



**LEGISLATION COMMITTEE**

**August 13, 2018  
10:30 A.M.**

**651 Pine Street, Room 101, Martinez**

Supervisor Karen Mitchoff, Chair  
Supervisor Diane Burgis, Vice Chair

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| <b>Agenda<br/>Items:</b> | Items may be taken out of order based on the business of the day and preference of the Committee |
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1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **APPROVE the Record of Action for the May 14, 2018 meeting of the Legislation Committee, with any necessary corrections.**
4. **CONSIDER recommending positions to the Board of Supervisors on the qualified statewide ballot measures that impact Contra Costa County and provide direction to staff.**
5. **CONSIDER recommending that the Board of Supervisors authorize the submittal of a legislative proposal to the California State Association of Counties (CSAC) and the County Engineers Association of California (CSAC) that would include stormwater in the regional transportation planning process.**
6. **RECEIVE an update on SB 10 (Hertzberg) – Bail Reform and provide any necessary direction to staff.**
7. **CONSIDER recommending a position of "Oppose" on S. 3157 (Thune) "To streamline siting processes for small cell deployment," to the Board of Supervisors, as recommended by the California State Association of Counties.**
8. **CONSIDER the update from staff on the contractor procurement process for the State and Federal Advocacy Contracts and provide direction to staff.**
9. The next meeting is currently scheduled for Monday, September 10, 2018 at 10:30 a.m in Room 101, 651 Pine Street, Martinez.
10. Adjourn

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*The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

Lara DeLaney, Committee Staff  
Phone (925) 335-1097, Fax (925) 646-1353  
lara.delaney@cao.cccounty.us



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

3.

**Meeting Date:** 08/13/2018  
**Subject:** Record of Action for Legislation Committee  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2018-21  
**Referral Name:** Record of Action  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

County Ordinance (Better Government Ordinance 95-6, Article 25-205, [d]) requires that each County Body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Any handouts or printed copies of material or testimony distributed at the meeting will be attached to the meeting record.

#### **Referral Update:**

Attached for the Committee's consideration is the Draft Record of Action for its May 14, 2018 meeting.

#### **Recommendation(s)/Next Step(s):**

APPROVE the Record of Action with any necessary corrections.

#### **Fiscal Impact (if any):**

None.


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#### **Attachments**

Attachment A: Draft Record of Action

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# DRAFT

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|  <p><b>Agenda</b></p> | <p style="text-align: right;"><b>LEGISLATION COMMITTEE</b></p> <p style="text-align: right;"><b>May 14, 2018</b><br/><b>10:30 A.M.</b></p> <p style="text-align: right;"><b>651 Pine Street, Room 101, Martinez</b></p> |
|--|---|

Supervisor Karen Mitchoff, Chair  
Supervisor Diane Burgis, Vice Chair

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|----------------------|--|
| <b>Agenda Items:</b> | Items may be taken out of order based on the business of the day and preference of the Committee |
|----------------------|--|

Present: Karen Mitchoff, Chair  
Diane Burgis, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator  
Patricia Tanquary, CEO, Contra Costa Health Plan  
Maura Connell, Consultant, Policy and Planning Division, EHSD  
Patricia Frost, EMS Director, CCC  
Kara Douglas, Assistant Deputy Director, DCD  
David Goldstein, Contra Costa EMS  
Timothy Ewell, Assistant County Administrator  
Mark Goodwin, Chief of Staff, District III  
Anne O, Chief of Staff, District IV  
Donte Blue, Deputy Director, Office of Reentry & Justice

Attendees: Joe Greaves

1. Introductions

*The Committee and attendees introduced themselves. Ben Palmer joined the meeting via conference call from Nielsen Merksamer.*

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*No Public Comment was offered.*

3. APPROVE the Record of Action with any necessary corrections.

*The Committee unanimously approved the Draft Record of Action with no changes.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

Passed

4. ACCEPT the reports to be presented to the Committee at the meeting regarding the Governor's Revised Budget for FY 2018-19 and provide direction to staff.

*The Committee accepted the verbal report from Ben Palmer of Nielsen Merksamer. Ben highlighted the major Governor's Revised State Budget items of interest to the County, including the investment in infrastructure, homeless services, and mental health treatment. In addition, Ben noted the "No Place Like Home" measure would be on the November 2018 ballot. Patricia Tanquary indicated the proposed elimination of the 340 B pharmaceutical program would mean a loss of approximately \$30 Million to Contra Costa County. She stated that the staff are appealing this proposal, and our legislative delegation should be made aware of the potentially serious impact on Contra Costa.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

Passed

5.

*The Committee voted unanimously to Oppose AB 2293 (Reyes): Emergency Medical Services: Licensure. Pat Frost noted that the EMS Association was strongly opposed to the bill.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

Passed

6. CONSIDER recommending to the Board of Supervisors a position of "Support, if funded" for AB 2043 (Arambula): and "Support" for AB 2083 (Cooley) and sending to the Board for their consent.

*The Committee voted unanimously to not recommend a position on AB 2043 (Arambula) and AB 2083 (Cooley) to the Board of Supervisors, concerned about the fiscal impact to the County. The Committee directed staff to watch the bills, which are both now in Senate Appropriations on the Suspense file.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

Passed

7. CONSIDER recommending to the Board of Supervisors a position of "Oppose unless amended" on AB 3087.

*The Committee voted unanimously to recommend a position of "Oppose" on AB 3087 (Kalra). The bill has been held in Committee and will not advance in 2018.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

Passed

8. CONSIDER recommending to the Board of Supervisors a position of "Support" for SB 910 (Hernandez), and sending to the Board of Supervisors for their consent.

*The Committee voted unanimously to recommend a position of "Support" on SB 910 to the Board of Supervisors and directed staff to place the item on the Consent calendar.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis  
Passed

9. CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 974 (Lara), a bill that extends full-scope Medi-Cal benefits to undocumented adults age 19 and above who are otherwise eligible for those benefits but for their immigration status and send the bill to the Board for their consent.

*The Committee voted unanimously to recommend a position of "support: for SB 974 and directed staff to send the item to the Board of Supervisors on their consent calendar.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis  
Passed

10. CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 1105 (Skinner) and directing staff to put the bill on the Board's agenda for consent.

*The Committee voted unanimously to support the bill.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis  
Passed

11. PROVIDE feedback to staff on SB 828 (Weiner) and AB 1771 (Bloom): Planning and Zoning: Regional Housing Needs Assessment, which will be provided to CSAC staff as requested.

*The Committee provided feedback to staff, expressing concerns related to the usurpation of local land use control and indicating that the bill's language comes close to turning housing needs allocations into a production quota, which conflicts with the unfortunate reality that planning requirements are not accompanied by sufficient subsidy for actual construction.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis  
Passed

12. CONSIDER recommending a position of "Support" to the Board of Supervisors for H.R. 5003 to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds; authorize the Chair of the Board to send a letter to members of the House of Representatives representing Contra Costa County requesting co-sponsorship of the bill; direct staff to amend the County's adopted federal legislative platform to make conforming changes.

*The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors and directed staff to place the item on the Board's consent calendar for consideration and make conforming changes to the Adopted 2018 Federal Platform.*

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis

13. The next meeting is currently scheduled for Monday, June 11, 2018 at 10:30 a.m.

*The Committee adjourned the meeting to its scheduled meeting of June 11, 2018, which was subsequently cancelled.*

14. Adjourn

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# Contra Costa County Board of Supervisors

## Subcommittee Report

4.

