LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE

Committee Chair: Supervisor Mark Luce—Napa County
Committee Vice Chair: Councilmember Carole Dillon-Knutson—City of Novato

Staff: Patricia Jones – Assistant Executive Director 510/ 464-7933; FAX 510/464-7970; PatJ@abag.ca.gov
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Thursday, July 21, 2011 – 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 May 19, 2011, L&GO meeting.	Information/ Action
3.	**2011 STATE LEGISLATIVE SESSION: NEW BILLS FOR CONSIDERATION** Committee review of the following new bills: **AB 255 (Wieckowski) Hazardous Waste: Latex Paint—Collection Facility** **AB 343 (Atkins) Redevelopment Plans: Environmental goals** **AB 723 (Bradford) Energy: Public Goods Act** **AB 809 (Feuer) Firearms: Long Gun Transfer Records** **AB 144 (Portantino & Ammiano) Firearms: Open Carrying of Unloaded Handguns** **SB 310 (Hancock) Local Development** **SB 878 (DeSaulnier) Regional Planning: Bay Area** **Federal Legislation: HR 1825 (Blumenauer) Commuter Relief Act** Bills previously considered will be updated and status reviewed for first half of 2011 legislative cycle	Information/ Action
	ADJOURNMENT Next meeting is scheduled for **September 15, 2011.**	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.gov**.

ASSOCIATION OF BAY AREA GOVERNMENTS
LEGISLATION AND GOVERNMENTAL ORGANIZATION COMMITTEE

Thursday, May 19, 2011
Summary Minutes

Members Present:
Supervisor Susan L. Adams, County of Marin, ABAG Vice President
Councilmember Desley Brooks, City of Oakland
Councilmember Carol Dillon Knutson, City of Novato, Vice Chair
Supervisor Rose Jacobs Gibson, County of San Mateo
Mayor Jack Gingles, City of Calistoga
Mayor Mark Green, Union City, ABAG President
Supervisor Scott Haggerty, County of Alameda
Supervisor Barbara Kondylis, County of Solano
Councilmember Julie Pierce, City of Clayton

Staff Present:
Patricia Jones—ABAG
Ezra Rapport – ABAG
Kathleen Cha – ABAG
Laura Thompson—ABAG
Bruce Beyaert—Trails for Richmond Action Committee
Sandra Threlfall—Executive Director, Waterfront Action

1. **Introductions**: Councilmember Carole Dillon Knutson, L&GO Vice Chair, called the meeting to order at 3:45.

2. **Minutes:** March 17, 2011, minutes were approved.

3. **2011 STATE LEGISLATIVE SESSION: NEW BILLS FOR CONSIDERATION**

AB 392 (Alejo) Ralph M. Brown Act—OPPOSE
The staff-generated report process proposed is ambiguous, would have unintended consequences, and the kind/scope of web implementation proposed could be impractical.

AB 485 (Ma) Was Local Planning: Transit Village Development Districts and now amended to Infrastructure Financing SUPPORT
Eliminates the requirement of voter approval for the adoption of an infrastructure financing plan.

AB 506 (Wieckowski) Local Government: Bankruptcy—Mediation
OPPOSE
Adds numerous state mediation requirements and proceedings to a local public entity declaring bankruptcy under federal bankruptcy law.

AB 710 (Skinner) Local planning: Infill and Transit-oriented Development
OPPOSE

Do not want the state to set parking requirements for development—wish to leave that decision to local jurisdictions

AB 880 (Perez) Environmental Quality: CEQA—Expedited Environmental Review WATCH

Number of concerns about adding to different projects/categories, including energy efficiency to expedited CEQA Review and other implications.

AB 913 (Feuer) Certified Green Business Program SUPPORT

Develops a California Green Business Program for the voluntary certification of business, supporting the network of statewide local government programs in implementing their guidelines and structures.

AB 1103 (Huffman) Land Use: Housing Element SUPPORT

Even with amendments this is a first step in identifying broader range of housing element approaches that can be added and counted by local jurisdictions meeting their housing element and RHNA.

AB 1112 (Huffman) Oil Spill Prevention and Administration Fee (Oil Spill Preparedness Act) SUPPORT

Will improve risk assessment and monitoring and inspections of oil transfer operations and provide a funding source for the administration.

AB 1220 (Alejo) Land Use and Planning: Cause of Actions—Time Limitations OPPOSE

Would unnecessarily expand from over one year to five years the statute of limitations to sue a city or county, challenging the adoption of housing element or a number of related ordinances, as well as planning interpretations.

AB 1430 (Com. on Local Government) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Omnibus Bill SUPPORT

Technical clean up bill –clarifying definitions of terms from definitions of affected district to contiguous what is meant by legal representative.

SB 184 (Leno) Land Use: Zoning Regulations (Inclusionary Housing Requirements) SUPPORT

Authorizes the ability of a jurisdiction to adopt ordinances to establish, as a condition of development, inclusionary housing requirements.

SB 286 (Wright) Redevelopment OPPOSE

Do not feel the reforms proposed are warranted and are unnecessary

SB 419 (Simitian) Solid Waste: Home Generated Sharps SUPPORT

Clean up bill to clarify reporting requirements of pharmaceutical companies about their product stewardship plan for disposal of sharps waste.

