



**Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:**

**CITY HALL  
455 North Rexford Drive  
4th Floor Conference Room A  
Beverly Hills, CA 90210**

**Thursday, March 15, 2018  
2:00 PM**

**AGENDA**

- 1) Public Comment
  - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Government Owned Broadband
- 3) Tax Fairness, Transparency and Accountability Act of 2018
- 4) Proposition 68 – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018
- 5) Proposition 69 – Motor Vehicle Fees and Taxes: Restrictions on Expenditures: Appropriations Limit
- 6) Ballot Initiative – Voter Approval for Increases in Gas and Car Tax
- 7) Review Markup of Legislative Platform
- 8) Federal and State Updates
- 9) Adjournment

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**Byron Pope, City Clerk**

**Posted: March 14, 2018**

**A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW IN THE LIBRARY AND CITY CLERK'S OFFICE.**



In accordance with the Americans with Disabilities Act, Conference Room A is wheelchair accessible. If you need special assistance to attend this meeting, please call the City Manager's Office at (310) 285-1014 or TTY (310) 285-6881. Please notify the City Manager's Office at least twenty-four (24) hours prior to the meeting if you require captioning service so that reasonable arrangements can be made.

# **Item 2**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cindy Owens, Senior Management Analyst

**DATE:** March 15, 2018

**SUBJECT:** Government Owned Broadband

**ATTACHMENT:** 1. Study Session Update on Fiber to the Premises Project

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**INTRODUCTION**

The City's Information Technology ("IT") staff, along with the Public Works Department, have been working towards providing Internet service throughout the City through the Fiber to the Premise project as part of a City Council Priority for Technology. This project is currently under construction with the latest update being provided to the City Council at the December 19, 2017 Study Session meeting.

This report transmits a request by Vice Mayor Gold to discuss government owned broadband networks.

**DISCUSSION**

The Los Angeles County Business Federation (BizFed) is anticipated to vote at its March 20, 2018 Board Meeting to oppose any local jurisdiction from building, maintaining or improving a government owned broadband network. They have identified five strategies for mobilizing to oppose the development of such networks. These strategies include:

- Outreach to local elected officials by BizFed and its members;
- Op-eds from BizFed and member organizations;
- Letters of Inquiry (and potentially opposition) from BizFed to cities considering operating a government owned broadband network;
- Social media content to educate members and the public about the issues; and
- Testimony at City Council meetings.

As of 10:30 a.m. on March 14, 2018, staff could not locate any legislation introduced in Sacramento that would prohibit local governments from creating a locally owned broadband network. Staff has requested our state lobbyist monitor legislation that may be amended to limit the ability of local jurisdictions from establishing and operating such a network.

One potential piece of legislation that could be amended is AB 1999 (Chau) Local government: public broadband services. This legislation, as currently written, would prohibit a local agency

that is authorized to engage in the provision of broadband Internet access service from taking certain actions regarding the accessing of content on the Internet by end users. In essence, it would prohibit a local agency from restricting access to content on the Internet.

As of 10:30 a.m. on March 14, 2018, City staff located potentially two pieces of federal legislation on this topic, both of which would preserve the ability of local governments to provide broadband capability and services.

In March 2017, Senator Brooker from New Jersey introduced S. 742 – Community Broadband Act of 2017. This bill was introduced to promote competition and to preserve the ability of local governments to provide broadband capability and services. This bill was referred to the Committee on Commerce, Science and Transportation on March 28, 2017. There has been no action on S. 742 since its introduction and referral to committee.

In January 2018, Congresswoman Eshoo from California, introduced H.R. 4814 – Community Broadband Act of 2018. This bill would amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services. It was initially referred to the House Committee on Energy and Commerce on January 17, 2018. It was then referred to the Subcommittee on Communications and Technology on January 19, 2018.

Staff will continue to monitor federal and state legislation on this topic.

### **RECOMMENDATION**

It is recommended that the Liaisons provide direction to staff on government owned broadband networks.

# **Attachment 1**



## STAFF REPORT

**Meeting Date:** December 19, 2017  
**To:** Honorable Mayor & City Council  
**From:** David Schirmer, Chief Information Officer  
**Subject:** Update on the Fiber to the Premise Initiative  
**Attachments:** 1. Preliminary Outside Construction Schedule

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### **INTRODUCTION**

This item provides a brief update on the Fiber to the Premise Initiative. As envisioned, this project will provide high-speed, high-quality broadband Internet service to residents, students and businesses in our City through enhanced infrastructure.

### **DISCUSSION**

#### *Background*

In May of 2017, City Council approved the initial round of agreements needed to begin the construction phase of the fiber network. This approval marked the culmination of 30 months of information gathering, assessment and study around the feasibility of the initiative that included support and input from City's Technology Committee Technology Committee, City Management, and City Council.

The project involves the installation of new and upgraded fiber connections as well as billing and customer support services for the end-users of the system.

The system will require placing an estimated 100 miles of fiber optic cable linking homes, schools and businesses using both aerial and underground construction. When complete, the City will be able to offer internet services to residents and businesses that operates at speeds of 1 Gigabit per second symmetrical. This is significantly faster than what other providers offer, and this service is being offered with attractive pricing: about \$55 dollars per month during the initial phase. It is expected that system construction will take between 30 and 36 months to complete. Service will be made available in phases as areas are completed and quality assurance has been performed. At present we are on track to have our first "friendly" customer online in Q2 of 2018.

#### *Outreach*

For overall project success, communication with the public is key. Communications and marketing around the Fiber initiative must be highly responsive to residents and businesses. In addition to the typical communications, we are currently providing real-time updates to our community as the program is rolled out.

Meeting Date: December 19, 2017

Public outreach sessions are part of the construction project plan. Weekly team meetings and daily coordination with project engineers will minimize issues. Installation of communication boxes in the right of way are being coordinated with feedback and input from neighboring property owners. Throughout construction, a tracking system will be utilized to monitor outstanding issues. Utilization of the City website, social media, door hangers and call in numbers are all being used to deliver the message of coming services and project status.

The primary repository for information on the project may be found at **beverlyhillsfiber.org**. Here, an automated website has been developed that displays project status in real-time as the work moves from the planning phase, continuing through to completion. The project is being featured on the City's cable television channel including spots on the current affairs program, *Beverly Hills: This Week*, as well as original video content that details different aspects of the project.

#### *Construction*

Given the complexity of the project, expertise in many different disciplines is required. In addition to the construction management that has been outsourced, Information Technology is relying on the Engineering Division within Public Works for right-of-way construction support and inspection. Engineering is interfacing directly with the construction contractors, as well as participating in weekly planning sessions with the larger project team. The City architect is supporting construction that is taking place on City property including the major fiber nodes at Coldwater running track, IT data center, La Cienega Park maintenance yard, and Roxbury Park maintenance yard. Additional support is being provided by the City's legal group to develop access agreements for both residential and commercial property. Building and Safety is facilitating plan review, permitting, and inspection services, and the City's multimedia group is developing video and graphic content as part of the outreach for the project.

Construction in the right-of way began in June in the area east of Coldwater Park, and has since moved eastward into the Trousdale area. This work included the rodding and roping of the existing conduits, blowing in micro-conduit, installing vaults and network access points, and pulling fiber. This same type of work is also underway in the Southeast part of the City in the area served by the La Cienega node. It is anticipated that the Southeast will be the first area to have 'friendly' beta customers come online to test the system from end-to-end. This includes testing and validation of installation, in-home solutions assurance, customer care, and network performance.

All contractors and City staff are using Gantt chart-based project management tools that identify locations, work to done, area of responsibility, prerequisites, and timeframes. Various weekly coordination meetings are held to discuss progress, next steps and to identify and resolve any issues. Based on the current schedule, it is anticipated that the first beta customers will be online in the second quarter of 2018. After the initial pilot period, additional homes will be brought online. The strategy will be to make the service available to customers by the area served by a single cabinet, or approximately 200 premises. As new cabinet areas are completed, and certified ready for customers, the installation team will move into that area until the construction phase of the project is complete. Construction is anticipated to continue into 2020.

The City's Technology Committee has remained active in providing advice and recommendations to the project from a residents' perspective. Most recently, the Committee discussed incorporating leading-edge technology that could create new tiers

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of service resulting in internet speeds from 4 to 10 Gigabits per second. Additionally, we plan to have the Committee provide input on net neutrality, privacy, and other policies prior to Council review.

**FISCAL IMPACT**

The Fiber to the Premise initiative is on budget and no new funding is being requested. Council previously approved a multi-year funding plan that included a \$10 million capital contribution and intra-fund loans. The financial modeling utilized as part of project formulation still indicates that revenues will exceed operational costs in roughly year six of the project or 2023.

**RECOMMENDATION**

None.



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David Schirmer  
Approved By

# **Attachment 1**



**CITY OF BEVERLY HILLS**  
**INFORMATION TECHNOLOGY**

**MEMORANDUM**

**TO:** Mahdi Aluzri, City Manager

**FROM:** David Schirmer, Chief Information Officer

**DATE:** December 17, 2017

**SUBJECT:** Fiber to the Premise Preliminary Schedule

A handwritten signature in black ink, appearing to be "David Schirmer", written over the "FROM:" line.

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Attached, please find a preliminary schedule for the outside plant construction for the Fiber to the Premise project. This schedule does not include node construction, electronics, and the customer turn-up process which are operating on parallel schedules, and which may impact when these areas are available for service.

We are about six months into a 30 month constructions cycle. As we complete construction and quality assurance for an area, we will release the area for service on a rolling basis until the entire city is complete.

As part of our communications plan, we are publicizing service availability by quarters only, and not by month until the area has been tested and released for service. Once an area has been released for service, localized outreach and marketing will be undertaken. This is to carefully manage expectations and to not set false expectation.

We are still on-track to have our first "friendly" customers in place during Q2 of 2018. This will likely be in the Southeast portion of the City, but work in the Trousdale area is progressing well, and cabinet areas there may be the first to be released. By our next quarterly update in March, we will have a more definite schedule that extends into the fall of 2018.

To read the chart below, please note the numbers in the date columns represent the number of premise passings that have been completed.

Please let me know if you have any questions.

