

Legislative End-of-Session Wrap-Up

September 2, 2022

After a sprint to the finish to consider the numerous Budget and policy bills, the Legislature closed out its 2021-22 session late Wednesday night. Much of the evening's discord (from in-person booing to social media sparring) was centered around the death of a proposal to allow the Legislature's own staff to collectively bargain.

In the last week of legislative session, several bills of great interest to counties – including the Governor's CARE Court proposal, contained in SB 1338 and AB 179 – were approved by the Legislature. These bills and others are summarized below, organized by issue area. Governor Newsom has until September 30 to sign or veto these bills. Your CSAC advocacy team remains engaged on a number of these bills that have moved to the Governor's desk. Please reach out to **CSAC legislative staff** if you have any questions.

Also of note, at the (cruelly-timed) Thursday morning meeting of CSAC's Board of Directors, the Board voted to take positions on two ballot initiatives that will come before voters in November: to oppose Proposition 27, and to support Proposition 31. Brief summaries of those propositions are also included below.

Wishing everyone a great holiday weekend!

Jacqueline Wong-Hernandez
Deputy Executive Director, Legislative Affairs
California State Association of Counties

ADMINISTRATION OF JUSTICE

Awaiting Governor's Action

AB 1744 (Levine) Probation and mandatory supervision: flash incarceration

This bill would extend authorization for the use of flash incarceration for individuals on probation or mandatory supervision until January 1, 2028. AB 1744 would allow for the continued ability to use flash incarceration as a graduated response for individuals on felony probation and mandatory supervision that was previously authorized via AB 597 (Levine), Chapter 44, Statutes of 2019, and SB 266 (Block), Chapter 706, Statutes of 2016. Further, AB 1744 would maintain current requirements in statute to allow an individual to decline flash incarceration and request a court revocation hearing as well as includes notification for example to the court and public defender upon imposition of flash incarceration. Graduated responses such as flash, allow for violations of court-ordered conditions to be addressed in a way that balances safety considerations while maintaining continuity and engagement in rehabilitative services and supports. [CSAC supports AB 1744](#).

Died in Legislature

AB 1608 (Gipson) County officers: consolidation of offices

This bill would have prohibited the consolidation of the county sheriff and coroner office, which impacts 48 of our 58 counties that have combined the duties of the coroner and sheriff's department. CSAC and the Rural County Representatives of California (RCRC) were jointly opposed to this bill as it would have created significant one-time, and increased ongoing costs to counties, while removing the existing authority of our boards of supervisors. [CSAC continuously engaged](#) throughout the year with the Legislature, the author and co-sponsors to address county concerns. During the last night of the legislative session, AB 1608 was moved to the inactive file and did not move forward in the legislative process. CSAC will continue to monitor future legislation focused on the coroner/sheriff issue as we enter a new two-year legislative session in 2023.

AGRICULTURE, ENVIRONMENT, AND NATURAL RESOURCES

Awaiting Governor's Action

AB 2247 (Bloom) PFAS Product Disclosure

AB 2247 would require anyone manufacturing products containing perfluorinated or polyfluorinated substances (PFAS) to report their products to the Department of Toxic Substances Control. This requirement would go into effect in 2026. PFAS are a group of around 9,000 synthetic products used in many household and industrial products. These chemicals do not breakdown, and thus have been called "forever chemicals." PFAS have been found in the blood of humans and animals, soil, water, and air, and linked to harmful health impacts. [CSAC supports AB 2247](#).

AB 2550 (Arambula) State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment

AB 2550 would remove local control from the San Joaquin Valley Air Pollution Control District by transferring responsibility to regulate stationary pollution sources to the California Air Resources Board (CARB). CARB already has the authority to oversee local air quality management activities, and works closely in the development of air pollution plans. [CSAC opposes AB 2550](#).

SB 1186 (Wiener) Medicinal Cannabis Patients' Right of Access Act

This bill was written with the intent of improving access to medical cannabis, however, CSAC has serious concerns about the preservation of local control. The language would require all jurisdictions to allow for delivery sales of medicinal cannabis and prohibit regulations that would impose "unreasonable restrictions" on the sale of medicinal cannabis. Recent amendments provide exemptions for jurisdictions that allow cannabis retails as of January 1, 2022. [CSAC opposes this measure](#).

Died in Legislature

AB 2201 (Bennett) Groundwater Permitting

This started as a bill to require a groundwater sustainability agency (GSA) in a critically over-drafted basin to

establish and implement a process to issue permits for groundwater extraction facilities by July 1, 2023. CSAC engaged with the author and committee to discuss implications of shifting well permitting away from the counties. However, amendments prohibited local governments from approving a new well, or alterations to an existing well unless specific conditions are met. [CSAC opposed AB 2201](#) and worked with a strong coalition to successfully quash the bill.

GOVERNMENT FINANCE AND ADMINISTRATION

Signed by Governor

Brown Act

SB 1100 (Cortese) Open meetings: orderly conduct

This bill, which was [co-sponsored by CSAC](#), authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual for actually disrupting the meeting, and defines “disrupting” for these purposes. This important change to the Brown Act will help local agencies ensure that public meetings are safe and accessible to all members of the public. This bill was signed by the Governor on August 22.

Awaiting Governor’s Action

Sales and Use Tax

AB 1951 (Grayson) Sales and use tax: exemptions: manufacturing

This bill would exempt the local share of sales tax for manufacturing companies that buy equipment for the next five years. AB 1951 would cut local budgets by over \$2 billion over five years, reducing revenue for public safety, anti-poverty programs, behavioral health, and other critical local services. Notably, because 1991 Realignment and Proposition 172 funds are distributed through statewide formulas, every county would experience cuts, regardless of where in the state the manufacturing investments are made. [CSAC remains opposed to this bill.](#)

AB 2887 (E. Garcia) Public resources: Sales and Use Tax Law: exclusions

This measure would increase, from \$100 million to \$150 million, the limit on annual sales and use tax exclusions provided under the California Alternative Energy and Advanced Transportation Financing Authority. To the extent the exemption results in increased economic activity, the tax benefits will largely be enjoyed by the state general fund via increased personal income and corporation tax collections. However, reductions in sales and use tax revenue will not only be borne by the local agencies that provide direct services to the manufacturing facility benefiting from the exemption, but also every county in the state due to the statewide formulas for distributing realignment funds for health, human services, and behavioral health. For these reasons, [CSAC remains opposed to this bill.](#)

Broadband

AB 2256 (Quirk-Silva) Office of Broadband and Digital Literacy: reports

This bill, which is [co-sponsored by CSAC](#), would add two local government officials to the Middle-Mile Advisory Committee (MMAC) – one appointed by the Speaker of the Assembly and one appointed by the Senate Rules Committee. Currently, the MMAC does not include local government representatives. Including representatives from local government is important to ensuring the success of a statewide middle-mile network, providing a perspective different from the many state representatives on the committee, and serving as a liaison between the committee and local officials around the state who know the needs and gaps within their communities.

Brown Act

AB 2449 (Rubio) Open meetings: local agencies: teleconferences

This bill, until January 1, 2026, would authorize members of a legislative body of a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body. This bill would also impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions, among other changes. CSAC remains neutral on this measure.

