



# City of Palo Alto

## City Council Staff Report

(ID # 9722)

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**Report Type:** Informational Report

**Meeting Date:** 10/22/2018

**Summary Title:** Result of 2018 state legislation

**Title:** Final Results of 2018 State Legislation Affecting Cities

**From:** City Manager

**Lead Department:** City Manager

### RECOMMENDATION

This is an informational report and no action is required.

### BACKGROUND

The Governor finished signing all State bills on Sunday, September 30. The final disposition of many bills affecting local governments is noted below.

#### Bills with City positions

These are bills where the City submitted a position letter and our lobbyist advocated on behalf of our positions with legislative offices, and by providing testimony at legislative hearings.

**AB 2308 (Stone) Cigarettes: single-use filters.** The City [supported](#) this bill that would have banned the sale of single use filter cigarettes. **Did not pass the legislature**

**AB 2809 (Patterson) California Renewables Portfolio Standard Program: hydroelectric generation facilities.** The City [supported](#) this bill, aimed at allowing energy from large hydroelectric generation to become an eligible renewable resource for purposes of the State's Renewable Portfolio Standard. **Did not pass the legislature**

**AB 3014 (Quirk) Brake friction materials: copper limits: high-performance road- and track-capable vehicle exemption.** The City [opposed](#) this bill would have exempted certain vehicles from the requirement to reduce copper in brake material. **Did not pass the legislature**

**SB 212 (Jackson) Solid waste: pharmaceutical and sharps waste stewardship.** The City has a [support position](#) on this bill that will create a pharmaceutical waste and sharps take-back program, operated by manufactures. **Signed into law**

**SB 328** (Portantino) **Pupil attendance: school start time.** The City submitted a [letter of concern](#) regarding student safety to the author of this bill that would mandate middle and high schools start no earlier than 8:30. **Vetoed**

**SB 827** (Wiener) **Planning and zoning: transit-rich housing bonus.** The City [opposed](#) this bill that would have increased zoning densities and building heights around major transit hubs. **Did not pass the legislature**

**SB 881** (Wieckowski) **Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project.** The City has a [support position](#) on this bill that will help authorize funding for the South San Francisco Bay Shoreline Project. **Signed into law**

**SB 998** (Dodd) **Discontinuation of residential water service: urban and community water systems.** The City has an [opposed position](#) on this bill that would impose many restrictions on water utilities before terminating residential water service to non-paying customers. **Signed into law**

In summary, the outcomes described above indicate that State action was consistent with the City of Palo Alto's advocacy position in 5 of the 8 bills on which the City engaged.

#### Other Key bills

**AB 553** (Daly) **Workers' Compensation: Return-to-Work Program.** Requires the State to distribute \$120 million annually to injured workers from the Return to Work Program — a public and private employer funded program. Places an additional administrative and cost burden on cities by requiring employers to contribute annually to the fund and shifts the responsibility to administer the program funds away from the state to both public and private employers as well as their insurers. **Vetoed**

**AB 748** (Ting) **Peace Officers: Video and Audio Recordings: Disclosure.** Establishes a standard for the release of body-worn camera footage that removes local authority over the determination to release footage to the public. Potentially exposes cities to Public Record Act lawsuits and would increase costs. **Signed into law.**

**AB 828** (Wiener) **Land use: housing element.** Requires a city or county's inventory of land suitable for residential development to meet 125 percent of its regional housing need allocation for all income levels, and makes a number of changes to the regional housing needs assessment methodology and process. **Signed into law**

**AB 1771** (Bloom) **Regional Housing Needs Assessment.** Makes a number of changes to the RHNA methodology and allocation process. Limits flexibility for two local governments to agree to an alternative distribution of appealed housing allocations. Allows a Council of Government (COG) to identify significant barriers to affirmatively furthering fair housing at the regional level and recommend strategies or actions to overcome those barriers. This would allow a COG to second-guess city land use decisions. **Signed into law.**

**AB 1870** (Reyes) **Employment discrimination: limitation of actions.** Changes the statute of limitations for filing an employment discrimination claim from one year to three years. **Vetoed**

**AB 2020** (Quirk) **Local jurisdiction licensees: temporary event license.** Allows the State to issue a temporary state event license for a venue that has been expressly approved by a local jurisdiction under specific conditions. Provides cities with more control over authorizing a temporary cannabis event. **Signed into law.**

**AB 2123** (Cervantes) **District-based elections.** Provides up to an additional 90 days to convert to district-based elections through the ordinance process upon mutual agreement between a prospective plaintiff and a city. **Signed into law.**

**AB 2164** (Cooley) **Cannabis.** Allows local agencies to adopt an ordinance providing for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result of, or to facilitate, the illegal cultivation of cannabis. **Signed into law.**

**AB 2363** (Friedman) **Zero Traffic Fatalities Task Force.** Requires the Secretary of Transportation to create a task force inclusive of local government representatives to produce a study of how to best reduce traffic fatalities and injury to zero. **Signed into law.**

**AB 2415** (Calderon) **CalPERS: Officers and Directors: Appointment and Compensation.** Adds the positions of a chief operating officer and a chief health director to the list of existing positions for which the CalPERS Board of Administration has compensation-setting authority. Helps ensure CalPERS is competitive when it comes to the recruiting, hiring, and retaining the highest quality personnel. **Signed into law.**