Cabinet Area/ID	Name	Title	Party	Start Date	End Date	Cabinet Postings		Committee Postings		Total	% Total
						NY	MO	NY	MO		
Sherrington	350	0	0	0	0	0	0	0	0	0	0%
Reberstein	350	0	0	0	0	0	0	0	0	0	0%
Woodland Cab	46	0	0	0	0	0	0	0	0	0	0%
Schaefer	47	0	0	0	0	0	0	0	0	0	0%
Artal	170	0	0	0	0	0	0	0	0	0	0%
Carri Ridge	221	0	0	0	0	0	0	0	0	0	0%
Wallace Ridge	150	0	0	0	0	0	0	0	0	0	0%
Beverly	101	0	0	0	0	0	0	0	0	0	0%
Levinson	168	0	0	0	0	0	0	0	0	0	0%
Orford	156	0	0	0	0	0	0	0	0	0	0%
Ambassador	185	0	0	0	0	0	0	0	0	0	0%
Uma Vitta	69	0	0	0	0	0	0	0	0	0	0%
Shahar	171	0	0	0	0	0	0	0	0	0	0%
Hamilton	285	0	0	0	0	0	0	0	0	0	0%
Tennor	140	0	0	0	0	0	0	0	0	0	0%
La Champa	374	0	0	0	0	0	0	0	0	0	0%
Parl	380	0	0	0	0	0	0	0	0	0	0%
Doghill	211	0	0	0	0	0	0	0	0	0	0%
N. Maple	278	0	0	0	0	0	0	0	0	0	0%
W. Maple	289	0	0	0	0	0	0	0	0	0	0%
M. Oakhurst	230	0	0	0	0	0	0	0	0	0	0%
M. Mahesh	234	0	0	0	0	0	0	0	0	0	0%
E. Hill	281	0	0	0	0	0	0	0	0	0	0%
E. Doherty	250	0	0	0	0	0	0	0	0	0	0%
E. Chas. Carter	287	0	0	0	0	0	0	0	0	0	0%
M. D. Chas. Carter	287	0	0	0	0	0	0	0	0	0	0%
M. Doherty	287	0	0	0	0	0	0	0	0	0	0%
Berlin	181	0	0	0	0	0	0	0	0	0	0%
Crosscut	232	0	0	0	0	0	0	0	0	0	0%
W. Third	250	0	0	0	0	0	0	0	0	0	0%
W. Dayton	281	0	0	0	0	0	0	0	0	0	0%
Chilani	180	0	0	0	0	0	0	0	0	0	0%
N. Adams	332	0	0	0	0	0	0	0	0	0	0%
L. Clark	228	0	0	0	0	0	0	0	0	0	0%
N. Clark	287	0	0	0	0	0	0	0	0	0	0%
N. Smith	287	0	0	0	0	0	0	0	0	0	0%
E. Division	282	0	0	0	0	0	0	0	0	0	0%
S. Clark	181	0	0	0	0	0	0	0	0	0	0%
S. Wall	207	0	0	0	0	0	0	0	0	0	0%
E. Whitworth	354	0	0	0	0	0	0	0	0	0	0%
N. Wrenbury	197	0	0	0	0	0	0	0	0	0	0%
Gregory	274	0	0	0	0	0	0	0	0	0	0%
S. Doherty	284	0	0	0	0	0	0	0	0	0	0%
S. Olympe	266	0	0	0	0	0	0	0	0	0	0%
S. Egan	246	0	0	0	0	0	0	0	0	0	0%
S. Wrenbury	180	0	0	0	0	0	0	0	0	0	0%
M. Egan	248	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
S. Olympe	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
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S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
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S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
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S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
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S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
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S. Egan	147	0	0	0	0	0	0	0	0	0	0%
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S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	275	0	0	0	0	0	0	0	0	0	0%
S. Egan	206	0	0	0	0	0	0	0	0	0	0%
S. Egan	147	0	0	0	0	0	0	0	0	0	0%
S. Egan	200	0	0	0	0	0	0	0	0	0	0%
S. Egan	334	0	0	0	0	0	0	0	0	0	0%
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# **Item 3**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cynthia Owens, Senior Management Analyst

**DATE:** March 15, 2018

**SUBJECT:** Tax Fairness, Transparency and Accountability Act of 2018

**ATTACHMENT:**

1. Title and Summary for the Tax Fairness, Transparency and Accountability Act of 2018
2. State Legislative Analyst Office Summary
3. Summary from the California League of Cities
4. Full text of the Tax Fairness, Transparency and Accountability Act of 2018

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**INTRODUCTION**

The initiative for the Tax Fairness, Transparency and Accountability Act of 2018 (“Initiative”), which is proposed for the November 2018 ballot, seeks to expand the requirement of a supermajority for jurisdictions to enact new revenue measures. Among other limitations, the measure would eliminate local authority to impose a tax for general purposes by majority vote and instead require all local proposed tax increases be subject to a two-thirds vote. This proposal also requires two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot. It would also restrict the ability of government to impose fees or charges other than those subject to Proposition 218.

While this Initiative applies universally to the state legislature and local government, this report focuses on the impacts to our City. This item is to request the Legislative/Lobby Liaisons consider taking a position on this Initiative.

**DISCUSSION**

Currently, local governments must secure a two-thirds vote of the governing body to place a tax initiative on the ballot. “General taxes”, which is any tax levied by a local government for any purpose only require a majority vote. “Special taxes”, which is any tax levied by a school district or taxes levied by a local government for a specified purpose, require a two-thirds vote of the electorate.

Additionally, fee increases may be approved by a majority vote of the local governing body and do not require voter approval except for certain property-related fees which require voter approval. Citizen initiated fees must be approved by a majority vote of the electorate.

This Initiative broadens the definition of what taxes and fees would require approval by a two-thirds supermajority vote of the local authority for new revenue measures. For local governments, it would also require two-thirds approval of electorate to raise new taxes or of the governing body to raise new fees. For our City, this would require that four of the five City Council members approve any fee increases.

Some key elements of the Initiative regarding taxes include:

- Requiring two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot;
- Eliminating local authority to impose a tax for general purposes by majority vote;
- Expanding the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may include local franchise fees;
- Prohibiting any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring re-approval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for “unrestricted revenue purposes”; and
- Requiring tax measures to be consolidated with the regularly scheduled general election for members of the governing body, unless an emergency is declared by a unanimous vote of the governing body.

Additionally, this initiative will restrict the ability of a local government to impose fees or charges, other than those subject to Prop. 218, by:

- Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the legislative body;
- Authorizing a referendum on decisions of a legislative body to impose, increase or extend a fee by petitions signed by 5% of affected voters;
- Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate;
- Narrows the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc. Further, the measure authorizes new avenues to challenge “actual” costs by enabling a payor to request a court decide whether they are “reasonable.” Opens up further debate by replacing the existing standard that fees and charges bear a “fair and reasonable relationship to the payors burdens and benefits” with a more rigorous “proportional to the costs created by the payor” standard; and
- Increases the legal burden of proof for local agencies from “preponderance of evidence” (more likely than not) to “clear and convincing evidence” (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

In order to qualify for the November 2018 ballot, this Initiative has to gather 585,407 signatures. As of February 26, 2018 the Act had gathered 25% of the required signatures.

The California League of Cities opposes this Initiative while the California Business Roundtable supports it.

**RECOMMENDATION**

The California League of Cities has requested that jurisdictions engage stakeholders on both sides of the Initiative to raise awareness of the impacts this may have. They have requested the City speak with organizations who are part of the California Business Roundtable, who support this Initiative and request that they withdrawal their support based on the potential harm this could cause.

# **Attachment 1**

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**EXPANDS REQUIREMENT FOR SUPERMAJORITY APPROVAL TO ENACT NEW REVENUE MEASURES. INITIATIVE CONSTITUTIONAL AMENDMENT.** For new revenue measures, broadens definition of state taxes that would require approval by two-thirds supermajority vote of Legislature. For local governments, requires two-thirds approval of electorate to raise new taxes or governing body to raise new fees. Requires that state and local laws enacting new taxes specify how revenues can be spent. Heightens legal threshold for state and local governments to prove that fees passed without two-thirds approval are not taxes. Invalidates local taxes imposed in 2018, unless taxes meet criteria adopted by this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.** (17-0050.)

# **Attachment 2**



January 11, 2018

RECEIVED

JAN 11 2018

Hon. Xavier Becerra  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson  
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative concerning state and local government taxes and fees (A.G. File No. 17-0050, Amendment No. 1).

## BACKGROUND

### State Government

**Taxes and Fees.** The state levies various taxes to fund over 80 percent of the state budget. The remainder of the budget is funded through various fees and other charges. Examples include: (1) charges for a specific government service or product, such as a driver's license; (2) charges relating to regulatory activities; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges.

**Vote Thresholds for Changing State Taxes and Fees.** Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature. The Legislature needs approval by only a majority of each house in order to levy fees and other charges. Voters, on the other hand, can levy state taxes or fees via initiative by a majority vote of the statewide electorate. The Legislature can reduce or change taxes with a majority vote of each house, provided the change does not increase taxes on any taxpayer. If a bill increases a tax on any taxpayer, the bill requires a two-thirds vote of both houses of the Legislature—even if the bill results in an overall state revenue loss.

### Local Governments

**Taxes and Fees.** The largest local government tax is the property tax, followed by local sales taxes, utility taxes, hotel taxes, and other taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties.

Legislative Analyst's Office  
California Legislature  
Mac Taylor • Legislative Analyst  
925 L Street, Suite 1000 • Sacramento CA 95814  
(916) 445-4656 • FAX 324-4281

***Vote Threshold for Changing Local Taxes and Fees.*** In order to increase taxes, the State Constitution generally requires that local governments secure a two-thirds vote of their governing body—for example, a city council or county board of supervisors—as well as approval of the electorate in that local jurisdiction. “General taxes”—that is, taxes levied by cities and counties for any purpose—may be approved by a majority vote of the electorate. On the other hand, “special taxes”—that is, any taxes levied by schools or special districts or taxes levied by cities and counties for specified purposes—require a two-thirds vote of the electorate. Citizen initiatives that increase taxes must secure the same vote of the electorate—majority vote for general taxes and two-thirds vote for special taxes—as those placed on the ballot by local governing bodies.

Fee increases, on the other hand, generally may be approved by a majority vote of the local governing body and do not require voter approval. (Exceptions include certain property-related fees which require voter approval.) Citizen initiatives changing fees must be approved by a majority vote of the electorate.

## **PROPOSAL**

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

### **Taxes**

***Expands Definition of Tax.*** The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as nontax levies. As a result, the measure would increase the number of revenue proposals subject to the higher state and local vote requirements for taxes. Specifically, regulatory fees and fees charged for a government service or product would have to more closely approximate the payer’s actual costs in order to remain fees. Certain charges retained by or payable to nongovernmental entities would also be considered taxes under the measure. In addition, certain charges imposed for a benefit or privilege granted the payer but not granted to those not charged would no longer be considered fees.

***Increases Vote Thresholds for Some Local Taxes.*** The measure increases the vote thresholds for increasing some local taxes. Specifically, the measure requires that increases in local general taxes be approved by a two-thirds vote of the electorate whether sought by local governments or by citizen initiative. Any local government tax approved between January 1, 2018 and the effective date of this measure would be nullified unless it complies with the measure’s new vote threshold and other rules described below.

***Allowable Uses of Revenues Must Be Specified in Certain Cases.*** The measure requires tax measures to include a statement of how the revenues can be spent. If the revenue is to be used for general purposes, the law must state that the revenue can be used for “unrestricted general revenue purposes.” These requirements would apply to increases in state and local taxes. In the case of local government taxes, the measure requires that a statement of allowable uses be included in the ballot question presented to voters. Any change to the statement of allowable uses of revenue would have to be passed by (1) a two-thirds majority of both houses of the

Legislature in the case of state taxes, (2) a two-thirds vote of the local governing body and two-thirds vote of the electorate in the case of local government taxes, or (3) a two-thirds vote of the electorate in the case of local citizen initiative taxes.

### **Local Government Fees**

***Increases Vote Thresholds for Certain Local Government Fees.*** The measure requires that increased fees and other charges be approved by either a two-thirds vote of a local governing body in the case of local government fees or a two-thirds vote of the electorate in the case of local citizen initiative fees. The measure also provides that fees and other charges levied by a local governing body may be overturned via referenda. (The measure would not change vote thresholds and rules for developer fees and property assessments imposed on parcels.)

### **Other Provisions**

***State Regulations Containing Tax or Charge Must Be Approved by Legislature.*** Under the measure, state regulations containing increased taxes or fees would not take effect unless the Legislature passes a law approving the regulation. (This requirement would not apply to regulations implementing laws that were already approved by the Legislature.) If the regulation contains a tax, the bill allowing the regulation to remain in place must be passed by a two-thirds majority of both houses of the Legislature. The measure allows emergency regulations to take effect for up to 120 days without approval of the Legislature.

## **FISCAL EFFECTS**

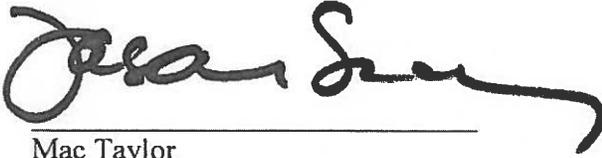
***Reduced State Tax Revenue.*** By increasing the number of revenue measures subject to a two-thirds vote of both houses of the Legislature, the measure makes it harder for the Legislature to increase certain state revenues. The amount of reduced state revenue under the measure would depend on various factors, including future court decisions that could change the number of revenue measures subject to the higher vote requirements. The fiscal effects also would depend on future decisions made by the Legislature. For example, requirements for legislative approval of regulations that increase taxes or fees could result in reduced revenue depending upon future votes of the Legislature. That reduced revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue but the fiscal effects on state government likely would be minor relative to the size of the state budget.