Labor and Pensions

SB 284 (Stern) Workers' compensation: firefighters and peace officers: post-traumatic stress

This bill would expand an existing industrial injury presumption for a diagnosis of a post-traumatic stress disorder (PTSD) for peace officers and firefighters to additional safety and non-sworn personnel including public safety dispatchers, public safety telecommunicators, and emergency response communication employees, along with a number of additional state agencies. While recognizing that both sworn and non-sworn personnel need access to the workers' compensation system, [CSAC is opposed](#) to this expansion on the basis that SB 284 lacks any relevant data that the current system is inaccessible or not working appropriately to provide California employees with fair access to the workers' compensation system.

SB 931 (Leyva) Deterring union membership: violations

This bill would require the Public Employment Relations Board (PERB) to impose civil penalties of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, on public employers if it finds the employers deterred or discouraged employees from exercising collective bargaining rights. Additionally, the bill requires employers to pay attorney's fees unless PERB finds the claim to be frivolous, unreasonable, or groundless. [CSAC remains opposed to this bill](#) on the basis that this new authority could expose public entities, even those acting in good faith, to significant new liability and fails to equitably provide attorney's fees and costs to either prevailing party, including the employer.

SB 1127 (Atkins) Workers' compensation: liability presumptions

This bill would reduce the timeframe for employers to investigate workers' compensation claims, increase penalties on employers for "unreasonably" denying claims, and significantly increase the duration of temporary disability for cancer presumption claims. Although recent amendments to the bill partially reverse some of the shortened timeframes for employers to investigate workers' compensation claims, [CSAC remains opposed to SB 1127](#) due to the financial burden and liability it would place on counties.

SB 1313 (Hertzberg) Local public employee organizations: health benefits: discrimination

This bill would prohibit the County of Los Angeles from providing an employee represented by an employee organization a health benefit plan that provides fewer benefits than health plans offered to employees not represented by an employee organization. [CSAC is opposed to this bill](#) on the basis that directives such as those included in SB 1313 may create unprecedented costs and create severe downstream effects on future bargaining benefits as counties attempt to balance the collective bargaining process with the unknown aspect that the Legislature may intervene and require a different level or application of benefits not bargained for.

Died in Legislature

Labor and Pensions

AB 2493 (Chen) County employees' retirement: disallowed compensation: benefit adjustments and calculations

This bill would make several changes to the County Employees Retirement Law of 1937 (CERL) regarding pension calculation adjustments arising from erroneous inclusion of disallowed compensation, including requiring participating county employers to reimburse their respective retirement system for pension overpayments made to peace officer and firefighter retirees arising from erroneous employer reporting of disallowed compensation, and pay affected retirees a lump sum amount equal to 20 percent of the actuarial equivalent present value of a retiree's "lost" pension going forward due to the system's recalculation of the retiree's benefit to exclude the disallowed compensation. This bill would place a significant financial burden on counties and agencies by requiring member agencies of county retirement systems to pay substantial penalties for decisions they did not make and over which they had no authority. [CSAC was opposed to this measure](#), which was held by the author on the last day of session due to concerns raised by counties.

HEALTH AND HUMAN SERVICES

Signed by Governor

Public Health-related Legislation

SB 872 (Dodd) Pharmacies: Mobile units

This measure, co-sponsored by the Counties of Santa Clara and San Diego, and supported by CSAC, authorizes a county or a city and county to operate a licensed mobile unit to provide prescription medication to individuals within the county's jurisdiction, subject to specified criteria. This bill was signed by the Governor on August 29.

SB 928 (Wieckowski) Public Administrators: Compensation

This [CSAC-supported measure](#) increases the minimum fee a county Public Administrator may charge for managing estates and making final arrangements for descendants without known or willing relatives. The minimum compensation threshold of \$1,000, which was set nearly 20 years ago, will increase to \$3,000 beginning on January 1, 2023. SB 928, while modest, will help Public Administrators recover some costs, where appropriate, associated with managing the estates and probate process for decedents. SB 928 was signed by the Governor on August 15.

Awaiting Governor's Action

Public Health-related Legislation

AB 240 (Rodriguez) Local Health Department Workforce Assessment

This measure requires the Department of Public Health to conduct an evaluation of the adequacy of local health department infrastructure and to make recommendations for future staffing, funding, workforce needs, and resources, in order to accurately and adequately fund local public health. A broad county coalition including [CSAC has supported](#) the measure since its introduction last year.

AB 988 (Bauer-Kahan) Mental health: 988 Suicide and Crisis Lifeline

This measure implements a statewide 9-8-8 suicide prevention and mental health crisis hotline as required by federal law. As recently amended, the bill requires the California Health and Human Services Agency to convene a state 988 advisory group consisting of various participants, including county representatives, to advise the Agency on a set of recommendations to support a five-year implementation plan for a comprehensive 988 system. Recent amendments also require health plans and insurers to cover medically necessary treatment, as specified, provided by call centers and mobile crisis teams. To support ongoing costs, the measure establishes a new surcharge initially set at \$0.08 per access line per month, and beginning January 1, 2025, at an amount specified by formula to be capped at \$0.30 per access line per month. CSAC will continue its advocacy for sufficient funding as the 988 system is developed and implemented, including adequate resources to operate mobile crisis teams and serve the expected influx of clients into the county specialty mental health system.

SB 1302 (Portantino) School-based Health Centers: Grant Program: Mental Health Services Act

This measure appropriates \$250 million from the Mental Health Services Fund to support school-based health centers through grants issued by the Superintendent of Public Instruction. Although the intent of establishing and improving the provision of behavioral health services to students at school-based health centers is meritorious, counties oppose any effort to redirect Mental Health Services Act (MHSA) funding to other services instead of the local services for which it was originally intended. As reported in a [prior CSAC bulletin article](#), CSAC and county partners opposed the late August amendments to this measure.

SB 1338 (Umberg) Community Assistance, Recovery, and Empowerment Court Program

Sponsored by Governor Newsom, this measure which creates the new Community Assistance, Recovery, and Empowerment (CARE) Court process, received final approval by the Legislature on the last day of the

legislative session and moves to the Governor's desk for his signature. SB 1338 was amended on the Assembly Floor on August 25 to address various concerns raised by counties. Significant amendments sought and secured include:

- **Contingent enactment:** specifies the CARE Act to become operative only upon the Department of Health Care Services (DHCS), in consultation with county stakeholders, developing a CARE Act allocation to provide state financial assistance to counties to implement the CARE Court process.
- **Phased implementation:** specifies the following 7 counties in the first cohort to implement no later than October 1, 2023, unless the county is provided additional time: Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne, and City/County of San Francisco.
- **Implementation delay:** requires DHCS to issues guidelines under which counties may apply and be granted additional time to implement the CARE Court process:
 - Specifies DHCS shall approve implementation delay for counties in the first or second cohort if the county experiences a state or local emergency and the delay of provision of the CARE process is necessary as a result of the emergency.
 - Specifies DHCS will only grant delays once and no later than December 1, 2025.
- **Sanctions/Fines:** money from fines is to be allocated and distributed by DHCS back to the local government entity that paid the fines to serve individuals who have schizophrenia spectrum or other psychotic disorders and who are experiencing, or are at risk of, homelessness, criminal justice involvement, hospitalization, or conservatorship.

With regard to county funding concerns, [AB 179](#), which amends the Budget Act of 2022, appropriates \$57 million General Fund to DHCS for allocation to counties to support initial planning and implementation costs for the CARE Act, as follows:

- \$31 million across all 58 counties to be used flexibly for planning, hiring, training, and information technology infrastructure costs.
- \$26 million for the first cohort of counties implementing the CARE Act.
- The county allocation schedule is to be developed by DHCS in consultation with CSAC, and CSAC will consult with county partners.

