



Legislation Details (With Text)

File #: 21-1581 **Version:** 1 **Name:**
Type: Consent Calendar **Status:** Agenda Ready
File created: 11/2/2021 **In control:** Council and Authorities Concurrent Meeting
On agenda: 12/7/2021 **Final action:** 12/7/2021
Title: Action on 2021 Q3 Legislative Update

Sponsors:

Indexes:

Code sections:

Attachments: 1. Legislative Advocacy Position Policy, 2. 2021 Legislative Advocacy Positions, 3. 2021 Q3 Legislation, 4. 2021 Q3 Legislative Action, 5. POST MEETING MATERIAL

Date	Ver.	Action By	Action	Result
12/7/2021	1	Council and Authorities Concurrent Meeting	Noted and filed	

REPORT TO COUNCIL

SUBJECT

Action on 2021 Q3 Legislative Update

COUNCIL PILLAR

Enhance Community Engagement and Transparency

BACKGROUND

On October 9, 2018, the City Council adopted Resolution No. 18-8611 to approve a Legislative Advocacy Position (LAP) Policy (Attachment 1). The LAP Policy establishes clear guidelines for advancing City goals and positions through legislative review and advocacy at the regional, state, and federal levels of government. The policy also provides guidance for City officials who serve on regional, state, and national boards, committees, and commissions when they are asked to review public policy matters and issues.

On February 9, 2021, the City Council adopted twelve (12) LAPs for 2021 on the following key issues:

- COVID-19 Legislation
- Energy Legislation, Regulations and Issues
- Engagement with Federal Aviation Administration Regarding Airplane Noise
- Housing
- Human Resources and Public Sector Employment
- Local Authority over Wireless Telecommunications Facilities and Cable Services
- Public Safety
- Regional and State-wide Water Supply and Conservation
- Regional Issues and Collaboration

- Regional Transportation Issues
- School Mitigation Fees
- Sustainability and Environmental Legislation, Regulations and Issues

On May 25, 2021, the Council approved amended versions of the Energy Legislation, Regulations and Issues and Public Safety LAPs. The most current versions of the adopted LAPs can be found under the 2021 Legislative Advocacy Positions document (Attachment 2).

In addition to requiring the City Council to adopt or update LAPs annually to identify specific legislative priorities, the LAP Policy also requires staff to provide quarterly legislative updates on public policy items of interest to the Council and provide Council copies of letters or summary of actions on legislative items.

The City has an existing agreement with Townsend Public Affairs for state and federal legislative advocacy services, which includes tracking and monitoring legislation and advocating the City's position on various legislation at the State and federal levels of government. This update provides information on such legislation.

DISCUSSION

Since the adoption of the 2021 LAPs, staff and Townsend Public Affairs have been tracking and monitoring various legislative items. The 2021 Q3 Legislation document (Attachment 3) summarizes tracked bills that have been passed by the State Legislature. The bills are grouped by their aligned LAP, guiding principle for legislative advocacy or approved City policy (e.g., City Council Goals and Priorities), and a summary has been provided for each bill.

The LAP Policy states, "Letters and other communications expressing the City's position on legislation will customarily bear the signature of the Mayor in accordance with City Charter Section 704.2 - 704.3. If the legislation's principal impact affects the City's operation, the communication may be signed by the City Manager." The City has taken action on some of the issues that are outlined below (e.g. submitted a letter of thanks, support or opposition). Those actions are documented in the 2021 Q3 Legislative Action attachment (Attachment 4). For the letter addressed to Governor Newsom that is referenced in the attachment, Mayor Gillmor was requested by Elected Officials to Protect America (EOPA) to sign a letter in support of ending the issuance of permits for new fossil fuel projects, designing a managed decline of all fossil fuel production starting with a 2,500 foot buffer around specific areas, and committing the state to 100% clean, renewable energy in all sectors. At the time of this report, Mayor Gillmor's name is not reflected among the signatories, but Councilmember Jain's is.