***Reduced Local Government Tax and Fee Revenue.*** By expanding the definition of taxes and increasing vote thresholds for certain taxes and fees, the measure makes it harder for local governments and initiative proponents to increase local revenues. The amount of reduced local government revenues would also depend on various factors, including the extent to which local governments would substitute developer fees and other majority-vote revenue sources for the revenue sources subject to a higher vote threshold under the measure. Roughly half of recently enacted sales, business, hotel, and utility general tax measures would have failed if the measure's increased vote threshold requirements were in effect, suggesting that the reduction in local tax revenue could be substantial.

**Summary of Fiscal Effects**

- Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,



Mac Taylor  
Legislative Analyst

to



Michael Cohen  
Director of Finance

FE

# **Attachment 3**

## Summary from the California League of Cities

### *Tax Fairness, Transparency and Accountability Act of 2018*

#### **Summary:**

This measure (AG 1700-50 Amd #1), currently under circulation for signatures and proposed for the November ballot, would drastically limit local revenue authority, while making comparatively minor modifications to state authority. For cities and other local agencies, it applies retroactively and voids any local measure approved by local voters on or after January 1, 2018, but prior to the effective date of this act, that does not comply with the provisions of the act, and:

#### Restricting Local Tax Authority:

- a) Eliminates local authority to impose a tax for general purposes by majority vote and instead requires all local proposed tax increases subject to a two-thirds vote. This proposal also requires two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot.
- b) Requires a two-thirds vote to “extend” a tax to new territory, a new class of payor, or expanded base. For cities, this would limit all future annexations by requiring a separate two-thirds vote of the affected residents prior to applying any existing city tax. Other limitations may apply to a local interpretation that an existing local tax applies to a business or product.
- c) Expands the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may cover local franchise fees.
- d) Prohibits any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring reapproval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for “unrestricted revenue purposes.”
- e) Requires tax measures to be consolidated with the regularly scheduled general election for members of the governing body, unless an emergency is declared by a unanimous vote of the governing body.
- f) Expands the application of this act to include actions and “legal authority” that may be “enforced” or “implemented” by a local government.
- g) Requires a tax imposed by initiative to also be subject to a two-thirds vote, to address concerns over the *Upland* decision.
- h) Clarifies a levy, charge, or exaction retained by and payable to a non-governmental entity is a tax, if the local agency limits in any way the use of the proceeds, to address concerns over the *Schmeer* decision.
- i) Exempts existing school bond (55% vote) construction authority from the application of the bill.

#### Restricting Local Fee Authority:

Restricts the ability of a local government to impose fees or charges, other than those subject to Prop. 218, by:

- a) Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the legislative body.
- b) Authorizing a referendum on decisions of a legislative body to impose, increase or extend a fee or charge triggered by petitions signed by 5% of affected voters.
- c) Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate.
- d) Narrows the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc. Further, the measure authorizes new avenues to challenge “actual” costs by enabling a payor to also second-guess in court whether they are “reasonable.” Opens up further litigation and debate by replacing the existing standard that fees and charges bear a “fair and reasonable relationship to the payors burdens and benefits” with a more rigorous “proportional to the costs created by the payor” standard.
- e) Increases the legal burden of proof for local agencies from “preponderance of evidence” (more likely than not) to “clear and convincing evidence” (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

Provisions Applicable to State Actions:

- a) Requires a tax contained in a regulation adopted by a state agency must be approved by two-third vote of the Legislature (unless the Legislature adopted a state tax that authorized the action of the state agency). This change is responsive to the recent *Chamber of Commerce* decision on cap and trade revenues.
- b) Unlike the retroactive provisions that apply to local government, the application of this Act to the state is only prospective.
- c) Requires a fee contained in a regulation adopted by a state agency to be approved by majority vote of the Legislature.
- d) Imposes the same burden of proof changes applied to local governments.

**Background:** This initiative is sponsored by the California Business Roundtable, an organization that claims membership from some of the state’s largest companies including, Wells Fargo, Albertsons, KB Home, Blackstone Group, Chevron, Farmers Insurance, Granite Construction and others. <http://www.cbirt.org/members/>.

The initiative contains over three pages of findings and statements maintaining that the state’s tax burden is high compared to other states, including state revenue growth of

68 percent since 2009. Concerns are also raised over employee pensions increasing costs and other issues affecting the economy and business climate.

One paragraph among the three pages declares one of the purposes of the measure is to overturn "loopholes" created by *Cannabis Coalition v. City of Upland* (concern that voters could enact special taxes via initiative by majority vote); *Chamber of Commerce v. Air Resources Board* (a recent case lost by the Chamber which alleged that the state Cap and Trade Program was an illegal tax) and *Schmeer v. Los Angeles* (which held that a locally imposed-grocer retained bag fee was not a tax). This measure, however, has much broader impacts than such fixes.

# **Attachment 4**

December 22, 2017

**VIA PERSONAL DELIVERY**

Hon. Xavier Becerra  
Attorney General of California  
1300 I Street, 17th Floor, P.O. Box 944255  
Sacramento, CA 95814

**RECEIVED**

**DEC 22 2017**

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Initiative Constitutional  
Amendment (A.G. No. 17-0050) - Amended Language

Dear Ms. Johansson:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the amended language. My address as a registered voter, the required proponent affidavits pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00 were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,



Robert Lapsley, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

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

***Section 1. Title.***

This Act shall be known, and may be cited as, the Tax Fairness, Transparency and Accountability Act of 2018.

***Section 2. Findings & Declarations.***

(a) State and local governments' appetite for new revenue adds to the rapidly rising costs of living that Californians face for housing, childcare, gasoline, food, energy, healthcare, and education. Compared to 2009, state revenues from taxes and other sources are set to grow by 68 percent— \$72 billion, or the equivalent of more than an additional \$7,200 annually for a family of four. Comparable growth in local government charges such as employee pensions adds considerably more to this total. This growing burden of taxes and other charges is hurting hardworking Californians who find themselves living paycheck to paycheck, and being forced to make tough choices between paying for housing, food, or healthcare.

(b) Californians are already among the highest taxed people in the country and already pay among the highest tax rates in the nation for the state personal income tax, sales taxes, and gasoline tax. From the most recent data from the US Census Bureau, California state and local government general revenues collected in 2015 from taxes, fees, charges, and other non-utility local sources were the highest in the nation at \$419 billion, making them the 9<sup>th</sup> highest on a per capita basis at \$8,385 per person. With 12 percent of the national population, US Census Bureau data shows that Californians in 2016 paid 17 percent of all taxes collected by the states including 13 percent of all general sales taxes, 15 percent of all vehicle license fees, 16 percent of all property taxes, 22 percent of all corporation taxes, 23 percent of all personal income taxes, and 29 percent of all occupation and business license fees.

(c) Californians have tried repeatedly to force greater accountability upon government before revenues can be increased. Voter-approved ballot measures such as Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010) required state and local governments to make their case to the voters on the need for increased government revenues.

(d) Through these measures, voters also tried to keep government honest and transparent about why new revenues and charges are needed and how they will be used. For too long, politicians, state and local governments, and special interests have promised that taxpayer money will be spent for a specific purpose, only to divert its use once the money starts coming in. Revenues that were supposed to improve education instead have been diverted to general salary and benefit increases. Revenues that were promised to improve and expand government services were instead diverted to pay down debts created by past government decisions. Recent major transportation improvements have seen cost overruns more than double their original estimate. Polling by the nonpartisan Public Policy Institute of California showed 88 percent of Californians believe state government wastes a lot or some of the money we pay in taxes and charges.

(e) Contrary to the voters' intent, voter approval of government revenue increases and spending accountability measures have been weakened by the Legislature, the courts, and special interests, making it easier to raise government revenues in a myriad of ways by only a simple majority of the Legislature or with no vote by the public who is expected to pay the costs.

(f) Worse, court-created loopholes have enabled governments and their surrogates to become less transparent about how the funds taken from taxpayers are raised and spent. Loopholes have been created which are used by the Legislature, local governments and even special interest groups to: (1) pass vaguely-worded statutes allowing unelected bureaucrats to impose new fees and other charges on their own that increase the costs of goods and services in the state; (2) impose new taxes and other charges by hiding them and simply calling them by another name or even using the term "something else;" (3) shelter the revenues from voter approval by running the revenues through a nonprofit organization or another third party; and (4) encourage "divide and tax" by making it easier to raise taxes or charges on only a part of the population through simple majority votes in low turnout elections.

### ***Section 3. Statement of Purpose.***

(a) In enacting this measure, the voters reassert their right to require a two-thirds vote of the Legislature at the state level, and two-thirds of voters at the local level, for increases in state and local taxes, no matter how they are labeled nor how or by whom they are proposed. The

voters also intend that government remain accountable to the voters for how the taxes, fees, charges, and other government revenues extracted from Californians are spent.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a two-thirds vote of the Legislature to ensure that the purposes for such tax, fee, or other charge are broadly supported and transparently debated.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes, fees, charges, or other government revenues with the rapidly increasing costs Californians are already paying for housing, food, gasoline, energy, healthcare, education, and other basic costs of living.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is to force transparency and accountability on how state and local revenues are utilized, so that revenues are used for their promised purposes, and not diverted to other uses.

(e) Furthermore, the purpose and intent of the voters in enacting this measure is to require that the public be allowed to vote on any and all local taxes that were created or increased by regulation or other bureaucratic action.

(f) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, and *Schmeer v. Los Angeles County*.

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

**SECTION 3.**

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

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

~~(c)~~ (b) As used in this section, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed, adopted, created, or established by the State state law that is not an exempt charge, except the following:

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

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

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

~~(2)~~ (3) A reasonable charge imposed ~~for the reasonable~~ not to exceed the actual regulatory costs to the State ~~incident to~~ for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, imposing assessments on a business by a tourism marketing district, and the administrative enforcement and adjudication thereof.

~~(3)~~ (4) A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

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

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

(e) As used in this section, "state law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. Because subdivision (f) of Section 9 of Article IX of this Constitution requires that the University of California shall be entirely

independent of all political or sectarian influence, "state law" does not include acts of the Regents of the University of California.

(f)(1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by state law and which is retained by or payable to a non-government entity remains subject to this section if a state law also limits in any way how the non-government entity can use the levy, charge, or exaction.

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

(g) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The state law creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2).

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the state law as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those identified pursuant to this subdivision.

(h) The specific and legally binding and enforceable limitation on how the revenue from a tax can be spent shall only be changed by a state law which is adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature.

(i) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and is not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens

on, or benefits received from, the governmental activity is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (d), or is proportional to the costs to the State created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (d).

**Section 5. Section 3.1 is added to Article XIII A of the California Constitution, to read:**

**SECTION 3.1.**

(a) No new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation shall be given any force or effect unless and until the Legislature by statute approves the levy, charge, or exaction as provided in this section.

(b) If the levy, charge, or exaction is a tax as defined in Section 3 of this article, then it must be approved by not less than two-thirds of all members elected to each of the two houses of the Legislature. If the levy, charge, or exaction is an exempt charge as defined in Section 3 of this article, then it must be approved by not less than a majority of all members elected to each of the two houses of the Legislature.