SB 515 (Corbett) Recycling: Product Stewardship—Batteries SUPPORT

This bill requires battery manufacturers to design, fund and operate a full product stewardship plan for managing the disposal of household batteries.

SB 555 (Hancock) Local Government: Community Facilities Districts SUPPORT

This bill would authorize Mello-Roos community facilities districts to finance the acquisition, installation and improvement of energy efficiency, water conservation and renewable energy improvements

SB 582 (Emmerson) Regional Commute Benefit Policies SUPPORT
Sponsored by MTC and the Air District, this bill would authorize an MPO and an air district to adopt jointly a regional commute benefit ordinance requiring employers to offer employees commute benefits.

SB 653 (Steinberg) Local Taxation: Counties—School Districts—General Authorization WATCH
Need more information about the costs, administration and scope of potential taxes, and their repercussions statewide and locally.

SB 790 (Leno) Electricity: Community Choice Aggregation SUPPORT
Bill strengthens existing law by clarifying, amending and adding key provisions to allow jurisdictions to pursue Community Choice Aggregation (CCA) without undue barriers and excessive burdens

4. DISCUSSION REGARDING NAMING OF THE BAY TRAIL

Supervisor Scott Haggerty and ABAG Bay Trail Project Manager Laura Thompson reported out about retaining the name of the San Francisco Bay Trail and a proposal to honor Treasurer Lockyer with a special monument on the Bay Trail.

For reference: The Bay Trail Board made the following motion at their April 18th meeting:

- *The Bay Trail Board recognizes the contribution of Treasurer Lockyer for his efforts to seek funding for the Bay Trail and other contributions. We recognize this contribution by supporting the placement of a suitable monument recognizing his efforts and others. We will work with staff and Supervisor Scott Haggerty's office to craft the language for this recognition.*

Under Open Agenda:

Bruce Beyaert from Trails for Richmond Action Committee, shared the milestone of Richmond completing 30 miles of Bay trail and distributed brochures showing the Ferry Point Loop Trail and the Wildcat Marsh and Landfill Loop Trail Guides.

Sandra Threlfall, Executive Director of Waterfront Action, shared a map and guide to Oakland-Alameda Waterfront Parks, Trails and Public Access, also part of the Bay Trail

7. **Adjourn**: The meeting adjourned at 5 p.m. The next meeting will be **May 19, 2011.**

ABAG

ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area

LEGISLATION
2011 State Legislative Session
Legislation & Governmental Organization Committee
July 11, 2011

