LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

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Thursday, May 16, 2013 – 3:30 p.m. to 5:00 p.m.

ABAG Large Conference Room B, MetroCenter, 101 Eighth Street, Oakland

AGENDA*

1.	**OPEN AGENDA** Committee members may raise issues for consideration; members of the public may speak.	Information/ Action
2.	**APPROVAL OF MINUTES** Committee will review and approve the minutes of the March 21, 2013, L&GO meeting.	Information/ Action
3.	**LEGISLATION PROPOSED IN 2013 STATE LEGISLATIVE SESSION—FOR CONSIDERATION** **AB 188 (Ammiano) Property Taxation: Change in Ownership** **AB 210 (Wieckowski) Transactions and Use Taxes: County of Alameda and County of Contra Costa** **AB 431 (Mullins) Regional Transportation Plan: Sustainable Communities Strategy—Funding** **AB 523 (Ammiano) Department of Housing and Community Development: Loans** **AB 738 (Harkey) Public Entity Liability: Bicycles** **AB 1051 (Bocanegra) Housing (Sustainable Communities for All)** **AB 1179 (Bocanegra) Regional Transportation Plan: Sustainable Communities Strategy—Schoolsites** **AB 1229 (Atkins) Land Use: Zoning Regulations** **SB 731 (Steinberg) California Environmental Quality Act (CEQA) and Sustainable Communities Strategy** **SB 299 (DeSaulnier) Firearms: Lost or Stolen—Reports**	Information/ Action
4.	**REVIEW OF AMENDMENTS TO LEGISLATION PREVIOUSLY CONSIDERED** **AB 1002 (Bloom) Vehicles: Registration Fee—Sustainable Communities Strategy** **SB 1 (Steinberg) Sustainable Communities Investment Authority** **SB 391 (DeSaulnier) California Homes and Jobs Act of 2013** **SB 792 (DeSaulnier) Regional Entities: Bay Area**	Information/ Action
	ADJOURNMENT Next meeting is scheduled for **July 18, 2013.**	Action
	Agenda and other written materials are available at ABAG/Front Desk, 101 8th Street, Oakland, or at *http://www.abag.ca.gov/meetings*	

* The Committee may take any action on any item on the agenda

** Full California Bill Texts and actions can be read and printed out from state website: www.leginfo.ca.gc

ABAG

ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2013 State Legislative Session
Legislation & Governmental Organization Committee
May 6, 2013

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
*NEW BILLS					**Bold Face/Shading in Legislation Summary indicates change/ amendments.**

Bills to be reviewed are listed in numeric order with Assembly bills listed first, followed by Senate bills

	New Bills				
AB 188 Ammiano	**Property Taxation: Change in Ownership**	**ASM Revenue and Taxation Com** **5/13/13 Hearing**	Support		**Revises the circumstances under which a "change in ownership" of real property owned by a legal entity is deemed to have occurred. Specifically, this bill:** **1) Provides that, when 100% of ownership interests in a legal entity are sold or transferred in a single transaction, the purchase or transfer of those interests is considered to be a "change of ownership" of the real property owned by the entity, thus, triggering a reassessment of the property for tax purposes.** **2) Specifies that a "purchase or transfer" of ownership interests in a legal entity means a merger, acquisition, private equity buyout, transfer of partnership shares, or any other means by which a legal entity acquires the ownership interest of another legal entity, including the subsidiaries or affiliates of the legal entity and the property owned by those subsidiaries and affiliates.** **3) States that a purchase or transfer of 100% of ownership interests in a legal entity is considered to be a "change of ownership" of the real property owned by that entity, whether or not any one legal entity that is a party to the transaction acquires more than 50% of the ownership interests.** **4) Requires the State Board of Equalization (BOE) to notify assessors when such a change in ownership has occurred.**

