

Date: November 5, 2021

To: State Legislation Committee

From: Thomas B. Modica, City Manager 

Subject: **2022 Draft State Legislative Agenda**

Each year, staff reviews the State Legislative Agenda and recommends changes to reflect the City of Long Beach's (City) legislative and funding priorities for the upcoming year. This memorandum presents staff recommendations that have been incorporated into the attached 2022 Draft State Legislative Agenda for the State Legislation Committee's consideration.

This past year, the Government Affairs Office developed a system to streamline coordination with departments on the City's advocacy efforts. In January 2021, the Government Affairs Office established a Policy Liaison group comprised of representatives assigned by department directors to create an open line of communication between subject matter experts within City departments and the Government Affairs team, allowing for real-time feedback on legislative items and proposals throughout the year. As bills are introduced, Government Affairs staff work directly with departmental policy liaisons to determine the impacts of legislation on City operations before forming an official position in alignment with the State Legislative Agenda.

Policy liaisons and department directors have also helped shape the development of the City's proposed 2022 advocacy priorities. In July 2021, the Government Affairs Office hosted a training session for all departments to learn about the legislative agenda update process and timeline and circulated the adopted 2021 State Legislative Agenda to departments for input on substantive changes that could be incorporated into the 2022 Draft State Legislative Agenda. Following departmental review of the previous year's agenda, the Government Affairs team met with departments individually to further develop their recommended legislative and funding priorities for the upcoming year.

Proposed Changes to the State Legislative Agenda

Creating a Strategic Advocacy Plan

In addition to reflecting departmental priorities, the 2022 Draft State Legislative Agenda has been reframed to create a more cohesive strategic advocacy plan moving forward. The intention behind restructuring the agenda is to prioritize the City's advocacy needs for the upcoming year, while also streamlining the document for ease of use.

For the legislative agenda to serve as a strategic plan that directs staff activities

throughout the year, the document should clearly outline the underlying principles that influence the City's perspective across policy issues. The revised agenda highlights core values that guide the City's advocacy priorities. Based on Council action and direction, staff recommends highlighting three core values: (1) preserving local control over finances and decision making; (2) advancing equity and inclusion for communities most impacted by policy decisions; and (3) ensuring the City's long-term resilience and adaptability in the face of growing environmental, economic, and public safety and health challenges. These values shape the City's advocacy positions in each policy theme and should be made explicit at the outset of the agenda.

Staff has also found it useful to build an advocacy plan to leverage key policy initiatives and priorities at other levels of government in a given legislative year to more effectively advance City Council direction. The previously adopted agenda included Focus Statements for each major section, which have been retained unless otherwise noted. Just as the City adopted a COVID-19 Advocacy Strategy last year, staff recommends prioritizing specific issues, projects, and funding items in the 2022 Focus Statements section related to the themes of infrastructure and recovery, which will continue to receive attention and resources from all levels of government this coming year.

Furthermore, the State Legislative Agenda has evolved over the years in a way that has outgrown the usefulness of the existing sections (Economic Development, Public Safety, Public Health, Education, Sustainable and Livable Cities, and Local Control). While these sections capture many of the City's advocacy efforts, they are too broad to clearly align with all City policy priorities, which now includes items such as affordable housing, technology, and transportation. For example, last year the City added the Public Health section, given the heightened needs of the pandemic. Restructuring the document around more specific policy themes not only makes the agenda easier to read, but also makes it more consistent with how the Government Affairs team utilizes the document to identify Council direction on different legislative items. All the objectives and policy directives in the previously adopted agenda have been retained as subcategories under specific policy issue areas, except where substantive changes have been noted.

Recommended Language Changes

Apart from the proposed restructuring of the agenda, the core language of the previously adopted agenda remains intact, and changes are denoted in the attached draft agenda in the following ways:

- New proposed language is indicated by Blue text. Next to added or revised language is the name of the department in parentheses pertaining to that specific recommended revision. The rationale behind staff's recommendations for revisions to the agenda are noted in detail below.
- The previous Local Control section represents a core value touching each of the policy

areas identified in the other sections. Staff recommends moving the items in the Local Control section to the policy issue areas they address. These movements are indicated by Purple text.

- The individual Focus Statements from the previous agendas were also folded into the newly structured agenda. Some items were moved to specific policy subsections based on the nature of the item, while others became the title of the subsections to eliminate redundancies in the document. The Focus Statements are noted by Green text.
- Staff recommendations to delete duplicative or obsolete items are indicated by ~~red~~ **striketrough** text.

The following explains the rationale for items added to the draft agenda:

ECONOMIC DEVELOPMENT

1.2. Economic Equity

- Proposed language recommended by Economic Development: “Support legislation and resources to advance the creation of infrastructure financing districts and tax-increment financing to bolster the City's empowerment zones, expand the use of funds to maintain and administer the zones, and allow for property ownership opportunities for lower-income entrepreneurs.”

Rationale: City Council has prioritized the development of economic empowerment zones. It would be helpful to have additional flexibility in the creation of infrastructure financing districts and tax-increment financing (EIFDs, CRIAs, and special tax districts) to support funding and capital investment opportunities within these zones.

- Proposed language recommended by Economic Development: “Support legislation that streamlines the administrative review process for exempting and excluding properties from the Surplus Land Act and clarifies the disposition of surplus land to mean sale, transfer, or long-term lease.”

Rationale: AB 1486 (Ting, 2019) expanded the applicability of the Surplus Land Act, and in April 2021 the California Department of Housing and Community Development released guidance stating that the lease of City-owned properties qualify under the Act requirements for noticing surplus land. The process to exempt a property from the Act is cumbersome, and the law places an undue administrative burden on the City to request an exemption even for properties that should be excluded altogether (e.g., leases in the Tidelands area and on Airport property). This item is intended to minimize the impact on the City and clarify the applicability of the law.

ENVIRONMENT, NATURAL RESOURCES, AND RECREATION

4.1. Air Quality and Environmental Sustainability

- Proposed language recommended by Financial Management: “Support policies, legislation and funding to enable adoption of Zero-Emissions Vehicles (ZEV) in the City fleet, starting in 2024 or sooner, including medium and heavy-duty trucks, as required by the Advanced Clean Fleet (ACF) State regulation, to include funding support for both ZEVs and necessary infrastructure.”

Rationale: This language aligns with local sustainability efforts to reduce greenhouse gas emissions by transitioning the City to a zero-emissions fleet. Financial assistance will allow the City to purchase ZEVs at a faster pace and will benefit the community and region.

- Proposed language recommended by Recovery Team: “Support funding for multi-benefit parks projects and an urban forestry plan to expand the City’s tree canopy and advance the City’s ability to adapt to climate change impacts including but not limited to air quality, flooding, extreme temperatures, and drought.”

Rationale: Parks projects and the City’s tree planting programs in environmental justice communities help achieve urban heat reduction and urban greening strategies in line with the Climate Action and Adaptation Plan. Dedicating resources to ongoing tree maintenance is critical to the survival of trees. Tree maintenance also provides an opportunity to engage the surrounding community in sustainability and climate initiatives.

4.2. Stormwater Management and Recreational Water Quality

- Proposed language based on City Council action: “Support efforts to clean up the DDT waste dumped in the ocean near Long Beach and resources to prevent further harm to natural resources from the waste sites.”

Rationale: This language comes from Council action taken on [May 18, 2021](#), requesting the City Attorney to draft a resolution calling on Congress and the Environmental Protection Agency to take all measures necessary to prevent further harm to natural resources, wildlife and citizens from the DDT waste dumped in the waters between Long Beach and Santa Catalina Island.

4.3. Parks

- Proposed language recommended by Recovery Team: “Support policies to partner with the school district to provide access to school open space, particularly in underserved communities that lack equitable access to parks and open space.”

- Proposed language recommended by Recovery Team: “Support expanding funding beyond capital projects for structural park, open space and waterway operations and maintenance.”
- Proposed language recommended by Recovery Team: “Support funding and programs that assist youth in accessing the beach, water-related activities and access to free or low-cost swim lessons.”

Rationale: These items are all in line with the Parks, Recreation and Marine Strategic Plan for 2021-2031, reviewed by City Council on October 19, 2021. They will help to advance the City’s objectives to provide more equitable access to parks, open space, and programming.

GENERAL GOVERNMENT

6.1. Airport

- Proposed language recommended by Airport: “Support policies, legislation, and funding that incentivize the use of sustainable aviation fuel but does not impose mandates.”

Rationale: The Long Beach Airport has been recognized as a leader in reducing emissions and supports incentive-based models for utilizing sustainable aviation fuel in line with the [Council-directed](#) green airport plan and programs.

HOUSING

7.1. Affordable Housing

- Proposed language recommended by Development Services: “Support additional resources for the Multifamily Housing Program and other investments that assist with the construction, rehabilitation, and preservation of permanent and transitional affordable housing for lower-income households.”

Rationale: The City has been successful and competitive at getting funds through the Multifamily Housing Program and would benefit from additional resources going to this type of program to advance affordable housing investments.

- Proposed language based on City Council action: “Support regional approaches to raising funds for affordable housing production and preservation, renter protections and tenant assistance, where the City is guaranteed funding and decision-making authority.”

Rationale: On [August 17, 2021](#), City Council voted to support Senate Bill 679

(Kamlager), which would create an independent countywide agency to raise public and private funds for affordable housing and tenant assistance. Based on Council comments, the City would benefit from a more regional approach to affordable housing production, and the City should have direct funding opportunities and representation on an agency created for this purpose.

PUBLIC HEALTH

8.1. Intervention

- Proposed language recommended by the Police Department: “Support legislation and grant efforts that assist municipalities in combatting opioid overdose.”

Rationale: The opioid epidemic has plagued cities across the country. Additional resources to fight against opioid addiction and overdose will further advance our public health efforts in Long Beach.

8.2. Cannabis and Tobacco Regulation

- Proposed language based on City Council action: “Support funding and resources to advance the City’s Cannabis Social Equity Program, including efforts to defer or waive State cannabis license fees and provide tax credits to social equity businesses.”

Rationale: This recommendation stems from Council action on [April 13, 2021](#) to adopt a resolution in support of Senate Bill 603 (Bradford), which would implement a fee deferral or waiver program and allow for tax credits for needs-based cannabis business applicants.

PUBLIC SAFETY

9.1. Constitutional Rights

- Proposed language recommended by the Police Department: “Support legislation that provides data-informed approaches and funding to support community programs and trauma services for victims of violent crime, including measures that enhance penalties for gun violence recidivists and help law enforcement agencies decrease firearm and ballistic backlogs.”

Rationale: This proposal revises an existing directive so that the language is inclusive of all victims of violent crime and not limited to “gun violence”.

- Proposed language recommended by the Police Department: “Support legislation that provides resources and services for victims of human trafficking, sexual abuse, and rape, including support measures to decrease rape kit backlogs.”

Rationale: Additional resources would help to support local efforts to combat human trafficking, sexual abuse, and rape.

- Proposed language recommended by the Police Department: “Support legislation for increased penalties or fees for individuals who willfully disrupt communities with noise from altered motor vehicles and that participate in street takeovers and/or street racing.”

Rationale: Street racing and takeovers are detrimental to public safety and neighborhood livability. This item is in line with City Council action on [July 20, 2021](#), to review policies to enhance penalties for participating in or being a spectator at a street takeover event.

TRANSPORTATION

11.1. Active Transportation and Transit-Oriented Development

- Proposed language recommended by Public Works: “Support funding sources and policies that increase local agencies’ ability to create public plazas, public art, and other placemaking opportunities in the public right of way.”

Rationale: Creative uses of public space and placemaking help enhance communities and provide a more pleasant, safe environment for active lifestyles and recreation in line with Council-approved programs such as the Open Streets Initiative during the COVID-19 pandemic.