(c) The Legislature shall not vote to approve any levy, charge, or exaction of any kind subject to this section until after the regulation containing the levy, charge, or exaction is approved in its final form by the Office of Administrative Law or any alternative or successor agency. No regulation containing or authorizing a levy, charge, or exaction subject to this section shall be filed with the Secretary of State or published in the California Code of Regulations, or any alternative or successor publication, until the levy, charge, or exaction is approved by the Legislature in compliance with this section.

(d) An emergency regulation, including any readoption thereof, that contains or authorizes any new, increased, or extended levy, charge, or exaction of any kind shall not remain in effect longer than 120 days without approval of the levy, charge, or exaction by the Legislature pursuant to this section.

(e) This section shall not apply to any new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation promulgated pursuant to a state tax that was adopted in compliance with Section 3.

(f) For purposes of this section, "regulation" has the same meaning as found in Section 11342.600 of the Government Code, and "emergency" has the same meaning as found in Section 11342.545 of the Government Code, as those sections read on January 1, 2017.

(g) Nothing in this section shall be interpreted as a grant of authority to tax to any executive branch agency or department.

**Section 6. Section 1 of Article XIII C of the California Constitution is amended, to read:**

SECTION 1.

Definitions. As used in this article:

(a) "Article XIII D assessment, fee, or charge" means an assessment, fee, or charge subject to Article XIII D. "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or the electorate of any of the preceding entities when exercising the initiative power.

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

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

~~(d) (e) As used in this article, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by a local government law that is not an exempt charge or Article XIII D assessment, fee, or charge., except the following:~~

(e) "Exempt charge" means only the following:

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

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

(2) (3) A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to the a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

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

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

(5) (6) A charge imposed as a condition of property development, or an assessment imposed upon a business by a tourism marketing district.

(6) (7) An Article XIII D assessment, fee, or charge Assessments and property related fees imposed in accordance with the provisions of Article XIII D.

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

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

(h)(1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law and which is retained by or payable to a non-government entity remains subject to this section and Section 2 if a local law also limits in any way how the non-government entity can use the levy, charge, or exaction.

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

(i) The local government bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and

not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (e), or is proportional to the costs to the local government created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (e) bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

**Section 7. Section 2 of Article XIII C of the California Constitution is amended, to read:**  
SECTION 2.

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

~~(a) All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.~~

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

~~(c) Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by local law is either a tax, an exempt charge, or an Article XIII D assessment, fee, or charge.

(b) ~~(d)~~ No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall

not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(c) The governing body of a local government shall only submit a tax to the electorate of the local government by an act passed by not less than two-thirds of all members elected to the governing body. Any tax so submitted shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(d) The governing body of a local government shall not impose, extend, or increase any exempt charge unless and until the act containing the exempt charge is passed by not less than two-thirds of all members elected to the governing body. An exempt charge imposed, extended, or increased by a governing body shall be subject to referendum pursuant to the same signature requirement applicable to statewide referendum measures.

(e) No initiative in any local government may impose, extend, or increase any exempt charge unless and until the exempt charge is submitted to the electorate and approved by a two-thirds vote.

(f) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The act creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from a tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2), and included in the ballot question presented to voters.

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the act as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those specifically identified pursuant this subdivision.

(g) A change in how the revenue from a tax can be spent shall be treated as a new tax and shall be approved in accordance with the requirements of this section.

(h) An Article XIII D assessment, fee, or charge can be extended, imposed, or created pursuant to Article XIII D.

(i) In order to preserve the right of voters to vote on all local taxes as provided for in this section, all of the following shall apply:

(1) Any imposition, increase, or extension of a local government tax that was voted on by the electorate of the local government after January 1, 2018, but prior to the effective date of this subdivision, and which does not satisfy all of the requirements of paragraph (2), shall cease to be imposed, extended, increased, or collected unless and until the tax is approved in strict compliance with all the requirements of paragraph (2).

(2)(A) The tax imposition, increase, or extension was approved by two-thirds of the local government's electorate.

(B) The act imposing, increasing, or extending the tax strictly complies with subdivision (f).

(C) The ballot question presented to voters for the tax imposition, increase, or extension strictly complies with subdivision (f).

**Section 8. Section 5 is added to Article XIII C of the California Constitution, to read:**

**SECTION 5.**

(a) This article and Section 4 of Article XIII A shall apply to all local lawmaking power, whether exercised by a governing body or by the electorate acting through the initiative power.

(b) Nothing in this article or Section 3 of Article XIII A shall be interpreted as altering the voter approval requirements for bonded indebtedness described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

**Section 9. Section 3 of Article XIII D of the California Constitution is amended, to read:**

**SECTION 3.**

Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any ~~special~~ non-ad valorem tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

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

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

***Section 10. Liberal Construction.***

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

***Section 11. Conflicting Measures.***

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

(2) Notwithstanding paragraph (1), this initiative measure shall not be deemed to be in conflict with any other initiative measure that requires statewide voter approval of the creation, increase, extension, or continued imposition of any tax.

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

***Section 12. Severability.***

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

***Section 13. Legal Defense.***

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

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

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

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

***Section 14. Effective Date.***

Notwithstanding any other provision of the California Constitution, this act shall take effect the day after its approval by the voters.

# **Item 4**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** March 15, 2018  
**SUBJECT:** Proposition 68 – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018  
**ATTACHMENT:** 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

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A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of Proposition 68 – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 the Liaisons may recommend the following actions:

- 1) Support Proposition 68;
- 2) Oppose Proposition 68;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council at a future City Council meeting.

# **Attachment 1**



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**March 8, 2018**

**To:** Cindy Owens, City of Beverly Hills

**From:** Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.  
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwih, Inc.  
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

**Re: Proposition 68 – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018.**

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**Introduction and Background**

Proposition 68 would authorize the sale of \$4 billion in general obligation bonds for state and local parks, water infrastructure and flood protection projects, and other environmental protection projects. This ballot measure was initiated by the passage of last year's Senate Bill 5 (de León), often referred to as the "park bond."

With the assumption of a 3.5 percent interest rate, the bond would accrue \$2.53 billion in interest with the state ultimately spending \$6.53 billion to pay off the bonds issued. Proposition 68 would require 15-20 percent of the bond's funds to be spent in communities with a median income at 60 percent of the state average. Proposition 68 would also reallocate \$100 million dollars in unissued bonds from previously approved ballot measures.

Portions of Proposition 68 bond funds would be allocated as follows:

- \$725 million of the bond's funds would go to build parks in park-poor neighborhoods, in line with the Statewide Park Development and Community Revitalization's Act of 2008's grant program
  - 20 percent of these funds are for improvement of existing parks
  - \$48 million for underserved communities in rural, gateway, and desert communities
- \$200 million in per capita grants to local governments for park rehabilitation grants
  - \$200,000 minimum for cities
  - \$40 million in grants to local jurisdictions where voters have passed local or regional park infrastructure improvement measures
- \$142 million for the California River Parkways Act
  - \$37.5 million to the Santa Monica Conservancy for projects to enhance the Los Angeles River Watershed

**Status of Proposition**

Proposition 68 was initiated by Senate President pro Tempore Kevin de León's SB 5, which was signed by the Governor and chaptered by the Secretary of State last year. The measure will appear on the June 5<sup>th</sup> statewide ballot and will become effective if approved by the voters.

### **Support and Opposition**

Proponents of Proposition 68 argue that there is a vital need to reinvest in local and regional parks as well as critical water infrastructure. The author argues that this bond will allow the state to invest in priorities that have been neglected in recent years. The measure is also supported by such organizations as the California Chamber of Commerce, the Association of California Water Agencies, the Trust for Public Land, and the Sierra Club. Committees supporting the measure have received more than \$2 million in contributions.

The measure is opposed by the Howard Jarvis Taxpayers Association, which argues that these funds should come out of the General Fund and not through a bond measure. There have been no committees formed to formally oppose the measure.

# **Item 5**



**CITY OF BEVERLY HILLS  
POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** March 15, 2018  
**SUBJECT:** Proposition 69 – Motor Vehicle Fees and Taxes: Restrictions on Expenditures: Appropriations Limit  
**ATTACHMENT:** 1. Summary Memo from Shaw/Yoder/Antwih, Inc.

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A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of Proposition 69 – Motor Vehicle Fees and Taxes: Restrictions on Expenditures: Appropriations Limit, the Liaisons may recommend the following actions:

- 1) Support the Proposition 69;
- 2) Oppose the Proposition 69;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council at a future City Council meeting.

# **Attachment 1**



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**March 7, 2018**

**To:** Cindy Owens, City of Beverly Hills

**From:** Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.  
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwih, Inc.  
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

**Re: Proposition 69 – Motor Vehicle Fees and Taxes: Restrictions on Expenditures: Appropriations Limit**

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**Introduction and Background**

Proposition 69 can be divided into two, interrelated parts: a requirement that the legislature continue to spend the revenues from the recently enacted fuel taxes and vehicle fees on transportation purposes, as well as an exemption of those taxes and fees from the state appropriation limit. This proposition was a part of the transportation funding package that passed last year and ensures that the revenues raised by SB 1 from two primary sources, diesel sales taxes and the Transportation Improvement Fee (TIF), be dedicated solely for transportation-related purposes.

Proposition 69 would also exempt the revenue from SB 1's fee schedules and taxes increases from the state appropriation limit, sometimes referred to as the Gann Limit. This limit, approved by voters in 1979, prohibits both state and local governments from spending revenue in excess of the per-person government spending in the fiscal year 1978-1979 after several adjustments for cost-of-living and population changes. The Gann Limit was amended in 1990 by Proposition 111 so that half the excess revenue would be dedicated to education, with the other half dedicated to be returned to taxpayers through rebates.

**Status of Proposition**

Proposition 69 is the ballot measure initiated by last year's ACA 5, which was authored by Assemblymember Jim Frazier and Senator Josh Newman. ACA 5 passed with a two-thirds vote in both the Assembly and the Senate and will be on the June 5, 2018 ballot. This measure will become effective if approved by the voters.

**Support and Opposition**

ACA 5 passed both houses on an almost complete party-line vote, with only one Republican voting for the measure in each house and no Democrats voting against it. Proposition 69 is supported by the California Democratic Party as well as the California Chamber of Commerce.

# **Item 6**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee

**FROM:** Cindy Owens, Senior Management Analyst

**DATE:** March 15, 2018

**SUBJECT:** Ballot Initiative – Voter Approval for Increases in Gas and Car Tax

**ATTACHMENT:**

1. Summary Memo from Shaw/Yoder/Antwih, Inc.
2. Title and Summary for Voter Approval for Increases in Gas and Car Tax

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A verbal presentation will be provided by Andrew Antwih of Shaw/Yoder/Antwih, Inc. on the attached memo.

After discussion of the Ballot Initiative – Voter Approval for Increases in Gas and Car Tax, the Liaisons may recommend the following actions:

- 1) Support the Ballot Initiative;
- 2) Oppose the Ballot Initiative;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons wish to take a position on this item, it would require approval of the City Council at a future City Council meeting.

# **Attachment 1**



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**March 9, 2018**

**To:** Cindy Owens, City of Beverly Hills

**From:** Andrew K. Antwih, Partner, Shaw / Yoder / Antwih, Inc.  
Melissa Immel, Legislative Advocate, Shaw / Yoder / Antwih, Inc.  
Tim Sullivan, Legislative Aide, Shaw / Yoder / Antwih, Inc.

**Re: Proposed Ballot Measure to Repeal SB 1 The Road Repair and Accountability Act of 2017  
(Attorney General #17-0033)**

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***SB 1 (Beall)***

In April 2017, the State Legislature approved SB 1 (Beall) – The Road Repair and Accountability Act of 2017 (SB 1), which enacted the following vehicle fuel tax and fee increases for transportation:

- Gasoline excise tax: \$0.12/gallon
- Diesel excise tax: \$0.20/gallon
- Diesel sales tax: 4%/gallon
- Road Improvement Fee for zero-emission vehicles, as defined: \$100/year
- Transportation Improvement Fee (TIF): the fee will be based on the market value of the vehicle with the fee range described below:
  - \$25 per year for vehicles with a market value \$0- \$4,999
  - \$50 per year for vehicles with a market value \$5,000 -- \$24,999
  - \$100 per year for vehicles with a market value \$25,000 -- \$34,999
  - \$150 per year for vehicles with a market value \$35,000 -- \$59,999
  - \$175 per year for vehicles with a market value \$60,000 and higher
- SB 1 also specifies that the tax rates and fees specified in this bill are adjusted annually based on the Consumer Price Index (CPI).