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AB 210 Wieckowski	Transactions and Use Taxes: County of Alameda and County of Contra Costa	ASM Revenue and Taxation Com	Support MTC Support		Extends the current authorization for Alameda County to adopt an ordinance imposing a transactions and use tax (TUT) for transportation programs and allows Contra Costa County to adopt a similar ordinance. Specifically: 1) Extends the sunset date from January 1, 2014 to December 31, 2020, allowing the County of Alameda to adopt an ordinance, conditioned upon voter approval, to propose the imposition of a TUT for the support of countywide transaction programs. 2) Allows the County of Contra Costa to adopt an ordinance proposing the imposition of a TUT for the support of countywide transportation programs at a rate of no more than 0.5% that, in combination with other specified taxes, exceeds the 2% statutory limitation.
AB 431 Mullins	Regional Transportation Plan: Sustainable Communities Strategy: Funding	ASM Transporta-tion Com	Watch		This bill authorizes a transportation planning agency that is designed as a metropolitan planning organization to impose a transactions and use tax of no more than 0.5% within all or a portion of its jurisdiction, in order to fund transportation, and affordable housing, as well as parks and open space in conformity with the region's sustainable communities strategy. The bill allows the proposed transactions and use tax to exceed the 2% combined county cap that is contained in existing law. In order to impose the tax, the transportation planning agency must first develop an expenditure plan for the revenues and then the governing board of the transportation planning agency must then adopt an ordinance proposing the tax by a majority vote of that governing board. Provisions in the bill allow the transportation planning agency that includes territory of more than one county, or portions of a county, to elect to exclude one or more counties from the transactions and use tax ordinance. *The bill is co-sponsored by the Center for Sustainable Neighborhoods and the Non-Profit Housing Association of Northern California.*
AB 523 Ammiano	Department of Housing and Community Development: loans	ASM Appropria-tions Com Suspense File	Support		This bill allows the Department of Housing and Community Development (HCD) to reduce the interest rate to as low as 0% on loans for affordable rental housing developments, if specified conditions are met.

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AB 738 Harkey	Public Entity Liability: Bicycles	ASM Judiciary Com			The bill states: "This bill would provide that a public entity or an employee of a public entity acting within his or her official capacity is not be liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway."
AB 1051 Bocanegra	Housing (Sustainable Communities for All)	ASM Re-referred to Appropria-tions Com	Support		Creates the Sustainable Communities for All Program to fund, via cap-and-trade auction revenues, the equitable implementation of SB 375 (Steinberg), Chapter 728, Statutes of 2008.
AB 1179 Bocanegra	Regional Transportation Plan: Sustainable Communities Strategy: Schoolsites	ASM Local Government Committee	Oppose MTC Oppose		Requires metropolitan planning organizations to identify, in consultation with local educational agencies, how the sustainable communities strategy may impact school enrollments and school capacities in the areas targeted for infill. Specifically, this bill requires the sustainable communities strategy (SCS) to identify, in consultation with each local educational agency (LEA) in the region, how the SCS may impact school enrollments and capacities and the need for new schoolsites or expansion or modernization of existing schoolsites.
AB 1229 Atkins	Land use: Zoning Regulations	ASM Local Government Committee Hearing 5/8	Support CSAC Support		Expressly authorizes the legislative body of a city or county to establish inclusionary housing requirements as a condition of development. Specifically, this bill: Authorizes the legislative body of a city or county to establish, as a condition of development, inclusionary housing requirements, which may require the provision of residential units affordable to and occupied by lower-income, very low-income, or extremely low-income owners or tenants.
SB 731 Steinberg	California Environmental Quality Act (CEQA) and Sustainable Communities Strategy	SEN Read Second time and amended Re-referred to Appropria-tions Com	Watch		States the Legislature's intent to revise various provisions in CEQA: -- Expands the exemption for a residential development project that is undertaken to implement a specific plan by providing that "new information" triggering an environmental review does not include "new information consisting solely of argument, speculation, unsubstantiated opinion or narrative, evidence that is