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 144 Portantino & Ammiano	Firearms: Open Carrying of Unloaded Handguns	SEN Third Reading	Support		**This bill (1) makes it a misdemeanor punishable by up to six months in jail and a $1,000 fine to openly carry an unloaded handgun on ones person or in a vehicle; (2) makes it a misdemeanor punishable by up to one year in county jail and a $1,000 fine to openly carry an unlawfully possessed unloaded handgun and ammunition in public in an incorporated city; (3) establishes specified exceptions to this prohibition; (4) makes it a misdemeanor, punishable by up to six months in jail and a fine of up to $1,000 for the driver of a vehicle to knowingly allow a person to bring an openly carried, unloaded handgun into the vehicle; and (5) makes conforming and nonsubstantive technical changes to affected statutes.**
AB 255 Wieckowski	Hazardous Waste: Latex Paint—Collection Facility	SEN Appropria-tions Com Hearing 7/11	Support Product Stewardship Council		**Sponsored by StopWaste.Org.: would allow businesses that are "conditionally exempt small quantity generators" to bring in higher volumes of recyclable latex paint than are currently allowed to HHW facilities, so they can avoid making several trips to recycle paint lawfully.** **Specifically: Allows a household hazardous waste facility authorized to accept hazardous waste from a conditionally exempt small quantity generator to accept recyclable latex paint from any generator.** **-- Allows a household hazardous facility to accept more than 100 kilogram per month of recyclable latex paint.** **-- Requires the household hazardous waste facility to track and report the amount of recyclable latex paint accepted and sent for recycling.**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					Intent is to make it easier and less expensive for businesses to manage their waste latex paint because: "Surplus, unused, and leftover latex paint is a major component of hazardous waste in California from both household and business sources. Recent waste characterization studies suggest that up to half of surplus and leftover paint in California is illegally discarded in landfills, much of it by businesses."
AB 343 Atkins	**Redevelopment Plans: Environmental Goals**	**SEN Governance and Finance**	Support MTC Support		**Requires every redevelopment plan be consistent with the regional sustainable communities strategy or alternative planning strategy adopted by the metropolitan planning organization or council of government.**
AB 723 Bradford	**Energy: Public Goods Charge**	**SEN Committee on Energy, Utilities and Communica-tions**	Support		**Extends the public benefits charge until 2020, leaving in place existing allocations; and revises energy efficiency programs, reprogramming the energy efficiency program currently implemented by the CPUC.**
AB 809 Feuer	**Firearms: Long Gun Transfer Records**	**SEN Appropria-tions**	Support		**The purpose of this bill is to (1) conform requirements for reporting and record retention involving the transfer of long guns with those of handguns; (2) repeal the prohibition on peace officers, Department of Justice (DOJ) employees, and the Attorney General (AG) from retaining or compiling records of long gun transfers; (3) expand the requirement for a personal handgun importer to report certain information relative to bringing a handgun into the state, as specified; (4) expand the reporting requirements to apply to the importation of long guns; and (5) expand requirements for firearms dealers to keep a register or record of information pertaining to firearms transactions to include information pertaining to transactions involving all guns.**
SB 310 Hancock	**Local Development**	**ASM Third Reading**	Support MTC Support		**Amended 6/20: This bill would eliminate the requirement of voter approval and authorize the legislative body to create the Infrastructure Financing district, adopt the plan, and issue the bonds by resolutions.** **This bill would, in addition, authorize a district to reimburse a developer that meets specified requirements for permit expenses or expenses related to the construction of affordable housing units. Would also require that an infrastructure financing plan also include a plan to finance any potential costs for reimbursing a developer that meets specified requirements for permit expenses.**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					(2) *The Transit Village Development Planning Act of 1994 authorizes a city or county to create a transit village plan for a transit village development district that addresses specified characteristics. In order to increase transit ridership and to reduce vehicle traffic on the highways, the act encourages local, regional, and state plans to direct new development close to transit stations and provide financial incentives to implement these plans.* **This bill would establish the Transit Priority Project Program, and authorize a city or county to participate in the program by adopting an ordinance indicating its intent to participate in the program. Would require a city or county that elects to participate in the program to amend its general plan, and community plan, if the city or county has one, *and if it is necessary,* to authorize participating developers to build at an increased height of a minimum of 3 stories. *This bill would exempt from its provisions a city or county that has adopted specified language in its charter, or by ordinance or resolution.***
SB 878 DeSaulnier	**Regional Planning: Bay Area**	**SEN Re-referred to Housing and Transporta-tion Com**	**Watch**		**Amended June 9: Would require the Joint Policy Committee to submit a report to the Legislature by January 31, 2013, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require preparation of a work plan for a regional economic development strategy to be submitted to the Legislature on that date. The bill would also require the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties and creation of advisory committees, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program.**
	Federal Legislation				
H.R. 1825 Blumenauer	**Commuter Relief Act**	**House Com. on Ways and Means**	Support		Revises the Transportation Fringe Benefit Program to make permanent the equal treatment of parking, vanpooling and public transit benefits, eligible for exclusion from taxation up to $200/month (from $230/month in 2011). Raises the bicycle reimbursement benefit from $20 to $40 per month and allows the bicycle benefit to be used in conjunction with other benefits.

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AB 57 Beall	**Metropolitan Transportation Commission**	**SEN Transporta-tion and Housing**	Watch LCC Watch	**SUPPORT**	This bill would, instead, require the Metropolitan Transportation Commission to consist of 21 members, including one member appointed by the Mayor of the City of Oakland and one member appointed by the Mayor of the City of San Jose. The bill would require the initial term of those 2 members to end in February 2015. The bill would, effective with the commission term commencing February 2015, prohibit more than 3 members of the commission from being residents of the same county, as specified. By imposing new requirements on a local agency, this bill would impose a state-mandated local program.
AB 184 Swanson	**Contractual Assessment Programs: Seismic Safety Improvements**	**Approved by Governor 6/18** **Chaptered by Secretary of State - Chapter 28, Statutes of 2011.**	Support LCC Watch CSAC Pending	**SUPPORT**	**This bill would enact the Seismic Safety Finance Act, which would expand these provisions to also authorize contractual assessments to finance the installation of seismic strengthening improvements that are permanently fixed to real property, as specified. The bill would define "public agency," for purposes of financing the installation of seismic strengthening improvements, to mean a city, county, or city and county.**
AB 392 Alejo	**Ralph M. Brown Act: Posting Agendas**	**ASM Appropria-tions Com.** **Held under submission**	Oppose CSAC Oppose LCC—Notice of Concern	**Oppose**	**Amended 4/14:** **This bill would require the legislative body of a local agency to post the agenda and specified staff generated reports that relate to items on the agenda on its Internet Web site, if any, as specified.** **---The bill would prohibit the legislative body from acting on or discussing an item on the agenda for which a related staff generated report was not properly disclosed at least 72 hours prior to the meeting, except as provided.** **-The bill would require the legislative body of the local agency, if it does not have an Internet Web site, to disclose on the posted agenda a public location where the agency would make an applicable staff generated report available for copying and inspection by a member of the public for at least 72 hours prior to the meeting.** **--By expanding the duties of local agencies, this bill would impose a state-mandated local program.**
AB 485 Ma	**New title: Infrastructure Financing** **(was Local Planning: Transit Village Development Districts)**	**SEN Government and Finance**	Watch LCC Watch	**Support**	*Existing law authorizes the legislative body of the city or county to adopt an infrastructure financing plan, create an infrastructure financing district, and issue bonds for which only the district is liable, to finance specified public facilities, upon voter approval.* This bill would eliminate the requirement of voter approval for the

