions vehicles on state roads by 2030 and 10 million zero-emissions vehicle on state roads. Furthermore, this bill would require the state board to limit vehicle eligibility for the Clean Vehicle Rebate Project to only those vehicles manufactured by companies that have entered into a specified agreement that has been adopted by the state board, to post that agreement on the state board's internet website, to remove plug-in hybrid electric vehicle from vehicle eligibility in the Clean Vehicle Rebate Project, to continue to maintain a waiting list for purchasers when moneys for the Clean Vehicle Rebate Project are exhausted, to create a higher rebate dollar level per vehicle for vehicles with zero emissions and a greater driving range, and to continue to limit each zero-emission vehicle purchaser to 2 rebates.

**Status of Bill:** This bill was referred to the Committee on Transportation where it failed to meet the deadline to print. This bill or a similar bill may come up again next year.

***AB 56 – Electricity: procurement by the California Alternative Energy and Advanced Transportation Financing Authority.***

**Bill Summary:** AB 56 would authorize the Public Utilities Commission (PUC) and the State Energy Resources Conservation and Development Commission (Energy Commission) to jointly establish the California Clean Electricity Authority, a nonprofit, public benefit corporation, if both commissions make certain findings. The bill would authorize the authority to undertake procurement of electricity on behalf of retail end-use customers of electrical corporations, community choice aggregators, and electric service providers, collectively referred to as load serving entities, and local publicly owned electric utilities, in support of certain energy, environmental, economic, public health, and public safety policy objectives.

**Status of Bill:** This bill failed to pass the Senate Committee on Energy, Utilities, and Communications but was voted to be reconsidered next year.

***AB 343 – Forestry: fuels transportation program: grant program.***

**Bill Summary:** AB 343 would require the Natural Resources Agency to develop and implement a fuels transportation program that provides competitive grants or other financial incentives for projects in eligible communities to offset the costs of transporting fuels to a biomass energy facility, as specified. The bill would authorize the agency to allocate moneys from the Greenhouse Gas Reduction Fund consistent with the purposes of the fund. The bill would exempt these provisions from the Administrative Procedure Act.

**Status of Bill:** This bill has been placed in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***AB 915 – California Renewables Portfolio Standards Program.***

**Bill Summary:** AB 915 would require that retail sellers and local publicly owned electric



utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours of those products sold to their retail end-use customers achieve 68% of retail sales by December 31, 2033, 76% by December 31, 2036, and 80% by December 31, 2038. The bill would revise the definition of “eligible renewable resource” for purposes of the program to include, on and after January 1, 2026, an electrical generation facility that has a specified point source emission level of carbon dioxide equivalent at, or below, a specified level, if the marginal increase in the cost of procurement from other eligible renewable energy resources exceeds a specified level.

**Status of Bill:** This bill was referred to Committees on Utilities and Energy and Natural Resources. The hearing was cancelled by the bill’s author and was never heard during the 2019 legislative session.

***AB 961 – Energy programs and projects: nonenergy benefits.***

**Bill Summary:** AB 961 would require the Public Utilities Commission to (1) establish common definitions of nonenergy benefits and attempt to determine consistent values for use in all energy programs, (2) meaningfully consider and prioritize producing nonenergy benefits in clean energy programs and projects, (3) give preference to producing nonenergy benefits in clean energy programs and projects in low-income and disadvantaged communities, as defined, and (4) track and the nonenergy benefits produced in energy programs and report those benefits during program evaluations.

**Status of Bill:** This legislation has been placed in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***AB 1028 – Clean Energy Job Creation Program.***

**Bill Summary:** AB 1028 would require the State Energy Resources Conservation and Development Commission, in allocating grants to local educational agencies as part of the program, to also give priority based on a local educational agency’s utilization of apprentices from state-approved apprenticeship and pre-apprenticeship programs, as specified. The bill would explicitly authorize program expenditures associated with employee training and energy managers.

**Status of Bill:** This bill has been placed in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***AB 1236 – Public resources: greenhouse gases: recycling: California Environmental Quality Act***

**Bill Summary:** AB 1236 would require the State Air Resources Board for a market-based compliance mechanism applicable from January 1, 2021, to December 31, 2030, to develop and adopt, in consultation with the Compliance Offsets Protocol Task Force, a carbon offset compliance protocol for recycled product manufacturing no later than January 1, 2022. The bill would authorize \$200,000,000 from the annual proceeds of the fund to be subsequently appropriated to the Department of Resources Recycling and Recovery for the department’s Recycled Fiber, Plastic, and Glass Grant Program. This could impact SVP’s restricted revenue from the Cap and Trade auctions by either

requiring participating entities to contribute to the Department of Resources Recycling and Recovery or take away funds from other State De-carbonization/electrification programs.

