City of Carlsbad

City Council Legislative Subcommittee
Meeting Agenda

July 21, 2020 – 9:00 a.m.

Carlsbad City Hall Council Chamber - 1200 Carlsbad Village Drive, Carlsbad CA 92008

CALL TO ORDER & ROLL CALL

PUBLIC COMMENT

SUBCOMMITTEE COMMENTS & ANNOUNCEMENTS

NEW BUSINESS

Item 1. Potential High Priority Bills and Advocacy Positions

Recommendation: Identify potential high priority bills and determine advocacy positions for action or referral to the City Council.

SUBCOMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

ADJOURN

NEXT REGULAR MEETING: Tuesday, August 18, 2020, 9:00 a.m.

- *Per State of California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding public meetings electronically or by teleconferencing.*
- *All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the Legislative Subcommittee.*
- *Legislative Subcommittee meetings can be watched via livestream on the city website at www.carlsbadca.gov.*
- *You can participate in the meeting by e-mailing your comments to Jason.haber@carlsbadca.gov prior to commencement of the agenda item. Your comment will be transmitted to the Legislative Subcommittee at the start of the agenda item.*
- *If you desire to have your comment read into the record at the City Council meeting, **please indicate so in the first line of your e-mail** and limit your e-mail to 500 words or less.*
- *These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.*

Reasonable Accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City of Carlsbad City Manager's Office at 760-434-2800 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to make arrangements.

City of Carlsbad

City Council Legislative Subcommittee

Meeting Date: July 21, 2020

To: City Council Legislative Subcommittee

From: Jason Haber, Intergovernmental Affairs Director

Item 1: Potential High Priority Bills and Advocacy Positions

Recommendation: Identify potential high priority bills and determine advocacy positions for action or referral to the City Council.

Discussion:
At its meeting on July 14, 2020, the Legislative Subcommittee requested a Special Meeting to continue efforts to identify high priority bills, the advocacy positions to be taken on such bills, and any bills or advocacy positions to be referred to the City Council for consideration. This meeting will focus primarily on bills related to public safety and law enforcement, including the following proposed legislation: AB 66 (Gonzalez), AB 1007 (Jones Sawyer), AB 1022 (Holden), AB 1196 (Gipson), AB 1299 (Salas), AB 1506 (McCarty), AB 1652 (Wicks), AB 1709 (Weber), SB 731 (Bradford), SB 776 (Skinner), and SB 1220 (Umberg). The Subcommittee is also expected to consider AB 56 (Garcia), AB 664 (Cooper), AB 3040 (Chiu), AB 3269 (Chiu), SB 474 (Stern). Details concerning these bills is provided in the attached Carlsbad Bill List (Exhibit 1).

Next Steps
The State Assembly and the State Senate have both adjourned for Summer Recess. Both houses of the legislature will reconvene for the remainder of the scheduled 2020 Legislative Session on July 27. The legislature has until August 31 to pass bills prior to Final Recess. The Governor has 30 days to sign or veto bills that reach his desk, concluding on September 30. Staff and the city's state lobbyist will initiate advocacy efforts immediately on bill positions agreed upon by the Legislative Subcommittee. Items requiring City Council consideration will be presented at an upcoming City Council meeting prior to the deadlines noted above.

Exhibit:
Carlsbad Bill List - July 21, 2020

Carlsbad Bill List - July 21, 2020

Bill	Author	Bill Summary	Recommended Position	Recommended Action	Legislative Priority	Bill Status	Platform Statements	Position by Others
Community Choice Aggregation								
AB 56	Asm. Garcia, E. (D)	**Electricity: procurement by the California Alternative Energy and Advanced Transportation Financing Authority.** The bill allows the authority to undertake procurement of electricity that would otherwise be performed by an electrical corporation to meet state resource adequacy, integrated resource planning, and renewable portfolio standard goals if the PUC makes specified findings. This bill undermines the ability of community choice programs to make energy procurement decisions. The bill would create a new central procurement bureaucracy with overly broad powers, raise customer costs, disincentivize investments in reliability, which will reduce incentives to invest in DER.	**OPPOSE**	Actively Oppose	Sustainability	2-Year Bill	EQ:Utilities:m	CalCCA: Oppose
Homelessness								
AB 3269	Asm. Chiu (D)	**State and local agencies: homelessness plan.** This bill would require the state Homelessness Coordinating and Financing Council to conduct, or contract with an entity to conduct, a statewide needs and gaps analysis to, among other things, identify state programs that provide housing or services to persons experiencing homelessness and create a financial model that will assess certain investment needs for the purpose of moving persons experiencing homelessness into permanent housing. Establishes state goal of reducing homelessness by 90 percent of the 2019 Point-In-Time Counts.	**WATCH**	Monitoring	Housing & Homelessness	Referred to the Senate Housing Committee	PS:Homelessness:a	League: Watch
Housing								
AB 3040	Asm. Chiu (D)	**Local planning: regional housing need assessment.** This bill would would create a voluntary program to incentivize local governments to allow four units per parcel, by-right, in exchange for additional credit towards the city or county's share of the regional housing need allocation for each site identified under these provisions. The measure would prohibit the cumulative credit received by a city or county from exceeding more than 25% of the total units needed to meet its regional housing needs allocation.	**SUPPORT**	Active Support	Housing & Homelessness	Referred to the Senate Housing Committee	HCED:Planning:b	League: Support in Concept
Public Safety / Law Enforcement								
AB 66	Asm. Gonzalez (D)	**Police: use of force.** This bill would prohibit the use of kinetic energy projectiles or chemical weapons, as defined, by any law enforcement agency to disperse an assembly protected by the First Amendment to the United States Constitution, or solely due to a violation of an imposed curfew, verbal threat, or mere noncompliance with a law enforcement directive.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1007	Asm. Jones-Sawyer (D)	**Local government financing: juvenile justice.** Would revise and recast required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that face significant public safety risk from violence and crime, documentation of the effectiveness of the programs funded under these provisions, and a description of the target population funded under these provisions. This bill would require programs and strategies funded under these provisions to, among other things, be modeled on trauma-informed and youth development approaches and in collaboration with community-based organizations.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		

