REGULAR MEETING
LEGISLATIVE ACTION COMMITTEE

Los Altos Community Center
Sequoia Room
97 Hillview Avenue
Los Altos, CA 94022

NOVEMBER 14, 2024
5:30 PM

Meeting Information:

- *Board meetings are open to the public at the location shown above.*
- *Members of the public* may use the information below to join the webinar:
  - **Webinar ID: 823 1430 2917**
  - **Passcode: 254352**
- *Meeting also livestreamed on YouTube:* ***https://www.youtube.com/@citiesassoc***
- *More information on public comment and accessibility is given at the end of the agenda.*

WELCOME & CALL TO ORDER – (Walia)

ROLL CALL (Sirkay)

ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Legislative Action Committee on any matter not on the agenda. State law prohibits the Legislative Action Committee from discussing and/or acting on nonagendized items.

AGENDA

1. Consent Agenda (Walia)
    a. Approve Minutes from Legislative Action Committee Meeting on August 8, 2024
2. Chair Update (Walia)
    a. California League of Cities Peninsula Division Legislative Address
3. 2024 Legislative Action Committee Year in Review (Walia)
4. **2024 Legislative Session (Walia)**
    a. Overview of 2024 Legislative Session
        i. Guest Speaker: Kristine Guerrero, California League of Cities Peninsula Division
    b. Update On Legislative Status of 2024 Bills Previously Considered By Cities Association Legislative Action Committee
        i. Guest Speaker: Carly Shelby, Townsend Public Affairs, Inc.
5. Feedback from Committee Members (All)

ADJOURN (Walia)

PUBLIC COMMENT

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to shali@citiesassociation.org
   - IMPORTANT: identify the Agenda Item number in the subject line of your email.
   - Emails must be received at least 72 hours before meeting start day/time to be entered into the record for the meeting.

2. Provide oral public comments in-person during the meeting

3. Provide oral public comments virtually during the meeting
   - When the Chair announces the item on which you wish to speak, click the "raise hand" feature in Zoom. Speakers will be notified shortly before they are called to speak.
   - When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair).
   - Phone participants:
     *6 - Toggle mute/unmute
     *9 - Raise hand

ACCESSIBILITY

We strive for our meetings and materials to be accessible to all members of the public, and welcome feedback and requests for accommodations. Please submit requests for accommodations to shali@citiesassociation.org at least 72 hours in advance of the meeting to allow us to best meet your request.

REGULAR MEETING
LEGISLATIVE ACTION COMMITTEE

CITIES ASSOCIATION OF SANTA CLARA COUNTY

City Council Building
Council Chambers
17555 Peak Avenue
Morgan Hill, CA 95037

AUGUST 8, 2024
5:30 PM

AGENDA IN BLACK/MINUTES IN RED

Meeting Information:

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  - **Passcode: 254352**
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The following members will attend via teleconference from City Council Conference Room, 18th Floor, Room #1854, 200 E. Santa Clara Street, San Jose, CA 95113. This teleconference location is open to the public and any member of the public may address the Board of Directors members from the teleconference location.

- Cupertino Vice Mayor J.R. Fruen
- San Jose Councilmember Peter Ortiz
- Santa Clara Councilmember Kathy Watanabe

DRAFT

WELCOME & CALL TO ORDER – (Walia)

Meeting called to order at 5:35 PM

ROLL CALL (Sirkay)

LAC Members Present (12):

Cupertino	J.R. Fruen
Los Altos	Neysa Fligor (at 5:50 PM)
Los Altos Hills	Stanley Mok
Los Gatos	Rob Moore
Milpitas	Carmen Montano
Monte Sereno	Javed Ellahie
Morgan Hill	Mark Turner
Mountain View	Ellen Kamei
San Jose	Peter Ortiz (at 5:53 PM)
Santa Clara	Kathy Watanabe
Saratoga	Tina Walia
Sunnyvale	Larry Klein (at 6:06 PM)

LAC Members Absent: (2)

Campbell	Anne Bybee
Palo Alto	Greer Stone

Staff Present (1):

Shali Sirkay	Executive Director

Members of the Public Present (3):

Anthony Carneseca	Assistant to the City Manager, Los Altos
Jim Beall	Director, District 4, Valley Water
Brisa Moreno	Office of San Jose Councilmember Peter Ortiz

ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

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Motion to *allow Mountain View Councilmember and Legislative Action Committee member Ellen Kamei to appear remotely as per AB 2449* by Ellahie.
Second by Moore
AYES: 8
NAYS: 0
ABSTAIN: 0
ABSENT FOR VOTE: 3 (Fligor, Klein and Ortiz)

Motion passes 8-0-0-3

DRAFT

AGENDA

1. **Consent Agenda (Walia)**
    a. Approve Minutes from Legislative Action Committee Meetings on April 11, 2024, May 9, 2024, and June 13, 2024

Motion to *approve consent agenda as presented* by Moore.
Second by Turner
AYES: 9
NAYS: 0
ABSTAIN: 0
ABSENT FOR VOTE: 3 (Fligor, Klein and Ortiz)

Motion passes 9-0-0-3

2. **Guest Speaker:**
    a. Assemblymember Gail Pellerin, Assembly District 28
3. **Update Regarding Legislative Status of Bills Previously Considered By Legislative Action Committee (Walia)**
    a. Carly Shelby, Senior Associate, Townsend Public Affairs, Inc.
4. **Discussion of Artificial Intelligence Bills (Walia)**
    a. Carly Shelby, Senior Associate, Townsend Public Affairs, Inc.
5. **Bills for Legislative Action Committee Consideration: Tentative List for Discussion & Possible Action (Walia)**
    a. AB 2513 (Pellerin)

Motion to *recommend that the Cities Association Board of Directors take the position to support AB 2513 (Pellerin)* by Moore
Second by Klein
AYES: 9
NAYS: 0
ABSTAIN: 3
ABSENT: 0

Motion passes 9-0-3-0

b. SB 1130 (Bradford)

Motion to *recommend that the Cities Association Board of Directors take the position to support SB 1130 (Bradford)* by Montano
Second by Mok
AYES: 11

NAYS: 0
ABSTAIN: 1
ABSENT: 0

Motion passes 11-0-1-0

c. SB 892 (Padilla)

ADJOURN (Walia)
Meeting Adjourned at 6:57 PM

Respectfully submitted on November 14, 2024,

Vaishali Sirkay

Vaishali Sirkay
Executive Director
Cities Association of Santa Clara County

DRAFT

PUBLIC COMMENT

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DRAFT

TOWNSEND
PUBLIC AFFAIRS
EST TPA 1998

MEMORANDUM

To: Cities Association of Santa Clara County

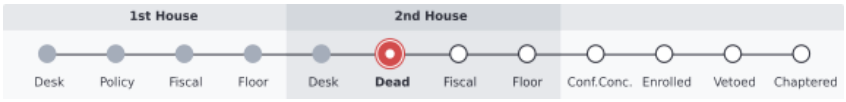
From: Townsend Public Affairs

Date: October 30, 2024

Subject: Legislative Bill Matrix

AB 817 (Pacheco, D) Open meetings: teleconferencing: subsidiary body.

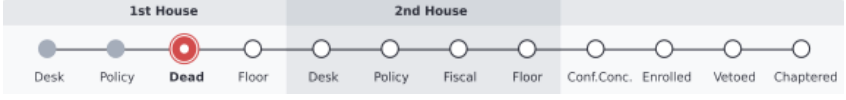
Status: 07/02/2024 - Failed Deadline pursuant to Rule 61(b)(13). (Last location was L. GOV. on 5/1/2024)



Summary: The Ralph M. Brown Act, requires, with specified exceptions, each legislative body of a local agency to provide notice of the time and place for its regular meetings and an agenda containing a brief general description of each item of business to be transacted. Current law authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency (emergency provisions) and, until January 1, 2026, in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met (nonemergency provisions). Current law imposes different requirements for notice, agenda, and public participation, as prescribed, when a legislative body is using alternate teleconferencing provisions. The nonemergency provisions impose restrictions on remote participation by a member of the legislative body and require the legislative body to provide specific means by which the public may remotely hear and visually observe the meeting. This bill, until January 1, 2026, would authorize a subsidiary body, as defined, to use similar alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require at least one staff member of the local agency to be present at a designated primary physical meeting location during the meeting. The bill would require the local agency to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. The bill would also require the subsidiary body to list a member of the subsidiary body who participates in a teleconference meeting from a remote location in the minutes of the meeting. In order to use teleconferencing pursuant to this act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 05/29/2024 text)

AB 1772 (Ramos, D) Theft.