**Status of Bill:** This bill has been placed in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***AB 1284 – Carbon neutrality.***

**Bill Summary:** AB 1284 would require the State Air Resources Board to adopt a regulation defining carbon neutrality.

**Status of Bill:** This bill was referred to the Committee on Natural Resources. The bill was set for hearing but was cancelled at the request of the bill's author.

***AB 1424 – Electric Vehicle Charging Stations Open Access Act.***

**Bill Summary:** AB 1424 would require an electric vehicle charging station to provide to the general public a toll-free telephone number to process a credit card and at least two other specified options of payment. The bill would prohibit a state agency from requiring a credit card payment, as defined, to be through a physical credit card or magstripe reader on electric vehicle service equipment. The bill would revise the provision authorizing the state board to adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations by authorizing the state board to instead adopt interoperability roaming standards and delaying that authorization until January 1, 2021.

**Status on Bill:** This bill has been held in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***SB 43 – Carbon intensity and pricing: retail products.***

**Bill Summary:** SB 43 would require the State Air Resources Board, no later than January 1, 2022, to submit a report to the Legislature on the findings from a study, as specified, to determine the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law.

**Status on Bill:** This bill failed to pass in Committee on Revenue and Taxation but was voted to be reconsidered next year.

***SB 247 – Wildland fire prevention: Vegetation management.***

**Bill Summary:** SB 247 would require an electrical corporation, within one month of the completion of a substantial portion of the vegetation management requirements in its wildfire mitigation plan, to notify the Wildfire Safety Division of the completion. The bill would require the Division to audit the completed work and would require the audit to specify any failure of the electrical corporation to fully comply with the vegetation management requirements. The bill would require the division to provide the audit to the electrical corporation and to provide the electrical corporation a reasonable time period to correct and eliminate deficiencies specified in the audit. The bill would authorize the

division to engage an independent evaluator to conduct the audit. Within one year after the expiration of the time period to correct and eliminate deficiencies, the bill would require the independent evaluator to issue a report to the electrical corporation, the division, and the Safety and Enforcement Division of the commission specifically describing any failure of the electrical corporation to substantially comply with the substantial portion of the vegetation management requirements.

This bill does not impact the City of Santa Clara because it is not an electrical corporation as defined by law.

**Status of Bill:** This bill was approved by the Governor on October 2, 2019 and was chaptered by the Secretary of State under Chapter 406, Statutes of 2019.

***SB 288 – Solar Bill of Rights.***

**Bill Summary:** SB 288 would have required the PUC and the governing board of each local publicly owned electric utility with an annual electrical demand exceeding 700 gigawatthours to establish a streamlined and standardized process for the review of interconnection requests for customers seeking to install renewable energy and energy storage systems on the customer side of the point of interconnection to minimize uncertainty and the amount of time and cost of the review while maintaining electric system safety and reliability.

**Status of Bill:** This bill was amended in its entirety and no longer pertains to clean energy or energy conservation. This legislation has been changed to permit certain persons who are not United State citizens to be candidates for, and members of, a county central committee of the Democratic Party of California or Peace and Freedom Party of California.

***SB 350 – Electricity: resource adequacy: multiyear centralized resource adequacy mechanism.***

**Bill Summary:** SB 350 would authorize the Public Utilities Commission to consider a multiyear centralized resource adequacy mechanism, among other options, to most efficiently and equitably meet specified resource adequacy objectives. This bill passed the Senate and was stalled in the Assembly.

**Status of Bill:** The bill was referred to the Assembly Committee on Utilities and Energy for hearing but the hearing was cancelled by the bill's author.

***SB 584 – Electricity: undergrounding of electrical wires.***

**Bill Summary:** SB 584 would require the Public Utilities Commission to require electrical corporations, by July 1, 2020, to develop and administer programs to provide matching funds to local jurisdictions for conversion projects to replace overhead electrical infrastructure with underground electrical infrastructure in tier 3 fire-threat districts.

**Status of Bill:** This bill has been placed in Suspense File by the Senate Appropriations Committee. This bill may be heard again next year.

***SB 662 – Green electrolytic hydrogen.***

**Bill Summary:** SB 662 would require the PUC and Energy Commission to take into account opportunities to increase grid-responsive production of green electrolytic hydrogen for use in the transportation sector.

**Status of Bill:** This bill was passed by the Senate and stalled in the Assembly. The bill was referred to the Committees on Utilities and Energy and Transportation. This bill was set for hearing but was cancelled at the request of the bill's author.

***SB 682 – Climate change: radiative forcing management climate accounting protocol.***

**Bill Summary:** SB 682 would require the State Air Resources Board, by January 1, 2021, to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions to reduce radiative forcing and excess heat in the atmosphere to reduce the global and regional mean temperatures. The bill would require the state board to adopt rules and regulations to identify technologically feasible and cost-effective mitigation and restoration actions to reduce radiative forcing and to stabilize California's climate.

