



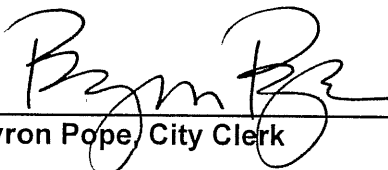
Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

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

**Monday, August 6, 2018
3:30 PM**

AGENDA

- 1) Public Comment
 - a. Members of the public will be given the opportunity to directly address the Committee on any item not listed on the agenda.
- 2) Assembly Bill 931 (Weber) Criminal Procedure: Use of Force by Peace Officers
- 3) California Proposition 10, Local Rent Control Initiative
- 4) State Senate Bill 822 – Communications: Broadband Internet Access Service
- 5) State Senate Bill 765 (Wiener) Planning and Zoning: Streamlined Approval Process
- 6) Assembly Bill 2544 (Lackey) Parking penalties
- 7) Assembly Bill 3232 (Friedman) Zero Emissions Buildings and Sources of Heat Energy
- 8) Assembly Bill 2411 (McCarty) as amended on June 12, 2018 – Solid Waste use of Compost: Planning
- 9) Senate Bill 1335 (Allen) As Amended on July 2, 2018 – Solid Waste Food Service Packaging State Agencies, Facilities, and Property
- 10) Adjournment


Byron Pope, City Clerk

Posted: August 3, 2018

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



In accordance with the Americans with Disabilities Act, Conference Room A is wheelchair accessible. If you need special assistance to attend this meeting, please call the City Manager's Office at (310) 285-1014 or TTY (310) 285-6881. Please notify the City Manager's Office at least twenty-four (24) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.

Item 2



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: Assembly Bill 931 (Weber) Criminal Procedure: Use of Force by Peace Officers

ATTACHMENT: 1. Summary Memo from Shaw/Yoder/Antwih Inc.
2. CPOA Fact Sheet

INTRODUCTION

On April 23, 2018, a presentation by Andrew Antwih with Shaw/Yoder/Antwih Inc. was given to the City Council Liaison/Legislative/Lobby Committee (Vice Mayor Mirisch and Councilmember Friedman) on Assembly Bill 931 (Weber) Criminal Procedure: Use of Force by Peace Officers ("AB 931"). Additional information was provided by Police Chief Sandra Spagnoli and Assistant Police Chief Marc Coopwood. After discussion by the Liaisons, they recommended a position of neutral on AB 931 and requested staff and the lobbyist to monitor the bill.

This item presents an update on AB 931 to the Liaisons. After the presentation and discussion, the Liaisons may recommend the following actions:

- Support AB 931
- Oppose AB 931
- Remain Neutral on AB 931
- Provide Other Direction to Staff

DISCUSSION

AB 931 would modify California's legal standard governing police officers' use of deadly force. AB 931 was first heard in the Legislature on June 16, 2018 in the Senate Public Safety Committee. The bill passed out of the Committee on a 5-2 vote and is headed to the Senate Appropriations Committee for a hearing on August 6, 2018. Should it pass out of Committee on August 6th, it could then head to the Senate Floor for a vote.

As outlined in the summary memo from Shaw/Yoder/Antwih Inc. (Attachment 1), this bill includes several provisions that change the conditions under which police officers may use deadly force, including but not limited to:

- Requires peace officers to attempt to control an incident using time, distance, communication, and available resources in order to deescalate a situation whenever it is safe and reasonable to do so.

- Limits the use of deadly force by a peace officer to instances where it is necessary to prevent imminent and serious bodily injury or death to the officer or another person.

Several peace officer organizations have opposed this bill. The California Peace Officers Association (“CPOA”) have produced an advocacy fact sheet for AB 931 (Attachment 2). Some of their key concerns include:

- The bill sets the stage for judging the actions of peace officers—often made in fractions of seconds under extreme conditions—to an unreasonable degree of 20/20 hindsight.
- Restrictions and definition changes contained in the proposed Penal Code 835(a) would place the use of important non-lethal tools in jeopardy.
- This bill will cause officers to be reactionary, as they will be constantly second-guessing themselves when a situation escalates to force application. In turn, this will potentially cause more injuries to peace officers, who delay in the reasonable application of deadly force under the circumstances, thus exposing themselves to harm by suspects.
- Officers will avoid placing themselves in positions of confrontation with suspects due to their concerns about exposure to criminal and civil liability.

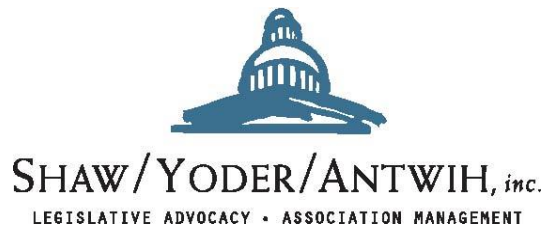
A verbal presentation will be provided by Andrew Antwih with Shaw/Yoder/Antwih Inc. on the attached memo.

RECOMMENDATIONS

After discussion of Assembly Bill 931 (Weber) Criminal Procedure: Use of Force by Peace Officers, the Liaisons may recommend the following actions:

- 1) Support Assembly Bill 931;
- 2) Oppose Assembly Bill 931;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



August 1, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: AB 931 (Weber) Criminal procedure: use of force by peace officers.

Introduction and Background

AB 931 (Weber) is co-authored by Assembly Members Shirley Weber and Kevin McCarty and is sponsored by the American Civil Liberties Union, California. The bill was introduced by Assembly Member Weber along with the California Legislative Black Caucus at a press conference at the Capitol on Tuesday, April 3, 2018. Current law allows a peace officer to use reasonable force to effect an arrest, to prevent escape, or to overcome resistance. Additionally, existing law authorizes the use of deadly force by peace officers when it is necessarily committed in overcoming actual resistance to an arrest, when it is necessarily committed to apprehend a felon who has escaped custody, or when it is necessarily committed while arresting a person charged with a felony who was fleeing from justice or resisting arrest. AB 931 (Weber) would make changes to the conditions under which peace officers may use deadly force.

Specifically, this bill would:

- Require peace officers to attempt to control an incident using time, distance, communication, and available resources in order to deescalate a situation whenever it is safe and reasonable to do so;
- Not require an officer to retreat or desist from an attempt to make an arrest due to the resistance or threatened resistance of the individual being arrested;
- Limit the use of deadly force by a peace officer to instances where it is necessary to prevent imminent and serious bodily injury or death to the officer or another person;
- Prohibit the use of deadly force when an individual only poses a risk to themselves;
- Prohibit the use of deadly force on a fleeing individual unless the person has committed or intends to commit a felony involving serious bodily injury or death or there is an imminent risk of such if the person is not immediately apprehended;
- And, make the legal defense that a homicide was justifiable on the grounds of self-defense unavailable to an officer charged with manslaughter whose actions are inconsistent with the provisions of the bill and are incompatible with a proper regard for human life.

The bill was introduced in the wake of the killing of Stephon Clark by Sacramento Police which resulted in several weeks of protests in the City.

Status of Legislation

AB 931 (Weber) has been referred to the Senate Appropriations Committee and is set to be heard on August 6th.

Support and Opposition

Proponents of the bill argue that the standard for the use of deadly force in AB 931 (Weber) will improve the safety of both peace officers and members of the community. They argue that tightening the standard by which peace officers are allowed to use deadly force will counter the perception that officers use force unnecessarily, too frequently, or in problematic ways. This negative perception, they argue, erodes public trust and confidence in law enforcement, making it harder for officers to enforce the law and maintain public safety.

The bill is primarily opposed by law enforcement who argue that the legal standard contained in the bill would endanger officers. They note that the legal standard contained in the bill would have the actions of officers, made in the heat of the moment, judged with the virtue of hindsight. They further argue that this will put officers at risk by limiting their ability to quickly and confidently respond to dangerous situations.

Support

ACCE Action
Advancement Project
Alliance for Boys and Men of Color
Alliance San Diego
American Civil Liberties Union of California
American Friends Service Committee
Amnesty International USA
Asian Law Alliance
Bend the Arc Jewish Action
Black American Political Association of California
Black Women Organized for Political Action
California Association of African-American Superintendents and Administrators
California Calls
California Cannabis Coalition
California Faculty Association
California Immigrant Policy Center
California Minority Alliance: Inland Empire Chapter
California Nurses Association
California Public Defenders Association
California State Conference of the NAACP
Californians for Justice
Californians United for a Responsible Budget
Center on Juvenile and Criminal Justice
Center on Policy Initiatives
Chinese for Affirmative Action
City of Berkeley
Cindy and Bill Simon Technology School

Clergy and Laity United for Economic Justice (CLUE)
Climate Action Campaign
Coalition for Humane Immigrant Rights (CHIRLA)
Coalition for Justice and Accountability
Coleman Advocates for Children and Youth
Consumer Attorneys of California
Council on American-Islamic Relations, California
Courage Campaign; Californians United for a Responsible Budget (CURB)
Drug Policy Coalition
Ella Baker Center for Human Rights
Fathers and Families of San Joaquin
Friends Committee on Legislation of California
Hispanic National Bar Association
I Am...
Immigrant Legal Resource Center
Koreatown Immigrant Workers Alliance
League of Women Voters of California
Legal Services for Prisoners with Children
Lutheran Office of Public Policy – California
Mid-City CAN
National Action Network
National Center for Lesbian Rights
National Nurses United; Oakland Privacy
Orange County Congregation Community Organization
Oscar Grant Committee
Paving Great Futures
People Acting in Community Together
PICO California

PolicyLink
Press4word
Public Health Justice Collective
Riverside Temple Beth El
Root and Rebound
San Diego Immigrant Rights Consortium
San Diego La Raza Lawyers Association
San Francisco District Attorney's Office
San Francisco Public Defender's Office
San Jose Peace and Justice Center
Santa Ana Unidos
Santa Barbara Women's Political Committee
Santa Clara University
Service Employees International Union (SEIU)
SF LGBT Center
Silicon Valley De-Bug
Showing Up for Racial Justice (SURJ), Bay Area
Showing Up for Racial Justice, Sacred Heart
Together We Will – San Jose
Transgender Law Center
True Hope Church
UAW 2865, UC Student-Workers Union
United Food and Commercial Workers (UFCW) –
Western States Council
White People 4 Black Lives. Women's
Foundation of California
Youth ALIVE!
Youth Justice Coalition
85 Private Individuals

Opposition

Association of Orange County Deputy Sheriffs
California Association of Highway Patrolmen
California Association of Code Enforcement
Officers
California Coalition of Law Enforcement
Associations
California College and University Police Chiefs
Association
California Narcotics Officers Association
California Peace Officers' Association
California Police Chiefs Association; California
State Sheriffs' Association
California Statewide Law Enforcement
Association
City of Oakley
City of West Covina
Cloverdale Police Department
Fraternal Order of Police
Law Enforcement Managers' Association
Long Beach Police Officers Association
Los Angeles Police Protective League
Los Angeles Professional Peace Officers
Association
Peace Officers Research Association of
California
Riverside Sheriffs' Association
Sacramento County Deputy Sheriffs' Association

Attachment 2



CPOA ADVOCACY

AB 931 FACT SHEET

BACKGROUND

In response to the Stephon Clark incident in Sacramento, Assemblywoman Shirley Weber (D-San Diego) in April 2018 [announced that she would be amending AB 931](#), a failed 2017 bill that dealt with suicide prevention resources. This “gut and amend” procedure would remove all of the 2017 language of AB 931 and instead have the bill elevate the current “objectively reasonable” standard for application of lethal force by peace officers to “necessary.”

