



Agenda Submittal

Agenda #: 41 **Status:** Regular Calendar
Type: Legislation **Department:** County Administrator
File #: 17-489 **Contact:** Michelle Heppner, 784-3002
Agenda date: 6/27/2017 **Final action:** 6/27/2017
Title: Consider taking a position on state bills AB 1250 and SB 649 that are included within this agenda item and were reviewed by the County’s Legislative Committee on June 19, 2017 and referred to the full Board for consideration; and Receive an update from staff and the County’s State Legislative Advocate on the State Budget and issues of concern to the County
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Federal Legislative Update, 2. B - Proposed Timeline - 2018 State & Federal Legislative Platform, 3. Minute Order

Date	Ver.	Action By	Action	Result
6/27/2017	1	Board of Supervisors	Approved	

Published Notice Required? Yes _____ No X
Public Hearing Required? Yes _____ No X

DEPARTMENTAL RECOMMENDATION:

Consider taking a position on state bills AB 1250 and SB 649 that are included within this agenda item and were reviewed by the County’s Legislative Committee on June 19, 2017 and referred to the full Board for consideration; and Receive an update from staff and the County’s State Legislative Advocate on the State Budget and issues of concern to the County.

SUMMARY:

Staff will provide an overview of legislation considered by the Board’s Legislative Committee on June 19, 2017. The County’s Legislative Advocate, Karen Lange of Shaw/Yoder/Antwih, Inc., will provide an update on the State Budget. The items before the Board were reviewed by the County’s Legislative Committee and are discussed individually in the discussion section below.

FINANCIAL IMPACT:

The legislative program is designed to result in additional funding and cost avoidance relative to Solano County. The cost of preparing this report and compiling the information is a General Fund cost covered in the County Administrator’s administration budget.

DISCUSSION:

The County’s Legislative Committee Members, Supervisor Erin Hannigan and Supervisor John Vasquez met on June 19, 2017 to discuss both Federal and State issues. Joe Krahn and Tom Joseph of Waterman and Associates, the County’s Federal legislative advocacy team and Karen Lange of Shaw/Yoder/Antwih Inc., the County’s State legislative advocate participated in the meeting as well.

The County’s June 19, 2017 Legislative Committee agenda included a Federal update from Waterman and

Associates and is provided in Attachment A. Also on the agenda was an update from Karen Lange on the State Budget and two State bills, AB 1250, and SB 649, each of which is discussed individually below. The County's June 19, 2017 Legislative Committee meeting agenda can be accessed through the link below.

<http://solanocounty.com/civicax/filebank/blobdload.aspx?BlobID=26785>

The Legislative Committee reviewed the proposed schedule for developing the 2018 Federal and State Legislative Platform. Chair Hannigan requested that in the County departments' review of the documents, to consider items that can be removed or consolidated to curb the pace at which they are expanding each year. The proposed timeline for the development of the 2018 Federal and State Legislative Platform is contained in Attachment B of this report.

Summary of legislative action considered by the Legislative Committee

AB 1250 (Jones-Sawyer) Counties and cities: contracts for personal services.

Existing law authorizes the board of supervisors of a county to contract for special services on behalf of various public entities with persons who are specially trained, experienced, expert, and competent to perform the special services, as prescribed. These services include financial, economic, accounting, engineering, legal, and other specified services. Existing law also authorizes legislative bodies of cities to contract with any specially trained and experienced person, firm, or corporation for special services and advice in financial, economic, accounting, engineering, legal, or administrative matters.

This bill would establish specific standards for the use of personal services contracts by counties and cities. Beginning January 1, 2018, the bill would allow a county or county agency, or a city or city agency, to contract for personal services currently or customarily performed by employees, as applicable, when specified conditions are met. Among other things, the bill would require the county or city to clearly demonstrate that the proposed contract will result in actual overall costs savings to the county or city and also to show that the contract does not cause the displacement of county or city workers. The bill would require a contract entered into under these provisions to specify that it may be terminated upon material breach, if notice is provided, as specified. Additionally, the bill would require the county or city to conduct an audit of the contract to determine whether cost savings have been realized and would require the contractor to reimburse the cost of the audit. The bill would impose additional disclosure requirements for contracts exceeding \$100,000 annually. The bill would exempt certain types of contracts from its provisions, and would exempt a chapter charter city from its provisions. By placing new duties on local government agencies, the bill would impose a state-mandated local program.

The bill also would provide that its provisions are severable.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

A lively discussion resulting from the possible impacts that AB 1250 could have on the County. County Counsel noted from a governance standpoint, it created an equal protection issue. Similarly, Health and Social Services noted under existing law, the County contracts to improve efficiency and provide better services to the community. This bill creates an uneven playing field relative to the costs associated with contracting for services among government agencies for those cities and potentially charter counties exempt from the bill. Human Resources noted the implications of this bill relative to recruitment for medical and behavioral doctors which are challenging to fill and contracting for those expertise services to ensure we are able to provide clients with appropriate services. The CAO noted that if counties became subject to contracting

under AB 1250, counties must no longer be held to three-year contract agreement term and be allowed to contract for longer based on the indirect cost associated with the proposed contracting criteria in the bill.

The Legislative Committee recommended an OPPOSE position on AB 1250.

SB 649 (Hueso) Wireless telecommunications facilities

Under existing law, a wireless telecommunications collocation facility, as specified, is subject to a city or county discretionary permit and is required to comply with specified criteria, but a collocation facility, which is the placement or installation of wireless facilities, including antennas and related equipment, on or immediately adjacent to that wireless telecommunications collocation facility, is a permitted use not subject to a city or county discretionary permit.

This bill would provide that a small cell is a permitted use, subject only to a specified permitting process adopted by a city or county, if the small cell meets specified requirements. By imposing new duties on local agencies, this bill would impose a state-mandated local program. The bill would authorize a city or county to require an encroachment permit or a building permit, and any additional ministerial permits, for a small cell, as specified. The bill would authorize a city or county to charge 3 types of fees: an annual administrative permit fee, an annual attachment rate, or a on-time reimbursement fee. The bill would require the city or county to comply with notice and hearing requirements before imposing the annual attachment rate. The bill would require an action or proceeding to challenge a fee imposed under the provisions of this bill to be commenced within 120 days of the effective date of the ordinance or resolution. The bill would define the term "small cell" for these purposes.

This bill would prohibit a city or county from adopting or enforcing any regulation on the placement or operation of a communications facility in the rights-of-way by a provider that is authorized by state law to operate in the rights-of-way or from regulating that service or imposing any tax, fee, or charge, except as provided in specified provisions of law or as specifically required by law.

Under existing law, a city or county, as a condition of approval of an application for a permit for construction or reconstruction of a development project for a wireless telecommunications facility, may not require an escrow deposit for removal of a wireless telecommunications facility or any component thereof, unreasonably limit the duration of any permit for a wireless telecommunications facility, or require that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county, as specified.

This bill would require permits for these facilities to be renewed for equivalent durations, as specified.

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

This bill would provide that no reimbursement is required by this act for a specified reason. Staff from Resource Management noted their concerns that the bill removes local control from jurisdictions and caps the costs for permits in favor of cell service providers. It would also eliminate the CEQA requirement and the improved 5G technology would require a greater number of units to be co-located throughout the areas being served. Further concerns were raised as the unknown impacts to Travis AFB and the aesthetics of these units that would be scattered throughout the county. For this reason, the coastal corridor and historical areas have already been exempt from the bill.

The Legislative Committee recommended an OPPOSE position on this bill.