**Status of Bill:** This bill has been placed in Suspense File by the Appropriations Committee. This bill may be heard again next year.

***SB 772 – Long duration bulk energy storage: procurement.***

**Bill Summary:** SB 772 would require the California Independent System Operator, on or before June 30, 2022, to complete a competitive solicitation process for the procurement of one or more long duration energy storage projects that in aggregate have at least 2,000 megawatts capacity, but not more than 4,000 megawatts, except as provided. The bill would require that the competitive solicitation process provide for cost recovery from load serving entities within the ISO-controlled electrical grid that the ISO determines is just and reasonable and takes into account the distribution of benefits from the long duration bulk energy storage.

**Status of Bill:** Senator Bradford requested to place this bill in the inactive file. This bill may be heard again next year.

**Action:** As reported in the June 25, 2019 legislative report to council, staff opposed this legislation because the bill would require City of Santa Clara ratepayers to pay for a resource that is not needed to serve Santa Clara's electric loads. On May 22, 2019, the City submitted a letter of opposition to Senator Bradford's office.

***SB 1383 – Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills.***

**Bill Summary:** SB 1383 sets statewide goals to reduce the amount of organics from

being disposed of in landfills from 2014 levels by 50% by 2020 and 75% by 2025 in order to reduce methane emissions levels. The short-lived climate pollutant (SLCP) regulations under development will require jurisdictions to implement organic waste collection programs for all residential and commercial business customers. The SLCP regulations also require the implementation of food rescue programs and procurement of products made from recycled organics. The regulations contain stringent public outreach, monitoring, enforcement, and reporting requirements.

The City will need to implement new organics collection programs that involve changing the scope of services of collection agreements and seeking out additional processing agreements for organic waste recycling services not addressed in current agreements. The City will also need to develop and implement a food rescue program, implement organic waste recycled content procurement requirements, and add additional resources for public outreach, monitoring, reporting and enforcement.

**Status of Bill:** SB 1383 was signed into law in 2016. The California Department of Resources Recycling and Recovery (CalRecycle) is still developing the SLCP regulations that are required by SB 1383.

**Action:** The City submitted a comment letter to CalRecycle regarding proposed regulations for Article 12 - Procurement and Title 27 Section 20901 Gray Container Waste Evaluations. In regards to Article 12, the City requested that CalRecycle consider a phased in procurement target with an initial target in 2022 that is significantly lower than the current target. In regards to Title 27 Section 20901, the City requested CalRecycle to delete the section in its entirety because its current requirements for identifying present remnant organic material and evaluations will impose a huge burden on landfill owners while producing little useful information. The SB 1383 comment letter is attached.

### **PG&E Bankruptcy and State Wildfire Liability Legislative Advocacy Position**

#### ***AB 235 – Electrical corporations: wildfire victim recovery bonds.***

**Bill Summary:** Current law authorizes the Public Utilities Commission, in a proceeding on an application by an electrical corporation to recover costs and expenses arising from a catastrophic wildfire occurring on or after January 1, 2019, to allow cost recovery if the costs and expenses are just and reasonable, after consideration of the conduct of the utility. AB 235 would authorize the Public Utilities Commission to also consider the electrical corporation's financial status and determine the maximum amount the corporation can pay without harming ratepayers or materially impacting the electrical corporation's ability to provide adequate and safe service. This bill was amended in its entirety to provide the Public Utilities Commission the authority to issue financing orders to support the issuance of wildfire victim recovery bonds by an electrical corporation or other financing entity to finance wildfire recovery costs.

**Status of Bill:** This bill passed the Assembly and stalled in the Senate.

#### ***SB 290 – Natural disasters: insurance and related alternative risk transfer products: Special Fund for Economic Uncertainties.***

**Bill Summary:** SB 290 would authorize the Governor to purchase insurance, reinsurance, insurance-linked securities or other risk-transfer products for the State to help mitigate against costs incurred in response to natural disasters.

**Status of Bill:** This legislation has been placed in Suspense File by the Assembly Appropriations Committee. This bill may be heard again next year.

**Protect and/or Increase Local Government Discretion Guiding Principle for Legislative Advocacy**

***AB 289 – California Public Records Act Ombudsperson.***

**Bill Summary:** AB 289 establishes the position of the California Public Records Act Ombudsperson, within the California State Auditor's Office, to review the denial of a state agency to an original request by a member of the public to access records under the provisions of the California Public Records Act.

**Status of Bill:** This bill passed the Assembly but not the Senate.

***AB 654 – Public records: utility customers: disclosure of personal information.***

**Bill Summary:** AB 654 would authorize a local agency to disclose the name, utility usage data, and home address of utility customers to an officer or employee of another governmental agency when the disclosure is not necessary for the performance of the other governmental agency's official duties but is to be used for scientific, educational, or research purposes, and the requesting agency receiving the disclosed material agrees to maintain it as confidential in accordance with specified criteria.