- Proposed language recommended by Public Works: “Support policies, legislation, and funding to increase access to active transportation modes to reduce greenhouse-gas emissions from automobiles.”

Rationale: Mode shift from automobiles to active transportation will help reduce greenhouse gas emissions in support of the goals outlined in the City’s Bicycle Master Plan, Climate Action and Adaptation Plan, and other Council-adopted planning documents.

- Proposed language recommended by Recovery Team: “Support funding sources that enhance pedestrian pathways for safe, accessible connections between neighborhoods and their parks and between bike ways, public transit, and the park network.”

Rationale: The City would benefit from additional funding sources and investments in multi-modal access to the City’s public open space.

11.2. Roadway Safety

- Proposed language recommended by Public Works: "Support policies, legislation and funding that advances Vision Zero efforts to eliminate traffic-related fatalities and serious injuries."

Rationale: Traffic-related accidents, injuries, and fatalities continue to be a challenge for the City. Staff should continue to advocate for policies and programs that will help the City achieve its Vision Zero goals.

- Proposed language recommended by Public Works: "Support legislation, policies, and funding to establish pilot programs for automated traffic speed enforcement in high-injury networks and specific locations near schools, senior zones, public parks, and recreation centers."

Rationale: The City supports a pilot program to test automated traffic speed enforcement in specific locations to reduce the number of traffic-related fatalities and serious injuries in line with the Council-adopted [Safe Streets Long Beach Action Plan](#).

Next Steps

A State Legislation Committee meeting is scheduled for November 11, 2021, to review and discuss staff's recommended changes to the 2022 State Legislative Agenda. Upon approval by the State Legislation Committee, the Committee will forward the proposed agenda to the full City Council for consideration and adoption at the December 7, 2021 meeting. If you have any questions, please contact Tyler Bonanno-Curley, Manager of Government Affairs, at (562) 570-5715 or Tyler.Curley@longbeach.gov.

ATTACHMENT

CC: MAYOR AND MEMBERS OF THE CITY COUNCIL
CHARLES PARKIN, CITY ATTORNEY
DOUGLAS P. HAUBERT, CITY PROSECUTOR
LAURA L. DOUD, CITY AUDITOR
LINDA F. TATUM, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
TERESA CHANDLER, DEPUTY CITY MANAGER
MEREDITH REYNOLDS, SPECIAL DEPUTY CITY MANAGER FOR RECOVERY
REBECCA G. GARNER, ADMINISTRATIVE DEPUTY CITY MANAGER
APRIL WALKER, ADMINISTRATIVE DEPUTY CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK
DEPARTMENT HEADS
ELEANOR TORRES, HARBOR DEPARTMENT MANAGER OF GOVERNMENT AFFAIRS
ARC STRATEGIES



2022 Draft State Legislative Agenda

Key:

- *Local Control Items in Purple for reference
- *Focus Statement Items in Green for reference
- *New Items in Blue for reference



The State Legislative Agenda codifies the City’s positions on legislation, regulatory proposals, and funding opportunities. The purpose of the agenda is to align the advocacy efforts of the City’s Government Affairs Office with the City’s core values, principles, and policy statements covering a variety of issues that impact the City.

Each year, the State Legislative Agenda is updated in consultation with the Mayor, City Council, and City departments to highlight the legislative and funding priorities for consideration and adoption by the City Council. The agenda provides direction to the Government Affairs Office and the City’s legislative advocates on strategic objectives for the year, allowing the City to effectively take positions on specific policy issues that affect City operations.

The legislative agenda serves as a strategic plan that directs staff activities and advocacy priorities throughout the year. These priorities are driven by the City’s core values of preserving local control over finances and decision-making; advancing equity and inclusion for communities most impacted by policy decisions at other levels of government; and ensuring the City’s long-term resilience and adaptability in the face of growing environmental, economic, and public safety and health challenges.

Core Values

Local Control

The City of Long Beach supports policies and legislation that protect and/or expand the City’s authority and rights over its affairs. Staff will work to oppose policies and legislation that preempts the current authority possessed by the City and instead delegates that authority to the State or other governmental jurisdictions. Local control gives leaders the flexibility to solve problems that are in the best interest of their own communities. This is vital for Long Beach to remain a unique place to live, work, and play.

Equity and Inclusion

Equity is when everyone can reach their highest level of health and potential for a successful life, regardless of their background and identity. Inclusion means the practice of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalized. Each area of the legislative agenda is considered through a lens of advancing equity and inclusion. The City acknowledges the existence and impacts of historic systemic racism and supports equitable community practices through innovative local government models. We further support the use of an equity lens in policy and program design and will seek funding to increase access and opportunity for all members of the Long Beach community.

Resilience and Adaptability

The City has been greatly tested in the last year as we and the rest of the world faced unprecedented challenges brought on by the global COVID-19 public health pandemic and economic downturn. Resilience and adaptability are crucial as we continue to recover and adapt to ever changing surroundings. Resiliency is the capacity for communities and organizations to heal from trauma, and adaptability refers to the ability to cope with adversity and adapt to challenges or change.

2022 Focus Statements

While the legislative agenda contains City Council-adopted objectives and directives regarding a wide array of issue areas impacting the City, focus statements help to bring attention to funding and legislative priorities for the current legislative year. These statements highlight issues that need to be addressed throughout the year. Focus statements are developed in conjunction with various City departments and may shift from year to year based on the social, political, and economic environment.

Infrastructure

Both the State and federal governments have prioritized infrastructure investments over the coming years to promote long-term economic recovery from the COVID-19 pandemic, advance equity and sustainability, and provide workforce development opportunities in key industry sectors. The City will continue to advocate for external funding opportunities to address the following critical infrastructure needs and projects:

- Support infrastructure investments that reduce long-term operations and maintenance expenditures for the City.
- Support sustainable infrastructure funding to advance the City's climate resiliency efforts and organics waste objectives.
- Support water quality infrastructure investments to improve the quality of stormwater, sustain wetlands habitat, and protect aquatic life.
- Support regional planning and investments in electric vehicle charging infrastructure and zero-emissions equipment.
- Support investments to improve port and transportation infrastructure to meet current and future supply chain demands, advance congestion relief and efficiency improvements, increase on-dock rail, reduce emissions, and expand workforce development opportunities in trade-related sectors.
- Support streamlined funding to incorporate technology into infrastructure programs, including "dig once" and "build once" opportunities that modernize technology in City and public facilities.
- Support the construction of and improvements to vital public safety infrastructure such as fire and police stations, health facilities, and emergency preparation and response resources.
- Support the development of a preventative and responsive public health infrastructure to identify early and respond swiftly to emerging infectious disease threats.
- Support funding for public facilities such as swimming pools, parks and open space, arts and cultural resources, and community centers in historically marginalized communities.
- Support investments to create housing opportunities for people experiencing homelessness, long-term affordable housing, and mortgage down payment assistance programs.
- Support funding to complete the City's "8 by 28" infrastructure initiative in preparation for the 2028 Olympics.
- Seek opportunities to facilitate economic development through leveraging private investments to promote quality infrastructure benefiting all communities within the City.

Recovery

Since March 10, 2020, when the City Council declared a local health emergency to address the COVID-19 pandemic, the City's top priority has been to mitigate the risks to residents' health and well-being, as well

as impacts to the economy and the local business community. The City will continue to advocate for ongoing funding to support Long Beach Recovery Act programs and resources for the long-term economic recovery and resilience of the City.

- Support legislation and resources to effectively respond to the COVID-19 pandemic and mitigate the spread of the virus.
- Support ongoing, structural funding for public health jurisdictions to coordinate and invest in public health infrastructure, workforce, equity, STD testing and prevention, and other local needs.
- Support resources for basic needs including food security, childcare, and access to transportation and work.
- Support funding that increases broadband access and adoption through devices, education, and affordable internet services.
- Support funding to invest in economic recovery in the sectors hardest-hit by the COVID-19 pandemic, employment opportunities, and economic research to study the impacts of the City's investment programs.
- Support resources for programs that build generational wealth for low-income communities such as homeownership opportunities and inclusive entrepreneurship.
- Support funding to assist low-income residents that utilize the City parks and libraries and their services by subsidizing access to park programs and eliminating overdue library fines.
- In coordination with Long Beach Water, support policies that make water debt relief funding to local water systems and customers non-taxable.
- Support resources for the City to expand language access during in-person and hybrid public meetings through funding for translation services, software and technology, and personnel.

STATE LEGISLATIVE AGENDA ITEMS

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. ECONOMIC DEVELOPMENT	6
1.1. Emerging Sectors	6
1.2. Economic Equity	6
1.3. Workforce Preparedness	7
1.4. Entrepreneurship	7
1.5. Industry Needs	8
1.6. Quality of Life	8
1.7. Global Connectedness	9
2. EDUCATION	9
2.1. Education Equity	9
2.2. Internships	10
2.3. Long Beach College Promise	10
2.4. Technology	11
3. ENERGY	11
3.1. Energy Resiliency	11
3.2. Utilities and Waste Management	11
4. ENVIRONMENT, NATURAL RESOURCES AND RECREATION	12
4.1. Air Quality and Environmental Sustainability	12
4.2. Stormwater Management and Recreational Water Quality	13
4.3. Parks	13
5. FISCAL RESPONSIBILITY	14
5.1. Revenue, Fees and Taxation	14
5.2. Unfunded Mandates	14
6. GENERAL GOVERNMENT	15
6.1. Airport	15
6.2. Long Beach Animal Care Services	15
6.3. Land Use Planning	15
6.4. Local Initiatives	15
6.5. Elections and Campaign Finance	15
6.6. Retirement, Compensation, and Benefits	16
6.7. City Representation	16

7. HOUSING	16
7.1. Affordable Housing	16
7.2. Everyone Home Long Beach	16
7.3. Housing Element	17
7.4. Funding	18
8. PUBLIC HEALTH	18
8.1. Intervention	18
8.2. Cannabis and Tobacco Regulation	20
9. PUBLIC SAFETY	20
9.1. Constitutional Rights	20
9.2. Innovation	21
9.3. Partnerships	22
9.4. Public Trust	23
9.5. Emergency Preparedness	23
10. TECHNOLOGY	24
10.1. Digital Inclusion	24
10.2. Telecommunications	24
11. TRANSPORTATION	25
11.1. Active Transportation and Transit-Oriented Development	25
11.2. Roadway Safety	26

1. ECONOMIC DEVELOPMENT

1.1. **Emerging Sectors** – Grow and Strengthen our established industry clusters and emerging sectors

- Support policies, legislation and grants to increase the number of jobs in key industry clusters.
- Support policies, legislation and grants to increase the number of businesses in key industry clusters.
- Support policies, legislation and grants to increase the number of jobs in traded industries that bring wealth into Long Beach.
- Support policies, legislation and grants to increase research capacity and relevancy as measured by approved patents.
- Support policies, legislation and grants to increase tourism.
- Support policies, legislation and grants to require the State’s Employment Development Department to provide the same economic data they provide for counties to the ten largest cities in the state.
- Ensure that State hiring and manufacturing tax credits remain valid until the program sunsets in the year 2021, and support efforts to extend the tax credits beyond 2021.
- Support or sponsor legislation that allows the City of Long Beach to pursue public-private partnerships.
- Support efforts to increase operational excellence in terms of balancing environmentally sustainable achievements and financial strength at the Port of Long Beach.
- Support legislation, grants, and greater partnership with GoBiz and the Governor’s Office that stimulate renewed, diversified economic, as well as manufacturing and export clusters in the City.
- Monitor legislation related to crypto currency or bitcoin regulation specific to businesses.

1.2. **Economic Equity** - Increase access to economic opportunities in low-income communities to advance economic equity.