CSAC looks forward to continuing discussions with the Administration and Legislature to develop and secure an ongoing fiscal investment for counties to support the successful implementation of the CARE Court process.

Budget Bill, Jr. / Health Omnibus Trailer Bill

AB 179 (Ting) – Amendments to Budget Act of 2022 (Budget Bill Jr.) / AB 204 (Committee on Budget)

Health omnibus trailer bill

Monkeypox (MPX) Funding: AB 179 includes a total of \$41.5 million (\$25.7 million for state operations and \$15.8 million for local assistance) to the Department of Public Health (DPH) for purposes related to the MPX state of emergency proclaimed on August 1. Legislative intent language specifies that the Director of DPH consult with local health jurisdictions on how to most effectively distribute MPX vaccines, tests, outreach and education, and treatments, to communities most at risk, including marginalized and disadvantaged communities. The bill authorizes funding to be transferred up to specified amounts between state operations and local assistance needs at DPH's request, subject to Department of Finance approval and Joint Legislative Budget Committee notification.

CARE Court: AB 179 appropriates \$57 million General Fund to DHCS for allocation to counties to support initial planning and implementation costs for the CARE Act, as detailed in the summary of SB 1338 above. [\[JO1\]](#)

AB 179 reduces the \$64.7 million in one-time funding initially provided in the Budget to state departments and the Judicial Council by a net \$33.7 million to account for a phased implementation approach, with \$31 million remaining for CARE Act implementation costs incurred by state departments and the courts, contingent on enactment of statutory changes codifying the program.

Healthcare Workforce - Clinic Workforce Stabilization Retention Payments: AB 179 includes \$70 million to implement a clinic workforce stabilization retention payment program to provide funds to eligible qualified clinics, including but not limited to federally qualified health centers (FQHCs) and rural health clinics (RHCs), to provide retention payments to clinic employees. AB 204, the Health omnibus trailer bill, specifies retention payments of up to \$1,000 per eligible clinic employee to support the public purposes of providing stability in the California qualified clinic workforce and retaining qualified health care workers. The retention payment program would only be implemented to the extent DHCS determines that federal financial participation under the Medi-Cal program is not jeopardized.

Human Services Legislation

AB 207 (Committee on Budget) – Human services omnibus

This human services trailer bill contains several provisions significant to counties. First, this bill outlines the requirements of the \$150 million for family finding, engagement, and support that was included in the 2022-23 budget to assist counties in identifying permanent connections for foster children and youth. The funding will be distributed through an allocation schedule and counties that elect to receive the funding will be required to provide a local match for 50% of the funding. Further, it specifies the type of services and supports that counties can provide with this funding. For the child support pass through, AB 207 includes statutory changes to implement a full pass through for formerly assisted families, a proposal that was included in the Governor's January budget. It also outlines legislative intent to implement and provide a General Fund augmentation for a full pass through for currently assisted families starting January 1, 2025. Finally, this trailer bill contains a positive change related to the methodology for the state to fund the CalWORKs single allocation and CalFresh

county administration. For each program, the state will be required to revisit the funding methodology every three years to account for the increased county costs to operate the programs.

SB 1342 (Bates) – Aging multidisciplinary personnel teams

This bill would authorize counties and area agencies on aging to create aging multidisciplinary teams (MDTs) to allow for information sharing among entities providing services to older adults. Modeled off of the homelessness MDTs authorized by 2017 legislation, these aging services MDTs would improve service delivery, increase coordination, and support integrated case management. [CSAC supports SB 1342](#), which is sponsored by Orange County.

HOUSING, LAND USE, AND TRANSPORTATION

Awaiting Governor’s Action

AB 916 (Salas) Zoning: bedroom addition

AB 916 would have originally increased the height maximum of ADU’s from 16 to 18 feet on all parcels and to 25 feet for multifamily or single-family parcel located within a half mile of transit. This bill would have added a provision that sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence and mandates the approval of two additional bedrooms per dwelling unit. The bill was amended on August 22nd removing any height increases to ADUs in the bill. As amended, the bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of reconfiguring existing space to increase the bedroom count within an existing dwelling unit. CSAC removed its opposition to this measure and is now neutral.

AB 1932 (Daly) Public contracts: construction manager at-risk construction contracts

[AB 1932 is CSAC’s sponsored legislation](#). The bill would extend the January 1, 2023 sunset date to January 1, 2029 on current state law authorizing counties to utilize the Construction Manager At-Risk (CMAR) method for specified public works projects.

Existing statute grants counties the authority to use CMAR contracts on any infrastructure owned or leased by the county, excluding roads, but including buildings, utility improvements associated with buildings, flood control, underground utility improvements, and bridges. Allowing CMAR for construction projects has already given counties the ability to make the most cost-effective and advantageous decision for individual public works projects, thereby stretching limited local funds and improving on-time completion of complex projects. In the traditional “Design-Bid-Build” method of construction procurement the design and contracting phases are sequential, with no direct collaboration process. For more complex projects, the early contractor involvement provided by CMAR is essential. AB 1932 would allow counties to continue using this authority until its sunset date of January 1, 2029.

AB 2234 (R. Rivas) Planning and zoning: housing: postentitlement phase permits

This bill would establish time limits for approval and requires online permitting of postentitlement permits. It would create practical concerns for the ability of local governments to effectively review applications and would impose costly mandates for electronic permitting on large counties and cities of any size within those counties without providing state funding to offset these costs.

Specifically, this bill requires local agencies to complete review, either return in writing a full set of comments to the applicant with a comprehensive request for revisions or return the approved permit application, and electronically notify the applicant of its determination within 30 business days of the application being complete for housing development projects with 25 units or fewer; or 60 business days of the application being complete for housing development projects with 26 units or more. AB 2234 would mandate costly electronic permitting, but it would not provide any state funding to accomplish this goal, despite the significant costs identified in the Statewide Housing Plan. CSAC and a broad coalition of organizations have an [oppose unless amended](#) position on AB 2234.

AB 2438 (Friedman) Transportation funding: guidelines and plans

This bill currently requires various state transportation programs to incorporate strategies from the Climate Action Plan for Transportation Infrastructure (CAPTI) into program guidelines. Also requires various state agencies to establish new transparency and accountability guidelines for certain transportation funding programs, as specified. The amendments taken explicitly list the California State Transportation Agency, California Transportation Commission, and Caltrans programs that are the subject of the bill and remove the language that would have made the bill applicable to an open-ended list of programs. The amendments also clarify that this bill only applies to the competitive component of the Local Partnership Program. CSAC removed its opposition based on the August 1st amendments.

AB 2514 (Dahle) State Highway System Management Plan: underserved rural

This bill directs Caltrans to include a comprehensive evaluation of transportation in rural counties as part of its State Highway System Management Plan, which includes a 10-year state highway rehabilitation plan and a 5-year maintenance plan that is submitted to the California Transportation Commission (CTC) every two years, during an odd-numbered year, and is then transmitted to the Governor and the Legislature during that same odd-numbered year. We know it is important for both Caltrans and CTC to further their work on the unique transportation challenges in rural counties, and we believe this bill will greatly help facilitate this important goal. [CSAC is supportive](#) of this measure.

AB 2953 (Salas) Department of Transportation and local agencies: streets and highways: recycled materials.