Needless to say, this did not sit well with CPOA. We took numerous press calls the day of the Legislature’s announcement, followed by participation in press conference arranged by the California Police Chiefs Association, where CPOA’s 1st Vice President, Sheriff Jay Varney of Madera County outlined our concerns regarding not only that the bill was introduced, but also regarding the procedure used to introduce the bill. No law enforcement groups were made aware of this bill proposal until the Legislature held their announcement press conference, and the first meeting with Weber’s office to review the bill had to be initiated by CPOA.

Several members of CPOA’s staff and leadership then met with Dr. Weber’s office **at our insistence** to outline our extreme concerns with the bill. Her staff was joined by the ACLU, who felt that AB 931 only made ‘minor changes,’ and simply served as an interpretation of [Graham v. Connor](#). CPOA obviously disagreed with this interpretation, and argued that changing the legal standard set in place by the United States Supreme Court regulating use of force by peace officers violated the ‘equal protection’ clauses of both the *United States Constitution* and *California Constitution* and simply was neither reasonable nor good public policy.

About a month later, various law enforcement groups met with Dr. Weber herself and her ACLU bill sponsors. We again outlined our thoughts on how AB 931 would drastically change policing in California, and make public safety officers more reactionary, thereby eroding the progress made over the last few decades in innovative and community-oriented policing. Dr. Weber dismissed those sentiments as “scare tactics,” but remained committed to ensuring adequate California budget funds for LE de-escalation training.

CPOA’s contingency at that meeting again left the Capitol very concerned about a fundamental disagreement of policing and the Dr. Weber’s apparent ignorance of the rarity with which lethal force is applied by California law enforcement officers.

First Bill Hearing

AB 931 was first heard in the Legislature on June 16th in the Senate Public Safety Committee. [David P. Mastagni of Mastagni Holstedt \(CPOA’s LSP provider\) testified in the committee on behalf of CPOA](#) and noted how AB 931 violates equal protection and seeks to criminalize officer actions. The bill hearing was particularly harsh towards law enforcement, and the bill passed that committee on a 5-2 vote. The bill was then sent to Senate Appropriations Committee, **where it will be heard for fiscal arguments on August 6th in Room 4203 of the Capitol.**

BILL HIGHLIGHTS

Amends PC 196(b):

(b) A defense to a charge of homicide in violation of Section 192 shall not be available pursuant to this section or Section 197 for a public officer whose conduct is such a departure from the expected conduct of an ordinary prudent or careful officer under the same circumstances as to be incompatible with a proper regard for human life.

Amends PC 835a:

(a) The Legislature finds and declares that the authority to use physical force, conferred upon peace officers by this section, is a serious responsibility that must be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares

(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

(c) A peace officer ~~shall not~~ who makes or attempts to make an arrest *shall not be required to retreat or desist from his or her efforts by reason of the resistance or threatened resistance of the person being arrested and shall not* be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, to prevent escape, or to overcome resistance. *However, peace officers shall attempt to control and incident by using time, distance, communications, and available resources in an effort to deescalate a situation whenever it is safe and reasonable to do so. This subdivision shall not be construed to conflict with the limitations of the use of deadly force set forth in subdivision (d) or to prohibit law enforcement agencies from requiring peace officers to employ reasonable alternatives to the use of force or other tactics designed to make arrests without the use of force or with the least amount of force necessary.*

Defines:

Necessary: given the "totality of the circumstances," ~~a~~ *an objectively* reasonable peace officer would conclude that there was no reasonable alternative to the use of deadly force that would prevent imminent death or serious bodily injury to the peace officer or to another person.

Reasonable alternatives include, but are not limited to, verbal communications, warnings, de-escalation, and tactical repositioning.

Totality of the circumstances: includes, but is not limited to, the facts known to the officer at the time, the conduct of the subject and the officer leading up to the use of deadly force, and whether the officer's conduct was consistent with applicable training and policy.

Circumstances:

- An officer shall not use deadly force against an individual based on the danger they pose to themselves, where the individual does not pose an imminent threat of serious bodily injury or death to officers or other members of the public.
- An officer may use deadly force against persons fleeing from arrest or imprisonment only when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving serious bodily injury or death, and there is an imminent risk of serious bodily injury or death to the officer or another person if the subject is not immediately apprehended.

CONCERNS ABOUT THE BILL

CPOA is opposed to AB 931 for the following reasons (and more):

- The bill sets the stage for judging the actions of peace officers—often made in fractions of seconds under extreme conditions—to an unreasonable degree of 20/20 hindsight. This is in direct conflict with over four decades of well-developed law, judged by the highest court in the land.
- Restrictions and definition changes contained in the proposed PC 835a would place the use of important non-lethal tools in jeopardy (see proposed PC 835a (b) and (d)(1)(D)).
- The bill does not define “time, distance and communications” as used in PC 835(c).
- AB 931 essentially gives more self-defense legal protection to citizens than it does to peace officers.
- This bill will cause officers to be reactionary, as they will be constantly second-guessing themselves when a situation escalates to force application. In turn, this will potentially cause more injuries to peace officers, who delay in the reasonable application of deadly force under the circumstances, thus exposing themselves to harm by suspects.
- Local training costs for agencies to update their policies and procedures to adhere to the mandates set forth in the bill will be astronomical.
- Overall, AB 931 will completely turn policing in California on its head, and the safety of communities and LE personnel will be a great risk.
- CPOA believes that the legislature could more appropriately and substantively further public and officer safety by fully funding California POST, so officers receive the latest training in such needed areas as Crisis Intervention Techniques and De-escalation principles and attempt to address the failing mental health system in this state.
- CPOA is also very concerned regarding the effect that AB 931, if passed, will have on recruitment and retention of qualified officers who will decline to apply for LEO positions, or remain LEOs, for fear of exposure to criminal and civil liability.
- In addition, CPOA is concerned that AB 931, if passed, will result in “de-policing” by officers. Officers will avoid placing themselves in positions of confrontation with suspects due to their concerns about exposure to criminal and civil liability. This will result in a decline to public safety for members of our communities.
- CPOA is also apprehensive because the passage of AB 931 will likely cause more lawsuits to be filed in Superior Courts, which are already overburdened. Moreover, officers facing lawsuits for use of force filed on state law theories do not have the defense of qualified immunity to shield their actions from civil liability. Qualified immunity is designed to protect officers from civil liability for making reasonable mistakes in the application of force when the law does not clearly establish that their actions would be unconstitutional.
- CPOA is also concerned because peace officers would be subject to uncertainty concerning the meaning of “necessary” until this term is interpreted in a vast array of circumstances by the state courts. Presently, peace officers have the benefit of approximately 40 years of court decisions by both federal and state courts interpreting the meaning of the current standard, “objectively reasonable,” governing the application of force.

STATISTICS

The following statistics paint a drastically different, and factual story of lethal force encounters and arrests than what is currently being paraded by the Legislature [and the media](#). These statistics demonstrate that with a rising violent crime rate, and an increase in assaults on peace officers with a firearm, that AB 931 is truly dangerous and will put both the public and law enforcement personnel at extreme risk.

CPOA suggests that agencies use these statistics in conversations with your local legislators and public.

- Violent crime for every 100,000 Californians rose 1.5% from 2016-2017.
- The total number of reported criminal complaints against peace officers fell to its lowest since 1987.
- The total number of peace officers assaulted in the line of duty increased from 2016-2017 by 837.
- From 2016 to 2017, **the total number of LE officers assaulted with a firearm increased 25.1%**, while the number assaulted with a knife or other cutting instrument decreased 9.9%.

Item 3



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cynthia Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: California Proposition 10, Local Rent Control Initiative

ATTACHMENT:

1. Title and Summary for Proposition 10
2. State Legislative Analyst Office Summary
3. Summary Memo – Shaw/Yoder/Antwih Inc.

INTRODUCTION

California Proposition 10, the Local Rent Control Initiative (Attachment 1), would repeal the Costa-Hawkins Rental Housing Act ("Costa-Hawkins"), allowing local governments to adopt rent control ordinances regardless of when the rental housing was built.

This item is to request the City Council Liaison/Legislative/Lobby Committee Liaisons (Vice Mayor Mirisch and Councilmember Friedman) consider taking a position on this Initiative.

DISCUSSION

Costa-Hawkins is a state statute that limits the use of rent control in California. Costa-Hawkins provides that cities cannot enact rent control on:

- (a) housing first occupied after February 1, 1995, and
- (b) housing units where the title is separate from connected units, such as condominiums and townhouses.

Costa-Hawkins also provides that landlords have a right to increase rent prices to market rates when a tenant moves out. Prior to the enactment of Costa-Hawkins, local governments were permitted to enact rent control, provided that landlords would receive just and reasonable returns on their rental properties. The California State Legislature passed Costa-Hawkins in 1995.

Should Proposition 10 pass, it would add the following language to the state's civil code:

A city, county, or city and county shall have the authority to adopt a local charter provision, ordinance or regulation that governs a landlord's right to establish and increase rental rates on a dwelling or housing unit.

As proposed, Proposition 10 requires a rent control laws allow the landlord a fair rate of return.

Proponents of Proposition 10 include the Coalition on Affordable Housing, the AIDS Healthcare Foundation (AHF), Alliance of Californians for Community Empowerment (ACCE Action) and Eviction Defense Network (EDN). It has earned the broad support of over 150 labor, housing advocacy, community, and faith-based organizations throughout the state. The proponents

argue that renters in California typically pay 50 percent or more of their monthly income for rent when, according to the federal government, rent should only constitute 30 percent of a family's monthly income.

Other officials, parties, and unions in support of Proposition 10 include, but are not limited to:

- Mayor Eric Garcetti, Los Angeles
- Mike Bonin, Los Angeles City Council – District 11
- Lindsey Horvath, West Hollywood City Council
- California Democratic Party
- SEIU California

Organizations who oppose Proposition 10 include the California Apartment Association (CAA) and the California Rental Housing Association (CalRHA). A third Political Action Committee, known as No On Prop 10, has also been formed. Should Proposition 10 not pass, then Costa-Hawkins would remain in place and continue to prohibit local governments from enacting rent control on certain buildings. Other officials, parties, or unions opposed to Proposition 10 include, but are not limited to:

- California Republican Party
- Los Angeles Area Chamber of Commerce
- Los Angeles County Business Federation (LA BizFed)

The graphic below depicts the campaign contributions raised by those that support and oppose Proposition 10 as well as the amount of funding they have spent.

