

**September 9, 2014**

The following is a list of bills currently active in the both the Federal and California State Legislatures that are of interest to the City of San Marcos. **Section 1** provides a brief summary and analysis of each bill and its potential impact to the City along with the recommended City position.

**Section 2** provides a status update on measures with an approved City position for the current legislative session.

**Highlighted** items indicate updated information.

Section 1: Recommended Bill(s)						
Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date
AB 155	Alejo (D)	Monterey County Water Resources Agency Design-Build	Watch	OPPOSE	Assembly	
<b>Status:</b> The bill passed the Senate on August 18 and was sent back to the Assembly for concurrence.						
<b>Vote Summary:</b> <ul style="list-style-type: none"><li>Assembly (first vote): 47 ayes, 22 noes, 10 no vote recorded</li><li>Senate: 25 ayes, 10 noes, 5 no vote recorded</li></ul>						
<b>District Voting Record</b> <ul style="list-style-type: none"><li>Senator Wyland: No</li><li>Assemblymember Waldron: No</li></ul>						
<b>Issue areas associated with the City’s Legislative Platform:</b> <ul style="list-style-type: none"><li>Oppose any legislation that preempts local authority.</li></ul>						
<b>Description:</b> AB 155 authorizes the Monterey County Water Resources Agency to award a design-build contract for the combined design and construction of a project to connect Lake San Antonio and Lake Nacimiento with an underground tunnel or pipeline for water storage. It would mandate that the contract use a Project Labor Agreement.			<b>Analysis:</b> This is the first time that legislation specifically requires a Project Labor Agreement (PLA) for a local plan. It would set a precedent that may encourage future legislators to require PLAs for other local projects.  Requiring cities to have a PLA would increase costs for local government by significantly reducing the bidding pool. Opponents of AB 155 say that the PLA requirement eliminates the vast majority of contractors.			
<b>Supporters:</b> State Building and Construction Trades Council (AFL-CIO), International Brotherhood of Electrical Workers Local 234, CA American Water, and CH2M Hill.						
<b>Opposition:</b> Associated Builders and Contractors of CA, Associated Builders and Contractors of San Diego, Air Conditioning Trade Association, Plumbing-Heating-Cooling Contractors of CA, and the Western Electrical Contractors Association.						

<b>Bill Number</b>	<b>Author(s)</b>	<b>Bill Title</b>	<b>LOCC Position</b>	<b>Recommended San Marcos Position</b>	<b>Bill Location</b>	<b>Hearing Date</b>
AB 922	Maienschein (R)	Income taxes: deductions: disaster relief: County of San Diego	No position	SUPPORT	Assembly	N/A
<b>Status:</b> AB 922 passed the Senate on August 11, 2014. It is now in the Assembly for concurrence.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>Senate: 36 ayes, 0 noes, 4 not voting</li> </ul>						

<ul style="list-style-type: none"> <li>Assembly: This bill was a “gut and amend.” The previous vote was on an unrelated topic.</li> </ul>	
<b>District Voting Record</b> <ul style="list-style-type: none"> <li>Senator Wyland: Aye</li> <li>Assemblymember Waldron: N/A</li> </ul>	
<b>Issue areas associated with the City’s Legislative Platform:</b> <ul style="list-style-type: none"> <li>Support legislation that provides funding support for disaster preparedness/relief activities</li> </ul>	
<b>Description:</b> AB 922 would allow taxpayers affected by the May 2014 wildfires in San Diego County to deduct and adjust any losses they sustained on their income taxes and allow them to carry back those losses to the 2013 tax year. Federal law already allows disaster loss deductions on personal income taxes, and AB 922 would allow similar conformity on state income taxes as has been done for nearly all previous state disasters.	<b>Analysis:</b> AB 922 would give San Marcos taxpayers the same financial assistance provided to other people impacted by disasters in the past. It gives them a small tool through their personal income taxes to allow them to take a disaster loss deduction and help get them back on their feet financially.  Due to the urgency expressed by our legislative advocates in the final days of the legislative session, and consistent with the City’s platform procedures, the City Manager sent a letter to the bill’s author and Governor Brown on August 12, 2014 supporting the legislation.
<b>Supporters:</b> San Diego County Board of Supervisors; San Diego Regional Chamber of Commerce	
<b>Opposition:</b> None known	

Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date
AB 2126	Bonta (D)	Meyers-Milias-Brown Act mediation	OPPOSE	OPPOSE	Senate	
<b>Status:</b> Read a second time and ordered to third reading.						
<b>Vote Summary:</b> <ul style="list-style-type: none"><li>Assembly: 54 ayes, 22 noes, 3 no recorded votes</li></ul> <b>District Voting Record</b> <ul style="list-style-type: none"><li>Senator Wyland: N/A</li><li>Assemblymember Waldron: No</li></ul>						
<b>Issue areas associated with the City’s Legislative Platform:</b> <ul style="list-style-type: none"><li>Oppose any legislation that preempts local authority.</li></ul>						
<b>Description</b> <p>Current law requires both sides of an employee negotiation to agree to a mediator. AB 2126 changes the current collective bargaining process by allowing either side to independently request a mediator with a written declaration of impasse. If a mediator is not agreed to within five days, the bill requires the Public Employee Relations Board (PERB) to appoint one.</p>			<b>Analysis</b> <p>AB 2126 would allow either party to declare an impasse even if the other side does not concur there is one. Additionally, it would change the requirement that both sides mutually agree to an individual mediator. That requirement is important in making sure both sides find the mediator as a neutral party. Having PERB appoint a mediator that has not been mutually agreed to by both sides may cause one side to lose confidence that the mediator is neutral and impartial.</p>			
<b>Supporters:</b> AFSCME, SEIU, Teamsters, CA Federation of Teachers, CA Professional Firefighters, CA School Employees Association, Association for LA Deputy Sheriffs and a number of other individual employee associations.						
<b>Opposition:</b> League of CA Cities, CA State Association of Counties, Urban Counties Caucus, CA Special Districts Association, in addition to 13 individual cities and 11 counties.						

Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date
AB 2188	Muratsuchi	Solar energy permits	OPPOSE	OPPOSE	Senate	
<b>Status:</b> Read a second time, ordered to third reading						
<b>Vote Summary:</b> <ul style="list-style-type: none"><li>Assembly: 58 ayes, 8 noes, 13 no recorded votes</li></ul> <b>District Voting Record</b> <ul style="list-style-type: none"><li>Senator Wyland: N/A</li><li>Assemblymember Waldron: Aye</li></ul>						
<b>Issue areas associated with the City’s Legislative Platform:</b> <ul style="list-style-type: none"><li>Oppose any legislation that preempts local authority.</li></ul>						
<b>Description</b> AB 2188 requires all cities to enact an ordinance that expedites and streamlines permitting for residential solar energy installations. The bill also requires cities to accept solar permits online, even if they do not currently have the capability to do so.			<b>Analysis</b> AB 2188 would mandate that cities provide a level of service for solar permits that is unavailable for other building permits. The City currently approves most solar residential permits within one business day, exceeding the bill’s goals, but does not have an ordinance or online application that would meet the requirements of this unfunded state mandate. This bill would require the City to enact an ordinance and set up an online system. That would result in additional staff time and unreimbursed costs to the City. It is also another example of the state eroding local land use authority.			
<b>Supporters:</b> Sierra Club California, California League of Conservation Voters, CA Solar Industry Association, Oakland Chamber of Commerce, and about two dozen solar companies.						
<b>Opposition:</b> CA Building Industry Association, CA Fire Chiefs, CA Building Officials, American Institute of Architects, CA Municipal Utilities Association, Orange County, League of CA Cities, and 45 individual cities including Del Mar and Chula Vista in San Diego County.						

Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date
AB 2378	Perea (D)	Workers' compensation temporary disability payments	OPPOSE	OPPOSE	Senate	
<b>Status:</b> Read a second time and ordered to third reading.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>Assembly: 66 ayes, 8 noes, 5 no recorded votes</li> </ul> <b>District Voting Record</b> <ul style="list-style-type: none"> <li>Senator Wyland: N/A</li> <li>Assemblymember Waldron: Aye</li> </ul>						
<b>Issue areas associated with the City's Legislative Platform:</b> <ul style="list-style-type: none"> <li>Oppose any legislation that preempts local authority.</li> </ul>						
<b>Description</b> AB 2378 would abrogate recent court decisions declaring that public safety employees who receive temporary			<b>Analysis</b> AB 2378 would significantly increase costs to local governments by extending the period public safety employees can receive workers' compensation payments by one year. Not only would cities be required			

disability payments under “4850 time” are subject to the same maximum two-year time cap as other public employees. It would provide up to three years of workers’ compensation payments to public safety employees – one year at 4850 time (full salary, tax free) and two years at 2/3 of the employee’s salary.	to pay the benefits for an additional year, but because they cannot temporarily hire someone to replace the worker, they have to pay overtime to other workers to cover that employee’s shift. It also creates a two-tier system for public workers because non-public safety workers would not be eligible for this extra benefit.
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**Supporters:** CA Labor Federation (AFL-CIO), CA Professional Firefighters, AFSCME, CA Association of Professional Employees, Peace Officers Research Association, LA Deputy Sheriff’s Association, and several other local public safety associations.

**Opposition:** League of CA Cities, Rural County Representatives of CA, CA State Association of Counties, CA Association of Joint Powers Authorities, CA Coalition on Workers’ Compensation, CA Special Districts Association, LA County, City and County of San Francisco, City of Redwood, and City of Sacramento

## Section 2: Legislative Update (measures with approved City positions)

### State Assembly Bills

Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
AB 194	Campos (D)	Open meetings: actions for violations	Concerns	<del>OPPOSE</del> Watch	Senate	NA

**Status:** The bill is active in the floor process. On July 1, the measure was read a second time, amended and ordered to a third reading.

#### Vote Summary:

- Assembly: 46 ayes, 11 noes, 23 no vote recorded

#### District Voting Record

- Senator Wyland: NA
- Assemblymember Waldron: No (vote taken prior to amendments)

#### Issue areas associated with the City’s Legislative Platform:

- Oppose any legislation that preempts local authority.

#### Description

This bill would expand the authorization for a district attorney or interested party to seek a judicial determination that an action taken by a legislative body is null and void if the legislative body violated the requirement that every agenda for a regular meeting or notice for a special meeting provide an opportunity for members of the public to address the legislative body on items being considered, as specified.

This bill would amend the Ralph M. Brown Act (Brown Act) on the right to give public comment during open meetings and would clarify that the legislative body of a local agency shall not prevent public criticism or

#### Analysis

AB 194 is detrimental to the ability of local governing bodies to make decisions and will invite unnecessary litigation. The measure would nullify any action of a local agency if, during the discussion of that item, a person’s criticism was curtailed. AB 194 opens an unreasonable avenue to challenge virtually any controversial public decision, in which any speaker can contest that their ability to comment was curtailed. This approach distorts existing provisions associated with the Brown Act while potentially creating contract and bid violations for approved projects.

AB 194 is unwarranted as existing law clearly provides protections for individuals exercising constitutional rights to petition their government and exercise freedom of speech. Passage of the bill not only removes local autonomy and decision-making authority but will also cause unavoidable disruption in the full execution of many actions undertaken by local legislative bodies statewide.

comments as defined.

As amended, this bill would, if a legislative body limits the time allocated for public testimony on a particular issue or for each individual speaker, prohibit a reduction in that allocated time by reason of the questioning or interruption of the speaker by the legislative body or its officers or employees, and the speaker's response to questioning.