This bill requires local governments above a specified size to adopt specified Caltrans recycled material standards unless certain criteria are met. CSAC worked with the author's office on amendments that remove the provision using annual average revenues for determining which local jurisdictions would be exempt from adopting the standards set forth by AB 2953, but rather use population, one hundred thousand (100,000) for counties and twenty-five thousand (25,000) for cities to determine which local jurisdictions would be exempted

from using the updated standards. Furthermore, these proposed amendments addressed the significant cost pressures on local jurisdictions as highlighted in the Governor's veto message of AB 1035 (2021). In light of the amendments taken, CSAC has removed its opposition to this measure.

SB 897 (Wieckowski) Accessory dwelling units: junior accessory dwelling units

This bill would increase the height maximum of ADU's from 16 to 18 feet for parcels with an existing multistory building or 20 feet for a multifamily or single-family parcel located within a half mile of transit. This bill also adds a provision which sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence. As amended, the bill creates a confusing standard and in certain instances would substantially alter the look and feel of a community as SB 897 creates a nuance where ADUs could conceivably be equal in size or larger than the primary residence as it creates a minimum height requirement of 25 feet by permitting ADUs and Junior ADUs to be attached to the primary residence. [CSAC is opposed to this measure.](#)

SB 922 (Wiener) California Environmental Quality Act: exemptions: transportation-related projects

The bill would exempt various types of qualifying transportation projects that are vital to meeting California's transportation greenhouse gas emissions reduction goals from review under the California Environmental Quality Act (CEQA). Importantly for California's counties, who are responsible for transportation facilities in unincorporated communities that range from highly urban to very rural, this bill would expand a tailored set of exemptions offered under existing law to apply to transportation projects in both rural and urban communities. [CSAC is in support of the bill.](#)

SB 932 (Portantino) General plans: circulation element: bicycle and pedestrian plans and traffic calming plans

This bill requires every city and county to develop and implement bicycle plans, pedestrian plans, and traffic calming plans upon a substantive revision of the circulation element. Originally, the bill would have exposed many local governments to a new legal liability that was likely to result in significant litigation costs to defend and settle. As agreed, the proposed amendments removed the language on the private right of action, and made clarifying and technical amendments to include specific principles included in the Federal Highway Administration's Safe System Approach; ensured goals and implementation are subject to local conditions and funding; incorporated specific projects in implementation plans rather than the General Plan; and removed inapplicable references to the Transportation Agency's Zero Traffic Fatalities Task Force Report, the State Local partnership Program, the Surface Transportation Block Grant, and the Congestion Mitigation and Air Quality Improvement Program. [CSAC has removed its opposition](#) based on amendments taken by the author.

SB 948 (Becker) Housing finance programs: development reserves

This bill replaces individual project transition reserves for the development of affordable housing to a pooled reserve model, as specified, operated by the Department of Housing and Community Development (HCD). Specifically, the bill would create the Pooled Transition Reserve Fund to be operated by HCD and would continuously appropriate funding into that fund for the purpose of maintaining a pooled transition reserve to

mitigate the impacts on tenant rents from the loss or exhaustion of rental or operating subsidies. SB 948 would also authorize HCD to charge a fee to a development that receives qualified project rental or operating subsidies at the time of permanent loan closing, to be deposited into the fund. [CSAC supports](#) SB 948.

SB 1121 (Gonzalez) State and local transportation system: needs assessment

The bill requires the California Transportation Commission, in consultation with the California Transportation Agency and Caltrans, to prepare a needs assessment of the cost to operate, maintain and provide for the necessary future growth of the state and local transportation system. The needs assessment required by SB 1121 would provide important information necessary to identify anticipated revenue to cover the cost of the needs identified, along with information on funding shortfalls and how those gaps should be addresses. Additionally, needs assessments can be a helpful tool in clarifying and identifying transportation goals, identifying tradeoffs (for instance, the fundamental tradeoff between capital improvements or expansion and system preservation) and encouraging alignment across agencies and programs. [CSAC supports](#) SB 1121.

SB 1449 (Caballero) Office of Planning and Research: grant program: annexation of unincorporated areas

The bill requires the Governor's Office of Planning and Research (OPR) to establish, upon appropriation by the Legislature, the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, subject to approval by the director after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director. The bill would, by September 1, 2023, will require the office to develop guidelines, and consult with various local representatives including counties, to prepare those guidelines, for purposes of implementing the program, and would provide that the guidelines are not subject to the rulemaking requirements of the Administrative Procedure Act. [CSAC is in support](#) of this measure.

Constitutional Amendment

SCA 2 (Allen) Public housing projects

The bill repeals Article 34 of the California Constitution, which requires development, construction, or acquisition of publicly funded low-rent housing projects to be approved by a majority of voters in a city or county. Repealing Article 34 eliminates this discriminatory provision from the California Constitution and removes an electoral hurdle for counties that seek to fund affordable homes in their jurisdictions. SCA 2 asks California voters to remove a limitation on local government's ability to financially support affordable homes, while maintaining strict voter approval requirements for new taxes or general obligation bonds. [CSAC supported](#) SCA 2, which will ultimately be placed on the 2024 statewide ballot.

Died in Legislature

AB 2120 (Ward) Transportation finance: federal funding: bridges

The bill would have ensured a fair and needs-based allocation of bridge formula funding from the federal

Infrastructure Investment and Jobs Act (IIJA). AB 2120, which was [sponsored by CSAC](#), would have invested billions of dollars over the next few years in repairing and replacing local bridges in communities across the state to address critical safety issues and deferred maintenance. The bill was held on the Assembly Appropriations Committee Suspense File.

SB 361 (Umberg) Surplus land: City of Anaheim

Originally, SB 361 would have made significant changes to the Surplus Lands Act. The bill would have essentially given the Department of Housing and Community Development (HCD) veto power over the disposition of surplus lands. Specifically, the bill would have prohibited local agencies from proceeding with disposal of property if HCD issues a notice of violation. After negotiations with the author, the bill was amended to require the City of Anaheim to discuss a Notice of Violation of the Surplus Land Act issued by HCD at a properly noticed public session prior to taking final action to ratify or approve the disposal of land subject to the notice. CSAC removed its opposition to SB 361 as a result of the amendments. This measure ultimately died.

NOVEMBER 2022 BALLOT PROPOSITIONS

Proposition 27: Allows Online and Mobile Sports Wagering Outside Tribal Lands. Initiative and Constitutional Amendment and Statute.

Summary: [Proposition 27](#) would amend the California Constitution and state law to allow people 21 years of age and older in California to participate in online sports wagering over the Internet and mobile devices no later than September 2023. The measure will appear on the November 8, 2022, statewide ballot. **CSAC is opposed to this measure.**

Proposition 31 Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored Tobacco Products

Summary: In 2020, the Legislature passed and the Governor signed SB 793 to ban in-person retail stores and vending machines from selling most flavored tobacco products and tobacco product flavor enhancers. This law did not go into effect because a referendum on the law qualified for the 2022 statewide ballot. When a referendum on a new state law qualifies for the ballot, the law is suspended until voters decide whether to put it into effect. Proposition 31 will appear on the November 8, 2022, statewide ballot asking the voters to affirm the implementation of SB 793. The full text of SB 793 is available [here](#). **CSAC is in support of this measure.**

If you'd like to keep the info as is, that's fine, too.

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California State Association of Counties
1100 K Street, Suite 101
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Legislative End-of-Session Wrap-Up **September 2, 2022**

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In the last week of legislative session, several bills of great interest to counties – including the Governor's CARE Court proposal, contained in SB 1338 and AB 179 – were approved by the Legislature. These bills and others are summarized below, organized by issue area. Governor Newsom has until September 30 to sign or veto these bills. Your CSAC advocacy team remains engaged on a number of these bills that have moved to the Governor's desk. Please reach out to **CSAC legislative staff** if you have any questions.