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					clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are caused by, physical impacts on the environment." --Authorizes the appropriation of $30 million in the annual state budget to the Strategic Growth Council for Sustainable Communities Strategy project grants. --Authorizes a renewable energy project applicant to present to the public agency, orally or in writing, the benefits of the project such as reducing traffic or improving air quality. --In making a finding of overriding considerations, requires those findings to be made available in draft form for review by the public at least 15 days prior to approval of the proposed project. Requires the lead agency to provide notice of the draft findings through specified methods, including electronically. --Requires a lead agency to prepare an annual report on project compliance with mitigation measures as part of the mitigation monitoring plan. -- Provides that aesthetic impacts of a residential, mixed-use residential, or employment center project, as defined, within a transit priority area, as defined, shall not be considered significant impacts on the environment. Clarifies that this provision does not affect or change the authority a lead agency's authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers. --Requires the Office of Planning and Research to prepare revisions to the CEQA guidelines establishing thresholds of significance for noise, and for transportation and parking impacts on residential, mixed-use residential or employment centers within transit priority areas. Provides that this provision does not affect the authority of a public agency from establishing transportation or parking standards applicable to projects requiring more stringent thresholds of significance. --Allows the statute of limitations for an action against a public agency for noncompliance to be suspended, for a maximum of four years, by mutual agreement of the parties.

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					--Requires a lead agency, at the request of a project applicant, to prepare a record of proceedings concurrently with the preparation of an environmental review document. **--Requires all documents in the record of proceedings be posted on the lead agency's Internet web site.** **--Authorizes the statute of limitations to be suspended by mutual agreement of the parties. Provides that the period of time for tolling may not exceed four years in such an agreement but authorizes the extension of the tolling period.** **--Authorizes a court to direct an agency to revise only those portions of a CEQA document found not to be in compliance with CEQA and includes specific requirements to be met for a court to do so.** **--Establishes the position of Advisor on Renewable Energy Facilities in the Governor's office and sunsets the position on January 1, 2017.**
SB 299 DeSaulnier	**Firearms: Lost or Stolen: Reports**	**SEN** **Third Reading**	Support		**This bill requires that owners and possessors of firearms report the theft or loss of a firearm to local law enforcement agency within 48 hours of the time they knew or reasonably should have known that the firearm had been stolen or lost, as specified, and requires firearms dealers to post notice of this requirement within their licensed premises. Also provides that the reporting provisions do not preclude or preempt a local ordinance imposing additional penalties or reporting requirements for the theft or loss of a firearm.**
	Bills Previously Considered				
SB 1 Steinberg (co-author DeSaulnier)	**Sustainable Communities Investment Authority**	**SEN Appropria-tions**	Support	**Watch**	Amended: 4/15, 5/2 **Amended to include the following:** A city or county that created a redevelopment agency that was dissolved pursuant to Part 1.85 (commencing with Section P6 134170) of Division 24 shall not form a Sustainable Communities Investment Authority under this section unless the successor agency or designated local authority for the former redevelopment agency has received a finding of completion from the Department Finance pursuant to Section 34179.7. **And the following language under description of Plan, what local government must adopt:** An ordinance that does both of the

following:
(1) Prohibits the number of housing units occupied by extremely low, very low, and low-income households, including the number of bedrooms in those units, in the Sustainable Communities Investment Area at the time the Sustainable Communities Investment Authority is established from being reduced during the effective period of the Sustainable Communities Investment Plan.
(2) Requires the replacement of dwelling units that house extremely low, very low, or low-income households, upon their removal from the Sustainable Communities Investment Area, pursuant to subdivision (a) of Section 33413 within two years of their displacement.

This bill would authorize certain public entities (a city, county, city and county, or a special district) of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority (authority) to carry out the Community Redevelopment Law—to administer economic development and affordable housing programs.
The bill would require the authority to adopt a Sustainable Communities Investment Plan for a Sustainable Communities Investment Area and authorize the authority to include in that plan a provision for the receipt of tax increment funds provided that certain economic development and planning requirements are met. (*bill says that a "Sustainable Communities Investment Area shall include the following: 1)Transit priority project areas; 2) Areas that are small walkable communities..."*)

The bill would authorize the legislative body of a city or county forming an authority to dedicate any portion of its net available revenue, as defined, to the authority through its Sustainable Communities Investment Plan. The bill would establish prequalification requirements for entities that will receive more than $1,000,000 from the Sustainable Communities Investment Authority and would require the Department of Industrial Relations to monitor and enforce compliance with prevailing wage requirements for specified projects within a Sustainable Communities Investment Area.

The bill would deposit moneys received by the department from developer charges related to the costs of monitoring and enforcement in the State Public Works Enforcement Fund. By depositing a new source of revenue in the State Public Works Enforcement Fund, a continuously appropriated special fund, the bill would make an appropriation.