SB 1 will raise approximately \$5.2 billion annually in dedicated transportation funding to rehabilitate and maintain local streets, roads, and highways, safety improvements, repair and replace aging bridges and culverts, congestion reduction and bicycle and pedestrian facilities. The revenue is split evenly between state and local transportation funding programs.

***Funding to City of Beverly Hills***

According to CaliforniaCityFinance.com, the City of Beverly Hills is projected to receive \$950,272 in funding for local streets and road maintenance and rehabilitation during the 2017-18 fiscal year and \$1,453, 694 in the 2018-19 fiscal year and roughly that same amount annually thereafter.

***Proposed Referendum to Repeal***

A referendum initiative was filed with the State Attorney General's Office on September 14, 2017 (Attorney General #17-0033) that would repeal the new transportation revenues provided by SB 1 and make it more difficult to increase funding for state and local transportation improvements in the future

by requiring statewide voter approval of any increase or extension of gasoline or diesel fuel taxes after January 1, 2017. Please see the attached language for the proposed ballot measure that was submitted to the State Attorney General's Office and cleared for circulation ([Attorney General #17-0033](#)).

The initiative effort is now being led by John Cox, a wealthy Republican businessman and candidate for Governor. The initiative is also supported by several of California's Congressional Republicans. To qualify the initiative for the ballot, the proponents will need to gather approximately 585,000 signatures. Proponents have raised close to \$900,000 and claim they have collected more than 400,000 valid signatures, pending verification by the Secretary of State. The campaign has until about mid-April to collect the required number of valid signatures.

Recently, groups who support of SB 1 formed a ballot committee – the Coalition to Protect Local Transportation Improvements – to oppose the repeal effort and promote the benefits of SB 1 throughout California. The Committee is led by the California Alliance for Jobs, the California State Association of Counties, the League of California Cities, and the California Transit Association, as well as several other transportation, labor, business, and local government agencies, formally known as the Fix Our Roads Coalition. The Committee will also support passage of Proposition 69 – put on the ballot by ACA 5 (Frazier) – the constitutional amendment passed by the legislature to protect new SB 1 revenues; the measure will be before the voters this June.

In his State of the State Address, Governor Brown committed his full support to defending SB 1 and opposing any potential repeal.

# **Attachment 2**

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**ELIMINATES RECENTLY ENACTED ROAD REPAIR AND TRANSPORTATION FUNDING BY REPEALING REVENUES DEDICATED FOR THOSE PURPOSES.**

**REQUIRES ANY MEASURE TO ENACT CERTAIN VEHICLE FUEL TAXES AND VEHICLE FEES BE SUBMITTED TO AND APPROVED BY THE ELECTORATE.**

**INITIATIVE CONSTITUTIONAL AMENDMENT.** Repeals a 2017 transportation law's tax and fee provisions that pay for repairs and improvements to local roads, state highways, and public transportation. Requires the Legislature to submit any measure enacting specified taxes or fees on gas or diesel fuel, or on the privilege to operate a vehicle on public highways, to the electorate for approval. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Reduced annual state transportation tax revenues of \$2.9 billion in 2018-19, increasing to \$4.9 billion annually by 2020-21. These revenues would primarily have supported state highway maintenance and rehabilitation, local streets and roads, and mass transit. In addition, potentially lower transportation tax revenues in the future from requiring voter approval of such tax increases, with the impact dependent on future actions by the Legislature and voters. (17-0033.)**

# **Item 7**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** March 15, 2018  
**SUBJECT:** 2018 Legislative Platform  
**ATTACHMENT:** 1. 2018 Legislative Platform (Markup)  
2. 2018 Legislative Platform (Proposed)

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**INTRODUCTION**

Each year, the City establishes a Legislative Platform which embodies key legislative themes and priorities for the upcoming year. The legislative platform provides direction for our legislative advocates and City staff as they work to secure clear and strategic initiatives locally as well as in Sacramento and Washington, D.C.

**DISCUSSION**

The objective of the legislative platform is to outline the City's position on legislative matters and serve as the foundation for the City to support or oppose various local, state and federal legislation. This platform seeks to not only secure critical resources for our City, but also outlines policy statements that will allow City staff and our legislative lobbyists to more effectively respond to and influence legislation at the local, state and federal level. This platform is meant to be an evolving document that will be amended from year to year by City Council.

The legislative priorities were established to encompass the objectives of the City Council and the interests of the City of Beverly Hills. At the request of Public Works, a new section was added in 2018 for Public Works – Solid Waste.

The Legislative Platform priorities are arranged by category and significance as listed below:

- |                                                 |                                      |
|-------------------------------------------------|--------------------------------------|
| 1. Local Control                                | 9. Environmental Sustainability      |
| 2. Pension Reform                               | 10. Community Services               |
| 3. Fiscal and Administrative Initiatives        | 11. Public Health                    |
| 4. Electoral Process                            | 12. General Government               |
| 5. Public Safety                                | 13. Public Works – Solid Waste       |
| 6. Emergency Preparedness and Homeland Security | 13. Public Works – Stormwater        |
| 7. Housing and Land Use                         | 14. Public Works – Water & Utilities |
| 8. Transportation                               |                                      |

Staff has incorporated the requested changes by the Legislative/Lobby Committee Liaison into the 2018 Legislative Platform. Additionally, the Executive Staff reviewed the current platform and requested changes.

Twenty-one new priorities were added to the City's Legislative Platform. A few of these priorities include:

- Support legislation that preserves local control over urban planning and oppose state legislation that supersedes a jurisdiction's adopted zoning ordinances;
- Support legislation that reinstates net neutrality;
- Pursue the repeal of Costa Hawkins and Ellis Act; and
- Support state funding opportunities to assist agencies in meeting sustainability objectives including energy and water efficiencies, active transportation enhancements, connectivity and mobility improvements and carbon sequestration through natural landscape management and protection.

### **RECOMMENDATION**

Staff recommends that the Committee provide direction on proceeding with the Legislative Platform. Staff can make modifications to the Platform as directed by the Liaisons and place it on the City Council agenda for the April 10, 2018 Study Session followed by adoption at a City Council Formal Session.

# **Attachment 1**

**CITY OF BEVERLY HILLS  
LEGISLATIVE ADVOCACY PLATFORM**



**2018<sup>7</sup> LEGISLATIVE SESSION**

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**City of Beverly Hills**  
**STATE AND FEDERAL LEGISLATIVE PLATFORM**

**Platform Overview**

The purpose of the legislative platform is to provide a means for summarizing the City's core legislative principles for the purpose of advocacy efforts at the regional, state and federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Beverly Hills.

The legislative platform sets forth the City's legislative objectives for the 2017~~8~~ legislative session and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the legislative platform also streamlines the City's process and allows the City's Executive team to effectively respond and take immediate action on pressing legislation under City Council direction.

The policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action as presented to the City Council Legislative/Lobby Liaison Committee.

The City's primary legislative focus includes protecting local government control, maintaining local government revenue, pursuing homeland security funding, obtaining funding for environmental sustainability, transportation, recreational, technology and infrastructure improvements.

**Local Control**

- Support legislation that preserves local control over urban planning and oppose state legislation that supersedes a jurisdiction's adopted zoning ordinances.
- Support legislation that enhances local control of resources and that allows the City of Beverly Hills to address the needs of local constituents within a framework of regional cooperation.
- Support legislation that encourages the use of federal and state incentives for local government action rather than mandates.
- Oppose preemption of the City of Beverly Hills' local authority whether by state or federal legislation or ballot propositions.
- In general, oppose any county, state or federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Support measures increasing local autonomy, protecting privacy and maintaining local authority over public records. This includes measures that provide for the recovery of costs with regard to public records requests.

- Support transparent government and the role-purpose of the California Public Records Act while simultaneously observing and protecting the current Rule of Law in California including better legislation in regards to protecting the privacy of public records and enhancing laws related to digital records.
- Support legislation that preserves local control of Airbnb short term rentals and online hotel intermediaries such as Airbnb.

#### **Pension Reform**

- Monitor, encourage, and lobby for legislative initiatives designed to achieve public employee pension reform.
- Inform the City Council of future legislative bills, statewide initiatives or other options as they emerge in regards to pension reform.
- Continue to support, where necessary and applicable, any future efforts that may impact the City of Beverly Hills ability to achieve and/or maintain sustainable pensions.
- Support the California League of Cities ("League") efforts on pension reform based on the report provided at the League's City Manager's Department Meeting February 2018 meeting.

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#### **Fiscal and Administrative Initiatives**

- Support fiscal sustainability and "best in class practices" administrative initiatives to ensure the delivery of superlative city services.
- Monitor initiatives which seek changes in fiscal relationships at the local, state and federal level.
- Support legislation that guarantees ongoing revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, library, parks and social service facilities.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee ongoing revenue sources for the City of Beverly Hills.
- Oppose legislation that would preempt the City's authority over local taxes and fees.
- Protect the City's right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.
- Oppose any federal or state legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting (retroactively or otherwise) Transient Occupancy Taxes.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) program.
- Oppose the reduction to Department of Homeland Security, Federal Emergency Grants.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.

- Engage in and advocate for legislation or ballot measures to prevent the state from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).
- Continue to promote increased flexibility for the utilization of municipally generated revenues.
- Support California League of Cities legislative efforts for pension reform and other post-employment benefits (**OPEB**) unfunded liability.

#### **Electoral Process**

- Monitor legislative or other initiatives which may address the integrity of the electoral process.
- Encourage safeguards ensuring that all eligible voters are provided with the mechanisms to exercise the right to vote.
- Support initiatives which promote government transparency regarding the election process.
- Support legislation that provides a mechanism to ensure non-eligible voters are unable to vote in an election.

#### **Public Safety**

- Oppose legislation or other administrative actions that seek to limit the Beverly Hills Police Department's ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding to the Beverly Hills Police Department for costs associated with the early release of state prisoners as a result of state-mandated criminal justice realignment provisions.
- Support the development and use of new firefighting technology in order to produce higher levels of health and safety for the Beverly Hills Fire Department.
- Advocate for legislation/funding that would take advantage of current technology to prevent crime in Beverly Hills (i.e. - the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment and research of new and emerging technologies that will provide the Beverly Hills Police Department with tools to provide the highest level of service including:
  - Next Generation 911
  - Mobile and Body Worn Cameras
  - New Generation Investigative Technology - including unmanned aircraft
  - Digital Evidence - support funding for local jurisdictions to collect, store and retain digital evidence.
- Support legislation and seek funding that will assist in preventing and reducing crimes in Beverly Hills, primarily related to cyber-crime, drugs, gang violence, mental illness, and pedestrian safety.
- Oppose legislation to expand "early release" for low-risk, non-serious and non-violent-sex offenders.

