Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY HALL
455 North Rexford Drive
4th Floor Conference Room 4A
Beverly Hills, CA 90210

Tuesday, July 23, 2019
3:00 PM

AGENDA

A. Oral Communications

1. Public Comment

Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

B. Direction

These items require direction by the Liaisons as they may not be consistent with the City Council adopted Legislative Platform. Direction provided by the Liaisons may require City Council approval.

1. Request Direction on H.R. 3570 (Lieu) - Therapeutic Fraud Prevention Act of 2019

Comment: This item seeks direction on H.R. 3570, which would declare therapies that claim to change a person’s sexual orientation or gender identity as harmful and ineffective and classify for-profit conversion therapy as a form of fraud.

2. Request Direction on H.R. 3571 (Lieu) City and State Diplomacy Act

Comment: This item seeks direction on H.R. 3571, which would recognize the critical role city and state governments increasingly play in advancing international affairs and U.S. national interests through subnational diplomacy. It would also establish an Office of Subnational Diplomacy.

3. Request Direction on Senate Constitutional Amendment 1 (Allen) – Public Housing Projects

Comment: This Constitutional Amendment would place a measure on the November 2020 ballot to repeal the provisions of the California Constitution that prohibit the development, construction, or acquisition of a low-rent housing project, until a majority of the qualified electors in a jurisdiction approve the project by voting in favor of it at an election. Staff is seeking direction from the Liaisons on a position of support, oppose, or remain neutral.

4. Request Direction on Assembly Constitutional Amendment 1 (Aguiar-Curry) – Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval
Comment: This Constitutional Amendment would place a measure on the November 2020 ballot that would lower the vote threshold to approve local general obligation bonds and certain special taxes for affordable housing, public infrastructure, and permanent supportive housing projects from a two-thirds supermajority to a 55 percent majority. Staff is seeking direction from the Liaisons on a position of support, oppose, or remain neutral.

5. Request for Direction on Senate Bill 128 (Beall) - Best Value Construction Contracting for Counties Pilot Program

Comment: On June 13, 2019, the Liaisons approved a position of support for SB 128. SB 128 was amended on June 19, 2019 to delete the prior bill contents regarding enhanced infrastructure financing districts and insert new language regarding a pilot program to allow certain counties in the state to pursue best value contracting. As such, the Liaisons are requested to provide direction on SB 128 as amended.

6. Request Direction on Senate Bill 416 (Hueso) - Employment: Workers’ Compensation

Comment: This item seeks direction on SB 416, which would expand the classifications of peace officers who have the benefit of presumptions within the workers’ compensation system that certain illnesses are automatically deemed to be work-related.

7. Request Direction on Senate Bill 438 (Hertzberg) - Emergency Medical Services: Dispatch

Comment: This item seeks direction on SB 438, which would prohibit a public agency from delegating, assigning, or contracting for “911” emergency call processing services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement is with, another public agency.

8. Request Direction on Senate Bill SB 518 (Wieckowski) - Civil Actions: Settlement Offers

Comment: On June 13, 2019, the Liaisons approved a position of oppose to SB 518; however, it has since been significantly amended. SB 518, as amended, would eliminate the use of an offer of compromise, as defined by the Code of Civil Procedure Section 998, in California Public Records Act litigation. Staff is seeking direction from the Liaisons on a position of support, oppose, or remain neutral.

9. Request Direction on Senate Bill 667 (Hueso) - Greenhouse Gases: Recycling Infrastructure and Facilities

Comment: This item seeks direction on SB 667, which would require the State Department of Resources Recycling and Recovery (CalRecycle) to develop a five-year investment strategy for infrastructure necessary to meet statewide organic and solid waste reduction goals.

10. Request Direction on Senate Bill 670 (McGuire) - Telecommunications: Community Isolation Outage: Notification
Comment: This item seeks direction on SB 670, which would require the Office of
Emergency Services, on or before July 1, 2020, to adopt, by regulation, appropriate
thresholds for community isolation outages as it relates to telecommunications.

11. Request Direction on Assembly Bill 379 (Maienschein) - Youth Athletics: Concussion
and Sudden Cardiac Arrest Prevention Protocols

Comment: This item seeks direction on AB 379, which would add “an athlete who has
passed out or fainted” to existing law that requires an athlete suspected of sustaining
a concussion or other head injury be evaluated and cleared by a health care provider
before returning to athletic activity.

12. Request Direction on Assembly Bill 429 (Nazarian) - Seismically Vulnerable
Buildings: Inventory

Comment: This item seeks direction on AB 429, which would require the Alfred E.
Alquist Seismic Safety Commission to identify funding and develop a bidding process
for hiring a third-party contractor to create an inventory of potentially vulnerable
buildings.

13. State and Federal Legislative Updates

Comment: The City's state and federal lobbyist will provide a verbal update to the
Liaisons on state and federal issues.

C. Adjournment

Huma Ahmed, City Clerk

Posted: July 19, 2019

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE LIBRARY AND CITY
CLERK'S OFFICE.

Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to
accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014
(voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to
ensure availability of services. City Hall, including Conference Room 4A, is wheelchair accessible.
Item B-1
TO: City Council Liaison/Legislative/Lobby Committee  
FROM: Cynthia Owens, Policy and Management Analyst  
DATE: July 23, 2019  
SUBJECT: Request Direction on H.R. 3570 (Lieu) - Therapeutic Fraud Prevention Act of 2019  
ATTACHMENT:  
1. Summary Memo – H.R. 3570  
2. Bill Text – H.R. 3570

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

H.R. 3570 (Lieu) - Therapeutic Fraud Prevention Act of 2019 (H.R. 3570) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's federal lobbyist, David Turch & Associates, provided a summary memo for H.R. 3570 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of H.R. 3570, the Liaisons may recommend the following actions:

1) Support H.R. 3570;
2) Support if amended H.R. 3570;
3) Oppose H.R. 3570;
4) Oppose unless amended H.R. 3570;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on H.R. 3570, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
Representative Ted Lieu introduced H.R. 3570, Therapeutic Fraud Prevention Act of 2019, on June 27. The bill would amend the Federal Trade Commission Act to classify for-profit conversion therapy as a form of fraud, thereby banning the practice in the United States. Under the bill, the Federal Trade Commission would be authorized to file complaints against therapists or organizations that promote/practice conversion therapy. Moreover, the measure declares therapies that claim to change a person’s sexual orientation or gender identity as harmful and ineffective. The bill has been referred to the House Energy and Commerce Committee. Over 70 House members have cosponsored the legislation. On the Senate side, Senator Cory Booker (D-NJ) and Senator Patty Murray (D-WA) have introduced a companion bill, S.2008, which has 30 cosponsors.

According to Senator Booker, the legislation will “remove any question that the FTC and State Attorneys General have the tools they need to classify conversion therapy as what it is – fraud – and ban its use. Conversion therapy is a discredited, harmful practice that has been rejected by countless medical and mental health organizations for years. It has no place in our society.” While introducing the bill, Representative Lieu observed that as a State Senator he championed legislation that was enacted into law banning conversion therapy, making California the first state to take such action. Now, 17 states have joined California in banning the practice. This is the third consecutive Congress (114, 115, and now 116) that Congressman Lieu has sponsored the bill.

H.R. 3570 makes the following findings:

(1) Being lesbian, gay, bisexual, transgender, or gender nonconforming is not a disorder, disease, illness, deficiency, or shortcoming.

(2) The national community of professionals in education, social work, health, mental health, and counseling has determined that there is no scientifically valid evidence that supports the practice of attempting to prevent a person from being lesbian, gay, bisexual, transgender, or gender nonconforming.
(3) Such professionals have determined that there is no evidence that conversion therapy is effective or that an individual’s sexual orientation or gender identity can be changed by conversion therapy.

(4) Such professionals have also determined that the potential risks of conversion therapy are not only that it is ineffective, but also that it is substantially dangerous to an individual’s mental and physical health, and has been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide.

(5) It is in the interest of the Nation to prevent lesbian, gay, bisexual, transgender, and gender nonconforming people and their families from being defrauded by persons seeking to profit by offering this harmful and wholly ineffective therapy.

H.R. 3570 has been endorsed by a host of organizations including the Southern Poverty Law Center, the Human Rights Campaign, the American Academy of Pediatrics, the National Association of Secondary School Principals, and the American Psychoanalytic Association. The UCLA School of Law’s Williams Institute estimates that about 698,000 LGBTQ people have been subjected to conversion therapy with another 16,000 LGBTQ teens potentially in harms’ way if federal legislation is not enacted to protect them.
Attachment 2
116TH CONGRESS  
1ST SESSION  

H. R. 3570

To prohibit commercial sexual orientation conversion therapy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019


A BILL

To prohibit commercial sexual orientation conversion therapy, and for other purposes.

1  Be it enacted by the Senate and House of Represen-
2  tatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Therapeutic Fraud Prevention Act of 2019”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Being lesbian, gay, bisexual, transgender, or gender nonconforming is not a disorder, disease, illness, deficiency, or shortcoming.

(2) The national community of professionals in education, social work, health, mental health, and counseling has determined that there is no scientifically valid evidence that supports the practice of attempting to prevent a person from being lesbian, gay, bisexual, transgender, or gender nonconforming.

(3) Such professionals have determined that there is no evidence that conversion therapy is effective or that an individual’s sexual orientation or gender identity can be changed by conversion therapy.

(4) Such professionals have also determined that the potential risks of conversion therapy are not only that it is ineffective, but also that it is substantially dangerous to an individual’s mental and physical health, and has been shown to contribute to depression, self-harm, low self-esteem, family rejection, and suicide.
It is in the interest of the Nation to prevent lesbian, gay, bisexual, transgender, and gender non-conforming people and their families from being defrauded by persons seeking to profit by offering this harmful and wholly ineffective therapy.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONVERSION THERAPY.—The term "conversion therapy"—

(A) means any practice or treatment by any person that seeks to change another individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender, if such person—

(i) receives monetary compensation in exchange for such practice or treatment; or

(ii) instead of, or in addition to, receiving monetary compensation in exchange for such practice or treatment directly, receives monetary compensation in exchange for a product or service that is integral to the provision of such practice or treatment by such person, unless such
product or service is protected by the First Amendment to the Constitution; and

(B) does not include any practice or treatment, which does not seek to change sexual orientation or gender identity, that—

(i) provides assistance to an individual undergoing a gender transition; or

(ii) provides acceptance, support, and understanding of a client or facilitation of a client’s coping, social support, and identity exploration and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices.

(2) Gender identity.—The term “gender identity” means the gender-related identity, appearance, mannerisms, or other gender-related characteristics of an individual, regardless of the individual’s designated sex at birth.

(3) Person.—The term “person” means any individual, partnership, corporation, cooperative, association, or any other entity.

(4) Sexual orientation.—The term “sexual orientation” means homosexuality, heterosexuality, or bisexuality.
SEC. 4. UNLAWFUL CONDUCT RELATED TO CONVERSION THERAPY.

(a) IN GENERAL.—It shall be unlawful for any person—

(1) to provide conversion therapy to any individual; or

(2) to advertise for the provision of conversion therapy and claim in such advertising—

(A) to change another individual’s sexual orientation or gender identity;

(B) to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender; or

(C) that such efforts are harmless or without risk to individuals receiving such therapy.

(b) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) VIOLATION OF RULE.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the
same jurisdiction, powers, and duties as though
all applicable terms and provisions of the Fed-
seq.) were incorporated into and made a part of
this Act.

(B) PRIVILEGES AND IMMUNITIES.—Any
person who violates subsection (a) shall be sub-
ject to the penalties, and entitled to the privi-
leges and immunities, provided in the Federal

(3) REGULATIONS.—The Federal Trade Com-
mission may promulgate, in accordance with section
553 of title 5, United States Code, such regulations
as the Commission considers appropriate to carry
out this section.

(c) ENFORCEMENT BY ATTORNEY GENERAL.—The
Attorney General may bring a civil action in the courts
of the United States against a person who engages in a
violation of subsection (a), for appropriate relief.

(d) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—If the attorney general of a
State has reason to believe that an interest of the
residents of the State has been or is being threat-
ened or adversely affected by a practice that violates
subsection (a), the attorney general of the State
may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) Rights of Federal Trade Commission.—

(A) Notice to Federal Trade Commission.—

(i) In general.—Except as provided in clause (iii), the attorney general of a State, before initiating a civil action under paragraph (1), shall provide written notification to the Federal Trade Commission that the attorney general intends to bring such civil action.

(ii) Contents.—The notification required under clause (i) shall include a copy of the complaint to be filed to initiate the civil action.

(iii) Exception.—If it is not feasible for the attorney general of a State to provide the notification required under clause (i) before initiating a civil action under paragraph (1), the attorney general shall
notify the Commission immediately upon
instituting the civil action.

(B) INTERVENTION BY FEDERAL TRADE
COMMISSION.—The Commission may—

(i) intervene in any civil action
brought by the attorney general of a State
under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters aris-
ing in the civil action; and

(II) file petitions for appeal of a
decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this
subsection may be construed to prevent the attorney
general of a State from exercising the powers con-
ferred on the attorney general by the laws of the
State to conduct investigations, to administer oaths
or affirmations, or to compel the attendance of wit-
nesses or the production of documentary or other
evidence.

(4) PREEMPTIVE ACTION BY FEDERAL TRADE
COMMISSION.—If the Federal Trade Commission in-
stitutes a civil action or an administrative action
with respect to a violation of subsection (a), the at-
torney general of a State may not, during the pend-
ency of such action, bring a civil action under para-

graph (1) against any defendant named in the com-

plaint of the Commission for the violation with re-

spect to which the Commission instituted such ac-

tion.

(5) Venue; Service of Process.—

(A) Venue.—Any action brought under

paragraph (1) may be brought in—

(i) the district court of the United

States that meets applicable requirements

relating to venue under section 1391 of

title 28, United States Code; or

(ii) another court of competent juris-
diction.

(B) Service of Process.—In an action

brought under paragraph (1), process may be

served in any district in which—

(i) the defendant is an inhabitant,

may be found, or transacts business; or

(ii) venue is proper under section

1391 of title 28, United States Code.

(6) Actions by Other State Officials.—

(A) In General.—In addition to a civil

action brought by an attorney general under

paragraph (1), any other officer of a State who
is authorized by the State to do so may bring
a civil action under paragraph (1), subject to
the same requirements and limitations that
apply under this subsection to civil actions
brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this
subsection may be construed to prohibit an au-
thorized official of a State from initiating or
continuing any proceeding in a court of the
State for a violation of any civil or criminal law
of the State.

SEC. 5. SEVERABILITY.

If any provision of this Act, or the application of such
provision to any person or circumstance, is held to be un-
constitutional, the remainder of this Act, and its applica-
tion to any person or circumstance shall not be affected
thereby.
Item B-2
TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cynthia Owens, Policy and Management Analyst
DATE: July 23, 2019
SUBJECT: Request Direction on H.R. 3571 (Lieu) - City and State Diplomacy Act
ATTACHMENT: 1. Summary Memo – H.R. 3571
2. Bill Text – H.R. 3571

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

H.R. 3571 (Lieu) - City and State Diplomacy Act (H.R. 3571) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s federal lobbyist, David Turch & Associates, provided a summary memo for H.R. 3571 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of H.R. 3571, the Liaisons may recommend the following actions:

1) Support H.R. 3571;
2) Support if amended H.R. 3571;
3) Oppose H.R. 3571;
4) Oppose unless amended H.R. 3571;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on H.R. 3571, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
TO: Cindy Owens, Policy and Management Analyst
City of Beverly Hills

FROM: Jamie Jones
Jamie.jones@daviddurch.com
202-543-3744

DATE: July 18, 2019

RE: H.R. 3571, City and State Diplomacy Act

Representative Ted Lieu (D-CA) and Representative Joe Wilson (R-SC) jointly introduced H.R. 3571, the City and State Diplomacy Act, on June 27, 2019. The bipartisan bill recognizes the critical role city and state governments increasingly play in advancing international affairs and U.S. national interests through subnational diplomacy – activities that occur throughout the country on a daily basis without much guidance and support from the federal government.

In an effort to address this challenge, H.R. 3571 establishes an Office of Subnational Diplomacy and authorizes the State Department to assign detailees to city and state governments for the purposes of enhancing diplomatic relations. Under the bill, the Office of Subnational Diplomacy will be responsible to:

- Coordinate overall U.S. policy and programs in support of subnational engagements across agencies;
- Align subnational priorities with national foreign policy goals as appropriate, including by helping regional bureaus to leverage city networks;
- Maintain a public database of all subnational engagements;
- Provide advisory support in assistance of subnational engagements; and
- Oversee the work of Department detailees to state and local governments.

**H.R. 3571 Support**

The U.S. Conference of Mayors (USCM), at its 87th Annual Meeting in Hawaii this past month, adopted a resolution in support of Representatives Lieu and Wilson’s initiative. H.R. 3571 is endorsed by prominent American diplomats including Ambassador Tom Shannon (ret.), former Undersecretary of State for Political Affairs (2016-2018), Ambassador Ivo H Daalder (ret.), president of the Chicago Council on Global Affairs and former U.S. Ambassador to NATO (2009-2013), and Reta Jo Lewis, former U.S. Special Representative for Global Intergovernmental Affairs (2010-2013). Ambassador Shannon argues that “the next frontier of American diplomacy is subnational dialogue between our cities and states and their global counterparts.” Ambassador Shannon makes the point that American cities and states have become important drivers of political and economic change, unleashing the dynamism and innovative qualities of American society to
fight crime, deliver health care, improve education, and create jobs and prosperity. Sharing our best practices and hearing from foreign nationals, be they local officials, investors, exchange or foreign students, has become an important part of how American engages the world. According to Ambassador Shannon, it should be valued and actively supported by the State Department.