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SB 33 Wolk	**Infrastructure Financing Districts: Voter Approval—Repeal**	**SEN Re-referred to Government and Finance Com Hearing 3/13**	Support LCC Support	**Support**	*A measure to update Infrastructure Financing District law, making it a more useful tool for helping cities maintain, repair, and rebuild critical infrastructure and create economic development:* This bill would revise and recast the provisions governing infrastructure financing districts. The bill would eliminate the requirement of voter approval for creation of the district and for bond issuance, and would authorize the legislative body to create the district subject to specified procedures. The bill would instead authorize a newly created public financing authority, consisting of 5 members, 3 of whom are members of the city council or board of supervisors that established the district, and 2 of whom are members of the public, to adopt the infrastructure financing plan, subject to approval by the legislative body, and issue bonds by majority vote of the authority by resolution. The bill would authorize a public financing authority to enter into joint powers agreements with affected taxing entities with regard to nontaxing authority or powers only. The bill would authorize a district to finance specified actions and projects, and prohibit the district from providing financial assistance to a vehicle dealer or big box retailer. The bill would create a public accountability committee to review the actions of the public financing authority. This bill would specify that the date on which the district would cease to exist would not be more than 40 years from the date on which the public financing authority adopted the resolution adopting the infrastructure financing plan. The bill would also impose additional reporting requirements after the adoption of an infrastructure financing plan.
SB 391 DeSaulnier	**California Homes and Jobs Act of 2013**	**SEN Transportation and Housing Committee** **Hearing 4/9**	Support	**Support**	The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee of $75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that revenues from this fee be sent quarterly to the Department of Housing and Community Development for deposit in the California Homes and Jobs Trust Fund, which the bill would create within the State Treasury. The bill would provide that moneys in the fund may be expended for supporting affordable housing, administering housing programs, and the cost of periodic audits, as specified.

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					This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.
SB 279 Hancock	**San Francisco Bay Restoration Authority**	**SEN Appropria-tions Com** **Hearing 5/13**	Support Estuary Partnership Support		Specifies procedures for conducting a multi-county election to approve a special tax measure proposed by the San Francisco Bay Restoration Authority. *Senate Bill 279 declares the San Francisco Bay Restoration Authority (SFBRA) to be a "district," as defined in a specified statute. SB 279 requires the SFBRA's elections to be governed by specified state laws for district initiatives and referenda, except as otherwise provided in the San Francisco Bay Restoration Authority Act.* *SB 279 requires the SFBRA to file, with the board of supervisors of each county in which a special tax measure will appear on the ballot, a resolution requesting that the election be consolidated with the next regularly scheduled statewide election and setting forth the exact form of the ballot* question, in accordance with state law. The bill requires the SFBRA to transmit a copy of the special tax measure to its legal counsel, who must prepare an impartial analysis of the measure in accordance with state law. The impartial analysis prepared by the SFBRA's legal counsel is subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal census, among the counties in which the measure will be submitted to the voters.
SB 792 DeSaulnier	**Regional Entities: Bay Area**	**SEN Transportation and Housing Com**	Watch	**Watch**	**Amended 4/10:** This bill would require the joint policy committee to prepare a regional organization plan for the affected regional entities. The regional **organization plan would include a plan** integrating, by July 1, 2016, certain major planning documents of the individual entities into a comprehensive regional plan that also addresses other specified goals, and a plan for **consolidating certain functions that are common to the regional entities.** The regional organization plan would also include a statement relative to the expected reduction of overhead, operation, and management costs. **The bill would require the joint policy committee to** ensure public participation in the development and adoption of the plan, **hold at least one public hearing in**