**Status of Bill:** This is now a 2-year bill.

***AB 1184 - Public records: writing transmitted by electronic mail: retention.***

**Bill Summary:** This bill would, unless a longer retention period is required by statute or regulation, require a public agency for purposes of the California Public Records Act to retain and preserve for at least two years every writing containing information relating to the conduct of the public's business prepared, owned, or used by any public agency that is transmitted by electronic mail.

**Status of Bill:** This bill was vetoed by the Governor on October 13, 2019.

***AB 1491 – Public records: exception to disclosure: public officials.***

**Bill Summary:** The California Public Records Act prohibits a person from knowingly posting the home address or telephone number of an elected or appointed official, or of the official's residing spouse or child on the internet knowing that the person is an elected or appointed official and intending to cause imminent great bodily harm to that individual or threatening to cause imminent great bodily harm to that individual, as specified. A violation of this prohibition that leads to the bodily injury of a public official or the official's residing spouse or child is punishable as a misdemeanor or felony. This bill would revise this prohibition to instead prohibit a person from knowingly posting on

the internet the home address, telephone number, license plate, or vehicle description of any elected or appointed official, or the official's spouse or immediate family, knowing that person is an elected or appointed official and intending to cause intimidation, harassment, or bodily harm to that individual or threatening to cause bodily harm to that individual.

**Status of Bill:** This is now a 2-year bill.

***AB 1819 – Inspection of public records: use of requester's reproduction equipment.***

**Bill Summary:** This bill clarifies that members of the public have the right to make a copy of a disclosable public record at no charge, as long as the method of duplication does not make physical contact with and would not damage the record. Specifically, a requester who inspects a disclosable record on the premises of the agency has the right to use the requester's equipment on those premises, without being charged any fees or costs, to photograph or otherwise copy or reproduce the record in a manner that does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in either of the following:

- (A) Damage to the record.
- (B) Unauthorized access to the agency's computer systems or secured networks by using software, equipment, or any other technology capable of accessing, altering, or compromising the agency's electronic records.

An agency may impose any reasonable limits on the use of the requester's equipment that are necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly function of the agency and its employees. In addition, an agency may impose any limit that is necessary to maintain the integrity of, or ensure the long-term preservation of, historic or high-value records.

**Status of Bill:** This bill was approved by the Governor on October 9, 2019 and chaptered by the Secretary of State under Chapter 695, Statutes of 2019.

***SB 615 – Public records: disclosure.***

**Bill Summary:** The California Public Records Act, when it appears to a superior court that certain public records are being improperly withheld from a member of the public, requires the court to order the officer or person charged with withholding the records to disclose the public record or show cause why they should not do so. The act requires the court to award court costs and reasonable attorney's fees to the requester if the requester prevails in litigation filed pursuant to these provisions, and requires the court to award court costs and reasonable attorney's fees to the public agency if the court finds that the requestor's case is clearly frivolous. This bill would require a person to meet and confer in good faith with the agency in an attempt to informally resolve each issue before instituting any proceeding for injunctive or declarative relief or writ of mandate.

**Status of Bill:** This is now a 2-year bill.

***SB 749 – California Public Records Act: trade secrets.***

**Bill Summary:** SB 749 would provide that specified records of a private industry employer that are prepared, owned, used, or retained by a public agency are not trade secrets and are public records, including certain records relating to employment terms and conditions of employees working for a private industry employer pursuant to a contract with a public agency, records of compliance with local, state, or federal domestic content requirements, and records of a private industry employer's compliance with job creation, job quality, or job retention obligations contained in a contract or agreement with a state or local agency.

**Status of Bill:** The bill passed the Senate, but not the Assembly. It was ordered to inactive file by Assembly Member Calderon.

**Public Safety Legislative Advocacy Position**

***AB 281 – Transmission and distribution lines: undergrounding and fire hardening.***

**Bill Summary:** AB 281 would state the intent of the Legislature to enact legislation that would require electrical corporations and POUs to relocate transmission and distribution lines and equipment outside of high fire risk areas. If this is not feasible, the legislation would require undergrounding of T&D equipment and lines. If neither is feasible, AB 281 would require the electrical corporation to make improvements to the lines and equipment to prevent and minimize risk of fire ignitions.

**Status of Bill:** This bill failed to meet the deadline in the Assembly Utilities and Energy Committee and was not heard during the 2019 legislative session.

***AB 392 – Peace officers: deadly force.***

**Bill Summary:** AB 392 revised the standards for use of deadly force by a peace officer. Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law does not require an officer to retreat or desist from an attempt to make an arrest because of resistance or threatened resistance of the person being arrested. Under existing law, a homicide committed by a peace officer is justifiable when necessarily committed in arresting a person who has committed a felony and the person is fleeing or resisting such arrest.