The measure's amended provisions avoid confusion over the extent that local agencies can limit speech and clarifies procedural requirements for providing public comment opportunities.

With these recent amendments, AB 194 would now preserve the authority of local agencies to adopt reasonable regulations to limit public comment, including time limits, while improving the ability of the public to participate in the policymaking process.

Amendments also removed language that would have been detrimental the ability of local governing bodies to make decisions. As originally drafted, the measure would have nullified any action of a local agency if, during the discussion of that item, a person's criticism was curtailed.

The City of San Marcos also recognizes the collaboration between local agency representation and the bill's author and sponsor to amend AB 194 in order to advance the goals of public participation in policymaking without hindering the conduct of local agency business in a public platform.

For these reasons, staff has removed the originally adopted "Oppose" position and will continue watching the bill through the legislative process.

Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
AB 604	Ammiano (D) <u>Co-sponsors:</u> Steinberg (D); Leno (D)	Medical Cannabis	Oppose	OPPOSE	<del>Senate, Public Safety</del> <b>DIED (failed to make deadline)</b>	Not yet assigned
<b>Status:</b> AB 604 failed to meet the committee deadline and will not be heard on the floor this year.						
<b>Vote Summary:</b> Senate Floor: NA—waiting hearing in Senate Floor <b>District Voting Record:</b> <ul style="list-style-type: none"> <li>Senator Wyland: NA—has not voted since amendments</li> <li>Assembly Member Waldron: NA—has not voted since amendments</li> </ul>						
<b>Issue areas associated with the City's Legislative Platform:</b> <ul style="list-style-type: none"> <li>Oppose any legislation that preempts local authority. Each community has unique needs and characteristics that are best addressed by the local governing body.</li> <li>Oppose legislation that would limit or restrict local land use decision-making authority.</li> </ul>						
<b>Description</b> This bill would enact the Medical Cannabis Regulation and Control Act granting the Department of Alcoholic Beverage Control (ABC) exclusive power to resident person for the cultivation, manufacture, testing, transportation, storage, distribution, and sale of medical cannabis within the state. AB 604 would also prescribe requirements for the issuance, renewal, suspension and revocation of			<b>Analysis</b> Several components of SB 439 have been resurrected and expanded in AB 604 (Ammiano). <ul style="list-style-type: none"> <li>AB 604 is a direct attack on municipal zoning ordinances and business licensing requirements as it limits local governments' authorization to regulate and ban is expressly limited to dispensaries, which are narrowly defined as "a mandatory commercial registrant that dispenses <b>cannabis</b> or medical cannabis through a retail storefront."</li> </ul>			