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					each county to adopt a final plan by June 30, 2015. The bill would also require the joint policy committee to develop and adopt public community outreach and inclusive public participation **programs and to maintain an Internet Web site.** The bill would also require the joint policy committee to appoint an advisory committee on economic competitiveness with specified members from the business community and other organizations to adopt goals and policies related to the inclusion of economic development opportunities in the plans of the regional entities. **The bill would require the joint policy committee**, until a comprehensive regional plan is adopted, **to conduct a review of the** major planning documents and associated **policies and plans, and** regulations **of each regional entity, including an assessment of the consistency of the policies, plans, and with the requirements of Senate Bill 375 of the 2007-08 Regular Session**, and with the goals and policies adopted by the advisory committee on economic competitiveness. The bill would require the joint policy committee to issue a consistency report describing the findings of each review and to hold hearings in that regard, and would require the applicable regional entity to consider the findings. The bill would require all cost savings derived from implementation of the regional organization plan to be directed to the joint policy committee's general fund. **By imposing new duties on the joint policy committee, the bill would impose a state-mandated local program.** begin insert The bill would require the Legislative Analyst's Office to analyze voting power disparities based on population, race, and ethnicity relative to the voting power of each city and county on the governing board of each of the regional agencies, and to report to the Legislature by July 1, 2014, as specified.
SCA 4 Liu	**Local Government: Transportation Projects: Special Taxes – Voter Approval**	**SEN Referred to Coms. on GOV. & Finance Hearing 5/15**	Support LCC Watch MTC recommends support (with possible amendment)	*(was Support)* **Changed to Oppose 3/21 because of unacceptable amendment**	This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 55% of it voter voting on the proposition. *(resolution to propose constitutional amendment for vote by people of California)*
SCA 8 Corbett	**Transportation Projects: Special Taxes – Voter Approval**	**SEN Referred to Coms. on GOV. & Finance Hearing 5/15**	Support LCC Watch	**Support**	This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition. *(resolution to propose constitutional amendment for vote by people of California)*

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SCA 9 Corbett	**Local Government: Economic Development—Special Taxes – Voter Approval**	**SEN Referred to Coms. on GOV. & Finance** **Hearing 5/15**	Support	**Watch**	This measure would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of 55% of it voters voting on the proposition. *(resolution to propose constitutional amendment for vote by people of California)*
SCA 11 Hancock	**Local government: special taxes: voter approval**	**SEN** **Referred to Coms. on GOV. & Finance** **Hearing 5/15**	Support	**Support**	*The California Constitution conditions the imposition of a special tax by a local government upon the approval of 2/3 of the voters of the local government voting on that tax, and prohibits a local government from imposing an ad valorem tax on real property or a transactions tax or sales tax on the sale of real property.* **This measure would instead condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. The measure would also make conforming and technical, nonsubstantive changes.**
AB 22 Blumenfield	**Sidewalks: Repairs**	**ASM Local Government Committee**	Oppose LCC Watch	**Oppose**	*Under existing law, the Improvement Act of 1911, the owners of lots or portions of lots fronting on any portion of a public street or place are required to maintain any sidewalk in such condition that the sidewalk will not endanger persons or property and maintain it in a condition that will not interfere with the public convenience in the use of those works or areas, except as to those conditions created or maintained by persons other than the owner. This law imposes a duty of repair on the abutting property owners for defects in sidewalks, regardless of who created the defects, but does not of itself create tort liability to injured pedestrians or a duty to indemnify municipalities, except where a property owner created the defect or exercised dominion or control over the abutting sidewalk.* **This bill would prohibit a city, county, or city and county that has an ordinance in operation that requires the city, county, or city and county to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the ordinance without the concurrence of the local electorate by majority vote. The bill would also declare that this is a matter of statewide concern.**
***AB 39 Skinner & John A Perez**	**Proposition 39: Implementation**	**ASM Re-referred to Utilities and Commerce Com**	Support	**Watch**	**Amended 2/27, 4/9** This bill would require the State Energy Resources Conservation and Development Commission (Energy Commission) to administer grants, no-interest loans, or other financial assistance to an eligible institution, defined as a public school providing instruction in kindergarten or grades 1 to 12, inclusive, for the purpose of projects that create jobs in California by reducing energy demand and consumption at eligible institutions. This bill would continuously appropriate for prescribed fiscal years an unspecified amount to the