AB 392 redefined the circumstances under which a homicide by a peace officer is deemed justifiable to include when the officer reasonably believes, based on the totality of the circumstances (including actions an officer took leading up to the lethal incident), that deadly force is necessary to defend against an imminent threat of death or serious bodily injury to the officer or to another person, or to apprehend a fleeing person for a felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless the person is immediately apprehended. The bill also affirmatively prescribes the circumstances under which a peace officer is authorized to use deadly force to effect an arrest, to prevent escape, or to overcome resistance.



**Status of Bill:** This bill was approved by the Governor on August 19, 2019. It has been chaptered by the Secretary of State under Chapter 170, Statutes of 2019.

***AB 680 – Public safety dispatchers: mental health training.***

**Bill Summary:** AB 680 would require the Commission on Peace Officer Standards and Training (POST) to develop mental health training courses, similar to those that most law enforcement officers are required to take, within the basic training course for state and local law enforcement dispatchers. Public safety dispatchers are primarily responsible for providing dispatching services for local law enforcement agencies and are often the first point of contact who initiate the appropriate response.

These courses, which would be incorporated in the dispatchers' basic training course and as a continuing training course, would cover specified topics, including recognizing indicators of mental illness, intellectual disabilities, or substance use disorders; conflict resolution; and de-escalation techniques. Most law enforcement officers are already required to meet training standards pursuant to courses certified by POST, including certain mental health training to better prepare officers to recognize, deescalate, and appropriately respond to persons with mental illness, intellectual disabilities, or substance use disorders. These mental health training courses are 15 hours that are incorporated into the officers' basic training course, in addition to a continuing training course that consists of three consecutive hours relating to behavioral health and law enforcement interaction with those persons.

If passed, the City's emergency dispatchers will have access to additional training resources that will improve the quality of information relayed from dispatchers to officers responding to emergencies that involve mental illness, intellectual disabilities, and substance abuse disorders. In the long term, this training will help reduce the number of people with mental problems involved with the criminal justice system and help those in crisis reach services.

**Status of Bill:** On September 25, 2019, the Office of Assemblymember Kansen Chu released a press release announcing that POST has decided to voluntarily implement the policy changes sought by AB 680 even though the legislation did not become enacted as law. POST will work with the National Alliance on Mental Illness California to integrate mental health training as part of the curriculum for dispatchers on or before January 1, 2021. The Police Department's training budget will need to be adjusted accordingly to account for new legislation.

**Action:** The City of Santa Clara submitted an initial support letter to the Assembly Committee on Public Safety on March 21, 2019 and a subsequent support letter to the Senate Committee on Public Safety on June 21, 2019. The initial letter was included in the Q1 legislative update packet. The later letter is attached.

***AB 941 – Crimes: public records: disclosure of information.***

**Bill Summary:** Current law requires that state and local law enforcement agencies make public specified information, including names of victims, relating to the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of information would

endanger the safety of a person involved in the investigation. Current law also allows victims of specified crimes to request that their names be withheld from any public records request. Existing law additionally prohibits law enforcement agencies from disclosing the addresses of victims of specified crimes.

This bill would require law enforcement to inform a victim or witness of certain gang-related offenses that their name will be disclosed unless a law enforcement agency determines disclosure would endanger their safety, and that they may provide evidence to the law enforcement agency that disclosure of the person's name would endanger the person's safety, and would authorize a law enforcement agency to consider that when making the determination.

**Status of Bill:** This is now a 2-year bill.

***SB 190 – Fire safety: building standards: defensible space program.***

**Bill Summary:** SB 190 would require Office of the State Fire Marshal to develop a model defensible space program to be made available for city and county use, among other things.

**Status of Bill:** This bill was approved by the Governor on October 2, 2019 and was chaptered by the Secretary of State under Chapter 404, Statutes of 2019.

***SB 209 – Office of Emergency Services: Wildfire Forecast and Threat Intelligence Integration Center.***

**Bill Summary:** SB 209 would require the office of Emergency Services and the Department of Forestry and Fire Protection to jointly establish and lead the Wildfire Forecast and Threat Intelligence Integration Center, comprised of representatives from specified state and other entities. The bill would require the center to serve as the state's integrated central organizing hub for wildfire forecasting, weather information, and threat intelligence gathering, analysis and dissemination and to coordinate wildfire threat intelligence and data sharing as provided. The bill would also require the center to develop a statewide wildfire forecast and threat intelligence strategy and protect and safeguard sensitive information.

The bill could ultimately improve coordination related to fire monitoring and response and therefore lessen the chance of a Public Safety Power Shutdown (PSPS) which could impact water supply and delivery to customers within the City of Santa Clara. There would also be impacts to SVP if the department was required to de-energize distribution or transmission mains.

**Status of Bill:** This bill was approved by the Governor on October 2, 2019 and was chaptered by the Secretary of State under Chapter 405, Statutes of 2019.