Ambassador Daalder states that “cities and states are playing increasingly important roles in addressing the many global challenges that our nation and others must confront – from climate change and cybersecurity to terrorism and pandemics, cities and states are necessary partners in any effective, national response.” According to Ambassador Daalder, H.R. 3571 “proposes ways in which the Department of State can strengthen and formalize its connection to US cities and states in order to advance America’s diplomatic interests and engagement.”

Former U.S. Special Representative for Global Intergovernmental Affairs Reta Jo Lewis, in supporting the bill, emphasizes that “it is important to elevate and institutionalize the subnational diplomacy effort within the U.S. Department of State as a foreign policy tool not only to modernize American statecraft, but to maximize latent subnational potential for economic competitiveness and security.”

H.R. 3571 is pending before the House Foreign Affairs Committee, chaired by Democrat Eliot Engel of New York and ranking Republican Michael McCaul of Texas.
Attachment 2
116TH CONGRESS  
1ST SESSION  

H. R. 3571

To establish an Office of Subnational Diplomacy within the Department of State, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES  

JUNE 27, 2019

Mr. TED LIEU of California (for himself and Mr. WILSON of South Carolina) introduced the following bill; which was referred to the Committee on Foreign Affairs

______________________________

A BILL

To establish an Office of Subnational Diplomacy within the Department of State, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “City and State Diplo-
5 macy Act”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) The supremacy clause of the United States
9 Constitution (article VI, clause 2) establishes that
10 the Federal Government has the primary role in con-
ducting diplomacy on behalf of the United States; in
turn, the Department of State, which was created
pursuant to statute by Congress in 1789, has the
lead role in formulating and implementing United
States foreign policy.

(2) The growth of subnational cooperation has
enabled States and municipalities to play an increas-
ingly significant role in foreign policy and com-
plement the efforts of the Department of State by—

(A) supporting exchanges and cooperation
agreements between elected leaders and officials
of State and municipal governments and those
of international cities, regions, and countries;

(B) promoting United States exports to
foreign markets and foreign direct investment
into the United States; and

(C) sharing best practices and striking
agreements with foreign counterparts on a wide
range of topics, including facilitating trade and
investment, protecting the health and safety of
their respective citizens, cooperating on energy
and the environment, and promoting people-to-
people exchanges.

(3) Global networks made up exclusively of local
government officials are at the forefront of har-
nessing the power of cities to advance international cooperation, including C40 Cities Climate Leadership Group, ICLEI, United Cities and Local Governments, Global Parliament of Mayors, Urban20, Strong Cities Network, and Global Compact of Mayors.

(4) In 2010, the Department of State appointed the first-ever special representative for Global Inter-governmental Affairs, who led efforts to build strategic peer-to-peer relationships between the Department of State, State and local officials, and their foreign counterparts.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that it is in the interest of the United States to promote subnational engagements, align such engagements with national foreign policy objectives, and leverage Federal resources to enhance the impact of such engagements.

SEC. 4. ESTABLISHMENT OF THE OFFICE OF SUBNATIONAL DIPLOMACY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

“(h) Office of Subnational Diplomacy.—
“(1) IN GENERAL.—There shall be established within the Department of State an Office of Subnational Diplomacy (in this subsection referred to as the ‘Office’).

“(2) HEAD OF OFFICE.—The head of the Office shall be the Ambassador-at-Large for Subnational Diplomacy (in this subsection referred to as the ‘Ambassador’). The Ambassador shall—

“(A) be appointed by the President, by and with the advice and consent of the Senate; and

“(B) report directly to the Under Secretary for Political Affairs.

“(3) DUTIES.—

“(A) PRINCIPAL DUTY.—The principal duty of the Ambassador shall be the overall supervision (including policy oversight of resources) of Federal support for subnational engagements by State and municipal governments with foreign governments. The Ambassador shall be the principal adviser to the Secretary of State on subnational engagements and the principal official on such matters within the senior management of the Department of State.
“(B) ADDITIONAL DUTIES.—The additional duties of the Ambassador shall include the following:

“(i) Coordinating overall United States policy and programs in support of subnational engagements by State and municipal governments with foreign governments, including with respect to the following:

“(I) Coordinating resources across the Department of State and throughout the Federal Government in support of such engagements.

“(II) Identifying policy, program, and funding disputes among relevant Federal agencies regarding such coordination.

“(III) Identifying gaps in Federal support for such engagements and developing corresponding policy or programmatic changes to address such gaps.

“(ii) Promoting United States foreign policy goals through support for subnational engagements and aligning sub-
national priorities with national foreign policy goals, as appropriate.

“(iii) Maintaining a public database of subnational engagements.

“(iv) Providing advisory support to subnational engagements, including by assisting State and municipal governments to—

“(I) develop, implement, and, as necessary, adjust global engagement and public diplomacy strategies; and

“(II) implement programs to cooperate with foreign governments on policy priorities or managing shared resources.

“(v) Facilitating linkages and networks between State and municipal governments and their foreign counterparts.

“(vi) Overseeing the work of Department of State detailees assigned to State and municipal governments pursuant to this subsection.

“(vii) Negotiating agreements and memoranda of understanding with foreign
governments to support subnational en-

"(viii) Promoting United States trade

and foreign exports on behalf of United

States businesses through exchanges be-

tween the United States and foreign state,

municipal, and provincial governments, and

by establishing a more enduring relation-

ship overall between subnational govern-

ments.

"(ix) Coordinating subnational en-

gagements with the associations of sub-

national elected leaders, including the U.S.

Conference of Mayors, National Governors

Association, National League of Cities, Na-

tional Association of Counties, Council of

State Governments, National Conference of

State Legislators, and State International

Development Offices.

"(4) DETAILLEES.—

"(A) IN GENERAL.—The Secretary of

State, acting through the Ambassador, is au-

thorized to detail Foreign Service officers to

State and municipal governments on a reim-

bursable or nonreimbursable basis. Such details
shall be for a period not to exceed two years, and shall be without interruption or loss of Foreign Service status or privilege.

"(B) RESPONSIBILITIES.—Detailees under subparagraph (A) shall carry out the following:

"(i) Supporting the mission and objectives of the Office.

"(ii) Coordinating activities relating to State and municipal government sub-national engagements with the Department of State, including the Office, Department leadership, and regional and functional bureaus of the Department, as appropriate.

"(iii) Engaging the Department of State and other Federal agencies regarding security, public health, trade promotion, and other programs executed at the State or municipal government level.

"(iv) Advising State and municipal government officials regarding questions of global affairs, foreign policy, cooperative agreements, and public diplomacy.

"(v) Any other duties requested by State and municipal governments and approved by the Office.
“(5) Report and briefing.—

“(A) Report.—Not later than one year after the date of the enactment of this subsection, the Ambassador shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report that includes information relating to the following:

“(i) The staffing plan (including permanent and temporary staff) for the Office.

“(ii) The funding level provided to the Office for the Office, together with a justification relating to such level.

“(iii) The status of filling the position of Ambassador-at-Large for Subnational Diplomacy.

“(iv) A strategic plan for the Office.

“(v) Any other matters as determined relevant by the Ambassador.

“(B) Briefings.—Not later than 30 days after the submission of the report required under subparagraph (A) and annually thereafter, the Ambassador shall brief the Committee on Foreign Affairs of the House of Representa-
tives and the Committee on Foreign Relations
of the Senate on the work of the Office and any
changes made to the organizational structure or
funding of the Office.
“(6) Definitions.—In this subsection:
“(A) Municipal.—The term ‘municipal’
means, with respect to the government of a mu-
nicipality, a municipality with a population of
not fewer than 100,000 people.
“(B) State.—The term ‘State’ means the
50 States, the District of Columbia, and any
territory or possession of the United States.
“(C) Subnational engagement.—The
term ‘subnational engagement’ means formal
meetings or events between elected officials of
State or municipal governments and their for-
eign counterparts.”. 
Item B-3
The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Constitutional Amendment 1 (Allen) – Public Housing Projects (SCA 1) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SCA 1 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SCA 1, the Liaisons may recommend the following actions:

1) Support SCA 1;
2) Support if amended SCA 1;
3) Oppose SCA 1;
4) Oppose unless amended SCA 1;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SCA 1, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
July 17, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: SCA 1 (Allen) Public Housing Projects

Summary

SCA 1 (Allen) is co-sponsored by the following entities:

- California Association Of Realtors
- California Coalition For Rural Housing
- California YIMBY
- Los Angeles Mayor Eric Garcetti
- Southern California Association Of Nonprofit Housing
- Housing California

Senator Allen has introduced SCA 1 with the goal of eliminating what he describes as “an obstacle, enshrined in our Constitution, which currently undermines the ability of their elected leadership to address California's acute housing and homelessness challenges.”

This measure, if approved by a 2/3rds vote in each house of the Legislature and by a majority of voters on a statewide ballot, would delete provisions from the State Constitution, which currently require majority approval by the voters of a city or county for the development, construction, or acquisition of a publicly funded affordable housing project (Article 34).

Background

Article 34 of the California Constitution was enacted in 1950 through voter approval of a statewide ballot measure which, according to the LA Times was sponsored by the California Real Estate Association, the forerunner of today’s California Association of Realtors. (LA Times: A dark side to the California dream: How the state Constitution makes affordable housing hard to build, February 3, 2019)

The enactment of Article 34 grew out of a controversy surrounding a low-income housing project in Eureka, California. According to the argument supporting the state ballot measure, a vote in favor of adding Article 34 to the California Constitution was a vote for the right to say yes or no when a community was considering a low-income housing project. The need for community control was necessary because of tax waivers and other forms of community assistance.

Article 34 requires voter approval to be obtained before any “state public body” develops, constructs or acquires a “low rent housing project.” Cities, counties, housing authorities and agencies are all “state public bodies” for purposes of Article 34.
As a result, if any of those entities participate in development of a “low rent housing project,” the project must be subject to local voter approval. Local agencies usually seek general authority from the electorate to develop low income housing prior to the identification of a specific project. For example, a typical Article 34 election might authorize construction of 500 low income units anywhere in the city or county, its housing authority, or other state public bodies.

Local jurisdictions who do not comply with Article 34 requirements are not eligible for state funds.

**Arguments in Support**
The author characterizes Article 34 as “a direct response to the Federal Housing Act of 1949, part of President Harry Truman’s ‘Fair Deal’ to help lower-income post-war families move out of the slums and into better living situations.”

According to the author, some Californians, fearful of how this policy might change their neighborhoods, drove the push for a ballot measure requiring local governments seeking to ‘develop, construct, or acquire … low-rent housing’ to also obtain approval for the development of the housing by a vote of the electorate. The Golden State has changed considerably since 1950. Our society had very different attitudes about race and ethnicity, class and poverty in the post-war era. There were also far less tools providing residents with an opportunity to alter or block plans for new housing—no Environmental Quality Act, no Brown Act, no Coastal Act, and far fewer lawsuits.

**Status of Legislation**
SCA 1 is currently pending in the Senate Appropriations Committee and is set for hearing on August 12th.

**Support**
AIDS Healthcare Foundation
California Apartment Association
City of West Hollywood
California State Association of Counties
League of Women Voters of California
California Coalition for Rural Housing
City of Berkeley
City of Santa Monica
California Partnership
Southern California Association of Non-Profit Housing
Eden Housing
San Francisco Housing Action Coalition
California Association of Housing Authorities
California Association of Local Housing Finance Agencies
Rural County Representatives of California (RCRC)
Silicon Valley at Home
East Bay for Everyone

**Opposition**
None received.
Attachment 2
Senate Constitutional Amendment

No. 1

Introduced by Senators Allen and Wiener
(Coauthor: Senator Lara)

December 3, 2018

Senate Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing Article XXXIV thereof, relating to public housing projects.

LEGISLATIVE COUNSEL’S DIGEST

SCA 1, as introduced, Allen. Public housing projects.

The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project, as defined, in any manner by any state public body until a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed approve the project by voting in favor at an election, as specified.

This measure would repeal these provisions.


1 Resolved by the Senate, the Assembly concurring, That the
2 Legislature of the State of California at its 2018–19 Regular
3 Session commencing on the third day of December 2018,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California, that the
6 Constitution of the State be amended as follows:
7 That Article XXXIV thereof is repealed.
Item B-4
TO: 	City Council Liaison/Legislative/Lobby Committee

FROM: 	Cindy Owens, Policy and Management Analyst

DATE: 	July 23, 2019

SUBJECT: 	Request Direction on Assembly Constitutional Amendment 1 (Aguiar-Curry) – Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval

ATTACHMENT: 
1. Summary Memo – ACA 1
2. Bill Text – ACA 1

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Constitutional Amendment 1 (Aguiar-Curry) – Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval (ACA 1) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for ACA 1 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of ACA 1, the Liaisons may recommend the following actions:

1) Support ACA 1;
2) Support if amended ACA 1;
3) Oppose ACA 1;
4) Oppose unless amended ACA 1;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on ACA 1, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
July 15, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval

Summary and Background
ACA 1 was introduced by Assembly Member Aguiar-Curry and would place a measure on the November 2020 ballot that would lower the vote threshold to approve local general obligation bonds and certain special taxes for affordable housing, public infrastructure, and permanent supportive housing projects from a two-thirds supermajority to a 55 percent majority. ACA 1 also requires that the proposition submitted to the voters contain certain accountability provisions including:

- A requirement that the proceeds from the bonds or taxes only be used for the purposes specified in the measure, and not for employee salaries or other operating expenses;
- A list of specific projects to be funded;
- A requirement that the city, county, or special district has evaluated alternative funding sources; and
- A requirement that the city, county, or special district conduct both an annual performance audit and an independent financial audit that is then posted and easily accessible to the public.

A citizens’ oversight committee must also be appointed to ensure that the proceeds of the bonds or special tax are expended only for the purposes described in the measure approved by the voters.

ACA 1 defines affordable housing as any housing development or portion of a housing development that provides affordable housing to households earning 150 percent of a county’s median income or provides housing to lower-, low-, or very low-income households. ACA 1 defines public infrastructure projects as those that provide: water or protect water quality, sanitary sewer, treatment of wastewater or reduce pollution from stormwater runoff, protection of property from sea-level rise, parks and recreation facilities, open space, improvements to transit and streets and highways, flood control, broadband internet expansion in underserved areas, local hospital construction, public libraries, public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, police or sheriff personnel.

Status of Legislation
ACA 1 is currently pending on the Assembly Floor.
Support and Opposition

Supporters of the measure argue that the current two-thirds vote threshold for cities and counties to receive voter approval for the issuance of general obligation bonds and certain special taxes is overly burdensome. They note that lowering the threshold to 55 percent would bring cities and counties in-line with school districts which need only 55 percent approval for school construction. Supporters go on to argue that lowering the threshold will help alleviate the state’s housing crisis by opening up a valuable financing tool for local governments to fund affordable housing as well as the critical infrastructure necessary for housing development.

Opponents of the measure assert that this measure would increase the cost of housing by making it easier for local governments to enact new parcel taxes. They argue that this would occur despite a possible slight increase in the development of affordable housing stock that may result from the measure.

Support

California Labor Federation
California Professional Firefighters
California State Association of Electrical Workers
California State Pipe Trades Council
East Bay Municipal Utility District
League of California Cities
California Special Districts Association
California State Association of Counties
Santa Clara Valley Water District
California Association of Sanitation Agencies
Association of California HealthCare Districts
Professional Engineers in California Government
California Contract Cities Association
California State Council of Laborers
California Transit Association
California Coalition for Rural Housing
Non-Profit Housing Association of Northern California
Housing California
California Housing Consortium
Midpeninsula Regional Open Space District
California Parks & Recreation Society
California Association of Councils of Governments (CALCOG)
Solano Transportation Authority
City of Camarillo
County of Santa Clara
American Planning Association, California Chapter
California Library Association
San Diego Housing Federation
City of San Luis Obispo
City of Manteca
California Association of Housing Authorities
Greater Merced Chamber of Commerce
City of Lodi
Southern California Association of Non-Profit Housing
City of Moorpark
Davis
Ventura Council of Governments
City of Laguna Beach (prior version)
SPUR
City of Gustine
East Bay Regional Parks District
Urban Counties of California
The Two Hundred
California Housing Partnership
California YIMBY
International Union of Operating Engineers, Cal-Nevada Conference
East Bay for Everyone
International Union of Elevator Constructors, Local 18
International Union of Elevator Constructors, Local 8
San Mateo County-City/County Association of Governments
Silicon Valley at Home (Sv@Home)
Western States Council Sheet Metal, Air, Rail and Transportation

Opposition

Howard Jarvis Taxpayers Association
Valley Industry and Commerce Association (VICA)
Attachment 2
Assembly Constitutional Amendment No. 1

Introduced by Assembly Member Aguiar-Curry
(Principal coauthor: Assembly Member Chiu)
(Principal coauthor: Senator Wiener)
(Coauthors: Senators Beall, Hill, and Skinner)

December 3, 2018

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

LEGISLATIVE COUNSEL’S DIGEST

ACA 1, as amended, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county city and county,
or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of $\frac{2}{3}$ of the voters of the local government voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing, or permanent supportive housing if the proposition proposing that tax is approved by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of $\frac{2}{3}$ of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted
upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would *expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly lower to 55% the voter approval threshold for a require the approval of 55% of the voters of the city, county, or city and county city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.*

State-mandated local program: no.