mandatory commercial registrations and fees in relation to these activities. AB 604 imposes a state-mandated local program.		<ul style="list-style-type: none"> <li>Anti-State pre-emption language is vague and leaves unclear the question of whether locals can regulate medical cannabis.</li> <li>The measure usurps preexisting local ordinance.</li> </ul> <p>For more detailed analysis, refer to legislative report submitted to City Council on September 24, 2013.</p>				
Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
AB 1147	Gomez (D), Bonilla (D), Holden	Massage Therapy	Support	SUPPORT	Senate floor	N/A
<b>Status:</b> On August 11, AB 1147 was passed out of the Senate Appropriations Committee and sent to the Senate floor.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>Assembly: 68 ayes, 1 no, 11 no vote recorded</li> </ul> <b>District Voting Record</b> <ul style="list-style-type: none"> <li>Senator Wyland: Aye (in Senate Committee on Business, Professions and Economic Development)</li> <li>Assemblymember Waldron: Aye</li> </ul>						
<b>Issue areas associated with the City's Legislative Platform:</b> <ul style="list-style-type: none"> <li>Support any legislation that upholds local authority.</li> </ul>						
<b>Description</b>  <p>Existing law, until January 1, 2015, provides for the voluntary certification of massage practitioners and massage therapists by the California Massage Therapy Council.</p> <p>Existing law also specifies the requirements for the council to issue to an applicant a certificate as a massage practitioner, including, but not limited to, successfully completing curricula in massage and related subjects totaling a minimum of 250 hours or the credit unit equivalent, as specified.</p> <p>This bill would additionally require an applicant for a certificate as a massage practitioner to pass a massage and bodywork competency assessment examination that meets generally recognized psychometric principles and standards, and that is approved by the council.</p>				<b>Analysis</b>  <p>SB 731 (Oropeza, 2008) created the voluntary certification of massage professionals, which is set to expire on January 1, 2015. AB 1147 provides a vehicle to incorporate changes that would give cities with the much needed tools to be able to address the proliferation of illicit massage establishments.</p> <p>Illegal activity experienced in the community gives cause to create more tight regulations and certification processes for massage establishments.</p> <p>The City of San Marcos supports the sunset of SB 731 as the law removed the authority of local jurisdictions to regulate businesses that employed certified massage professionals unless those regulations are "uniformly" applied to other professional services.</p> <p>Furthermore, the City supports AB 1147 as it would provide a vehicle for additional legislative changes enabling municipalities to regain the tools necessary to prevent illicit massage establishments, improve public safety and ultimately improve the overall quality of life for residents.</p> <p>For more detailed analysis, refer to legislative report submitted to City Council on March 25, 2014.</p>		
Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date



AB 1522	Gonzalez (D)	Employment: paid sick days	Oppose	OPPOSE	Senate floor	08/04/2014
<b>Status:</b> On August 18, the bill was read a second time and amended. It was ordered to third reading.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>No floor votes at this time</li> </ul> <b>District Voting Record</b> <ul style="list-style-type: none"> <li>Senator Wyland: N/A</li> <li>Assemblymember Waldron: No</li> </ul>						
<b>Issue areas associated with the City's Legislative Platform:</b> <ul style="list-style-type: none"> <li>Support legislation that maintains local authority.</li> <li>Oppose any measure that would grant employee benefits that should be decided at the local bargaining table.</li> </ul>						
<b>Description</b> Existing law authorizes employers to provide their employees paid sick leave.  This bill would enact the Healthy Workplaces, Healthy Families Act of 2014 to require employers, including cities, counties and special districts to provide one hour of paid sick leave for every 30 hours worked.  AB 1522 also provides the following: <ul style="list-style-type: none"> <li>an employee who works in California for 30 or more days within a year from a start of employment is entitled to paid sick days as specified in this bill.</li> <li>an employee shall accrue paid sick days at the rate of not less than one hour per every 30 hours worked, beginning at the commencement of employment or the operative date of this bill, whichever is later.</li> <li>an employee shall be entitled to use accrued paid sick days beginning on the 90th calendar day of employment, after which the employee may use paid sick days as they are accrued.</li> </ul> Finally, the measure defines what conditions qualify for paid sick leave, accrual, carry over and other legislative findings associated with employee paid sick leave.				<b>Analysis</b> By mandating new levels of sick leave, AB 1522 undermines local control and the integrity of the collective bargaining process. As a public sector employer, the City of San Marcos believes that leave policies are part of total compensation and benefits packages that should be determined by local agencies. This is especially true for employees covered by collective bargaining agreements, which is frequently the case in the public sector.  The loss of flexibility will increase costs and reduce efficiencies in delivering core services to the public.  For more detailed analysis, refer to legislative report submitted to City Council on April 22, 2014.		
Bill Number	Author(s)	Bill Title	LOCC Position	Recommended San Marcos Position	Bill Location	Hearing Date
AB 1760	Chau (D)	Property taxation: welfare exemption: rental housing and related facilities: payment in lieu of taxes agreement	Opposition removed	Oppose	Senate	N/A
<b>Status:</b> AB 1760 is active on the Senate floor and was been ordered to a third reading on June 19, 2014.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>Assembly: 55 ayes, 20 noes, 4 no vote recorded</li> </ul>						

**District Voting Record**

- Senator Wyland: NA
- Assemblymember Waldron: No

**Issue areas associated with the City's Legislative Platform:**

- Oppose any legislation that preempts local authority.
- Oppose any legislation that would make local agencies more dependent on the State for financial stability and policy direction.