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					adoption of an infrastructure financing plan, the creation of an infrastructure financing district, and the issuance of bonds with respect to a transit village development district. The bill would require a city or county that uses infrastructure financing district bonds to finance its transit village development district to use at least 20% of the revenue from those bonds for the purposes of increasing, improving, and preserving the supply of lower and moderate-income housing; to require that those housing units remain available and occupied by moderate-, low-, very low, and extremely low income households for at least 55 years for rental units and 45 years for owner-occupied units; and to rehabilitate, develop, or construct for rental or sale to persons and families of low or moderate income an equal number of replacement dwellings to those removed or destroyed from the low- and moderate-income segment of the housing market as a result of the development of the district, as specified. The bill would set forth the findings and declarations of the Legislature, and the intent of the Legislature that the development of transit village development districts be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code.
AB 506 Wieckowski	**Local Government: Bankruptcy—Mediation**	**ASM Appropria-tions Com.** **Suspense File**	Oppose LCC Oppose CSAC Oppose	**Oppose**	*Under existing law, any taxing agency or instrumentality of the state may file a petition and prosecute to completion bankruptcy proceedings permitted under the laws of the United States.* **Amended 6/29/11** **Assembly Bill 506 prohibits a local public entity from filing a petition and exercising powers under federal bankruptcy law unless it participates in a neutral evaluation process, and meets certain conditions.** **Requirements for seeking bankruptcy protection .** **Specifically, AB 506 prohibits a local public entity from filing for bankruptcy protection unless it participates in a neutral evaluation process, receives a good faith certification from the neutral evaluator, and:** **Reaches an out-of-court agreement with all interested parties regarding a plan of adjustment; or ,** **Is unable to reach an out-of-court agreement and the neutral evaluator certifies in writing that the parties have participated in the neutral evaluation process in good faith; or ,** **Interested parties did not participate in the neutral evaluation process.** **AB 506 prohibits a local public entity from filing a petition and exercising powers under federal bankruptcy law if the neutral evaluator determines that the local entity failed to participate in the neutral evaluation process in good faith. Failure to**

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					participate in good faith includes the failure to provide accurate and essential financial information, the failure to attempt to reach settlement with all interested parties to avert bankruptcy, or evidence of manipulation to delay and obstruct a timely agreement. *Formerly:* This bill would provide that a local public entity shall not file under federal bankruptcy law unless the local public entity has participated in mediation with interested parties, as defined, has received a certificate of good faith participation, and if the mediation results in either an agreement for debt readjustment, or if the mediator certifies in writing that continued mediation will not contribute to a resolution of the parties' dispute, under certain circumstances. The bill would also require the California Debt and Investment Advisory Commission to adopt mediation guidelines, as specified.
AB 710 (Skinner)	**Local planning: Infill and Transit-oriented Development**	**SEN Government and Finance**	Support LCC Watch CSAC Watch	**Oppose**	**Amended 6/29: The Legislature further declares that the need to address infill development and excessive parking requirements is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to all cities, including charter cities.** ***This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of development by eliminating excessive minimum parking requirements for infill and transit-oriented development. This bill would also prohibit a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit intensive areas, as defined.*** **(2)** ***Existing law sets forth the duties of the Strategic Growth Council, including the duty to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate agencies to encourage the development of sustainable communities, as described.*** ~~**This bill would modify the description of sustainable communities to additionally include communities that incentivize infill development.**~~

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AB 880 V. Manuel Perez	**Environmental Quality: CEQA—Expedited Environmental Review**	**SEN Environmen-tal Quality Com**	Watch LCC Watch	**Watch—many questions on elements added and projects covered**	*Existing law requires specified state and local government agencies to perform a specified environmental analysis at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, or a performance standard or treatment requirement, including a rule or regulation that requires the installation of pollution control equipment or a performance standard or treatment requirement pursuant to the California Global Warming Solutions Act of 2006.* This bill would instead require that those agencies perform that environmental analysis at the time of the adoption of a rule or regulation requiring the compliance with an energy efficiency standard or compliance mechanism including that rule or regulation adopted pursuant to the California Global Warming Solutions Act of 2006 (AB 32). Amends CEQA to expand the authorized use of a "focused" environmental impact report (EIR) for installation of required pollution control equipment to also include projects that consist of new or modified equipment, implementation of other facility process changes, or both, necessary or used to achieve compliance with a rule or regulation adopted pursuant to the AB 32.
AB 913 Feuer	**Environment: Certified Green Business Program**	**ASM Appropria-tions** **Hearing 7/11**	Support LCC Watch	**SUPPORT**	**Amended 6/13:** This bill would establish a California certified green business program that would provide for the voluntary certification of businesses that adopt environmentally preferable business practices including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, and reduced waste generation. The bill is not a state-mandated local program. Requires the Department of Toxic Substances Control DTSC) to develop a California Green Business Program. Specifically, 1) Requires, as part of implementing the source reduction program, DTSC to develop a California Green Business Program that provides ***support and assistance to local government programs that provide for the voluntary certification of small*** businesses that adopt environmentally preferable business practices, including, but not limited to, increased energy efficiency, reduced greenhouse gas emissions, promotion of water conservation, and reduced waste generation. 2)Requires the California Green Business Program to do all of the following: a) Assist the network of statewide local government programs in implementing guidelines and structures that establish and promote a level of consistency among green business programs across the state; b) Support, through staffing and contracts, the development and maintenance of a statewide database to register businesses and