1       Resolved by the Assembly, the Senate concurring, That the
2 Legislature of the State of California at its 2017–18 2019–20
3 Regular Session commencing on the fifth third day of December
4 2016, 2018, two-thirds of the membership of each house
5 concurring, hereby proposes to the people of the State of California,
6 that the Constitution of the State be amended as follows:
7     First—That Section 1 of Article XIII A thereof is amended to
8 read:
9     SECTION 1. (a) The maximum amount of any ad valorem
10 tax on real property shall not exceed 1 percent of the full cash
11 value of that property. The 1 percent tax shall be collected by the
12 counties and apportioned according to law to the districts within
13 the counties.
14 (b) The limitation provided for in subdivision (a) shall not apply
15 to ad valorem taxes or special assessments to pay the interest and
16 redemption charges on any of the following:
17 (1) Indebtedness approved by the voters before July 1, 1978.
(2) Bonded indebtedness to fund the acquisition or improvement of real property approved on or after July 1, 1978, by two-thirds of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after November 8, 2000. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(4) (A) Bonded indebtedness incurred by a city, county, or city and county, city and county, or special district for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public—infrastructure—or infrastructure, affordable housing, or permanent supportive housing for persons
at risk of chronic homelessness, including persons with mental illness, approved by 55 percent of the voters of the city, county, or city and county, or special district, as appropriate, voting on the proposition on or after the effective date of the measure adding this paragraph. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(i) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including city, county, or city and county, or special district employee salaries and other operating expenses.

(ii) A list of the specific projects to be funded, and a certification that the city, county, or city and county, or special district has evaluated alternative funding sources.

(iii) A requirement that the city, county, or city and county, or special district conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(iv) A requirement that the city, county, or city and county, or special district conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the public infrastructure or affordable housing projects, as applicable.

(v) A requirement that the city, county, or city and county, or special district post the audits required by clauses (iii) and (iv) in a manner that is easily accessible to the public.

(vi) A requirement that the city, county, or city and county, or special district appoint a citizens’ oversight committee to ensure that bond proceeds are expended only for the purposes described in the measure approved by the voters.

(B) For purposes of this paragraph, “affordable housing” shall include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150 percent of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households, as those terms are defined in state law.
(ii) “At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.

(iii) “Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.

(C) For purposes of this paragraph, “public infrastructure” shall include, but is not limited to, projects that provide any of the following:

(I) Water or protect water quality.

(II) Sanitary sewer.

(III) Treatment of wastewater or reduction of pollution from stormwater runoff.

(IV) Protection of property from impacts of sea level rise.

(V) Parks.

(VI) Parks and recreation facilities.

(VII) Open space and recreation facilities.

(VIII) Improvements to transit and streets and highways.

(VIII) Flood control.

(IX) Broadband Internet access service expansion in underserved areas.
(X) Local hospital construction.

(XI) Public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, policy or sheriff personnel.

(XII) Public library facilities.

(v) “Special district” has the same meaning as provided in subdivision (c) of Section 1 of Article XIII C and specifically includes a transit district, except that “special district” does not include a school district, redevelopment agency, or successor agency to a dissolved redevelopment agency.

(C) This paragraph shall apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for those purposes described in this paragraph that is submitted at the same election as the measure adding this paragraph.

(c) (1) Notwithstanding any other provisions of law or of this Constitution, a school district, community college district, or county office of education may levy a 55-percent ad valorem tax pursuant to paragraph (3) of subdivision (b).

(2) Notwithstanding any other provisions of law or this Constitution, a city, county, or city and county, or special district may levy a 55-percent ad valorem tax pursuant to paragraph (4) of subdivision (b).

Second—That Section 4 of Article XIII A thereof is amended to read:

SEC. 4. Except as provided by Section 2.5 of Article XIII C, a city, county, or special district, by a two-thirds vote of its voters voting on the proposition, may impose a special tax within that city, county, or special district, except an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property within that city, county, or special district.

Second—That Section 4 of Article XIII A thereof is amended to read:

Section 4:

SEC. 4. Cities, Counties and special districts—Except as provided by Section 2.5 of Article XIII C, a city, county, or special district, by a two-thirds vote of the qualified electors of such district, its voters voting on the proposition, may impose special taxes on such district, a special tax within that city, county, or
special district, except an ad valorem taxes tax on real property
or a transaction transactions tax or sales tax on the sale of real
property within such City, County that city, county, or special
district.

Third—That Section 2 of Article XIII C thereof is amended to
read:

SEC. 2. Notwithstanding any other provision of this
Constitution:
(a) Any tax imposed by a local government is either a general
tax or a special tax. A special district or agency, including a school
district, has no authority to levy a general tax.
(b) A local government may not impose, extend, or increase
any general tax unless and until that tax is submitted to the
electorate and approved by a majority vote. A general tax is not
deemed to have been increased if it is imposed at a rate not higher
than the maximum rate so approved. The election required by this
subdivision shall be consolidated with a regularly scheduled general
election for members of the governing body of the local
government, except in cases of emergency declared by a unanimous
vote of the governing body.
(c) Any general tax imposed, extended, or increased, without
voter approval, by any local government on or after January 1,
1995, and before the effective date of this article, may continue to
be imposed only if that general tax is approved by a majority vote
of the voters voting in an election on the issue of the imposition,
which election shall be held no later than November 6, 1996, and
in compliance with subdivision (b).
(d) Except as provided by Section 2.5, a local government may
not impose, extend, or increase any special tax unless and until
that tax is submitted to the electorate and approved by a two-thirds
vote. A special tax is not deemed to have been increased if it is
imposed at a rate not higher than the maximum rate so approved.

Fourth—That Section 2.5 is added to Article XIII C thereof, to
read:
SEC. 2.5. (a) The imposition, extension, or increase of a sales
and use tax imposed in accordance with the Bradley-Burns Uniform
Local Sales and Use Tax Law (Part 1.5 (commencing with Section
7200) of Division 2 of the Revenue and Taxation Code) or a
successor law, a transactions and use tax imposed in accordance
with the Transactions and Use Tax Law (Part 1.6 (commencing
with Section 7251) of Division 2 of the Revenue and Taxation
Code) or a successor law, or a parcel tax imposed by a local
government for the purpose of funding the construction,
reconstruction, rehabilitation, or replacement of public
infrastructure or infrastructure, affordable housing, or permanent
supportive housing for persons at risk of chronic homelessness,
including persons with mental illness, or the acquisition or lease
of real property for public—infrastructure—or infrastructure,
affordable housing, or permanent supportive housing for persons
at risk of chronic homelessness, including persons with mental
illness, is subject to approval by 55 percent of the voters in the
local government voting on the proposition, if both of the following
conditions are met:
(1) The proposition is approved by a majority vote of the
membership of the governing board of the local government.
(2) The proposition contains all of the following accountability
requirements:
(A) A requirement that the proceeds of the tax only be used for
the purposes specified in the proposition, and not for any other
purpose, including general employee salaries and other operating
expenses of the local government.
(B) A list of the specific projects that are to be funded by the
tax, and a certification that the local government has evaluated
alternative funding sources.
(C) A requirement that the local government conduct an annual,
independent performance audit to ensure that the proceeds of the
special tax have been expended only on the specific projects listed
in the proposition.
(D) A requirement that the local government conduct an annual,
independent financial audit of the proceeds from the tax during
the lifetime of that tax.
(E) A requirement that the local government post the audits
required by subparagraphs (C) and (D) in a manner that is easily
accessible to the public.
(F) A requirement that the local government appoint a citizens’
oversight committee to ensure the proceeds of the special tax are
expended only for the purposes described in the measure approved
by the voters.
(b) For purposes of this section, the following terms have the
following meanings:
(1) “Affordable housing” shall include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150 percent of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households, as those terms are defined in state law.

(2) “At risk of chronic homelessness” includes, but is not limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines.

(3) “Parcel tax” means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property’s value and that applies uniformly to all taxpayers or all real property within the jurisdiction of the local government. “Parcel tax” does not include a tax imposed on a particular class of property or taxpayers.

(4) “Permanent supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents.

(5) “Public infrastructure” shall include, but is not limited to, the projects that provide any of the following:

(A) Water or protect water quality.
(B) Sanitary sewer.
(C) Treatment of wastewater or reduction of pollution from stormwater runoff.
(D) Protection of property from impacts of sea level rise.
(E) Parks.
(F) Parks and recreation facilities.
(F) Open space and recreation facilities.
(G) Improvements to transit and streets and highways.
(H) Flood control.
(I) Broadband—internet access service expansion in underserved areas.
(J) Local hospital construction.
(K) Public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, policy or sheriff personnel.
(L) Public library facilities.

c. This section shall apply to any local measure imposing, extending, or increasing a sales and use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, a transactions and use tax imposed in accordance with the Transactions and Use Tax Law, or a parcel tax imposed by a local government for those purposes described in subdivision (a) that is submitted at the same election as the measure adding this section.

Fifth—That Section 3 of Article XIII D thereof is amended to read:

SEC. 3. (a) An agency shall not assess a tax, assessment, fee, or charge upon any parcel of property or upon any person as an incident of property ownership except:
(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.
(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A or receiving a 55-percent approval pursuant to Section 2.5 of Article XIII C.
(3) Assessments as provided by this article.
(4) Fees or charges for property-related services as provided by this article.
(b) For purposes of this article, fees for the provision of electrical or gas service are not deemed charges or fees imposed as an incident of property ownership.

Sixth—That Section 18 of Article XVI thereof is amended to read:

SEC. 18. (a) A county, city, town, township, board of education, or school district, shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year
the income and revenue provided for that year, without the assent
of two-thirds of the voters of the public entity voting at an election
to be held for that purpose, except that with respect to any such
public entity which is authorized to incur indebtedness for
public school purposes, any proposition for the incurrence of
indebtedness in the form of general obligation bonds for the
purpose of repairing, reconstructing, or replacing
public school buildings determined, in the manner prescribed by
law, to be structurally unsafe for school use, shall be adopted upon
the approval of a majority of the voters of the public entity voting
on the proposition at such the election; nor unless before or at the
time of incurring such indebtedness provision shall be made for
the collection of an annual tax sufficient to pay the interest on such
indebtedness as it falls due, and to provide for a sinking fund for
the payment of the principal thereof, on or before maturity, which
shall not exceed forty years from the time of contracting the
indebtedness. A special district, other than a board of education
or school district, shall not incur any indebtedness or liability
exceeding any applicable statutory limit, as prescribed by the
statutes governing the special district as they currently read or
may thereafter be amended by the Legislature.

(b) (1) Notwithstanding subdivision (a), any proposition for
the incurrence of indebtedness in the form of general obligation
bonds for the purposes described in paragraph (3) or (4) of
subdivision (b) of Section 1 of Article XIII A shall be adopted
upon the approval of 55 percent of the voters of the school district,
community college district, county office of education, city, county,
or city and county, city and county, or other special district, as
appropriate, voting on the proposition at an election. This
subdivision shall apply to a proposition for the incurrence of
indebtedness in the form of general obligation bonds for the
purposes specified in this subdivision only if the proposition meets
all of the accountability requirements of paragraph (3) or (4) of
subdivision (b), as appropriate, of Section 1 of Article XIII A.

(2) The amendments made to this subdivision by the measure
adding this paragraph shall apply to any proposition for the
incurrence of indebtedness in the form of general obligation bonds
pursuant to this subdivision for the purposes described in
paragraph (4) of subdivision (b) of Section 1 of Article XIII A that
(c) When two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and if two-thirds or a majority or 55 percent of the voters, as the case may be, voting on any one of those propositions, vote in favor thereof, the proposition shall be deemed adopted.

REVISIONS:

Heading—Line 5.
Item B-5
The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 128 (Beall) - Best Value Construction Contracting for Counties Pilot Program (SB 128) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 128 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 128, the Liaisons may recommend the following actions:

1) Support SB 128;
2) Support if amended SB 128;
3) Oppose SB 128;
4) Oppose unless amended SB 128;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 128, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
July 19, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: Updated Memo on SB 128 (Beall). New Amendments Delete Prior Version

New Amendments Change the Topic
Note: SB 128 (Beall) was amended on June 19, 2019 to delete the prior bill contents regarding enhanced infrastructure financing districts and insert new language regarding a pilot program to allow certain counties in the state to pursue best value contracting.

Introduction and Overview

The newly recently amended version of SB 128 (Beall) would expand and extend a pilot program by adding the County of Santa Clara to a program which currently allows the counties of Alameda, Los Angeles, Riverside, San Bernardino, San Diego, San Mateo, Solano, and Yuba to utilize the best value method for construction projects in excess of $1 million dollars and for job order contracting. This bill would extend the sunset date on this pilot program from January 1, 2020, to January 1, 2025. This bill is sponsored by the Solano County Board of Supervisors.

SB 762 (Wolk), Chapter 627, Statutes of 2015, established a pilot program until January 1, 2020, which allowed the counties of Alameda, Los Angeles, Riverside, San Bernardino, San Diego, Solano, and Yuba to award contracts for construction projects in excess of $1 million to the bidder representing the best value. Best value contracting has generally been recognized as a viable alternative for construction projects.

Traditionally, construction projects have been bid and awarded based upon a lowest-cost approach. Best value, a competitive contracting process, allows projects to be awarded to the contractor offering the best combination of price and qualifications, instead of just the lowest bid. In addition to submitting bids for project cost, prospective contractors also submit technical proposals. The technical proposals are evaluated based on objective criteria, and scores are compiled. The scores are then used to weigh or adjust the submitted bid price. The contract is awarded to the contractor who offers the best value to the contracting agency.

Bill Status

This bill was approved by the Assembly Local Government Committee on July 3, 2019 and is currently pending in the Assembly Appropriations Committee.
SUPPORT

Solano County Board of Supervisors [SPONSOR]
Counties of San Bernardino, San Diego, San Mateo, and Santa Clara
State Building and Construction Trades Council

OPPOSITION

None listed.
Attachment 2
An act to amend Sections 20155, 20155.1, 20155.7, and 20155.9 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as amended, Beall. Public contracts: Best Value Construction Contracting for Counties Pilot Program.

Existing law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Riverside, San Bernardino, San Diego, San Mateo, Solano, and Yuba to select a bidder on the basis of best value, as defined, for construction projects in excess of $1,000,000. Existing law also authorizes these counties to use a best value construction contracting method to award individual annual contracts, not to exceed $3,000,000, for repair, remodeling, or other repetitive work to be done according to unit prices, as specified. Existing law establishes procedures and criteria for the selection of a best value contractor and requires that bidders verify specified information under oath. Existing law requires the board of supervisors of a participating county to submit a report that contains specified information about the projects awarded using the best value procedures described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget

95

This bill would authorize the County of Santa Clara and the County of Monterey to utilize this pilot program and would extend the operation of those provisions until January 1, 2025. The bill, instead, would require the board of supervisors of a participating county to submit the report described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2024. By expanding the crime of perjury, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.


The people of the State of California do enact as follows:

SECTION 1. Section 20155 of the Public Contract Code is amended to read:

20155. (a) This article provides for a pilot program for the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba for construction projects in excess of one million dollars ($1,000,000).

(b) The board of supervisors of a county shall let any contract for a construction project pursuant to this article to the bidder representing the best value or else reject all bids.

(c) The bidder may be selected on the basis of the best value to the county. In order to implement this method of selection, the board of supervisors shall adopt and publish procedures and required criteria that ensure that all selections are conducted in a fair and impartial manner. These procedures shall conform to
Sections 20155.3 to 20155.6, inclusive, and shall be mandatory for a county that chooses to participate in the pilot program.

(d) If the board of supervisors of a county deems it to be in the best interest of the county, the board of supervisors, on the refusal or failure of the successful bidder for a project to execute a tendered contract, may award it to the bidder with the second lowest best value score, as determined in accordance with subdivision (c) of Section 20155.5. If the second bidder fails or refuses to execute the contract, the board of supervisors may likewise award it to the bidder with the third lowest best value score, as determined in accordance with subdivision (c) of Section 20155.5.

(e) (1) A county listed in subdivision (a) may also use the best value construction contracting method set out in this article to award individual annual contracts, which shall not exceed three million dollars ($3,000,000), adjusted annually to reflect the percentage change in the California Consumer Price Index, for repair, remodeling, or other repetitive work to be done according to unit prices. The contracts shall be based on plans and specifications for typical work. No annual contracts may be awarded for any new construction.

(2) For purposes of this subdivision, best value criteria shall be applied to the annual contract for construction services, rather than to an individual, specific project. Annual contracts may be extended or renewed for two subsequent annual terms and a maximum of six million dollars ($6,000,000) over the subsequent two terms of the contract. Contract values shall be adjusted annually to reflect the percentage change in the California Consumer Price Index.

(3) For purposes of this subdivision, “unit price” means the amount paid for a single unit of an item of work, and “typical work” means a work description applicable universally or applicable to a large number of individual projects, as distinguished from work specifically described with respect to an individual project. For purposes of this section, “repair, remodeling, or other repetitive work to be done according to unit prices” shall not include design or contract drawings.