**Description**

Existing property tax law establishes a partial welfare exemption for property used exclusively for rental housing and related facilities that are owned and operated by either of any certain types of nonprofit entities or veterans' organizations that meet specified exemption requirements, if either of certain qualifying criteria are met.

This bill would prohibit a local government from entering into a payment in lieu of taxes (PILOT) agreement with a property owner of a low-income housing project. AB 1760 also makes any such agreement entered into in violation void and unenforceable. The bill presumes any agreement payments are used to maintain the affordability of, or reduce the rents otherwise necessary for the units occupied by lower income households. Finally, the measure requires any penalties or interest levied as a result of PILOT fees between January 1, 2012 and January 1, 2015 to be refunded and PILOT agreements canceled during that same time frame.

**Analysis**

AB 1760 is a direct threat to the maintenance, sustainability and provision of affordable housing in San Marcos by removing PILOT fee agreements, which eliminates the very mechanism that provides affordable housing project support.

Current law mandates that cities build affordable housing. The City of San Marcos as the lowest sales tax rate in San Diego County, making the jurisdiction reliant on property tax and other self-generating income to maintain quality services and programs to residents.

Because San Marcos heavily invests in affordable housing and provides gap funding to qualifying affordable housing organizations, payment in lieu of taxes (PILOT fees) has been an essential mechanism for making the City whole while enabling development to receive City assistance to provide affordable units.

The City of San Marcos has 26 all-affordable housing developments with over 1,490 units (new construction) where PILOT fee agreements allowed the City to provide more than \$108 million in gap financing in order to ensure the community can meet the housing needs of all residents. The City has also provided more than \$78 million in loans to make these affordable housing projects feasible. Using the PILOT fee offset, City staff monitors and inspects all San Marcos affordable housing projects during their 55-year life cycle to ensure that the units maintain their affordability set forth in regulatory.

AB 1760 removes the ability for local jurisdictions to use PILOT fees as a tool for municipal cost recovery, which limits a jurisdictions ability to provide support for affordable housing project development and maintenance.

The City of San Marcos has adopted an "oppose" position on SB 1203 (Jackson), similar legislation that removes local autonomy by prohibiting any local agency from entering into an agreement to charge a fee to low-income housing projects eligible for the



				welfare exemption unless the fees met specified criteria.		
				For more detailed analysis, refer to legislative report submitted to City Council on July 22, 2014		
Bill number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
AB 2149	Atkins (D); <u>Co-author:</u> Perez (D)	Local Agency Public Construction Act: County of San Diego: exemption	Watch	SUPPORT	PASSED	NA
<b>Status:</b> On June 23, the measure was approved by the Governor.						
<b>Vote Summary:</b> <ul style="list-style-type: none"> <li>78 Ayes; 0 noes; 1 no vote recorded</li> </ul> <b>District Voting Record</b> <ul style="list-style-type: none"> <li>Senator Wyland: Aye</li> <li>Assemblymember Waldron: Aye (both on committee and on Assembly floor)</li> </ul>						
<b>Issue areas associated with the City's Legislative Platform:</b> <ul style="list-style-type: none"> <li>Support legislation that maintains local authority.</li> </ul>						
<b>Description</b> Existing law, the Local Agency Public Construction Act, requires counties, among others, to comply with specified procedures for contracting for public works projects, as defined, including, the use of a competitive bidding process and awarding contracts to the lowest responsible bidder.  This bill would provide that those provisions of the act would not apply to a contract entered into by the County of San Diego with a private entity for the delivery of a regional communications system and any related infrastructure to be used by public safety agencies and emergency responders located in the Counties of Imperial and San Diego. This bill would authorize the County of San Diego to use any competitive procurement method to procure the regional communications system and all related infrastructure, as specified.  This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.			<b>Analysis</b> AB 2149 would allow the County of San Diego to use any competitive procurement method to procure the Regional Communications System (RCS) and related infrastructure.  For more detailed analysis, refer to legislative report submitted to City Council on April 22, 2014.			
Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
AB 2727	Frazier (D)	Courts: witness local agency employees	Support	SUPPORT	PASSED	
<b>Status:</b> On July 21, AB 2727 was signed into law by the Governor.						