State Legislative Update

September 10th marked the conclusion of the first year of the 2021-22 legislative session. This year, there were 836 bills that reached the Governor's Desk out of 2,421 bills introduced (Senate-828; Assembly-1,593). In finalizing his actions on legislation on October 9th, the Governor signed 770 bills and vetoed 66 bills, for a 7.9% veto rate. This means that 34.5 percent of the bills *introduced* made it to the Governor's Desk; 32 percent of the bills introduced got signed into law; and 2.7 percent of the bills introduced got vetoed.

To put this into context, the 2021 session saw nearly twice as many bills passed by the Legislature than in 2020, which featured a total of only 428 bills passed by the Legislature due to the onset of the COVID-19 pandemic - the lowest approved by the Legislature in over 50 years. Despite the 2021

session's higher passed bill count, the 836-bill total is lower than in previous years. This can largely be attributed to the 12-measure per legislator cap imposed by Assembly and Senate leadership to ensure focus was directed to critical COVID mitigation and recovery legislation.

Much of the legislation signed by the Governor was packaged with other similar measures to address economic recovery, the housing crisis, and extreme weather events, including drought and wildfires. For instance, the Newsom Administration has been focused on the implementation of the *California Comeback Plan* through significant budget allocations to both accelerate the State's recovery from the pandemic and tackling persistent challenges. Part of the \$100 billion plan has included over \$20 billion in housing and homelessness investments, with the goal of producing 84,000 homes. Other investments include a climate resiliency package and stimulus payments to the State's vulnerable residents.

Given the massive impacts the coronavirus pandemic had upon the legislative proceedings during the 2020 Session, legislators were focused this year on streamlining the passage of COVID recovery legislation, as well as legislation that was paused last year due to the immediate need for emergency measures, such as land use and public safety reform.

Ultimately, the 2021 Legislative Session will be remembered for its passage of one of the most significant housing and land use reform and policing reform packages, as well as a long, drawn-out Budget process, which featured a record amount of funding reserves and federal relief funds.

Major Policy Considerations

Below are brief summaries of legislative action in a few key areas, as well as additional information regarding legislation that was approved by the Governor, which may be of interest to the City.

COVID-19

Statewide Assistance Programs - The 2021 Legislative Session's focus was largely centered on Coronavirus pandemic recovery and support efforts for vulnerable Californians through the Budget, which included significant pass-through funding from the federal government to help combat the public health and economic impacts of the pandemic. Part of these efforts were codified in the Governor's *California Comeback Plan*, which included over \$100 billion in investments into programs such as the "Golden State Stimulus Plan," which provided a series of direct payments to taxpayers making up to \$75,000, and the California Rent Relief program, which allowed for renters and landlords to apply for rent and utility payment relief. These supportive efforts came in addition to Governor Newsom extending the state's eviction moratorium, which expired at the end of September.

Remote Meetings Legislation - In addition to the State's budgetary programs providing such things as rental relief to low-income Californians, this year the Legislature focused on the longevity of tech-inclusive requirements to allow for remote meetings. This included Assembly Member Robert Rivas' AB 361, which allows local agencies to use teleconferencing without complying with specified Ralph M. Brown Act restrictions in certain state emergencies, thus codifying provisions originally included in Governor Newsom's executive orders waiving certain Brown Act restrictions. The Governor signed this legislation into law, which officially took effect October 1, 2021. Another bill related to remote meetings was Assembly Member Alex Lee's AB 339, which would have required local governments with populations of over 250,000 to provide both in-person and teleconference options for the public to attend their meetings. This measure was met with opposition from local governments, who claimed

the bill's provisions would create onerous and costly technology requirements that could lead to new opportunities for litigious individuals to take advantage of the Act to sue local public agencies. Ultimately, Governor Newsom vetoed AB 339, stating that the population threshold would set a precedent of tying public access requirements to the population of jurisdictions.

Vaccine Requirements - Notably, the Legislature refrained from imposing a vaccine mandate through the enactment of statute. Toward the end of session, gut & amend legislation, which would have required government employees and employees of specific industries to submit to weekly mandatory testing or provide proof of vaccination as a condition of employment, failed to materialize. This could have been attributed to multiple political factors at the time, which included the upcoming gubernatorial recall election, and the late post-policy committee consideration deadline for the release of the gut & amend language, which was bound to generate criticism regarding the legislative process.

