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## CALIFORNIA CONTRACT CITIES ASSOCIATION

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### **LEGISLATIVE COMMITTEE RECAP**

**Wednesday, March 28, 2018, 12:30 PM**

**Attendees:** Lou La Monte, Bea Derringer, Nanette Fish, Mark Waronek, Hany Fangary, Steve Hofbauer, Sandra Armenta

**Guests:** Pete Nelson & Sherry Daley (CCAPP), Louis Mirante CA YIMBY, Kristine Guerrero (League), Linda Tenerowicz (Asm. Rodriguez), Jeff Monical (ALADS)

#### **1. Approval of February 2018 Minutes**

**Bea motioned, Nanette, second, motion passes.**

#### **2. Discussion Items**

##### **1. Association of Los Angeles Deputy Sheriffs (ALADS), RE: Letter of Support to Los Angeles County Board of Supervisors**

**Special Guest:** Jeff Monical, ALADS

**Recommendation:** Study issue further and discuss action at a later date.

#### **Recap:**

Discussion ensued between ALADS and Legislative Committee regarding the staffing shortages at LASD. The County has resources to fully fund the positions but hiring qualified candidates has been problematic. ALADS is encouraging member cities contact their supervisors and speak to the need to fill the positions, however, ALADS came short of requesting member cities to ask the County improve current hiring packages competitive to other public safety offices. The Committee moved to study the issue, including inviting LASD senior leadership to speak on the issues. Palmdale and Malibu have sent out a letter to their Supervisor, Rosemead and Temple City is currently reviewing the matter. Motion was made by Lou La Monte, second by Sandra Armenta.

#### **Background**

ALADS is requesting a letter in support of public safety and that raises concerns regarding the chronic staffing shortages at the Sheriff's Department. According to ALADS, the total number of vacant deputy positions now exceeds 1,500 deputies. The shortage of deputies has resulted in mandatory overtime sign-ups and frequent drafting of patrol deputies on unscheduled shifts. Approximately 7,000 deputies serve the role of 9,000 positions.

In previous discussions with the Sheriff's Department, funding is not an issue. Most positions are funded, rather, it is the lack of qualified candidates. For every 100 applicants, only two or three candidates move forward to become sworn officers. The Los Angeles Times also reported the shortage in 2015.

### **Analysis**

Sheriff services are provided at a reduced cost, based on the number of contract minutes and the level of need in a contract city. However, it does not take into account the number of deputies assigned to a jurisdiction. Deputies may be assigned to work overtime shifts to meet contractual minutes. Several studies, including a study commissioned by the Police Foundation, found longer shift hours may result in higher fatigue levels. These results may impact a deputy's physical and mental health, performance, and overall well-being. A deputy's performance may be impacted due to fatigue levels, which raises liability concerns for Contract Cities' members. However, LASD's Civilian Oversight Commission cites that officer-involved shootings are down to 22 incidents in 2017 versus 37.5 incidents per year.

## **2. Discussion with California Consortium of Addiction Programs and Professionals,**

**RE: [AB 2214 \(Rodriguez and Melendez\) Recovery residences](#)**

Special Guest: Sherry Daley, CCAPP

Recommendation: discuss item with sponsor and present amendments.

**The Legislative Committee moved to support AB 2214. The motion was made by Lou La Monte and Bea Deringer second.**

CCAPP has requested a meeting with the Committee to discuss CCCA's watch position and concerns for the bill. AB 2214 would authorize a recovery residence to demonstrate its commitment to providing a supportive recovery environment by applying and becoming certified by a certifying organization that is approved by the State Department of Health Care Services. The bill would require an approved certifying organization to maintain an affiliation with a national organization recognized by the department, establish and use procedures to administer the application, certification, renewal, and disciplinary processes for a recovery residence, and investigate and enforce violations by a residence of the organization's code of conduct, as provided. The bill would specify the information and documentation that an operator who seeks to have a residence certified is required to submit to an approved certifying organization. The bill was amended to replace drug and alcohol-free residences with "recovery" residence. The bill advanced to Assembly Appropriations on March 20.

### **Background/Analysis**

In January, the Committee voted to watch the bill, based on issues related to Section 2, Article 5, which stipulates, "when a residence facility is certified, all activities at the residence shall be deemed a residential use of property and a single-family property." Additionally, the bill redirects the responsibility of oversight to a certifying organization rather than the responsibility of the Department of Health Care Services. The bill also lacks enforceable disciplinary language to force residences to comply with standards.

Last month, the legislative committee supported two bills: SB 1317 (Portantino) and AB 3162 (Friedman), which would increase compliance and oversight of residential facilities.

3. **Discussion with California YIMBY, RE: [SB 827 Planning and zoning: transit-rich housing bonus](#)**

Special Guest: Louis Mirante, California YIMBY

Recommendation: discuss item with sponsor and present amendments

The Legislative Committee raised concerns to Louis Mirante regarding SB 827's potential impact on city planning. After lengthy discussions, the Committee felt any amendments related to the bill would not address the bill's preemption of local control. Sandra Armenta and other members spoke about the potential harm the bill would have in most of their cities. No amendments were offered to Mr. Mirante. Mr. Mirante encouraged the members to review [SB827.info](#) to visualize the areas impacted by the transit-rich housing bonus.

SB 827 would grant a transit-rich housing project a transit-rich bonus for a residential development near a transit stop/high-quality transit corridor radius. The bill would exempt a project from maximum height limitations, controls to floor area ratios, design standard restrictions, and minimum automobile parking requirements. The bill was amended in March 1 and included additional requirements imposed on an applicant seeking the bonus. These include, a displacement/relocation benefit plan for displaced persons, compliance with local inclusionary housing ordinances, and demolition permits.