***SB 230 – Law enforcement: use of deadly force: training: policies.***

**Bill Summary:** This bill provides an update to California's legal standard for when force can be used by a peace officer. Under current law, police departments largely set their own use-of-force policies and officers don't always have access to the training they

need.

SB 230 is intended to proactively improve public safety outcomes and reduce the use of force. It will require consistent policies and mandatory training standards for all 500 California law enforcement agencies by:

- Requiring that every California law enforcement officer receive the most robust training in the nation strictly designed to minimize the use of force;
- Setting specific policy requirements on de-escalation, an officer's duty to intercede, rendering medical aid, proportional use of force, interacting with vulnerable populations and more;
- Specifying that use of force policies and training may be considered in legal proceedings; and,
- Increasing transparency by setting forth detailed, standardized requirements for reporting all instances when force is used in our communities.

**Status of Bill:** The bill was approved by the Governor on September 12, 2019. It has been chaptered by the Secretary of State under Chapter 285, Statutes of 2019.

**Action:** The Police Department's training budget will need to be adjusted accordingly to account for new legislation.

### **Regional and State-wide Water Supply and Conservation Legislative Advocacy Position**

#### ***AB 60 — Water conservation: water meters: accuracy standards.***

**Bill Summary:** Existing law requires the State Energy Resources Conservation and Development Commission to establish design and construction standards and energy and water conservation design standards for new residential and new nonresidential buildings to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, including energy associated with the use of water. Existing law requires the commission to establish minimum levels of operating efficiency to promote the use of energy and water efficient appliances, including landscape irrigation equipment.

This bill would require the commission, on or before January 1, 2022, to adopt regulations setting standards for the accuracy of water meters, as described. The bill would prohibit any water meter manufactured on or after the effective date of those regulations from being sold or offered for sale in the state, or installed by a water purveyor, unless it is certified by the manufacturer to be in compliance with those standards.

This bill will improve standards and accuracy certified water meters by manufacturers the City would be purchasing to replace existing water meters.

**Status of Bill:** This bill did not pass the Assembly.

***AB 292 – Recycled water: raw water and groundwater augmentation.***

**Bill Summary:** Current law requires the State Water Resources Control Board, on or before December 31, 2023, to adopt uniform water recycling criteria for direct potable reuse through raw water augmentation, as specified. Current law defines “direct potable reuse” and “indirect potable reuse for groundwater recharge” for these purposes. This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would revise the definition of “treated drinking water augmentation.”

Assemblymember Bill Quirk (D-Hayward), Chair of the Assembly Environmental Safety and Toxic Materials Committee, introduced AB 292 to update the terms of the uses of recycled water in to state in order to reflect how recycled water is currently used. AB 292 builds on previous legislation and recent work by the State Water Resources Control Board (Board) to remove the terms “direct potable reuse” and “indirect potable reuse”, in order to align the terms with how the water agencies are using recycled water. In 2016, in a report to the Legislature the Board concluded it is feasible to develop and adopt regulations for using recycled water as drinking water, provided that certain research and key knowledge gaps are addressed. The report laid the groundwork for creating regulations for a sustainable, reliable source of potable water and AB 574 will clarify definitions and set a timeline for completing regulations.

**Status of Bill:** This bill was ordered to inactive file at the request of Senator Dodd.

***AB 1180 – Water: recycled water.***

**Bill Summary:** This bill adds language specifying that when the State Water Board develops the backflow protection standards, the policy handbook must provide provisions for the use of a swivel or changeover device to supply potable water to a dual-plumbed system during an interruption in recycled water service.

This bill would require the state board, on or before January 1, 2023, as specified, to update the uniform statewide criteria for non-potable recycled water uses, and incorporate applicable backflow protection provisions, including provisions for the use of a swivel or changeover device for dual plumbed systems.

Developing a standard for use of a swivel device or changeover device to supply potable water in the event of a recycled water interruption would be beneficial for developing standards and reliability for recycled water use and ultimately benefit customer reliability for City of Santa Clara recycled water customers.

**Status of Bill:** This bill was approved by the Governor on October 2, 2019 and chaptered by the Secretary of State under Chapter 455, Statutes of 2019.

***SB 699 – San Francisco Bay Area regional water system.***

**Bill Summary:** SB 699 extends existing law AB 1823 also known as the Wholesale Regional Water System Security and Reliability Act that was enacted in 2002, that

requires San Francisco to rebuild its water delivery system to withstand a major seismic or other catastrophic event while continuing to deliver water to customers and allows for financing of the capital improvements. In addition, SFPUC is required to find additional water sources for dry years. The Water Supply Improvement Program (WSIP) is 97% complete but there are still a couple of critical projects to be completed. SB 699 extends this State oversight of this work and other components of the original bill. Both BAWSCA and SFPUC supported the SB699.