Also of note, at the (cruelly-timed) Thursday morning meeting of CSAC's Board of Directors, the Board voted to take positions on two ballot initiatives that will come before voters in November: to oppose Proposition 27, and to support Proposition 31. Brief summaries of those propositions are also included below.

Wishing everyone a great holiday weekend!

Jacqueline Wong-Hernandez
Deputy Executive Director, Legislative Affairs
California State Association of Counties

ADMINISTRATION OF JUSTICE
Awaiting Governor's Action

AB 1744 (Levine) Probation and mandatory supervision: flash incarceration

This bill would extend authorization for the use of flash incarceration for individuals on probation or mandatory supervision until January 1, 2028. AB 1744 would allow for the continued ability to use flash incarceration as a graduated response for individuals on felony probation and mandatory supervision that was previously authorized via AB 597 (Levine), Chapter 44, Statutes of 2019, and SB 266 (Block), Chapter 706, Statutes of 2016. Further, AB 1744 would maintain current requirements in statute to allow an individual to decline flash incarceration and request a court revocation hearing as well as includes notification for example to the court and public defender upon imposition of flash incarceration. Graduated responses such as flash, allow for violations of court-ordered conditions to be addressed in a way that balances safety considerations while maintaining continuity and engagement in rehabilitative services and supports. [CSAC supports AB 1744](#).

Died in Legislature

AB 1608 (Gipson) County officers: consolidation of offices

This bill would have prohibited the consolidation of the county sheriff and coroner office, which impacts 48 of our 58 counties that have combined the duties of the coroner and sheriff's department. CSAC and the Rural County Representatives of California (RCRC) were jointly opposed to this bill as it would have created significant one-time, and increased ongoing costs to counties, while removing the existing authority of our boards of supervisors. [CSAC continuously engaged](#) throughout the year with the Legislature, the author and co-sponsors to address county concerns. During the last night of the legislative session, AB 1608 was moved to the inactive file and did not move forward in the legislative process. CSAC will continue to monitor future legislation focused on the coroner/sheriff issue as we enter a new two-year legislative session in 2023.

AGRICULTURE, ENVIRONMENT, AND NATURAL RESOURCES

Awaiting Governor's Action

AB 2247 (Bloom) PFAS Product Disclosure

AB 2247 would require anyone manufacturing products containing perfluorinated or polyfluorinated substances (PFAS) to report their products to the Department of Toxic Substances Control. This requirement would go into effect in 2026. PFAS are a group of around 9,000 synthetic products used in many household and industrial products. These chemicals do not breakdown, and thus have been called "forever chemicals." PFAS have been found in the blood of humans and animals, soil, water, and air, and linked to harmful health impacts. [CSAC supports AB 2247](#).

AB 2550 (Arambula) State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment

AB 2550 would remove local control from the San Joaquin Valley Air Pollution Control District by transferring responsibility to regulate stationary pollution sources to the California Air Resources Board (CARB). CARB already has the authority to oversee local air quality management activities, and works closely in the development of air pollution plans. [CSAC opposes AB 2550](#).

SB 1186 (Wiener) Medicinal Cannabis Patients' Right of Access Act

This bill was written with the intent of improving access to medical cannabis, however, CSAC has serious concerns about the preservation of local control. The language would require all jurisdictions to allow for delivery sales of medicinal cannabis and prohibit regulations that would impose “unreasonable restrictions” on the sale of medicinal cannabis. Recent amendments provide exemptions for jurisdictions that allow cannabis retail as of January 1, 2022. [CSAC opposes this measure.](#)

Died in Legislature

AB 2201 (Bennett) Groundwater Permitting

This started as a bill to require a groundwater sustainability agency (GSA) in a critically over-drafted basin to establish and implement a process to issue permits for groundwater extraction facilities by July 1, 2023. CSAC engaged with the author and committee to discuss implications of shifting well permitting away from the counties. However, amendments prohibited local governments from approving a new well, or alterations to an existing well unless specific conditions are met. [CSAC opposed AB 2201](#) and worked with a strong coalition to successfully quash the bill.

GOVERNMENT FINANCE AND ADMINISTRATION

Signed by Governor

Brown Act

SB 1100 (Cortese) Open meetings: orderly conduct

This bill, which was [co-sponsored by CSAC](#), authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual for actually disrupting the meeting, and defines “disrupting” for these purposes. This important change to the Brown Act will help local agencies ensure that public meetings are safe and accessible to all members of the public. This bill was signed by the Governor on August 22.

Awaiting Governor's Action

Sales and Use Tax

AB 1951 (Grayson) Sales and use tax: exemptions: manufacturing

This bill would exempt the local share of sales tax for manufacturing companies that buy equipment for the next five years. AB 1951 would cut local budgets by over \$2 billion over five years, reducing revenue for public safety, anti-poverty programs, behavioral health, and other critical local services. Notably, because 1991 Realignment and Proposition 172 funds are distributed through statewide formulas, every county would experience cuts, regardless of where in the state the manufacturing investments are made. [CSAC remains opposed to this bill.](#)

AB 2887 (E. Garcia) Public resources: Sales and Use Tax Law: exclusions

This measure would increase, from \$100 million to \$150 million, the limit on annual sales and use tax exclusions provided under the California Alternative Energy and Advanced Transportation Financing Authority. To the extent the exemption results in increased economic activity, the tax benefits will largely be enjoyed by the state general fund via increased personal income and corporation tax collections. However, reductions in sales and use tax revenue will not only be borne by the local agencies that provide direct services to the manufacturing facility benefiting from the exemption, but also every county in the state due to the statewide formulas for distributing realignment funds for health, human services, and behavioral health. For these reasons, [CSAC remains opposed to this bill](#).

Broadband

AB 2256 (Quirk-Silva) Office of Broadband and Digital Literacy: reports

This bill, which is [co-sponsored by CSAC](#), would add two local government officials to the Middle-Mile Advisory Committee (MMAC) – one appointed by the Speaker of the Assembly and one appointed by the Senate Rules Committee. Currently, the MMAC does not include local government representatives. Including representatives from local government is important to ensuring the success of a statewide middle-mile network, providing a perspective different from the many state representatives on the committee, and serving as a liaison between the committee and local officials around the state who know the needs and gaps within their communities.

Brown Act

AB 2449 (Rubio) Open meetings: local agencies: teleconferences

This bill, until January 1, 2026, would authorize members of a legislative body of a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the local agency's jurisdiction. Under this exception, the bill would authorize a member to participate remotely under specified circumstances, including participating remotely for just cause or due to emergency circumstances. The emergency circumstances basis for remote participation would be contingent on a request to, and action by, the legislative body. This bill would also impose prescribed requirements for this exception relating to notice, agendas, the means and manner of access, and procedures for disruptions, among other changes. CSAC remains neutral on this measure.

Labor and Pensions

SB 284 (Stern) Workers' compensation: firefighters and peace officers: post-traumatic stress

This bill would expand an existing industrial injury presumption for a diagnosis of a post-traumatic stress disorder (PTSD) for peace officers and firefighters to additional safety and non-sworn personnel including public safety dispatchers, public safety telecommunicators, and emergency response communication employees, along with a number of additional state agencies. While recognizing that both sworn and non-sworn personnel need access to the workers' compensation system, [CSAC is opposed](#) to this expansion on the basis that SB 284 lacks any relevant data that the current system is inaccessible or not working appropriately.

to provide California employees with fair access to the workers' compensation system.