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					track measurable pollution reductions and cost savings; c) Solicit participation of additional local programs and facilitate the startup of new local programs; and, d) Develop technical guidance on pollution prevention measures, conduct industry studies and pilot projects, and provide policy coordination for participating local programs.
AB 1103 Huffman	**Land Use: Housing Element**	**SEN Transporta-tion and Housing Committee**	Support LCC Watch CSAC Pending	**Support**	Amended (5/4) to add second units and units on foreclosed property to the types of existing units a local government can count toward meeting housing element obligations if it provides funding to make the units affordable to low-an very low-income households for at least 40 years. Would add that criterion to the list of potential criteria, until January 1, 2017. *(originally) Would allow "flexibility for local governments to find creative and innovative ways of providing affordable housing and incentives for smart growth development, while ensuring local governments meet their regional housing needs:"* *-- Would provide that a city or county may request its council of governments to adjust the city's or county's densities for their share of regional housing need for lower income households based on a demonstration by the jurisdiction that the density is consistent with their designation as non- metropolitan, suburban, or metropolitan* *--Would specify that the city/county may meet the appropriate RHNA without using land use controls to set aside the appropriate densities.* *--Would authorize a local government to county each housing unit that meets the requirements of the jurisdiction's SCS as 1½ units for purposes of meeting the RHNA assessment.* *Sustainable communities: would give local governments' extra credit for creating new housing that meets the sustainable community model (close to places of work or regional transportation hubs.*
AB 1112 Huffman	**Oil Spill Prevention and Administration Fee: State Lands Commission (Oil Spill Preparedness Act)**	**ASM Appropria-tions Com.** **Suspense File**	Support Support SF Bay Area Estuary Partnership	**Support**	This bill adjusts the Oil Spill Prevention Administration Fund revenues to current inflation levels and requires the state's oil spill prevention agency to increase its oversight of vessels conducting oil transfers; requires a financial report on the state's oil spill prevention program; and require the State Lands Commission to submit safety recommendations to the Legislature. **Amended 6/23:** --Would require the Administrator for oil spill response to develop and **implement** a screening mechanism ~~and conduct a risk assessment of vessels engaged in bunkering and lightering operations and determine the highest risk~~ **transfers a comprehensive risk-based monitoring program for inspecting**

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					the bunkering and lightering operations of vessels at anchor and alongside a dock. The bill also would require that the administrator identify bunkering and lightering operations that pose the highest risk of a pollution incident and coordinate with the United States Coast Guard to routinely monitor and inspect those operations. The bill would require the administrator to establish regulations to provide for the best achievable protection during bunkering and lightering operations in the marine environment. ~~Would specify requirements regarding monitoring and inspections of oil transfer operations.~~
AB 1220 Alejo	**Land Use and Planning: Cause of Actions—Time Limitations**	**SEN Third Reading**	Oppose LCC Oppose CSAC Oppose APA Oppose	**Oppose**	Revises the statue of limitations and remedies for specified housing-related challenges: Requires a specified notice to be filed with the local government within five years after an action to adopt, amend, or revise a housing element, actions relating to housing development approval, annual limits on housing permits, and the adequacy of a density bonus ordinance. 2) Excludes from the types of challenges that may be brought during this time period any action related to the Housing Accountability Act, the Subdivision Map Act, or the application of a Density Bonus ordinance to a particular project, all of which are project-specific actions. 3) Requires a challenging party to first serve the legislative body of the city, county, or city and county with a notice identifying the deficiencies in the housing element, and allows the city or county 60 days to correct the deficiency, following which a dissatisfied party may file an action in court. 4) Provides that in any action or proceeding brought to challenge the items listed in #1 no remedy, and no injunction pursuant to those prescribed by a court during a challenge regarding the validity of a general plan, shall abrogate, impair, or otherwise interfere with the full exercise of the rights and protections granted to: a) A completed tentative map application; or, b) A developer under a vested tentative map or a development agreement. 5) Provides that if a third party challenges the adequacy of a housing element in court and the court finds that the housing element substantially complies with all of the requirements of housing element law, the element shall be deemed to be in compliance for purposes of state housing grant programs. 6) Provide that a housing element from a prior planning period may not be challenged if the city or county has adopted a revised housing element for the new planning period. 7) States that it is the intent of the Legislature in enacting Section 2 of the bill to modify the court's opinion in Urban Habitat Program v. City of Pleasanton (2008) 164 Cal.App.4th 1561, with respect to

