

DATE SUBMITTED 9/10/2021
 SUBMITTED BY ACM
 DATE ACTION REQUIRED 9/15/2021

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS em

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: OPPOSE STATE LEGISLATION RELATING TO HOUSING, CITY GOVERNANCE AND EMPLOYEE RELATIONS, AND PUBLIC SAFETY	
1. OPPOSE THE FOLLOWING PIECES OF PROPOSED STATE LEGISLATION AND AUTHORIZE MAYOR KARIN EUGENIO TO SIGN OPPOSITION LETTERS ADDRESSED TO APPROPRIATE REPRESENTATIVES. <ul style="list-style-type: none"> • SB 9 (ATKINS) HOUSING DEVELOPMENT APPROVALS, OPPOSE AB 339 (LEE) LOCAL GOVERNMENT: OPEN AND PUBLIC MEETINGS, OPPOSE SB 278 (LEYVA) EMPLOYEE RETIREMENT BENEFITS DISALLOWED COMPENSATION, OPPOSE AB 48 (GONZALEZ) LAW ENFORCEMENT USE OF FORCE, AND OPPOSE SB 2 (BRADFORD) PEACE OFFICERS: CERTIFICATION-CIVIL RIGHTS 	
DEPARTMENT INVOLVED: City Manager's Office	
BACKGROUND/SUMMARY: In review of Cal Cities latest legislative update, staff requests the City Council's consideration in taking a position of opposition for the listed pieces of legislature due to their potential negative impact on the community and city employees. Please see the attached documents for further information on the various pieces of legislation.	
FISCAL IMPACT: To be determined	ADMIN SERV INITIALS _____
STAFF RECOMMENDATION:	DEPT. INITIALS _____
MANAGER'S RECOMMENDATION: Recommend to oppose the presented pieces of legislation	CITY MANAGER'S INITIALS <u>AB</u>
MOTION:	
SECONDED:	APPROVED () REJECTED ()
AYES:	DISAPPROVED () DEFERRED ()
NAYES:	
ABSENT:	REFERRED TO:

Summary of Legislation Requesting Position of Opposition

Housing and Homelessness Key Bills Status

[SB 9 \(Atkins\) Housing Development Approvals.](#)

This measure would require a local government to ministerially approve a housing development containing two residential units in single-family zones. Additionally, this measure would require local governments to ministerially approve urban lot split. Recent amendments now narrowly allow cities to deny projects on CEQA-related concerns. Lawmakers also added language to SB 9 to help prevent speculative construction.

Governance, Transparency and Labor Relations Key Bills Status

[AB 339 \(Lee\) Local government: open and public meetings.](#)

This measure will require city councils and boards of supervisors in jurisdictions with populations over 250,000 to provide both in-person and teleconference options for the public to participate in meetings. Affected local agencies are concerned about their ability to conduct a Brown Act-compliant meeting if a teleconferencing service fails, even if the failure only affects some callers, as happens during the Legislature's own hearings. By not including any limits on participation or length of testimony, this bill will allow a relatively small group of people from anywhere in the world to disrupt a local government meeting. While this might sound farfetched, it is a situation that has been occurring since last March. AB 339 also explicitly requires in-person meetings during declared states of emergency, at least for members of the public, even when providing an in-person location is unsafe for the public and for any staff required to attend. This undercuts the safety-oriented provisions of AB 361 and unnecessarily endangers the lives of local agency workers.

[SB 278 \(Leyva\) Employee Retirement Benefits Disallowed Compensation](#)

This measure requires public agencies to pay 20% of benefits deemed unlawful by CalPERS as a "penalty." Creates a system whereby CalPERS not only assesses "penalties" on public employers, but collects and retains a portion of the financial penalties from benefits that they alone deem unlawful, even if CalPERS had previously deemed the benefits lawful when reviewing the MOUs.

Public Safety Key Bills Status

[AB 48 \(Gonzalez, L\) Law enforcement: use of force.](#)

This measure would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with

specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control.

SB 2 (Bradford D) Peace officers: certification: civil rights.

Under current law, the Tom Bane Civil Rights Act, if a person or persons, whether or not acting under color of law, interferes or attempts to interfere, by threats, intimidation, or coercion, with the exercise or enjoyment by any individual or individuals of rights secured by the Constitution or laws of the United States, or of the rights secured by the Constitution or laws of this state, the Attorney General, or any district attorney or city attorney, is authorized to bring a civil action for injunctive and other appropriate equitable relief in the name of the people of the State of California, in order to protect the exercise or enjoyment of the right or rights secured. Current law also authorizes an action brought by the Attorney General, or any district attorney or city attorney, to seek a civil penalty of \$25,000. Current law also allows an individual whose exercise or enjoyment of rights has been interfered with to prosecute a civil action for damages on their own behalf. This bill would eliminate certain immunity provisions for peace officers and custodial officers, or public entities employing peace officers or custodial officers sued under the act.