SEC. 2. Section 20155.1 of the Public Contract Code is amended to read:

20155.1. As used in this article:

(a) “Best value” means a procurement process whereby the selected bidder may be selected on the basis of objective criteria
for evaluating the qualifications of bidders with the resulting
selection representing the best combination of price and
qualifications.
(b) “Best value contract” means a competiti vely bid contract
entered into pursuant to this article.
(c) “Best value contractor” means a properly licensed person,
firm, or corporation that submits a bid for, or is awarded, a best
value contract.
(d) “County” means any of the following counties:
(1) The County of Alameda.
(2) The County of Los Angeles.
(3) The County of Monterey.
(4) The County of Riverside.
(5) The County of San Bernardino.
(6) The County of San Diego.
(7) The County of San Mateo.
(8) The County of Santa Clara.
(9) The County of Solano.
(10) The County of Yuba.
(e) “Demonstrated management competency” means the
experience, competency, capability, and capacity of the proposed
management staffing to complete projects of similar size, scope,
or complexity.
(f) “Financial condition” means the financial resources needed
to perform the contract. The criteria used to evaluate a bidder’s
financial condition shall include, at a minimum, capacity to obtain
all required payment bonds, performance bonds, and liability
insurance.
(g) “Labor compliance” means the ability to comply with, and
past performance with, contract and statutory requirements for the
payment of wages and qualifications of the workforce. The criteria
used to evaluate a bidder’s labor compliance shall include, as a
minimum, the bidder’s ability to comply with the apprenticeship
requirements of the California Apprenticeship Council and the
Department of Industrial Relations, its past conformance with
those requirements, and its past conformance with requirements
to pay prevailing wages on public works projects.

(h) “Qualifications” means the financial condition, relevant
experience, demonstrated management competency, labor
compliance, and safety record of the bidder, and, if required by
the bidding documents, some or all of the preceding qualifications
as they pertain to subcontractors proposed to be used by the bidder
for designated portions of the work. A county shall evaluate
financial condition, relevant experience, demonstrated management
competency, labor compliance, and safety record, using, to the
extent possible, quantifiable measurements.

(i) “Relevant experience” means the experience, competency,
capability, and capacity to complete projects of similar size, scope,
or complexity.

(j) “Safety record” means the prior history concerning the safe
performance of construction contracts. The criteria used to evaluate
a bidder’s safety record shall include, at a minimum, its experience
modification rate for the most recent three-year period, and its
average total recordable injury or illness rate and average lost work
rate for the most recent three-year period.

SEC. 3. Section 20155.7 of the Public Contract Code is
amended to read:

20155.7. (a) Before March 1, 2024, the board of supervisors
of a participating county shall submit a report to the appropriate
policy committees of the Legislature and the Joint Legislative
Budget Committee. The report shall include, but is not limited to,
the following information:
(1) A description of the projects awarded using the best value
procedures.
(2) The contract award amounts.
(3) The best value contractors awarded the projects.
(4) A description of any written protests concerning any aspect
of the solicitation, bid, or award of the best value contracts,
including the resolution of the protests.
(5) A description of the prequalification process.
(6) The criteria used to evaluate the bids, including the weighting
of the criteria and an assessment of the effectiveness of the
methodology.
(7) If a project awarded under this article has been completed, an assessment of the project performance, to include a summary of any delays or cost increases.

(b) A report submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 4. Section 20155.9 of the Public Contract Code is amended to read:

20155.9. This article shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 5. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to construction projects in the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
Item B-6
The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 416 (Hueso) - Employment: Workers’ Compensation (SB 416) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 416 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 416, the Liaisons may recommend the following actions:

1) Support SB 416;
2) Support if amended SB 416;
3) Oppose SB 416;
4) Oppose unless amended SB 416;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 416, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
July 17, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.


Summary and Background
SB 416 was introduced by Senator Hueso and is sponsored by the Peace Officers’ Research Association of California (PORAC). This bill would expand the classifications of peace officers who have the benefit of presumptions within the workers’ compensation system that certain illnesses are automatically deemed to be work-related.

Specifically, this bill would:

- Extend the presumption that cancer, hernia, pneumonia, meningitis, tuberculosis, biochemical illness, and heart disease are job related to all peace officers, with some specific exceptions that include the Attorney General and Department of Justice special agents and investigators, members of the University of California Police Department, members of the California National Guard, parole officers, and law enforcement personnel from other states.

Status of Legislation
This bill has been referred to the Assembly Appropriations Committee.

Support and Opposition
The PORAC argue that all peace officers are subject to the same risks associated with the illnesses specified in the bill and should be covered by the same protections contained in the Labor Code. They assert that by extending these presumptions to more peace officers will improve the ability of the employing agencies to recruit and retain quality law enforcement officers and improve public safety.

Opponents of the bill argue that the expansion of these presumptions to more peace officers would add significant new costs for public sector employees in California. Opponents also assert that the need to expand these presumptions has not been substantiated.

Support
Peace Officers’ Research Association of California (PORAC) – Sponsor
Association of Orange County Deputy Sheriffs (AOCDS)
Burbank Police Officers’ Association
California Association of Professional Firefighters (CAPF)
California Law Enforcement Association (CLEA)
California Welfare Fraud Investigators Association (CWFIA)
Compton School Police Officers Union  
Fraternal Order of Police (FOP)  
Long Beach Police Officers Association (LBPOA)  
Los Angeles Airport Police Supervisors Association  
Los Angeles School Police Management Association (LASPMA)  
Los Angeles School Police Officers Association  
National Peace Officers and Fire Fighters Benefit Association (NPFBA)  
Riverside Sheriffs’ Association  
Sacramento County Deputy Sheriffs’ Association (SCDSA)  
San Diego County Public Assistance Investigators Association  

**Opposition**  
American Property Casualty Insurance Association  
California Association of Joint Powers Authorities  
California Coalition on Workers’ Compensation  
California State Association of Counties  
City of Burbank  
City of Pasadena  
CSAC Excess Insurance Authority  
League of California Cities  
Los Angeles County Board of Supervisors  
Rural County Representatives of California  
Urban Counties of California
Attachment 2
An act to amend Sections 3212, 3212.1, 3212.5, 3212.6, 3212.85, 3212.9, and 3213.2 of the Labor Code, relating to worker’s compensation.

LEGISLATIVE COUNSEL’S DIGEST

SB 416, as introduced, Hueso. Employment: workers’ compensation. Existing law establishes a workers’ compensation system to compensate employees for injuries sustained arising out of and in the course of their employment. Existing law designates illnesses and conditions that constitute a compensable injury for various employees, such as California Highway Patrol members, firefighters, and certain peace officers. These injuries include, but are not limited to, hernia, pneumonia, heart trouble, cancer, meningitis, and exposure to biochemical substances, when the illness or condition develops or manifests itself during a period when the officer or employee is in service of the employer, as specified.

This bill would expand the coverage of the above provisions relating to compensable injuries, to include all persons defined as peace officers under certain provisions of law, except as specified. To the extent that the bill would apply the provisions to additional local peace officers, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,
reimbursement for those costs shall be made pursuant to the statutory provisions noted above.


*The people of the State of California do enact as follows:*

SECTION 1. Section 3212 of the Labor Code is amended to read:

3212. In the case of members of a sheriff’s office or the California Highway Patrol, district attorney’s staff of inspectors and investigators or of police or fire departments of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, persons defined as peace officers in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, except for those peace officers described in subdivision (b) of Section 830.1, and Sections 830.39 and 830.4 of the Penal Code, whether those members are volunteer, partly paid, or fully paid, and in the case of active firefighting members of the Department of Forestry and Fire Protection whose duties require firefighting or of any county forestry or firefighting department or unit, whether voluntary, fully paid, or partly paid, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographers, telephone operators, and other officeworkers, the term “injury” as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while the member or person is in the service in the office, staff, division, department, or unit, and in the case of members of fire departments, except those whose principal duties are clerical, such as stenographers, telephone operators, and other officeworkers, and in the case of county forestry or firefighting departments, except those whose principal duties are clerical, such as stenographers, telephone operators, and other officeworkers, and in the case of active firefighting members of the Department of Forestry and Fire Protection whose duties require firefighting, and in the case of members of the warden service of the Wildlife
Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographers, telephone operators, and other officeworkers, the term “injury” includes pneumonia and heart trouble that develops or manifests itself during a period while the member is in the service of the office, staff, department, or unit. In the case of regular salaried county or city and county peace officers, the term “injury” also includes any hernia that manifests itself or develops during a period while the officer is in the service. The compensation that is awarded for the hernia, heart trouble, or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workers’ compensation laws of this state. The hernia, heart trouble, or pneumonia so developing or manifesting itself in those cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. The presumption shall be extended to a member or person following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

The hernia, heart trouble, or pneumonia so developing or manifesting itself in those cases shall in no case not be attributed to any disease existing prior to that development or manifestation.

SEC. 2. Section 3212.1 of the Labor Code is amended to read:

3212.1. (a) This section applies to all of the following:

(1) Active firefighting members, whether volunteers, partly paid, or fully paid, of all of the following fire departments:

(A) A fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision.

(B) A fire department of the University of California and the California State University.

(C) The Department of Forestry and Fire Protection.

(D) A county forestry or firefighting department or unit.

(2) Active firefighting members of a fire department that serves a United States Department of Defense installation and who are
certified by the Department of Defense as meeting its standards for firefighters.

(3) Active firefighting members of a fire department that serves a National Aeronautics and Space Administration installation and who adhere to training standards established in accordance with Article 4 (commencing with Section 13155) of Chapter 1 of Part 2 of Division 12 of the Health and Safety Code.

(4) Peace officers, as defined in Section 830.1, subdivision (a) of Section 830.2, and subdivisions (a) and (b) of Section 830.37, of the Penal Code, Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, who are primarily engaged in active law enforcement activities, except for those peace officers described in Sections 830.39 and 830.4 of the Penal Code.

(5) (A) Fire and rescue services coordinators who work for the Office of Emergency Services.

(B) For purposes of this paragraph, “fire and rescue services coordinators” means coordinators with any of the following job classifications: coordinator, senior coordinator, or chief coordinator.

(b) The term “injury,” as used in this division, includes cancer, including leukemia, that develops or manifests itself during a period in which any member described in subdivision (a) is in the service of the department or unit, if the member demonstrates that he or she was exposed, while in the service of the department or unit, to a known carcinogen as defined by the International Agency for Research on Cancer, or as defined by the director.

(c) The compensation that is awarded for cancer shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by this division.

(d) The cancer so developing or manifesting itself in these cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by evidence that the primary site of the cancer has been established and that the carcinogen to which the member has demonstrated exposure is not reasonably linked to the disabling cancer. Unless so controverted, the appeals board is bound to find in accordance with the presumption. This presumption shall be extended to a member following termination of service for a period of three calendar months for each full year of the requisite service,
but not to exceed 120 months in any circumstance, commencing with the last date actually worked in the specified capacity.

(e) The amendments to this section enacted during the 1999 portion of the 1999–2000 Regular Session shall be applied to claims for benefits filed or pending on or after January 1, 1997, including, but not limited to, claims for benefits filed on or after that date that have previously been denied, or that are being appealed following denial.

(f) This section shall be known, and may be cited, as the William Dallas Jones Cancer Presumption Act of 2010.

SEC. 3. Section 3212.5 of the Labor Code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member—

(a) This section applies to peace officers as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, except for those peace officers described in subdivision (b) of Section 830.1, subdivision (b) or (d) of Section 830.2, or Section 830.39, 830.4, or 830.5 of the Penal Code.

(b) If a peace officer is employed upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff, or an inspector or investigator in a district attorney’s office of any county, employed upon a regular, full time salary, the term “injury” as used in this division includes heart trouble and pneumonia which that develops or manifests itself during a period while—such member, sheriff, or deputy sheriff, inspector or investigator that peace officer is in the service of the police department, the State Highway Patrol, the sheriff’s office or the district attorney’s office, as the case may be. The compensation which is awarded for such employed in that capacity. The compensation that is awarded for heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such

(c) The heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department, State Highway Patrol, the sheriff or deputy sheriff, or an inspector or investigator in a district attorney’s office of any county peace officer shall have served five years or more in such
that capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a member peace officer following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

Such (d) The heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case shall not be attributed to any disease existing prior to such that development or manifestation.

The term “members” as used herein shall be limited to those employees of police departments, the California Highway Patrol and sheriffs’ departments and inspectors and investigators of a district attorney’s office who are defined as peace officers in Section 830.1, 830.2, or 830.3 of the Penal Code.

SEC. 4. Section 3212.6 of the Labor Code is amended to read:

3212.6. In the case of a member of a police department of a city or county, or a member of the sheriff’s office of a county, or a member of the California Highway Patrol, or an inspector or investigator in a district attorney’s office of any county whose principal duties consist of active law enforcement service, or a prison (a) This section applies to the following:

(1) A person defined as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, whose principal duties consist of active law enforcement service, except for those peace officers described in subdivision (b) of Section 830.1, Section 830.39, 830.4, or 830.5 of the Penal Code.

(2) A prison or jail guard or correctional officer who is employed by a public agency, when that person is employed upon a regular, full-time salary, or in the case of members of fire departments of any city, county, or district, or other public or municipal corporations or political subdivisions, when those members are employed on a regular fully paid basis, and in the case of active firefighting members of the Department of Forestry and Fire Protection whose duties require firefighting and first-aid response
services, or of any county forestry or firefighting department or unit, where those members are employed on a regular fully paid basis, excepting except for those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement, firefighting, or emergency first-aid response service such as stenographers, telephone operators, and other officeworkers, the officeworkers.

(b) The term “injury” includes tuberculosis that develops or manifests itself during a period while that member or person is in the service of that department or office. The compensation that is awarded for the tuberculosis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

(c) The tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a member or person following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

(d) A public entity may require applicants for employment in firefighting positions who would be entitled to the benefits granted by this section to be tested for infection for tuberculosis.

SEC. 5. Section 3212.85 of the Labor Code is amended to read:

3212.85. (a) This section applies to peace officers described in Sections 830.1 to 830.5, inclusive, of the Penal Code, Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, except for those peace officers described in Sections 830.39 and 830.4 of the Penal Code, and members of a fire department.

(b) The term “injury,” as used in this division, includes illness or resulting death due to exposure to a biochemical substance that develops or occurs during a period in which any peace officer or member described in subdivision (a) is in the service of the department or unit.
(c) The compensation that is awarded for injury pursuant to this section shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by this division.

(d) The injury that develops or manifests itself in these cases shall be presumed to arise out of, and in the course of, the employment. This presumption is disputable and may be controverted by other evidence. Unless controverted, the appeals board is bound to find in accordance with the presumption. This presumption shall be extended to a peace officer or member following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

(e) For purposes of this section, the following definitions apply:

1. "Biochemical substance" means any biological or chemical agent that may be used as a weapon of mass destruction, including, but not limited to, any chemical warfare agent, weaponized biological agent, or nuclear or radiological agent, as these terms are defined in Section 11417 of the Penal Code.

2. "Members of a fire department" includes, but is not limited to, an apprentice, volunteer, partly paid, or fully paid member of any of the following:

   A. A fire department of a city, county, city and county, district, or other public or municipal corporation or political subdivision.

   B. A fire department of the University of California and the California State University.

   C. The Department of Forestry and Fire Protection.

   D. A county forestry or firefighting department or unit.

SEC. 6. Section 3212.9 of the Labor Code is amended to read:

3212.9. In the case of a member of a police department of a city, county, or city and county, or a member of the sheriff's office of a county, or a member of the California Highway Patrol, or a county probation officer, or an inspector or investigator in a district attorney's office of any county whose principal duties consist of active law enforcement service, (a) This section applies to a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, except for those peace officers defined in Section 830.39, 830.4, or 830.5 of the Penal Code, when that person is employed on a regular, full-time salary,
or in the case of a member of a fire department of any city, county, or district, or other public or municipal corporation or political subdivision, or any county forestry or firefighting department or unit, when those members are employed on a regular full-time salary, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement or firefighting, such as stenographers, telephone operators, and other officeworkers, the officeworkers.

(b) The term “injury” includes meningitis that develops or manifests itself during a period while that person is in the service of that department, office, or unit. The compensation that is awarded for the meningitis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

The meningitis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it. This presumption shall be extended to a person following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

SEC. 7. Section 3213.2 of the Labor Code is amended to read:

3213.2. (a) In the case of a member of a police department of a city, county, or city and county, or a member of the sheriff’s office of a county, or a peace officer employed by the Department of the California Highway Patrol, or a peace officer employed by the University of California, this section applies to a peace officer described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, except for those peace officers described in Sections 830.39 and 830.4, of the Penal Code who has been employed for at least five years as a peace officer on a regular, full-time salary and has been required to wear a duty belt as a condition of employment, the employment.

(b) The term “injury,” as used in this division, includes lower back impairments. The compensation that is awarded for lower back impairments shall include full hospital, surgical, medical
treatment, disability indemnity, and death benefits as provided by
the provisions of this division.

(b) The lower back impairment so developing or manifesting
itself in the peace officer shall be presumed to arise out of and in
the course of the employment. This presumption is disputable and
may be controverted by other evidence, but unless so controverted,
the appeals board is bound to find in accordance with it. This
presumption shall be extended to a person following termination
of service for a period of three calendar months for each full year
of the requisite service, but not to exceed 60 months in any
circumstance, commencing with the last date actually worked in
the specified capacity.

c) For purposes of this section, “duty belt” means a belt used
for the purpose of holding a gun, handcuffs, baton, and other items
related to law enforcement.