California Proposition 10 (2018)

	Contributions	Expenditures
Support Committees	\$2,360,501.29	\$1,582,059.88
Opposition Committees	\$15,280,342.68	\$1,008,950.79

Source: [Ballotpedia](#)

RECOMMENDATION

After discussion of California Proposition 10, Local Rent Control Initiative, the Liaisons may recommend the following actions:

- 1) Support Proposition 10;
- 2) Oppose Proposition 10;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons recommend the City support Proposition 10, then staff can draft a letter for the Mayor to sign as the City Council adopted Legislative Platform contains the following language: *“Support and pursue the repeal of state laws that affect local control on housing and land use.”* Additionally, should the Liaisons recommend a resolution in support of Proposition 10, then staff will place the item on a future City Council agenda.

Should the Liaisons recommend the City oppose Proposition 10, then staff will place the item on a future City Council Agenda for concurrence as the position is not supported by the adopted Legislative Platform.

Attachment 1

Affordable Housing Act

The People of the State of California do hereby ordain as follows:

Section 1. Title.

This Act shall be known and may be cited as "Affordable Housing Act."

Section 2. Findings and Declarations.

The People of the State of California hereby find and declare all of the following:

- a) Rents for housing have skyrocketed in recent years. Median rents are higher in California than any other state in the country, and among all 50 states, California has the 4th highest increase in rents.
- b) Research by Apartment List indicates that the median rent for a one-bedroom apartment in California is \$1,410, an increase of 4.5% in just one year. A one-bedroom apartment in Los Angeles costs \$1,350 per month. In San Francisco, it costs \$2,450. In San Diego, the cost is \$1,560.
- c) The federal government has concluded that rent is not affordable if renters spend more than 30% of their income on housing costs. The State of California has found that more than half of California renter households (3 million) pay more than 30% and one-third of renter households (over 1.5 million) pay more than 50% of their income toward rent.
- d) According to the National Low Income Housing Coalition, a Californian earning minimum wage would have to work 92 hours per week in order to afford to rent an average one-bedroom apartment.
- e) More Californians (5.8 million households) are renting than ever before, because overall home ownership rates in California have fallen to their lowest level since the 1940s, according to the state. One quarter of older millennials (25-34 years of age) still live with their parents. (U.S. Census Bureau)
- f) Statewide labor unions, such as California Nurses Association, Service Employees International Union and the California Teachers Association, have made affordable housing a priority for their members. For example, teachers in California's urban centers are paying 40% to 70% of their salaries on housing and many are being forced to live an hour or more from their jobs in order to afford a home.
- g) Three times as many Californians are living in overcrowded apartments as compared to the U.S. as a whole. (U.S. Census Bureau)

- h) Even though the state represents only 12% of the total U.S. population, California is home to 22% of the nation's homeless population. (California Department of Housing and Community Development)
- i) Homelessness is a major public health issue. People who are homeless are 3 to 4 times more likely to die prematurely and are more likely to have a communicable disease, according to the National Health Care for the Homeless Council.
- j) The Centers for Disease Control and Prevention warn that vulnerable populations face lower life expectancy, higher cancer rates and more birth defects when their homes are displaced due to the gentrification of their neighborhoods.
- k) The increased cost of housing is worsening traffic congestion and harming the environment by forcing commuters to live farther away from their places of employment and increasing commute times. A report by the Pew Charitable Trust noted that the number of Californians who commute more than 90 minutes each way increased by 40% between 2010 and 2015; the increase is a direct result of the dearth of affordable housing near jobs.
- l) A major factor in California's housing crisis is a 20-year-old law known as the Costa-Hawkins Rental Housing Act. Costa-Hawkins gives permission to landlords of residential apartments and houses to raise rents as much as they want in buildings built after 1995; despite local laws that would otherwise prohibit such increases, landlords in Los Angeles can raise rents as much as they want on buildings built after 1978 and in San Francisco, on buildings built after 1979.
- m) Costa-Hawkins also allows a landlord to raise the rent in any building built before 1995 to the market value when it becomes vacant, and lets the landlord decide what market value is.
- n) Costa-Hawkins prevents cities from implementing laws that keep rents affordable for their residents.

Section 3. Purposes and Intent.

The People of the State of California hereby declare the following purposes and intent in enacting this Act:

- a) To restore authority to California's cities and counties to develop and implement local policies that ensure renters are able to find and afford decent housing in their jurisdictions.
- b) To improve the quality of life for millions of California renters and reduce the number of Californians who face critical housing challenges and homelessness.
- c) To repeal the Costa-Hawkins Rental Housing Act.

Section 4. Affordable Housing Act shall be codified by repealing the following sections of the Civil Code:

Sections 1954.50, 1954.51, 1954.52 and 1954.53 of Chapter 2.7 of Title 5 of Part 4 of Division 3 of the Civil Code are repealed.

Section 5. Affordable Housing Act shall be further codified by adding the following section to the Civil Code:

Section 1954.54. (a) A city, county, or city and county shall have the authority to adopt a local charter provision, ordinance or regulation that governs a landlord's right to establish and increase rental rates on a dwelling or housing unit.

(b) In accordance with California law, a landlord's right to a fair rate of return on a property shall not be abridged by a city, county, or city and county.

Section 6. Liberal Construction

This Act shall be broadly construed to accomplish its purposes.

Section 7. Amendment and Repeal

Pursuant to Article II, Section 10, Subdivision (c), of the California Constitution, the Legislature may amend this Act to further its purposes by a statute passed in each house by roll call vote entered in the Journal, two-thirds of the membership concurring, signed by the Governor. No statute restricting or eliminating the powers that have been restored by this Act to a city, county, or city and county to establish residential rental rates shall become effective unless approved by a majority of the electorate.

Section 8. Severability

If any provision of this Act or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 9. Conflicting Measures

In the event that this Act and any other measure addressing the authority of local government agencies to establish residential rental rates shall appear on the same statewide election ballot, the provision of the other measure or measures shall be deemed to be in conflict with this Act. In the event that this Act receives a greater number of affirmative votes than another measure deemed to be in conflict with it, the provisions of this Act shall prevail in their entirety, and the other measure or measures shall be null and void.

Section 10. Legal Defense

Notwithstanding any other provision of law, if the State, a government agency, or any of its officials fail to defend the constitutionality of this Act, following its approval by the voters, the proponents shall have the authority to intervene in any court action challenging the constitutionality of this Act for the purpose of defending its constitutionality, whether in state or federal court, and whether such action is in any trial court, on appeal, or on discretionary review by the Supreme Court of California or the Supreme Court of the United States. The reasonable fees and costs of defending the action shall be a charge on funds appropriated to the California Department of Justice, which shall be satisfied promptly.

Section 11. Effective Date

Except as otherwise provided herein, this Act shall become effective the day after its approval by the voters.

Attachment 2

Proposition 10
Expands Local Governments' Authority to Enact Rent Control on Residential Property. Initiative Statute.

Yes/No Statement

A **YES** vote on this measure means: State law *would not* limit the kinds of rent control laws cities and counties could have.

A **NO** vote on this measure means: State law *would continue to* limit the kinds of rent control laws cities and counties could have.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact

- Potential net reduction in state and local revenues of tens of millions of dollars per year in the long term. Depending on actions by local communities, revenue losses could be less or considerably more.

Ballot Label

Fiscal Impact: Potential net reduction in state and local revenues of tens of millions of dollars per year in the long term. Depending on actions by local communities, revenue losses could be less or considerably more.

BACKGROUND

Rental Housing Is Expensive in California. Renters in California typically pay 50 percent more for housing than renters in other states. In some parts of the state, rent costs are more than double the national average. Rent is high in California because the state does not have enough housing for everyone who wants to live here. People who want to live here must compete for housing, which increases rents.

Several Cities Have Rent Control Laws. Several California cities—including Los Angeles, San Francisco, and San Jose—have laws that limit how much landlords can increase rents for

housing from one year to the next. These laws often are called rent control. About one-fifth of Californians live in cities with rent control. Local rent boards administer rent control. These boards are funded through fees on landlords.

Court Rulings Limit Local Rent Control. Courts have ruled that rent control laws must allow landlords to receive a “fair rate of return.” This means that landlords must be allowed to increase rents enough to receive some profit each year.

State Law Limits Local Rent Control. A state law, known as the Costa-Hawkins Rental Housing Act (Costa-Hawkins), limits local rent control laws. Costa-Hawkins creates three main limitations. First, rent control cannot apply to any single-family homes. Second, rent control can never apply to any newly built housing completed on or after February 1, 1995. Third, rent control laws cannot tell landlords what they can charge a new renter when first moving in.

State and Local Government Tax Revenues. Three taxes are the largest sources of tax revenue for the state and local governments in California. The state collects a personal income tax on income—including rent received by landlords—earned within the state. Local governments levy property taxes on property owners based on the value of their property. The state and local governments collect sales taxes on the retail sale of goods.

PROPOSAL

Repeals Costa-Hawkins. The measure repeals the limits on local rent control laws in Costa-Hawkins. Under the measure, cities and counties can regulate rents for *any* housing. They also can limit how much a landlord may increase rents when a new renter moves in. The measure itself does not make any changes to local rent control laws. With a few exceptions, cities and counties would have to take separate actions to change their local laws.

Requires Fair Rate of Return. The measure requires that rent control laws allow landlords a fair rate of return. This puts the results of past court rulings into state law.

FISCAL EFFECTS

Economic Effects. If communities respond to this measure by expanding their rent control laws it could lead to several economic effects. The most likely effects are:

- To avoid rent regulation, some landlords would sell their rental housing to new owners who would live there.
- The value of rental housing would decline because potential landlords would not want to pay as much for these properties.
- Some renters would spend less on rent and some landlords would receive less rental income.
- Some renters would move less often.

These effects would depend on how many communities pass new laws, how many properties are covered, and how much rents are limited. Voters in some communities have proposed expanding rent control if this measure passes. If many localities enacted strong rent regulation, other economic effects (such as impacts on housing construction) could occur.

Changes in State and Local Revenues. The measure's economic effects would affect property tax, sales tax, and income tax revenues. The largest and most likely impacts are:

- ***Less Property Taxes Paid by Landlords.*** A decline in the value of rental properties would, over several years, lead to a decrease in property tax payments made by owners of those properties.

- ***More Sales Taxes Paid by Renters.*** Renters who pay less in rent would use some of their savings to buy taxable goods.
- ***Change in Income Taxes Paid by Landlords.*** Landlords' income tax payments would change in several ways. Some landlords would receive less rental income. This would reduce their income tax payments. On the other hand, over time landlords would pay less to buy rental properties. This would reduce expenses they can claim to lower their income tax payments (such as mortgage interest, property taxes, and depreciation). This would increase their income tax payments. The measure's net effect on income taxes paid by landlords in the long term is not clear.

