



City of Huntington Beach

File #: 20-1853

MEETING DATE: 9/8/2020

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Oliver Chi, City Manager

PREPARED BY: Oliver Chi, 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 August 19, 2020, the Intergovernmental Relations Committee (IRC), comprised of Mayor Lyn Semeta and Council Member Patrick Brenden, met to discuss pending Federal and State legislation. The Committee is recommending that the City Council take the following positions: Oppose AB 685 (Reyes); Oppose AB 2967 (O'Donnell); and Oppose AB 3269 (Chiu).

Financial Impact:

There is no fiscal impact.

Recommended Action:

- A) Approve a City position of Oppose on Assembly Bill 685 (Reyes) - Require occupational safety notification if an employee is exposed to COVID-19; and,
- B) Approve a City position of Oppose on Assembly Bill 2967 (O'Donnell) - Prohibits contracting agencies from amending their contracts with CalPERS to exclude groups of employees; and,
- C) Approve a City position of Oppose on Assembly Bill 3269 (Chiu) - State and local agencies: homelessness plan.

Alternative Action(s):

Do not approve the recommended legislative positions and direct staff accordingly.

Analysis:

On August 19, 2020, the IRC met to discuss pending Federal and State legislation, in addition to Administrative Items. The Committee reviewed the 2020 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:

- **OPPOSE - AB 685 (Reyes) - Require occupational safety notification if an employee is exposed to COVID-19**

AB 685 would require employers to provide specified notices to employees, the Division of Occupational Safety and Health (DOSH) within the Department of Industrial Relations (DIR), the Department of Public Health (DPH), and others if an employee is exposed to COVID-19. Employers would be required to take the following actions within 24 hours that the employer knew or reasonably should have known of exposure to the employee:

- Provide a notice to all employees at the worksite where the exposure occurred that they may have been exposed to COVID-19
- Notify the employee's union, if applicable
- Notify all employees and the union, if any, of options for exposed employees, including COVID-19-related leave, company sick leave, state-mandated leave, supplemental sick leave, or negotiated leave provisions
- Notify Cal/OSHA of the number of employees by occupation with a COVID-19 positive test, diagnosis, order to quarantine, or death that could be COVID-19 related
- Notify DPH and the appropriate local public health agency of the number of employees by occupation with a COVID-19 positive test, diagnosis, order to quarantine, or death that could be COVID-19 related

The bill would provide that any failure to provide any of the required notifications is a misdemeanor that is punishable by a ten thousand dollar (\$10,000) fine.

➤ **OPPOSE - AB 2967 (O'Donnell) - Prohibits contracting agencies from amending their contracts with CalPERS to exclude groups of employees**

AB 2967 would prohibit a contracting public agency from amending its contract with CalPERS to exclude groups of its employees. In 2019, the City of Placentia amended its contract with CalPERS to remove the "Fire" category; thus, when the City created its own Fire and Life Safety Department, all new fire employees were not members of CalPERS. Instead, the City offered a 401(a) style defined contribution plan. This bill does not prohibit an amendment to a contract that enumerates or clarifies provisions related to groups of employees in a manner that does not expand those already subject to exclusion. Current PERL states that employers may classify all or part of their workforce in their CalPERS contract. This bill would remove that provision.

➤ **OPPOSE - AB 3269 (Chiu) - State and Local agencies: homelessness plan**

AB 3269 would establish the Housing and Homelessness Inspector General (Inspector General) independent position within the California Department of Housing and Community Development (HCD). It also requires the Homeless Coordinating and Financing Council (HCFC) to conduct a statewide needs and gaps analysis to identify state programs that provide housing or services to persons experiencing homelessness, and create a financial model that will assess the investment needs required to move those persons into permanent housing. Each local agency would be required to submit a specified actionable county-level plan, including local gaps analyses, for meeting specific annual benchmarks to HCD by January 1, 2022. Each city in the local agency's jurisdiction is mandated to participate in the county-level plan, and the local agency must seek active participation of all homeless Continuum of Care Programs serving the area. HCD would be required to set a benchmark goal to reduce homelessness for the state, based on the statewide gaps and needs analysis, and to work with local agencies to identify appropriate benchmark goals to reduce homelessness for each local agency and their cities, based on the county-level plan for meeting annual benchmarks. Finally, the state and each local agency would need to submit an annual progress report to HCD regarding progress and implementation of the adopted plan, as well as any proposed amendments.

Environmental Status:

Not applicable.

Strategic Plan Goal:

Non-Applicable - Administrative Item

Attachment(s):

1. AB 685 (Reyes)
2. AB 2967 (O'Donnell)
3. AB 3269 (Chiu)