**Vote Summary:**

- 78 ayes; 0 noes; 3 no vote recorded

**District Voting Record**

- Senator Wyland: Aye
- Assemblymember Waldron: Aye

**Issue areas associated with the City's Legislative Platform:**

- Support legislation that maintains local authority.
- Support full cost reimbursement to the City for all federal, state or county-mandated programs.

**Description**

Existing law requires a party who subpoenas an employee of a local agency to attend a civil action or proceeding as a witness in a matter regarding an event or transaction that the employee perceived or investigated, and to which that local agency is not a party, to reimburse the local agency for the employee's salary or compensation and other travel expenses, as specified, incurred in complying with the subpoena.

Existing law requires the subpoenaing party to tender \$150 fee deposit with the subpoena to the local agency for compensation and traveling expenses of the employee for each day that the employee is required to be in attendance at the proceeding pursuant to the subpoena. Existing law provides for adjusting the amount tendered if actual expenses exceed or are less than the \$150 daily amount, as specified.

**Analysis**

By increasing the fee deposit the must accompany subpoenas for all local agency employees, including peace officers and firefighters, AB 2727 will assist local governments in collecting expenses associated with court appearances.

For the first time in more than 20 years, AB 2727 helps local agencies come closer to recovering costs associated with the subpoena and court appearance of a local agency employee.

Additionally, the amount sought to be increased by this bill is not a fee increase, but a deposit increase. The proposed increase would match this amount (\$275) with the deposit amount that currently applies to subpoenas of state and county employees, which increases consistency and promotes fairness.

For more detailed analysis, refer to legislative report submitted to City Council on April 22, 2014.

Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
HR 29	Gomez (D)	Relative to outsourcing public services	Oppose	OPPOSE	ASSEMBLY--PASSED	NA

**Status:** April 3, 2014 HR 29 was adopted by the Assembly.

**Vote Summary:** Ayes 44; Noes 22; NVR 13 (Assembly Floor)

**District Voting Record:**

- Senator Wyland: Not Applicable
- Assembly Member Waldron: No Vote Recorded

**Issue areas associated with the City's Legislative Platform:**

- Oppose any legislation that preempts local authority.

**Description**

The Assembly opposes outsourcing of public services and assets, which harms transparency, accountability, shared prosperity, and competition, and supports processes that give public service works the opportunity to develop their own plan on how to

**Analysis**

This resolution, in its resolved clauses, would have legislators take a pledge that would potentially restrict their votes on future legislation consistent with the political agenda of an outside national organization. Such efforts undermine the democratic process and representative government, because legislators lose the opportunity to make an informed decision