Overall, the measure likely would reduce state and local revenues in the long term, with the largest effect on property taxes. The amount of revenue loss would depend on many factors, most importantly how communities respond to this measure. If several communities expand moderate rent control to cover most of their rental housing, revenue losses could be in the tens of millions of dollars per year. If few communities make changes, revenue losses would be minor. If many communities pass strong rent control, revenue losses could be in the hundreds of millions of dollars per year.

Increased Local Government Costs. If cities or counties create new rent control laws or expand existing ones, local rent boards would face increased administrative and regulatory costs. Depending on local government choices, these costs could range from **very little to tens of millions of dollars** per year. These costs likely would be paid by fees on owners of rental housing.

Attachment 3



SHAW/YODER/ANTWIH, inc.
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

July 30, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: Proposition 10: Affordable Housing Act.

Introduction and Background

Proposition 10 is sponsored by the Coalition for Affordable Housing, which was organized by the AIDS Healthcare Foundation and the Alliance of Californians for Community Empowerment (ACCE). Prop 10 would repeal the Costa-Hawkins Rental Housing Act and allow local governments to adopt rent control ordinances. The Costa-Hawkins Act prohibits cities from enacting rent control on properties first occupied after February 1, 1995, and units where the title is separate from other connected units such as condominiums or townhomes. The initiative follows a similar effort in the Legislature to repeal the Act in Assembly Member Bloom's AB 1506, which failed to pass out of the Assembly Housing and Community Development Committee when it was heard in January of this year.

Status of Legislation

Proposition 10 is on the statewide ballot in California and will be voted on November 6th.

Support and Opposition

Supporters of the bill note the impacts that California's housing crisis is having on renters as rising housing costs drive up rents across the state and more and more people are unable to afford to stay in their homes or live near where they work. The initiative's proponents argue that rent control will allow localities to take steps to keep rental prices affordable and prevent the steep rent increases that force people out of their homes.

Opponents of the measure argue that rent control would further exacerbate California's housing crisis by disincentivizing construction of new multifamily housing. They argue that this would further constrict the housing market which would result in higher rental costs.

Support

Coalition for Affordable Housing, Yes on 10
(Sponsor)
AIDS Healthcare Foundation (Co-Sponsor)
Alliance of Californians for Community
Empowerment (Co-Sponsor)
Mayor Eric Garcetti (D), Los Angeles
Mike Bonin, Los Angeles City Council—District
11
Lindsey Horvath, West Hollywood City Council

California Democratic Party
AFSCME California PEOPLE
California Nurses Association
California Teachers Association
SEIU California
American Federation of State County &
Municipal Employees Local 3299 Issues PAC
California Nurses Association, California Nurses
Association Initiative PAC
ACLU-SOUTHERN CALIFORNIA

ACLU-Northern California
Affordable Homeless Housing Alternatives
Affordable Housing Network of Santa Clara County
AFSCME Local 3299
AFT Local 2121
AFT Local 1521
Alameda Renters Coalition
Alliance for Community Transit
Allies for Life
Americans for Democratic Action
APAIT (Special Service for Groups)
API Equality - LA
Arcata Lazy J Homeowners Association
Asian Law Alliance
ASIAN PACIFIC ENVIRONMENTAL NETWORK
ASSOCIATED STUDENTS OF UC SANTA BARBARA
BEND THE ARC - SOUTHERN CALIFORNIA
BEVERLY HILLS RENTERS ALLIANCE
BLACK COMMUNITY CLERGY & LABOR ALLIANCE
CALIFORNIA ALLIANCE FOR RETIRED AMERICANS
CALIFORNIA CALLS
CALIFORNIA DEMOCRATIC PARTY
CALIFORNIA NURSES ASSOCIATION
CALIFORNIA PARTNERSHIP
CALIFORNIA RURAL LEGAL ASSISTANCE FOUNDATION
CALIFORNIA TEACHERS ASSOCIATION CAUSE
CENTER FOR COMMUNITY ACTION & ENVIRONMENTAL JUSTICE
CENTRAL COAST ALLIANCE UNITED FOR A SUSTAINABLE ECONOMY
CHERYL WARD MINISTRIES
CHINATOWN COMMUNITY FOR EQUITABLE DEVELOPMENT
CLERGY & LAITY UNITED FOR ECONOMIC JUSTICE - LOS ANGELES (CLUE)
COALITION FOR ECONOMIC SURVIVAL
COALITION FOR HUMANE IMMIGRANT RIGHTS LOS ANGELES (CHIRLA)
COURAGE CAMPAIGN
CREATING FREEDOM MOVEMENTS
CRENSHAW SUBWAY COALITION
DELLUMS INSTITUTE FOR SOCIAL JUSTICE
DEMOCRATIC SOCIALISTS OF AMERICA, LOS ANGELES

DEMOCRATIC SOCIALISTS OF AMERICA, EAST BAY
DEMOCRATIC SOCIALISTS OF AMERICA, ORANGE COUNTY
DEMOCRATIC SOCIALISTS OF AMERICA, PENINSULA
DEMOCRATIC SOCIALISTS OF AMERICA, SACRAMENTO
DEMOCRATIC SOCIALISTS OF AMERICA, SAN DIEGO
DEMOCRATIC SOCIALISTS OF AMERICA, SAN FRANCISCO
DEMOCRATIC SOCIALISTS OF AMERICA, SILICON VALLEY
EAST AREA PROGRESSIVE DEMS
EMPLOYEE RIGHTS CENTER SAN DIEGO
ENSURING OPPORTUNITY CAMPAIGN TO END POVERTY IN CONTRA COSTA COUNTY
EQUITY HOUSING ALLIANCE
EVICTED DEFENSE NETWORK
FANNIE LOU HAMMER INSTITUTE
GAMALIEL CA
GLENDALE TENANTS UNION
GOLDEN STATE MANUFACTURED-HOME OWNERS LEAGUE
GROUND GAME LA
HARVEY MILK LGBT DEMOCRATIC CLUB
HOMELESS STUDENT ADVOCATE ALLIANCE
HOUSING CALIFORNIA
HOUSING LONG BEACH
HOUSING NOW!
HOUSING RIGHTS COMMITTEE SAN FRANCISCO
HUMBOLDT AND DEL NORTE COUNTIES
CENTRAL LABOR COUNCIL AFL-CIO
HUMBOLDT COUNTY DEMOCRATS
HUNGER ACTION COALITION LOS ANGELES
HYDE PARK ORGANIZATIONAL PARTNERSHIP FOR EMPOWERMENT
INLAND EMPIRE FOR OUR REVOLUTION
INLAND EMPIRE UNITED
INLAND EMPOWERMENT
INNER CITY LAW CENTER LA
INNERCITY STRUGGLE
INSTITUTE OF THE BLACK WORLD 21ST CENTURY
INTERNATIONAL SOCIALIST ORGANIZATION
INQUILINOS UNIDOS
ISLA VISTA TENANTS UNION

JOB'S WITH JUSTICE SAN FRANCISCO
JUSTICE HOUSE
KENWOOD OAKLAND COMMUNITY
ORGANIZATION
KOREATOWN IMMIGRANT WORKERS ALLIANCE
LA CENTER FOR COMMUNITY LAW & ACTION
LA FORWARD
LATINO ECONOMIC DEVELOPMENT CENTER
LA VOICE (PICO AFFILIATE)
LAW FOUNDATION OF SILICON VALLEY
LEADERSHIP COUNSEL FOR JUSTICE AND
ACCOUNTABILITY CENTRAL VALLEY
LOS ANGELES ALLIANCE FOR A NEW ECONOMY
LOS ANGELES COMMUNITY ACTION NETWORK
LOS ANGELES TENANTS UNION
MANUFACTURED HOUSING ACTION
MILLION VOTER PROJECT
MISSION ECONOMIC DEVELOPMENT AGENCY
MLK COALITION OF GREATER LA
MOBILIZE THE IMMIGRANT VOTE
NAPA COUNTY GREEN PARTY
NATIONAL ACTION NETWORK - LOS ANGELES
NORTH BAY ORGANIZING PROJECT
OAKLAND EDUCATION ASSOCIATION (OEA)
OAKLAND TENANTS UNION
ORANGE COUNTY CIVIC ENGAGEMENT TABLE
ORGANIZE SACRAMENTO
PAINTERS & ALLIED TRADES 36
PASADENA TENANTS UNION
PASADENANS ORGANIZING FOR PROGRESS
PEOPLE ACTING IN COMMUNITY TOGETHER -
PACT SAN JOSE (PICO AFFILIATE)
PEOPLE OF COLOR SUSTAINABLE HOUSING
NETWORK
PEOPLE ORGANIZED FOR WESTSIDE RENEWAL
PICO CALIFORNIA
PLACES IN THE CITY
POLICYLINK
POMONA ECONOMIC OPPORTUNITY CENTER
PROGRESSIVE ALLIANCE (SAN BERNARDINO
COUNTY)
PROGRESSIVE ASIAN NETWORK FOR ACTION
PROPERTY OWNERS FOR FAIR AND
AFFORDABLE HOUSING
PUBLIC ADVOCATES
RICHMOND PROGRESSIVE ALLIANCE
RUBICON
RYSE YOUTH CENTER

SAN BERNARDINO YOUNG DEMOCRATS
SAN DIEGO CENTRAL COMMITTEE OF THE
PEACE AND FREEDOM PARTY OF CA
SAN DIEGO COUNTY PEACE AND FREEDOM
PARTY
SAN FRANCISCO ANTI-DISPLACEMENT
COALITION
SAN FRANCISCO TENANTS UNION
Scope
SEIU LOCAL 1021
SEIU LOCAL 99
SEIU LOCAL 221
SEIU LOCAL 721
SENIOR AND DISABILITY ACTION
SILICON VALLEY DE-BUG
SOCIAL SECURITY WORKS
SOJOURNER TRUTH PRESBYTERIAN CHURCH
SOLIDARITY - BAY AREA
SOUTHERN CHRISTIAN LEADERSHIP
CONFERENCE-SOUTHERN CALIFORNIA
STRATEGIC ACTIONS FOR A JUST ECONOMY
TENANTS TOGETHER
THAI COMMUNITY DEVELOPMENT CENTER
THE EAST OAKLAND COLLECTIVE
TRUST SOUTH LA
UC BERKELEY YOUNG DEMOCRATIC SOCIALISTS
OF AMERICA (YDSA)
UC STUDENT-WORKERS UNION UAW 2865
UFCW 770
UNION DE VECINOS
UNITE HERE 11
UNITE HERE 2850
UNITED FOR HOUSING JUSTICE (SF)
UNITED TEACHERS OF LOS ANGELES (UTLA)
URBAN HABITAT
VENICE COMMUNITY HOUSING CORPORATION
WAREHOUSE WORKER RESOURCE CENTER
WELLSTONE DEMOCRATIC RENEWAL CLUB
WESTERN CENTER FOR LAW AND POVERTY
WOMEN ORGANIZED TO RESPOND TO LIFE-
THREATENING DISEASES (WORLD)
Y VOTE