While the Legislature did not pass vaccination requirements, the State did so via a series of regulations from the California Department of Public Health (CDPH), beginning with mandatory vaccines or up to bi-weekly testing as a condition of employment for all healthcare workers and state employees. All employees subject to this requirement were given a deadline of September 30 to be in full compliance. In addition to the workplace vaccine regulations, the Governor announced plans require all school employees and students be vaccinated following full FDA approval of existing vaccines. The school vaccine requirement will apply to K-12 students and school employees and will be a condition of in-person attendance and employment for all pupils and employees of any private or public elementary or secondary school. Once vaccines receive full approval, all students over the age of 12 will be required to receive a vaccine, with all younger students receiving a vaccine once the FDA approves administering it to younger age groups.

Looking forward, it is possible that the 2022 Legislative Session will feature a more robust portfolio of bills to implement vaccine mandates or eliminate loopholes like the personal belief exemption, which applies to the current set of regulations and allows for individuals to opt-out of the COVID-19 vaccine for religious or ideological reasons.

Housing

During last year's session, it appeared that the issues of affordable housing, housing production, and homelessness would dominate the policy conversation. However, the pandemic stalled the progression of many top-down housing reform measures as attention was diverted to addressing immediate COVID-19 mitigation strategies. This year, housing and land use reform measures were thrust back into the spotlight, with numerous measures sailing through the policy committee process, unlike previous renditions of the same bills had in prior sessions. Notable land use legislation like Senate Pro Tempore Toni Atkins' SB 9 made it to the Governor's desk nearly a week before the end of session.

Just shy of a week after the Legislature's adjournment on September 10, Governor Newsom signed

the first round of housing and land use reform bills, which included SB 8 (Skinner), which extends the Housing Crisis Act of 2019, SB 9 (Atkins), which requires the ministerial approval of urban lot splits and two-unit developments on single-family zoned parcels, and SB 10 (Wiener), which authorizes local governments to zone any parcel up to 10 units via ordinance.

After the enactment of the first round of housing and land use bills, the Governor signed a 27-bill package on September 28 to further address the State's housing crisis, with more focus on accountability and enforcement as it pertains to development goals. The bills in this package included AB 215 (Chiu), which increases enforcement within the Department of Housing and Community Development (HCD) and housing element transparency standards, AB 602 (Grayson), which increases the transparency of impact fees through revised nexus study requirements, and SB 478 (Wiener), which prohibits local governments from imposing certain floor area ratio standards on specified housing projects.

In addition to the more than 30-bill housing package addressing issues like density, zoning, and development streamlining, another key element to the State's housing laws is the new Housing Accountability Unit (HAU) within the state Housing and Community Development (HCD) Agency created in the 2021 Budget. The 25-person team with a budget of more than \$4 million is expected to assist local governments meet their housing goals - and crack down on those that fail to do so. Per the Governor's remarks on the newly created unit, *"The HAU will be empowered to take escalating enforcement steps to bring municipalities into compliance with their RHNA goals in the event of persistent non-compliance."*

Given the breadth of the housing and land use reform bills enacted during the 2021 session, it begs the question on whether the Legislature will have the same appetite for additional housing reform measures in 2022. It is expected that the focus will shift from the enactment of new measures to the implementation and enforcement of existing measures, with the new HAU serving as an additional mechanism to accomplish housing production accountability.

Public Safety Reform

Following the death of George Floyd in 2020, the Legislature introduced several bills aimed at police reform and means of alternative response to non-emergency calls for law enforcement. Authors of the various legislative proposals worked with the Newsom Administration and many stakeholders, including representatives from law enforcement, in efforts to advance their legislation. Ultimately, some bills were able to move forward, but many bills which attempted to make significant policy changes, were ultimately held so that they could receive full legislative consideration in 2021.