SB 931 (Leyva) Deterring union membership: violations

This bill would require the Public Employment Relations Board (PERB) to impose civil penalties of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, on public employers if it finds the employers deterred or discouraged employees from exercising collective bargaining rights. Additionally, the bill requires employers to pay attorney's fees unless PERB finds the claim to be frivolous, unreasonable, or groundless. [CSAC remains opposed to this bill](#) on the basis that this new authority could expose public entities, even those acting in good faith, to significant new liability and fails to equitably provide attorney's fees and costs to either prevailing party, including the employer.

SB 1127 (Atkins) Workers' compensation: liability presumptions

This bill would reduce the timeframe for employers to investigate workers' compensation claims, increase penalties on employers for "unreasonably" denying claims, and significantly increase the duration of temporary disability for cancer presumption claims. Although recent amendments to the bill partially reverse some of the shortened timeframes for employers to investigate workers' compensation claims, [CSAC remains opposed to SB 1127](#) due to the financial burden and liability it would place on counties.

SB 1313 (Hertzberg) Local public employee organizations: health benefits: discrimination

This bill would prohibit the County of Los Angeles from providing an employee represented by an employee organization a health benefit plan that provides fewer benefits than health plans offered to employees not represented by an employee organization. [CSAC is opposed to this bill](#) on the basis that directives such as those included in SB 1313 may create unprecedented costs and create severe downstream effects on future bargaining benefits as counties attempt to balance the collective bargaining process with the unknown aspect that the Legislature may intervene and require a different level or application of benefits not bargained for.

Died in Legislature

Labor and Pensions

AB 2493 (Chen) County employees' retirement: disallowed compensation: benefit adjustments and calculations

This bill would make several changes to the County Employees Retirement Law of 1937 (CERL) regarding pension calculation adjustments arising from erroneous inclusion of disallowed compensation, including requiring participating county employers to reimburse their respective retirement system for pension overpayments made to peace officer and firefighter retirees arising from erroneous employer reporting of disallowed compensation, and pay affected retirees a lump sum amount equal to 20 percent of the actuarial equivalent present value of a retiree's "lost" pension going forward due to the system's recalculation of the retiree's benefit to exclude the disallowed compensation. This bill would place a significant financial burden on counties and agencies by requiring member agencies of county retirement systems to pay substantial penalties for decisions they did not make and over which they had no authority. [CSAC was opposed to this](#)

[measure](#), which was held by the author on the last day of session due to concerns raised by counties.

HEALTH AND HUMAN SERVICES

Signed by Governor

Public Health-related Legislation

SB 872 (Dodd) Pharmacies: Mobile units

This measure, co-sponsored by the Counties of Santa Clara and San Diego, and supported by CSAC, authorizes a county or a city and county to operate a licensed mobile unit to provide prescription medication to individuals within the county's jurisdiction, subject to specified criteria. This bill was signed by the Governor on August 29.

SB 928 (Wieckowski) Public Administrators: Compensation

This [CSAC-supported measure](#) increases the minimum fee a county Public Administrator may charge for managing estates and making final arrangements for descendants without known or willing relatives. The minimum compensation threshold of \$1,000, which was set nearly 20 years ago, will increase to \$3,000 beginning on January 1, 2023. SB 928, while modest, will help Public Administrators recover some costs, where appropriate, associated with managing the estates and probate process for decedents. SB 928 was signed by the Governor on August 15.

Awaiting Governor's Action

Public Health-related Legislation

AB 240 (Rodriguez) Local Health Department Workforce Assessment

This measure requires the Department of Public Health to conduct an evaluation of the adequacy of local health department infrastructure and to make recommendations for future staffing, funding, workforce needs, and resources, in order to accurately and adequately fund local public health. A broad county coalition including [CSAC has supported](#) the measure since its introduction last year.

AB 988 (Bauer-Kahan) Mental health: 988 Suicide and Crisis Lifeline

This measure implements a statewide 9-8-8 suicide prevention and mental health crisis hotline as required by federal law. As recently amended, the bill requires the California Health and Human Services Agency to convene a state 988 advisory group consisting of various participants, including county representatives, to advise the Agency on a set of recommendations to support a five-year implementation plan for a comprehensive 988 system. Recent amendments also require health plans and insurers to cover medically necessary treatment, as specified, provided by call centers and mobile crisis teams. To support ongoing costs, the measure establishes a new surcharge initially set at \$0.08 per access line per month, and beginning January 1, 2025, at an amount specified by formula to be capped at \$0.30 per access line per month. CSAC will continue its advocacy for sufficient funding as the 988 system is developed and implemented, including adequate resources to operate mobile crisis teams and serve the expected influx of clients into the county specialty mental health system.

SB 1302 (Portantino) School-based Health Centers: Grant Program: Mental Health Services Act

This measure appropriates \$250 million from the Mental Health Services Fund to support school-based health centers through grants issued by the Superintendent of Public Instruction. Although the intent of establishing and improving the provision of behavioral health services to students at school-based health centers is meritorious, counties oppose any effort to redirect Mental Health Services Act (MHSA) funding to other services instead of the local services for which it was originally intended. As reported in a [prior CSAC bulletin article](#), CSAC and county partners opposed the late August amendments to this measure.

SB 1338 (Umberg) Community Assistance, Recovery, and Empowerment Court Program

Sponsored by Governor Newsom, this measure which creates the new Community Assistance, Recovery, and Empowerment (CARE) Court process, received final approval by the Legislature on the last day of the legislative session and moves to the Governor's desk for his signature. SB 1338 was amended on the Assembly Floor on August 25 to address various concerns raised by counties. Significant amendments sought and secured include:

- **Contingent enactment:** specifies the CARE Act to become operative only upon the Department of Health Care Services (DHCS), in consultation with county stakeholders, developing a CARE Act allocation to provide state financial assistance to counties to implement the CARE Court process.
- **Phased implementation:** specifies the following 7 counties in the first cohort to implement no later than October 1, 2023, unless the county is provided additional time: Glenn, Orange, Riverside, San Diego, Stanislaus, Tuolumne, and City/County of San Francisco.
- **Implementation delay:** requires DHCS to issues guidelines under which counties may apply and be granted additional time to implement the CARE Court process:
 - Specifies DHCS shall approve implementation delay for counties in the first or second cohort if the county experiences a state or local emergency and the delay of provision of the CARE process is necessary as a result of the emergency.
 - Specifies DHCS will only grant delays once and no later than December 1, 2025.
- **Sanctions/Fines:** money from fines is to be allocated and distributed by DHCS back to the local government entity that paid the fines to serve individuals who have schizophrenia spectrum or other psychotic disorders and who are experiencing, or are at risk of, homelessness, criminal justice involvement, hospitalization, or conservatorship.

With regard to county funding concerns, [AB 179](#), which amends the Budget Act of 2022, appropriates \$57 million General Fund to DHCS for allocation to counties to support initial planning and implementation costs for the CARE Act, as follows:

- \$31 million across all 58 counties to be used flexibly for planning, hiring, training, and information technology infrastructure costs.
- \$26 million for the first cohort of counties implementing the CARE Act.
- The county allocation schedule is to be developed by DHCS in consultation with CSAC, and CSAC will consult with county partners.

CSAC looks forward to continuing discussions with the Administration and Legislature to develop and secure an ongoing fiscal investment for counties to support the successful implementation of the CARE Court process.