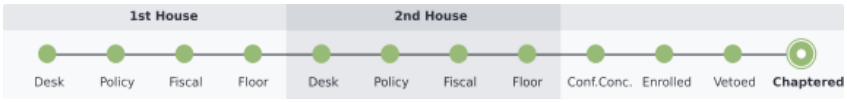
Status: 05/16/2024 - Failed Deadline pursuant to Rule 61(b)(8). (Last location was APPR. SUSPENSE FILE on 4/24/2024)



Summary: Current law makes a first conviction for petty theft involving merchandise taken from a merchant's premises punishable by a mandatory fine and as a misdemeanor. This bill would require the Department of Justice to determine the number of misdemeanor convictions for a crime of theft for which the property was taken from a retail establishment during the Governor's declared state of emergency related to the COVID-19 pandemic, and to report that information to the Legislature on or before January 1, 2026. (Based on 04/03/2024 text)

AB 1779 (Irwin, D) Theft: jurisdiction.

Status: 08/16/2024 **-** Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2024.



Summary: Current law defines types of theft, including petty theft, grand theft, and shoplifting. Current law also defines the crimes of robbery and burglary. Current law sets forth specific rules relating to the jurisdiction for the prosecution of theft by fraud, organized retail theft, and receiving stolen property, including that the jurisdiction for prosecution includes the county where an offense involving the theft or receipt of the stolen merchandise occurred, the county in which the merchandise was recovered, or the county where any act was done by the defendant in instigating, procuring, promoting, or aiding or abetting in the commission of a theft offense or other qualifying offense. Current law jurisdictionally limits prosecution of each of the above to criminal actions brought by the Attorney General. This bill would no longer limit the jurisdictional rules for the above crimes to criminal actions brought by the Attorney General. If a case is brought by someone other than the Attorney General and multiple offenses are committed by the same defendant in multiple jurisdictions, the bill would allow a criminal action to be brought in any of those jurisdictions subject to a hearing on consolidation of the offenses, as specified. (Based on 08/16/2024 text)

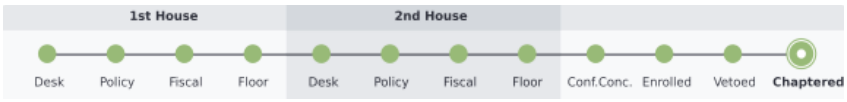
AB 1794 (McCarty, D) Crimes: larceny.

Status: 08/15/2024 **-** Failed Deadline pursuant to Rule 61(b)(14). (Last location was APPR. SUSPENSE FILE on 8/5/2024)

Summary: The Safe Neighborhoods and Schools Act, enacted as an initiative statute by Proposition 47, as approved by the electors at the November 4, 2014, statewide general election, makes the theft of money, labor, or property petty theft punishable as a misdemeanor, whenever the value of the property taken does not exceed $950. Under current law, if the value of the property taken exceeds $950, the theft is grand theft, punishable as a misdemeanor or a felony. Proposition 47 requires shoplifting, defined as entering a commercial establishment with the intent to commit larceny if the value of the property taken does not exceed $950, to be punished as a misdemeanor. Under current law, if the value of all property taken over the course of distinct but related acts motivated by one intention, general impulse, and plan exceeds $950, those values may be aggregated into a single charge of grand theft. This bill would clarify that those values may be aggregated even though the thefts occurred in different places or from different victims. The bill would also, declarative of existing law, provide that circumstantial evidence may be used to prove that multiple thefts were motivated by one intention, general impulse, and plan. (Based on 04/11/2024 text)

AB 1820 (Schiavo, D) Housing development projects: applications: fees and exactions.

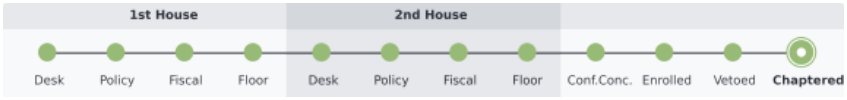
Status: 09/22/2024 **-** Approved by the Governor. Chaptered by Secretary of State - Chapter 358, Statutes of 2024.