- Support legislation to increase funding to ensure ~~to ensure~~ responsible supervision by parole agents and for local agencies that provide post-release community supervision.
- Support efforts to reverse all legislation, including AB 109, that created “early release” for low-risk, non-serious and violent non-sex offenders.
- Oppose any efforts to further decriminalize existing crimes in California or lessen the sentences of any offenses that would result in the release of serious criminals who would further harm the safety of the public and law enforcement personnel and support rehabilitation, housing and employment programs for local and state prisoners.
- Support interoperable communication solutions that meet radio spectrum needs of first responders.
- Support efforts to eradicate human trafficking.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Seek grants and pilot project/demonstration project funding for public safety and emergency management programs and priorities.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding the Beverly Hills Police Department that includes behavioral health treatment, drug and trafficking taskforces; crisis intervention teams; and adequate patrol staffing.
- Identify opportunities for reimbursements to Beverly Hills for increased custodial and supervision costs resulting from prison realignment.
- Support funding for the increased demand being placed on Beverly Hills to respond to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and peace officers.
- Support a more effective and relevant reporting of local agency data, and ensure that any disclosed data be fair and equitable.
- Support legislation that amends the Centers for Medicare & Medicaid Services (CMS) regulation *42 CFR 410.40 Coverage of Ambulance Services (e)* to allow Medicare reimbursement for beneficiaries not transported to the emergency department by the Beverly Hills Fire Department. This would include:
  - Allowing CMS to provide a benefit to local jurisdictions for ‘dry runs’
  - Allowing CMS to provide a benefit for treatment in the field apart from transport, including reimbursement for mid-level practitioners, such as nurse practitioners, as many jurisdictions are moving towards a model of staffing Emergency Medical Services with a higher level of medical care.

#### **Emergency Management and Homeland Security**

- Support strategies, legislation and funding that promotes emergency preparedness, resiliency and recovery efforts.

- Advocate for I.C.I. System (Interagency Communications Interoperability System) ~~participation among~~ participation among jurisdictions and funding for equipment and operations.
- Support funding opportunities for local homeland security, public safety and emergency management programs including new technology and equipment (e.g., closed circuit television) that does not supplant other City funding, services or operations.
- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.
- Support federal funding for the deployment and long-term sustainment of the Biowatch and other monitoring programs in Beverly Hills.
- Support funding for a public seismic early warning system and other emergency notification systems.
- Support legislation that ensures funding for disaster relief for all types of natural and manmade disasters.

#### Housing and Land Use

- Pursue incentive-based housing legislation to encourage expanding the housing supply in our area including more flexibility for local jurisdictions to work together to provide housing that counts toward RHNA requirements.
- Support federal and state funding for affordable senior housing opportunities and projects.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning and zoning matters.
- Emphasize local control related to land use planning.
- Pursue the repeal of Costa Hawkins and Ellis Act.

#### Transportation

- Support state and federal legislation that enhances the safety of the City's streets for automobile and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs and regional transportation improvements.
- Promote funding, policy goals and visibility for the development of autonomous vehicles.
- Support regional, state and federal efforts for the development of compatible autonomous vehicle infrastructure.
- Support measures and discretionary grant programs that provide funding for critical transportation infrastructure projects that improve mobility for residents and visitors in and around Beverly Hills.
- Support legislation that expands transportation planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit,

alternative fuel vehicles and fleets, pedestrian ways, bikeways, multi-use trails and parking.

- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled placards.
- Work with other agencies in the region to support current state and federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with the Westside Cities Council of Governments (WSCOG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, state and federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in Beverly Hills, allowing for better traffic flow and pedestrian safety.
- Support increased state and federal resources to mitigate traffic congestion on the City of Beverly Hills' streets and rebuild and maintain roads.

#### Environmental Sustainability

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, climate change, potable water, wastewater, solid waste removal and storm water, among others.
- Support state funding opportunities to assist agencies in meeting sustainability objectives including energy and water efficiencies, active transportation enhancements, connectivity and mobility improvements and carbon sequestration through natural landscape management and protection.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships among the City, Beverly Hills Unified School District, businesses, residents, and all other community stakeholders as necessary to achieve a sustainable community.
- Support legislation to combat climate change and improve air quality.
- Support funding to foster an environmentally sustainable city an energy efficient, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and funding for the Metropolitan Transportation Agency (MTA) and other regional transit authorities to continue to create multi-modal transportation systems that minimizes pollution and reduces motor vehicle congestion while ensuring access and mobility for all.
- Oppose legislation that will expand or create new opportunities for off shore oil drilling.

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## Community Services

- Support legislation related to the Internet and filtering in public facilities.
- Support funding for literacy and English-as-a-second language programs.
- Support protection against censorship and restriction of free speech.
- Support funding for ADA facility and park upgrades.
- Promote legislation that provides for increased services to or funding for at-risk populations such as the frail elderly, homeless, disabled and other challenged populations.
- Support legislation that provides opportunities for healthy "aging in place" (aging in one's own home) options.
- Support funding and policy initiatives that support mental health care (e.g., access to psychiatric facilities, behavioral health care treatment, and street-based services).
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City's homeless population.
- Where reasonable, support public investment in parks, open space and recreation.
- In general, support efforts to provide funding for the rehabilitation, development and capital improvements for local park improvements.
- Oppose legislation that has a negative impact on the administration of park and recreation services.

## Public Health

- Continue to promote legislation that enhances the health and safety –of the general population, with an emphasis on programs that focus on youth, the elderly and at-risk populations.
- Monitor opportunities to expand the City's '~~Fresh Air Dining~~' ordinances to regulate smoking to other communities or through state legislation.
- Support legislation that will increase funding for mental health at the local level in order to address mental health issues and the impact those with mental health issues have on Beverly Hills.
- Support legislation that expands the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support legislative efforts to regulate the smoking of any substance at multi-family complexes.
- Oppose legislation that would reduce or eliminate funding allocations for the Prevention and Public Health Fund.
- Support the Personal Health Investment Today Act (PHIT) introduced in March 2017 in Congress.
- Support access opportunities for all Californians for physical activity, proper nutrition and healthy lifestyle options through the promotion of active transportation, complete street implementation, healthy foods, youth programming and maximizing the usage of green space.
- Support legislation that will actively support and provide funding for vaccinations.

## General Government

- Support legislation that reinstates net neutrality.
- Support legislation that would prohibit the flying of helicopters or other aircraft at low altitudes over residential neighbors excluding police, fire or other public safety aircraft.
- Support efforts to increase state resources for local arts, cultural events and library programs, including performing and visual arts programs.
- Support legislation that encourages policies and programming that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support legislation that would establish state wide regulations prohibiting the use of unmanned aircraft to record or transmit any visual audio recording of any person or private real property in which the subject person or owner of property has a reasonable expectation of privacy.

## Public Works – Solid Waste

- Support funding for new infrastructure related to the passage of AB 1826 – Mandatory Commercial Organics Recycling and SB 1383 – Short-Lived Climate Pollutants: Methane Emissions.
- Support legislation that incentivizes corporations to recycle in the United States rather than sending recyclables overseas.
- Support legislation that incentivizes manufacturers to produce recyclable products.
- Support legislation that requires manufactures to be responsible for the end of life of non-recyclable products.

## Public Works - Stormwater

- Support state and county efforts to develop avenues for agencies to collect revenue to support stormwater retention efforts.
- Support legislation that would classify stormwater as a utility similar to water, wastewater and solid waste services.
- Support legislation for funding stormwater infrastructure improvements, including building facilities to capture stormwater runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance goals in statewide and regional NPDES permits.
- Ensure the state continues to fund the California Department of Transportation (Cal Trans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Cal Trans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund stormwater capture and retention projects.

- Ensure that the State (State Water Resources Control Board) continues to provide Cal Trans Stormwater a Compliance Based Credit System that includes compliance based on using funds to support stormwater projects that would meet statewide TMDLs.

#### **Public Works – Water & Utilities**

- Support California Water Fix as it will assist with protecting the water supply for Beverly Hills.
- Support projects and legislation that protect the City's ability to receive water from the Bay Delta and the State Water Project.
- Support measures that uphold the ability of the City of Beverly Hills City Council to regulate and manage their publicly owned water utility so that local authority is not eroded by state or federal agencies, authorities, or other regulatory bodies.
- Oppose legislation that adds requirements to provide services that customers do not value, want, or need.
- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support, and credit the role of water conservation and water use efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights unless otherwise contraindicated.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability, unless otherwise contraindicated.
- Support efforts that seek to bring federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost effective water conservation programs and incentives that are funded by the state or federal government.
- Support flexible funding options that will help Beverly Hills upgrade and replace water and wastewater infrastructure.
- Support legislation for state funding for the development of local water supply and water conservation efforts.
- Support legislation that provides the City of Beverly Hills the flexibility to implement community choice aggregation program for the purchase of renewable electricity and oppose legislation that would place overly strict requirements on the establishment of, and activities by, community choice aggregators.
- Oppose legislation that makes it more difficult for community-choice aggregators to begin operation.
- Support legislation that ensures equitable cost-sharing between investor-owned utilities and community choice aggregation for stranded costs.
- Support funding and legislation for water recycling projects.

Revised ~~June 2017~~March 2018

# **Attachment 2**

**CITY OF BEVERLY HILLS  
LEGISLATIVE ADVOCACY PLATFORM**



**2018 LEGISLATIVE SESSION**

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**City of Beverly Hills**  
**STATE AND FEDERAL LEGISLATIVE PLATFORM**

**Platform Overview**

The purpose of the legislative platform is to provide a means for summarizing the City's core legislative principles for the purpose of advocacy efforts at the regional, state and federal level. The Legislative Platform contains broad policy statements pertaining to a variety of issues that impact the City of Beverly Hills.

The legislative platform sets forth the City's legislative objectives for the 2018 legislative session and provides direction for our legislative advocates as they work to secure clear and strategic initiatives in Sacramento and Washington, D.C. Approval of the legislative platform also streamlines the City's process and allows the City's Executive team to effectively respond and take immediate action on pressing legislation under City Council direction.

The policies established within the platform do not preclude City Council consideration of additional legislative matters arising throughout the year that may be brought forward for City Council action as presented to the City Council Legislative/Lobby Liaison Committee.

The City's primary legislative focus includes protecting local government control, maintaining local government revenue, pursuing homeland security funding, obtaining funding for environmental sustainability, transportation, recreational, technology and infrastructure improvements.

**Local Control**

- Support legislation that preserves local control over urban planning and oppose state legislation that supersedes a jurisdiction's adopted zoning ordinances.
- Support legislation that enhances local control of resources and that allows the City of Beverly Hills to address the needs of local constituents within a framework of regional cooperation.
- Support legislation that encourages the use of federal and state incentives for local government action rather than mandates.
- Oppose preemption of the City of Beverly Hills' local authority whether by state or federal legislation or ballot propositions.
- In general, oppose any county, state or federal mandates without the direct or indirect reimbursement for the costs associated with complying with new and/or modified laws, regulations, policies, procedures, permits and/or programs.
- Support measures increasing local autonomy, protecting privacy and maintaining local authority over public records. This includes measures that provide for the recovery of costs with regard to public records requests.

- Support transparent government and the purpose of the California Public Records Act while simultaneously observing and protecting the current Rule of Law in California including better legislation in regards to protecting the privacy of public records and enhancing laws related to digital records.
- Support legislation that preserves local control of short term rentals and online hotel intermediaries such as Airbnb.

### **Pension Reform**

- Monitor, encourage, and lobby for legislative initiatives designed to achieve public employee pension reform.
- Inform the City Council of future legislative bills, statewide initiatives or other options as they emerge in regards to pension reform.
- Continue to support, where necessary and applicable, any future efforts that may impact the City of Beverly Hills ability to achieve and/or maintain sustainable pensions.
- Support the California League of Cities (“League”) efforts on pension reform based on the report provided at the League’s City Manager’s Department Meeting February 2018 meeting.