SEC. 8. If the Commission on State Mandates determines that
this act contains costs mandated by the state, reimbursement to
local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.
Item B-7
TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: July 23, 2019
SUBJECT: Request Direction on Senate Bill 438 (Hertzberg) - Emergency Medical Services: Dispatch
ATTACHMENT: 1. Summary Memo – SB 438
2. Bill Text – SB 438

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 438 (Hertzberg) - Emergency Medical Services: Dispatch (SB 438) involves a policy matter that may not be addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 438 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 438, the Liaisons may recommend the following actions:

1) Support SB 438;
2) Support if amended SB 438;
3) Oppose SB 438;
4) Oppose unless amended SB 438;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 438, then staff will place the item on a future City Council Agenda for concurrence should the topic not be included in the adopted City Council Legislative Platform.
July 18, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: SB 438 (Hertzberg) Emergency medical services: dispatch

Summary and Background
The Emergency Medical Services Authority (EMSA) is the lead agency and centralized resource to oversee emergency and disaster medical services. Day-to-day emergency medical services (EMS) system management is the responsibility of the local and regional local emergency medical services agencies (LEMSA). California has 33 LEMSA systems that provide EMS for California’s 58 counties. Regional systems are usually comprised of small, more rural, less populated counties, and single-county systems generally exist in the larger and more urban counties. There are seven regional EMS agencies comprised of 32 counties and 26 single county LEMSAs. Both single and multi-county LEMSAs develop and submit five-year EMS plans and annual updates to EMSA for a local emergency EMS system according to the state system standards and guidelines. The purpose of the local EMS plans is to meet community EMS needs through the effective utilization of local resources.

The EMS Act comprehensively regulates emergency medical care in California. Enacted in 1980, the Act provides for the creation of emergency medical procedures and protocols, certification of emergency medical personnel, and coordination of emergency responses by fire departments, ambulance services, hospitals, specialty care centers, and other providers within the local EMS system. Health and Safety Code §1797.201, generally known as “201 rights,” was added late in the legislative process that led to the passage of the EMS Act. Section 201 was included to address concerns some cities expressed about the Act’s potential impact on their authority to continue providing EMS programs they had previously started in their cities. While the goal of the Act was to establish a statewide system for emergency medical response, §1797.201 acknowledged the concerns of the cities and fire districts by allowing them to continue to administer EMS within the city or fire district “until such time that an agreement is reached, prehospital emergency medical services shall be continued at not less than the existing level, and the administration of prehospital EMS by cities and fire districts presently providing such services shall be retained by those cities and fire districts…..”

SB 438 would prohibit a public agency from delegating, assigning, or contracting for “911” emergency call processing services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement is with, another public agency. Specifically, this bill would,

- Exempt from that prohibition a public agency that is a joint powers authority that delegated, assigned, or contracted for “911” call processing services on or before January 1, 2019, under certain conditions.
Authorize a public agency that delegated, assigned, or contracted for “911” call processing services on or before January 1, 2019, to continue to do so with the concurrence of the public safety agencies that provide prehospital emergency medical services. If a public safety agency does not concur with the public agency to continue to delegate, assign, or contract for those services, the bill would authorize the public agency to continue to delegate, assign, or contract for those services for the remaining concurring public safety agencies.

**Status of Legislation**
This bill is pending on the Assembly Floor.

**Support and Opposition**
The author and the sponsors The California Professional Firefighters and the California Fire Chiefs Association state that under this bill, public agencies are authorized to delegate, assign, or subcontract its 911-call processing or emergency notification duties with respect to dispatching emergency response services only to another public agency, which includes joint powers authority (JPA) and cooperative agreements. This bill enables a JPA, which currently outsources local emergency dispatch services in some counties, to continue to do so, as well as renegotiate and adopt future contracts, if the JPA consents and its membership includes all affected public safety agency pre-hospital EMS providers. The sponsors state that this bill does nothing to exempt city or special district fire agencies from medical control policies required by the LEMSAs established by counties. It simply recognizes that these accountable public agencies have responsibility for dispatch and response modes that best protect their communities. The sponsors conclude that every dispatch and resource mode must always meet or exceed LEMSA medical control policies.

The League of California Cities (LCC) has an oppose unless amended position on the bill. LCC opposes the provision that would permanently bar any local jurisdiction that does not have an existing contract for private EMS dispatch services, from entering into such an agreement in the future. LCC states that this provision not only limits cities’ flexibility to provide EMS resources in times of financial distress but also sets a precedent against future public-private contracting of any other services that may be in the best interest of cities. LCC would be willing to support this bill if it was limited to ensuring that PSAs can deploy emergency response resources within agencies’ respective territorial jurisdictions.

A coalition of opponents, including the California State Association of Counties, Urban Counties of California, Rural County Representatives of California, and County Health Executives Association, believe this measure creates a lopsided benefit to plaintiff attorneys over public agencies that encourages costly litigation when a simple agreement could be reached. They also state, “should SB 438 become law, local municipal agencies would be permitted to act outside of the medical control of the LEMSA medical director, and EMSA, in the response and delivery of prehospital emergency care. This fragments the EMS system and may result in considerable variation in the care provided to patients. It also would risk patient safety, as deviations from LEMSA policies and procedures may occur without LEMSA and EMSA oversight and authority to monitor dispatch and response times, as well as issue corrective actions.”
Support
Bodega Bay Fire Protection District
California Fire Chiefs Association
California Professional Firefighters
California State Firefighters’ Association
Central County Fire Department
City of Alameda
City of Corona Fire Department
City of Dinuba
City of Fairfield
City of Lodi Fire Department
City of Oceanside
City of Palo Alto Fire Department
City of Petaluma
City of Rancho Cucamonga
City of Santa Rosa Fire Department
City of Tracy
City of Tulare
City of Ventura Fire Department
City of Watsonville
East Contra Costa Fire Protection District
Lathrop Manteca Fire Protection District
Marin County Fire Chiefs Association
Montecito Fire Department
Monterey County Fire Chiefs Association
Newport Beach Fire Department
North County Fire Authority
North County Fire Protection District
Novato Fire District
Orange County Fire Authority
Sacramento Metropolitan Fire District
San Joaquin County Regional Fire Dispatch Authority
San Luis Obispo Fire Department
San Ramon Valley Fire Protection District
Seaside Fire Department
South San Joaquin County Fire Authority
Southern Marin Fire Protection District

Oppose unless amended
League of California Cities

Opposition
California State Association of Counties
City of Placentia
County Health Executives Association of California
Emergency Medical Services Administrators’ Association of California
EMS Medical Directors Association of California
Fresno County
Madera County
Mendocino County Board of Supervisors
Rural County Representatives of California
San Joaquin County
Santa Clara County
Shasta County Board of Supervisors
Siskiyou County
Stanislaus County
Urban Counties of California
Attachment 2
An act to amend Section 53110 of, and to add Section 53100.5 to, the Government Code, and to add Sections 1797.223 and 1798.8 to the Health and Safety Code, relating to emergency services.

LEGISLATIVE COUNSEL’S DIGEST

SB 438, as amended, Hertzberg. Emergency medical services: dispatch.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency to establish within its jurisdiction a basic emergency telephone system that includes, at a minimum, police, firefighting, and emergency medical and ambulance services. Existing law authorizes a public agency to incorporate private ambulance service into the system.

This bill would prohibit a public agency from delegating, assigning, or contracting for “911” emergency call processing or notification duties regarding services for the dispatch of emergency response resources unless the delegation or assignment is to, or the contract or agreement
is with, another public agency. The bill would exempt from that prohibition a public agency that is a joint powers authority that delegated, assigned, or contracted for dispatch of emergency response resources “911” call processing services on or before January 1, 2019, under certain conditions. The bill would also authorize a public agency that delegated, assigned, or contracted for dispatch of emergency response resources “911” call processing services on or before January 1, 2019, to continue that contract or to renegotiate or adopt new contracts if the public agency and to do so with the concurrence of the public safety agencies that provide prehospital emergency medical services consent. If a public safety agency does not concur with the public agency to continue to delegate, assign, or contract for those services, the bill would authorize the public agency to continue to delegate, assign, or contract for those services for the remaining concurring public safety agencies. The bill would state the Legislature’s intent to affirm and clarify a public agency’s duty and authority to develop emergency communication procedures and respond quickly to a person seeking emergency services through the “911” emergency telephone system.

Existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, authorizes each county to develop an emergency medical services (EMS) program and designate a local EMS agency. Existing law delegates responsibility over the medical direction and management of an EMS system to the medical director of the local EMS agency, and requires the local EMS agency to maintain medical control over the EMS system in accordance with minimum standards established by the Emergency Medical Services Authority.

This bill would require a public safety agency that provides dispatch of prehospital emergency response resources “911” call processing services for medical response to make a connection available from the public safety agency dispatch center to an EMS provider’s dispatch center, as specified. The bill would provide that the public safety agency is entitled to recover from an EMS provider the actual costs incurred in establishing and maintaining the connection. The bill would require all local EMS agency-approved the local EMS-agency-authorized EMS providers and the EMS system providers within the jurisdiction of the incident, to be simultaneously notified and dispatched at the same response code. The bill would also, unless the local EMS agency takes affirmative action to the contrary, deem a public safety agency’s plan
to implement an EMD or advanced life support program to be approved within 60 days of submission if the plan satisfies state guidelines and regulations. The bill would require a local EMS agency to review and approve or deny a public safety agency’s plan to implement an emergency medical dispatcher or advanced life support program within 90 days of submission of the plan.

This bill would provide that medical control by a local EMS agency medical director, or medical direction and management of an EMS system, may not be construed to, among other things, limit the authority of a public safety agency to directly receive and administer process “911” emergency requests originating within the agency’s territorial jurisdiction or authorize a local EMS agency to unilaterally reduce a public safety agency’s response mode below that of the EMS transport provider, prevent a public safety response, or alter the deployment of emergency response resources within the agency’s territorial jurisdiction. The bill would also clarify that a public safety agency does not transfer its authority to administer emergency medical services to a local EMS agency by adhering to the policies, procedures, and protocols adopted by a local EMS agency.


The people of the State of California do enact as follows:

1 SECTION 1. Section 53100.5 is added to the Government Code, to read:
2 53100.5. The Legislature finds and declares all of the following:
3 (a) The provision of fire protection services, rescue services, emergency medical services, hazardous material response services, ambulance services, and other services related to the protection of lives and property is a matter of public safety and critical to the public peace, health, and safety of the state.
4 (b) It is in the public interest that emergency services be deployed quickly and efficiently in the interest of saving lives and reducing the damage or destruction of property.
5 (c) The establishment of a uniform, statewide policy regarding a public agency’s ability to receive and process emergency calls is a matter of statewide concern and an interest to all inhabitants and citizens of this state.
(d) The purpose of the act that added this section is to affirm and clarify a public agency’s duty, responsibility, and jurisdiction to establish and improve emergency communication procedures and quickly respond to any person calling the telephone number “911” seeking fire, medical, rescue, or other emergency services.

SEC. 2. Section 53110 of the Government Code is amended to read:

53110. (a) Every system shall include police, firefighting, and emergency medical and ambulance services, and may include other emergency services, in the discretion of the affected local public agency, such as poison control services, suicide prevention services, and civil defense services. The system may incorporate private ambulance service. In areas in which a public safety agency of the state provides emergency services, the system shall include the public safety agency or agencies.

(b) Notwithstanding subdivision (a), a public agency shall not delegate, assign, or enter into a contract for “911” call processing or emergency notification duties regarding services for the dispatch of emergency response resources except as provided in subdivision (c) or if the delegation or assignment is to, or the contract or agreement is with, another public agency.

(c) Notwithstanding subdivision (b), the following entities may delegate or assign to a nonpublic agency, or contract for dispatch of emergency response resources with a nonpublic agency for, “911” call processing services only as described in paragraphs (1) and (2).

(1) A joint powers authority that delegated, assigned, or contracted for dispatch of emergency response resources “911” call processing services on or before January 1, 2019, may continue to delegate, assign, or contract for dispatch of those resources and may those services and may, upon the expiration of the delegation, assignment, or contract, renegotiate or adopt new contracts, if the membership of the joint powers authority includes all public safety agencies that provide prehospital emergency medical services and the joint powers authority consents to the continued delegation, assignment, or renegotiation or adoption of the contract.

(2) A public agency that has delegated, assigned, or contracted for dispatch of emergency response resources “911” call processing services on or before January 1, 2019, may continue to contract for dispatch of those resources and may renegotiate or
adopt new contracts if the public agency and do so with the concurrence of the public safety agencies that provide prehospital emergency medical services consent to the renegotiation and adoption of the contract. If a public safety agency does not concur with the delegation, assignment, or contracting of the “911” call processing services within its jurisdictional boundaries, the following shall apply:

(A) The public agency may continue to delegate, assign, or contract for “911” call processing services as described in this paragraph for the remaining concurring public safety agencies, and the nonconcurring public safety agency shall discharge “911” call processing duties within its jurisdictional boundaries. Notwithstanding this subparagraph, if the delegation, assignment, or contract provided the option for one or more public safety agencies to withdraw from the delegation, assignment, or contract, the terms of that delegation, assignment, or contract shall prevail.

(B) If continuing the delegation, assignment, or contract described in subparagraph (A) is not feasible, the withdrawing public safety agency shall assume “911” call processing services for the service area originally subject to delegation, assignment, or contract.

(d) This section does not prohibit a public agency or public safety agency from entering into an agreement for backup “911” call processing services.

SEC. 3. Section 1797.223 is added to the Health and Safety Code, to read:

1797.223. (a) (1) A public safety agency that provides dispatch of prehospital emergency response resources “911” call processing services for emergency medical response shall make a connection available from the public safety agency dispatch center to an emergency medical services (EMS) provider’s dispatch center for the timely transmission of emergency response information.

(2) A public safety agency shall be entitled to recover from an EMS provider the actual costs incurred in establishing and maintaining a connection required by this subdivision.

(3) An EMS provider that elects not to use the connection provided pursuant to this subdivision shall be dispatched by the appropriate public safety agency and charged the same rates as any other EMS provider being dispatched by that agency.
(4) If an EMS provider is not directly dispatched from a public safety agency, the response interval for calculations for that EMS provider shall not include the call processing times of the public safety agency and shall begin upon receipt of notification by the EMS provider of the emergency response caller data, either electronically or by any other means prescribed in paragraph (5).

(5) For purposes of this subdivision, “connection” means either a direct computer aided dispatch (CAD) to CAD link, where permissible under law, between the public safety agency and an EMS provider or an indirect connection, including, but not limited to, a ring down line, intercom, radio, or other electronic means for timely notification of caller data and the location of the emergency response.

(b) Unless an a local EMS agency has approved an emergency medical dispatch (EMD) program in conformance with Section 1798.8, that allows for a tiered or modified response, all local EMS providers approved by the local EMS agency, the local EMS-agency-authorized EMS system providers, and— all statutorily authorized EMS system providers within the jurisdiction of the incident, shall be simultaneously notified, or as close as technologically feasible, and dispatched at the same response code. A mode.

(c) A public safety agency implementing an EMD program shall be subject to the review and approval of the local EMS agency, and shall perform “911” call processing services and operate the program in accordance with applicable state guidelines and regulations, and the policies adopted by the local EMS agency that are consistent with Section 1798.8.

(c) Unless the

(d) A local EMS agency takes affirmative action to the contrary, shall review and approve or deny a public safety agency’s plan to implement an EMD or advanced life support program shall be deemed approved within 60 days of submission if the plan satisfies state guidelines and regulations. within 90 days of submission of the plan. A public safety agency may elect to appeal any action of a local EMS agency as described in paragraphs (1) and (2):

1) If a public safety agency’s application for an EMD or advanced life support program is not timely approved or is denied, an appeal shall be conducted in conformance with the administrative adjudication proceedings set forth in Chapter 5
(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) A final decision rendered pursuant to this subdivision may be appealed to a court of competent jurisdiction.

(e) This section does not authorize a public safety agency to alter the response of a local EMS-agency-authorized EMS transport provider, including EMS transport providers operating pursuant to Section 1797.224, unless authorized by a local EMS agency.

(f) Nothing in this section supersedes Section 1797.201.

SEC. 4. Section 1798.8 is added to the Health and Safety Code, to read:

1798.8. (a) Notwithstanding any provision of this division, medical control by a local EMS agency medical director, or medical direction and management of an emergency medical services system, as described in this chapter, shall not be construed to do any of the following:

(1) Limit, supplant, prohibit, or otherwise alter a public safety agency’s authority to directly receive, process, and administer requests for assistance originating within the public safety agency’s territorial jurisdiction through the emergency “911” system established pursuant to Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code. This paragraph does not supersede the local EMS agency’s authority to adopt and implement emergency lifesaving instructions or EMD prearrival instructions.

(2) Authorize or permit a local EMS agency to delegate, assign, or enter into a contract in contravention of subdivision (b) of Section 53110 of the Government Code.

(3) Authorize or permit a local EMS agency to unilaterally reduce a public safety agency’s response mode below that of the EMS transport provider, prevent a public safety response, or alter the deployment of public safety emergency response resources within the public safety agency’s territorial jurisdiction.