### LEGISLATION COMMITTEE

**Meeting Date:** 08/13/2018  
**Subject:** November 2018 State Ballot Measures  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2018-22  
**Referral Name:** November 2018 State Ballot Measures  
**Presenter:** L. DeLaney & C. Christian, Ben Palmer

**Contact:** L. DeLaney, 925-335-1097

### Referral History:

The Legislation Committee regularly considers the statewide ballot measures that have qualified for a November election and considers recommending positions to the Board of Supervisors on measures that would impact Contra Costa County operations, services and programs. An eligible initiative measure is one in which the required number of signatures have been submitted to and verified by the county elections officials. Eligible initiative measures will become qualified for the ballot on the 131st day prior to the next Statewide General Election unless withdrawn by the proponents prior to its qualification by the Secretary of State.

Staff has received a request from a representative of the East Bay Housing Organizations (EBHO) for the County Board of Supervisors to consider supporting Proposition 1. The Legislation Committee may wish to consider recommendations to the Board on the following measures:

#### Proposition 1

#### Proposition 2

#### Proposition 3

#### Proposition 5

#### Proposition 10

*Proposition 6 will be considered by the Transportation, Water, and Infrastructure Committee on 8/20*

### November 6, 2018, Statewide Ballot Measures

#### Proposition 1

[Authorizes Bonds to Fund Specified Housing Assistance Programs. Legislative Statute.\(PDF\)](#)

#### Proposition 2

[Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness. Legislative Statute. \(PDF\)](#)

#### Proposition 3

[\(Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage. Initiative Statute.\(PDF\).\)](#)

#### Proposition 4

[Authorizes Bonds Funding Construction at Hospitals Providing Children's Health Care. Initiative Statute.\(PDF\)](#)

#### Proposition 5

[Changes Requirements for Certain Property Owners to Transfer their Property Tax Base to Replacement Property. Initiative Constitutional Amendment and Statute\(PDF\)](#)

#### Proposition 6

[\(17-0033.\)Eliminates Certain Road Repair and Transportation Funding. Requires Certain Fuel Taxes and Vehicle Fees be Approved by The Electorate. Initiative Constitutional Amendment\(PDF\)](#)

#### Proposition 7

[Conforms California Daylight Saving Time to Federal Law. Allows Legislature to Change Daylight Saving Time Period. Legislative Statute. \(PDF\)](#)

#### Proposition 8

[Regulates Amounts Outpatient Kidney Dialysis Clinics Charge for Dialysis Treatment. Initiative Statute.](#)

#### Proposition 9

**On July 18, 2018, Proposition 9 was removed from the ballot by [order of the California Supreme Court. \(PDF\)](#)**

#### Proposition 10

[Expands Local Governments' Authority to Enact Rent Control on Residential Property. Initiative Statute.](#)

#### Proposition 11

[Requires Private-Sector Emergency Ambulance Employees to Remain On-Call During Work Breaks. Eliminates Certain Employer Liability. Initiative Statute.](#)

#### Proposition 12

[Establishes New Standards for Confinement of Specified Farm Animals; Bans Sale of Noncomplying Products. Initiative Statute.](#)

### Referral Update:



Reported by Ben Christopher. Interactive by John Osborn D'Agostino:  
<https://calmatters.org/articles/california-ballot-measures-2018-election/>

### Prop 1: Affordable Housing Bond

#### What it does

Give the state permission to borrow \$4 billion to fund affordable housing construction (\$3 billion) and to subsidize home loans for veterans (\$1 billion).

#### How it got on the ballot

In the fall of 2017, state lawmakers went all in on housing, passing a cluster of bills aimed at subsidizing and streamlining new development. This bond, introduced by state Sen. Jim Beall from San Jose, was the product of one of those bills.

#### Estimated Cost

Will increase state costs \$171 million per year for 30 years.

#### Supporting Arguments

The state faces an unprecedented housing crisis. This money will be used to build and rehabilitate rental units for those making under a certain income, for grants to local governments for the construction of new units around public transit stations, and home loan assistance to Veterans.

#### Opposing Arguments

This bond will result in a one time boost in housing construction, a blip in supply that will do nothing to combat the long-term and persistent shortage that the state faces. For that minimal benefit, taxpayers will be saddled with billions more in debt.

### Prop 2: Mental Health Money for Housing

#### What it does

Give the state permission to borrow \$2 billion to fund supportive housing for those suffering with mental illness and to repay the cost of that bond with money set aside for mental health services.

#### How it got on the ballot

In 2004, voters approved Proposition 63, which hiked the income tax on millionaires by 1 percent in order to fund mental health services and related programs. Twelve years later, state lawmakers passed a bill to spend \$2 billion on permanent supportive housing for those suffering from mental illness and to fund it out of the Prop 63 account. But a Sacramento lawyer sued, arguing that voters didn't sign off on housing construction or servicing new debt in 2004. Counties are now sitting on millions of dollars reserved for the homeless and unsure how to spend it. Rather than wait out the court battle, state lawmakers are taking the question to voters.

#### Estimated Cost

Based on typical long-term bond costs, this will likely increase state costs by an extra 100 million per year for the next 40 years on average.

#### Supporting Arguments

Providing housing paired with social and health services is one of the most effective ways to help the chronically homeless who suffer from mental illness. This is entirely within the spirit of Prop 63, which is why the co-author of that proposition, Sacramento Mayor Darrell Steinberg, supports this initiative.

#### Opposing Arguments

If the state wants to fund new supportive housing, it shouldn't come at the expense of basic mental health treatment. And while supportive housing may be a noble idea in theory, cities often drag their heels when it comes to approving new housing for the mentally ill, making it less likely that the money will be spent on its intended purpose.

### Prop 3: Another Water Bond

#### What it does

Give the state permission to borrow \$8.9 billion to fund watershed protection, wastewater projects, groundwater management, as well as upgrades and repairs to traditional water infrastructure, like canals and dams.

#### How it got on the ballot

No, this isn't déjà vu. On June 5th, California voters passed a \$4.1 billion bond to fund water infrastructure improvements, as well as new parks. That proposition was placed on the ballot by state lawmakers in part to discourage outside groups from asking voters for even more money in November. And yet here we are. Unlike the June proposition, this bond is much bigger and its funds will be entirely dedicated to water projects.

#### Estimated Cost

Approximately \$435 million per year for 40 years.

#### Supporting Arguments

From the Oroville Dam to groundwater depletion in the Central Valley to the Salton Sea, California faces no shortage of water woes. Yes, the state of California has borrowed big to fund water projects in the past. But bonds provide long-term, recession-proof, dedicated streams of cash, exactly what the state needs to upgrade and update its aging infrastructure.

#### Opposing Arguments

Not only have taxpayers foot the bill for big water bonds in the past, we did it again in early June! The state still hasn't spent all of the money it borrowed in 2014 with Prop 1. There are additional concerns about how the money will be spent. Why should taxpayers statewide pay for regional projects, like canal and dam repairs, that are usually paid for by local water agencies?

### Prop 4: Childrens Hospital Bond

### **What it does**

Give the state permission to borrow \$1.5 billion to renovations, expansions, and upgrades at hospitals that treat children. Most of the funding is reserved for private non-profit hospitals and hospitals run through one of University of California campuses.