- Support policies, legislation and grants to increase the number of minority-owned, LGBT-owned and women-owned businesses.
- Support policies, legislation and grants to increase non-traditional capital resources for minority-owned, LGBT-owned and women-owned businesses.
- Support policies, legislation and grants to increase investment in all business corridors with prioritization for underserved business corridors.
- Support policies, legislation and grants to increase financial literacy and wealth building opportunities for young people, disadvantaged families, senior citizens, and local businesses, with emphasis on minority, LGBT-owned and women-owned businesses.
- Support policies, legislation and grants to increase financial literacy and wealth-building opportunities for young people and disadvantaged families.
- Support policies, legislation and grants to decrease the digital divide for underserved community households.
- Support policies, legislation and grants to grow small business activity, including targeted growth among “homegrown” businesses in Long Beach.
- Support legislation that would ensure new safety regulations be made available for review and comment by employers prior to implementation.

- Support policies, legislation, and funding to would ensure language access across all government documents for cultural competency.
- Support legislation and resources to advance the creation of infrastructure financing districts and tax-increment financing to bolster the City's empowerment zones, expand the use of funds to maintain and administer the zones, and allow for property ownership opportunities for lower-income entrepreneurs. (Recommended by ED)
- Support legislation that streamlines the administrative review process for exempting and excluding properties from the Surplus Land Act and clarifies the disposition of surplus land to mean sale, transfer, or long-term lease. (Recommended by ED)
- Support efforts to enhance access, accommodations, and visitability in dwellings and businesses for all of Long Beach's residents.
- Seek opportunities to pilot innovative programs that expand employment for workers who are not part of the traditional taxable economy by developing skillsets in alignment with emerging industry sectors, enabling work experience while achieving citizenship, solidifying entrepreneurial pursuits to gain self-sufficiency, and/or addressing underlying barriers to consistent employment.

1.3. **Workforce Preparedness** - Ensure the preparedness of the workforce and competitiveness of business through alignment of economic development, training, education, and community partner efforts.

- Support policies and legislation that will increase year over year per capita income in the City.
- Support policies, legislation and grants to increase the number of middle and high-skill jobs in the City.
- Support policies, legislation and grants to reduce the unemployment rate.
- Support policies and legislation to increase the share of adult population with a Bachelor's degree, post-secondary education, or completion of certified certificate programs.
- Support policies, legislation and grants to increase the number of Long Beach residents who re-engage with the education and training system.
- Support policies to increase the number of CSULB and LBCC graduates that reside and work in the City after graduation
- Support policies, legislation and funding to would help California retain film industry jobs and associated economic benefits, including legislation to prevent runaway production.
- Support policies, legislation and funding to assist the City in providing community arts programming and facilities.
- Support policies, legislation, and funding to assist the City in providing job training, community programming, with a focus on at-risk youth and reentry populations, as well as long term unemployed residents both to receive training and reenter the workforce.

1.4. **Entrepreneurship** - Build a supportive economic ecosystem that creates reliable pathways for entrepreneurs to confidently start and grow successful businesses.

- Support policies and legislation to reduce the cost of doing business and median days to approval for business licensing.
- Support policies, legislation and grants to increase the number of active business licenses.
- Support policies and legislation to increase availability and access to high-speed internet.

- Support policies, legislation and grants to establish Long Beach as one of the most business-friendly cities in the world.
- Support policies, legislation and funding to ensure workplaces offer health insurance to employees so that workers and residents of Long Beach have equitable access to healthcare as one mechanism to establish Long Beach as one of the most worker friendly cities in the world.
- Support policies, legislation and funding to ensure parental leave.
- Support policies, legislation and grants to increase the number and value of small business loans secured.
- Support efforts to ensure effective responses and resources for projects that support populations in particular need of interventions: e.g. emancipating foster youth, transitional aged youth, systems-involved youth, military veterans and spouses, re-entry populations, disabled individuals, older workers, and transitioning dislocated workers.
- Support legislation and pursue pilot programs that expand workforce opportunities for immigrant communities in particular those that may utilize recent State measures related to undocumented youth and other measures that have sought to remove barriers toward self-sufficiency.
- Support legislation that allows cities/and or jurisdictions to incentivize or collect fees from users of the goods movement system and from parties that impact local air quality and the environment.
- Support the presentation of net neutrality to ensure that all internet service providers (ISPs) treat all internet traffic equally, regardless of content or application type.

1.5. Industry Needs - Support workforce development activities that align with industry needs.

- Support policies and legislation to maximize State allocated Workforce Development Board grants in the City of Long Beach.
- Support policies, legislation and grants to increase outcomes and relevancy of One-Stop Career Centers through resource integration with Stat “merit staff” systems and alignment of performance measures that increase the skills base of the workforce, consistent with adopted Demand Sectors and Self Sufficiency Standard.
- Support state incentives that increase the marketability of unemployed or under-employed workers by supporting policies, legislation, and funding to assist employees in receiving training in emerging industries to maintain competitive employment.
- Support policies, legislation and grants to attract and retain local green collar jobs in industries such as green building, renewable energy technologies, and energy efficiency.
- Support efforts to obtain funds for job training, and other transition activities that are needed to be flexible to changes in the aerospace, aviation and maritime industries.
- Support policies, legislation and grants to facilitate the demonstration of zero emission (ZE) and near-zero (NZE) technology and facilitate the construction of ZE and NZE infrastructure and goods movement projects in Long Beach.

1.6. Quality of Life - Enhance our quality of life to grow businesses, jobs, and investment that support a thriving local economy.

- Support policies, legislation and grants to increase access to workforce housing at all market levels.
- Support policies, legislation and grants to increase the percentage of children and adults with health insurance.
- Support policies, legislation and grants to increase public park land per 1,000 people with an emphasis on “park poor” areas.
- Support policies, legislation and grants to increase the share of Long Beach residents working in Long Beach.
- Support policies, legislation and grants to increase or maintain resources dedicated to infrastructure that contribute to economic development and neighborhood quality.
- Support policies, legislation and grants to increase investment in the arts.
- Support green business initiatives and pursuing green business certification as a city.
- Support policies, legislation and funding to implement economic relief for working families and small businesses impacted by emergencies, pandemics and naturally occurring disasters.

1.7. Global Connectedness – Advance an integrated approach to local and regional economic development to enhance business opportunities and global connectedness

- Support policies, legislation and grants to increase private sector investment in citywide economic development initiatives.
- Support policies, legislation and grants to increase educational partnerships that focus on high-wage careers and incubate new business opportunities.
- Support policies, legislation and grants to increase the City’s involvement and leadership in regional issues affecting local business.
- Support policies, legislation and grants to expand regional and international market opportunities for local products and services.
- Support policies, legislation and grants to increase foreign direct investment and two-way international trade.
- Support policies and legislation that advocate for State incentives for the purpose of attracting investments in federal Opportunity Zones.

2. EDUCATION

2.1. Education Equity – Support quality education and education equity

- Support policies, legislation and funding to provide funding for universal preschool, after school programs, safety in and around schools and bullying prevention
- Support policies, legislation and grants to increase school readiness opportunities for children and their families, including access to affordable, high quality early childhood education services.
- Support policies, legislation and grants to create strong pathways to post-secondary education and careers for young adults and emancipated youth, including opportunities for work experience and other readiness activities.
- Support policies, legislation and grants to bolster strategies to actively engage youth who are out-of-school, disconnected, emancipated, gang-affiliated, and have had significant involvement with the justice system.
- Support policies, legislation and grants to provide qualifying undocumented students with

financial aid for education.

- Support policies, legislation and funding to will provide qualifying middle class students enrolled in a University of California (UC), California State University (CSU) or Community College with a tuition and fee scholarship award.
- Support policies, legislation and funding to facilitate foster, transitional, and probation youth transition from the foster system into independent adulthood.
- Support or sponsor legislation that provides funding for Community Schools, particularly in at-risk communities with limited local access to resources.
- Support policies and legislation that preserve and strengthen the FAIR Education Act of 2011 which requires that history instruction cover LGBT persons as well as those with disabilities.
- Support policies, legislation and grants establishing and preserving educational and training programs for older adults.
- **Support legislation and initiatives that provide funding for universal preschool, after school programs, safety in and around schools and bullying prevention.**

2.2. Internships – Support the creation of career pathways by doubling the number of internships for Long Beach Unified School District students

- Support the EDGE Campaign, regional approaches to workforce solutions, including planning, project delivery, operational efficiencies, and industry convening/research in order to facilitate improved employability of workers in higher-paying jobs, educational success, graduation rates, and access to post-secondary education for youth and young adults.
- Support Career Technical Education efforts that promote further coordination between the Workforce Investment Board, education partners, and that enhance the delivery of career pathways and technical education strategies for youth and low-skilled adults.
- Support policies, legislation and grants to prioritize career technical education, alongside college preparatory programming.
- Support policies, legislation and funding to provide funding for local university, college, and high school programs that train students in near-zero and zero emission technology, renewable energy technology, energy efficiency, green building, or a related field.
- Support policies, legislation and funding to promote State investment in youth and young adult employment and training activities that align with career pathways, technical education, and overall workforce readiness.
- Support policies, legislation and funding to increase the presence of youth participation in all levels of government decision making, such as local youth councils and board participation, voting and civic engagement.
- Support policies, legislation and funding to will enhance the Aquarium of the Pacific's ability to provide maximum educational opportunities regarding aquatic life, facilities, recreation, local wetlands restoration and the Los Angeles Basin watershed management.
- Support policies, legislation and funding to identify opportunities to connect students of color with access and pathways to City employment.

2.3. Long Beach College Promise

- Support the Long Beach Unified School District, Long Beach City College and California State University, Long Beach where education and municipal government interests align.
- Support and expand the Long Beach College Promise.
- Support policies, legislation and grants to improve public education to promote an increase

in transit ridership.

- Support policies, legislation and grants to increase parent education and engagement opportunities to improve school readiness and educational success for all children and youth, thereby leading to higher graduation outcomes.

2.4. **Technology** – Support efforts to utilize technology at schools and libraries

- Support legislation and grant programs that provide funding for library construction, renovation and development and programs to increase the quality of life for Long Beach residents.
- Support full funding of the Public Library Fund.
- Support policies, legislation and funding to provide discount Internet access to schools and libraries.
- Support policies, legislation, and funding to incentivize community partnerships with local educational institutions to utilize shared space, equipment, and playgrounds.
- Support policies, legislation and funding to provide resources for computer science programs.

3. **ENERGY**

3.1. **Energy Resiliency**

- Support the development of incentives for cities with alternative fuel programs to encourage the use of clean burning alternative fuels or electronic charging stations for vehicles.
- Support alternative energy proposals that promote the use of solar/alternative energy at City facilities, and for utility customers and providers.
- Support policies, legislation and funding to be consistent with the City's long-term objectives for reliable, competitively priced energy supply.
- Support legislation requiring increased notification, prevention and response for crude oil shipped to California via rail.
- Support policies, legislation, and funding to continue the option for local governments to enter into Community Choice Aggregates agreements.
- Support policies, legislation and grant programs in support of the Port of Long Beach's Energy Initiative and programs that advance research, commercialization and deployment of renewable energy and energy efficiency, as well as energy systems integration.

3.2. **Utilities and Waste Management**

- Support policies, legislation and funding to protect the City's ability to efficiently operate the Southeast Resource Recovery Facility (SERRF), including efforts to develop an incentive program or foster innovative partnerships that will promote sustainability, recycling and beneficial reuse of municipal solid waste.
- Support policies, legislation and grants designed to evaluate and promote the development of next generation conversion technologies that minimize landfill disposal, create green collar jobs, and utilize waste material in an environmentally beneficial manner.
- Support policies and legislation to require cap and trade regulations to give credit for greenhouse gas emission reductions that are attributable to waste to energy facilities and the Port of Long Beach's Clean Air Action Plan.
- **Support policies, legislation and funding for the maintenance of existing oil property**

- infrastructure, repair and improvement.
- Support the full funding of the State’s future obligation for abandonment and cleanup of oil fields located in the Long Beach Tidelands.
- Coordinate with the California Environmental Protection Agency, California Air Resources Board, Strategic Growth Council, and the Southern California Association of Governments to ensure at least a fair rate of return of cap-and-trade grants to Long Beach.
- Support policy changes that encourage diversity in waste treatment options and recognize waste-to-energy technologies as a sustainable means of waste disposal and energy production.