### **Fiscal and Administrative Initiatives**

- Support fiscal sustainability and “best practices” administrative initiatives to ensure the delivery of superlative city services.
- Monitor initiatives which seek changes in fiscal relationships at the local, state and federal level.
- Support legislation that guarantees ongoing revenue sources for local government.
- Pursue funding opportunities for public facilities and services including capital improvement projects, public works projects, homeland security, library, parks and social service facilities.
- Oppose any legislation that would undermine voter-approved initiatives to guarantee ongoing revenue sources for the City of Beverly Hills.
- Oppose legislation that would preempt the City’s authority over local taxes and fees.
- Protect the City’s right to levy and collect Transient Occupancy Taxes from hotels, including online hotel intermediaries.
- Oppose any federal or state legislation that would provide immunity to online hotel intermediaries and/or prohibit the City from collecting (retroactively or otherwise) Transient Occupancy Taxes.
- Support continued or expanded funding for the Community Development Block Grant (CDBG) program.
- Oppose the reduction to Department of Homeland Security, Federal Emergency Grants.
- Oppose any attempt to eliminate or limit the traditional tax exemption for municipal bonds.

- Engage in and advocate for legislation or ballot measures to prevent the state from borrowing, raiding or otherwise redirecting local government funds (local taxes, property taxes, etc.).
- Continue to promote increased flexibility for the utilization of municipally generated revenues.
- Support California League of Cities legislative efforts for pension reform and other post-employment benefits (**OPEB**) unfunded liability.

### **Electoral Process**

- Monitor legislative or other initiatives which may address the integrity of the electoral process.
- Encourage safeguards ensuring that all eligible voters are provided with the mechanisms to exercise the right to vote.
- Support initiatives which promote government transparency regarding the election process.
- Support legislation that provides a mechanism to ensure non-eligible voters are unable to vote in an election.

### **Public Safety**

- Oppose legislation or other administrative actions that seek to limit the Beverly Hills Police Department's ability to collect and utilize asset forfeiture funds for a wide variety of police services.
- Support legislation that provides frontline funding to the Beverly Hills Police Department for costs associated with the early release of state prisoners as a result of state-mandated criminal justice realignment provisions.
- Support the development and use of new firefighting technology in order to produce higher levels of health and safety for the Beverly Hills Fire Department.
- Advocate for legislation/funding that would take advantage of current technology to prevent crime in Beverly Hills (i.e. - the ability to use surveillance cameras and automatic license plate recognition technology).
- Support the deployment and research of new and emerging technologies that will provide the Beverly Hills Police Department with tools to provide the highest level of service including:
  - Next Generation 911
  - Mobile and Body Worn Cameras
  - New Generation Investigative Technology - including unmanned aircraft
  - Digital Evidence - support funding for local jurisdictions to collect, store and retain digital evidence.
- Support legislation and seek funding that will assist in preventing and reducing crimes in Beverly Hills, primarily related to cyber-crime, drugs, gang violence, mental illness, and pedestrian safety.
- Oppose legislation to expand "early release" for low-risk, non-serious and non-sex offenders.

- Support legislation to increase funding to ensure responsible supervision by parole agents and for local agencies that provide post-release community supervision.
- Support efforts to reverse all legislation, including AB 109, that created “early release” for low-risk, non-serious and non-sex offenders.
- Oppose any efforts to further decriminalize existing crimes in California or lessen the sentences of any offenses that would result in the release of serious criminals who would further harm the safety of the public and law enforcement personnel and support rehabilitation, housing and employment programs for local and state prisoners.
- Support interoperable communication solutions that meet radio spectrum needs of first responders.
- Support efforts to eradicate human trafficking.
- Support legislation that aids paramedics and other emergency medical service practitioners in their ability to be responsive to community needs.
- Seek grants and pilot project/demonstration project funding for public safety and emergency management programs and priorities.
- Support funding initiatives for Peace Officers Standards and Training (POST) and other law enforcement support organizations.
- Support and encourage legislation and budget negotiations that retain funding the Beverly Hills Police Department that includes behavioral health treatment, drug and trafficking taskforces; crisis intervention teams; and adequate patrol staffing.
- Identify opportunities for reimbursements to Beverly Hills for increased custodial and supervision costs resulting from prison realignment.
- Support funding for the increased demand being placed on Beverly Hills to respond to societal issues including homelessness; substance abuse and dependency; and unpredictable and potentially harmful behavior towards the public and peace officers.
- Support a more effective and relevant reporting of local agency data, and ensure that any disclosed data be fair and equitable.
- Support legislation that amends the Centers for Medicare & Medicaid Services (CMS) regulation *42 CFR 410.40 Coverage of Ambulance Services (e)* to allow Medicare reimbursement for beneficiaries not transported to the emergency department by the Beverly Hills Fire Department. This would include:
  - Allowing CMS to provide a benefit to local jurisdictions for ‘dry runs’
  - Allowing CMS to provide a benefit for treatment in the field apart from transport, including reimbursement for mid-level practitioners, such as nurse practitioners, as many jurisdictions are moving towards a model of staffing Emergency Medical Services with a higher level of medical care.

### **Emergency Management and Homeland Security**

- Support strategies, legislation and funding that promotes emergency preparedness, resiliency and recovery efforts.

- Advocate for I.C.I. System (Interagency Communications Interoperability System) participation among jurisdictions and funding for equipment and operations.
- Support funding opportunities for local homeland security, public safety and emergency management programs including new technology and equipment (e.g., closed circuit television) that does not supplant other City funding, services or operations.
- Seek grants and pilot project/demonstration project funding for City homeland security, public safety and emergency management priorities.
- Support federal funding for the deployment and long-term sustainment of the Biowatch and other monitoring programs in Beverly Hills.
- Support funding for a public seismic early warning system and other emergency notification systems.
- Support legislation that ensures funding for disaster relief for all types of natural and manmade disasters.

### **Housing and Land Use**

- Pursue incentive-based housing legislation to encourage expanding the housing supply in our area including more flexibility for local jurisdictions to work together to provide housing that counts toward RHNA requirements.
- Support federal and state funding for affordable senior housing opportunities and projects.
- Monitor land use issues and support legislative and administrative efforts to maintain the integrity of local government's control over land use, planning and zoning matters.
- Emphasize local control related to land use planning.
- Pursue the repeal of Costa Hawkins and Ellis Act.

### **Transportation**

- Support state and federal legislation that enhances the safety of the City's streets for automobile and pedestrian traffic, including issues related to photo speed radar enforcement, traffic congestion reduction programs and regional transportation improvements.
- Promote funding, policy goals and visibility for the development of autonomous vehicles.
- Support regional, state and federal efforts for the development of compatible autonomous vehicle infrastructure.
- Support measures and discretionary grant programs that provide funding for critical transportation infrastructure projects that improve mobility for residents and visitors in and around Beverly Hills.
- Support legislation that expands transportation planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on transit,

alternative fuel vehicles and fleets, pedestrian ways, bikeways, multi-use trails and parking.

- Support measures which provide the City's fair share of funding from the State's cap and trade funding sources.
- Support legislation that would discourage the misuse of disabled placards.
- Work with other agencies in the region to support current state and federal funding levels and encourage increased funding and flexibility in both operating and capital funding for mass transit.
- In conjunction with the Westside Cities Council of Governments (WSCOG) and other agencies, support legislation that provides incentives for the development of local transportation corridors.
- Support local, regional, state and federal legislative, administrative, and regulatory efforts that will expand and/or supplement funding for maintaining and upgrading major thoroughfares in Beverly Hills, allowing for better traffic flow and pedestrian safety.
- Support increased state and federal resources to mitigate traffic congestion on the City of Beverly Hills' streets and rebuild and maintain roads.

### **Environmental Sustainability**

- Advocate for cost-effective, sustainable, and responsible environmental policy and programs in the areas of energy efficiency, greenhouse gases, climate change, potable water, wastewater, solid waste removal and storm water, among others.
- Support state funding opportunities to assist agencies in meeting sustainability objectives including energy and water efficiencies, active transportation enhancements, connectivity and mobility improvements and carbon sequestration through natural landscape management and protection.
- Support legislation protecting, preserving and restoring the natural environment where it does not conflict with local control and land use designations.
- Support efforts to create partnerships among the City, Beverly Hills Unified School District, businesses, residents, and all other community stakeholders as necessary to achieve a sustainable community.
- Support legislation to combat climate change and improve air quality.
- Support funding to foster an environmentally sustainable city, walk-able community that provides ample goods, services and benefits to all residents while respecting the local environment.
- Support legislation and funding for the Metropolitan Transportation Agency (MTA) and other regional transit authorities to continue to create multi-modal transportation systems that minimizes pollution and reduces motor vehicle congestion while ensuring access and mobility for all.
- Oppose legislation that will expand or create new opportunities for off shore oil drilling.

## **Community Services**

- Support legislation related to the Internet and filtering in public facilities.
- Support funding for literacy and English-as-a-second language programs.
- Support protection against censorship and restriction of free speech.
- Support funding for ADA facility and park upgrades.
- Promote legislation that provides for increased services to or funding for at-risk populations such as the frail elderly, homeless, disabled and other challenged populations.
- Support legislation that provides opportunities for healthy “aging in place” (aging in one’s own home) options.
- Support funding and policy initiatives that support mental health care (e.g., access to psychiatric facilities, behavioral health care treatment, and street-based services).
- Support legislation that addresses the need for housing and supportive services, (e.g. health, mental health and social services) for the City’s homeless population.
- Where reasonable, support public investment in parks, open space and recreation.
- In general, support efforts to provide funding for the rehabilitation, development and capital improvements for local park improvements.
- Oppose legislation that has a negative impact on the administration of park and recreation services.

## **Public Health**

- Continue to promote legislation that enhances the health and safety of the general population, with an emphasis on programs that focus on youth, the elderly and at-risk populations.
- Monitor opportunities to expand the City’s ordinances to regulate smoking to other communities or through state legislation.
- Support legislation that will increase funding for mental health at the local level in order to address mental health issues and the impact those with mental health issues have on Beverly Hills.
- Support legislation that expands the treatment of, and response to, mentally ill persons and the growing issues associated with the mentally ill.
- Support legislative efforts to regulate the smoking of any substance at multi-family complexes.
- Oppose legislation that would reduce or eliminate funding allocations for the Prevention and Public Health Fund.
- Support the Personal Health Investment Today Act (PHIT) introduced in March 2017 in Congress.
- Support access opportunities for all Californians for physical activity, proper nutrition and healthy lifestyle options through the promotion of active transportation, complete street implementation, healthy foods, youth programming and maximizing the usage of green space.
- Support legislation that will actively support and provide funding for vaccinations.

## **General Government**

- Support legislation that reinstates net neutrality.
- Support legislation that would prohibit the flying of helicopters or other aircraft at low altitudes over residential neighbors excluding police, fire or other public safety aircraft.
- Support efforts to increase state resources for local arts, cultural events and library programs, including performing and visual arts programs.
- Support legislation that encourages policies and programming that promote healthy lifestyles; e.g. physical activity, preventative screenings, healthful eating and core wellness for people of all ages and abilities.
- Support legislation that would establish state wide regulations prohibiting the use of unmanned aircraft to record or transmit any visual audio recording of any person or private real property in which the subject person or owner of property has a reasonable expectation of privacy.

## **Public Works – Solid Waste**

- Support funding for new infrastructure related to the passage of AB 1826 – Mandatory Commercial Organics Recycling and SB 1383 – Short-Lived Climate Pollutants: Methane Emissions.
- Support legislation that incentivizes corporations to recycle in the United States rather than sending recyclables overseas.
- Support legislation that incentivizes manufacturers to produce recyclable products.
- Support legislation that requires manufactures to be responsible for the end of life of non-recyclable products.