Budget Bill, Jr. / Health Omnibus Trailer Bill

AB 179 (Ting) – Amendments to Budget Act of 2022 (Budget Bill Jr.) / AB 204 (Committee on Budget)

Health omnibus trailer bill

Monkeypox (MPX) Funding: AB 179 includes a total of \$41.5 million (\$25.7 million for state operations and \$15.8 million for local assistance) to the Department of Public Health (DPH) for purposes related to the MPX state of emergency proclaimed on August 1. Legislative intent language specifies that the Director of DPH consult with local health jurisdictions on how to most effectively distribute MPX vaccines, tests, outreach and education, and treatments, to communities most at risk, including marginalized and disadvantaged communities. The bill authorizes funding to be transferred up to specified amounts between state operations and local assistance needs at DPH's request, subject to Department of Finance approval and Joint Legislative Budget Committee notification.

CARE Court: AB 179 appropriates \$57 million General Fund to DHCS for allocation to counties to support initial planning and implementation costs for the CARE Act, as detailed in the summary of SB 1338 above. [\[JO1\]](#)

AB 179 reduces the \$64.7 million in one-time funding initially provided in the Budget to state departments and the Judicial Council by a net \$33.7 million to account for a phased implementation approach, with \$31 million remaining for CARE Act implementation costs incurred by state departments and the courts, contingent on enactment of statutory changes codifying the program.

Healthcare Workforce - Clinic Workforce Stabilization Retention Payments: AB 179 includes \$70 million to implement a clinic workforce stabilization retention payment program to provide funds to eligible qualified clinics, including but not limited to federally qualified health centers (FQHCs) and rural health clinics (RHCs), to provide retention payments to clinic employees. AB 204, the Health omnibus trailer bill, specifies retention payments of up to \$1,000 per eligible clinic employee to support the public purposes of providing stability in the California qualified clinic workforce and retaining qualified health care workers. The retention payment program would only be implemented to the extent DHCS determines that federal financial participation under the Medi-

Cal program is not jeopardized.

Human Services Legislation

AB 207 (Committee on Budget) – Human services omnibus

This human services trailer bill contains several provisions significant to counties. First, this bill outlines the requirements of the \$150 million for family finding, engagement, and support that was included in the 2022-23 budget to assist counties in identifying permanent connections for foster children and youth. The funding will be distributed through an allocation schedule and counties that elect to receive the funding will be required to provide a local match for 50% of the funding. Further, it specifies the type of services and supports that counties can provide with this funding. For the child support pass through, AB 207 includes statutory changes to implement a full pass through for formerly assisted families, a proposal that was included in the Governor's January budget. It also outlines legislative intent to implement and provide a General Fund augmentation for a full pass through for currently assisted families starting January 1, 2025. Finally, this trailer bill contains a positive change related to the methodology for the state to fund the CalWORKs single allocation and CalFresh county administration. For each program, the state will be required to revisit the funding methodology every three years to account for the increased county costs to operate the programs.

SB 1342 (Bates) – Aging multidisciplinary personnel teams

This bill would authorize counties and area agencies on aging to create aging multidisciplinary teams (MDTs) to allow for information sharing among entities providing services to older adults. Modeled off of the homelessness MDTs authorized by 2017 legislation, these aging services MDTs would improve service delivery, increase coordination, and support integrated case management. [CSAC supports SB 1342](#), which is sponsored by Orange County.

HOUSING, LAND USE, AND TRANSPORTATION

Awaiting Governor's Action

AB 916 (Salas) Zoning: bedroom addition

AB 916 would have originally increased the height maximum of ADU's from 16 to 18 feet on all parcels and to 25 feet for multifamily or single-family parcel located within a half mile of transit. This bill would have added a provision that sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence and mandates the approval of two additional bedrooms per dwelling unit. The bill was amended on August 22nd removing any height increases to ADUs in the bill. As amended, the bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of reconfiguring existing space to increase the bedroom count within an existing dwelling unit. CSAC removed its opposition to this measure and is now neutral.

AB 1932 (Daly) Public contracts: construction manager at-risk construction contracts

[AB 1932 is CSAC's sponsored legislation](#). The bill would extend the January 1, 2023 sunset date to January 1,

2029 on current state law authorizing counties to utilize the Construction Manager At-Risk (CMAR) method for specified public works projects.

Existing statute grants counties the authority to use CMAR contracts on any infrastructure owned or leased by the county, excluding roads, but including buildings, utility improvements associated with buildings, flood control, underground utility improvements, and bridges. Allowing CMAR for construction projects has already given counties the ability to make the most cost-effective and advantageous decision for individual public works projects, thereby stretching limited local funds and improving on-time completion of complex projects. In the traditional "Design-Bid-Build" method of construction procurement the design and contracting phases are sequential, with no direct collaboration process. For more complex projects, the early contractor involvement provided by CMAR is essential. AB 1932 would allow counties to continue using this authority until its sunset date of January 1, 2029.

AB 2234 (R. Rivas) Planning and zoning: housing: postentitlement phase permits

This bill would establish time limits for approval and requires online permitting of postentitlement permits. It would create practical concerns for the ability of local governments to effectively review applications and would impose costly mandates for electronic permitting on large counties and cities of any size within those counties without providing state funding to offset these costs.

Specifically, this bill requires local agencies to complete review, either return in writing a full set of comments to the applicant with a comprehensive request for revisions or return the approved permit application, and electronically notify the applicant of its determination within 30 business days of the application being complete for housing development projects with 25 units or fewer; or 60 business days of the application being complete for housing development projects with 26 units or more. AB 2234 would mandate costly electronic permitting, but it would not provide any state funding to accomplish this goal, despite the significant costs identified in the Statewide Housing Plan. CSAC and a broad coalition of organizations have an [oppose unless amended](#) position on AB 2234.

AB 2438 (Friedman) Transportation funding: guidelines and plans

This bill currently requires various state transportation programs to incorporate strategies from the Climate Action Plan for Transportation Infrastructure (CAPTI) into program guidelines. Also requires various state agencies to establish new transparency and accountability guidelines for certain transportation funding programs, as specified. The amendments taken explicitly list the California State Transportation Agency, California Transportation Commission, and Caltrans programs that are the subject of the bill and remove the language that would have made the bill applicable to an open-ended list of programs. The amendments also clarify that this bill only applies to the competitive component of the Local Partnership Program. CSAC removed its opposition based on the August 1st amendments.

AB 2514 (Dahle) State Highway System Management Plan: underserved rural

This bill directs Caltrans to include a comprehensive evaluation of transportation in rural counties as part of its

State Highway System Management Plan, which includes a 10-year state highway rehabilitation plan and a 5-year maintenance plan that is submitted to the California Transportation Commission (CTC) every two years, during an odd-numbered year, and is then transmitted to the Governor and the Legislature during that same odd-numbered year. We know it is important for both Caltrans and CTC to further their work on the unique transportation challenges in rural counties, and we believe this bill will greatly help facilitate this important goal. [CSAC is supportive](#) of this measure.

AB 2953 (Salas) Department of Transportation and local agencies: streets and highways: recycled materials.

This bill requires local governments above a specified size to adopt specified Caltrans recycled material standards unless certain criteria are met. CSAC worked with the author's office on amendments that remove the provision using annual average revenues for determining which local jurisdictions would be exempt from adopting the standards set forth by AB 2953, but rather use population, one hundred thousand (100,000) for counties and twenty-five thousand (25,000) for cities to determine which local jurisdictions would be exempted from using the updated standards. Furthermore, these proposed amendments addressed the significant cost pressures on local jurisdictions as highlighted in the Governor's veto message of AB 1035 (2021). In light of the amendments taken, CSAC has removed its opposition to this measure.