4. ENVIRONMENT, NATURAL RESOURCES AND RECREATION

4.1. Air Quality and Environmental Sustainability

- Support policies, legislation and funding to provide funding for local government actions that address climate change and reduce greenhouse gas emissions, while protecting recognition of early local government actions that were taken to address climate change.
- Support policies, legislation and funding to seek to improve the air quality and health issues associated with construction improvements and operations of the I-710 Freeway and Port of Long Beach.
- Work closely with the California Air Resources Board (CARB) and the South Coast Air Quality Management District (SCAQMD) to mitigate the impacts from stationary and non-stationary sources of air pollution in the Long Beach and greater Los Angeles air basin.
- Support policies and legislation that would enable the adoption of comprehensive and aggressive State air quality standards for mobile sources, including passenger vehicles, heavy-duty trucks, locomotives, and ships.
- Support a review by the U.S. Department of Transportation of regulatory and fee frameworks for freight (container, bulk, liquid bulk) as part of a comprehensive examination of efforts to improve system performance and encourage funding for environmental programs that are associated with the national freight system.
- Support policies, legislation and funding to would assist the Port of Long Beach and the Long Beach Airport in their efforts to deliver major air quality improvements to the community and is consistent with the goals of the Clean Air Action Plan.
- Support policies, legislation and funding to promote an environmentally responsible approach to consumer goods, including requiring product take-back and recycling, reduction of packaging waste, phase out of toxic products, reduce single-use disposable goods, and ban single-use carryout bags and/or Styrofoam.
- Support policies, legislation and funding to couple planning efforts with greenhouse gas emission reduction, green building, and transit-oriented development strategies.
- Support policies and legislation that seeks to ban non-recyclable and non-polystyrene materials from the waste stream.
- Support policies, legislation and funding in alignment with the City’s Climate Action and Adaptation Plan (CAAP), Los Angeles County’s Community Climate Action Plan, and the State’s climate change initiatives.
- Support policies, legislation, and funding to reduce air pollutants adversely impacting the environment and population's wellbeing while ensuring equitable access to healthy air quality.

- Support policies, legislation, and funding to enable adoption of Zero-Emissions Vehicles (ZEV) in the City fleet, starting in 2024 or sooner, including medium and heavy-duty trucks, as required by the Advanced Clean Fleet (ACF) State regulation, to include funding support for both ZEVs and necessary infrastructure. (Recommended by FM)
- Support funding for multi-benefit parks projects and an urban forestry plan to expand the City's tree canopy and advance the City's ability to adapt to climate change impacts including but not limited to air quality, flooding, extreme temperatures, and drought. (Recommended by Recovery Team)

4.2. Stormwater Management and Recreational Water Quality

- Support policies, legislation and funding to would provide local governments with resources to implement stormwater management best practices, including low impact development (LID) ordinances to capture stormwater at its source, municipal separate storm sewer systems (MS4) permit compliance, infrastructure improvements and other initiatives to improve recreational water quality at the City's beaches and local waterways.
- Support policies and legislation that exclude stormwater and urban runoff management fees and charges from the current constitutional approval requirements for the establishment or increase of a property-related fee or charge.
- Support policies and legislation that will fund regional cooperative conservation partnership accounts, natural resource protection and restoration programs, regional watershed protection and recovery programs, and watershed improvement programs.
- Support policies, legislation and grants and pursue funding to protect our beaches and bluffs from erosion.
- Support legislation and grants designed to acquire, restore and rehabilitate wetlands in the City of Long Beach and the surrounding region.
- Seek funding for water conservation efforts on City property, including funds to replace/repair irrigation infrastructure with water efficient systems throughout the City of Long Beach.
- Consider support of legislation, initiatives and policies initiated and/or advocated by the Long Beach Board of Water Commissioners, on behalf of the Long Beach Water Department.
- Consider support of legislation, initiatives and policies initiated and/or advocated by the Long Beach Harbor Department/Port of Long Beach.
- Support efforts to clean up the DDT waste dumped in the ocean near Long Beach and resources to prevent further harm to natural resources from these waste sites. (Recommendation from Council action on May 18, 2021)
- Support legislation that allows the County of Los Angeles to conduct an election to implement a fee to improve storm water systems and water quality, provided Long Beach receives an appropriate benefit in the proposed measure.

4.3. Parks – Support rights-of-way, parks, recreation and marine programming and infrastructure

- Support policies, legislation and grants to fund parks, recreation and marine facilities, capital improvements, and programs to increase the quality of life for Long Beach residents.
- Support legislation and grants to facilitate the public's access to the Internet when in parks, beaches, and recreation facilities through Wi-Fi technologies.
- Support policies, legislation and funding to fund or enhance funding to local health department recreational water testing programs.
- Support or sponsor legislation to amend State Park grant requirements to allow cities to

utilize a federally approved overhead allocation system to account for the costs associated with the administration of these grants.

- Support policies, legislation and grants to fund obesity prevention programs, and the promotion of physical activity, including programs that promote policies for healthy food access and options, healthy food labeling, access to healthy locally grown food, low-cost exercise options, and promotion of walkability and physical activity policies, as well as active modes of transportation.
- Support policies and legislation that provide a sufficient process for businesses and other governmental entities to implement ADA requirements and to fully support residents with disabilities.
- Support, policies, legislation, and funding to support injury prevention programs, including but not limited to Safe Routes to School, Safe Driving Program, Fall Prevention Programs, and Bike and Pedestrian Safety Program, for all ages.
- Support policies, legislation and funding to promote the acquisition of underutilized space for the purpose of park and recreational infrastructure.
- Support policies to partner with the school district to provide access to school open space, particularly in underserved communities that lack equitable access to parks and open space. (Recommended by Recovery Team)
- Support expanding funding beyond capital projects for structural park, open space and waterway operations and maintenance. (Recommended by Recovery Team)
- Support funding and programs that assist youth in accessing the beach, water-related activities and access to free or low-cost swim lessons. (Recommended by Recovery Team)

5. FISCAL RESPONSIBILITY

5.1. Revenue, Fees and Taxation

- Support efforts to protect City revenue sources from diversion by the State Legislature or the Governor.
- Support policies and legislation to preserve or extend the Vehicle License Fee (VLF) that directly funds local public safety programs such as COPS and booking fee reimbursements.
- ~~Support policies and legislation that would result in a more equitable distribution of sales taxes to the City, including taxes generated through Internet sales.~~ (Deletion recommended by FM, given that this issue has already been addressed)
- Support policies and legislation that increases NPDES Permit Fees and/or tries to remove Maximum Extent Practicable (MEP) language from MS4 permits.
- Oppose policies and legislation that would reduce City revenues.
- Oppose policies and legislation that would reduce the City's autonomy and flexibility in dealing with the financing of public services.
- Support policies and legislation to exempt cities from paying State sales tax.
- Oppose policies and legislation that would divert city sales tax revenues to a county pooled tax distribution system.
- Oppose policies and legislation that compromise the City's ability to impose and/or collect appropriate business license fees from Long Beach businesses.
- Support policies and legislation that sustain financial wellbeing for the City.

5.2. Unfunded Mandates

- Oppose policies and legislation that would place a mandate on the City without providing

- the funds necessary to carry out the mandated program.
- Support legislation that provides funding for State mandates.
- Oppose policies and legislation that shift financial liabilities from contractors and/or consultants to the City.

6. GENERAL GOVERNMENT

6.1. Airport

- Oppose the regionalization of airports as it relates to the allocation of flights and the loss of local authority.
- Support policies, legislation, and funding that incentivize the use of sustainable aviation fuel but does not impose mandates. (Recommended by LGB)

6.2. Long Beach Animal Care Services

- Support policies legislation and grants to facilitate planning, logistics and execution of an emergency/disaster management plan for animal rescue and sheltering, which includes temporary housing, veterinary/medical care, and inventory for lost or abandoned animals.
- Support legislation, policies and grants to facilitate cities to increase public awareness and desire to adopt domestic pets from animal care shelters.
- Support legislation that would require all dogs and cats to be microchipped upon release from an animal care center, shelter, or similar facility.
- Support additional funding to local governments to support housing animals at animal care shelters beyond 3 days.

6.3. Land Use Planning

- Oppose policies and legislation that diminish the City's local control over land use, planning, zoning and development decisions, and oppose legislation in conflict with the City's adopted General Plan or other Council adopted land use policies.
- Seek State funding to support developments consistent with the City's adopted Land Use Element.

6.4. Local Initiatives

- Support legislation that allows for local control of shopping cart retrieval
- Support legislation to reduce blight in neighborhoods by placing reasonable restrictions on utilizing vehicles solely for the purpose of advertisement.
- Support or sponsor legislation to extend the authority of the Long Beach Oversight Board of the City of Long Beach as the Successor Agency to the Redevelopment Agency of the City of Long Beach.
- Oppose policies and legislation to preempt the local government's current authority as it relates to bankruptcy proceedings.
- Support policies, legislation, and grants to fund e-government initiatives.
- Support policies and legislation that allows State Infrastructure Bank Loans to be used for publicly owned acquisitions, including public-private partnerships.

6.5. Elections and Campaign Finance

- Support policies and legislation that enable cities to maximize their ability to efficiently administer local elections.

- Support legislation or a constitutional amendment that would stipulate that the expenditure of corporate money to influence the electoral process is not a form of constitutionally protected speech.
- Oppose legislative efforts to preempt campaign finance laws instituted by local ordinances, such as the City's Proposition M.

6.6. Retirement, Compensation, and Benefits

- Support policies and legislation to reform workers' compensation statutes to simplify the system and reduce costs to employers, while ensuring adequate protection for injured workers.
- Oppose legislation that would mandate additional pension benefits.
- Monitor legislative efforts to mandate increases in health benefit levels or increase the City's costs for changes to benefit levels for active employees.
- Monitor efforts to reform public employee pension systems.
- Support or sponsor legislation that prohibits PERS members from combining disability retirement benefits and worker's compensation upon retirement.
- Support legislation that reduces the overall cost of employee pensions to local governments.
- Support legislation that would modify recent pension reforms to better achieve its intent and prevent adverse impact to current employees by changing the allowed time of separation from government employment from six months to twelve months.

6.7. City Representation

- Monitor or sponsor State legislation that proposes to change the structure of State and regional boards on which Long Beach is represented and maximize the City's representation.
- Support policies and legislation to ensure the City is accurately represented in the decennial Census and redistricting efforts.
- Support redistricting policies, practices, and legislation to preserve the geographic and demographic integrity of the City through district lines that keep a vast majority of Long Beach together in predominant seats for state representatives, as was achieved in the 2010 redistricting process.

7. HOUSING

7.1. Affordable Housing

- Support additional resources for the Multifamily Housing Program and other investments that assist with the construction, rehabilitation, and preservation of permanent and transitional affordable housing for lower-income households. **(Recommended by DV)**
- Support regional approaches to raising funds for affordable housing production and preservation, renter protections and tenant assistance, where the City is guaranteed funding and decision-making authority. **(Recommendation from Council action on August 17, 2021)**
- Support efforts to modify redevelopment rents to bring them in line with California Housing and Community Development (HCD) and tax credit program rents.
- Oppose other changes to the redevelopment dissolution process that would place a substantial burden on the City of Long Beach.