**AB 2495** (Mayes) **Code Enforcement.** Makes it unlawful for a city or county government to charge a person for the costs of investigation, prosecution, or appeal in code enforcement actions that the city or county sustains in a criminal case. **Signed into law**

**AB 2538** (Rubio) **Municipal Separate Storm Sewer Systems: Financial Capability Analysis.**

Requires the State to adopt guidelines for Municipal Separate Storm Sewer System permittees that consider the costs to local jurisdictions. **Vetoed**

**AB 2544** (Lackey) **Parking Penalties**

Retroactively requires cities to verify the indigent status of persons with unpaid parking violations over the last five years. Creates an undue burden on local governments and their ability to enforce basic local laws. **Signed into law.**

**AB 2598** (Quirk) **Enforcement of Local Building and Safety Codes.** Updates for inflation the existing statutory fine caps for violations of local building and safety codes, adds a hardship appeal process for repeat violators, and establishes a higher maximum fine for commercial property owners who fail repeatedly to maintain their properties. **Signed into law.**

**AB 2681** (Nazarian) **Seismic Safety: Potentially Vulnerable Buildings.** Creates an unfunded mandate requiring localities to compile inventories of potentially vulnerable buildings

and other prescriptive requirements without any funding secured for the program. **Vetoed.**

**AB 2880** (Harper) **Political Reform Act of 1974: Local Enforcement.** Authorizes local governments to contract with the Fair Political Practices Commission for the administration and enforcement of local campaign finance and government ethics laws. **Signed into law.**

**AB 3081** (Gonzales-Fletcher) **Employment: Sexual Harassment.** Potentially exposes cities to increased false workplace retaliation claims and places a significant burden on them to prove their actions were legitimate and valid. Provides a rebuttable presumption of unlawful retaliation by an employer. **Vetoed.**

**SB 100** (DeLeon). **California Renewables Portfolio Standard Program: emissions of greenhouse gases.** Increases the 2030 target for electric utilities to procure renewable energy for their electric portfolio from 50% renewables to 60% by 2030. Creates the policy of planning to meet all of the state's retail electricity supply with a mix of certain renewables and zero-carbon resources by December 31, 2045. **Signed into law**

**SB 822** (Wiener) **Communications: broadband Internet access service.** Establishes net neutrality in California. **Signed into law**

**SB 833** (McGuire) **Emergencies: Alert and Warning Systems.** Requires CalOES to collaborate with the League of CA Cities, the CA State Association of Counties, and other stakeholders in developing uniform guidelines for mass notification during major emergencies. **Signed into law.**

**SB 901** (Dodd) **Wildfires.** Mandates electric utilities create, and the governing body approve, wildfire mitigation plans annually. Utilities must contract with a qualified independent evaluator to review the plans. **Signed into law**

**SB 1012** (Delgado) **Homeless Multidisciplinary Personnel Team.** Allows a city to participate in a county-established homeless adult and family multidisciplinary personnel team. Expedites identification, assessment, and linkage of homeless individuals to housing and supportive services, and allows provider agencies to share confidential information for the purpose of coordinating housing and supportive services to ensure continuity of care. **Signed into law.**

**SB 1333** (Wieckowski) **Planning and Zoning: Charter Cities.** Applies nearly all of the planning and zoning laws to charter cities. **Signed into law**

**SB 1413** (Nielsen) **Public Employees' Retirement: Pension Prefunding.** Provides CalPERS the authority to establish a Pension Prefunding Trust Program. Gives cities the ability to reflect dollars set aside in a trust in their federal Government Accounting Standards Board reporting requirements. **Signed into law.**

**SB 1416** (McGuire) **Code Enforcement: Nuisance Abatement.** Allows cities and counties to recover fines related to nuisance abatement through liens and special assessments. Restricts

the use of funds to code enforcement efforts and facilitate compliance with local building and fire codes. **Vetoed**

**SB 1459** (Cannella) **Cannabis: Provisional License.** Allows state licensing agencies, such as the Bureau of Cannabis Control, to issue provisional commercial cannabis licenses to businesses that are currently in the process of becoming licensed at both the state and local level. Preserves local control by requiring local authorization as a condition to obtain a provisional license. **Signed into law.**

**SB 946** (Lara) **Sidewalk Vending**

Prohibits a local authority from adopting rules or regulations that regulate or prohibit sidewalk vendors unless it first adopts a sidewalk vending licensing program that requires a sidewalk vendor to obtain a license from the local authority before selling food or merchandise. Prohibits restricting the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns. **Signed into law.**

**SB 1300** (Jackson) **Unlawful Employment Practices: Discrimination and Harassment.** Specifies that an employer may be responsible for the acts of nonemployees with respect to other harassment activity. Imposes personal liability onto individual supervisors and overturns a California Supreme Court's decision. **Signed into law.**

**SB 1421** (Skinner) **Peace officers: Release of Records.** May expose peace officers to the risk of having their identity revealed for non-sustained or exonerated incidents. **Signed into law.**