Opposition

California Apartment Association, Californians for Responsible Housing PAC
California Rental Housing Association, Californians for Affordable Housing PAC
No on Prop 10 PAC
California Republican Party
Michael K. Hayde, including Western National Group & Affiliated Entities
Essex Property Trust, Inc., and Affiliated Entities
Equity Residential
Spieker Companies, Inc.
Avalonbay Communities, Inc.
California Council for Affordable Housing
TELACU
AMCAL Multi-Housing
Urban Housing Communities
GTM Holdings
JH Stark Companies
The Pacific Companies
Highridge Costa Housing Partners
Veterans of Foreign Wars, Department of California
American Legion, Department of California
Military Officers Association of America, California Council of Chapters
AMVETS, Department of California
American G.I. Forum of California
National Guard Association of California
Veterans Services Supportive Services Agency, Inc. (VSSA) of Silicon Valley
LeadingAge California
Civil Justice Association of California
California State Conference of the NAACP
State Building and Construction Trades Council of California
Los Angeles/Orange Counties Building & Construction Trades Council
CalAsian Chamber of Commerce
Greater Los Angeles African American Chamber
Sacramento Asian Pacific Chamber of Commerce
California Chamber of Commerce
Los Angeles Area Chamber of Commerce
Los Angeles County Business Federation (LA BizFed)
The Silicon Valley Organization
Inland Empire Economic Partnership (IEEP)

Los Angeles Business Council
Bay Area Council
Innovation Tri-Valley Leadership Group
Valley Industry and Commerce Association
Central City Association of Los Angeles
California Business Properties Association
California Mortgage Bankers Association
Santa Cruz County Business Council
Greater Bakersfield Chamber of Commerce
Fresno Chamber of Commerce
Sacramento Metropolitan Chamber of Commerce
San Ramon Chamber of Commerce
Sacramento Regional Builders Exchange
Oxnard Chamber of Commerce
El Dorado County Chamber of Commerce
Pleasanton Chamber of Commerce
Chico Chamber of Commerce
Building Industry Association – LA/Ventura
United Chambers of Commerce of the San Fernando Valley Region

Item 4



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Senior Management Analyst
DATE: August 6, 2018
SUBJECT: State Senate Bill 822 – Communications: Broadband Internet Access Service
ATTACHMENT: 1. Summary Memo – Senate Bill 822

A verbal presentation will be provided by Andrew Antwih with Shaw/Yoder/Antwih Inc. on the attached memo.

After discussion of State Senate Bill 822 – Communications: Broadband Internet Access Service, the Liaisons may recommend the following actions:

- 1) Support Senate Bill 822;
- 2) Oppose Senate Bill 822;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



July 30, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: SB 822 (Wiener) Communications: Broadband Internet Access Service.

This memo reflects the bill as currently in print. Significant amendments to this bill will be submitted on Monday, August 6th to realign the bill with the author's original intent.

Introduction and Background

Senator Wiener's SB 822 aims to establish protections for net neutrality principles in California. The bill has undergone much debate and various amendments. The original version of SB 822 (Wiener) would have prohibited internet service providers (ISPs) from taking certain actions that violate the principles of "net neutrality." The bill was introduced in response to the Federal Communications Commission's (FCC) decision to repeal their "net neutrality rules," which went into effect on June 11, 2018. The bill in its original form would have placed numerous restrictions on ISPs regarding how they can handle data on their networks. Now, the bill applies more narrowly to ISPs engaged in providing broadband internet access service, which the bill defines as "a mass-market retail service by wire or radio provided in California that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, but excluding dial-up Internet access service." Additionally, the bill "also encompasses any service provided to customers in California that provides a functional equivalent of that service or that is used to evade the protections set forth in this chapter."

Specifically, in its current form, this bill would:

-) Prohibit ISPs engaged in providing broadband internet access service from engaging in the following activities:
 - Blocking lawful content, applications, services, or non-harmful devices, subject to reasonable network management practices.
 - Impairing or degrading lawful internet traffic by content, application, service or use of a nonharmful device, subject to reasonable network management practices
 - Engaging in paid prioritization.
 - Unreasonably interfering with, or disadvantaging either an end user's ability to select, access, and use broadband internet access service.
 - Failing to publicly disclose their network management practices so that consumers can make informed choices about their service provider.
 - Requiring monetary or other consideration from edge providers for access to an ISP's end users.
-) Define "reasonable network management" as "a network management practice that primarily has a technical network management justification, but does not include other business

practices. A network management practice is reasonable if it is primarily used for, and tailored to, achieving a legitimate network management purpose.”

- +) Prohibit public entities from contracting with ISPs that do not certify under penalty of perjury that they are in full compliance with the provisions of this bill.
-) Allow consumers to avail themselves of the legal protections from deceptive and unfair marketing and sales practices afforded them by the CLRA.

Provisions in previous versions of the bill would have:

-) Prohibited ISPs from engaging in the following activities:
 - o Slowing down or speeding lawful internet traffic based on source destination, content, or service.
 - o Selectively zero-rating some internet content, services, or devices or zero-rating in exchange for consideration or payment.
 - o Third-party paid prioritization.
 - o Selectively zero-rating some internet content, services, or devices or zero-rating in exchange for consideration or payment.
 - Zero-rating is a practice that allows customers to access certain apps or internet content without having it count towards their data limit.
 - o Deceptive marketing that misrepresents the treatment of internet traffic or content to its customers.
-) Authorized a public entity to void a contract entered into with an ISP that was subsequently discovered to be engaging in prohibited practices.

Status of Legislation

SB 822 (Wiener) has been referred to the Assembly Appropriations Committee where it has yet to be heard. The bill previously passed out of the Assembly Communications and Conveyance Committee on an 8-2 vote with three members not voting. The bill received what the author characterized as “hostile” amendments. The bill was then referred to the Assembly Privacy and Consumer Protection Committee where it passed on an 8-2 vote. The author has stated that he is working to restore the bill to its prior “strong form” and has stated that he is willing to withdraw the bill if that does not happen, as he has “no desire to pass a fake net neutrality bill.” On July 5th Senator Wiener held a press conference with Senator de León, Assembly Member Santiago, and Assembly Member Bonta to announce a deal to move forward with a proposal more in-line with previous versions of the bill.

Support and Opposition

The author argues that his original bill would have put “California at the forefront of ensuring an open internet,” and that it would have established enforceable net neutrality standards that would ensure that access to the internet is content-neutral. Proponents of the original bill argue that with the repeal of the FCC’s net neutrality rules, the onus is now upon the State to step in to preserve a free and open Internet.

The bill is opposed by business groups and broadband internet service providers. They argue that the bill is more restrictive than the repealed FCC net neutrality rules. They also oppose establishing state-level net neutrality requirements. Additionally, they argue that the bill is inconsistent with the federal regulatory framework, is preempted by federal law, and will result in costly litigation. Moreover, opponents specifically objected to the provisions restricting zero-rating in the previous bill.

Support (prior version, unless noted otherwise)

18MillionRising.Org
3scan
8Circuit Studios
Alliance of Californians for Community Empowerment (ACCE) Action
Access Humboldt
American Civil Liberties Union (ACLU) California
Ad Hoc Labs
AdRoll
ADT Security Services
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Sustainable Business Council
Angel Investment Capital
AppliedVR
Asian Americans Advancing Justice
Bay Area Student Activists (support if amended)
California Association of Competitive Telecommunications Companies (CALTEL)
California Association of Nonprofits
California Clean Money Campaign
California Common Cause
California Conference Board
California Educational Technology Professionals Association (CETPA)
California Faculty Association
California Freedom Coalition
California Labor Federation
California Low-Income Consumer Coalition
California Public Interest Research Group
California State Student Association
California Teamsters Public Affairs Council
California Voices for Progress
CallFire
Canvas
CCTV Center for Media & Democracy
CD 4 Indivisible Network
Center for Democracy & Technology
Center for Media Justice
Center for Media Justice
Center for Rural Strategies
Chute
City and County of San Francisco, Mayor Mark E. Farrell
City of Emeryville, Mayor John Bauters
City of Los Angeles, Mayor Eric Garcetti
City of Oakland, Mayor Libby Schaaf
City of Sacramento, Mayor Darrell Steinberg
City of San Jose, Mayor Sam Liccardo
Climate Solutions Net
Coalition for Human Immigrant Rights (CHIRLA)
Cogent Communications

Color of Change
Common Cause
Common Sense Kids Action
Computer-Using Educators
Community Tech Network
Consumer Attorneys of California
Consumer Union
Contextly
County of San Mateo
County of Santa Clara
Courage Campaign
Creative Action Network
CreaTV San Jose
CREDO Action
Daily Kos
Degreed
Demand Progress Action
Democracy for America
Disability Rights Educations and Defense Fund
DLT Education
DroneTV.Com
Electronic Frontier Foundation (EFF)
Engine
Engineers and Scientists of California (ESC)
Equal Rights Advocates
Etsy
Evensi
EveryLibrary
Expa
Faithful Internet
Fight for the Future
Flip The Fourth
Founder Academy
Foursquare
FREE GEEK
Free Press
Friends of the Millbrae Public Library
Girl Groove
GitHub
GoGo Technologies
Golden
Greenpeace USA
Gusto
Hackers/Founders
Heartwood Studios
HelloSign
High Fidelity
Homebrew

Honorable Anna G. Eshoo, Member of Congress
Honorable Dave Jones, State Insurance Commissioner (current version)
Honorable Nancy Pelosi, Member of Congress
Ifixit
INCOMPAS
Indivisible CA-25 Simi Valley Porter Ranch
Indivisible Beach Cities
Indivisible CA: StateStrong
Indivisible CA-33
Indivisible CA-43
Indivisible Chapter Change Begins With ME
Indivisible North San Diego County
Indivisible Sacramento
Indivisible San Diego Central
Indivisible San Diego Districts 52/53
Indivisible Santa Cruz
Indivisible Sausalito
Indivisible San Francisco
Indivisible Sonoma County
Inflect
International Federation of Professional & Technical Engineers (IFPTE) Local 21 AFL-CIO
Internet Creators Guild
Jockeys Guild
Kaizena
Karma+
Latino Coalition for a Healthy California
Libib, Inc.
Loungebuddy
Mallonee & Associates
Manargy
May First/People Link
Mechanics' Institute Library
Media Alliance
Media Mobilizing Project
Medium
Milo Magnus
Mindhive
MinOps
Miracle Mile Democratic Club
Mobile Citizen
National Consumer Law Center
National Digital Inclusion Alliance
National Hispanic Media Coalition
New America's Open Technology Institute
NextGen California
New Media Rights
Nonprofit Technology Network
Normal Heights Indivisible

