



City of Huntington Beach

File #: 19-769

MEETING DATE: 7/15/2019

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Dave Kiff, Interim City Manager

PREPARED BY: Antonia Graham, Assistant to the City Manager

Subject:

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

Statement of Issue:

On June 26, 2019 the Intergovernmental Relations Committee (IRC) comprised of Mayor Erik Peterson and Council Member Jill Hardy met to discuss pending Federal and State legislation (Mayor Pro Tem Semeta was absent).

Financial Impact:

There is no fiscal impact.

Recommended Action:

- A) Approve a City position of Support on S. 2012 "Restoring Local Control Over Public Infrastructure Act"; and,
- B) Approve a City position of Support on Assembly Bill 1779 (Daly) - Recovery Residences; and,
- C) Approve a City position of Support if Amended on Senate Bill 438 (Hertzberg) - Emergency Medical Services: Dispatch; and,
- D) Approve a City position of Support on Senate Bill 667 (Hueso) - Recycling Infrastructure; and,
- E) Approve a City position of Oppose on Senate Bill 330 (Skinner) - Housing Crisis Act of 2019; and,
- F) Adopt Resolution No. 2019-15, "A Resolution of the City Council of the City of Huntington Beach Supporting Maintaining Local Control of Energy Solutions."

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 June 26, 2019 in addition to regional issues. 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 - S. 2012 "Restoring Local Control Over Public Infrastructure Act"**

This would nullify recent actions by the Federal Communications Commission (FCC) that constrict local authority in pursuit of the expansion of wireless infrastructure. The regulations adopted by the FCC in August and September 2018 limit the authority of cities and states to regulate wireless technological attachments to public infrastructure, such as streetlight and utility poles. These regulations compel local governments to permit access to publicly owned infrastructure with set time limits as low as 60 days to conduct all necessary inspections and authorize proposals. Additionally, their limitation on fees and rates to direct and actual costs strips municipalities of their ability to analyze and identify the cost-benefit of this technology to its residents. The FCC's actions prevent local environmental and design review, and drastically limit common-sense requirements to include our constituents in the approval process and allow us to protect our community.

As you may know, two years ago, the State of California considered Senate Bill 649, legislation similar to the FCC's actions. The bill received widespread opposition from local jurisdictions, and though the state legislature passed it, Governor Brown vetoed the bill. Since then, the bill has not been reintroduced. Local governments should be granted appropriate time and flexibility to ensure that small cell wireless infrastructure is deployed safely and correctly in our communities.

➤ **SUPPORT - Assembly Bill 1779 (Daly) - Recovery Residences**

Existing law provides for the licensure and regulation by the State Department of Health Care Services of adult alcoholism and drug abuse recovery and treatment facilities for adults. This bill would establish, and require the department to adopt and implement, minimum standards for counties seeking to use state funding to offer recovery residences. Additionally, the bill would require the National Alliance for Recovery Residences to deny an application for, or deny or revoke the recognition, registration, or certification of, a recovery residence under certain circumstances, including if the recovery residence fails to meet the minimum standards.

➤ **SUPPORT if Amended - Senate Bill 438 (Hertzberg) - Emergency Medical Services: Dispatch**

The bill would provide that medical control by a local EMS agency medical director or medical direction and management of an EMS system may not be construed to, among other things, limit the authority of a public safety agency to directly receive and administer "911" emergency requests originating within the agency's territorial jurisdiction or authorize a local EMS agency to reduce a public safety agency's response mode or deployment of emergency response resources within the agency's territorial jurisdiction. The bill would also clarify that a public

safety agency does not transfer its authority to administer emergency medical services to a local EMS agency by adhering to the policies, procedures, and protocols adopted by a local EMS agency.

➤ **SUPPORT - Senate Bill 667 (Hueso) - Recycling Infrastructure**

This bill would direct CalRecycle to develop a five year needs assessment to support innovation and technological infrastructure development in order to meet specific organic waste reduction and recycling targets. CalRecycle would develop financial incentive mechanisms to fund and accelerate public and private capital towards organic waste diversion and recycling infrastructure. If signed into law, this bill could create more processing facilities nearby that could process organic material and possibly reduce operational costs for the City's hauler who in turn passes their costs onto our ratepayers.

➤ **OPPOSE - Senate Bill 330 (Skinner) - Housing Crisis Act of 2019**

The bill as recently amended would, among other things, declare a statewide housing crisis and for a five-year period, prohibit a city from imposing parking requirements near rail stops, and freeze nearly all project related fees once a developer submits a "preliminary" application. Furthermore, the bill created a new type of housing project application, this "preliminary" application, which upon submittal, limits the number of public hearings, freezes nearly all project related fees, and starts the approval timeline before an application is deemed complete. The City questions the effectiveness of prohibiting or limiting parking requirements and restricting essential housing related fees. SB 330 does not require any of the cost savings associated with these limitations to be passed on to the renter or purchaser of the housing unit. Developers would most likely pocket the savings and enhance their profits, while not producing affordable housing.

In addition to the discussion of Federal and State legislation, a representative from the Southern California Gas Company presented the IRC members with information on balanced energy solutions. Recently a number of state agencies are increasingly proposing new legislation and regulations looking to eliminate energy choices and mandating solutions to fully electrify homes and businesses in the future. This is problematic for the City of Huntington Beach as our water distribution system which is natural gas fired would need to be switched to electric at a large cost to the taxpayers. These mandates eliminate local control and customer choice which suppresses innovation, reduces reliability, and unnecessarily increases costs for Huntington Beach residents, businesses, and our own operations.

Environmental Status:

Not Applicable

Strategic Plan Goal:

Non-Applicable - Administrative Item

Attachment(s):

1. S. 2012 "Restoring Local Control Over Public Infrastructure Act"
2. Assembly Bill 1779 (Daly)

3. Senate Bill 438 (Hertzberg)
4. Senate Bill 667 (Hueso)
5. Senate Bill 330 (Skinner)
6. Resolution No. 2019-51, "A Resolution of the City of Huntington Beach Supporting Maintaining Local Control of Energy Solutions."