## **Public Works - Stormwater**

- Support state and county efforts to develop avenues for agencies to collect revenue to support stormwater retention efforts.
- Support legislation that would classify stormwater as a utility similar to water, wastewater and solid waste services.
- Support legislation for funding stormwater infrastructure improvements, including building facilities to capture stormwater runoff and integrate with local, regional and statewide water resources.
- Support legislation that would provide pragmatic compliance goals in statewide and regional NPDES permits.
- Ensure the state continues to fund the California Department of Transportation (Cal Trans) capital construction budget for offsetting their requirements to limit their total maximum daily load (TMDL) for pollutant discharge. Encourage Cal Trans to continue to enter into Cooperative Implementation Agreements with local jurisdictions to fund stormwater capture and retention projects.
- Ensure that the State (State Water Resources Control Board) continues to provide Cal Trans Stormwater a Compliance Based Credit System that includes

compliance based on using funds to support stormwater projects that would meet statewide TMDLs.

### **Public Works – Water & Utilities**

- Support California Water Fix as it will assist with protecting the water supply for Beverly Hills.
- Support projects and legislation that protect the City's ability to receive water from the Bay Delta and the State Water Project.
- Support measures that uphold the ability of the City of Beverly Hills City Council to regulate and manage their publicly owned water utility so that local authority is not eroded by state or federal agencies, authorities, or other regulatory bodies.
- Oppose legislation that adds requirements to provide services that customers do not value, want, or need.
- Support legislation that ensures local ratemaking authority is preserved and remains meaningful.
- Support policies that recognize, support, and credit the role of water conservation and water use efficiency in reducing greenhouse gas emissions.
- Support local control of groundwater uses and groundwater rights unless otherwise contraindicated.
- Support local control for planning management and use of water supplies to address local needs and contribute to long-term sustainability, unless otherwise contraindicated.
- Support efforts that seek to bring federal sources of funding to California for water infrastructure development and renewable energy development through water management.
- Support cost effective water conservation programs and incentives that are funded by the state or federal government.
- Support flexible funding options that will help Beverly Hills upgrade and replace water and wastewater infrastructure.
- Support legislation for state funding for the development of local water supply and water conservation efforts.
- Support legislation that provides the City of Beverly Hills the flexibility to implement community choice aggregation program for the purchase of renewable electricity and oppose legislation that would place overly strict requirements on the establishment of, and activities by, community choice aggregators.
- Oppose legislation that makes it more difficult for community-choice aggregators to begin operation.
- Support legislation that ensures equitable cost-sharing between investor-owned utilities and community choice aggregation for stranded costs.
- Support funding and legislation for water recycling projects.

Revised March 2018

# **Item 8**



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** March 15, 2018  
**SUBJECT:** Federal and State Update  
**ATTACHMENT:** None

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Verbal summaries to be provided by the City's federal lobbyist, Jaime Jones with David Turch and Associates, and the City's state lobbyist, Andrew Antwih with Shaw/Yoder/Antwih Inc.



**CITY OF BEVERLY HILLS**  
**POLICY AND MANAGEMENT**

**MEMORANDUM**

**TO:** City Council Liaison/Legislative/Lobby Committee  
**FROM:** Cindy Owens, Senior Management Analyst  
**DATE:** March 15, 2018  
**SUBJECT:** Government Owned Broadband  
**ATTACHMENT:** 1. Study Session Update on Fiber to the Premises Project

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**INTRODUCTION**

The City's Information Technology ("IT") staff, along with the Public Works Department, have been working towards providing Internet service throughout the City through the Fiber to the Premise project as part of a City Council Priority for Technology. This project is currently under construction with the latest update being provided to the City Council at the December 19, 2017 Study Session meeting.

This report transmits a request by Vice Mayor Gold to discuss government owned broadband networks.

**DISCUSSION**

The Los Angeles County Business Federation (BizFed) is anticipated to vote at its March 20, 2018 Board Meeting to oppose any local jurisdiction from building, maintaining or improving a government owned broadband network. They have identified five strategies for mobilizing to oppose the development of such a network. These strategies include:

- Outreach to local elected officials by BizFed and its members;
- Op-eds from BizFed and member organizations;
- Letters of Inquiry (and potentially opposition) from BizFed to cities considering operating a government owned broadband network;
- Social media content to educate members and the public about the issues; and
- Testimony at City Council meetings.

As of 10:30 a.m. on March 14, 2018, staff could not locate any legislation introduced in Sacramento that would prohibit local governments from creating a locally owned broadband network. Staff has requested our state lobbyist monitor legislation that may be amended to limit the ability of local jurisdictions from establishing and operating such a network.

One potential piece of legislation that could be amended is AB 1999 (Chau) Local government: public broadband services. This legislation, as currently written, would prohibit a local agency

that is authorized to engage in the provision of broadband Internet access service from taking certain actions regarding the accessing of content on the Internet by end users. In essence, it would prohibit a local agency from restricting access to content on the Internet.

As of 10:30 a.m. on March 14, 2018, City staff located potentially two pieces of federal legislation on this topic, both of which would preserve the ability of local governments to provide broadband capability and services.

In March 2017, Senator Brooker from New Jersey introduced S. 742 – Community Broadband Act of 2017. This bill was introduced to promote competition and to preserve the ability of local governments to provide broadband capability and services. This bill was referred to the Committee on Commerce, Science and Transportation on March 28, 2017. There has been no action on S. 742 since its introduction and referral to committee.

In January 2018, Congresswoman Eshoo from California, introduced H.R. 4814 – Community Broadband Act of 2018. This bill would amend the Telecommunications Act of 1996 to preserve and protect the ability of local governments to provide broadband capability and services. It was initially referred to the House Committee on Energy and Commerce on January 17, 2018. It was then referred to the Subcommittee on Communications and Technology on January 19, 2018.

Staff will continue to monitor federal and state legislation on this topic.

#### **RECOMMENDATION**

It is recommended that the Liaisons provide direction to staff on government owned broadband networks.

# **Attachment 1**



## STAFF REPORT

**Meeting Date:** December 19, 2017  
**To:** Honorable Mayor & City Council  
**From:** David Schirmer, Chief Information Officer  
**Subject:** Update on the Fiber to the Premise Initiative  
**Attachments:** 1. Preliminary Outside Construction Schedule

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### INTRODUCTION

This item provides a brief update on the Fiber to the Premise Initiative. As envisioned, this project will provide high-speed, high-quality broadband Internet service to residents, students and businesses in our City through enhanced infrastructure.

### DISCUSSION

#### *Background*

In May of 2017, City Council approved the initial round of agreements needed to begin the construction phase of the fiber network. This approval marked the culmination of 30 months of information gathering, assessment and study around the feasibility of the initiative that included support and input from City's Technology Committee Technology Committee, City Management, and City Council.

The project involves the installation of new and upgraded fiber connections as well as billing and customer support services for the end-users of the system. The system will require placing an estimated 100 miles of fiber optic cable linking homes, schools and businesses using both aerial and underground construction. When complete, the City will be able to offer internet services to residents and businesses that operates at speeds of 1 Gigabit per second symmetrical. This is significantly faster than what other providers offer, and this service is being offered with attractive pricing: about \$55 dollars per month during the initial phase. It is expected that system construction will take between 30 and 36 months to complete. Service will be made available in phases as areas are completed and quality assurance has been performed. At present we are on track to have our first "friendly" customer online in Q2 of 2018.

#### *Outreach*

For overall project success, communication with the public is key. Communications and marketing around the Fiber initiative must be highly responsive to residents and businesses. In addition to the typical communications, we are currently providing real-time updates to our community as the program is rolled out.

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Public outreach sessions are part of the construction project plan. Weekly team meetings and daily coordination with project engineers will minimize issues. Installation of communication boxes in the right of way are being coordinated with feedback and input from neighboring property owners. Throughout construction, a tracking system will be utilized to monitor outstanding issues. Utilization of the City website, social media, door hangers and call in numbers are all being used to deliver the message of coming services and project status.

The primary repository for information on the project may be found at **beverlyhillsfiber.org**. Here, an automated website has been developed that displays project status in real-time as the work moves from the planning phase, continuing through to completion. The project is being featured on the City's cable television channel including spots on the current affairs program, *Beverly Hills: This Week*, as well as original video content that details different aspects of the project.

#### *Construction*

Given the complexity of the project, expertise in many different disciplines is required. In addition to the construction management that has been outsourced, Information Technology is relying on the Engineering Division within Public Works for right-of-way construction support and inspection. Engineering is interfacing directly with the construction contractors, as well as participating in weekly planning sessions with the larger project team. The City architect is supporting construction that is taking place on City property including the major fiber nodes at Coldwater running track, IT data center, La Cienega Park maintenance yard, and Roxbury Park maintenance yard. Additional support is being provided by the City's legal group to develop access agreements for both residential and commercial property. Building and Safety is facilitating plan review, permitting, and inspection services, and the City's multimedia group is developing video and graphic content as part of the outreach for the project.

Construction in the right-of way began in June in the area east of Coldwater Park, and has since moved eastward into the Trousdale area. This work included the rodding and roping of the existing conduits, blowing in micro-conduit, installing vaults and network access points, and pulling fiber. This same type of work is also underway in the Southeast part of the City in the area served by the La Cienega node. It is anticipated that the Southeast will be the first area to have 'friendly' beta customers come online to test the system from end-to-end. This includes testing and validation of installation, in-home solutions assurance, customer care, and network performance.

All contractors and City staff are using Gantt chart-based project management tools that identify locations, work to done, area of responsibility, prerequisites, and timeframes. Various weekly coordination meetings are held to discuss progress, next steps and to identify and resolve any issues. Based on the current schedule, it is anticipated that the first beta customers will be online in the second quarter of 2018. After the initial pilot period, additional homes will be brought online. The strategy will be to make the service available to customers by the area served by a single cabinet, or approximately 200 premises. As new cabinet areas are completed, and certified ready for customers, the installation team will move into that area until the construction phase of the project is complete. Construction is anticipated to continue into 2020.

The City's Technology Committee has remained active in providing advice and recommendations to the project from a residents' perspective. Most recently, the Committee discussed incorporating leading-edge technology that could create new tiers

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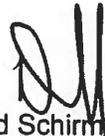
of service resulting in internet speeds from 4 to 10 Gigabits per second. Additionally, we plan to have the Committee provide input on net neutrality, privacy, and other policies prior to Council review.

**FISCAL IMPACT**

The Fiber to the Premise initiative is on budget and no new funding is being requested. Council previously approved a multi-year funding plan that included a \$10 million capital contribution and intra-fund loans. The financial modeling utilized as part of project formulation still indicates that revenues will exceed operational costs in roughly year six of the project or 2023.

**RECOMMENDATION**

None.

  
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David Schirmer  
Approved By

# **Attachment 1**



**CITY OF BEVERLY HILLS**  
**INFORMATION TECHNOLOGY**

**MEMORANDUM**

**TO:** Mahdi Aluzri, City Manager  
**FROM:** David Schirmer, Chief Information Officer  
**DATE:** December 17, 2017  
**SUBJECT:** Fiber to the Premise Preliminary Schedule

A handwritten signature in black ink, appearing to be "David Schirmer", written vertically to the right of the "FROM:" line.

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Attached, please find a **preliminary** schedule for the outside plant construction for the Fiber to the Premise project. This schedule does not include node construction, electronics, and the customer turn-up process which are operating on parallel schedules, and which may impact when these areas are available for service.

We are about six months into a 30 month constructions cycle. As we complete construction and quality assurance for an area, we will release the area for service on a rolling basis until the entire city is complete.

As part of our communications plan, we are publicizing service availability by quarters only, and not by month until the area has been tested and released for service. Once an area has been released for service, localized outreach and marketing will be undertaken. This is to carefully manage expectations and to not set false expectation.

We are still on-track to have our first "friendly" customers in place during Q2 of 2018. This will likely be in the Southeast portion of the City, but work in the Trousdale area is progressing well, and cabinet areas there may be the first to be released. By our next quarterly update in March, we will have a more definite schedule that extends into the fall of 2018.

To read the chart below, please note the numbers in the date columns represent the number of premise passings that have been completed.

Please let me know if you have any questions.