7.2. Everyone Home Long Beach – Support policies consistent with the Everyone Home Long Beach

Report

- Support policies, legislation and funding for programs and services directed in the Everyone Home Long Beach Report.
- Support policies, legislation and grants to assist with the City's homeless programs, including those related to supportive housing, mental health and substance use, veterans and seniors.
- Support policies, legislation and grants to reduce homelessness, including housing assistance and case management service funding, including those related to mental health and substance abuse, as well as support efforts to ensure each city within the region is providing appropriate homeless accommodations.
- Sponsor or support policies and legislation that streamlines the eminent domain process for supportive and homeless housing that would reduce regulatory costs and litigation related to addressing the housing and homelessness crisis.

7.3. **Housing Element** – Support affordable housing policies consistent with the City's adopted Housing Element

- Support policies, legislation and funding to increase funding for affordable housing when equitable to Long Beach.
- Support policies, legislation and funding to provides funding for enhanced services, such as facilities, senior housing, housing for the disabled, social services, mental health services, health care, supportive care, recreational programs and transportation to address the diverse needs of Long Beach's senior community.
- Support policies, legislation and funding to will help stabilize California's housing market for the consumer, by providing assistance to homeowners regarding reworking their mortgages, funding to combat the negative impacts of vacant residential foreclosed properties on local communities, and reforms that include establishing basic standards for fairness and transparency in the mortgage process, foreclosure proceedings, and tenant protections after foreclosures.
- Sponsor or support policies and legislation that streamlines the eminent domain process for the purposes of motel acquisitions, if the property owner agrees to utilizing the streamlined process, only if the property acquisition is for homeless, supportive, transitional, or affordable housing.
- Support policies and legislation that provides the City with tax increment for affordable housing and public infrastructure benefitting affordable housing.
- Support policies and legislation for the inclusion of internet service amongst essential utilities, in part to permit coverage by housing vouchers.
- Support policies, legislation and grants incentivizing the development of moderate-income housing production.
- Support legislation and grants positioning Long Beach as a location for pilot programs incentivizing the development of moderate-income housing such as homeownership.
- Support policies, legislation and financial resources to impose reasonable requirements of single-family homes developed into multi-unit housing.
- Support policies, legislation and funding for establishing a statewide moratorium on evictions and foreclosures due to financial hardship during active emergencies, pandemics and naturally occurring disasters, with mortgage forbearance on commercial and residential units.
- Support policies, legislation and funding to assist families in financial need to be able to obtain rental assistance during active emergencies, pandemics and naturally occurring

disasters.

- Support policies, legislation and grants with funding to bolster the City's Universal Basic Income initiative.
- Support policies, legislation and funding to increase affordable and supportive housing opportunities for the reentry population.
- Support efforts to reform the Regional Housing Needs Assessment.
- Support policies, legislation and funding to ease restrictions on residential development within State Tideland areas.

7.4. Funding

- Oppose policies and legislation that restrict the use of local housing funds.
- Support policies and legislation to ensure the fair allocation of tax credits for the Southern California region and prioritize local control over allocation of affordable housing tax credits.
- Support policies, legislation and grants to maximize funding and funding flexibility for the development and enhancement of affordable and/or accessible housing within the City.
- Support the development of allowable uses for Low to Moderate Funds for cities that have met their affordable housing requirements in past planning cycles.
- Support legislation that utilizes the Small Area Fair Market Rents in the administration of the Housing Choice Voucher (HCV) program.

8. PUBLIC HEALTH

8.1. Intervention – Support comprehensive public health intervention strategies

- Support legislation to protect local health jurisdiction funding for core public health services, including the State Public Health Realignment Program, as well as funding to provide additional funding for public health programs, including mental health, substance abuse programs, services, infrastructure and capacity, debt service relief, seismic upgrades, and bio-terrorism response enhancements.
- Support policies, legislation and funding that allocate financial resources directly to City health departments.
- Support policies, legislation and funding to improve and innovate public health functions through ongoing evaluation, research, and quality improvement.
- Support policies, legislation and funding to preserve funding for non-profit organizations that provide child and family mental health services for the Long Beach community.
- Support policies, legislation and funding to further increase access to quality care, particularly for those individuals and families who rely on safety net programs.
- Support policies, legislation and funding to enhance services for infant and early childhood health and development, including pre-natal services.
- Support policies, legislations, and funding to promote safe motherhood by improving capacity to address maternal mortality and morbidity with an end goal of improving overall maternal health and reducing infant mortality.
- Support policies, legislation and funding to investigate, diagnose, and address health problems and hazards affecting the population.
- Support increased funding for the Racial and Ethnic Approaches to Community Health Program (REACH), a program that gives grants to local health departments and community organizations to address racial and ethnic health disparities.
- Support policies, legislation and funding to ensure access to affordable medical, dental, and

mental health care.

- Support policies, legislation and funding to promote, screen and control communicable diseases, Sexually Transmitted Infections (STIs), and emerging vector borne diseases in California.
- Support policies, legislation and funding to increase the level of safety and survival of youth through programs that reduce child abuse, accidental injury, deaths, homicides, gang involvement, misdemeanor and felony arrests, and incidents of violence.
- Support policies, legislation and funding to assure children and youth have access to resources such as food, shelter, employment opportunities and transportation and that aim to reduce the poverty level of the City's children and youth, including emancipated youth.
- Support policies, legislation and funding to enhance social and emotional well-being, including literacy, quality childcare, teen pregnancy prevention, mentor, mental health, human dignity, foster and kinship care, after-school and weekend enrichment activities, and other cultural enhancement programs.
- Support legislation and pursue funding for the implementation of Safe Long Beach and My Brother's Keeper Local Action Plan.
- Oppose legislation that would weaken the Medical Injury Compensation Reform Act (MICRA).
- Support policies, legislation and funding to ensure/sustain and expand access to private and public health insurance coverage for all residents.
- Support policies, legislation and funding to increase social, nutrition and safety net programming for older adults.
- Support drinking water quality, reliability and supply, conservation programming and affordability.
- Support policies, legislation and funding to will support the attainment of seismic compliance for the Community Medical Center Long Beach.
- Support policies and legislations that reduce barriers to accessing basic needs, including but not limited to, housing, food and healthcare.
- Support policies, legislations, and grants to strengthen investments that support comprehensive approaches to chronic disease prevention, including but not limited to, cardiovascular disease, cancer, hypertension, and type-2 diabetes.
- Support policies, legislation and funding for the quality, use, transparency and public availability of data to inform decisions and actions that improve quality of life outcomes for Black communities and communities of color.
- Support policies, legislation and grants to help the City achieve the goals and strategies outlined in the Racial Equity and Reconciliation Initiative's Initial Report.
- Support policies and legislation that provide more local government control over the regulation of sober-living homes that rent up to six beds and are not currently required to register for city business licenses, obtain conditional use permits or state licenses.
- Support policies and legislation that provide more local government control on the regulation of drug and alcohol recovery facilities.
- Support policies and legislation to reduce the overconcentration of drug and alcohol recovery facilities by specifying that a required distance be maintained between facilities.
- Support funding to implement the Safe Long Beach Violence Prevention Plan, which includes prevention, intervention, treatment, and suppression.

- Support regional initiatives that encourage mental health treatment programs, funding for substance use treatment, and homelessness intervention efforts instead of incarceration-only solutions.
- Support funding for the implementation of programs that promote community wellness at the neighborhood level.
- Support legislation and grant efforts that assist municipalities in combatting opioid overdose. (Recommended by PD)

8.2. Cannabis and Tobacco Regulation – Support clear enforcement of cannabis and tobacco regulation

- Support policies, legislation and funding to increase funding or enforcement authority and tools for local jurisdictions to identify, deter and enforce against illegal cannabis activity.
- Support State legislation that further clarifies cannabis laws in order to enable clear local enforcement of State law and advancements towards banking on behalf of cannabis.
- Support policies, legislation and funding to provide consumers, parents and youth with health and safety information related to cannabis use.
- Support policies, legislation and funding for prevention and intervention services for youth who may be at risk for tobacco, drug and alcohol dependency and associated medical conditions, including asthma.
- Support policies and legislation that restrict where people can use e-cigarettes and prohibits marketing of e-cigarettes to minors.
- Support policies, legislations, and grants to protect youth from E-Cigarette/Vaping use.
- Support policies, legislations, and grants to protect community from exposure to the carcinogenic effects of second-hand smoke.
- Support funding and resources to advance the City’s Cannabis Social Equity Program, including efforts to defer or waive State cannabis license fees and provide tax credits to social equity businesses. (Recommendation from Council action on April 13, 2021)

9. PUBLIC SAFETY

9.1. Constitutional Rights – Protect life, property and the constitutional rights of all people

- Support policies, legislation and funding that promotes equitable equal treatment and protects the fundamental liberties of all people families. (Recommendation by PD)
- Support legislation for stronger sentencing of those using motor vehicles to evade peace officers, committing residential burglary, and/or habitual, repeat offenders of property crimes such as automobile theft, automobile burglary and theft from an automobile.
- Support or sponsor legislation to regulate metal recyclers of second-hand precious metal transfers and/or transactions and enhanced penalties for individuals involved in the illegal market.
- Support or sponsor legislation to promote regulation of “ghost guns” and support enhanced penalties for manufacturers, suppliers and distributors of illegal firearms.
- Support legislation that provides data-informed approaches and funding to support community programs and trauma services for victims of violent crime gun violence, including measures that enhance penalties for gun violence recidivists and help law enforcement agencies decrease firearm and ballistic backlogs. (Recommendation by PD)
- ~~Support legislation, policies and funding to enable local law enforcement agencies to~~

~~establish interoperable databases of ammunition and cartridge cases, including fingerprints found on ammunition and cartridge cases at documented crime scenes.~~ (Recommendation by PD- system already in place)

- Support legislation that provides a safe environment for witnesses and victims of a crime to testify and protect them from intimidation during and after criminal proceedings.
- Support policies and legislation to make State law enforcement grant funding less restrictive and allow greater discretionary use of funds for staffing, including those benefitting jail, data management and technology functions, and reimbursing overtime costs paid to public safety personnel who are required to appear in State and/or County courts.
- Support legislation that broadens the definition of hate crimes and increase sentencing of hate crimes.
- Support policies and legislation for transgender inclusivity and oppose efforts for exclusive treatment of the transgender community.
- Support legislation and grants to continuously evaluate use of force policies and funding for training.
- Support legislation that requires officers to intervene when they observe unlawful behavior by another officer or perceive the use of force to be unreasonable.
- Support legislation and enhanced penalties involving false reporting based on racial bias.
- Support gun control reforms, including strengthening gun control laws and stemming the flow of guns to the drug trade, criminal gangs and potential terrorists by reducing the number of assault weapons in California, banning large capacity magazines, promoting gun safety, enabling ammunition tracking and ensuring that prohibited possessors cannot own guns.
- Support or sponsor legislation that increases penalties to individuals who pay for sex with a minor, or those involved in aiding and abetting a rape of a minor, including classification of these crimes as a felony, increasing monetary penalties, requiring registration as a sex offender, forfeiting certain assets, and other appropriate measures that prove effective in curtailing these crimes.
- Support legislation, policies and funding to would enable public health providers and partner agencies to provide treatment to mentally ill individuals who are unable to offer urgently needed medical care for him or herself due to a mental disorder as part of a grave disability.
- Support legislation that provides resources and services for victims of human trafficking, sexual abuse, and rape, including support measures to decrease rape kit backlogs. (Recommendation by PD)
- Support legislation for increased penalties or fees for individuals who willfully disrupt communities with noise from altered motor vehicles and that participate in street takeovers and/or street racing. (Recommendation by PD)

9.2. **Innovation** – Foster innovation and partnerships with all communities to achieve safe and livable neighborhoods ~~to address economic and social challenges~~ (Recommendation by PD)

- Support policies and legislative efforts to ban the sale and use of fireworks in the State of California, with the exception of professional demonstrations.
- Support policies and legislation that would expand statewide restrictions on fireworks, increase the penalties for anyone cited or arrested for fireworks violations, and provide additional oversight related to the import of fireworks into California, especially through ports.