Oakland Privacy
Office of Ratepayer Advocates – ORA
Onfleet
Oregon Citizens' Utility Board
OpenMedia
Pacific Community Solutions, Inc.
Pactio
Patreon
PEN America
People Demanding Action
Pilotly
Point.com
Privacy Rights Clearinghouse
Progressive Technology Project
Public Knowledge
Reddit
REELY
RootsAction.Org
San Bernardino County District Advocates for Better Schools
San Francisco Unified School District
SEIU California
Service Employees International Union California (SEIU)
Shotwell Labs
Silicon Harlem
Small School Districts' Association
Sonos
Starsky Robotics
SumOfUs
SV Angel
Tech Goes Home
Tersorio
The Butcher Shop
The Greenlining Institute
The Monger
The Run Experience
The Utility Reform Network (TURN)
Tostie Productions
Twilio
UFCW Western State Council
Underdog Media
United Auto Workers, Local 5810
United Food and Commercial Workers International Union (UFCW)
UNITEHERE!
Unwired
Upgraded
Utility Workers Union of America AFL-CIO
Venntive
VividSeats

Western Center on Law and Poverty
Woopie Media
World Wide Web Foundation
Writers Guild of America West
Numerous Individuals

Opposition (prior version, unless noted otherwise)

Advancing The Seed, Inc.
AT&T (current version)
BizFed Los Angeles County
California Asian Pacific Chamber of Commerce
California Cable & Telecommunications Association (current version)
California Chamber of Commerce (current version)
CalCom (current version)
California Hispanic Chamber of Commerce
California Latino Leadership Institute
California Manufacturers & Technology Association (current version)
CenturyLink (current version)
Civil Justice Association of California (current version)
Coachella Valley Economic Partnership
Congress of California Seniors
Consolidated Communications Inc. (current version)
CTIA (current version)
Frontier Communications (current version)
Greater Coachella Valley Chamber of Commerce
Jesse Miranda Center for Hispanic Leadership
Latin Business Association
Latino Coalition for Community Leadership
Los Angeles Area Chamber of Commerce
Macedonia Community Development Corporation
Mexican American Opportunity Foundation
Mexican American Opportunity Foundation
National Asian American Coalition
National Diversity Coalition
NCTA – The Internet & Television Association
North Orange County Chamber
OASIS Center International
Orange County Business Council
Organization for Chinese Americans – East Bay
San Gabriel Valley Economic Partnership (current version)
Small Business Development Corporation of Orange County
Southern Christian Leadership Conference of Southern California
Sprint (current version)
The Chamber Greater Coachella Valley (current version)
The Chamber of Commerce Alliance of Ventura and Santa Barbara Counties
T-Mobile (current version)
TracFone (current version)

USTelecom
Valley Industry and Commerce Association
Verizon (current version)
Two individuals

Item 5



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: State Senate Bill 765 (Wiener) Planning and Zoning: Streamlined Approval Process

ATTACHMENT: 1. League of California Cities Alert
2. Summary Memo – Senate Bill 765

On June 25, 2018, the City received an email from the League of California Cities requesting cities oppose three bills that seek to undermine local land use authority. These bills are:

-) SB 765 (Wiener) Planning and Zoning: Streamlined Approval Process
-) SB 828 (Wiener) Regional Housing Needs Allocation (RHNA)
-) SB 831 (Wieckowski) Accessory Dwelling Units (ADU)

Of these three bills, the City has already opposed SB 828 and SB 831 was held in Committee without a recommendation. As such, SB 831 is considered a dead bill.

The City's state lobbyist, Shaw/Yoder/Antwih Inc., will provide a brief verbal presentation to the Liaisons. After discussion of SB 765, the Liaisons may recommend the following actions:

- 1) Support Senate Bill 765;
- 2) Oppose Senate Bill 765;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1

Cindy Owens

From: Jeff Kiernan <jkiernan@cacities.org>
Sent: Monday, June 25, 2018 2:28 PM
To: Jeff Kiernan
Subject: Housing Bill Action Alert

Good Afternoon Mayors, Council Members & City Managers,

The League is opposing three housing bills that will be heard this Wednesday in the Assembly Local Government committee. Please take a look at the action alert below and consider placing a call into your legislator, especially if you are represented by Assembly Member Bloom who sits on this committee.

Please let me know if you have any questions,
Jeff

ACTION ALERT!

Oppose Three Bills That Would Undermine Local Land Use Authority

Background:

The Assembly Committee on Local Government will meet on Wednesday, June 27th at 1:30pm to vote on three key Senate bills. These measures not only seek to limit local land use authority, but also change the rules again while cities are actively implementing last year's 15 bill "housing package."

-) **[SB 765 \(Wiener\)](#) Planning and Zoning: Streamlined Approval Process**
This measure makes a number of changes to the streamlining approval process as mandated by SB 35 (Wiener), Chapter 366, Statutes of 2017. Most notably, this measure expands the by-right approval process to include housing projects that contain 50% or more units affordable to households making below 120% of area median income. Additionally, SB 765 requires the nonresidential portion of a mixed-use project to be subject to the streamlined and ministerial approval process.
-) **[SB 828 \(Wiener\)](#) Regional Housing Needs Allocation (RHNA)**
This measure requires a local jurisdiction to plan and accommodate 125% of RHNA. Local jurisdictions must identify 25% more sites suitable for housing development in their Housing Element. Additionally, SB 828 adds criteria to the methodology for the comprehensive assessment for unmet housing need. This measure also contains language that suggests that the housing need projection is a housing production mandate.
-) **[SB 831 \(Wieckowski\)](#) Accessory Dwelling Units (ADU)**
This measure requires ministerial approval of ADUs on any lot that allows for the construction of a home. Local agencies must act within 60 days of submitted application or the application is deemed approved. Additionally, SB 831 prohibits minimum lot size requirements unless specific findings are made that identify adverse public safety impacts.

ACTION

The Assembly Committee on Local Government will hear SB 765, SB 828, and SB 831 on Wednesday, June 27th at 1:30 pm!

It is critical that cities take action and oppose SB 765, 828, and SB 831.

It would be helpful for cities to do the following:

- 1) Call the members of the Assembly Committee on Local Government (*see list below and talking points*)
- 2) Call your legislator (*talking points below*)

Assembly Committee on Local Government Members

Asm. Cecilia Aguiar-Curry (916) 319-2004
Asm. Marie Waldron (916) 319-2075
Asm. Richard Bloom (916) 319-2050
Asm. Anna Caballero (916) 319-2030
Asm. Jesse Gabriel (916) 319-2045

Asm. Timothy Grayson (916) 319-2014
Asm. Tom Lackey (916) 319-2036
Asm. Luz Rivas (916) 319-2039
Asm. Randy Voepel (916) 319-2071

Your legislators' contact information can be found here: <http://findyourrep.legislature.ca.gov/>.

Talking Points:

SB 765 (Wiener) Planning and Zoning: Streamlined Approval Process

-) Contrary to how it is being presented, SB 765 is not a cleanup bill.
-) SB 765 expands SB 35 streamlining even though the law has only been on the books for six months. There is no need to change the law before we know if it even works.
-) Cities need time to implement the 15 bill "housing package" that passed last year.
-) Changing the rules of the game again, will not lead to more housing production.

SB 828 (Wiener) Regional Housing Needs Allocation (RHNA)

-) A city's RHNA is the correct number or not. SB 828 arbitrarily inflates that allocation by 25% and requires all cities to identify 125% of their RHNA.
-) It will be very difficult for cities to identify enough adequate sites to fulfill the 125% requirement.
-) Changes to the site identification process that occurred last year, now requires a new analysis demonstrating that a site is adequate. Cities with little vacant land will struggle to find sites that satisfy the new law.
-) RHNA is a planning and zoning process NOT a housing production mandate. Cities don't build homes.

SB 831 (Wieckowski) Accessory Dwelling Units (ADU)

-) Enough with ADU bills. This is the third year in a row for comprehensive changes to ADU law.
-) Cities need time to update their ordinances just to comply with the bills from last year.
-) SB 831 precludes lot size minimums even for legitimate reasons.
-) Allows an ADU or ADU conversion on any residential or mixed use parcel, with limited ability to regulate for health and safety reasons.
-) Under this bill, cities would be prohibited from requiring an owner to occupy one of the dwellings. This would allow investors to buy numerous properties and add multiple ADUs to each, and rent all of the units. This is much different than a "granny flat" or "in-law quarters" located in someone's backyard.

Jeffrey Kiernan
Regional Public Affairs Manager
League of California Cities®
8581 Santa Monica Blvd. #325
West Hollywood, CA 90069
Cell: (310) 630-7505

Attachment 2



July 12, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: SB 765 (Wiener) Planning and zoning: streamlined approval process.

Introduction and Background

SB 765 was introduced by Senator Wiener and is a follow-up bill to his SB 35 (Wiener, Chapter 366 Statutes of 2017), which was part of the 15-bill housing package signed into law by Governor Brown in 2017.

SB 35 (Wiener, Chapter 366 Statutes of 2017) established a streamlined approval process for infill projects with two or more residential units in cities and counties that have failed to produce sufficient housing to meet their RHNA numbers. The streamlined approval process requires certain levels of affordable housing to be included in the housing development. To receive the streamlined process for housing developments, the developer must meet various requirements. Local governments must provide written documentation to the developer if there is a failure to meet the specifications for streamlined approval, within specified periods of time. If the city or county does not meet those deadlines, the development shall be deemed to satisfy the requirements for streamlined approval.

SB 765 (Wiener) would clarify that the parking standard provisions limiting the authority of local governments to impose parking standards or requirements on an approved streamlined development contained in SB 35 (Wiener, Chapter 366 Statutes of 2017) are applicable strictly to automobile parking. The bill would also provide that CEQA does not apply to actions taken by a state agency or local government to provide financial assistance to housing developments for very low-, low-, or moderate-income households that have received streamlined approval.

Status of Legislation

SB 765 (Wiener) is current in the Assembly Appropriations Committee and has not yet been set for a hearing.

Support and Opposition

SB 765 (Wiener) is supported by San Francisco based real estate developer BRIDGE Housing, who argues that the clarifications in the bill would help more housing projects meet their potential while also enticing future projects to utilize the tools that SB 35 (Wiener, Chapter 366 Statutes of 2017) provides.

The bill is opposed by a variety of housing advocacy organizations who argue that the bill constitutes more than a “clean-up” of SB 35 (Wiener, Chapter 366 Statutes of 2017) and that the bill should be vetted through a more thorough stakeholder process next year.

Both of these arguments were submitted prior to the most recent set of substantial amendments to the bill and may not reflect the organization's position on the bill currently in print.

