



City of Huntington Beach

File #: 19-660

MEETING DATE: 6/3/2019

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Lori Ann Farrell Harrison, Interim City Manager

PREPARED BY: Antonia Graham, Assistant to the City Manager

Subject:

City Council Position on Legislation Pending Before the State Legislature as Recommended by the City Council Intergovernmental Relations Committee (IRC)

Statement of Issue:

On May 22, 2019 the Intergovernmental Relations Committee (IRC) comprised of Mayor Erik Peterson, Mayor Pro Tem Lyn Semeta, and City Council Member Jill Hardy met to discuss pending Federal and State legislation. This Council Action authorizes the Mayor to sign official City position letters.

Financial Impact:

There is no fiscal impact.

Recommended Action:

- A) Approve a City position of Support if Amended on Assembly Bill 552 (Stone): Coastal Adaptation, Access and Resilience Program; and,
- B) Approve a City position of Support on Assembly Bill 1718 (Levine): State Coastal Beaches Smoking Ban and Senate Bill 8 (Glazer): State Parks: State Coastal Beaches: Smoking Ban; and,
- C) Approve a City position of Oppose on Assembly Bill 1184 (Garcia): Public Records: Writing Transmitted by Electronic Mail: Retention; and,
- D) Approve a City position of Oppose on Assembly Bill 516 (Chiu): Authority to Remove Vehicles; and,
- E) Approve a City position of Oppose on Assembly Bill 1356 (Ting): Cannabis: Local Jurisdictions: Retail Commercial Cannabis Activity.

Alternative Action(s):

Do not approve and direct staff accordingly.

Analysis:

The Intergovernmental Relations Committee (IRC) met to discuss pending Federal and State legislation on May 22, 2019. The Committee reviewed the 2019 State Legislative Matrix provided by the City's Federal and State Advocate Townsend Public Affairs. The following is an analysis of the bills that the Committee chose to take the following positions on:

➤ **SUPPORT If Amended - Assembly Bill 552 (Stone): Coastal Adaptation, Access, and Resilience Program**

This bill would establish the Coast Adaptation, Access, and Resiliency Program to help address the rising sea levels and coastal climate change. The program and related funds would be administered through a variety of state agencies, including the California Coastal Commission, Natural Resources Agency, and Ocean Protection Council. These agencies would be tasked with receiving funds and taking actions consistent with state guidelines and recommendations.

As a coastal zone city with mineral extraction leases on state tide and submerged lands, the City understands the need for resources to protect our community against rising sea levels. While this bill is a good first step in providing funding for cities, this bill would better serve our City if the funds were made directly available to us instead of provided through a laborious grant program with no guarantee of funding. This type of funding should be provided to cities based on their partnerships and proximity to mineral extraction leases.

➤ **SUPPORT - Assembly Bill 1718 (Levine) - State Coastal Beaches Smoking Ban**
SUPPORT - Senate Bill 8 (Glazer) State Parks: Coastal Beaches Smoking Ban

Both bills would prohibit smoking and the disposal of smoking products on state beaches and would make these violations an infraction punishable by a fee of up to \$25. It would also require the Department of Parks and Recreation to post signs to provide notice of the smoking ban. The City believes this bill would result in fewer cigarette butts and other smoking products left on our City beaches through consistency in regulations. Currently, the City does not allow smoking on our municipal beaches and hopes that through this bill, smoking will also be banned on adjacent State beaches.

Trash and waste on any of our beaches is a constant concern for the City, and smoking products are one of the most common types of trash that are found. Additionally, smoking on beaches bothers other patrons and disrupts the experience for others. Given the number of wildfires throughout the state over the past several years, cities and state governments should pursue sensible policies that reduce the risk of wildfires, protects local wildlife, and keeps our open spaces clean and healthy for everyone.

➤ **OPPOSE - Assembly Bill 1184 (Gloria) - Public Records: Writing Transmitted by Electronic Mail: Retention**

The City supports the goal of public transparency in local governments. However, the restrictions provided in AB 1184 are too demanding. Currently, local governments are permitted to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the public agency. Changing this to force public agencies to

keep all electronic correspondence regardless of what it is for two years will be costly and logistically challenging. The City should be allowed to determine what information it keeps, in compliance with the Public Records Act, and should be able to maintain their local control to adopt their own records retention policies.

➤ **OPPOSE - Assembly Bill 516 (Chiu) - Authority to Remove Vehicles**

AB 516, which would prohibit local peace officers from towing vehicles for parking violations, abandoned use, or expired vehicle registrations. This bill would impede the ability of cities to take basic public safety actions to protect our communities.

This bill seeks to prohibit law enforcement and cities from unlawfully towing vehicles that have registered offenses or violations. It eliminates the ability for cities to adequately enforce both state and local laws and diminishes a city's right to local control. Specifically, this bill would eliminate the ability for cities and law enforcement to 1) immobilize or place a boot on a vehicle for motorists who ignore paying five or more parking tickets, 2) remove vehicles with expired registration that are operating illegally, and 3) remove vehicles in violation of parking times.

While the City recognizes the inconvenience for individuals to have their vehicles towed, cities are obligated to enforce state and local laws that ensure basic public safety. Moreover, cities should not have their right to local control and governance diminished by unnecessary regulations from Sacramento. This legislation takes a broad, sweeping approach to vehicle removal that usurps our City's standard practice that has long been in effect.

➤ **OPPOSE - Assembly Bill 1356 (Ting) - Cannabis: Local Jurisdictions: Retail Commercial Cannabis Activity**

AB 1356 would require the City to permit and allow retail cannabis operations within the City despite the protections given explicitly by the Legislature and the voters through various means.

Existing law, under both the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and Proposition 64, states that localities have the ability to adopt and enforce local ordinances to regulate cannabis businesses. By removing local governments' ability to regulate brick and mortar retail cannabis shops, AB 1356 undermines the foundation of local control and thereby negates the primary purpose of California's established dual licensing structure.

Further, it is irresponsible to base the number of allowable cannabis permits on the number of liquor licenses in a city's jurisdiction. These two industries and the access that residents have to each are widely unrelated and would impose arbitrary and random benchmarks and minimums for cannabis in communities. Land use regulatory authority, including ordinances that would regulate controversial industries, should stay with local governments just as the MAUCRSA and Proposition 64 intended.

In addition to legislation, the Committee began a discussion on the City's existing Board and Commissions. The Committee will continue to discuss the role of Boards Task Forces and

Commissions at a subsequent meeting and any actions taken will be brought forth to the City Council for consideration thereafter.

Environmental Status:

Not Applicable.

Strategic Plan Goal:

Enhance and maintain high quality City services

Attachment(s):

1. Assembly Bill 552
2. Assembly Bill 1718
3. Assembly Bill 1184
4. Assembly Bill 516
5. Assembly Bill 1356
6. Senate Bill 8