Summary: Current law requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Current law requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted. This bill would authorize a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and would require a city, county, or city and county to provide the estimate within 30 business days of the submission of the preliminary application. For development fees imposed by an agency other than a city, county, or city and county, the bill would require the development proponent to request the fee schedule from the agency that imposes the fee and would require the agency that imposes the fee to provide the fee schedule to the development proponent without delay. (Based on 09/22/2024 text)

AB 1886 (Alvarez, D) Housing Element Law: substantial compliance: Housing Accountability Act.

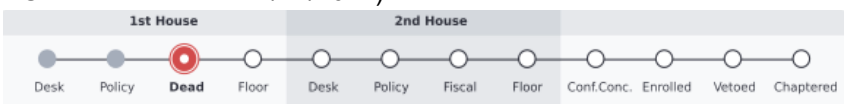
Status: 09/19/2024 **-** Approved by the Governor. Chaptered by Secretary of State - Chapter 267, Statutes of 2024.



Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. Current law, commonly referred to as the Housing Element Law, prescribes requirements for a city's or county's preparation of, and compliance with, its housing element, and requires the Department of Housing and Community Development to review and determine whether the housing element substantially complies with the Housing Element Law, as specified. If the department finds that a draft housing element or amendment does not substantially comply with the Housing Element Law, current law requires the legislative body of the city or county to either (A) change the draft element or amendment to substantially comply with the Housing Element Law or (B) adopt the draft housing element or amendment without changes and make specified findings as to why the draft element or amendment substantially complies with the Housing Element Law despite the findings of the department. This bill would provide that a housing element or amendment is considered substantially compliant with the Housing Element Law when the local agency has adopted a housing element or amendment, the department or a court of competent jurisdiction determines the adopted housing element or amendment to be in substantial compliance with the Housing Element Law, and the department's compliance findings have not been superseded by subsequent contrary findings by the department or by a decision of a court of competent jurisdiction or the court's decision has not been overturned or superseded by a subsequent court decision or by statute. (Based on 09/19/2024 text)

AB 2814 (Low, D) Crimes: unlawful entry: intent to commit package theft.

Status: 05/16/2024 **-** Failed Deadline pursuant to Rule 61(b)(8). (Last location was APPR. SUSPENSE FILE on 4/17/2024)

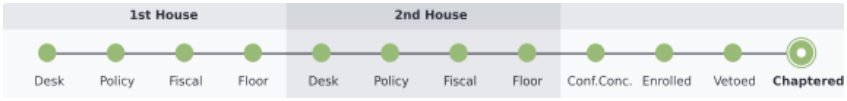


Summary: Would prohibit a person from entering the curtilage of a home, as defined, with the intent to commit theft of a package shipped through the mail or delivered by a public or private carrier. The bill would make a violation of that prohibition punishable as either a misdemeanor or

a felony, as specified. By creating a new crime, the bill would impose a state-mandated local program. (Based on 02/15/2024 text)

AB 3209 (Berman, D) Crimes: theft: retail theft restraining orders.

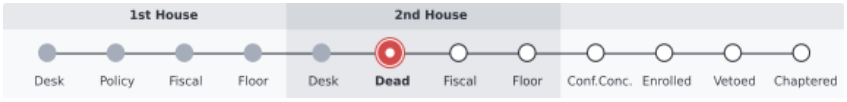
Status: 08/16/2024 **-** Approved by the Governor. Chaptered by Secretary of State - Chapter 169, Statutes of 2024.



Summary: Current law prohibits the theft of merchandise from a retail establishment. Current law authorizes a court, upon sentencing a person for specified offenses, including stalking and elder abuse, to issue a criminal protective order prohibiting the person from contacting any victim of their offense. This bill would authorize a court, when sentencing a person for an offense involving theft from a retail establishment, vandalism of a retail establishment, or battery of an employee of a retail establishment, to issue a criminal protective order prohibiting a person from entering the retail establishment, including any parking lots and including other franchise or chain locations of the retail establishment, as specified. The bill would also authorize a prosecuting attorney, city attorney, county counsel, or attorney representing a retail establishment to file a petition for the issuance of a criminal protective order of this type against a person who has been arrested, including, but not limited to, the issuance of a citation in lieu of a custodial arrest, 2 or more times for any of the offenses at the same retail establishment, as specified. The bill would also make conforming changes. The bill would make a violation of these orders punishable as a misdemeanor. (Based on 08/16/2024 text)

SB 21 (Umberg, D) Controlled substances.