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					Energy Commission for this purpose in each year that at least that amount of money is transferred to the Job Creation Fund. This bill would require the Energy Commission to administer the grants, no-interest loans, or other financial assistance program to ensure that projects satisfy the prescribed criteria that apply to all expenditures from the Job Creation Fund. This bill would require an eligible institution that receives a grant, no-interest loan, or other financial assistance to report the amount of energy saved to the Energy Commission and to compute the cost of energy saved as a result of implementing projects funded by the grant, as prescribed. This bill would set forth certain criteria to be used to prioritize projects to be funded from moneys in the Job Creation Fund relative to public schools, school districts, public colleges and universities, and other public buildings and facilities. This bill would require moneys for job training and workforce development to be available from the Job Creation Fund, upon appropriation by the Legislature, to the California Conservation Corps, Certified Community Conservation Corps, Youth Build, and other existing workforce development programs, as specified, consistent with the requirements of the California Clean Energy Jobs Act. This bill would require moneys for *public-private partnerships* to be available from the Job Creation Fund, *upon appropriation by the Legislature, for assistance to certain local governments to establish and implement Property Assisted Clean Energy programs or similar financial and technical assistance consistent with the requirements of the California Clean Energy Jobs Act.*
AB 48 Skinner	**Firearms: Ammunition—Sales**	**ASM Re-referred to Appropria-tions**	Watch	**Watch**	**Amended April 4th** **Amended 2/4 to include:** This bill would exempt an individual in the state who sells, transfers, or furnishes ammunition to certain specified law enforcement individuals from those identification and reporting requirements. This bill would make it a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment, to knowingly manufacture, import, keep for sale, offer or expose for sale, or give or lend any device that is capable of converting an ammunition feeding device into a large-capacity magazine. The bill would revise the definition of "large-capacity magazine" to mean any ammunition feeding device with the capacity to accept more than 10 rounds, including a readily restorable, as defined, disassembled large-capacity magazine, and an oversize magazine body that appears to hold in excess of 10

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					rounds. This bill would require anyone in the state, prior to selling, transferring, or otherwise furnishing ammunition to an individual or business entity in this state or any other state to require proper identification, as prescribed, to be an authorized firearms dealer, and to report the sales to the Department of Justice. An individual who fails to make the required report or who knowingly makes a report with false or fictitious information would be guilty of a misdemeanor. The bill would require the department to alert local law enforcement entities in the community in which the purchaser resides if an individual purchaser who is not a peace officer obtains more than ____ rounds within a 5-day period. *(By creating a new crime, this bill would impose a state-mandated local program.)*
AB 185 Roger Hernandez	**Open and public meetings: televised meetings**	**ASM Local Government**	Watch	**Oppose**	**Amended 4/2, 4/17, 4/23:** **The bill would require a local agency that collects a franchise fee from the holder of a state franchise that provides PEG channels to televise the open and public meetings of its legislative body and planning commission,** ~~and, if it is financially feasible, to televise the open and public meetings of any of its advisory committees unless the local agency can prove a financial hardship,~~ unless doing so would result in a financial hardship, as defined, in which case the local agency would be required to broadcast the meetings via an audio-visual electronic medium or an audio medium. The bill would provide that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed 2 years after the recording. The bill would require a local agency that collects a franchise fee from the holder of a state franchise that provides PEG channels to televise the open and public meetings of its legislative body and any of its advisory committees, if financially feasible, and to only use the franchise fees for that purpose. The bill would require that these franchise fees be used to cover the necessary expenses, as defined, for implementing the televising of the local agency's open and public meetings. The bill would authorize, if franchise fee moneys in excess of that necessary to televise these meetings are available, the use of such fees to provide live streaming of these meetings on the Internet.By imposing new duties on local public officials to televise open and public meetings, the bill would impose a state-