(4) Authorize or permit a local EMS agency to prevent a public safety agency from providing mutual aid pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(b) A public safety agency’s adherence to the policies, procedures, and protocols adopted by a local EMS agency does
not constitute a transfer of any of the public safety agency’s authorities regarding the administration of emergency medical services.
Item B-8
TO:       City Council Liaison/Legislative/Lobby Committee
FROM:    Cindy Owens, Policy and Management Analyst
DATE:    July 23, 2019
SUBJECT: Request Direction on Senate Bill SB 518 (Wieckowski) - Civil Actions: Settlement Offers
ATTACHMENT: 1. Summary Memo – SB 518
             2. Bill Text – SB 518

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill SB 518 (Wieckowski) - Civil Actions: Settlement Offers (SB 518) involves a policy matter that may not be addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 518 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 518, the Liaisons may recommend the following actions:

1) Support SB 518;
2) Support if amended SB 518;
3) Oppose SB 518;
4) Oppose unless amended SB 518;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 518, then staff will place the item on a future City Council Agenda for concurrence should the topic not be included in the adopted City Council Legislative Platform.
Attachment 1
July 16, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: SB 518 (Wieckowski) Civil actions: settlement offers

Summary and Background

The California Public Records Act (CPRA) ensures the public has access to information concerning the conduct of the people's business as a fundamental and necessary right of every person in the state. Additionally, under specified circumstances, the CPRA affords agencies a variety of discretionary exemptions, which they may utilize as a basis for withholding records from disclosure. These exemptions generally include personnel records, investigative records, drafts, and material made confidential by other state or federal statutes. In addition, a record may be withheld whenever the public interest in nondisclosure clearly outweighs the public interest in disclosure. Failure of a public agency to disclose records pursuant to the CPRA can result in significant financial consequences for the agency from potential litigation.

Under current law, records requestors who believe a public agency has improperly withheld a record may sue the agency. There is no “meet and confer” requirement that a requestor work with an agency to resolve a dispute over any records that may have been withheld by the agency. Additionally, should a requestor prevail in court by having even a single record released that had previously been withheld, the CPRA mandates that a court award costs and reasonable attorney fees to the plaintiff. Offers to compromise can be made under Code of Civil Procedure (CCP) Section 998 which is intended to encourage litigants to settle their disputes in an amicable and reasonable fashion and avoid excessive litigation costs.

CCP section 998 is a cost-shifting statute that encourages the early resolution of lawsuits by penalizing parties who fail to accept reasonable pretrial settlement offers. A plaintiff who refuses a reasonable pretrial settlement offer and subsequently fails to obtain a “more favorable judgment” is penalized by a loss of prevailing party costs and is required to pay the defendant’s costs. However, CCP Section 998 offers are not often used in writs of mandate cases such as CPRA lawsuits because CPRA cases do not involve “damages.” A CPRA petitioner forced to file a lawsuit against an agency for failure to comply with a request for documents may receive costs and fees if the petitioner prevails. Writs of mandate are equitable actions and seek to compel or prevent a specific government action. Section 998 offers are almost exclusively used to resolve lawsuits for damages (e.g., commercial, business, personal injury, and employment actions). There is no case law prohibiting use of CCP section 998 offer in a CPRA case.

This bill would eliminate the use of an offer of compromise, as defined by the Code of Civil Procedure Section 998, in CPRA litigation.
**Status of Legislation**
This bill has been referred to the Assembly Appropriations committee and has been placed on the Suspense File.

**Support and Opposition**
The author and supporters argue that Section 998 offers are an important tool in getting parties to settle in certain cases but are not appropriate in CPRA cases. The author argues that public agencies are using Section 998 offers in court to prevent the release of disclosable documents and claims that Section 998 offers can shift court costs onto the requestor. Supporters of the bill assert that this undermines the CPRA which requires the requester to have their court costs covered if they prevail.

A coalition of opponents, including the League of California Cities and California State Association of Counties, believe this measure creates a lopsided benefit to plaintiff attorneys over public agencies that encourages costly litigation, when a simple agreement could be reached.

**Support**
- California Employment Lawyers Association
- California News Publishers Association
- California Broadcasters Association
- Coalition for Sensible Public Records Access
- First Amendment Coalition
- Jeffer Mangels Butler & Mitchell LLP
- League of Women Voters of California
- National Lawyers Guild
- Oakland Privacy

**Opposition**
- Association of California Healthcare Districts
- California Downtown Association
- California Special Districts Association
- California State Association of Counties
- League of California Cities
- Rural County of Representatives of California
- Urban Counties of California
Attachment 2

LEGISLATIVE COUNSEL’S DIGEST


Existing law, in a civil action to be resolved by trial or arbitration, authorizes a party to serve an offer in writing on any other party to the action to allow judgment to be taken or an award to be entered in accordance with the terms and conditions stated at the time. Existing law shifts specified postoffer costs to a plaintiff who does not accept a defendant’s offer if the plaintiff fails to obtain a more favorable judgment or award. Existing law also authorizes a court or arbitrator to order a party who does not accept the opposing party’s offer and fails to obtain a more favorable judgment or award to cover the postoffer costs for the services of expert witnesses, as specified. Existing law exempts certain actions from those provisions, including any labor arbitration filed pursuant to a memorandum of understanding under the Ralph C. Dills Act.

This bill would also exempt from those provisions any action to enforce the California Public Records Act.

The California Public Records Act requires a public agency, defined to mean a state or local agency, to make its public records available for public inspection and to make copies available upon request and payment of a fee, unless the public records are exempt from disclosure.
The act makes specified records exempt from disclosure and provides that disclosure by a state or local agency of a public record that is otherwise exempt constitutes a waiver of the exemptions.

The 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 that officer or person should not do so. The act requires the court to award court costs and reasonable attorney’s fees to the plaintiff if the plaintiff 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 plaintiff’s case is clearly frivolous.

This bill, for purposes of the award of court costs and reasonable attorney’s fees pursuant to the above provisions, would specifically notwithstanding a provision of existing law that prescribes the withholding or augmentation of costs if an offer is made before judgment or award in a trial or arbitration.

State-mandated local program: no.

The people of the State of California do enact as follows:

1. SECTION 1. Section 998 of the Code of Civil Procedure is amended to read:

   998. (a) The costs allowed under Sections 1031 and 1032 shall be withheld or augmented as provided in this section.

   (b) Not less than 10 days prior to commencement of trial or arbitration (as provided in Section 1281 or 1295) of a dispute to be resolved by arbitration, any party may serve an offer in writing upon any other party to the action to allow judgment to be taken or an award to be entered in accordance with the terms and conditions stated at that time. The written offer shall include a statement of the offer, containing the terms and conditions of the judgment or award, and a provision that allows the accepting party to indicate acceptance of the offer by signing a statement that the offer is accepted. Any acceptance of the offer, whether made on the document containing the offer or on a separate document of acceptance, shall be in writing and shall be signed by counsel for the accepting party or, if not represented by counsel, by the accepting party.
If the offer is accepted, the offer with proof of acceptance shall be filed and the clerk or the judge shall enter judgment accordingly. In the case of an arbitration, the offer with proof of acceptance shall be filed with the arbitrator or arbitrators who shall promptly render an award accordingly.

(2) If the offer is not accepted prior to trial or arbitration or within 30 days after it is made, whichever occurs first, it shall be deemed withdrawn, and cannot be given in evidence upon the trial or arbitration.

(3) For purposes of this subdivision, a trial or arbitration shall be deemed to be actually commenced at the beginning of the opening statement of the plaintiff or counsel, or, if there is no opening statement, at the time of the administering of the oath or affirmation to the first witness, or the introduction of any evidence.

(c) (1) If an offer made by a defendant is not accepted and the plaintiff fails to obtain a more favorable judgment or award, the plaintiff shall not recover his or her postoffer costs and shall pay the defendant’s costs from the time of the offer. In addition, in any action or proceeding other than an eminent domain action, the court or arbitrator, in its discretion, may require the plaintiff to pay a reasonable sum to cover postoffer costs of the services of expert witnesses, who are not regular employees of any party, actually incurred and reasonably necessary in either, or both, preparation for trial or arbitration, or during trial or arbitration, of the case by the defendant.

(2) (A) In determining whether the plaintiff obtains a more favorable judgment, the court or arbitrator shall exclude the postoffer costs.

(B) It is the intent of the Legislature in enacting subparagraph (A) to supersede the holding in Encinitas Plaza Real v. Knight, Knight (1989) 209 Cal.App.3d 996, 996 that attorney’s fees awarded to the prevailing party were not costs for purposes of this section but were part of the judgment.

(d) If an offer made by a plaintiff is not accepted and the defendant fails to obtain a more favorable judgment or award in any action or proceeding other than an eminent domain action, the court or arbitrator, in its discretion, may require the defendant to pay a reasonable sum to cover postoffer costs of the services of expert witnesses, who are not regular employees of any party, actually incurred and reasonably necessary in either, or both,
preparation for trial or arbitration, or during trial or arbitration, of
the case by the plaintiff, in addition to plaintiff’s costs.

(e) If an offer made by a defendant is not accepted and the
plaintiff fails to obtain a more favorable judgment or award, the
costs under this section, from the time of the offer, shall be
deducted from any damages awarded in favor of the plaintiff. If
the costs awarded under this section exceed the amount of the
damages awarded to the plaintiff the net amount shall be awarded
to the defendant and judgment or award shall be entered
accordingly.

(f) Police officers shall be deemed to be expert witnesses for
the purposes of this section. For purposes of this section, “plaintiff”
includes a cross-complainant and “defendant” includes a
cross-defendant. Any judgment or award entered pursuant to this
section shall be deemed to be a compromise settlement.

(g) This chapter does not apply to either any of the following:

(1) An offer that is made by a plaintiff in an eminent domain
action.

(2) Any enforcement action brought in the name of the people
of the State of California by the Attorney General, a district
attorney, or a city attorney, acting as a public prosecutor.

(3) Any labor arbitration filed pursuant to a memorandum of
understanding under the Ralph C. Dills Act (Chapter 10.3
(commencing with Section 3512) of Division 4 of Title 1 of the

(4) Any action to enforce the California Public Records Act
(Chapter 3.5 (commencing with Section 6250) of Division 7 of
Title 1 of the Government Code).

(h) The costs for services of expert witnesses for trial under
subdivisions (c) and (d) shall not exceed those specified in Section
68092.5 of the Government Code.

(i) This section shall not apply to labor arbitrations filed pursuant
to memoranda of understanding under the Ralph C. Dills Act
(Chapter 10.3 (commencing with Section 3512) of Division 4 of
Title 1 of the Government Code):

SECTION 1. Section 6259 of the Government Code is amended
to read:

6259. (a) Whenever it is made to appear by verified petition
to the superior court of the county where the records or some part
thereof are situated that certain public records are being improperly
withheld from a member of the public, the court shall order the
officer or person charged with withholding the records to disclose
the public record or show cause why the officer or person should
not do so. The court shall decide the case after examining the
record in camera, if permitted by subdivision (b) of Section 915
of the Evidence Code, papers filed by the parties and any oral
argument and additional evidence as the court may allow.

(b) If the court finds that the public official's decision to refuse
disclosure is not justified under Section 6254 or 6255, the judge
shall order the public official to make the record public. If the
judge determines that the public official was justified in refusing
to make the record public, the judge shall return the item to the
public official without disclosing its content with an order
supporting the decision refusing disclosure.

(c) In an action filed on or after January 1, 1991, an order of
the court, either directing disclosure by a public official or
supporting the decision of the public official refusing disclosure,
is not a final judgment or order within the meaning of Section
904.1 of the Code of Civil Procedure from which an appeal may
be taken, but shall be immediately reviewable by petition to the
appellate court for the issuance of an extraordinary writ. Upon
entry of any order pursuant to this section, a party shall, in order
to obtain review of the order, file a petition within 20 days after
service upon that party of a written notice of entry of the order, or
within such further time not exceeding an additional 20 days as
the trial court may for good cause allow. If the notice is served by
mail, the period within which to file the petition shall be increased
by five days. A stay of an order or judgment shall not be granted
unless the petitioning party demonstrates it will otherwise sustain
irreparable damage and probable success on the merits. Any person
who fails to obey the order of the court shall be cited to show cause
why that person is not in contempt of court.

(d) Notwithstanding Section 998 of the Code of Civil Procedure,
the court shall award court costs and reasonable attorney's fees to
the requester should the requester prevail in litigation filed pursuant
to this section. The costs and fees shall be paid by the public agency
of which the public official is a member or employee and shall not
become a personal liability of the public official. If the court finds
that the requester's case is clearly frivolous, it shall award court
costs and reasonable attorney's fees to the public agency.
(e) Nothing in this section shall be construed to limit a requester's right to obtain fees and costs pursuant to subdivision (d) or pursuant to any other law.
Item B-9
TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy and Management Analyst
DATE: July 23, 2019
SUBJECT: Request Direction on Senate Bill 667 (Hueso) - Greenhouse Gases: Recycling Infrastructure and Facilities
ATTACHMENT: 1. Summary Memo – SB 667  
2. Bill Text – SB 667

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 667 (Hueso) - Greenhouse Gases: Recycling Infrastructure and Facilities (SB 667) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for SB 667 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 667, the Liaisons may recommend the following actions:

1) Support SB 667;
2) Support if amended SB 667;
3) Oppose SB 667;
4) Oppose unless amended SB 667;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 667, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
April 18, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
       Silvia Solis Shaw, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
       Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: SB 667 (Hueso): Recycling Infrastructure; GHG Emissions

Introduction and Background
SB 667 requires the State Department of Resources Recycling and Recovery (CalRecycle) to develop a five-year investment strategy for infrastructure necessary to meet statewide organic and solid waste reduction goals. According to the author, this investment strategy will help local jurisdictions in the state develop the infrastructure necessary to properly manage solid and organic waste diversion goals as recycling needs increase in the state over time.

In 2016, the Legislature passed SB 1383 (Lara), [Chapter 395], which set an organic disposal reduction target of 50 percent by 2020 and 75 percent by 2020. By 2020, Californians must dispose of no more than 2.7 pounds per day in order to meet the statewide 75 percent recycling goals. These targets would amount to a reduction of almost 24 million tons per year.

In 2018, the Republic of China enacted strict contamination limits and a ban on imports on various types of solid waste, plastics and unsorted mixed papers. According to the author, this new policy from the Chinese government has led to the stockpiling of materials at solid waste and recycling facilities in California. Previously, recycling policies in the state and nationally were built around the idea that China would buy recyclable materials, but now California must take the necessary steps to address this decline and ensure we have the necessary tools to meet our recycling needs.

Specifically, SB 667 will:

- Authorize the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to provide any alternative financing necessary to provide alternative financing for the development of organic waste diversion technologies and infrastructure for the benefit of public or private participating entities in accordance with the investment strategy, including, but not limited to, grants, loans, forgivable loans, loan participation, and other credit facilities.

- Require the State Treasurer to coordinate with the States of Nevada, Oregon, and Washington on infrastructure financing to support the recycling needs of the region.

- Establish the Organic Waste Diversion and Infrastructure Investment Act of 2019. As part of this new act, the bill would:
  - Require CalRecycle, in coordination with the Treasurer and the California Pollution Control Financing Authority (CPCFA), on or before June 1, 2021, to
develop financial incentive mechanisms, to fund organic waste diversion and recycling infrastructure, as specified.

- Require the investment strategy that CalRecycle must develop to assess the amount of money needed to build the infrastructure necessary to achieve methane emission reduction goals that include targets to reduce the landfill disposal of organic waste of 50 percent by 2020 and 75 percent by 2025 from the 2014 level.

**Status of Legislation**
SB 667 (Hueso) was approved by the Assembly Natural Resources Committee on June 27, 2019 and is currently pending further action in the Assembly Appropriations Committee.

**Background**
For three decades, CalRecycle has been tasked with reducing disposal of municipal solid waste and promoting recycling in California through the Integrated Waste Management Act (IWMA). Under the IWMA, the state has established a statewide 75 percent source reduction, recycling, and composting goal by 2020 and over the years the Legislature has enacted various laws relating to increasing the amount of waste that is diverted from landfills. According to CalRecycle’s State of Disposal and Recycling in California 2017 Update, 42.7 million tons of material were disposed into landfills in 2016.

**Market Collapse.** The U.S. has not developed significant markets for recycled content materials, including plastic and mixed paper. Historically, China has been the largest importer of recycled materials. According to the International Solid Waste Association, China accepted 56 percent by weight of global recyclable plastic exports. In California, approximately one-third of recyclable material is exported; and, until recently, 85 percent of the state’s recycled mixed paper has been exported to China.

In 2017, China established Operation National Sword, which included additional inspections of imported recyclable materials and a filing with the World Trade Organization (WTO) indicating its intent to ban the import of 24 types of scrape beginning January 1, 2018. In November 2017, China announced that imports of recycled materials that are not banned will be required to include no more than 0.5 percent contamination. In January of this year, China announced that it would be expanding its ban even further to encompass 32 types of scraps for recycling and reuse, including post-consumer plastics like shampoo and soda bottles.

In June 2019, the Republic of India announced that it will ban scrap plastic imports, a move that threatens to further disrupt the state’s recycling industry. While the release did not specify the specific plastic resins that will be covered, it is speculated that the ban will apply to most plastics including PET, PE, PS, polypropylene (PP), and more. After China’s implementation of National Sword policy, India became one of the top importers of U.S. plastic. U.S. year-end trade figures for 2018 show that India imported 294 million pounds of scrap plastic from the U.S. in that year. That was up from 271 million pounds in 2017 and 203 million pounds in 2016.
Support
Association of Compost Producers
Athens Services
California Refuse Recycling Council—Northern District
California State Association of Counties
City of Buena Park
City of Indian Wells
City of Placentia
City of Stanton
City of Thousand Oaks
Coalition for Renewable Natural Gas
CR&R, Inc.
Inland Empire Disposal Association
League of California Cities
Los Angeles County Waste Management Association
Orange County Sanitation District
Recology
Republic Services
Rural County Representatives of California
Solid Waste Association of Orange County
StopWaste
Waste Management & Affiliated Entities
Western Placer Waste Management Authority

Opposition
None listed
Attachment 2
An act to amend Section 44502 of, and to add Section 44527 to, the Health and Safety Code, and to add Sections 42999.5 and 42999.6 to the Public Resources Code, relating to greenhouse gases.