This year, public safety reform became a major focus of the Legislature. Following session's adjournment, the Governor signed into law a package of police reform bills that constitute some of the most significant changes to peace officer accountability in recent years. The package included bills such as SB 2 (Bradford), which creates a system to investigate and revoke or suspend peace officer certification for serious misconduct along with imposing changes to qualified immunity standards, and SB 16 (Skinner), which allows for public access of police officer misconduct records related to excessive use of force and failure to intervene, among other things.

Other bills include AB 89 (Jones-Sawyer) which increases the minimum qualified age for peace

officers and establishes a college-level curriculum for certification, and AB 48 (Gonzalez), which prohibits the use of rubber bullets and pepper spray against peaceful protestors. While significant, the passage and enactment of these measures comes at no surprise, given the behind-the-scenes work done via the Assembly's formation of a Select Committee on Police Reform and a series of recommendations for policing and protesting reform outlined by the Newsom Administration this year.

Broadband

In addition to the significant packages of housing and police reform measures signed into law, the Legislature was focused on the deployment of broadband infrastructure, as connectivity needs were laid bare by the pandemic and reliance on the internet. During the Budget process, the Legislature passed SB 156, a Budget trailer bill providing over \$6 billion to expand broadband infrastructure and enhance internet access for unserved and underserved communities.

The historic investment includes:

- \$3.25 billion to build, operate and maintain an open access, state-owned middle mile network - high-capacity fiber lines that carry large amounts of data at higher speeds over longer distances between local networks.
- \$2 billion to set up last-mile broadband connections that will connect homes and businesses with local networks. The legislation expedites project deployment and enables Tribes and local governments to access this funding.
- \$750 million for a loan loss reserve fund to bolster the ability of local governments and nonprofits to secure financing for broadband infrastructure.
- Creation of a broadband czar position at the California Department of Technology, and a broadband advisory committee with representatives from across state government and members appointed by the Legislature.

Accompanying measures to this investment include Assembly Member Aguiar-Curry's AB 14 and Senator Lena Gonzalez's SB 4, which prioritize the broadband needs of California's unserved and underserved communities and make important, separate tweaks to the California Advanced Services Fund surcharge program. Specifically, AB 14 and SB 4 extend the operation of the California Advanced Services Fund (CASF) through 2032 and increase the annual funding cap from \$66 to \$150 million, thus increasing the amount of funds within the CASF's various subaccounts, which fund projects like broadband deployment in low-income housing communities.

Each of these broadband deployment bills was accompanied by a veto of Senator Dodd's SB 556, which would have forced local governments to make space on public infrastructure available to telecommunications providers. In his veto message, the Governor highlighted the role local government will have in last mile deployment, which is essential to driving competition and increasing access.

Transportation

A notable element to the 2021 session was its long and drawn-out Budget process. During the final round of "Budget clean-up" legislation, Governor Newsom and legislators announced they tabled discussions on \$4.2 billion in high-speed rail bond funding until 2022. The outstanding budget issue originated from a behind the scenes disagreement between the Legislature and the Governor on the appropriation of funds for the high-speed rail project in the Central Valley. Specifically, many members of the Legislature wanted to pivot funding generated by Proposition 1A from investments in high-speed rail into other investments like infrastructure maintenance and sustainable transportation.

The Governor's Office wanted to see the \$4.2 billion in 1A funds invested into finishing the Merced to Bakersfield rail segment and the environmental review and planning for the remaining San Francisco to Los Angeles route. Assembly Member Laura Friedman, Chair of the Assembly Transportation Committee, said the delay is because the High-speed Rail Authority has not provided specifics on its planned expenditures.