deliver cost-effective, high-quality services.			about the specific impacts of legislation.			
The Assembly is urging local officials to become familiar with the provisions of the Taxpayer Empowerment Agenda, which calls for restrictions, reduced flexibility and less autonomy for local governments in managing outsourced services. The Assembly intends to introduce and advocate for responsible outsourcing legislation.			For more detailed analysis, refer to legislative report submitted to City Council on March 25, 2014.			
Senate Bills						
Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
SB 1129	Steinberg (D)	Successor Agencies	Support	SUPPORT	Assembly	N/A
Status: On August 14, 2014 the Assembly Appropriations Committee passed the bill to the full Assembly.						
<b>Vote Summary:</b> <ul style="list-style-type: none"><li>Senate Floor: 27 ayes, 8 noes, 5 no vote recorded</li><li>Assembly Floor: NA</li></ul> <b>District Voting Record</b> <ul style="list-style-type: none"><li>Senator Wyland: No (Senate floor)</li><li>Assemblymember Waldron: Aye (in committee)</li></ul>						
<b>Issue areas associated with the City’s Legislative Platform:</b> <ul style="list-style-type: none"><li>Support legislation that creates workable mechanisms to finance local government infrastructure.</li></ul>						
<b>Description</b> <p>This bill would authorize a successor agency, if the successor agency has received a finding of completion, to enter into or amend existing contracts and agreements, or otherwise administer projects in connection with enforceable obligations, if the contract, agreement, or project will not commit new property tax funds or otherwise adversely affect the flow of specified tax revenues or payments to the taxing agencies, as specified.</p>			<b>Analysis</b> <p>SB 1129 would address several important issues affect redevelopment dissolution. The bill would generally free-up available funding to produce quality projects with high-paying construction jobs, expedite the approval and implementation of long range property management plans enabling affected communities to complete local projects, and provide additional certainty for agencies receiving a finding of completion.</p> <p>More specifically, SB 1129 will address pre-2011 bonds, Long Range Property Management Plans and new benefits.</p> <p>For more detailed analysis, refer to legislative report submitted to City Council on April 22, 2014.</p>			
Bill Number	Author(s)	Bill Title	LOCC Position	San Marcos Position	Bill Location	Hearing Date
SB 1203	Jackson (D)	Property taxation: welfare exemption: rental housing and related facilities: payment in lieu of taxes agreement.	Opposition Removed	OPPOSE	Assembly	NA
Status: SB 1203 is active in the floor process. On July 3, the measure was read a second time and ordered to a third reading.						
<b>Vote Summary:</b> <ul style="list-style-type: none"><li>Senate Floor: 27 ayes, 8 noes, 5 no vote recorded</li><li>Assembly Floor: NA</li></ul> <b>District Voting Record</b> <ul style="list-style-type: none"><li>Senator Wvland: Ave</li></ul>						

- Assemblymember Waldron: NA

**Issue areas associated with the City's Legislative Platform:**

- Oppose any legislation that preempts local authority.
- Oppose any legislation that would make local agencies more dependent on the State for financial stability and policy direction.

**Description**

Existing property tax law establishes a partial welfare exemption for property used exclusively for rental housing and related facilities that are owned and operated by either of any certain types of nonprofit entities or veterans' organizations that meet specified exemption requirements, if either of certain qualifying criteria are met.

This bill would void any payment in lieu of taxes (PILOT) agreement, which the bill would define as any agreement entered into between a local government and a property owner of a low-income housing project that is eligible for the property tax exemption described above, that requires, among other things, the owner of the low-income housing project to pay the local government a charge.

This bill would prohibit a PILOT agreement from making a property owner ineligible for the exemption described above. This bill would also specify that these provisions are declaratory of existing law.

**Analysis**

SB 1203 is a direct threat to the maintenance, sustainability and provision of affordable housing in San Marcos by removing PILOT fee agreements, which eliminates the very mechanism that provides affordable housing project support.

Current law mandates that cities build affordable housing. The City of San Marcos as the lowest sales tax rate in San Diego County, making the jurisdiction reliant on property tax and other self-generating income to maintain quality services and programs to residents.

SB 1203 removes the ability for local jurisdictions to use PILOT fees as a tool for municipal cost recovery, which limits a jurisdictions ability to provide support for affordable housing project development and maintenance. For the reasons the City of San Marcos opposes SB 1203.

For more detailed analysis, refer to legislative report submitted to City Council on March 25, 2014.