### **How it got on the ballot**

The California Children's Hospital Association regularly turns to the taxpayer for help. In 2004, voters backed a \$750-million bond to fund similar infrastructure investments. Four years later, they approved another \$980-million in borrowing. This year's proposal looks pretty similar—only bigger.

### **Estimated Cost**

An extra \$80 million annually for 35 years.

### **Supporting Arguments**

Kids deserve the best possible care. Medical technology is constantly changing, but because many of the hospitals are dependent on the low reimbursement rates from Medi-Cal, the state's public insurance program for low-income residents, they often can't afford to make these kinds of investments. These bond funds would allow the state's health care providers to catch up.

### **Opposing Arguments**

If the taxpayer is going to throw more money at hospitals, many of which are privately-owned and operated, why not use existing resources, rather than borrowing even more?

### **Prop 5: Portable Prop 13**

#### **What it does**

Allow older or disabled homeowners to take their lowered property tax base with them when they move.

#### **How it got on the ballot**

Ever since voters passed Proposition 13 in 1978, property taxes have been calculated based on a home's purchase price, rather than its current market value. That has kept property tax bills low for longtime homeowners despite skyrocketing real estate prices, but it also discourages people from moving, since selling one house and buying another often means getting stuck with a higher property tax bill. The California Association of Realtors, the folks in the business of selling homes, introduced this ballot measure last fall as a way to address the state's housing crisis.

#### **Estimated Cost**

A loss of \$2 billion annually in foregone tax revenue for local governments and school districts

#### **Supporting Arguments**

Because homeowners are penalized for moving, many homeowners—particularly empty-nesters—are living in houses and large apartments that no longer meet their needs. There are plenty of first-time homebuyers and young families who would use all that extra space. Encouraging the first group to sell to the second is a win-win.

#### **Opposing Arguments**

Of all the ways to address the state's housing crisis, this is one of the least direct. It doesn't increase the housing supply. It doesn't subsidize rents. It merely switches homes from one group to another. Meanwhile, it strips millions of dollars from our already cash-strapped school districts and local governments.

### **Prop 6: Gas Tax Repeal**

#### **What it does**

Repeal a recent increase in the gas tax and other fuel and car fees and require voter approval for all related taxes in the future.

#### **How it got on the ballot**

California roads are in rough shape, the product of years of deferred maintenance and recession-era budget cutting. Last year, lawmakers passed a bill to raise the state tax on gasoline for the first time in over two decades to fund repairs and maintenance, along with new transit projects and infrastructure upgrades. The bill also raised taxes on diesel and introduced a new car fee. In June, Republicans and anti-tax advocates successfully campaigned for the recall of Josh Newman, a vulnerable Democratic state senator for Orange County, ostensibly over his support of the transportation bill.

#### **Estimated Cost**

The loss of nearly \$5 billion annually, which is the amount the transportation bill would have raised. There would also likely be longer term fiscal impacts, as state lawmakers would have much more difficult time raising revenue from gas and car-related sources in the future.

#### **Supporting Arguments**

Californians already pay some of the highest taxes in the nation, including one of the highest state gas taxes. Lawmakers should be forced to trim spending and improve efficiency before asking drivers for more money.

#### **Opposing Arguments**

California hasn't raised its gas tax in decades and the state's transportation infrastructure is crumbling as a result. Conditions are unsafe for drivers and bad for business. Cities and counties are already using this money to improve our streets, highways, and transit system. Taking away the funding without a Plan B is irresponsible.

### **Prop 7: Daylight Savings Time**

#### **What it does**

Would repeal the measure Californians passed back in 1949 creating Daylight Savings Time. The Legislature would then be able to determine how the state sets its time—to eliminate moving clocks backward and forward every spring and fall.

#### **How it got on the ballot**

Democratic Assemblywoman Kansen Chu of San Jose carried a bill the Legislature passed to place the measure on the ballot. Gov. Jerry Brown's signing statement declared "Fiat Lux!"—the motto of his alma mater UC Berkeley. It's Latin for "Let there be light."

#### **Estimated Cost**

#### **Supporting Arguments**

Studies indicate that clock-switching increases traffic accidents, heart attacks, workplace accidents and other hazards as people struggle to adapt to the disruption of their sleep schedules.

#### **Opposing Arguments**

This measure has a couple of caveats even if voters approve it. It will require a second bill in the Legislature, and Congress would have to approve the ultimate goal—year-round daylight savings time.

#### **Prop 8: Dialysis Clinic Profit Pruning**

##### **What it does**

Require companies that operate dialysis clinics to pay back insurers any profits over 15 percent of qualifying business costs.

##### **How it got on the ballot**

The Service Employees International Union-United Healthcare Workers has had their sites trained on the California dialysis industry for years. They've sponsored legislation and floated ballot measures to mandate higher staffing ratios and regulate insurance payments. The majority of California Dialysis clinics, which serve patients suffering from kidney failure, are owned by two companies: DaVita Kidney Care and Fresenius Medical Care.

##### **Estimated Cost**

Not much. It would likely increase administrative costs in the near term and save spending on health benefits for retired public employees.

#### **Supporting Arguments**

The two companies that operate most of California's dialysis clinics are enormously profitable. In 2017, for example, DaVita netted \$1 billion. And yet over the last five years, the California Department of Public Health has received 18 complaints a month about health and safety conditions at dialysis clinics each month.

#### **Opposing Arguments**

This is just a pressure tactic from the unions who want to organize dialysis clinic workers. And it's a poorly thought out initiative at that. In regulating profit, the measure doesn't include basic administrative costs, like payroll management and legal expenses, as qualifying costs. This will harm the industry, and by extension, patients.

#### **Prop 9: Tim Draper's Three State Solution (NO LONGER ON THE BALLOT)**

##### **What it does**

Divide California into three new states: "Northern California," "Southern California," and "California."

##### **How it got on the ballot**

Update: On July 18, the California Supreme Court ordered Proposition 9 removed from the November ballot. The legal battle over the constitutionality of splitting up California by ballot proposition is ongoing. In 2014, Silicon Valley venture capitalist Tim Draper sponsored a ballot initiative to divide California into six states. It failed to get on the ballot, but this more scaled down effort initially made the cut.

##### **Estimated Cost**

It's...complicated. Dissolving the State of California would require the three successor states to divvy up the old state's assets and liabilities and then come up with their own laws. That could cost a lot, depending on what the states decide to do. But if the measure were to pass, it is very likely a constitutional nonstarter and so the budgetary impact is probably just slightly higher legal fees.

#### **Supporting Arguments**

California is so big, so populous, and so economically and politically diverse as to be ungovernable. The elected bodies of three states would be better able to represent the varied regional interests across this state.

#### **Opposing Arguments**

Of all the ways to improve the quality of political representation in the state, this is not a very practical one. For one, it's almost certainly not legal. Also, why is Fresno part of "Southern California"?

#### **Prop 10: Allows Expanded Rent Control**

##### **What it does**

Allow cities to introduce new restrictions on market rents or expand existing rent control policies.

##### **How it got on the ballot**

The California legislature passed the Costa-Hawkins Act in 1995, which placed a statewide moratorium on rent control laws. It also banned cities from applying existing rent regulation ordinances to new units. Now that the state is facing an affordable housing crisis, some housing advocates want to give cities a tool to put a legal lid on rents.