The impasse on high-speed rail project funding is significant because there were several other planned appropriations of transportation funding in the State Budget that are now also held up. Several transportation funding augmentations had been contingent on the enactment of additional legislation specifying how the funds would be allocated by October 10, 2021. The Legislature did not pass the additional legislation required. Consequently, these revert to the General Fund:

- **Transit and Intercity Rail Capital Program (\$2.5 Billion):** Had this funding become available, the California State Transportation Agency (CalSTA) would have selected projects and the California Transportation Commission (CTC) would have allocated funds. Of the \$2.5 billion, \$1 billion would have been specifically for 2028 Olympics projects and \$500 million would have been specifically for grade separation projects.
- **Active Transportation Program (\$500 Million):** Had this funding become available, the CTC would have proceeded with the 2021 Active Transportation Program (ATP) Augmentation Framework to augment the current program cycle.
- **State and Local Climate Adaptation Program (\$400 Million):** Had this funding become available, the CTC would have been required to allocate funds to climate resiliency projects for Caltrans and regional and local agencies.

Governor Newsom has been commenting through CalSTA and several legislative veto messages that he looks forward to re-engaging with the Legislature to finalize and pass a comprehensive transportation package early next year that invests in a wide variety of critically necessary projects including high-speed rail, connectivity projects in advance of the 2028 Los Angeles Olympics, road and bridge repair, and a variety of other rail system improvements.

Other Priority Legislation

Below are highlights of legislation that was approved by the Legislature and may be of interest to the City. The below bills have been grouped by LAP.

COVID-19 Legislation LAP

- **AB 61 (Gabriel)** authorizes the Department of Alcohol Beverage Control (ABC), for 365 days from the date the Covid-19 pandemic state of emergency proclaimed by the Governor is lifted, to allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a COVID-19 Temporary Catering Authorization. *This measure was signed into law by the Governor.*
- **AB 339 (Lee)** would have created standards for public participation and access for jurisdictions of at least 250,000 people to join and comment at open and public city council and county board of supervisor meetings, in-person and remotely, between January 1, 2022, to December 31, 2023. *This measure was vetoed by Governor Newsom.*

- **AB 361 (R. Rivas)** gives local agencies the authority to host virtual meetings until January 1, 2024, and for state agencies until January 31, 2022. Under the state of emergency, the legislative body must, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make findings by majority vote. AB 361 was amended in the final week of session to include an urgency clause. *This bill was signed into law by Governor Newsom.*
- **SB 336 (Ochoa-Bogh)** requires the California Department of Public Health or a local health officer, when it issues specified guidance or orders related to preventing the spread of COVID-19 or to protect public health against a threat of COVID-19, to publish the measures on its website and to create an opportunity for local entities to sign up for an email distribution list relative to changes such measures. *This measure was signed into law by the Governor.*

Energy Legislation, Regulation and Issues LAP

- **AB 418 (Valladares)** would have created the Community Power Resiliency Program within California Office of Emergency Services (Cal OES) for the purposes of helping local entities prepare for power outages. *This measure was vetoed by the Governor.*
- **SB 52 (Dodd)** defines a 'deenergization event' as a planned power outage and would make a deenergization event one of those conditions constituting a local emergency, thus allowing counties to seek reimbursement for the costs incurred by running the emergency operation centers. *This bill was signed into law by Governor Newsom.*
- **AB 1403 (Levine)** would have added "deenergization event" to the list of conditions constituting a state of emergency and local emergency and defines "deenergization event" to mean a planned power outage, undertaken by an electrical corporation, to reduce risk of wildfires caused by utility equipment. *This bill was vetoed by Governor Newsom.*

Housing LAP

- **AB 215 (Chiu)** provides the Department of Housing and Community Development (HCD) with additional enforcement authority for local agency violations of specified housing laws and increases public review for housing elements. With respect to increasing the Department's enforcement authority, the bill adds to the list of housing law violations for which HCD is authorized to take legal enforcement action against a noncompliant jurisdiction and authorizes HCD to appoint or contract with other counsel in the event the Attorney General declines to act. To increase public review for housing elements, the bill requires local governments to make the first draft revision of a housing element available for public comment for at least 30 days and, if any comments are received, take at least 10 additional business days to consider and incorporate public comments into the draft revision before submitting it to HCD before posting to their website. *This bill was signed into law by Governor Newsom.*
- **AB 602 (Grayson)** requires local agencies conducting an impact fee nexus study after 2022 to follow specific standards and practices, including completing an impact fee nexus study prior to adopting a development fee, identifying existing public facility service levels and an explanation for why the new level of service and corresponding fee is necessary, and identifying the levied or proposed fee proportionately to the square footage of proposed units. *This bill was signed into law by Governor Newsom.*