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					the interpretation of Section 65009 of the Government Code.
AB 1430 Com. on Local Government	**The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 Omnibus Bill**	**SEN Inactive File**	Watch	**Support**	Existing law defines various terms for purpose of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would revise some of the definitions within this Local Government Reorganization act; terms being revised include the following: "affected city, affected county, affected district, affected local agency, certificate of termination, change of organization, conducting authority, contiguous, district, independent special district, landowner, and legal representative." conforming and technical changes
SB 184 Leno	**Land Use: Zoning Regulations (Inclusionary Housing Requirements)**	**SEN Inactive File**	Support LCC Support CSAC Support	**Support**	Would additionally authorize the legislative body of any city or county to adopt ordinances to establish, as a condition of development, inclusionary housing requirements and would declare the intent of the Legislature in adding this provision.
SB 186 Kehoe & DeSaulnier	**The Controller**	**SEN Local Government Com: failed passage; reconsidera-tion granted**	Watch, pending further information LCC Watch CSAC Concerns	**OPPOSE**	**Expands, until January 1, 2017, the State Controller's authority to perform audits or investigations of counties, cities, special districts, joint powers authorities, and redevelopment agencies, if the State Controller has reason to believe, supported by documentation, that a local government is violating specified financial requirements.** **Amended 3/22 and 4/6**: If the Controller has reason to believe that any county, city, special district, joint powers authority, or redevelopment agency is not complying with the financial requirements in state law, local charters, or local ordinances, he or she may perform an audit or investigation of the issue. The basis for the decision to conduct an audit or investigation shall be supported by credible documentation, including input from the local agency. The Controller shall prepare a report of the results of the audit or investigation that shall include documentation used as the basis for the decision to perform the audit or investigation. A copy of the report shall be filed with the legislative body of the county, city, special district, joint powers authority, or redevelopment agency, subject to the audit or investigation. Any finding of illegal acts or fraud shall be communicated to the appropriate authorities, including the county grand jury. (2) For purposes of this subdivision, documentation means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. Amended 3/10/11 (added language in italics and underlined)This bill

Bill Author	Subject	Status	Staff Recommendation	L&GO Position	Legislation Summary
					would authorize the Controller to exercise discretionary authority to perform an audit or investigation of any county, city, special district, *joint powers authority,* or redevelopment agency, if necessary, to ensure compliance with *the financial requirements in* state law, grant agreements, local ordinances. ~~and to determine fiscal viability.~~ This bill would require the Controller to prepare a report of the results of the audit or investigation and to file a copy with the local legislative body. This bill would also provide that specified costs incurred by the Controller shall be borne by the county, city, *special district, joint powers authority,* or redevelopment agency and state that reimbursements collected, upon appropriation to the Controller, be available to offset costs of enforcing this provision.
SB 200 Wolk	**Sacramento-San Joachin Delta: Bay Delta Conservation Plan** (*was: State Water Facilities: Sacramento-San Joaquin Delta—Delta Conveyance Facility*)	**SEN Natural Resources & Water Set Second Hearing (hearing on 4/26 cancelled at request of author)**	Watch LCC no position CSAC no position	**WATCH**	**Amended 3/24:** ***Existing law imposes requirements on the Department of Water Resources in connection with the preparation of a Bay Delta Conservation Plan (BDCP). The Delta Reform Act of 2009 requires the Delta Stewardship Council to consider the BDCP for inclusion in a specified Delta Plan, and authorizes the incorporation of the BDCP into the Delta Plan if the BDCP meets certain requirements. This bill would require any state agency that is responsible for authorizing or implementing any action in implementation of the BDCP to ensure that the action is consistent with specified requirements prescribed by the bill. The bill would make related legislative findings and declarations.*** **(Originally)** This bill would prohibit the construction of a new Delta conveyance facility, as defined, unless specified conditions are met, including (A) the adoption of an agreement by the Department of Water Resources and the Department of Fish and Game that specifies the stages of construction of the new Delta conveyance facility and (B) the establishment plans and agreements for the construction of specified water facilities and implementation of specified water programs meeting prescribed conditions as part of the state Central Valley Project. The bill would prohibit the transportation of water for the federal Central Valley Project through state project facilities, with specified exceptions, unless certain conditions are met. The bill would require the Department of Water Resources to enter into contracts with specified Delta agencies for purposes of recognizing the right of users to make use of the waters of the Delta and establishing criteria for minimum water quality in the Delta. The bill would require differences between the state and the Delta agencies to be resolved by arbitration if contracts have not been executed by January 1, 2012.
SB 209 Corbett	**Common Interest Developments: Electric Vehicle Charging Stations**	**In SEN Concurrence in ASM amendments**	Watch, pending further information	**WATCH**	**Amended 3/22 and 4/5:** This bill would provide that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest

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		pending	LCC Watch CSAC no position		development, or any provision of the governing documents of a common interest development, that effectively prohibits or restricts the installation or use of an electrical vehicle charging station is void and unenforceable. The bill would authorize an association, as defined, to impose reasonable restrictions on those stations, as specified, and would impose requirements with respect to an association's approval process for those stations. If the station is to be placed in a common interest area or an exclusive use common area, the homeowner would be responsible for various costs associated with maintaining and repairing the station, as well as costs for damage to common areas and adjacent units resulting from installation and maintenance of the station. ***Amended 6/6: The bill would also ~~require the homeowner to maintain a homeowner's insurance policy~~ impose other responsibilities on* the homeowner*, including maintaining an umbrella liability coverage policy of $1,000,000* that names the common interest development as an additional insured. An association that violates the bill's provisions would be liable for damages and a civil penalty, as specified.** **(originally)** This bill would provide that any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a common interest development, or any provision of the governing documents of a common interest development, that effectively prohibits or restricts the installation or use of an electrical vehicle charging station is void and unenforceable. The bill would authorize an association, as defined, to impose reasonable restrictions on those stations, as specified, and would impose requirements with respect to an association's approval process for those stations. An association that violates the bill's provisions would be liable for damages and a civil penalty, as specified.
SB 214 Wolk	**Infrastructure Financing Districts: Voter Approval—Repeal**	**ASM Third Reading**	Watch LCC Watch CSAC Support	**WATCH**	**Eliminates the requirement of voter approval to create an infrastructure financing district (IFD) and revises the provisions governing the public facilities that may be financed by an IFD.** Amended 4/25 to include provisions below (bold faced and underlined) Existing law authorizes a legislative body, as defined, to create an infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, to finance specified public facilities, upon voter approval. This bill would eliminate the requirement of voter approval and authorize the legislative body to create the district, adopt the plan, and issue the bonds by resolutions. **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.** (2) Existing law also requires that an infrastructure financing plan created by a legislative body to include a date on which the district

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					will cease to exist, which shall not be more than 30 years from the date on which the ordinance forming the district is adopted. This bill instead 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 legislative body 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 286 Wright	**Redevelopment**	**Re-referred to SEN Governance and Finance**	Support LCC Support CSAC Concerns	**Oppose**	Comprehensive Redevelopment Reform: Would impose tough new reforms to increase accountability and limit the size and cope of redevelopment in California to improve the operations, transparency and accountability of redevelopment agencies statewide. *Specifically,* would tighten the definition of blight; prohibit agencies from collecting the school share of local property tax or tax increment in new project areas starting in 2010; limit the percentage of total land area of a jurisdiction which may be included in redevelopment project areas; and prohibit use of tax increment for specific purposes such as golf courses and race tracks. Would strengthen agency reporting and accountability requirements; and focus redevelopment activities on priorities such as job creation, cleaning up contaminated property, basic infrastructure needs, and affordable housing.
SB 301 DeSaulnier	**New title: Enterprize Zones: Applications** ~~**Housing and Community Development: Redevelopment—Seismic Retrofits**~~	**ASM Com on Jobs, Economic Development and Economy**	Watch, pending further information LCC Watch	**WATCH**	**Amended May 31st: changed topic** This bill updates the requirements dealing with seismic safety retrofit rehabilitation or alterations to refer to building codes currently in use in California. --Would revise building code references regarding seismic retrofits relating to unreinforced masonry building, buildings that qualify as "historical property." and others in relation to a redevelopment agency projects' building rehabilitation or alteration in construction. This bill does not change building standards requirements; it only changes how building codes are referenced in statute.
SB 419 Simitian	**Solid Waste: Home-generated Sharps**	**ASM Appropria-tions**	Support LCC Watch CSAC Support	**Support**	This bill requires pharmaceutical manufacturers to provide their annual reports on disposal of sharps waste to the Department of Resources Recycling and Recovery (DRRR) electronically and make them readily available on their website. Addresses implementation challenges learned after first round of

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					reports required pursuant to SB 486.
***SB 515 Corbett**	**Recycling: Product Stewardship —Batteries—Universal Waste Management Facilities**	**SEN Appropria-tions Com** **Held in Com-Under submission**	Support Support LCC Support CSAC	**Support**	SB 515 will require battery manufacturers to design, fund and operate a stewardship program to properly manage household batteries in order to sell their products in California. SB 515 will also require battery manufacturers to meet collection goals each year (25% by 1/1/15; 45% by 1/1/17; by 1/1/18 meaningful improvement annually thereafter in collection rate). Require report data to Dept. of Resources Recycling and Recovery DRRR who will oversee the implementation of each manufacturer's stewardship plan. This bill is similar to the author's SB 1100 of 2010. Sponsor: Stopwaste.org (Alameda County)
SB 555 Hancock	**Local Government: Community Facilities District**	**SEN Third Reading**	Support	**Support**	**Adds the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements that are affixed to the types of facilities that a community facilities district (CFD) may finance, or refinance, regardless of whether the buildings or property are privately or publicly owned.** Would authorize Mello-Roos community facilities districts to finance and refinance the acquisition, installation, and improvement of energy efficiency, water conservation, and renewable energy improvements to or on real property and in buildings. Would include in the provisions that a bond secured by a special tax on property levied by specified community facilities districts be included in what is defined as PACE bonds.
SB 582 Emmerson	**Commute Benefit Policies**	**ASM Third Reading**	Support LCC Watch	**Support**	This bill would authorize, until January 1, 2017, a metropolitan planning organization and an air district to adopt jointly a regional commute benefit ordinance that requires certain employers located within their common area of jurisdiction to offer their employees specified commute benefits with the goal of reducing single-occupant vehicle trips. Sponsored by MTC and BAAQMD
SB 653 Steinberg	**Local Taxation: Counties—School Districts: <u>Community College Districts: County Offices of Education</u>—General Authorization**	**SEN Third Reading**	Watch Support CSAC LCC Watch	**Watch**	*The California Constitution prohibits the Legislature from imposing taxes for local purposes, but allows the Legislature to authorize local governments to impose them.* **Amended 6/6:** This bill would authorize the *governing board* of any county or city and county ***and any ~~school district~~*** **community college district and any county office of education,** subject to specified constitutional and voter approval requirements, to levy, increase, or extend a local personal income tax, transactions and use tax, vehicle license fee, and excise tax, including, but not limited to, an alcoholic beverages tax, a cigarette and tobacco products tax, a sweetened beverage tax, and an oil severance tax, as provided.