##### **Estimated Cost**

It depends. If cities across the state enact new rent control laws or expand old ones, that could result in reduced property values and less construction, resulting in lower tax revenue. It could also allow existing tenants who save on lower rent to spend more on consumer goods, resulting in higher sales tax. And then again, it's possible that very few cities will respond with new laws at all, in which case the effect will be negligible.

#### **Supporting Arguments**

The rent is too damn high! California renters are being priced out of the state's big cities, driving them out into the suburbs, out of state, or onto the street. This is

a crisis that needs an immediate solution, even as lawmakers work on a longer term fix.

**Opposing Arguments**

If rents are kept artificially low, it becomes less profitable to build new units or maintain and improve old ones. That's counterproductive: a shortage of housing is how we got into this mess to begin with.

**Prop 11: Paramedic Break Time**

**What it does**

Allow private ambulance services to require their emergency medical service employees to remain on call during meal and rest breaks. Also guarantees technicians additional training and some paid medical health services.

**How it got on the ballot**

Two years ago, the state Supreme Court ruled that security guards cannot be required to keep their radios on and remain on call while enjoying their meal or break time. The EMT industry wants a specific exemption made for its workers. A number of private ambulance firms are facing class action lawsuits in California courts over break time violations, including American Medical Response, the Colorado-based company backing the initiative.

**Estimated Cost**

Not much. Slightly lower EMT contract costs for local governments.

**Supporting Arguments**

Just like police and firefighters, emergency medical response technicians need to be on-call when the worst happens. This proposition would ensure that workers are compensated for missed or interrupted breaks.

**Opposing Arguments**

This initiative is being pushed by an industry looking for a special carve-out from state labor law. They should just follow the rules.

**Prop 12: Bigger Cages for Farm Animals**

**What it does**

Place new size requirements on the coops and cages used to contain breeding pigs, veal calves, and egg-laying hens. It would also require all egg-laying hens be raised in specified "cage-free" conditions. These requirements would apply to anyone selling related food products in California, even if the farms are out of state.

**How it got on the ballot**

In 2008, voters passed Proposition 2, an initiative sponsored by the Humane Society, which required that farm animals be allowed to stand up and turn around in their cages. This measure, also backed by the Humane Society, would put some specific numbers to the requirement and go a few steps further.

**Estimated Cost**

Not much. It might increase enforcement costs and decrease tax revenue from farms.

**Supporting Arguments**

Proposition 2 showed that we can improve the welfare of animals on farms without jeopardizing our food supply. California is such a large state, when we act to make our food system a little less cruel, the national food industry is forced to follow.

**Opposing Arguments**

This will require many farmers to completely overhaul the way they do business, potentially driving some out of business and leading to higher food prices. These new rules also overlook the fact that animals are often kept in cages to reduce aggression and protect them from themselves.

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Addendum:

Ballot Measure Update

[Initiative and Referendum Qualification Status as of August 8, 2018](#)

[Initiatives and Referenda Withdrawn or Failed to Qualify](#)

**1831. (17-0034)** Requires That Proceeds of Bonds or Taxes Approved by the Voters Be Spent on the Specific Projects or Uses Approved by the Voters. Initiative Constitutional Amendment.

**1842. (17-0046, Amdt.#1)** Amends Three Strikes Sentencing Law for Repeat Offenders. Initiative Statute.

**1843. (17-0047, Amdt.#1)** Increases Funding for Hospitals, Clinics, and Primary Care Providers Serving Low-Income Patients by Increasing Tax on Personal Income Over \$1 Million. Initiative Constitutional Amendment.

**Recommendation(s)/Next Step(s):**

The Legislation Committee may wish to consider position recommendations to the Board of Supervisors on the following measures:

**Proposition 1:**

[Authorizes Bonds to Fund Specified Housing Assistance Programs. Legislative Statute.\(PDF\)](#)

**Proposition 2**

[Authorizes Bonds to Fund Existing Housing Program for Individuals with Mental Illness. Legislative Statute. \(PDF\)](#)

**Proposition 3**

[\(Authorizes Bonds to Fund Projects for Water Supply and Quality, Watershed, Fish, Wildlife, Water Conveyance, and Groundwater Sustainability and Storage. Initiative Statute.\(PDF\).\)](#)

**Proposition 5**

[Changes Requirements for Certain Property Owners to Transfer their Property Tax Base to Replacement Property. Initiative Constitutional Amendment and Statute\(PDF\)](#)

**Proposition 10**

[Expands Local Governments' Authority to Enact Rent Control on Residential Property. Initiative Statute.](#)

**Fiscal Impact (if any):**

Proposition 5, which changes requirements for certain property owners to transfer their property tax base to replacement property may have a significant impact on Contra Costa County, but that impact has not been calculated as yet.

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**Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

5.

**Meeting Date:** 08/13/2018  
**Subject:** Legislative Proposal for Regional Stormwater Planning  
**Department:** Public Works  
**Referral No.:** 2018-23  
**Referral Name:** Legislative Proposal for Regional Stormwater Planning  
**Presenter:** Mitch Avalon      **Contact:** Mitch Avalon, 925-313-2203

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### **Referral History:**

The Public Works Department would like to submit a legislative proposal to the California State Association of Counties (CSAC) and the County Engineers Association of California (CEAC) for the 2019 legislative session. Proposals are due to CEAC by August 14, 2017.

Although the County Board of Supervisors has not initiated its 2019 State Platform development process as yet, the Legislation Committee may wish to consider recommending a position on this matter to the Board of Supervisors.

### **Referral Update:**

Attached is the legislative proposal submitted by the Public Works Director for Regional Stormwater Planning (Attachment A).

### **Recommendation(s)/Next Step(s):**

CONSIDER recommending that the Board of Supervisors authorize the submission of a 2019 session legislative proposal to the California State Association of Counties (CSAC) and County Engineers Association of California (CSAC) that would include stormwater in the regional transportation planning process, as recommended by the Public Works Director.

### **Fiscal Impact (if any):**

As stated in the report "Regional stormwater solutions can be more cost effective for project implementation and be more beneficial to water quality." (p. 2 of 2)

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### **Attachments**

Attachment A: Legislative Proposal for Stormwater Planning

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# Contra Costa County Public Works Department


Brian M. Balbas, Director

Deputy Directors  
Stephen Kowalewski, Chief  
Mike Carlson  
Warren Lai  
Carrie Ricci  
Joe Yee

## Memo

August 7, 2018

**TO:** Legislation Committee

**FROM:** Brian M. Balbas, Public Works Director 

**SUBJECT:** Legislative Proposal for Regional Stormwater Planning

### Recommendation

CONSIDER recommending the Board of Supervisors authorize submittal of a legislative proposal to the California State Association of Counties and County Engineers Association of California that would include stormwater in the regional transportation planning process.

### Background

State law (Senate Bill 375 - Sustainable Communities and Climate Protection Act of 2008) requires regional transportation, land use, and housing needs to be planned together through development of a Sustainable Communities Strategy for each region in the State. State law (Senate Bill 985 - Stormwater Resource Planning Act) also requires identifying, by watershed or region, all projects that improve stormwater quality or increase infiltration. Many of these stormwater projects are included within transportation corridors, as the objective is to treat stormwater runoff from paved surfaces. Housing projects must also address stormwater runoff from their streets and roofs. This legislative proposal would coordinate and integrate all these planning requirements; transportation, land use, housing, and stormwater needs.