- Support policies, legislation and funding to enhance or promote the efforts of the City's gang prevention, diversion and intervention programs.
- Support policies and legislation that provide more local government control on the regulation of re-entry points for sex offenders and parolees.
- Support policies, legislation and funding to provide funding for cities to proactively address State realignment (AB 109) changes through strategies such as partnerships with the probation department, referrals to employment, health and mental services, and enhanced resources for local public safety officials.
- Support policies and legislation reducing the concentration of sex offenders and parolees, and their location within close proximity to daycare centers and neighborhoods in residential areas.
- Support proposals that promote and provide funding for prevention and reentry-based programming and services for justice-involved individuals.

9.3. **Partnerships** – Continue to strengthen partnerships and initiatives to effectuate safe communities for all people through shared safety practices

- Support legislation and proposals to encourage partnerships between law enforcement agencies or relevant services and academia to benefit juvenile diversion and anti-recidivism through educational attainment.
- Support legislation, policies, and funding to establish restorative justice programs in juvenile and adult courts.
- Support policies, legislation and funding to provide immigrant populations with due process protections, including legal representation for individuals facing deportation proceedings.
- Support or sponsor legislation and pursue funding for multi-sector collaborative approaches to violence prevention and public safety, recognizing the continuum of services that are responsible for public safety and prioritizing multi-sector data sharing initiatives that do not compromise confidential or sensitive information.
- Support legislation and grants to invest in upstream violence prevention strategies such as living wage jobs, affordable housing, healthy communities and other social services that will ensure sustainable violence prevention.
- Support policies, legislation, grants and regional initiatives to support school campus safety, which means keeping schools a gun and violence free zone and providing support for School Resource Officer programs when funding is available.
- Support policies and legislation that reduce the percentage required for passage of public safety bonds to the same percentage as school bonds (55%).
- Support legislation that would fund and/or incentivize multi-agency collaborative models of law enforcement through partnerships with community health workers and mental health professionals.
- Support policies, legislation and funding benefitting programs to improve peace officers' mental health and wellness.
- Support policies, legislation and funding for implicit and racial bias training for all law enforcement, de-escalation training that focuses on alternatives to deadly force, and training that focuses on alternatives to deadly force, and training to promote cultural and community awareness.
- Support policies, legislation and funding to would provide funding for the creation of a regional task force to target human/sex trafficking.
- Support policies, legislation and funding to strengthen capacity, resources, and visibility of

local community-based violence prevention/intervention models and gang outreach programs, including intervention workers, youth employment programs, summer programming, safe passages, and other best practices.

- Support legislation and regional initiatives that recognize and provide funding for safe communities as it supports collaboration between public safety and health, particularly violence prevention efforts and mental health treatment.

9.4. Public Trust – Strengthen the public’s trust in law enforcement through accountability, community inclusion and transparency

- Support policies, legislation and funding to provide funding for police departments and relevant services to strengthen community relations.
- Support policies, legislation and grants to fund new and existing public safety equipment, facilities and technology.
- Support policies, legislation, and grants addressing cyber security crimes.
- Support policies, legislation and grants to cities to recruit a diverse law enforcement workforce to improve transparency, understanding, and effectiveness in serving all communities.
- Support legislation, policies and funding to would facilitate the lateral hiring of police officers to fill critical law enforcement vacancies.
- Support policies, legislation and funding to allow public safety officer applicants to be permanent residents of the State and not necessarily naturalized citizens.
- Support resources to track information related to public safety officers that resign in lieu of discipline or termination, or those with multiple sustained complaints and/or violations.
- Support policies that propose baseline decertification standards statewide, including to decertify public safety officers when convicted of a felony.
- Support funding for the state-mandated public disclosure of police personnel files related to public safety officer misconduct, serious use of force resulting in death or great bodily injury, sexual assault, and job-related dishonesty.
- Support state funding for educational grants to help establish criminal justice programs at local high schools and community colleges to engage and help establish a future workforce representative of the local community.
- Support policies, legislation and funding allowing the City to participate in State policy reform efforts to establish a statewide database of complaints against police officers to inform hiring decisions, strengthen whistleblower protections for officers or staff reporting police misconduct, improve transparency around acts of misconduct to improve public trust, and remove provisions that prohibit people reentering society from accessing services, employment, and housing.

9.5. Emergency Preparedness – Continuously prepare for and respond to community needs in the event of emergency, pandemics and naturally occurring disasters

- Support legislative efforts to maintain local control of, and improve municipal public safety services, local law enforcement, fire suppression and prevention, hazardous materials mitigation, rescue, emergency medical services and disaster preparedness initiatives to enhance the ability for local public safety units to respond to, prevent, and prepare for terrorist threats.
- Support policies, legislation and funding to implement or improve upon natural disaster early warning systems.

- Support policies, legislation and funding to authorize and fund regional interoperable public safety radio communications.
- Support policies, legislation and grants to fully fund technologies that provide the public with enhanced forecasting of natural disasters.
- Support policies, legislation and funding to provide the public with enhanced or alternate technologies to report public safety emergency needs (e.g., text to 9-1-1).
- Support policies, legislation, regional initiatives and funding to advance equitable and inclusive emergency response efforts for vulnerable populations.

10. TECHNOLOGY

10.1. **Digital Inclusion** – Advance economic and digital inclusion equity for residents, workers and businesses

- Support policies, legislation and grants to increase the number of households and businesses which have access to low-cost or free high-speed and reliable Internet as well as low-cost or free quality, Internet-enabled technology devices and technical support.
- Support policies, legislation and grants to increase the number and location of City provided public Wi-Fi services and community-focused computer labs.
- Support policies and legislation that seek to restore local control in regulatory matters concerning Internet telecommunications, including instituting requirements for Internet Service Providers to share data on infrastructure and subscribers with the City to assist in Dig Once coordination and assess equitable access to the Internet.
- Support policies, legislation and grants that treat Internet access as an eligible utility for State housing vouchers and other subsidies.
- Support policies, legislation and grants to increase the availability of free multilingual digital literacy training and support, job preparedness and digital literacy skill development
- Support policies, legislation and funding that provide for residents, workers and businesses to safely access the Internet through cybersecurity training and resources.
- Support policies, legislation and funding that protect consumer privacy and a free and open Internet, to ensure interoperability, inclusion and opportunity in digital services.
- Support policies, legislation and funding that ensure transparency, accountability and non-discrimination of data, content and algorithms.
- Support policies and legislation that protect Customer Proprietary Network Information (CPNI) by prohibiting broadband Internet access service providers from using, disclosing, or permitting access to individually identifiable personal information.
- Support policies, legislation and funding for Cybersecurity systems that serve to detect, prevent, and remediate unlawful access to critical city technology infrastructure including 9-1-1 systems, financial management, and HR records.
- Support policies, legislation and grants to increase funding and resources for the City's Digital Inclusion efforts for residents, workers and business owners.

10.2. **Telecommunications**

- Protect local government's ability to facilitate advanced communication services to their citizens.
- Support legislative efforts to ensure that the City has local nuisance abatement control over the visual blight that is created by excessive deployment of cable and telecommunication wires and related facilities.

- Support policies and legislation or request an amendment to California Public Utilities Commission (CPUC) rules and regulations to ensure that the City has the authority to abate visual blight that is created by cable television service wires and related equipment that are in place and open to public view when these wires and related equipment are not actually being used for their intended purpose.

11. TRANSPORTATION

11.1. Active Transportation and Transit-Oriented Development

- Pursue policies, legislation and grants to improve, beautify, maintain, and increase the safety of the I-710 Freeway, which serves as a vital thoroughfare for residents, businesses and commerce, including funding for I-710 Early Action Projects, beginning with the realignment of the Shoemaker Bridge and ramps.
- In addition to local I-710 Early Action Projects, support efforts to maintain and enhance funding for Alameda Corridor East projects.
- ~~Support policies and legislation that will ban Longer Combination Vehicles (LCVs) that consist of longer double tractor and triple tractor trailers from traveling on State highways and freeways to improve traffic congestion and prevent fatal accidents. (Duplicative of item in 11.2 below.)~~
- Support policies and legislation to explore, fund, and construct zero emissions, near zero or the best available technologies for infrastructure and goods movement projects in Long Beach.
- Support policies, legislation and grants to increase funding for infrastructure improvements that improve connections to and facilities around public transit, buses, and Metro Lines (i.e. the Blue A Line).
- Support policies, legislation and funding to promote and provide funding for housing, alternative active transportation and mobility projects oriented around transit developments.
- Support opportunities to provide zero emissions, near zero emissions, or the best available technologies for mobility and goods movement projects in Long Beach.
- Support opportunities to provide and improve active transportation infrastructure, and to increase access, safety, and equity.
- Support opportunities for housing, active transportation and mobility projects oriented around transit developments.
- Support standardized data collection for shared mobility services, including e-scooters, bike share, ride share, etc. in order to support City equity and mobility objectives.
- Support the advancement of advance context-sensitive, streamlined approaches to right-of-way under State jurisdiction.
- Support an equitable distribution of regional transportation dollars to cities, as well as legislation that increases funding for transportation programs and projects in Long Beach.
- Support policies and legislation to ensure that the City maintains right-of-way control and allows our City to collect fair compensation for its use.
- Support funding sources and policies that increase local agencies' ability to create public plazas, public art, and other placemaking opportunities in the public right-of-way. (Recommended by PW)
- Support policies, legislation, and funding to increase access to active transportation modes to reduce greenhouse-gas emissions from automobiles. (Recommended by PW)

- Support funding sources that enhance pedestrian pathways for safe, accessible connections between neighborhoods and their parks and between bike ways, public transit, and the park network. (Recommended by Recovery Team)

11.2. Roadway Safety

- Allow local jurisdictions to enact a 20MPH prima facie speed limit in high-injury networks, commercial districts, school zones, and residential districts.
- Support automated and unarmed enforcement as an alternative to armed law enforcement of California Vehicle Code and fee and fine structures that consider violators' ability to pay.
- Support revisions to the state collision reporting systems to reflect street safety and complete streets policy priorities.
- Support restrictions of Longer Combination Vehicles (LCVs) consisting of longer double tractor and triple tractor-trailers from traveling on State highways and freeways to improve traffic congestion and prevent fatal crashes.
- Support robust financial incentives and rebates ~~incentives~~ for smaller and safer forms of personal vehicles for commuting and other travel, including passenger cars and e-bicycles.
- Support policies, legislation, and funding to minimize traffic fatalities and provide safe streets for everyone, in alignment with Vision Zero.
- Support policies and legislation that will strengthen penalties for traffic violations in school zones in an attempt to reduce speed of drivers and protect youth.
- Support policies, legislation and funding that advances Vision Zero efforts to eliminate traffic-related fatalities and serious injuries. (Recommended by PW)
- Support legislation, policies, and funding to establish pilot programs for automated traffic speed enforcement in high-injury networks and specific locations near schools, senior zones, public parks, and recreation centers. (Recommended by PW)
- Support policies and legislation that would grant discretion to local government Traffic Engineers to make the final determination of a safe and reasonable speed limit.

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757
FAX (916) 442-7759
www.bmhlaw.com

21-0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for “unrestricted general revenue purposes” shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

~~(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.~~

~~(1) (2) A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.~~

~~(2) (3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.~~

~~(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.~~

~~(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.~~

~~(5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.~~

~~(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.~~

~~(f) (e) Any tax or exempt charge adopted after January 1, 2022 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.~~

~~(g) (1) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor. ~~that the amount is no more than necessary to cover the reasonable costs of the governmental activity and~~~~

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(c) (a)~~ "General tax" means any tax imposed for general governmental purposes.