Support

BRIDGE Housing

Opposition

Alliance for Community Transit-Los Angeles (unless amended)

American Planning Association, California Chapter

California Rural Legal Assistance Foundation (unless amended)

Housing California (unless amended)

Public Advocates

Public Counsel (unless amended)

Public Interest Law Project (unless amended)

PolicyLink

Tenants Together

Western Center on Law & Poverty (unless amended)

Item 6



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cindy Owens, Senior Management Analyst
DATE: August 6, 2018
SUBJECT: Assembly Bill 2544 (Lackey) Parking penalties
ATTACHMENT: 1. Summary Memo – Assembly Bill 2544

A verbal presentation will be provided by Andrew Antwih with Shaw/Yoder/Antwih Inc. on the attached memo.

After discussion of Assembly Bill 2544 (Lackey) Parking penalties, the Liaisons may recommend the following actions:

- 1) Support Assembly Bill 2544;
- 2) Oppose Assembly Bill 2544;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



July 16, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: AB 2455 (Lackey) Parking penalties.

Introduction and Background

Last year, the Legislature passed and the Governor signed AB 503 (Lackey, Chapter 741, Statutes of 2017), to help address the cycle of debt that can be created by unpaid parking tickets. The law proposes to do this by requiring agencies to provide indigent people with a payment plan for unpaid parking tickets that waives late fees, prior to asking DMV to collect their unpaid parking debt, starting on July 1, 2018.

AB 2455 (Lackey) would require processing agencies, starting on July 1, 2018, to provide a payment plan option and waiver of late fees to indigent persons prior to sending an itemization of unpaid parking penalties to the Department of Motor Vehicles (DMV), regardless of the date on which the ticket was issued. The bill currently contains an urgency measure, so these new provisions will apply as soon as the bill is passed.

Status of Legislation

AB 2544 (Lackey) is currently in the Senate Appropriations Committee; the bill has not yet been set for a hearing.

Support and Opposition

Supporters of the measure argue that it is necessary to help low-income drivers pay off their parking tickets in reasonable monthly amounts so that they will be able to get their vehicles registered and prevent undue economic hardship.

The cities and local agencies in opposition to the measure argue that they have already invested significant amounts of time and effort into collecting these past due ticket fees and if the late fees are waived, they would have to absorb those losses.

Support

Western Center on Law and Poverty (sponsor)
ACLU
Safer Streets Los Angeles

Opposition

California Public Parking Association
City of Long Beach
City of Sacramento

League of California Cities

Item 7



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: Assembly Bill 3232 (Friedman) Zero Emissions Buildings and Sources of Heat Energy

ATTACHMENT:

1. Opposition Letter from LA County Solid Waste Management Committee
2. Summary Memo – Assembly Bill 3232

On July 10, 2018, the City received an email from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force requesting cities oppose unless amended Assembly Bill 3232 (Friedman) Zero Emissions Buildings and Sources of Heat Energy ("AB 3232"). A copy of their letter of opposition is attached (Attachment 1).

The City's state lobbyist, Shaw/Yoder/Antwih Inc., will provide a brief verbal presentation to the Liaisons (Attachment 2). After discussion of AB 3232, the Liaisons may recommend the following actions:

- 1) Support Assembly Bill 3232;
- 2) Oppose Assembly Bill 3232;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

July 10, 2018

The Honorable Anthony J. Portantino, Chair
Senate Committee on Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

Dear Senator Portantino:

**OPPOSE UNLESS AMENDED ASSEMBLY BILL 3232 (FRIEDMAN) AS AMENDED
MAY 29, 2018 – ZERO-EMISSIONS BUILDINGS AND SOURCES OF HEAT ENERGY**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **opposes** Assembly Bill 3232 (AB 3232), as amended May 29, 2018, **unless amended** to address the concerns expressed in this letter.

AB 3232 requires the California Energy Commission (CEC) to assess the potential for the state to reduce the emissions of greenhouse gases in the state's residential and commercial building stock by at least 40 percent below 1990 levels by January 1, 2030.

As a proponent of measures that promote the expansion of renewable natural gas (RNG) markets, the Task Force is concerned that this bill seeks a large-scale transition away from gas to electric. This may significantly undermine efforts by the cities and counties to achieve the 75 percent organic waste disposal reduction mandated by Senate Bill 1383 (Lara – 2016) while limiting jurisdictions and industry efforts to develop markets for the needed infrastructure (at a cost in excess of \$3 Billion) for generation of renewable energy such as biogas/biomethane/biofuel for use in new and existing residential and commercial buildings.

The Task Force strongly requests the bill's mandated integrated energy policy reports assessment and analysis of the supply of energy by fuel type be specified to include assessment of the greenhouse gases produced by the total life cycle of each fuel type: electricity produced from multiple sources including but not limited to coal, natural gas from fracking, and RNG from post diverted organic waste. This analysis ought to include not only the greenhouse gases from the actual production of electricity, but total life-cycle analysis of the production of the fuel source such as through mining, transportation, and

fracking which contribute additional greenhouse gases. In addition, the analysis for the use of solar energy must also considers the management of solar panels at the end of their useful life which currently, for most part, is limited to land disposal at a hazardous waste landfill. The analysis also need to recognize that RNG can be made from a variety of feedstocks including post diverted organic waste and can be considered carbon negative because it captures more greenhouse gases than it emits. The organic wastes contribute to greenhouse gas emissions if disposed in landfills or land applied decomposition, however these emissions can be eliminated when decomposition is contained in a vessel such as in a biochemical process like anaerobic digestion or a thermochemical means such as gasification.

The Task Force also requests the findings enumerated in Section 1, Subdivision (a), Paragraphs (2), (3), (4), and (6) of the proposed legislation include references for their source so they can be verified; such as “(3) Direct emissions from the combustion of fossil fuels in buildings, primarily for space and water heating, accounts for 10 percent of all emissions of greenhouse gases in California, and “(4) Approximately half of all energy used in buildings in California is in the form of on-site combustion of fossil fuels.”

Further, the Task Force request that the term “significant” as used in Section 1, Subdivision (b) of the proposed legislation be defined/quantified.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

The Honorable Anthony J. Portantino
July 10, 2018
Page 3

Based on the foregoing, the Task Force **opposes** AB 3232 **unless amended** to address the concerns expressed in this letter. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

EC:cso

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cc: Assembly Member Laura Friedman
Assembly Member Richard Bloom
Assembly Member David Chiu
Assembly Member Mark Stone
Assembly Senator Benjamin Allen
Assembly Senator Henry Stern
Each Member and staff of the Senate Committee on Appropriations
Committee on Appropriations Staff Director, Mark McKenzie
California State Association of Counties
League of California Cities – Los Angeles County Division
Each member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management
Committee/Integrated Waste Management Task Force

Attachment 2



July 30, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: AB 3232 (Friedman) Zero-emissions buildings and sources of heat energy.

Introduction and Background

AB 3232 was introduced by Assembly Member Laura Friedman and would require the California Energy Commission (CEC), in consultation with the California Public Utilities Commission (CPUC) and the Air Resources Board (ARB), to assess the potential for reducing the state's greenhouse gas emissions (GHG) from its residential and non-residential building stock. The study would look at the ability to reduce the GHG emissions from these sources by 40% below 1990 levels by 2030.

Specifically, the study would include:

-) Cost-effective strategies for reducing emissions from space and water heating in new and existing residential and commercial buildings
-) Challenges posed by reducing GHG emissions from low-income housing, multifamily housing, and high-rise buildings
-) Load management strategies that optimize building energy use
-) Impacts of GHG emissions reductions on ratepayers, construction costs, and grid reliability.

Status of Legislation

AB 3232 (Friedman) is currently in the Senate Appropriations Committee and is set to be heard on Monday, August 6th.

Support and Opposition

The bill's author notes that California cannot achieve its air quality and GHG emissions reductions goals without reducing GHG emissions from residential and non-residential buildings. The author argues that the state does not have a comprehensive strategy to reduce the emissions from residential and non-residential buildings, particularly from space and water heating fuels.

The bill when initially introduced faced strong opposition from utilities, the business community, and the biofuels sector, who opposed zero-emission buildings which required building electrification rather than a fuel-neutral approach to GHG emissions reduction. The bill was subsequently amended to address these concerns, resulting in the overwhelming majority of those who were opposed removing their opposition.

Support

Adobe

American Institute of Architects, CA Council

American Lung Association in California
Arkin Tilt Architects
Association for Energy Affordability
Ben & Jerry's
Bernheim & Dean
BVC Architects
California Building Industry Association
Carbon Free Palo Alto
Carbon Free Silicon Valley
Center for Built Environment, UC Berkeley
Center for Sustainable Energy
CERES
Cliff Bar
Design AVEnues LLC
Earthjustice
eBay
Efficiency First California
Environmental Defense Fund
Esherick Homsey Dodge and Davis
Essential Habitat Architecture
Green Cities CA
Integral Group
Interface Engineering Inc.
JLL
Local Agency Formation Commission for the County of Los Angeles
Marin County Board of Supervisors
Menlo Spark
Building Decarbonization, NRDC
Passive House California
Point Energy Innovations
San Francisco Bay Area Physicians for Social Responsibility
Rutherford + Chekene
SERA
Siegel & Strain Architects
Sierra Club California
Silicon Valley Leadership Group
Silverman & Light
Southern California Edison
Symantec
SMUD
TEECOM
TLCD Architecture
Union of Concerned Scientists
Unilever
Voices for Progress
WRNS Studio

Opposition

La Quinta

City of Diamond Bar

Item 8



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: Assembly Bill 2411 (McCarty) as amended on June 12, 2018 – Solid Waste use of Compost: Planning

ATTACHMENT:

1. Support If Amended - Letter from LA County Solid Waste Management Committee
2. Summary Memo – Assembly Bill 2411

On July 11, 2018, the City received an email from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force requesting cities support if amended or oppose unless amended Assembly Bill 2411 (McCarty) as amended on June 12, 2018 – Solid Waste use of Compost: Planning ("AB 2411"). A copy of their letter is attached (Attachment 1).

The City's state lobbyist, Shaw/Yoder/Antwih Inc., will provide a brief verbal presentation to the Liaisons (Attachment 2). After discussion of AB 2411, the Liaisons may recommend the following actions:

- 1) Support Assembly Bill 2411;
- 2) Oppose Assembly Bill 2411;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

July 10, 2018

The Honorable Anthony J. Portantino, Chair
Senate Committee on Appropriations
State Capitol, Room 2206
Sacramento, CA 95814

Dear Senator Portantino:

SUPPORT IF AMENDED AND OPPOSE UNLESS AMENDED – ASSEMBLY BILL 2411 (MCCARTY) AS AMENDED ON JUNE 12, 2018 – SOLID WASTE: USE OF COMPOST: PLANNING

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports** Assembly Bill 2411 (AB 2411), as amended on June 12, 2018, provided it is **amended** as indicated in this letter, and **opposes** it **unless amended** as indicated in this letter.