Each metropolitan planning organization in the State must develop a Regional Transportation Plan, a long-range framework for improvements to the region's transportation network, and a Regional Housing Needs Allocation, a determination of housing needs for all income levels. Metropolitan planning organizations must also complete a Sustainable Communities Strategy that integrates transportation planning with housing and land-use needs. This requirement does not apply to regional transportation planning agencies that are not within the jurisdiction of a metropolitan planning organization, excluding many Northern California and Sierra Foothill counties. In the Bay Area the Metropolitan Transportation Commission and the Association of Bay Area Governments produced a Plan Bay Area in July 2013, the region's first Sustainable Communities Strategy.

One goal of Regional Transportation Plans is to help comply with federal and state laws related to the effects of transportation on public health, environmental protection, and resource management. Likewise, a goal of the Regional Housing Needs Allocation process is to protect environmental resources. Section 303d of the Clean Water Act identifies water bodies in the State that are impaired, requiring Regional Water Boards to develop attainment plans that meet water quality objectives. These attainment plans (Total Maximum Daily Loads) are written into the stormwater permits issued by Regional Water Boards to cities and counties, requiring the local government agencies to improve stormwater quality.

Transportation systems consist of paved surfaces that speed up stormwater runoff creating downstream erosion and impacts to watershed health. Cars, buses, and trucks generate pollutants such as tire particles, brake dust, and oil residue, negatively impacting water quality standards in State water bodies. Stormwater impacts are often mitigated at the project level, when a transportation system improvement is being planned and developed. The Water Board's long-range goal is when the built environment (transportation, commercial, residential, and public buildings) is rebuilt over the next 50 years that every drop of stormwater that lands on an impervious surface will be treated. This vision will be difficult to implement, especially in urbanized areas with little wiggle room for stormwater treatment. If stormwater needs are included in the Regional Transportation Plan process there will be opportunities to address impacts to stormwater on a regional basis rather than later at the project level. Areas can be set aside in each watershed to accommodate mitigation for projects that can't mitigate on-site, including transportation projects, housing projects, and other infrastructure or development projects. The Water Board allows treatment of project level impacts to stormwater to be treated at a regional level through an alternative compliance process. Regional stormwater solutions can be more cost effective for project implementation and be more beneficial to water quality. The same is true for mitigating stormwater impacts from development and housing projects.

Well-designed stormwater projects, known as green infrastructure, direct stormwater to planted areas to remove pollutants and increase infiltration. Increased infiltration raises groundwater levels and boosts summer flows, allowing riparian and other watershed vegetation to survive and thrive. Maintenance or enhancement of existing watershed vegetation or installation of new vegetation removes carbon from the atmosphere and locks it in plant material, meeting the underlying purpose of SB 375.

SB 375 was a bold step to integrate transportation planning and housing needs. This legislative proposal would include stormwater in that integrated regional planning process. All of these regional planning efforts are interrelated and there are economic, resource management, and social benefits to including stormwater in the Strategic Communities Strategy process.

Staff recommends the Committee support this legislative proposal and recommend the Board of Supervisors authorize submittal of the proposal to CSAC and CEAC.





# Contra Costa County Board of Supervisors

## Subcommittee Report

6.

### LEGISLATION COMMITTEE

**Meeting Date:** 08/13/2018  
**Subject:** Update on SB 10 (Hertzberg) – Bail Reform  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2018-24  
**Referral Name:** Update on SB 10 (Hertzberg) – Bail Reform  
**Presenter:** L. DeLaney & Ben Palmer **Contact:** Donte Blue, 925-335-1977

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### **Referral History:**

The Legislation Committee and the Board of Supervisors have considered and taken action on SB 10 (Hertzberg) Bail: Pretrial Release since 2017. On Feb. 13, 2017, the Legislation Committee considered the consistency of AB 42 (Bonta) and SB 10 with the Adopted Platform and voted to recommend support to the Board of Supervisors. The Board took action on March 14, 2017 to adopt a "Support" on AB 42 and SB 10. Subsequently, after the bill was further amended on 7/15/17, the County Administrator recommended that the Board adopt an amended position of "Oppose Unless Amended," which the Board approved on July 18, 2017.

### **Referral Update:**

The following update was provided by CSAC staff to County Legislative Representatives and Criminal Justice Analysts:

"The California State Association of Counties is opposed to Senate Bill 10 (Hertzberg), which would overhaul the bail system in California. Senate Bill 10 is currently in Assembly Appropriations. For it to move this year, it has to pass out of appropriations by August 17<sup>th</sup>. There have been a number of rumors that the author is working on amendments and that there will be an effort to move this bill. CSAC will be monitoring this closely and will alert counties should the legislation begin to move again.

There are a couple of additional factors that are now in play with regard to bail reform. First, the *Humphrey* case is currently pending before the California Supreme Court. In that case, the appellate court issued a ruling on bail reform that required California judges to consider a defendant's ability to pay when setting bail beginning in January. The Supreme Court has stated that it will consider specific questions: "(1) Did the Court of Appeal err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing the amount of monetary bail? (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so? (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases?"

Another factor that has recently arisen is the use of pre-trial risk assessments. Last week, civil rights groups that include the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund issued a document outlining their concerns about pre-trial risk assessment tools. (This document can be found at: <http://civilrightsdocs.info/pdf/criminal-justice/Pretrial-Risk-Assessment-Full.pdf>.) Senate Bill 10 would require the use of an assessment tool.

According to Government Technology, "Several of the cosigners of [Monday's] statement are sponsors of SB 10 and have been dedicated partners in our bail reform efforts," Sen. Robert Hertzberg, who co-authored SB 10, told *Government Technology*. "Our negotiations are ongoing, and we rely on the input of stakeholders to ensure that when we enact bail reform, it works for all Californians."

Natasha Minsker, director of the ACLU of CA Center for Advocacy & Policy, agrees. "Yesterday, the national ACLU signed onto a statement along with other civil rights, digital justice and community-based organizations, which included a call for important policy reforms to accompany any use of pretrial risk assessment tools. SB 10 is consistent with this call and includes the policy reforms identified," Minsker said. "California urgently needs bail reform. We need to replace the current system with one that prioritizes justice and public safety, not industry profits. We remain committed to passing SB 10 and making 2018 the year of bail reform in California."

(<http://www.govtech.com/public-safety/Civil-Rights-Groups-Call-for-Reforms-on-Use-of-Algorithms-to-Determine-Bail-Risk.html>)"

**Recommendation(s)/Next Step(s):**

RECEIVE the report from CSAC on the status of SB 10 (Hertzberg) and provide any necessary direction to staff.

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**Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

7.