SB 897 (Wieckowski) Accessory dwelling units: junior accessory dwelling units

This bill would increase the height maximum of ADU's from 16 to 18 feet for parcels with an existing multistory building or 20 feet for a multifamily or single-family parcel located within a half mile of transit. This bill also adds a provision which sets a minimum height requirement of 25 feet for ADUs that are attached to a primary single-family residence. As amended, the bill creates a confusing standard and in certain instances would substantially alter the look and feel of a community as SB 897 creates a nuance where ADUs could conceivably be equal in size or larger than the primary residence as it creates a minimum height requirement of 25 feet by permitting ADUs and Junior ADUs to be attached to the primary residence. [CSAC is opposed to this measure.](#)

SB 922 (Wiener) California Environmental Quality Act: exemptions: transportation-related projects

The bill would exempt various types of qualifying transportation projects that are vital to meeting California's transportation greenhouse gas emissions reduction goals from review under the California Environmental Quality Act (CEQA). Importantly for California's counties, who are responsible for transportation facilities in unincorporated communities that range from highly urban to very rural, this bill would expand a tailored set of exemptions offered under existing law to apply to transportation projects in both rural and urban communities. [CSAC is in support of the bill.](#)

SB 932 (Portantino) General plans: circulation element: bicycle and pedestrian plans and traffic calming plans

This bill requires every city and county to develop and implement bicycle plans, pedestrian plans, and traffic calming plans upon a substantive revision of the circulation element. Originally, the bill would have exposed

many local governments to a new legal liability that was likely to result in significant litigation costs to defend and settle. As agreed, the proposed amendments removed the language on the private right of action, and made clarifying and technical amendments to include specific principles included in the Federal Highway Administration's Safe System Approach; ensured goals and implementation are subject to local conditions and funding; incorporated specific projects in implementation plans rather than the General Plan; and removed inapplicable references to the Transportation Agency's Zero Traffic Fatalities Task Force Report, the State Local partnership Program, the Surface Transportation Block Grant, and the Congestion Mitigation and Air Quality Improvement Program. [CSAC has removed its opposition](#) based on amendments taken by the author.

SB 948 (Becker) Housing finance programs: development reserves

This bill replaces individual project transition reserves for the development of affordable housing to a pooled reserve model, as specified, operated by the Department of Housing and Community Development (HCD). Specifically, the bill would create the Pooled Transition Reserve Fund to be operated by HCD and would continuously appropriate funding into that fund for the purpose of maintaining a pooled transition reserve to mitigate the impacts on tenant rents from the loss or exhaustion of rental or operating subsidies. SB 948 would also authorize HCD to charge a fee to a development that receives qualified project rental or operating subsidies at the time of permanent loan closing, to be deposited into the fund. [CSAC supports](#) SB 948.

SB 1121 (Gonzalez) State and local transportation system: needs assessment

The bill requires the California Transportation Commission, in consultation with the California Transportation Agency and Caltrans, to prepare a needs assessment of the cost to operate, maintain and provide for the necessary future growth of the state and local transportation system. The needs assessment required by SB 1121 would provide important information necessary to identify anticipated revenue to cover the cost of the needs identified, along with information on funding shortfalls and how those gaps should be addresses. Additionally, needs assessments can be a helpful tool in clarifying and identifying transportation goals, identifying tradeoffs (for instance, the fundamental tradeoff between capital improvements or expansion and system preservation) and encouraging alignment across agencies and programs. [CSAC supports](#) SB 1121.

SB 1449 (Caballero) Office of Planning and Research: grant program: annexation of unincorporated areas

The bill requires the Governor's Office of Planning and Research (OPR) to establish, upon appropriation by the Legislature, the Unincorporated Area Annexation Incentive Program, authorizing the office to issue a grant to a city for the purpose of funding infrastructure projects related to the proposed or completed annexation of a substantially surrounded unincorporated area, subject to approval by the director after the city submits an application containing specified information. The bill would require the office to match, on a dollar-for-dollar basis, any dollar contribution a city makes toward a project funded by the program, subject to a maximum funding threshold as determined by the director. The bill would, by September 1, 2023, will require the office to develop guidelines, and consult with various local representatives including counties, to prepare those guidelines, for purposes of implementing the program, and would provide that the guidelines are not subject to the rulemaking requirements of the Administrative Procedure Act. [CSAC is in support](#) of this measure.

Constitutional Amendment

SCA 2 (Allen) Public housing projects

The bill repeals Article 34 of the California Constitution, which requires development, construction, or acquisition of publicly funded low-rent housing projects to be approved by a majority of voters in a city or county. Repealing Article 34 eliminates this discriminatory provision from the California Constitution and removes an electoral hurdle for counties that seek to fund affordable homes in their jurisdictions. SCA 2 asks California voters to remove a limitation on local government's ability to financially support affordable homes, while maintaining strict voter approval requirements for new taxes or general obligation bonds. [CSAC supported](#) SCA 2, which will ultimately be placed on the 2024 statewide ballot.

Died in Legislature

AB 2120 (Ward) Transportation finance: federal funding: bridges

The bill would have ensured a fair and needs-based allocation of bridge formula funding from the federal Infrastructure Investment and Jobs Act (IIJA). AB 2120, which was [sponsored by CSAC](#), would have invested billions of dollars over the next few years in repairing and replacing local bridges in communities across the state to address critical safety issues and deferred maintenance. The bill was held on the Assembly Appropriations Committee Suspense File.

SB 361 (Umberg) Surplus land: City of Anaheim

Originally, SB 361 would have made significant changes to the Surplus Lands Act. The bill would have essentially given the Department of Housing and Community Development (HCD) veto power over the disposition of surplus lands. Specifically, the bill would have prohibited local agencies from proceeding with disposal of property if HCD issues a notice of violation. After negotiations with the author, the bill was amended to require the City of Anaheim to discuss a Notice of Violation of the Surplus Land Act issued by HCD at a properly noticed public session prior to taking final action to ratify or approve the disposal of land subject to the notice. CSAC removed its opposition to SB 361 as a result of the amendments. This measure ultimately died.

NOVEMBER 2022 BALLOT PROPOSITIONS

Proposition 27: Allows Online and Mobile Sports Wagering Outside Tribal Lands. Initiative and Constitutional Amendment and Statute.

Summary: [Proposition 27](#) would amend the California Constitution and state law to allow people 21 years of age and older in California to participate in online sports wagering over the Internet and mobile devices no later than September 2023. The measure will appear on the November 8, 2022, statewide ballot. **CSAC is opposed to this measure.**

Proposition 31 Referendum on 2020 Law That Would Prohibit the Retail Sale of Certain Flavored

Tobacco Products

Summary: In 2020, the Legislature passed and the Governor signed SB 793 to ban in-person retail stores and vending machines from selling most flavored tobacco products and tobacco product flavor enhancers. This law did not go into effect because a referendum on the law qualified for the 2022 statewide ballot. When a referendum on a new state law qualifies for the ballot, the law is suspended until voters decide whether to put it into effect. Proposition 31 will appear on the November 8, 2022, statewide ballot asking the voters to affirm the implementation of SB 793. The full text of SB 793 is available [here](#). **CSAC is in support of this measure.**