- **AB 977 (Gabriel)** requires grantees or entities that receive funding from a state homeless program or programs to report specified data to the Homeless Coordinating and Financing Council (HCFC) on the populations they serve. *This measure was signed into law by the Governor.*
- **AB 1304 (Santiago)** expands the ways in which local agencies must affirmative further fair housing (AFFH) in their housing elements. *This measure was signed into law by the Governor.*
- **AB 1398 (Bloom)** requires expedited rezoning for local jurisdictions that fail to adopt a legally compliant housing element within 120 days of the statutory deadline. *This measure was signed into law by the Governor.*
- **SB 9 (Atkins)** requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split). Parcels located in areas prone to environmental degradation, historic landmark districts, or areas designated for conservancy are excluded from the bill's provisions. Imposes a minimum three-year owner occupancy requirement for applicants of lot splits. *This bill was signed into law by Governor Newsom.*
- **SB 10 (Wiener)** authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site. Defines "transit-rich area" as a parcel within one-half mile of a major transit stop, or a parcel on a high-quality bus corridor. Defines "urban infill site" as an area within an urban cluster with at least 75% of the perimeter adjoining to parcels developed with urban use and is zoned for residential or mixed use. *This bill was signed into law by Governor Newsom.*
- **SB 290 (Skinner)** makes various changes to Density Bonus Law (DBL), including providing additional benefits to housing developments that include low-income rental and for-sale housing units, and moderate-income for-sale housing units. *This measure was signed into law by the Governor.*
- **SB 477 (Wiener)** would have added a number of requirements to the annual progress report (APR) that local governments are required to submit to the state Department of Housing and Community Development (HCD) each year in relation to their housing elements. *This measure was vetoed by the Governor.*

Human Resources and Public Sector Employment LAP

- **AB 123 (Gonzalez)** would have increased the wage replacement rate for paid family leave (PFL) claims commencing after January 1, 2023, but before January 1, 2025 to 65% or 75%; and for claims commencing after January 1, 2025 to 70% or 90%. *This bill was vetoed by Governor Newsom.*
- **SB 278 (Leyva)** provides that when a retiree's CalPERS pension is reduced post-retirement, due to the inclusion of compensation agreed to under a collective bargaining agreement that is later determined to be nonpensionable, the public employer must cover the difference between the pension as originally calculated and as reduced by CalPERS. *This bill was signed into law by Governor Newsom.*

Local Authority Over Wireless Telecommunications Facilities and Cable Services LAP

- **AB 14 (Aguiar-Curry)** extends the California Advanced Services Fund (CASF) program to encourage deployment of broadband service to unserved Californians, including updating the CASF's surcharge and preserving various changes made by recent budget legislation. *This bill was signed into law by Governor Newsom.*
- **AB 41 (Wood)** requires the California Department of Transportation (Caltrans) to install conduit for fiber communications lines as part of projects to build a state-owned middle-mile broadband network. This bill also requires the California Public Utilities Commission (CPUC) to update broadband maps to specified information about local broadband service. *This measure was signed into law by the Governor.*
- **SB 4 (Gonzalez)** extends the operation of the California Advanced Services Fund (CASF) through 2032, increases the annual funding cap for the CASF, and expands projects eligible for CASF grants to include fund broadband deployment at unserved locations used for emergency response. *This measure was signed into law by Governor Newsom.*
- **SB 378 (Gonzalez)** requires local governments to allow fiber installers to use microtrenching as a method for installing fiber unless the local government makes a specified finding that permitting microtrenching would adversely impact public health and safety. *This measure was signed into law by the Governor.*
- **SB 556 (Dodd)** would have established permitting requirements for the placement of small wireless facilities on streetlight and traffic signal poles owned by local governments, including specified timelines for approving and attaching infrastructure, limitations on fees for attachments, and restrictions on local governments' ability to prohibit small wireless facility attachments. *This bill was vetoed by Governor Newsom.*