**Meeting Date:** 08/13/2018  
**Subject:** Federal Bill S 3157 (Thune) Small Cell Deployment  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2018-26  
**Referral Name:** Federal Bill S 3157  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

Chairman of the Senate Commerce, Science, and Transportation Committee – Senator John Thune (R-SD) – introduced a bill in July regarding small cell deployment (*see Attachment A*). The legislation as introduced would impose restrictions on local government authority to regulate the deployment of wireless communications infrastructure while limiting the ability of localities to raise revenues. Specifically, the bill would:

- Cap the amount of fees local governments can charge telecom companies for the placement, construction, or collocation of new wireless facilities. Fees would need to be based on “actual costs and direct costs.”
- Establish the following shot clocks:
  - Collocation – In general, applications would need to be acted on no later than 60 days for requests to collocate equipment. Additional time (90 days) would be allowed for jurisdictions with fewer than 50K residents if less than 50 small cell-siting requests were filed in the previous 30 days; if 50 or more requests were filed, small jurisdictions would be given 120 days to act.
  - Non-collocations – The shot clock would be 90 days for all other requests. Jurisdictions with less than 50K people would be provided additional time as follows: 120 days if fewer than 50 requests were filed and 150 days if 50 or more requests were filed.
  - If a jurisdiction fails to act within the prescribed timeframes, applications would be “deemed granted.”

### **Referral Update:**

CSAC sent the attached letter of opposition (*Attachment B*) outlining their strong concerns to the Senate Commerce Committee. CSAC staff anticipates that the Committee will hold a hearing later this month on the measure and then may move the bill as a package with related measures. The ranking member of the subcommittee with jurisdiction over telecommunications issues, Senator Brian Schatz (D-HI), is an original cosponsor.

While neither CA senator serves on the Committee, CSAC did copy Senators Feinstein and Harris on their letter and they encourage counties to weigh in with both offices. CSAC provides the letter as a template and encourages counties to localize it to reflect the impacts and experiences each county has had with deployment of broadband technology and, specifically, small cell technology.

**Recommendation(s)/Next Step(s):**

CONSIDER recommending a position of "Oppose" on S. 3157 (Thune) "To streamline siting processes for small cell deployment," to the Board of Supervisors, as recommended by the California State Association of Counties.

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**Attachments**

Attachment A: S 3157

Attachment B: CSAC Oppose Letter

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115TH CONGRESS  
2D SESSION

# S. 3157

To streamline siting processes for small cell deployment.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mr. THUNE (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To streamline siting processes for small cell deployment.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Streamlining The  
5 Rapid Evolution And Modernization of Leading-edge In-  
6 frastructure Necessary to Enhance Small Cell Deployment  
7 Act” or the “STREAMLINE Small Cell Deployment  
8 Act”.

1 **SEC. 2. PRESERVATION OF LOCAL ZONING AUTHORITY.**

2 Section 332(c) of the Communications Act of 1934  
 3 (47 U.S.C. 332(c)) is amended by striking paragraph (7)  
 4 and inserting the following:

5 “(7) PRESERVATION OF LOCAL ZONING AU-  
 6 THORITY.—

7 “(A) GENERAL AUTHORITY.—Except as  
 8 provided in this paragraph, nothing in this Act  
 9 shall limit or affect the authority of a State or  
 10 local government or instrumentality thereof over  
 11 decisions regarding the placement, construction,  
 12 and modification of personal wireless service fa-  
 13 cilities.

14 “(B) LIMITATIONS.—

15 “(i) IN GENERAL.—Except as pro-  
 16 vided in subparagraph (C), the regulation  
 17 of the placement, construction, or modi-  
 18 fication of a personal wireless service facil-  
 19 ity by any State or local government or in-  
 20 strumentality thereof—

21 “(I) shall not unreasonably dis-  
 22 criminate among providers of func-  
 23 tionally equivalent services; and

24 “(II) shall not prohibit or have  
 25 the effect of prohibiting the provision  
 26 of personal wireless service.

1           “(ii) TIMEFRAME.—A State or local  
2 government or instrumentality thereof  
3 shall act on any request for authorization  
4 to place, construct, or modify a personal  
5 wireless service facility within a reasonable  
6 period of time after the request is duly  
7 filed with the government or instrumen-  
8 tality, taking into account the nature and  
9 scope of the request.

10           “(iii) WRITTEN DECISION AND  
11 RECORD.—Any decision by a State or local  
12 government or instrumentality thereof to  
13 deny a request to place, construct, or mod-  
14 ify a personal wireless service facility shall  
15 be—

16                   “(I) in writing; and

17                   “(II) supported by substantial  
18 evidence contained in a written  
19 record.

20           “(iv) ENVIRONMENTAL EFFECTS OF  
21 RADIO FREQUENCY EMISSIONS.—No State  
22 or local government or instrumentality  
23 thereof may regulate the placement, con-  
24 struction, or modification of personal wire-  
25 less service facilities on the basis of the en-

1            vironmental effects of radio frequency  
2            emissions to the extent that the facilities  
3            comply with the Commission's regulations  
4            concerning such emissions.

5            “(v) JUDICIAL AND ADMINISTRATIVE  
6            REVIEW.—

7            “(I) JUDICIAL REVIEW.—Any  
8            person adversely affected by any final  
9            action or failure to act by a State or  
10           local government or any instrumen-  
11           tality thereof that is inconsistent with  
12           this subparagraph may, within 30  
13           days after the action or failure to act,  
14           commence an action in any court of  
15           competent jurisdiction, which shall  
16           hear and decide the action on an ex-  
17           pedited basis.

18           “(II) ADMINISTRATIVE RE-  
19           VIEW.—Any person adversely affected  
20           by an act or failure to act by a State  
21           or local government or any instrumen-  
22           tality thereof that is inconsistent with  
23           clause (iv) may petition the Commis-  
24           sion for relief.



1           “(C) PLACEMENT, CONSTRUCTION, AND  
2           MODIFICATION OF SMALL PERSONAL WIRELESS  
3           SERVICE FACILITIES.—

4           “(i) IN GENERAL.—In addition to,  
5           and not in derogation of any of, the limita-  
6           tions under subparagraph (B), the regula-  
7           tion of the placement, construction, or  
8           modification of small personal wireless  
9           service facilities by any State or local gov-  
10          ernment or instrumentality thereof—

11           “(I) shall not unreasonably dis-  
12          criminate among providers of the  
13          same service using comparable equip-  
14          ment, including by providing exclusive  
15          or preferential use of facilities to a  
16          particular provider or class of pro-  
17          viders of personal wireless service; and

18           “(II) shall only permit a State or  
19          local government to approve or deny a  
20          permit or other permission to deploy a  
21          small personal wireless service facility,  
22          including access to a right-of-way or a  
23          facility in a right-of-way owned or  
24          managed by the State or local govern-

1                   ment, based on publicly available cri-  
2                   teria that are—

3                               “(aa) reasonable;

4                               “(bb) objective; and

5                               “(cc) non-discriminatory.

6                               “(ii) ENGINEERING STANDARDS; AES-  
7                   THETIC REQUIREMENTS.—A State or local  
8                   government or instrumentality thereof may  
9                   regulate the placement, construction, and  
10                  modification of small personal wireless  
11                  service facilities for reasons of objective  
12                  and reasonable—

13                               “(I) structural engineering stand-  
14                  ards based on generally applicable  
15                  codes;

16                               “(II) safety requirements; or

17                               “(III) aesthetic or concealment  
18                  requirements.