AB 1022	Asm. Holden (D)	**Peace officers: use of force.** Current law requires each law enforcement agency, on or before January 1, 2021, to maintain a policy that provides a minimum standard on the use of force. Current law requires that policy, among other things, to require that officers report potential excessive force to a superior officer when present and observing another officer using force that the officer believes to be unnecessary, and to require that officers intercede when present and observing another officer using force that is clearly beyond that which is necessary, as specified. This bill would require those law enforcement policies to require those officers to immediately report potential excessive force, and to intercede when present and observing an officer using excessive force.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1196	Asm. Gipson (D)	**Peace officers: use of force.** This bill would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold, as defined.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1299	Asm. Salas (D)	**Peace officers: employment.** Would require any agency that employs peace officers to notify the Commission on Peace Officer Standards and Training when a peace officer separates from employment, including details of any termination or resignation in lieu of termination. This bill would require an agency to notify the commission if an officer leaves the agency with a complaint, charge, or investigation pending, and would require the agency to complete the investigation and notify the commission of its findings. The bill would require the commission to include this information in an officer's profile and make that information available to specified parties including any law enforcement agency that is conducting a preemployment background investigation of the subject of the profile.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1506	Asm. McCarty (D)	**Police use of force.** This bill would create a division within the Department of Justice to, upon the request of a law enforcement agency, review the use-of-force policy of the agency and make recommendations, as specified.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1652	Asm. Wicks (D)	**Law enforcement agency policies: use of force: protests.** Would require each law enforcement agency to expand the agency's use of force policy to include clear and specific guidelines under which officers may use "kettling" or "corralling," as defined by the bill, and to prohibit officers from failing to wear, or intentionally acting to obscure or conceal information on, a badge while on duty. The bill would also require each agency's policy to prohibit law enforcement officers from using force on individuals engaged in, or members of the press covering, a lawful assembly or protest, as specified, and would further require the policy to require that an officer who is found to have intentionally violated this policy be suspended, as specified. By imposing additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
AB 1709	Asm. Weber (D)	**Law Enforcement Officers: Use of Force.** This bill would remove the specification that a peace officer making an arrest need not desist in their efforts because of resistance or threatened resistance from the person being arrested.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		

SB 731	Sen. Bradford (D)	**Public Employment.** This bill would disqualify a person from being employed as a peace officer if that person has been convicted of, or has been adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury. The bill would also disqualify any person who has been issued a certificate by the Commission on Peace Officer Standards and Training and had that certificate revoked by the commission, has voluntarily surrendered the certificate, or has been denied issuance of a certificate. The bill would require a law enforcement employing peace officers to employ only individuals with a current, valid certification or pending certification.			Public Health & Safety	Referred to the Senate Public Safety Committee Hearing Scheduled: July 28 at 9:00 am		
SB 776	Sen. Skinner (D)	**Peace officers: release of records.** This bill would make every incident involving use of force subject to disclosure. The bill would remove the requirement that a complaint relating to sexual assault or dishonesty be found to be sustained following an investigation in order to be subject to disclosure. The bill would require records relating to sustained findings of wrongful arrests and wrongful searches to be subject to disclosure. The bill would also require the disclosure of records relating to an incident involving prejudice or discrimination on the basis of specified protected classes. The bill would require the retention of all complaints currently in the possession of a department or agency. The bill would require that records relating to an incident in which an officer resigned before an investigation is completed to also be subject to release. For purposes of releasing records, the bill would prohibit assertion of the attorney-client privilege to limit the disclosure of factual information provided by the public entity to its attorney, factual information discovered by any investigation done by the public entity's attorney, or billing records related to the work done by the attorney.			Public Health & Safety	Referred to the Assembly Public Safety Committee		
SB 1220	Sen. Umberg (D)	**Peace and custodial officers.** This bill would, on and after January 1, 2022, require any state or local law enforcement agency maintaining personnel records of peace officers and custodial officers to, upon request, provide a prosecuting agency a list of names and badge numbers of officers employed by the agency in the 5 years preceding the request who meet specified criteria, including, among other things, that the officer has had sustained findings for conduct of moral turpitude or group bias or that the officer is on probation for a criminal offense.			Public Health & Safety	Referred to the Assembly Public Safety Committee		
Workers' Compensation								
AB 664	Asm. Cooper (D)	**Workers' compensation: injury: communicable disease.** This bill would define "injury," for certain state and local firefighting personnel, peace officers, certain hospital employees, and certain fire and rescue services coordinators who work for the Office of Emergency Services to include being exposed to or contracting, on or after January 1, 2020, a communicable disease, including coronavirus disease 2019 (COVID-19), that is the subject of a state or local declaration of a state of emergency that is issued on or after January 1, 2020.			Public Health & Safety	Referred to the Senate Labor, Public Employment and Retirement Committee	GTLR:Workers' Comp:a	League: Watch
Fire Safety								
SB 474	Stern	**Very high fire hazard severity zone: state responsibility area: development prohibition.** This bill would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area.			Public Health & Safety	Referred to the Assembly Local Government Committee	PS:Fire Services:a	