LEGISLATIVE COUNSEL’S DIGEST


The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the state board as a part of the market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund.

Existing law establishes the CalRecycle Greenhouse Gas Reduction Revolving Loan Program, administered by the Department of Resources Recycling and Recovery, to provide loans to reduce the emissions of greenhouse gases by promoting in-state development of infrastructure to process organic and other recyclable materials into new value-added products.
Existing law requires the department, with additional moneys from the Greenhouse Gas Reduction Fund that may be appropriated to the department, to administer a grant program to provide financial assistance, in the form of grants, incentive payments, contracts, or other funding mechanisms, to reduce the emissions of greenhouse gases by promoting in-state development of infrastructure, food waste prevention, or other projects to reduce organic waste or process organic and other recyclable materials into new, value-added products.

The California Pollution Control Financing Authority Act establishes the California Pollution Control Financing Authority, with specified powers and duties, and authorizes the authority to approve financing for projects or pollution control facilities to prevent or reduce environmental pollution.

This bill would require the department to develop, on or before January 1, 2021, and would authorize the department to amend, a 5-year investment strategy needs assessment to drive support innovation and support technological development and infrastructure, infrastructure development, in order to meet specified organic waste reduction and recycling targets, as provided. The bill would require, on or before June 1, 2021, the department, in coordination with the Treasurer and the California Pollution Control Financing Authority, to develop financial incentive mechanisms, including, among other mechanisms, loans and incentive payments, to fund and accelerate public and private capital towards organic waste diversion and recycling infrastructure. The bill would authorize the authority to provide any alternative financing necessary to implement and administer those financial incentive mechanisms for the benefit of public or private participating parties, in accordance with the investment strategy needs assessment. The bill would create establish the California Recycling Infrastructure Investment Account in the State Treasury, to be administered by the California Pollution Control Financing Authority. The bill would require the Treasurer, in coordination with the department, to coordinate with the States of Nevada, Oregon, and Washington on infrastructure financing to support the recycling needs of the region and to create an advisory stakeholder committee to support development of interstate recycling infrastructure and markets for recyclable materials.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Organic waste is a key source of methane emissions, a powerful climate forcer for greenhouse gases and short-lived climate pollutants that significantly impact air quality, public health, and climate change.

(2) The state has been a leader in advancing policies that drastically divert organic waste from landfills and recycle it, including by mandating a 40-percent reduction in methane emissions by 2030, compared to 2013 levels.

(3) The state is facing a crisis due to international dynamics that have critically impacted our traditional recycling markets.

(4) The state, in coordination with the States of Nevada, Oregon, and Washington, requires a stable, multiyear incentive program that leverages private and other additional public funds to build infrastructure to meet the needs of the state’s organic waste diversion mandate and recycling market crisis.

(b) It is the intent of the Legislature that moneys subsequently appropriated for the Organic Waste Diversion Infrastructure Act of 2019, including, but not limited to, any moneys appropriated from the Greenhouse Gas Reduction Fund, established pursuant to Section 16428.8 of the Government Code, be expended for grants pursuant to Section 42999 of the Public Resources Code, notwithstanding subdivision (a) of Section 42999 of the Public Resources Code, for loans pursuant to Section 42997 of the Public Resources Code, and for financing administered pursuant to Section 44527 of the Health and Safety Code.

SEC. 2. Section 44502 of the Health and Safety Code is amended to read:

44502. It is the purpose of this division to carry out and make effective the findings of the Legislature and to that end to do all of the following, to the mutual benefit of the people of the state and to protect their health and welfare:

(a) To provide industry within the state, irrespective of company size, with an alternative method of financing in providing, acquiring, developing, enlarging, or installing facilities for establishing pollution control, providing supplies of clean water,
and producing energy from alternative or renewable sources, that
are needed to accomplish the purposes of this division.

(b) To assist economically distressed counties and cities to
develop and implement growth policies and programs that reduce
pollution hazards and the degradation of the environment or
promote infill development.

(c) To assist with the financing of the costs of assessment,
remedial planning and reporting, technical assistance, and the
cleanup, remediation, or development of brownfield sites, or other
similar or related costs.

(d) To provide alternative financing for the development of
organic waste diversion technologies and infrastructure.

SEC. 3. Section 44527 is added to the Health and Safety Code,
to read:

44527. The authority may provide any alternative financing
necessary to implement and administer financial incentive
mechanisms, pursuant to Section 42999.6 of the Public Resources
Code, for the benefit of public or private participating parties, in
accordance with the investment strategy needs assessment
developed pursuant to Section 42999.5 of the Public Resources
Code, including, but not limited to, the funding and administration
of financial assistance through mechanisms, such as grants, direct
loans, forgivable loans, loan loss reserves, loan guarantees,
revolving loan funds, loan participation, and other credit facilities.

SEC. 4. Section 42999.5 is added to the Public Resources Code,
to read:

42999.5. (a) This section and Section 42999.6 shall be known,
and may be cited, as the Organic Waste Diversion Infrastructure

(b) The department shall support technology advancement and
infrastructure to meet the state’s 2025 organic waste reduction
target pursuant to Section 39730.6 of the Health and Safety Code
and the state’s recycling goals pursuant to Section 41780.01.

(c) The department shall develop, on or before January 1, 2021,
and may amend, a five-year investment strategy needs assessment
to drive innovation and support technological development
and infrastructure, infrastructure development, in order to meet
the state’s 2025 organic waste reduction target pursuant to Section
39730.6 of the Health and Safety Code and the state’s recycling
goals pursuant to Section 41780.01. The investment strategy needs assessment shall include all of the following:

1. (A) Set forth a five-year plan for the expenditure of moneys appropriated for purposes of this section.

2. Identification of technology and infrastructure capacity gaps.

3. (B) An eligible expenditure may occur over multiple fiscal years.

4. (C) The department may make multiyear funding commitments over a period of more than one fiscal year.

5. (2) Assess the amount of money needed to build the infrastructure necessary to achieve the waste reduction target pursuant to Section 39730.6 of the Health and Safety Code.

6. (3) Identify priorities and strategies for financial incentive mechanisms to help achieve the organic waste reduction target pursuant to Section 39730.6 of the Health and Safety Code and the state’s recycling goals pursuant to Section 41780.01.

SEC. 5. Section 42999.6 is added to the Public Resources Code, to read:

42999.6. (a) On or before June 1, 2021, the department, in coordination with the Treasurer and the California Pollution Control Financing Authority, established pursuant to Section 44515 of the Health and Safety Code, shall develop financial incentive mechanisms, including, but not limited to, loans, incentive payments, credit facilities, pooled bonds, and other financing strategies, to fund and accelerate public and private capital towards organic waste diversion and recycling infrastructure.

(b) (1) There is hereby established in the State Treasury the California Recycling Infrastructure Investment Account, which the California Pollution Control Financing Authority shall administer.

2. (2) In providing any financial incentives pursuant to this subdivision, the California Pollution Control Financing Authority, in coordination with the department, shall do all of the following:

(A) Ensure that a recipient of a financial incentive or a beneficiary of a financial incentive leverages local, state, federal, and private funding sources to maximize investment in organic waste diversion and recycling infrastructure.

(B) Prioritize projects that have multiple benefits, including, but not limited to, reducing greenhouse gas emissions, increasing solid waste diversion, increasing workforce training and
development, reducing collection and recycling costs to local
governments, and creating jobs.
(C) Prioritize projects that maximize benefits while minimizing
negative consequences to disadvantaged communities, as identified
pursuant to Section 39711 of the Health and Safety Code, and to
low-income communities, as defined in Section 39713 of the Health
and Safety Code.
(D) Seek to achieve a portfolio approach to funding and
financing pursuant to this subdivision that supports a diverse set
of projects.
(c) The Treasurer, in coordination with the department, shall
coordinate with the States of Nevada, Oregon, and Washington
on infrastructure financing to support the recycling needs of the
region and shall create an advisory stakeholder committee to
support development of interstate recycling infrastructure and
markets for recyclable materials.
Item B-10
Background
Under existing law, telecommunication providers are not required to provide pertinent outage information such as approximation of areas affected, number of customers affected, or time of repair. While there is a reporting threshold for large outages to the Federal Communications Commissions, that information is not provided to CalOES or local emergency offices.

Telecommunication outages are an ongoing issue; however, the frequent occurrence of disasters has raised this awareness. In 2017 and 2018, California’s catastrophic wildfires underscored both the importance of telecommunications in sending emergency warnings and the degree to which redundant and diverse telecommunication networks would not necessarily prevent outages. For example, in the area affected by the Woolsey Fire, officials were unable to provide the necessary communications to affected communities due to downed cellular towers.

Telecommunications providers can build and lease infrastructure to limit outages; but catastrophic wildfires like the North Bay Firestorm, Thomas Fire, Mendocino Complex Fire, Camp Fire, and Woolsey Fire were too large and too intense to completely prevent outages. In addition to destroying structures and leading to a number of deaths, these fires also destroyed utility infrastructure causing an issue with communication systems.

SB 670 (McGuire) - Telecommunications: Community Isolation Outage: Notification (SB 670)

SB 670 requires the California Office of Emergency Services (Cal OES) to develop regulations for notifications of telecommunications service outages that limits their customers’ ability to make 911 calls or to receive emergency notifications. Specifically, this bill:

- Requires Cal OES, on or before July 1, 2020, to adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the numbers of customers affected and the risks to public health and safety resulting from the outage.
- Provides that the adoption of regulations be deemed as emergency regulations.
- Requires, upon the adoption of emergency regulations, all providers of telecommunications services to notify Cal OES within 60 minutes of discovery of a
community isolation outage that limits their customers’ ability to make 911 calls or receive emergency notifications.

- Provides that the notification to Cal OES of community isolation outages include an estimation of time needed to repair the outage. Requires providers of telecommunications services to notify Cal OES once the restoration of service has been achieved.
- Requires providers of telecommunications services to ensure that the calling number provided to OES in the community isolation outage notification is staffed by the indicated contact person, or by another contact person designated by the indicated contact person, and requires the contact person to respond to inquiries about the outage at all times until the provider notifies OES that service has been restored.
- Requires OES to keep responder outage notifications confidential, as specified.

**Status**

This bill is currently in the Assembly Appropriations Committee

**Support**

AT&T
California Ambulance Association
California Fire Chiefs Association
California Professional Firefighters
California State Sheriffs’ Association
California State Association of Counties
Cazadero Community Services District
Fire Districts Association of California
League of California Cities
Marin County Board of Supervisors
Marin County Council of Mayors and Councilmembers
Napa County Board of Supervisors

North Bay/North Coast Broadband Consortium
Public Advocates Office
Rural County Representatives of California
City of Santa Rosa
Sonoma County Board of Supervisors
City of Thousand Oaks

**Support if Amended**

California Cable & Telecommunications Association

**Opposition**

None on file.

**Recommendation**

After discussion of SB 670, the Liaisons may recommend the following actions:

1) Support SB 670;
2) Support if amended SB 670;
3) Oppose SB 670;
4) Oppose unless amended SB 670;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 670, then staff will place the item on a future City Council Agenda for concurrence as SB 670 involves a policy matter that is not specifically addressed within the City’s adopted Legislative Platform language.
Attachment 1
An act to add Section 53122 to the Government Code, relating to telecommunications.

LEGISLATIVE COUNSEL’S DIGEST


Existing provisions of the Warren-911-Emergency Assistance Act, establishes the number “911” as the primary emergency telephone number for use in the state and requires the providing of enhanced service capable of selective routing, automatic number identification, or automatic location identification. The act requires a telephone corporation serving rural telephone areas that cannot provide enhanced 911 emergency telephone service capable of selective routing, automatic number identification, or automatic location identification to present to the Office of Emergency Services a comprehensive plan detailing a schedule by which their facilities will be converted to be compatible with the enhanced emergency telephone system.

This bill would require the Office of Emergency Services, on or before July 1, 2020, to adopt, by regulation, appropriate thresholds for a community isolation outage. The bill would, upon the adoption of those regulations, require a provider of telecommunications services, as
defined, that provides access to 911 service to notify the office, as provided, whenever a community isolation outage occurs limiting the provider’s customers’ ability to make 911 calls or receive emergency notifications, within 60 minutes of discovering the outage. The bill would make the office responsible for notifying any applicable county office of emergency services and the sheriff of any county affected by the outage. The bill would require the community isolation outage notification to the office to include the telecommunications service provider’s contact name, a calling number to be staffed as specified, and a description of the estimated area affected and the number of customers approximate communities affected by the outage. The bill would require the telecommunications service provider to notify the office of the estimated time to repair the outage and when service is restored. The bill would require the office, except as provided, to keep the community isolation outage notifications confidential.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.


The people of the State of California do enact as follows:

SECTION 1. Section 53122 is added to the Government Code, to read:

53122. (a) For purposes of this section, the following definitions apply:

(1) “Office” means the Office of Emergency Services.

(2) “Telecommunications service” has the same meaning as defined in Section 2892.1 of the Public Utilities Code, but does not include voice communication provided by a provider of satellite telephone service.

(b) (1) On or before July 1, 2020, the office, by regulation, shall adopt appropriate thresholds for determining whether a telecommunications service outage constitutes a community isolation outage based on the number of customers affected by the
outage and the risks to public health and safety resulting from the outage.

(2) The adoption of regulations pursuant to paragraph (1) shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare for purposes of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2. The office may adopt, amend, repeal, or readopt the regulations as emergency regulations in accordance with that Chapter 3.5 and is exempt from the requirements of subdivision (b) of Section 11346.1 for these purposes.

(c) Upon the adoption of regulations pursuant to subdivision (b), all providers of telecommunications service that provide access to 911 service shall notify the office whenever a community isolation outage occurs that limits their customers’ ability to make 911 calls or receive emergency notifications. The community isolation outage notification shall be provided within 60 minutes of discovery of the outage by the provider, and the office shall be responsible for notifying any applicable county office of emergency services and the sheriff of any county affected by the outage. The community isolation outage notification to the office shall be by a medium specified by the office, and shall include the telecommunications service provider’s contact name and calling number and a description of the estimated area affected by the outage and the approximate number of telecommunications service customers affected by the outage. The telecommunications services provider shall also notify the office by a medium specified by the office of both of the following:

(1) The estimated time to repair the outage.

(2) When achieved, the restoration of service.

(d) The telecommunications service provider shall ensure that the calling number provided to the office with the community isolation outage notification is staffed by the indicated contact person, or by another contact person designated by the indicated contact person in the event the indicated contact person is unavailable. The contact person or designated person shall respond to inquiries about the outage at all times until the provider notifies the office that service has been restored.
(e) Except as provided in subdivision (c), the office shall keep
community isolation outage notifications confidential and shall
not disclose the contents of the notifications.
SEC. 2. The Legislature finds and declares that Section 1 of
this act, which adds Section 53122 to the Government Code,
imposes a limitation on the public’s right of access to the meetings
of public bodies or the writings of public officials and agencies
within the meaning of Section 3 of Article I of the California
Constitution. Pursuant to that constitutional provision, the
Legislature makes the following findings to demonstrate the interest
protected by this limitation and the need for protecting that interest:
The Federal Communications Commission has stated that
telecommunications outage reports contain “sensitive data, which
requires confidential treatment” because the data “could be used
by hostile parties to attack those [telecommunications] networks,
which are part of our Nation’s critical information infrastructure”
(In the Matter of New Part 4 of the Commission’s Rules
Concerning Disruptions to Communications (Aug. 19, 2004, FCC
04-188)), and the Public Utilities Commission already treats
information regarding telecommunications outages submitted to
the commission as confidential. Therefore, the Legislature finds
that the interest in public disclosure of contemporaneous
telecommunications outage information submitted to the Office
of Emergency Services is outweighed by the interest in protecting
public safety.
Item B-11
TO: City Council Liaison/Legislative/Lobby Committee  
FROM: Cindy Owens, Policy and Management Analyst  
DATE: July 23, 2019  
SUBJECT: Request Direction on Assembly Bill 379 (Maienschein) - Youth Athletics: Concussion and Sudden Cardiac Arrest Prevention Protocols  
ATTACHMENT: 1. Summary Memo – AB 379  
2. Bill Text – AB 379

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City’s location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 379 (Maienschein) - Youth Athletics: Concussion and Sudden Cardiac Arrest Prevention Protocols (AB 379) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City’s state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for AB 379 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 379, the Liaisons may recommend the following actions:

1) Support AB 379;  
2) Support if amended AB 379;  
3) Oppose AB 379;  
4) Oppose unless amended AB 379;  
5) Remain neutral; or  
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 379, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: AB 379 (Maienschein) Youth athletics: concussion and sudden cardiac arrest prevention protocols.

Summary and Background
AB 379 was introduced by Assembly Member Maienschein and would add “an athlete who has passed out of fainted” to existing law that requires an athlete suspected of sustaining a concussion or other head injury be evaluated and cleared by a health care provider before returning to athletic activity. The bill would also require an athlete suspected of having a cardiac condition that puts them at risk for cardiac arrest or other heart-related issues to remain under the care of a health care provider for follow-up testing until the athlete is cleared to return to athletic activity. The bill also removes from existing law the 27 designated sports from the definition of youth sports organization to cover all youth sports organizations and would add “sudden cardiac arrest prevention” to existing education requirements for coaches, administrators, referees, umpires, or other game officials.