19                               “(iii) TIMEFRAMES.—

20                               “(I) IN GENERAL.—A State or  
21                  local government or instrumentality  
22                  thereof shall act on a complete re-  
23                  quest for authorization to place, con-  
24                  struct, or modify a small personal

1 wireless service facility not later  
2 than—

3 “(aa)(AA) for collocation of  
4 a small personal wireless service  
5 facility, 60 days after the date on  
6 which the complete request is  
7 filed, except as provided in item  
8 (bb); or

9 “(BB) for any other action  
10 relating to a small personal wire-  
11 less service facility, 90 days after  
12 the date on which the complete  
13 request is filed, except as pro-  
14 vided in item (cc);

15 “(bb) for collocation of a  
16 small personal wireless service fa-  
17 cility, if the State or the area  
18 under the jurisdiction of the local  
19 government has a population of  
20 fewer than 50,000 people—

21 “(AA) 90 days after the  
22 date on which the complete  
23 request is filed, if during the  
24 30-day period ending on  
25 that date of filing, the appli-

1 cable wireless service pro-  
2 vider filed fewer than 50 re-  
3 quests for collocation of a  
4 small personal wireless serv-  
5 ice facility with the State or  
6 local government or instru-  
7 mentality thereof; or

8 “(BB) 120 days after  
9 the date on which the com-  
10 plete request is filed, if dur-  
11 ing the 30-day period ending  
12 on that date of filing, the  
13 applicable wireless service  
14 provider filed not fewer than  
15 50 requests for collocation of  
16 a small personal wireless  
17 service facility with the  
18 State or local government or  
19 instrumentality thereof; or

20 “(cc) for any other action  
21 relating to a small personal wire-  
22 less service facility, if the State  
23 or the area under the jurisdiction  
24 of the local government has a

1 population of fewer than 50,000  
2 people—

3 “(AA) 120 days after  
4 the date on which the com-  
5 plete request is filed, if dur-  
6 ing the 30-day period ending  
7 on that date of filing, the  
8 applicable wireless service  
9 provider filed fewer than 50  
10 requests for any other action  
11 relating to a small personal  
12 wireless service facility with  
13 the State or local govern-  
14 ment or instrumentality  
15 thereof; or

16 “(BB) 150 days after  
17 the date on which the com-  
18 plete request is filed, if dur-  
19 ing the 30-day period ending  
20 on that date of filing, the  
21 applicable wireless service  
22 provider filed not fewer than  
23 50 requests for any other  
24 action relating to a small  
25 personal wireless service fa-

1 cility with the State or local  
2 government or instrumen-  
3 tality thereof.

4 “(II) APPLICABILITY.—The ap-  
5 plicable timeframe under subclause (I)  
6 shall apply collectively to all pro-  
7 ceedings required by a State or local  
8 government or instrumentality thereof  
9 for the approval of the request.

10 “(III) NO TOLLING.—A time-  
11 frame under subclause (I) may not be  
12 tolled by any moratorium, whether ex-  
13 press or de facto, imposed by a State  
14 or local government on the consider-  
15 ation of any request for authorization  
16 to place, construct, or modify a small  
17 personal wireless service facility.

18 “(IV) TEMPORARY WAIVER.—  
19 The Commission may temporarily  
20 waive the applicability of subclause (I)  
21 for not longer than a single 30-day  
22 period for any complete request upon  
23 a demonstration by a State or local  
24 government that the waiver would be

1 consistent with the public interest,  
2 convenience, and necessity.

3 “(iv) DEEMED GRANTED.—If a State  
4 or local government or instrumentality  
5 thereof has neither granted nor denied a  
6 request within the applicable timeframe  
7 under subclause (I) of clause (iii), includ-  
8 ing any temporary waiver granted under  
9 subclause (IV) of that clause, the request  
10 shall be deemed granted on the date that  
11 is 31 days after the date on which the gov-  
12 ernment instrumentality receives a written  
13 notice of the failure from the applicant.

14 “(v) FEES.—Notwithstanding any  
15 other provision of law, a State or local gov-  
16 ernment may charge a fee to consider an  
17 application for the placement, construction,  
18 or modification of a small personal wireless  
19 facility, or to use a right-of-way or a facil-  
20 ity in a right-of-way owned or managed by  
21 the State or local government for the  
22 placement, construction, or modification of  
23 a small personal wireless facility, if the fee  
24 is—

1           “(I) competitively neutral, tech-  
2 nology neutral, and nondiscrim-  
3 inatory;

4           “(II) publicly disclosed; and

5           “(III)(aa) except as provided in  
6 item (bb), based on actual and direct  
7 costs, such as costs for—

8                 “(AA) review and processing  
9 of applications;

10                “(BB) maintenance;

11                “(CC) emergency responses;

12                “(DD) repairs and replace-  
13 ment of components and mate-  
14 rials resulting from and affected  
15 by the installation of small per-  
16 sonal wireless facilities, improve-  
17 ments, and equipment that facili-  
18 tates the deployment and instal-  
19 lation of such facilities; or

20                “(EE) inspections; or

21           “(bb) calculated in accordance  
22 with section 224, in the case of a fee  
23 charged for the placement, construc-  
24 tion, or modification of a small per-  
25 sonal wireless facility on a pole, in a



1 right-of-way, or on any other facility  
2 that may be established under that  
3 section.

4 “(vi) RULE OF CONSTRUCTION.—  
5 Nothing in this subparagraph shall be con-  
6 strued to prevent any State or local gov-  
7 ernment from imposing any additional lim-  
8 itation or requirement relating to consider-  
9 ation by the State or local government of  
10 an application for the placement, construc-  
11 tion, or modification of a small personal  
12 wireless service facility.

13 “(D) DEFINITIONS.—For purposes of this  
14 paragraph—

15 “(i) the term ‘antenna’ means an ap-  
16 paratus designed for the purpose of emit-  
17 ting radiofrequency radiation, to be oper-  
18 ated or operating from a fixed location for  
19 the transmission of writing, signs, signals,  
20 data, images, pictures, and sounds of all  
21 kinds;

22 “(ii) the term ‘communications net-  
23 work’ means a network used to provide a  
24 communications service;

1           “(iii) the term ‘communications serv-  
2           ice’ means—  
3                   “(I) cable service, as defined in  
4                   section 602;  
5                   “(II) information service;  
6                   “(III) telecommunications serv-  
7                   ice; or  
8                   “(IV) personal wireless service;  
9           “(iv) the term ‘complete request’  
10           means a request for which the applicant  
11           has not received written notice from the  
12           State or local government within 10 busi-  
13           ness days of submission—  
14                   “(I) stating in writing that the  
15                   request is incomplete; and  
16                   “(II) identifying the information  
17                   causing the request to be incomplete;  
18           “(v) the term ‘generally applicable  
19           code’ includes a uniform building, fire,  
20           electrical, plumbing, or mechanical code  
21           adopted by a national code organization, or  
22           a local amendment to such a code, to the  
23           extent not inconsistent with this Act;

1 “(vi) the term ‘network interface de-  
2 vice’ means a telecommunications demarca-  
3 tion device and cross-connect point that—

4 “(I) is adjacent or proximate  
5 to—

6 “(aa) a small personal wire-  
7 less service facility; or

8 “(bb) a structure supporting  
9 a small personal wireless service  
10 facility; and

11 “(II) demarcates the boundary  
12 with any wireline backhaul facility;

13 “(vii) the term ‘personal wireless serv-  
14 ice’ means—

15 “(I) commercial mobile service;

16 “(II) commercial mobile data  
17 service (as that term is defined in sec-  
18 tion 6001 of the Middle Class Tax Re-  
19 lief and Job Creation Act of 2012 (47  
20 U.S.C. 1401));

21 “(III) unlicensed wireless service;

22 and

23 “(IV) common carrier wireless  
24 exchange access service;

1           “(viii) the term ‘personal wireless  
2 service facility’ means a facility for the  
3 provision of personal wireless service;

4           “(ix) the term ‘small personal wireless  
5 service facility’—

6                 “(I) means a personal wireless  
7 service facility in which each antenna  
8 is not more than 3 cubic feet in vol-  
9 ume; and

10                “(II) does not include a wireline  
11 backhaul facility;

12           “(x) the term ‘unlicensed wireless  
13 service’—

14                 “(I) means the offering of tele-  
15 communications service using a duly  
16 authorized device that does not re-  
17 quire an individual license; and

18                 “(II) does not include the provi-  
19 sion of direct-to-home satellite service,  
20 as defined in section 303(v); and

21           “(xi) the term ‘wireline backhaul facil-  
22 ity’ means an above-ground or under-  
23 ground wireline facility used to transport  
24 communications service or other electronic  
25 communications from a small personal

1 wireless service facility or its adjacent net-  
2 work interface device to a communications  
3 network.”.