SB 699 does the following: (1) extends state oversight of San Francisco's required capital improvement program for the Regional Water System from January 1, 2022 to January 1, 2026; and (2) extends the San Francisco Bay Area Regional Water System Financing Authority's ability to issue revenue bonds through December 1, 2030. (3) requires submission of an annual report describing the progress made on securing supplemental sources of water to augment existing supplies during dry years.

This bill extends AB 1823 (signed into law in 2002) by legislative action allowing for continued State oversight of SFPUC's Capital Improvement Program until 2026, in addition the bill requires SFPUC to continue to develop new sources of water supply to supplement supplies during drought or dry years and continued ability of San Francisco Public Utilities Commission(SFPUC) to issue bonds through 2030 in order to finance capital projects to ensure proper infrastructure. The Bay Area Water Supply and Conservation Agency (BAWSCA) who represents 26 water agencies including the City of Santa Clara continues to emphasize the importance of these new water supplies due to the eventual implementation of the Bay Delta Plan, which could result in a 50% reduction in supply to BAWSCA members during drought years. The extension of AB 1823 and BAWSCA's continued oversight and continued presence at the Commission meetings urging the Commission to identify and develop new sources of water supply with proper budget and staffing is a very good strategy and good for Santa Clara.

**Status of Bill:** This bill was approved by the Governor on August 30, 2019. It has been chaptered by the Secretary of State under Chapter 214, Statutes of 2019.

## **Regional Transportation Issues Legislative Advocacy Position**

### ***AB 285 – California Transportation Plan.***

**Bill Summary:** Existing law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature and to update the plan every 5 years thereafter. The next update is expected to be completed by December 31, 2020. Existing law requires the plan to consider various subject areas for the movement of people and freight, including environmental protection and quality of life. Existing law also requires the plan to address how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80% below 1990 levels by 2050, and to identify the statewide integrated multimodal transportation system needed to achieve greenhouse gas emission reductions. This bill would require the department to address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030 and how the plan is consistent with, and supports attaining, all state ambient air quality standards

and national ambient air quality standards in all areas of the state as described in California's state implementation plans required by the federal Clean Air Act. Commencing with the 3rd update to the plan to be completed by December 31, 2025, the bill would require the department to include a forecast of the impacts of advanced and emerging technologies over a 20-year horizon on infrastructure, access, and transportation systems and a review of the progress made implementing past California Transportation Plans. The bill would require the Strategic Growth Council to complete a report by January 31, 2022, that contains certain information with regard to the California Transportation Plan and other specified programs and planning requirements. The bill would add environmental justice to the subject areas that the plan is required to consider for the movement of people and freight.

**Status of Bill:** This bill was approved by the Governor on October 8, 2019 and was chaptered by the Secretary of State under Chapter 605, Statutes of 2019.

***SB 127 – Transportation funding: active transportation: complete streets.***

**Bill Summary:** SB 127 requires the California Department of Transportation and California Transportation Commission to prepare an asset management plan including complete street elements and to prioritize the implementation of safe and connected facilities for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program projects. The bill would require the commission, in connection with the asset management plan, to adopt performance measures that include conditions of bicycle and pedestrian facilities, accessibility and safety for pedestrians, bicyclists, and transit users on the state highway system. The bill would require the department, commencing with the 2022 State Highway Operation and Protection Program, when undertaking a specified capital improvement project on a state highway or on a local street crossing a state highway that is funded through the State Highway Operation and Protection Program, to include new pedestrian and bicycle facilities, or improve existing facilities, as part of the project.

The bill does not directly impact Santa Clara as the provisions are directed at State agencies but could potentially affect some transportation projects within the City. The City should benefit as the objectives in the bill align with the City's objectives for the development of complete streets and the City would be able to make use of commonly used performance measures.

**Status of Bill:** The bill was vetoed by the Governor on October 12, 2019. At the time of writing this report, the Senate was considering the Governor's veto. The Governor's veto can be overridden by a two-thirds vote in both houses.





July 12, 2019

Gwen Huff, Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery  
P.O. Box 4025  
Sacramento, CA 95812

RE: Comments on Senate Bill 1383 Draft Proposed Regulations

Dear Ms. Huff:

The City of Santa Clara appreciates the Department of Resources, Recycling and Recovery's (CalRecycle) outreach efforts, and would like to provide the following comments on the proposed regulations to implement SB 1383 (Lara, Chapter No. 395, Statutes of 2016) relating to organics diversion from our landfills.

We support the State's goal of reducing short-lived climate pollutants and meeting our greenhouse gas emissions (GHG) targets, but we also support a metered approach that recognizes existing challenges to markets, the need for additional infrastructure, and the potential impact that the proposed regulations will have on municipalities, businesses and residents. As currently written, the bill poses severe implementation challenges, specifically in Article 12 and Title 27. We offer the following comments for your consideration.