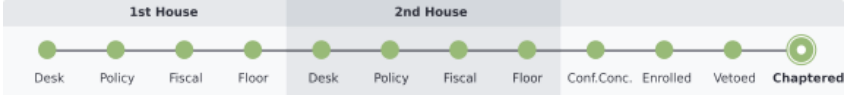
Status: 08/31/2024 **-** Failed Deadline pursuant to Rule 61(b)(17). (Last location was RLS. on 5/2/2024)



Summary: Current law makes it a crime to possess for sale or purchase for purpose of sale, transport, or sell, various controlled substances, including, among others, fentanyl. Current law requires the court, when granting probation after conviction of any controlled substance offense, as specified, to order as a condition of probation that the defendant secure education or treatment from a local community agency and requires the court or probation department to refer defendants to controlled substance education or treatment programs that adhere to specified standards. Current law permits a defendant to withdraw their plea of guilty or plea of nolo contendere and enter a plea of not guilty and authorizes a court to set aside a verdict of guilty, if the defendant has met certain requirements. This bill would require a person who is convicted of, or who pleads guilty or no contest to, the above-described crimes as they relate to fentanyl to receive a written advisory of the danger of distribution of controlled substances and that, if a person dies as a result of that action, the distributor can be charged with homicide or murder. (Based on 05/02/2024 text)

SB 1037 (Wiener, D) Planning and zoning: housing element: enforcement.

Status: 09/19/2024 **-** Approved by the Governor. Chaptered by Secretary of State. Chapter 293, Statutes of 2024.

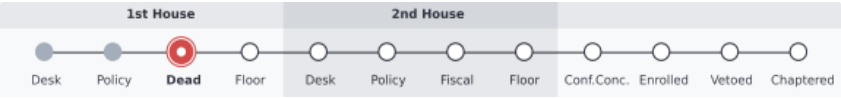


Summary: The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing

element. The Planning and Zoning Law requires the Department of Housing and Community Development (HCD) to determine whether the housing element is in substantial compliance with specified provisions of that law. The Planning and Zoning Law requires HCD to notify a city, county, or city and county, and authorizes HCD to notify the office of the Attorney General, that the city, county, or city and county is in violation of state law if the local government has taken action in violation of specified provisions of law. The Planning and Zoning Law also requires, among other things, that an application for a housing development be subject to a specified streamlined, ministerial approval process if the development satisfies certain objective planning standards. The Planning and Zoning Law requires a city or county to bring its general plan into substantial compliance with provisions regulating general plans and specifies timelines under which the city or county is required to bring its zoning ordinance into consistency if the court finds in favor of a plaintiff in an action challenging the validity of a general plan, or any mandatory element thereof, as specified. This bill, in any action brought by the Attorney General or HCD to enforce the adoption of housing element revisions, as specified, or to enforce any state law that requires a city, county, or local agency to ministerially approve any planning or permitting application related to a housing development project, as specified, would subject the city, county, or local agency to specified remedies, including a civil penalty of, at minimum, $10,000 per month, and not exceeding $50,000 per month, for each violation, as specified. The bill would require that the penalties set forth in its provisions only apply when the local agency's acts or omissions, as described, are arbitrary, capricious, or entirely lacking in evidentiary support, contrary to established public policy, unlawful, or procedurally unfair. The bill would require a court to modify certain of its prior orders, including an order directing a city or county to substantially comply with provisions regulating general plans and to bring its zoning ordinance into consistency, to impose, among other things, the maximum penalty specified in these provisions, as provided. (Based on 09/19/2024 text)

SB 1095 (Becker, D) Cozy Homes Cleanup Act: building standards: gas-fuel-burning appliances.

Status: 05/16/2024 **-** Failed Deadline pursuant to Rule 61(b)(8). (Last location was APPR. SUSPENSE FILE on 4/15/2024)



Summary: The Manufactured Housing Act of 1980 (the "act"), requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, commercial coach, or special purpose commercial coach. The act defines "manufactured home" and "mobilehome" to mean a structure that meets specified requirements, including that the structure is transportable in one or more sections and is 8 body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. The act specifies that it does not prohibit the replacement of water heaters or appliances for comfort heating in manufactured homes or mobilehomes with fuel-gas-burning water heaters or fuel-gas appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome, as specified. This bill would extend those provisions to also apply to electric water heaters and electric appliances for comfort heating that are not specifically listed for use in a manufactured home or mobilehome. (Based on 04/08/2024 text)