4 **SEC. 3. GAO STUDY OF BROADBAND DEPLOYMENT ON**  
5 **TRIBAL LAND AND ON OR NEAR TRUST LAND.**

6 Not later than 1 year after the date of enactment  
7 of this Act, the Comptroller General of the United States  
8 shall—

9 (1) in consultation with the Secretary of Agri-  
10 culture, the Director of the Bureau of Indian Af-  
11 fairs, and the Federal Communications Commission,  
12 study the process for obtaining a grant of a right-  
13 of-way to deploy broadband infrastructure on tribal  
14 land or on or near trust land, as defined in section  
15 3765 of title 38, United States Code;

16 (2) in conducting the study under paragraph  
17 (1), consider the unique challenges involved in  
18 broadband deployment on tribal land and on or near  
19 trust land; and

20 (3) submit to Congress a report on the study  
21 conducted under paragraph (1).

○



August 7, 2018

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The Honorable John Thune  
Chairman  
Committee on Commerce, Science  
and Transportation  
512 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Brian Schatz  
Ranking Member  
Subcommittee on Communications,  
Technology, Innovation & the Internet  
428 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Thune and Ranking Member Schatz:

On behalf of the California State Association of Counties (CSAC), I'm writing to you in opposition to the *STREAMLINE Small Cell Deployment Act* (S 3157). While our association and members support the deployment of new and forthcoming telecommunications technology, including high-capacity 5G and related technologies, we oppose efforts that would limit necessary local discretion and public review as it pertains to the siting of new infrastructure in the public domain.

We are concerned that several provisions of S 3157 would serve to preempt state and local ownership of public property and usurp control over local rights of way. Additionally, we have concerns with language that would create new federal unfunded mandates and limit local governments' ability to raise revenue.

Under S 3157, local governments would be required to act on any request for authorization to place, construct, or modify wireless service facilities within their jurisdiction. While California's counties recognize that the intent of the legislation is to remove barriers to broadband deployment, the bill language challenges the basic principles of Federalism by giving the Federal Communications Commission (FCC) the authority to dictate how county governments operate. S 3157 also would mandate actions that local governments should take without providing direct compensation.

Furthermore, the bill would shorten the timeframes within which local governments are required to complete their review of applications for the siting of wireless communications facilities. Specifically, local governments would be required to act on any request that constitutes collocation of facilities not later than 60 days after the date on which the application is filed; review of requests for new towers would need to be completed within 90 days (additional time would be provided to jurisdictions with fewer than 50,000 residents). CSAC believes that truncating the current "shot clocks" – from 90 days for collocation and 150 days for new facilities – would have the effect of exacerbating the challenges that many local governments are currently facing with regard to responding to increases in requests from telecommunications service providers. Incidentally, the *Mobile Now Act* (S 19) would give the Federal government three times the amount of time (270 days) to respond to similar requests.

CSAC also has concerns with language that would preempt local zoning and regulatory authority by providing the Federal government with access to locally controlled assets without authorization. Under the bill, if a local government does not act on a request within the newly prescribed timeframes – or if an application is denied in a manner that the FCC determines is inconsistent with the terms of the bill – the request is automatically deemed approved. This language would create an unreasonable precedent that would allow outside entities to dictate the use of publicly owned assets at the local level. This provision also would unfairly penalize local governments that lack the staff capacity and resources to respond to requests within the shortened timelines.

Finally, S 3157 would limit compensation for use of poles, rights of way and other taxpayer-funded property “based on actual and direct costs.” By restricting compensation to the costs incurred for processing applications, the draft would eliminate the ability of local governments to negotiate fair leases or public benefits for the installation of small cell wireless equipment. Notably, the revenue generated from collecting these fees can be used to help bolster a locality’s financial resources to add staff capacity to help expedite the response for eligible facility requests.

In closing, local governments want to be a partner in successful deployment of next generation infrastructure. An approach that tries to preempt or remove local authority, however, would create tremendous conflict and would only serve to hinder local efforts aimed at closing the digital divide.

Thank you for considering our association’s views. If you have any questions or if you need any additional information, please contact Joe Krahn, CSAC Federal Representative, Paragon Government Relations at (202) 898-1444.

Sincerely,



Graham Knaus  
CSAC Executive Director

cc: Senator Dianne Feinstein  
Senator Kamala Harris



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

8.

**Meeting Date:** 08/13/2018

**Subject:** Update on Contractor Procurement Process for State and Federal Advocacy Contracts

**Submitted For:** LEGISLATION COMMITTEE,

**Department:** County Administrator

**Referral No.:** 2018-25

**Referral Name:** Update on Contractor Procurement Process for State and Federal Advocacy Contracts

**Presenter:** L. DeLaney

**Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

CAO staff has been in the process of developing a procurement timeline for the state and federal advocacy contracts, which expire on December 31, 2018.

### **Referral Update:**

The Request for Proposals (RFP) or Qualifications (RFQ) utilized by several counties which have recently undertaken a procurement process have been acquired; staff is reviewing these for RFP development purposes.

Staff has also identified a Review Panel composition that includes Chair Mitchoff, senior CAO staff and department heads or assistant department heads. Scheduling is underway for meeting dates for the Review Panel to conduct its response review and contractor interviews.



Staff is proposing the following timeline for the procurement process.

**Advocacy Contract RFP/RFQs Timeline**

| <b><u>Event</u></b>                   | <b><u>Date</u></b>    |
|---------------------------------------|-----------------------|
| RFP/Q Issued                          | August 20, 2018       |
| Written Questions Due from bidders    | August 27, 2018       |
| Addendum Issued                       | August 29, 2018       |
| Responses Due                         | <b>Sept. 19, 2018</b> |
| Evaluation Period                     | Sept. 20--Oct. 5      |
| Vendor Interviews                     | Sept. 27-Oct. 4       |
| Results Letter Issued                 | Oct. 5, 2018          |
| Appeal Period                         | Oct. 8-12, 2018       |
| Legislation Committee Reviews Results | Oct. 8, 2018          |
| Board Award Date                      | Oct. 16, 2018         |
| Contract Start Date                   | Jan. 1, 2019          |

**Recommendation(s)/Next Step(s):**

CONSIDER the update from staff on the contractor procurement process for the State and Federal Advocacy Contracts and provide direction to staff.

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**Attachments**

*No file(s) attached.*

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