**Background/Analysis**

In January, the Committee voted to "oppose unless amended." Staff has attempted to contact the Senator's office regarding reducing the area size of a radius, including bus stops. The bonus would impact residential properties near transit thoroughfares in small and medium size cities, including cities with small bus operations, and eliminate all local planning and zoning ordinances related to projects with a bonus. California YIMBY, proponent and sponsor of the bill, contacted staff and is open to having a conversation regarding the bill and to see if there is potential to address the Association's concerns.

4. **[AB 2495 \(Mayes and E. Garcia\)](#) Prosecuting attorneys: charging defendants for the prosecution costs of criminal violations of local ordinances**

Recommendation: Discuss item and suggest actions

The Legislative Committee voted to oppose the bill and recommend to the author to include language that would allow cities to recoup litigation costs if reasonable opportunities have been made to the defendant to have their case heard in public, go before the City Council, and appeal the charges. Bea Deringer motion to oppose, Lou La Monte second the motion.

Current law establishes various procedures applicable to criminal prosecutions. This bill would prohibit a city, county, or city and county, including an attorney acting on behalf of a city, county, or city and county, from charging a defendant for the costs of investigation, prosecution, or appeal in a criminal case, including, but not limited to, a criminal violation of a local ordinance.

**Background/Analysis**

AB 2495 is in direct response to a *Desert Sun* story of two cities in the Coachella Valley who have prosecuted residents in violation of local ordinances.<sup>1</sup> Both cities used the same private law firm to take property owners for public nuisance violations, billing defendants thousands of dollars in legal fees. In total, litigation fees, including code enforcement fines, resulted in 18 cases with a total cost of more than

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<sup>1</sup> [https://www.desertsun.com/story/news/crime\\_courts/2017/11/15/he-confessed-minor-crime-then-city-hall-billed-him-31-k-his-own-prosecution/846850001/](https://www.desertsun.com/story/news/crime_courts/2017/11/15/he-confessed-minor-crime-then-city-hall-billed-him-31-k-his-own-prosecution/846850001/)

\$200,000. The author's intent for the bill is protect individuals from egregious litigation fees for small code violations. However, the bill's overly broad language subverts a city's ability to recoup cost for public nuisance violations, including holding chronic violators accountable. The author's office is open to discussing amendments to narrow the scope of the bill.

#### 5. **AB 1912 (Rodriguez) Joint Powers Agreements: Liability for Retirement Obligations**

Recommendation: Discuss item and suggest actions

The Legislative Committee moved to oppose the bill. Bea Deringer motioned to oppose, second by Sandra Armenta. Consensus amongst members that the measure would inhibit cities to pursue JPA agreements to save costs for services and violate pre-established agreements. This would force cities to revisit their JPAs and could potential force cities to leave certain JPAs.

AB 1912 would require member agencies of a Joint Powers Authority (JPA) that participates as a contracting agency in CALPERS or any other public employee retirement system for purposes of administration of retirement benefits, be jointly and severally liable for the retirement obligations of the JPA. The bill would also impact previously dissolved JPAs retroactively.

#### **Background**

AB 1912 is in direct response to the dissolution of the East San Gabriel Valley Human Services Consortium, where almost 200 employees' CALPERS retirement benefits were reduced by 63 percent, due to the insolvency of the JPA. In response to CALPERS demand for payment of the JPA's retirement obligations, the JPA member cities cited existing law, contract, holding the members harmless of the obligation.

#### 6. **Tax Fairness, Transparency and Accountability Act of 2018 (AG 1700-50 Amd #1)**

Recommendation: Oppose measure

The Legislative Committee moved to oppose the initiative. Motioned by Bea Deringer, second by Nanette Fish.

This measure is currently gathering signatures for the November ballot. The measure would increase the threshold for cities to implement new taxes and fees for service. The initiative also applies retroactively and voids any local measures approved by local voters on or after January 2018.

#### Changes to Local Taxes

1. Eliminates cities' ability to impose a tax for general purposes by a majority vote and instead require all tax increases subject to a two-thirds vote.
2. Expands definition of a tax to include payments voluntarily made in exchange a benefit received, which may cover local franchise fees.
3. Prohibits any new tax initiative to be placed on the ballot unless specifically states how it will be spent, enforceable limitation
4. Requires a tax imposed by initiative to also be subject to a two-thirds vote.

#### Restricting Local Fees (other than those subject to Prop 218)

1. Prohibits a fee or charge from being imposed, increased, or extended unless approved by two-thirds vote of the legislative body.

2. Authorize a referendum on decisions of a legislative body to impose fee triggered by petitions signed by 5% of affected voters.
3. Narrows legal definition of a reasonable fee to actual costs for fees applied to local services, permits, licenses, etc. The measure also creates challenges to “actual” costs for service by enabling a legal burden of proof to show a fee 1) is not a tax, 2) the amount is no more than actual costs, and 3) is not being used for other than its stated purpose.
4. The measure opens fees for litigation and debate on fair and reasonable charges for services.

### **Background**

The initiative is being pushed by the California Business Roundtable, which includes some of the state’s largest companies, including Wells Fargo, Pepsi Co, Alberton’s, KB Homes, Chevron, Farmers Insurance. Proponents declare the purpose of the measure is to overturn “loopholes” created by several suits, including *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, and *Schmeer v. Los Angeles*.

### **III. Other Items**

### **IV. Adjourn**

Next Meeting Wednesday, April 25, 2018