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					mandated local program. *Existing Law: The Ralph M. Brown Act requires that an audio or video recording of an open and public meeting made at the direction of a local agency is subject to inspection pursuant to the California Public Records Act and may be erased or destroyed 30 days after the recording. Existing law requires that any inspection of an audio or video recording shall be provided without charge on equipment made available by the local agency.* *The Digital Infrastructure and Video Competition Act of 2006 provides that cities, counties, cities and counties, or joint powers authorities receive state franchise fees in exchange for the use of public rights-of-way for the delivery of cable and video services provided within their jurisdictions, based on gross revenues, pursuant to a specified formula, from state franchise holders that provide public, educational, and governmental access (PEG) channels.*
AB 416 Gordon	**California Air Resources Board: Local Emission Reduction Program**	**ASM** **Appropria-tions Suspense File**	Support	**Support**	Amended 4/4: The bill would require the implementation of the program to be contingent on the appropriation of moneys by the Legislature This bill would create the Local Emission Reduction Program and would require money to be available from the general fund, upon appropriation by the Legislature, for purposes of providing grants to develop and implement greenhouse gas emission reduction projects in the state. The bill would require the state board to award moneys under the program to eligible recipients, as specified, and would permit the state board to give consideration to the ability of a project to, among other things, create local job training and job creation benefits and provide opportunities to achieve greenhouse gas emission reduction in ways that increase localized energy resources. This would include projects/ opportunities that decrease air or water pollution; reduce the consumption of natural resources or energy; provide opportunities to achieve greenhouse gas emission reductions in ways that increase localized energy resources; increase the reliability of local water supplies; increase solid waste diversion from landfills; achieve greenhouse gas emission reductions in ways that reduce vehicle miles traveled; prevent conservation of agricultural, forest, and open space lands to uses that result in higher greenhouse gas emissions.
AB 453	**Sustainable Communities**	**ASM**	Support	**Support**	*Existing law establishes the Strategic Growth Council and*

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Mullin		**Appropriations Suspense File**			*appropriated $500,000 from the funding provided by the initiative to the Natural Resources Agency to support the council and its activities. The council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities.* **This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.**
AB 662 Atkins, Dickinson, Mitchell, Perea, Ting, and Torres	**Local government: infrastructure financing districts**	**SEN Read First Time, to Com on Rules**	Support	**Support**	*Existing law authorizes the creation of infrastructure financing districts, as defined, for the sole purpose of financing public facilities, subject to adoption of a resolution by the legislative body and affected taxing entities proposed to be subject to the division of taxes and voter approval requirements. Existing law prohibits on infrastructure financing district from including any portion of a redevelopment project area.* **This bill would delete the prohibition on infrastructure financing district including any portion of a redevelopment project area.**
AB 745 Levine	**Land Use: Housing Element**	**ASM Housing and Community Development**	Watch	**Watch**	**This bill would authorize a city or county to request the appropriate council of governments to adjust a density to be deemed appropriate if it is inconsistent with the city's or county's existing density.** *The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan that includes various mandatory elements, including a housing element that, in turn, is required to contain, among other things, an inventory of resources and constraints relevant to meeting the city's or county's housing needs. That law also requires a city's or county's inventory of land suitable for residential development to be used to identify sites that can be developed for housing that are sufficient to provide for the city's or county's share of the regional housing need, and for that purpose, requires a city or county to determine (1) whether each site in the inventory can accommodate some portion of its share, as specified, and (2) the number of housing units that can be accommodated on each site, as specified. That law requires a city or county, for the number of units calculated to accommodate its share of the regional housing need for lower income households, to either provide a prescribed analysis demonstrating how the adopted densities accommodate this need, or deem certain densities appropriate to accommodate housing for lower income households, based on specified classifications.*

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
AB 1002 Bloom	**Vehicles: Registration Fee—Sustainable Communities Strategy**	**ASM Transportation**	Support	**Oppose unless amended**	**Amended 4/23:** Added to projects to be funded: *Safe Routes to School projects, and pedestrian safety projects if the road and highway maintenance and repair costs make up no more than 20 percent of the total pedestrian safety project cost. These funds may also be used for the construction and planning of, and as local matching funds for purposes of applying for federal or state transportation grants* This bill would, in addition to any other fees specified in the Vehicle Code and the Revenue and Taxation Code, impose a fee of $6 to be paid at the time of registration or renewal of registration of every vehicle subject to registration under the Vehicle Code, except as specified. This bill would require the Department of Motor Vehicles, after deducting all costs incurred pursuant to that provision, to remit all moneys realized pursuant to that provision for deposit in the Sustainable Communities Strategy Subaccount which is hereby established in the Motor Vehicle Account and made available, upon appropriation by the Legislature, for implementation of sustainable communities strategies. *Existing law imposes a registration fee to be paid to the Department of Motor Vehicles for the registration of every vehicle or trailer coach of a type subject to registration, except those vehicles that are expressly exempted from the payment of registration fees. Existing law, until January 1, 2016, imposes a $3 increase on that fee, $2 of which is to be deposited into the Alternative and Renewable Fuel and Vehicle Technology Fund and $1 of which is to be deposited into the Enhanced Fleet Modernization Subaccount.*
AB 1080 Alejo	**Community Revitalization and Investment Authorities**	**ASM Appropria-tions Com**	Support	**Support**	**Amended 4/24:** This bill would authorize certain public entities of a community revitalization and investment area, as described, to form a community revitalization plan within a community revitalization and investment authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a community revitalization plan for a community Revitalization and investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds.
ACA 8	**Local Government Financing:**	**ASM**	Support	**Watch**	This measure would similarly lower to 55% the voter-