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					This bill would require the State Board of Equalization, the Franchise Tax Board, or the Department of Motor Vehicles to perform various functions incident to the administration and operation of a local tax if the county or city and county *or the school district* contracts with the state agency to perform those functions. This bill for each fiscal year would also require a county or city and county and a school district to reimburse the state for any losses incurred by the state General Fund due to any deductions allowed under the Personal Income Tax Law and the Corporation Tax Law for any local taxes levied, increased, or extended pursuant to this authorization by that county or city and county or school district, as specified. This bill would, for each fiscal year, require the Franchise Tax Board, with the assistance of the State Board of Equalization, to estimate the losses incurred by the state General Fund attributable to each county or city and county or a school district due to any local taxes levied, increased, or extended by that county or city and county or school district.
SB 790 Leno	**Electricity: Community Choice Aggregation**	**ASM Utilities and Commerce Committee**	Support LCC support CSAC support	**Support**	**This bill will revise and expand the definition of Community Choice Aggregation (CCA), require the PUC to initiate a Code of Conduct rulemaking, and allow CCAs to receive Public Purpose funds to administer energy efficiency programs.** Strengthens existing law by clarifying, amending and adding key provisions that enable Community Choice Aggregation (CCA) to function as originally intended, foster fair market competition, and allow jurisdictions to pursue CCA without undue barriers and excessive burdens.
SCA 4 DeSaulnier and Wolk	**Initiative Measures: Funding Source**	**SEN Third Reading**	Support CSAC Support	**SUPPORT**	**This measure would prohibit an initiative measure that would result in a net increase in state or local government costs, (other than costs attributable to the issuance, sale, or repayment of bonds), from being submitted to the electors or having any effect unless and until the Legislative Analyst and the Director of Finance jointly determine that the initiative measure provides for additional revenues in an amount that meets or exceeds the net increase in costs.**
	Legislation Reviewed—No position				
AB 56 Hill	**Changed to Public Utilities: <u>Rate Recovery and Expenditure</u>—Intrastate Pipeline Safety**	**ASM Appropria-tions**	Watch, pending further information LCC Watch	**No Position**	**Implements a number of public safety measures with regard to natural gas pipeline facilities, including requiring the owner or operator of a gas pipeline to develop a public safety program and a facilities modernization program, and requiring the California Public Utilities Commission (CPUC) to track**

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	(was Fines and Penalties)		CSAC Watch		**proposed repairs to gas facilities to determine if** the repairs were made. **AMENDED: 3/17 ADDED FOLLOWING PROVISIONS** ***--The commission shall develop protocol to ensure that pipelines that are located in seismic active areas and in populated areas, including those pipelines located within a Class 3 or Class 4 high consequence area, receive the highest priority and are designed with the highest level of safety. In adopting and enforcing compatible safety standards pursuant to this paragraph, the commission shall consult with seismic experts and shall publish maps of known and active seismic faults on which owners and operators will rely to address risks.*** ***--Require the owner or operator of commission-regulated gas pipeline facilities to maintain a record of tests on all pipelines to substantiate their current maximum allowable operating pressure. If complete records are not available, the owner or operator shall reduce the maximum operating pressure and report the condition to the commission. Before restoring the pipeline pressure to its maximum operating pressure the facility shall be inspected using the most effective and appropriate inspection technology.***
SB 201 **DeSaulnier**	**Flexible purpose corporations: Corporate Mergers**	**SEN Appropria-tions** **Suspense File**	Watch LCC no position CSAC no position	**NO POSITION**	This bill would enact the Corporate Flexibility Act of 2011 and would authorize and regulate the formation and operation of a new form of corporate entity known as a flexible purpose corporation. The bill would authorize existing corporations and other forms of business entities to merge into or convert into a flexible purpose corporation upon completion of specified requirements, including approval of the transaction by a supermajority 2/3 vote of shareholders, or a greater vote if required in the articles, as specified. The bill would also authorize a flexible purpose corporation to convert into a nonprofit corporation, a corporation, or a domestic other business entity, upon satisfaction of equivalent conditions. ***Under current law, companies can be sued by shareholders or investors for taking environmental or social measures that negatively affect shareholders' financial returns. This legislation would enable a new form of for-profit corporation, expressly allowing companies to pursue other things besides simply making money. Maryland and Vermont recently enacted measures to allow "for-benefit" companies to exist.***