Public Safety LAP

- **AB 26 (Holden)** requires use of force policies for law enforcement agencies to include the requirement that officers "immediately" report potential excessive force, and further describes the requirement to "intercede" if another officer uses excessive force. Provides additional specifications for law enforcement agency policies on the duty to intervene when another officer uses excessive force. *This bill was signed into law by Governor Newsom.*
- **AB 48 (Gonzalez)** bans police from using tear gas and "less-lethal" projectiles on protestors. This bill was introduced last year and was one of the bills that ran out of time, so it was reintroduced this session. *This bill was signed into law by Governor Newsom.*
- **SB 2 (Bradford)** creates a process for law enforcement officers to be terminated if convicted of crimes or some forms of misconduct. In certain circumstances, such as if an officer is convicted of wrongful death, the bill would remove immunity protections, which shield public employees from civil lawsuits. *This bill was signed into law by Governor Newsom.*
- **SB 16 (Skinner)** expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA) to include sustained findings involving force that is unreasonable or excessive, and any sustained finding that an officer

failed to intervene against another officer using unreasonable or excessive force. *This bill was signed into law by Governor Newsom.*

Regional and Statewide Water Supply and Conservation LAP

- **SB 273 (Hertzberg)** authorizes a municipal wastewater agency to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority to fund wastewater management projects. *This bill was signed into law by Governor Newsom.*
- **SB 323 (Caballero)** authorizes a local agency or interested person to bring a validation action in a superior court to determine the validity of a fee or charge for water and sewer service. Additionally, requires an interested party bring a validation action within 120 days after the fee or charge becomes effective, thus providing public agency water and sewer rates the same protections already afforded to fees and charges that fund other essential government services. *This bill was signed into law by Governor Newsom.*

Regional Issues and Collaboration LAP

- **SB 60 (Glazer)** allows cities to impose a fine of up to \$5,000 for public and health and safety violations of a short-term rental ordinance, bringing the fine threshold above the existing \$1,300 for each additional violation of the same ordinance within a year. *This bill was signed into law by Governor Newsom.*

Regional Transportation Issues LAP

- **AB 43 (Friedman)** grants local governments greater flexibility in setting speed limits based on recommendations the Zero Traffic Fatality Task Force (Task Force) made in January 2020. *This bill was signed into law by Governor Newsom.*
- **AB 1157 (Friedman)** would have made changes to the required elements of metropolitan planning organizations' (MPO) regional transportation plans (RTPs) to ensure effective implementation of sustainable communities' strategies (SCSs) and alternative planning strategies (APSS). *This measure was vetoed by the Governor.*

Sustainable and Environmental Legislation, Regulations, and Issues LAP

- **AB 818 (Bloom)** requires covered non disposable wipes to be labeled to communicate that they should not be flushed. *This measure was signed into law by the Governor.*
- **SB 1 (Atkins)** establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 and creates the California Sea Level Rise State and Regional Support Collaborative at the Ocean Protection Council to help coordinate and fund state efforts to prepare for sea level rise associated with climate change. *This bill was signed into law by Governor Newsom.*
- **SB 619 (Laird)** allows local governments to submit a notice of intent to comply with requirements set forth by SB 1383 (Lara, 2016) regulations to CalRecycle, which, if approved, would authorize a jurisdiction to receive civil penalty relief for the 2022 calendar year and a corrective action plan. *This bill was signed into law by Governor Newsom.*

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The City’s three-year agreement with Townsend Public Affairs for state and federal legislative advocacy services is for an amount not to exceed \$252,000. The services outlined in this report are included at no additional cost as part of the consultant’s monthly service fee.

COORDINATION

This report has been coordinated with Townsend Public Affairs and the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

RECOMMENDATION

Note and file the 2021 Q3 Legislative Update.

Prepared by: Christine Jung, Assistant to the City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Legislative Advocacy Position Policy
2. 2021 Legislative Advocacy Positions
3. 2021 Q3 Legislation
4. 2021 Q3 Legislative Action