**Article 12 - Procurement**

Comment - The recovered organic waste per capita procurement target for 2022 as outlined in section 18993.1 is infeasible because the amount of organic waste products that would need to be purchased is too large for California's current infrastructure to produce the products.

- The CalRecycle report "SB 1383 Infrastructure and Market Analysis" states that the current compost producers do not have the infrastructure to produce the amounts needed to reach this goal.
- This report also stated that the current renewable gas producers also do not have the infrastructure to produce the amount of electricity needed for this current target. Information about renewable gas producers is very limited and accurate data about the production rates of electricity or fuels is not widely available.
- The infrastructure for electricity from organic waste biomass conversion is only offered from a handful of producers in the state which will potentially cause challenges with the large amount that would need to be produced.

While we recognize that creating market demand for products made from organic waste will be key to successfully diverting these materials, the proposed procurement targets are unrealistic and will likely be infeasible for most jurisdictions. We ask CalRecycle to consider offering a phased in procurement target with an initial target in 2022 significantly lower than the current target. This will allow time for the production infrastructure of these products to increase with the demand.



Suggested schedule:

Year	2022	2025	2028	2031
Per Capita Procurement Target (tons of organic matter)	0.02	0.04	0.06	0.08

### **Title 27 Proposed Changes**

Section 20901. Gray Container Waste Evaluations. (pages 153-155)

This section states, “Commencing July 1, 2022, the operator of disposal facility that receives a gray collection stream...shall conduct waste evaluations on the gray container collection stream received directly from each jurisdiction collection service consistent with this section, section 20901.1, and section 20901.2 to identify the percentage of remnant organic material present therein.”

Sections 20901.1 then requires up to **five evaluations per quarter per jurisdiction.**

This means that a landfill operator receiving waste from multiple jurisdictions must physically separate incoming wastes by jurisdiction of origin and perform and report on separate evaluations of organic material percentages for each of those jurisdictions. A typical landfill that accepts more than 1000 tons per quarter from 30 jurisdictions, would thus have to conduct and report out on 600 separate waste evaluations per year. Depending on the time of year, the work would at times be done in conditions of rain, heat, short day length/limited light, and other adverse conditions.

While the State might find some value in using the aggregated (all sources) information to assess statewide progress toward the 75% diversion requirement, the jurisdiction-specific organics percentages will be of limited use in determining an individual jurisdiction’s compliance with the diversion requirements. That is because the organics levels in waste entering a landfill is only a small part of the organics diversion math equation. Diversion must be measured for the jurisdiction’s entire system to be meaningful, taking into account flows of source-separated yard trimmings, food scraps, paper, wood, and other components of the organics generated in the jurisdiction.

This requirement unreasonably burdens landfill owners and produces little useful information. We ask that Section 20901 be deleted entirely. If the State requires the consolidated data showing the overall percentage of organics in disposed waste, that information could be captured with quarterly or annual measurements of organics presence in the landfill’s aggregated waste stream.

Thank you for your consideration of the comments expressed above.

Sincerely,



Deanna J. Santana  
City Manager  
City of Santa Clara





# City of Santa Clara

The Center of What's Possible

Mayor

Lisa M. Gillmor

**Councilmembers**

Raj Chahal  
Debi Davis  
Karen Hardy  
Patricia M. Mahan  
Teresa O'Neill  
Kathy Watanabe

June 21, 2019

The Honorable Nancy Skinner, Chair  
Senate Committee on Public Safety  
State Capitol, Room 2031  
Sacramento, CA 95814

**Re: AB 680 (Chu) – Dispatcher Mental Health Identification Training - SUPPORT**

Dear Chair Skinner:

On behalf of the City of Santa Clara, I write to express our strong support for Assembly Bill 680 (Chu), which will improve the quality of information relayed from dispatchers to peace officers responding to emergencies that involve mental illness, intellectual disabilities, and substance use disorders.

Dispatchers are routinely the first point of contact for emergencies, and peace officers rely on the information provided to them by dispatchers when responding to any emergency or disturbance. AB 680 addresses the fact that people with mental health emergencies are more likely to wind up in jail or to be injured during police encounters than members of the general public. Earlier identification of emergencies with a mental health component can better give first responders the appropriate information to ensure that these community members receive the help they need.

Currently, peace officers take training to help deescalate these encounters. The goal is to improve safety for all people involved and to minimize the use of force during interaction with a person experiencing a mental health crisis. AB 680 (Chu) seeks to enable emergency dispatchers with similar training.

The bill also builds from a foundation of evidence-based training for dispatchers that has been field-tested in other parts of the country. In the long term, the bill aims to reduce the number of people with mental health problems involved with the criminal justice system and help those in crisis reach services.

For these reasons and more, the City of Santa Clara supports the mental health identification training for emergency dispatchers trained by the POST Commission. We urge you to vote aye on AB 680 (Chu). Thank you for your consideration.

Sincerely,

Lisa M. Gillmor  
Mayor  
City of Santa Clara