If enacted, AB 2411 would require CalRecycle, on or before December 31, 2019, to develop and implement a plan to maximize the use of compost for slope stabilization and establishing vegetation in the course of providing debris removal services following a fire. It would also require CalRecycle, in coordination with the Department of Transportation, to identify best practices of each of the Department of Transportation's 12 districts regarding the cost-effective use of compost along roadways, and develop a plan to expand the identified best practices to the other districts.

The Task Force supports CalRecycle working with other state agencies to develop a plan for the cost-effective use of compost along roadways and in certain agricultural areas. However, the Task Force opposes the application of compost on "wild lands" which have large natural seed banks that need to germinate, particularly after a wild fire. Compost may prevent seeds from germinating and later sprouting and result in degradation of these natural areas. Therefore, the Task Force recommends amending the bill to include measures to prevent the application of compost on wild lands, but support the use of it along roads and in certain agriculture applications.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a

The Honorable Anthony Portantino
July 10, 2018
Page 2

combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Based on the foregoing, the Task Force **supports** AB 2411 **if amended** to include measures to prevent the application of compost on wild lands and **opposes** AB 2411 **unless amended** to include measures to prevent the application of compost on wild lands. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

EC:mq

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cc: Assembly Member Kevin McCarty
Each Member and staff of the Senate Committee on Appropriations
Committee on Appropriations Staff Director, Mark McKenzie
California State Association of Counties
League of California Cities – Los Angeles County Division
Each member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management
Committee/Integrated Waste Management Task Force

Attachment 2



July 20, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: AB 2411 (McCarty) Solid waste: use of compost: planning.

Introduction and Background

AB 2411 was introduced by Assembly Member McCarty and would require the Department of Resources, Recycling and Recovery (CalRecycle) to develop and implement a plan to maximize the use of compost for certain specified purposes. According to the Air Resources Board, the end markets for both digested commodities as well as compost are not sufficiently large enough to accommodate California's ambitious waste reduction goals, including a statewide goal of achieving 75% diversion and recycling by 2020, along with organics recycling goals established by SB 1383 (Lara, 2016). AB 2411 (McCarty) is an attempt to bolster the end market for compost by encouraging its use along roadways, slope stabilization projects, and the re-establishment of vegetation in an area following a wildfire.

Status of Legislation

AB 2411 (McCarty) is currently on the Senate floor. The bill has been ordered to the third reading file and may be taken up when the legislature comes back into session August 6th.

Support and Opposition

Supporters of the bill argue that AB 2411 (McCarty) is a win-win for the state since composting is one of the most efficient and cost-effective ways to address climate change by reducing greenhouse gases. Therefore, by further studying innovative ways to make use of compost, California can help ensure a healthy end market while simultaneously spurring private investment in new in-state composting facilities. Supporters of the bill assert that these efforts will create better quality air for healthier Californians and new construction and compost facility jobs.

The bill has no formal opposition and has not received any "No" votes.

Support

Association of Compost Producers
Biodegradable Products Institute
Californians Against Waste
Central Contra Costa Solid Waste Authority
League of California Cities
RecycleSmart (Central Contra Costa Solid Waste Authority)
Solid Waste Association of North America
Western Placer Waste Management Authority

Item 9



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cindy Owens, Senior Management Analyst

DATE: August 6, 2018

SUBJECT: Senate Bill 1335 (Allen) As Amended on July 2, 2018 – Solid Waste Food Service Packaging State Agencies, Facilities, and Property

ATTACHMENT:

1. Support As Amended - Letter from LA County Solid Waste Management Committee
2. Summary Memo – Senate Bill 1335

On July 12, 2018, the City received an email from the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force requesting cities support as amended (McCarty) as Senate Bill 1335 (Allen) As Amended on July 2, 2018 – Solid Waste Food Service Packaging State Agencies, Facilities, and Property ("SB 1335"). A copy of their letter is attached (Attachment 1).

The City's state lobbyist, Shaw/Yoder/Antwih Inc., will provide a brief verbal presentation to the Liaisons (Attachment 2). After discussion of SB 1335, the Liaisons may recommend the following actions:

- 1) Support Senate Bill 1335;
- 2) Oppose Senate Bill 1335;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Attachment 1



MARK PESTRELLA, CHAIR
MARGARET CLARK, VICE - CHAIR

LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460
www.lacountyiswmtf.org

July 12, 2018

The Honorable Lorena Gonzalez-Fletcher, Chair
Assembly Committee on Appropriations
State Capitol, Room 2114
Sacramento, California 95814

Dear Assembly Member Gonzalez-Fletcher:

SUPPORT – SENATE BILL 1335 (ALLEN) AS AMENDED ON JULY 2, 2018 – SOLID WASTE: FOOD SERVICE PACKAGING: STATE AGENCIES, FACILITIES, AND PROPERTY

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports** Senate Bill 1335 (SB 1335), as amended July 2, 2018. If passed, SB 1335 would enact the Sustainable Packaging for the State of California Act of 2018.

SB 1335 would prohibit a food service facility located in a state-owned facility, acting as a concessionaire on state property or under contract to provide food service to a state agency, from dispensing prepared food using a type of food service packaging unless the type of food service packaging is on a list that this bill would require CalRecycle to publish and maintain on its internet website, that contains types of approved food service packaging that are reusable, recyclable, or compostable. The bill would require CalRecycle to regularly, but no less than once every five years, evaluate the list of approved types of food service packaging and would authorize CalRecycle to add or remove types of food service packaging to or from the list based on whether the packaging is, among other factors, recyclable or compostable. The proposed law would be in effect January 1, 2021.

The measure can positively influence the expansion of processing infrastructure for recyclable and compostable materials. By requiring food service packaging that is recyclable or compostable, SB 1335 provides state government the opportunity to expand environmentally preferable procurement and fully embrace its capacity as a consumer of products and services, and as a regulatory entity to provide incentives for waste processors to expand recycling and composting operations.

The Honorable Lorena Gonzalez-Fletcher
July 12, 2018
Page 2

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and the 88 cities in Los Angeles County with a combined population in excess of ten million. Consistent with these responsibilities and to ensure a coordinated and cost-effective and environmentally sound solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

Based on the foregoing, the Task Force **supports** SB 1335. If you have any questions, please contact Mr. Mike Mohajer, a member of the Task Force, at MikeMohajer@yahoo.com or at (909) 592-1147.

Sincerely,



Margaret Clark, Vice-Chair
Los Angeles County Solid Waste Management Committee/
Integrated Waste Management Task Force and
Mayor Pro Tem, City of Rosemead

BC:ec:mq

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cc: Senator Benjamin Allen
Each Member and staff of the Assembly Appropriations Committee
California State Association of Counties
League of California Cities – Los Angeles County Division
Each member of the Los Angeles County Board of Supervisors
Sachi A. Hamai, Los Angeles County Chief Executive Officer
San Gabriel Valley Council of Governments
South Bay Cities Council of Governments
Gateway Cities Council of Governments
Westside Cities Council of Governments
Each City Mayor and City Manager in the County of Los Angeles
Each City Recycling Coordinator in Los Angeles County
Each Member of the Los Angeles County Solid Waste Management Committee/Integrated
Waste Management Task Force

Attachment 2



July 17, 2018

To: Cindy Owens, City of Beverly Hills

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

Re: SB 1335 (Allen) Solid waste: disposable food service packaging: state agencies and large state facilities.

Introduction and Background

In a 2015 report to the legislature on California's ability to meet its statewide solid waste diversion goal of 75% of all in state-generated solid waste by January 1st, 2020, CalRecycle detailed how important the role of reducing packaging in the waste stream would be.

SB 1335 was introduced by Senator Allen and would help reduce the amount of food packaging material that makes its way into the waste stream by ensuring that all food service facilities located in a state-owned facility that either act as concessionaires on state property or are under contract to provide food service to a state agency only use approved food service packaging. The list of approved food service packaging would be generated by CalRecycle and will contain foodservice packaging that is reusable, recyclable, or compostable. The list would be evaluated by the department at least once every five years to allow the department to add or remove types of food service packaging. Additionally, the bill would allow CalRecycle to require manufacturers of foodservice packaging to submit data on their products to enable the department to more thoroughly evaluate them.

Status of Legislation

SB 1335 (Allen) is currently in the Assembly Appropriations Committee; the bill has not yet been set for a hearing.

Support and Opposition

Supporters of the measure argue that non-recycled single-use food service packaging contributes to the increasing amounts that communities must spend annually to reduce litter and prevent it from entering state-managed waterways. They also note that there is growing public support for such legislation since 114 jurisdictions have already taken action to limit Styrofoam or other forms of non-recyclable packaging.

Opponents of the bill argue that it would arbitrarily pick winners and losers by creating a list of "approved" types of food service packing while limiting the universe of materials that are initially acceptable. They state that at the least, the bill should be material-neutral. They also point out that the bill requires products to be either "recyclable, compostable, or reusable" but does not provide complete definitions for those terms.

Support

5 Gyres Institute

Algalita Marine Research and Education
California Alliance for Retired Americans
California Association of Local Conservation Corps
California Coastkeeper Alliance
California League of Conservation Voters
Californians Against Waste
The Nature Conservancy
Chico Bag
City of Arcata Environmental Services Department
Clean River Alliance
Clean Water Action
Defenders of Wildlife
Ecology Action
Endangered Habitats League
Environment California
Global Alliance for Incinerator Alternatives
Heal the Bay
Los Angeles Alliance for a New Economy
Los Angeles City Council
Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force
Mi Familia Vota
Monterey Bay Aquarium
National Parks Conservation Association
Natural Resources Defense Council
Northcoast Environmental Center
Northern California Recycling Association
Physicians for Social Responsibility
Plastic Pollution Coalition
Republic Services
Rethink Waste
San Francisco Baykeeper
Save Our Shores
Save the Bay
Seventh Generation Advisors
Sierra Club California
Solana Center for Environmental Innovation
Solid Waste Association of California
StopWaste
Surfrider Foundation
The Last Plastic Straw
The Story of Stuff Project
Tri-CED Community Recycling
Trust for Public Land
UPSTREAM Policy
WILDCOAST
Wishtoyo Chumash Foundation
Zero Waste USA

Opposition

American Chemistry Council
Americas Styrenics
Association of Plastic Recyclers
Building Owners and Managers Association
Cal Asian Chamber of Commerce
California Building Owners and Managers Association
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Manufacturers and Technology Association
California Restaurant Association
California Retailers Association
Dart Container Corporation
Foodservice Packaging Institute
FluoroCouncil
Genpac
INEOS Styrolution
Los Angeles County Business Federation
National Federation of Independent Business
NOVA Chemicals
NOVIPAX
Pactiv
Plastics Industry Association
South Bay Association of Chambers of Commerce
Styrene Information Research Center
StyroChem
Valley Industry and Commerce Association
Western Plastics Association
WinCup