~~(d)~~ "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

~~(e) (b)~~ "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g) (c)~~ "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(h) (d)~~ "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

~~(i) (e)~~ As used in this article, and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge., ~~except the following:~~

~~(i)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

~~(1) (2)~~ A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2) (3)~~ A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3) (4)~~ A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4) (5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5) (6)~~ A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

~~(6) (7)~~ An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local law government, whether proposed by the governing body or by an elector, may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local law government, whether proposed by the governing body or by an elector, may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (i) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or~~ charge, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.



The Taxpayer Protection and Government Accountability Act Initiative No. 21-0042A1

March 2, 2022

Effective date: Any new or increased tax or fee adopted by the Legislature, a city council, or the local voters after **January 1, 2022**, must comply with these new rules.

State taxes

- All new and increases in state taxes will require majority voter approval.
- Prohibits property tax “surcharge” (increase). Prohibits allocation of property tax to the state.

Local taxes

- New requirements for voter approval
 - when territory is annexed.
 - when existing tax is applied to a new service or product, for example utility user tax (UUT) to new service.
- New or increased taxes as of January 1, 2022, must sunset.

Fees and charges

- State and cities have burden of proving by “clear and convincing evidence” that a fee/charge is not a tax.
- A franchise fee for “entry to governmental property” must be “reasonable.” The state and cities issue franchises to oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations.
- Fees and charges for services and permits may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” Examples include planning services, excavation and encroachment permits, preparation of candidate statement, and permit parking.
- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fines and penalties [administrative enforcement of state law and municipal codes]

- Requires voter approval of fines and penalties for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties. Examples include nuisance abatement, organic waste reduction requirements, and failure to maintain a vacant property.

Voters

- Local advisory measures are prohibited. No measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.
- Overturns *Upland* decision so taxes proposed by this initiative are subject to the same rules as taxes placed on the ballot by a city council.
- Voters may not amend a City Charter to impose, extend, or increase a tax or fee.

Stop the Corporate Loopholes Scheme

Deceptive Proposition Allows Major Corporations to Avoid Paying their Fair Share and Evade Enforcement when they Violate Environmental, Health & Safety Laws

An association representing California's wealthiest corporations — including oil, insurance, banks and drug companies — is behind a deceptive proposition aimed for the November 2022 statewide ballot. Their measure would create major new loopholes that allow corporations to avoid paying their fair share for the impacts they have on our communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety and other state and local laws. Here's why a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses **oppose** the Corporate Loophole Scheme:

Gives Wealthy Corporations a Major Loophole to Avoid Paying their Fair Share - Forcing Local Residents and Taxpayers to Pay More

- The measure creates new constitutional loopholes that **allow corporations to pay far less than their fair share for the impacts they have on our communities**, including local infrastructure, our environment, water quality, air quality, and natural resources – shifting the burden and making individual taxpayers pay more.

Allows Corporations to Dodge Enforcement When They Violate Environmental, Health, Public Safety and Other Laws

- The deceptive scheme creates new loopholes that makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Jeopardizes Vital Local and State Services

- This far-reaching measure **puts at risk billions of dollars currently dedicated to critical state and local services**.
- It could **force cuts** to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services and more.
- It would also **reduce funding for critical infrastructure** like streets and roads, public transportation, drinking water, new schools, sanitation, utilities and more.

Opens the Door for Frivolous Lawsuits, Bureaucracy and Red Tape that Will Cost Taxpayers and Hurt Our Communities

- The measure will encourage **frivolous lawsuits, bureaucracy and red tape that will cost local taxpayers millions** — while significantly **delaying and stopping investments in infrastructure and vital services**.

Undermines Voter Rights, Transparency, and Accountability

- This misleading measure changes our constitution to make it more difficult for local voters to pass measures needed to fund local services and local infrastructure.
- It also includes a hidden provision that **would retroactively cancel measures that were passed by local voters** — effectively undermining the rights of voters to decide for themselves what their communities need.
- It would **limit voter input** by prohibiting local advisory measures, where voters provide direction to politicians on how they want their local tax dollars spent.

AMENDED IN SENATE APRIL 19, 2022
AMENDED IN SENATE APRIL 18, 2022
AMENDED IN SENATE MARCH 16, 2022

SENATE BILL

No. 1226

Introduced by Senator Durazo

February 17, 2022

An act to add and repeal Section 6538.5 of the Government Code, relating to joint powers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1226, as amended, Durazo. Joint powers agreements: zero-emission transportation systems or facilities.

~~Existing~~

(1) *Existing* law, the Joint Exercise of Powers Act, authorizes 2 or more public agencies by agreement to exercise any power common to the contracting parties. Existing law requires the agreement to state the purposes of the agreement or the power to be exercised, and provides that the agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement, a commission or board constituted pursuant to the agreement, or a person, firm, or corporation, including a nonprofit corporation, designated in the agreement. Existing law authorizes the agreement to, among other things, provide for the repayment or return to the parties of all or any part of any contributions, payments, or advances made by the parties and for payment to the parties of any sum or sums derived from the revenues of said facilities; and, authorizes the contracting parties to the agreement to issue revenue bonds to pay the cost and expenses of acquiring or constructing a project or conducting a program

for specified purposes, including, but not limited to, transportation facilities and systems and for the conservation of natural resources.

This bill would provide that, notwithstanding any other provision of the act, a private, nonprofit corporation that provides services to zero-emission transportation systems or facilities, including, but not limited to, finance, design, construction, operation, or maintenance, may enter into a joint powers agreement with a public agency to facilitate the development, construction, and operation of zero-emission transportation systems or facilities that lower greenhouse gases, reduce vehicle congestion and ~~vehicles~~ *vehicle* miles traveled, and improve public transit connections. The bill would prohibit, notwithstanding any other law, a joint powers agency formed pursuant to these provisions from incurring debt. The bill would provide that a board of directors shall govern an agency formed pursuant to these provisions, and the composition of that board shall be determined by the participating public agency or agencies. The bill would prohibit the representation of private, nonprofit mutual benefit corporations on the board of directors from exceeding 50%. The bill would be repealed on January 1, 2032, pursuant to its own provisions.

(2) Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities, including requirements applicable if the public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce, as defined, to complete a contract or project. Except as specified, existing law requires that, for workers employed on public works, as defined, not less than the general prevailing rate of per diem wages, determined as provided by the Director of Industrial Relations, for work of a similar character in the locality in which the public work is performed be paid to those workers, as provided.

This bill would require a joint powers authority, formed pursuant to this bill's provisions as described above, that undertakes a project, as defined, to obtain an enforceable commitment that any bidder, contractor, or other entity undertaking the project will use a skilled and trained workforce, unless specified conditions are met. The bill would require a private entity performing the work on a project for the joint powers authority to certify that prevailing wages will be paid to workers on the project, as provided, and that a skilled and trained workforce will be used to perform all construction work on the project. By requiring private entities performing work on a project under these

provisions to certify this information, thereby expanding the scope of the crime of perjury, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6538.5 is added to the Government Code,
2 to read:

3 6538.5. (a) Notwithstanding any other provision of this chapter,
4 one or more private, nonprofit mutual benefit corporations that are
5 organized pursuant to Section 501(c)(3) of the Internal Revenue
6 Code, formed for purposes of providing services to zero-emission
7 transportation systems or facilities, including, but not limited to,
8 finance, design, construction, operation, or maintenance, may join
9 a joint powers agency or enter into a joint powers agreement with
10 one or more public agencies otherwise established pursuant to this
11 chapter. Any joint powers agency formed pursuant to a joint powers
12 agreement as described in this subdivision shall be deemed a public
13 entity, as described in Section 6507, except that, notwithstanding
14 any other law, the agency shall not have the power to incur debt.

15 (b) The purpose of a joint powers agency or agreement formed
16 pursuant to subdivision (a) shall be to facilitate the development,
17 construction, and operation of zero-emission transportation systems
18 or facilities that lower greenhouse gases, reduce vehicle congestion
19 and ~~vehicles~~ vehicle miles traveled, and improve public transit
20 connections.

21 (c) An agency formed pursuant to subdivision (a) shall be
22 governed by a board of directors, the composition of which shall
23 be determined by the participating public agency or agencies. The
24 representation of private, nonprofit mutual benefit corporations
25 on the board of directors shall not exceed 50 percent.

1 (d) (1) (A) For a project undertaken by a joint powers authority
2 formed pursuant to a joint powers agreement as described in this
3 section, the joint powers authority shall obtain an enforceable
4 commitment that any bidder, contractor, or other entity undertaking
5 the project will use a skilled and trained workforce to complete
6 the project.

7 (B) Subparagraph (A) does not apply if either of the following
8 are met:

9 (i) The joint powers authority has entered into a project labor
10 agreement that will bind all contractors and subcontractors
11 performing work on the project to use a skilled and trained
12 workforce.

13 (ii) The bidder, contractor, or other entity has entered into a
14 project labor agreement that will bind all contractors and
15 subcontractors at every tier performing work on the project to use
16 a skilled and trained workforce.

17 (2) For a project undertaken by a bidder, contractor, or other
18 entity that is a private entity under contract to or otherwise
19 performing the work for a joint powers authority formed pursuant
20 to a joint powers agreement as described in this section, the private
21 entity shall do both of the following:

22 (A) Certify, in writing and under penalty of perjury, to the joint
23 powers authority that either of the following is true:

24 (i) The entirety of the project is a public work for purposes of
25 Chapter 1 (commencing with Section 1720) of Part 7 of Division
26 2 of the Labor Code.

27 (ii) If the project is not in its entirety a public work and the
28 project applicant is not required to pay prevailing wages to all
29 construction workers under Article 2 (commencing with Section
30 1720) of Chapter 1 of Part 7 of Division 2 of the Labor Code, all
31 construction workers employed on construction of the project will
32 be paid at least the general prevailing rate of per diem wages for
33 the type of work and geographic area, as determined by the
34 Director of Industrial Relations pursuant to Sections 1773 and
35 1773.9 of the Labor Code, except that apprentices registered in
36 programs approved by the Chief of the Division of Apprenticeship
37 Standards may be paid at least the applicable apprentice prevailing
38 rate. If the project is subject to this clause, then for those portions
39 of the project that are not a public work all of the following shall
40 apply:

1 (I) The joint powers authority shall ensure that the prevailing
2 wage requirement is included in all contracts for the performance
3 of all construction work.

4 (II) All contractors and subcontractors at every tier shall pay
5 to all construction workers employed in the execution of the work
6 at least the general prevailing rate of per diem wages, except that
7 apprentices registered in programs approved by the Chief of the
8 Division of Apprenticeship Standards may be paid at least the
9 applicable apprentice prevailing rate.

10 (III) Except as provided in subclause (V), all contractors and
11 subcontractors at every tier shall maintain and verify payroll
12 records pursuant to Section 1776 of the Labor Code and make
13 those records available for inspection and copying by the joint
14 powers authority and the public as provided by Section 1776 of
15 the Labor Code.

16 (IV) Except as provided in subclause (V), the obligation of the
17 contractors and subcontractors at every tier to pay prevailing
18 wages may be enforced by the Labor Commissioner through the
19 issuance of a civil wage and penalty assessment pursuant to Section
20 1741 of the Labor Code, which may be reviewed pursuant to
21 Section 1742 of the Labor Code, within 18 months after the
22 completion of the project, or by an underpaid worker through an
23 administrative complaint or civil action, or by a joint
24 labor-management committee through a civil action under Section
25 1771.2 of the Labor Code. If a civil wage and penalty assessment
26 is issued, the contractor, subcontractor, and surety on a bond or
27 bonds issued to secure the payment of wages covered by the
28 assessment shall be liable for liquidated damages pursuant to
29 Section 1742.1 of the Labor Code.