Sudden cardiac arrest (SCA) is a condition where an individual’s heart suddenly and unexpectedly stops beating, typically resulting in death if not treated immediately. Unlike a heart attack which is caused when blood flow to the heart is blocked, SCA is when the heart malfunctions and stops beating unexpectedly. While rare, SCA is the leading cause of death in young athletes, and according to the American College of Cardiology when an athlete loses consciousness during a sports activity they are not typically treated for SCA and valuable time is lost checking for breathing and body movement when CPR should immediately be implemented.

Status of Legislation
AB 379 is currently pending on the Senate Floor and has been placed on the Consent Calendar.

Support and Opposition
Supporters of the bill note that SCA is a recurring cause of death in youth sports and therefore additional safety protocols and education are necessary. The American Heart Association counts the number of annual youth fatalities due to SCA are between 7,000 to 16,000. Given the prevalence of SCA among youth athletes and the rapid response that is required to prevent death, supporters of the bill argue that youth athletes should
be in the presence of individuals (coaches, referees, umpires) who can identify and promptly respond to a cardiac emergency.

The bill has no formal opposition.

**Support**
California Athletic Trainers Association (co-sponsor)
Eric Paredes Save a Life Foundation (co-sponsor)
American Academy of Pediatrics, California
Association of California School Administrators
Bear Valley Middle School
Boys and Girls Club of San Dieguito
California Association for Health, Physical Education, Recreation & Dance
California Orthopaedic Association
California State PTA
Cardiac Science Corporation
Children's Cardiomyopathy Foundation
City of Culver City
City of San Diego
Consumers Attorneys of California
County of San Diego Second District Supervisor, Dianne Jacob
Coyote Valley Band of Pomo Indians
Habematolel Pomo of Upper Lake
Heartbeat of Champions Foundation
Institute for Public Health
LA Galaxy San Diego
Los Angeles Mayor, Eric Garcetti
Los Angeles Unified School District
Mechoopda Indian Tribe of Chico Rancheria
Olivia’s Heart Project
Parent Heart Watch
Revive Solutions Inc.
San Diego State University, Institute of Public Health
Saving Hearts Foundation
Sudden Cardiac Arrest Association – San Diego
Sudden Cardiac Arrest Foundation
Travis R. Roy Sudden Cardiac Arrest Fund
Via Heart Project
Four Individuals

**Opposition**
None
Attachment 2
An act to amend Section 124235 of, and to amend the heading of Article 2.5 (commencing with Section 124235) of Chapter 4 of Part 2 of Division 106 of, the Health and Safety Code, relating to youth athletics.

LEGISLATIVE COUNSEL’S DIGEST

AB 379, as amended, Maienschein. Youth athletics: concussion and sudden cardiac arrest prevention protocols.

Existing law requires a youth sports organization, as defined to include an organization, business, nonprofit entity, or local governmental agency that sponsors or conducts amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate in any of 27 designated sports, if it offers an athletic program, to follow specified protocols with respect to concussions and other head injuries.

This bill would delete the designation of the 27 sports from the definition of youth sports organization for purposes of this provision, thus expanding the scope of this definition to any amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate. The bill would add to the requirements imposed on youth sports organizations by this provision specified
protocols, similar to the concussion protocols required by existing law, relating to sudden cardiac arrest prevention.


The people of the State of California do enact as follows:

SECTION 1. The heading of Article 2.5 (commencing with Section 124235) of Chapter 4 of Part 2 of Division 106 of the Health and Safety Code is amended to read:

Article 2.5. Youth Sports Concussion and Sudden Cardiac Arrest Prevention Protocols

SEC. 2. Section 124235 of the Health and Safety Code is amended to read:

124235. (a) A youth sports organization that elects to offer an athletic program shall comply with all of the following:

(1) (A) An athlete who is suspected of sustaining a concussion or other head injury, or who has passed out or fainted, in an athletic activity shall be immediately removed from the athletic activity for the remainder of the day, and shall not be permitted to return to any athletic activity until the athlete is evaluated by a licensed healthcare provider. The athlete shall not be permitted to return to athletic activity until the athlete receives written clearance to return to athletic activity from a licensed healthcare provider. If the licensed healthcare provider determines that the athlete sustained a concussion or other head injury, the athlete shall also complete a graduated return-to-play protocol of no less than seven days in duration under the supervision of a licensed healthcare provider.

(B) If the licensed healthcare provider suspects that the athlete has a cardiac condition that puts the athlete at risk for sudden cardiac arrest or other heart-related issues, the athlete shall remain under the care of the licensed healthcare provider to pursue followup testing until the athlete is cleared to play.

(2) If an athlete who is 17 years of age or younger has been removed from athletic activity due to a suspected concussion or due to fainting or another suspected cardiac condition, the youth sports organization shall notify a parent or guardian of that athlete
of the time and date of the injury, the symptoms observed, and any
treatment provided to that athlete for the injury.

(3) (A) On a yearly basis, the youth sports organization shall
give both a concussion and head injury and a sudden cardiac arrest
information sheet to each athlete. The information sheet shall be
signed and returned by the athlete and, if the athlete is 17 years of
age or younger, shall also be signed by the athlete’s parent or
guardian, before the athlete initiates practice or competition.

(B) If the athlete is six years of age or younger, only the
signature of the athlete’s parent or guardian shall be required to
comply with this paragraph. If the athlete is 18 years of age or
older, only the signature of the athlete shall be required to comply
with this paragraph.

(C) The information sheet may be sent and returned through an
electronic medium including, but not necessarily limited to, fax
or electronic mail.

(4) On a yearly basis, the youth sports organization shall offer
concussion and head injury and sudden cardiac arrest prevention
education, or related educational materials, or both, to each coach,
administrator, and referee, umpire, or other game official of the
youth sports organization.

(5) The youth sports organization shall require both of the
following:

(A) Each coach, administrator, and referee, umpire, or other
game official of the youth sports organization shall be required to
successfully complete the concussion and head injury and sudden
cardiac arrest prevention education offered pursuant to paragraph
(4) at least once, either online or in person, before supervising an
athlete in an activity of the youth sports organization.

(B) The youth sports organization shall post related information,
as referenced in paragraph (4), online, or provide educational
materials to athletes and parents, or both.

(6) The youth sports organization shall identify both of the
following:

(A) Procedures to ensure compliance with the requirements for
providing concussion and head injury and sudden cardiac arrest
prevention education and a concussion and head injury and sudden
cardiac arrest prevention information sheet, as referenced in
paragraphs (3) to (5), inclusive.
(B) Procedures to ensure compliance with the athlete removal provisions and the return-to-play protocol required pursuant to paragraph (1).

(b) As used in this article, all of the following shall apply:

(1) “Concussion and head injury education and educational materials” and a “concussion and head injury information sheet” shall, at a minimum, include information relating to all of the following:

(A) Head injuries and their potential consequences.

(B) The signs and symptoms of a concussion.

(C) Best practices for removal of an athlete from an athletic activity after a suspected concussion.

(D) Steps for returning an athlete to school and athletic activity after a concussion or head injury.

(2) “Licensed healthcare provider” means—
a either of the following:

(A) A licensed healthcare provider who is trained in the evaluation and management of concussions and is acting within the scope of the provider’s practice.

(B) A licensed healthcare provider who is trained in the evaluation and management of cardiac conditions and is acting within the scope of that provider’s practice for evaluation and management of sudden cardiac arrest, fainting, and shortness of breath.

(3) “Sudden cardiac arrest prevention education and educational materials” and a “sudden cardiac arrest information sheet” shall, at a minimum, include information relating to all of the following:

(A) Cardiac conditions and their potential consequences.

(B) The signs and symptoms of sudden cardiac arrest.

(C) Best practices for removal of an athlete from an athletic activity after fainting or a suspected cardiac condition is observed.

(D) Steps for returning an athlete to an athletic activity after the athlete faints or experiences a cardiac condition.

(E) What to do in the event of a cardiac emergency: this shall include calling 911, performing hands-only CPR, and using an automated external defibrillator (AED) if it is available.

(4) “Youth sports organization” means an organization, business, nonprofit entity, or a local governmental agency that sponsors or
conducts amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate.

(c) This section shall apply to all persons participating in the activities of a youth sports organization, irrespective of their ages. This section shall not be construed to prohibit a youth sports organization, or any other appropriate entity, from adopting and enforcing rules intended to provide a higher standard of safety for athletes than the standard established under this section.

REVISIONS:

Heading—Line 2.
Item B-12
The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 429 (Nazarian) - Seismically Vulnerable Buildings: Inventory (AB 429) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw/Yoder/Antwih, Inc., provided a summary memo (Attachment 1) for AB 429 and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 429, the Liaisons may recommend the following actions:

1) Support AB 429;
2) Support if amended AB 429;
3) Oppose AB 429;
4) Oppose unless amended AB 429;
5) Remain neutral; or
6) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 429, then staff will place the item on a future City Council Agenda for concurrence.
Attachment 1
July 18, 2019

To: Cindy Owens, City of Beverly Hills

From: Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.
Priscilla Quiroz, Legislative Advocate, Shaw / Yoder / Antwih, Inc.
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

Re: AB 429 (Nazarian) Seismically Vulnerable Buildings: inventory

Introduction/Background
In 1986, the Legislature passed the "Unreinforced Masonry (URM) Law," SB 547 (Alquist, Chapter 250, Statutes of 1986), which required 366 local governments in Seismic Zone 4 (highest danger) to prepare an inventory of their potentially hazardous URM buildings. The URM law also required these local jurisdictions to establish loss reduction/remediation programs within four years, and report progress to the Alfred E. Alquist Seismic Safety Commission. Seismic Zone 4 includes the major metropolitan areas of San Francisco, Los Angeles, and San Diego, and nearly 75 percent of the state's population.

While California has some of the most modern and earthquake-resistant buildings in the world, more than 28 million Californians live in areas of high seismic risk. The Seismic Safety Commission, in a 2017 report, points to most of the state's older buildings and their vulnerability to significant damage in a major earthquake and a small percentage of them could partially or completely collapse. The 2017 report also details the types of buildings most vulnerable, which are:

a) Pre-1940’s unreinforced masonry, which are primarily brick buildings;

b) Pre-1980’s concrete frame buildings;

c) Pre-1980’s buildings with soft or open lower stories, unbraced crawl space walls below first floors, or irregular shapes, including those on steep hillsides; and,

d) Pre-2000’s buildings with precast concrete tilt-up walls, and precast concrete parking structures.

Summary of AB 429
Under current law, the Alfred E. Alquist Seismic Safety Commission must compile an inventory of buildings potentially vulnerable to seismic activity in certain counties. This bill specifically,

- Requires the Commission, by July 1, 2021, to develop a request for proposal (RFP) process to contract with a third party to develop the inventory;
- Requires the Commission to report to the Legislature on the findings upon completion of the inventory and provide recommendations for reducing the number of vulnerable buildings statewide;
Status of Legislation
AB 429 has been referred to the Assembly Appropriations committee and has been placed on the Suspense File.

Support and Opposition
Supporters of the bill, including California Building Officials (CALBO) write, "[[a]ast year we opposed a similar bill, AB 2681 CALBO, along with the League, CSAC, and RCRC. This bill would have required local governments to conduct the inventory, and submit the report to the Office of Emergency Services (CalOES) in order to create a statewide inventory. While communicating with our coalition partners, Assembly member Nazarian and the SSC (Commission), agreement was found on terms which would benefit seismic safety in California. CALBO, the League, RCRC, and CSAC support the following aspects of AB 429:

- Review and inventory of all publicly accessible and multi-family buildings constructed before 1976;
- Apply this review and inventory to only seismically prone counties;
- Identify funding from the State General Fund or federal grants;
- The SSC will contract with a third party to develop the inventory."

Opponents to AB 429 argue “the state has a role to play in producing building inventories, but this isn’t it. AB 429 does nothing to assist cities and counties, who are ultimately responsible for planning, legislating, funding, and implementing their own mitigation programs. A much more effective approach would be to charge the Seismic Safety Commission to develop guidance and to disburse small inventory grants to local jurisdictions who show themselves ready and willing to do this vital work on their own.”

Support
California Building Officials (CALBO)
California State Association of Counties
City of Santa Monica
City of South Pasadena
Earthquake Engineering Research Institute
League of California Cities
Rural County Representatives of California

Opposition
One individual
Attachment 2
Introduced by Assembly Member Nazarian

February 7, 2019

An act to add Section 8875.45 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL’S DIGEST


Existing law establishes a program within all cities and all counties and portions thereof located within seismic zone 4, as defined, to identify all potentially hazardous buildings and to establish a mitigation program for these buildings. The mitigation program may include, among other things, the adoption by ordinance of a hazardous buildings program, measures to strengthen buildings, and the application of structural standards necessary to provide for life safety above current code requirements. Existing law requires the Alfred E. Alquist Seismic Safety Commission to report annually to the Legislature on the filing of mitigation programs relating to building construction standards from local jurisdictions.

This bill would require the commission, by specified deadlines, to identify funding and develop a bidding process for hiring a third-party contractor to create an inventory of potentially vulnerable buildings, as defined. The bill would require the third-party contractor, in conjunction with the commission, by July 1, 2022, to develop a statewide inventory of potentially seismically vulnerable buildings in 29 specified counties in California using information developed by local jurisdictions.
pursuant to the above-described provisions. The bill would require the commission to maintain the inventory and to report to the Legislature on the findings of the inventory. The bill would make the operation of these provisions contingent upon the commission obtaining sufficient funding, as provided.

This bill would declare the intention of the Legislature to enact legislation to implement an inventory of all seismically vulnerable buildings within California.


The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) California contains thousands of buildings that are known to present an unacceptably high earthquake risk of death, injury, and property loss based on their age, structural system, size, and location.

(b) The most recent Great California ShakeOut study estimates that a major quake along the San Andreas fault could cause more than $200,000,000,000 in physical and economic damage, and could result in up to 1,800 or more deaths. In 2016, the California Geological Survey estimated California’s annualized earthquake loss at the state level at approximately $3,700,000,000.

(c) Protecting our state’s economy, affordable housing stock, and social fabric from the long-lasting turmoil of earthquakes is of utmost importance, and the failure to do so could impact Californians’ quality of life for decades.

(d) The first step toward reducing these expected losses is to quantify them with basic inventory measures that account for structural vulnerabilities.

SEC. 2. Section 8875.45 is added to the Government Code, immediately following Section 8875.4, to read:

8875.45. (a) For purposes of this section, the following terms have the following meanings:

(1) “Commission” means the Alfred E. Alquist Seismic Safety Commission.

(2) “Potentially vulnerable building” means a building that meets one of the following:
(A) The design and construction of the building was approved by the city or county prior to the adoption of the 1976 edition of the Uniform Building Code and has one or more of the following characteristics:
   (i) Unreinforced masonry lateral force resisting systems or unreinforced masonry infill walls that interact with the lateral force resisting system.
   (ii) Concrete buildings with a nonductile lateral force resisting system.
   (iii) Soft, weak, or open-front walls at the ground floor level of multistory light-framed buildings.

(B) The design and construction of the building was approved by the city or county pursuant to the 1995 or earlier edition of the California Building Code and consists of any of the following structural systems:
   (i) Steel frame buildings with moment frame connections.
   (ii) Concrete or masonry buildings with flexible diaphragms.
   (iii) Buildings with precast, prestressed, or posttensioned concrete.

(3) “Potentially vulnerable building” does not include any of the following:
   (A) Residential real property comprising one to four dwelling units, or a manufactured home as defined in Section 18007 of the Health and Safety Code.
   (B) A building listed in subdivision (a), (c), or (e) of Section 19100 of the Health and Safety Code.
   (C) Facilities regulated by the Office of Statewide Health Planning and Development, public schools regulated by the Division of the State Architect, or buildings owned by the state or federal government.

(b) For purposes of this section, “counties” means the counties of Alameda, Alpine, Contra Costa, Del Norte, Humboldt, Imperial, Inyo, Kern, Lake, Los Angeles, Marin, Mendocino, Mono, Monterey, Napa, Orange, Riverside, San Benito, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, and Ventura.

(c) On or before January 1, 2021, the commission shall identify funding for the implementation of an inventory of potentially vulnerable buildings. The funding shall be limited to federal grants and funds from the General Fund.
(d) On or before July 1, 2021, the commission shall develop a request for proposal (RFP) process to contract with a third party to develop the inventory of potentially vulnerable buildings.

(e) On or before July 1, 2022, the third party, in conjunction with the commission, shall develop a statewide inventory of potentially seismically vulnerable buildings in the counties described in subdivision (b) based on the age of each building and other existing information, including, but not limited to, information developed by local jurisdictions pursuant to Section 8875.4, tax assessors’ record surveys, census data, housing data, building permit records, past or ongoing earthquake mitigation program records, emerging technologies, and online searches.

(f) The commission shall maintain this statewide inventory of potentially vulnerable buildings.

(g) The commission shall report to the Legislature, in accordance with Section 9795, on the findings upon completion of the inventory in order to assess the extent of earthquake risk to California and provide recommendations for reducing the number of vulnerable buildings statewide.

(h) The operation of this section is contingent upon the commission obtaining sufficient funding. The commission shall post notice on the homepage of its internet website when this contingency has been met.

SECTION 1. It is the intention of the Legislature to enact legislation to implement an inventory of all seismically vulnerable buildings within California.
Item B-13
MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Policy & Management Analyst
DATE: July 23, 2019
SUBJECT: State and Federal Legislative Updates
ATTACHMENTS: None

A verbal update on federal legislative issues will be given by Jamie Jones of David Turch & Associates.

A verbal update on state legislative issues will be given by Andrew Antwih with Shaw/Yoder/Antwih, Inc.