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
Blumenfield	Voter Approval	Re-referred Local Government Com			approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services.

Association of Bay Area Governments

PLAN CORPORATION

Pooled Liability Assurance Network

Association of Bay Area Governments

Date: May 6, 2013

To: ABAG PLAN Executive Director
ABAG PLAN Executive Committee

From: Jim Hill, ABAG PLAN - Risk Management Officer

Subject: Assembly Bill 738 (Harkey); Public Entity Liability – Bicycle Lanes

Recommendation

ABAG PLAN staff is recommending that each PLAN member voice their support of this emerging piece of legislation. Staff also encourages the ABAG Legislation & Governmental Organization Committee and their constituents to support the Assembly Bill.

Overview

AB 738 was introduced on February 21, 2013 by Assembly Member Diane Harkey (73rd District – Southern California) and principally co-authored by Assembly Members Frank Bigelow (5th District – Central California) and Curt Hagman (55th District – Southern California).

As introduced, this bill would provide that a public entity or an employee of a public entity acting within his or her official capacity is not liable for an injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway.

The bill is supported by the California Association of Joint Powers Authority and by a host of insurance pool administrators.

Analysis

AB 738 is officially titled: **An act to add Section 830.7 to the Government Code, and to add Section 21207.1 to the Vehicle Code, relating to public entity liability.**

The bill was originally referred to the Assembly Judiciary Committee to be heard on March 24th. The hearing was re-scheduled for April 23rd but subsequently cancelled at the request of the author.

Existing law gives a public entity or public employee immunity from liability for an injury caused by the plan or design of construction of or improvement to public property in certain cases. Existing law allows public entities to establish bicycle lanes on public roads. This bill would provide that a public entity or an employee of a public entity is not liable for any injury caused to a person riding a bicycle while traveling on a roadway, if the public entity has provided a bike lane on that roadway.

The bill would help cities and towns avoid costly litigation brought against them in certain cases where there may be zero liability on behalf of the city, however, dangerous condition arguments are raised solely based on the installation of the bicycle lane on the public roadway.

Each of our member cities recognizes the value of providing for safe passage of both motorists and bicyclists. Many cities encourage the use of bicycles as an alternative means of travel to reduce traffic congestion and to promote healthy lifestyles. AB738 will provide a sensible reduction in liability for public entities that construct and provide bike lanes as a public benefit to their community constituents if someone is injured while using the bike lane(s).

PLAN's Best Practices program strongly encourages the use of Caltrans specifications when planning and creating bicycle lanes. PLAN member agencies are conscious of the need to keep our streets and sidewalks safe from dangerous conditions. The absence of this bill creates an additional burden on cities that support the bicycling community and choose to install bicycle lanes for the pleasure and use of bicyclist.

Conclusion

Bicycle lanes are intended to make public roads safer for bicyclists and allow our roads/streets to be shared by both automobiles and bicycles. Liability imposed on public agencies for injuries to bicyclists that are caused by bad drivers discourages the installation of such lanes. **AB 738** would reduce the amount of "deep pocket" lawsuits against public entities for injuries caused to bicyclist by bad drivers. Immunity from these "deep pocket" lawsuits will encourage public entities to install bicycle lanes for the benefit of the bicycling community.

ABAG PLAN strongly supports this legislation. We are currently facing several lawsuits where there is no clear liability on behalf of the city/town and all alleged injuries were the result of bad drivers who struck individuals who were using bicycle lanes. We are requesting all ABAG PLAN members to send letters voicing their support of this legislation to their elected representatives. We are encouraging members to do everything in their power to see that this bill, or a similar bill, is put into effect by our Legislators.