30 (V) Subclauses (III) and (IV) do not apply if all contractors and
31 subcontractors at every tier performing work on the project are
32 subject to a project labor agreement that requires the payment of
33 prevailing wages to all construction workers employed in the
34 execution of the project and provides for enforcement of that
35 obligation through an arbitration procedure.

36 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the
37 Labor Code, the requirement that employer payments not reduce
38 the obligation to pay the hourly straight time or overtime wages
39 found to be prevailing shall not apply if otherwise provided in a
40 bona fide collective bargaining agreement covering the worker.

1 *The requirement to pay at least the general prevailing rate of per*
2 *diem wages does not preclude use of an alternative workweek*
3 *schedule adopted pursuant to Section 511 or 514 of the Labor*
4 *Code.*

5 *(B) Certify to the joint powers authority that a skilled and*
6 *trained workforce will be used to perform all construction work*
7 *on the project. All of the following requirements shall apply to the*
8 *project:*

9 *(i) The joint powers authority shall require in all contracts for*
10 *the performance of work that every contractor and subcontractor*
11 *at every tier will individually use a skilled and trained workforce*
12 *to construct the project.*

13 *(ii) Every contractor and subcontractor shall use a skilled and*
14 *trained workforce to construct the project.*

15 *(iii) (I) Except as provided in subclause (II), the private entity*
16 *shall provide to the joint powers authority, on a monthly basis*
17 *while the project or contract is being performed, a report*
18 *demonstrating compliance with Chapter 2.9 (commencing with*
19 *Section 2600) of Part 1 of Division 2 of the Public Contract Code.*
20 *A monthly report provided to the joint powers authority pursuant*
21 *to this subclause shall be a public record under the California*
22 *Public Records Act (Chapter 3.5 (commencing with Section 6250)*
23 *of Division 7 of Title 1) and shall be open to public inspection. A*
24 *private entity that fails to provide a monthly report demonstrating*
25 *compliance with Chapter 2.9 (commencing with Section 2600) of*
26 *Part 1 of Division 2 of the Public Contract Code shall be subject*
27 *to a civil penalty of ten thousand dollars (\$10,000) per month for*
28 *each month for which the report has not been provided. Any*
29 *contractor or subcontractor that fails to use a skilled and trained*
30 *workforce shall be subject to a civil penalty of two hundred dollars*
31 *(\$200) per day for each worker employed in contravention of the*
32 *skilled and trained workforce requirement. Penalties may be*
33 *assessed by the Labor Commissioner within 18 months of*
34 *completion of the project using the same procedures for issuance*
35 *of civil wage and penalty assessments pursuant to Section 1741*
36 *of the Labor Code, and may be reviewed pursuant to the same*
37 *procedures in Section 1742 of the Labor Code. Penalties shall be*
38 *paid to the State Public Works Enforcement Fund.*

39 *(II) Subclause (I) shall not apply if all contractors and*
40 *subcontractors performing work on the project are subject to a*

1 *project labor agreement that requires compliance with the skilled*
2 *and trained workforce requirement and provides for enforcement*
3 *of that obligation through an arbitration procedure.*

4 *(e) For purposes of this section, the following terms shall have*
5 *the following definitions:*

6 *(1) “Project” means any zero-emission transportation system*
7 *or facility that is developed, constructed, or operated by a joint*
8 *powers authority formed pursuant to subdivision (a).*

9 *(2) “Project labor agreement” has the same meaning as defined*
10 *in paragraph (1) of subdivision (b) of Section 2500 of the Public*
11 *Contract Code.*

12 *(3) “Skilled and trained workforce” has the same meaning as*
13 *defined in subdivision (d) of Section 2601 of the Public Contract*
14 *Code and as described in Chapter 2.9 (commencing with Section*
15 *2600) of Part 1 of Division 2 of the Public Contract Code.*

16 ~~(d)~~

17 *(f) This section shall remain in effect only until January 1, 2032,*
18 *and as of that date is repealed.*

19 *SEC. 2. No reimbursement is required by this act pursuant to*
20 *Section 6 of Article XIII B of the California Constitution because*
21 *the only costs that may be incurred by a local agency or school*
22 *district will be incurred because this act creates a new crime or*
23 *infraction, eliminates a crime or infraction, or changes the penalty*
24 *for a crime or infraction, within the meaning of Section 17556 of*
25 *the Government Code, or changes the definition of a crime within*
26 *the meaning of Section 6 of Article XIII B of the California*
27 *Constitution.*

COMMENTS:

- 1) *Author's Statement.* "California is a leader in the global effort to address the devastating impacts of climate change and has established ambitious emissions reduction goals. To meet our goals, we must continue to address the most significant sources of emissions in the transportation sector. Recent efforts include Governor Newsom's 2020 Executive Order N-79-20, which sets a goal of having 100% of new vehicle sales be zero-emissions vehicles by 2045. We are also building out green public transportation infrastructure to lower greenhouse gas emissions, reduce vehicle congestion, and improve access and quality of our public transportation. While there are interests, ideas, and resources intended to pursue such projects, there is a need to provide additional opportunities to bring public and private partners together to facilitate these green transportation projects. To help meet our zero-emission goals, SB 1226 will contribute to building out green public transportation by facilitating public-private-nonprofit partnerships through a Joint Power Authorities structure to create and finance green public transportation infrastructure projects."
- 2) *What's the Problem?* The author believes that there is no established mechanism in California law that would formally enable partnerships to collaborate and build public zero-emission transportation infrastructure projects. Public agencies cannot access private capital to complete projects, nonprofit entities lack the governance structure and capacity to complete large-scale transportation projects, and private entities with resources to offer these projects do not have a guiding entity for investments. An example is the Los Angeles Streetcar, a long planned streetcar linking parts of downtown Los Angeles. Other examples are aerial trams and other first-mile/last-mile projects. The intent is for these projects to complement the existing public transportation system.
- 3) *Relatively Rare.* The analysis from the Senate Governance and Finance Committee, which heard and approved this bill on April 7, 2022, notes that while current law generally authorizes two or more public agencies to form a JPA to jointly exercise common powers of the agencies, allowing private, nonprofits to participate in a JPA must be legislatively authorized for specific purposes. It notes that this was done to allow nonprofit hospitals to enter into JPAs to provide health care services in Fresno County (AB 1785, Reyes, Chapter 55, Statutes of 2002); Contra Costa County (AB 3097, Campbell, Chapter 148, Statutes of 1996); Tulare, Kings, and San Diego Counties (SB 850, Kelley, Chapter 432, Statutes of 1997); and Tuolumne County (AB 2717, House, Chapter 227, Statutes of 2000). These hospital JPAs specify that a

nonprofit hospital that participates in one these JPAs cannot levy any tax or assessment.

Most recently the Legislature enacted AB 1403 (Maienschein, 2015), which, until January 1, 2024, allows one or more private, nonprofit 501(c)(3) corporations that provide services to homeless persons for the prevention of homelessness to form a JPA, or enter into a joint powers agreement with one or more public agencies. This bill follows the model of AB 1403.

- 4) *Risks*. California has ambitious goals for zero-emission transportation, including 5 million zero-emission vehicles on the road by 2030, 100% of new passenger cars and trucks be zero emission by 2035, and that all transit agencies transition to a zero emission fleet. Meeting these goals will require significant investment so having more tools is helpful. But there are risks with creating JPAs. The bill has been amended to eliminate the biggest risk by prohibiting the authority of the JPA to issue debt. But other risks remain. An unscrupulous private entity or non-profit could mislead a local government partner into wasteful or poorly thought out projects, wasting local resources and, potentially, any related state and local incentive funding. This bill applies statewide without limitation so cities big and small, with good or poor governance, can utilize this authority.
- 5) *Triple Referral*. This bill was triple referred to the Governance and Finance (G&F) Committee, the Transportation Committee and the Environmental Quality (EQ) Committee. Because of COVID protocols, the referral to the EQ Committee was rescinded. This bill was approved by the G&F Committee 4-0 on April 7, 2022.

RELATED LEGISLATION:

AB 1403 (Maienschein; Chapter 188 of 2015) -- Allows private, non-profit 501(c)(3) corporations that provide services to homeless persons to form a joint powers agency or enter into a joint powers agreement, with one or more public agencies.

AB 1785 (Reyes, Chapter 55 of 2002) -- Allows the Selma Community Hospital to enter into joint powers agreements with public agencies.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes
Unknown

POSITIONS: (Communicated to the committee before noon on Wednesday, April 20, 2022.)

SUPPORT:

California Special Districts Association
Los Angeles County Business Federation (BIZ-FED)

OPPOSITION:

None received.

-- END --



Mayor Robert Garcia
City of Long Beach

February 8, 2022

To: Members of the City Council

From: Mayor Robert Garcia
Councilwoman Suzie Price
Councilwoman Suely Saro
Councilwoman Cindy Allen

RECOMMENDATION:

Request the City Manager and Long Beach Health and Human Services in coordination with Planned Parenthood and other reproductive health care advocates meet and develop written recommendations on how Long Beach can partner with Los Angeles County to respond should *Roe v. Wade* be overturned and report back within 45 days. These recommendations should include an analysis of a) any potential budget impact of State proposals to relax residency requirements to ensure everyone has access to reproductive health care, including abortion services and related social services; b) opportunities to enhance medical training, especially training on how to respond to emergent medical complications related to septic nonhospital abortions; c) opportunities to expand the reproductive healthcare workforce, including efforts to ensure providers are working at the top of their license; d) opportunities to create uniform referral systems to optimize access to reproductive health services; and e) opportunities to reduce and address health disparities by expanding reproductive and sexual health services, supplies and education, for marginalized communities and those who might be harder to reach. These communities would include women who are unhoused, incarcerated and those with substance use disorders or serious mental health concerns.

DISCUSSION:

January 20, 2022 marked the 49th anniversary of *Roe v. Wade* (Roe), the 1973 U.S. Supreme Court decision that determined the U.S. Constitution provides a right to privacy, protecting a woman's right to choose whether or not to have an abortion. The current U.S. Supreme Court will soon decide two new cases, *Dobbs vs. Jackson Women's Health Clinic* and *Whole Woman's Health vs. Jackson*, which both seek to overturn Roe. If Roe is overturned, states would have the authority to either ban abortions or impose restrictions that would restrict abortion access. Governor Gavin Newsom and California legislators have declared their intent that California be open to out-of-state women seeking access to abortion. California is considering various proposals including subsidies for out-of-state women.

Preserving women's access to quality reproductive health care services is critical. On January 5, 2022, at the Los Angeles County (County) Health and Mental Health Services Cluster meeting, a panel including representatives from County Counsel, the Department of Health Services, the Department of Public Health and reproductive health care advocates discussed the potential impact of the pending Supreme Court decisions and the State's response. The panel discussed how the influx of women from other states to California could impact the County by leading to increased demand for contraceptives and abortion services at public and private hospitals and clinics; delayed access to care and increased medical

complications and morbidity. The influx could also affect the County budget for health and social services and potentially alter County programs that aim to eliminate health care disparities among women of color and poor women, including programs that address sexually transmitted diseases. These are important considerations that will have a lasting impact on women residing in our County, especially low-income women who have no options and must depend on the County for access to reproductive health care.

FISCAL IMPACT:

Due to the pending U.S. Supreme Court cases, there is an urgency to this item and a fiscal impact analysis has yet to be conducted. Fiscal impact information will be brought back to the City Council along with the initial report.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert Garcia', written over a horizontal line.

Mayor Robert Garcia
January 31, 2021