



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 OF BEVERLY HILLS
455 N. Rexford Drive
Beverly Hills, CA 90210

TELEPHONIC / VIDEO CONFERENCE MEETING

Beverly Hills Liaison Meeting

<https://beverlyhills-org.zoom.us/my/bhliaison>

Meeting ID: 312 522 4461

Passcode: 90210

You can also dial in by phone:

+1 669 900 9128 US

+1 888 788 0099

One tap mobile

+16699009128,,3125224461#,,,,*90210#

+18887880099,,3125224461#,,,,*90210# Toll-Free

Wednesday, September 15, 2021
10:00 AM

Pursuant to Executive Order N-25-20, members of the Beverly Hills City Council and staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public can view this meeting through live webcast at www.beverlyhills.org/live and on BH Channel 10 or Channel 35 on Spectrum Cable, and can participate in the teleconference/video conference by using the link above. Written comments may be emailed to mayorandcitycouncil@beverlyhills.org.

AGENDA

A. Oral Communications

1. Public Comment

Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.

B. Direction

1. Senate Bill 314 (Wiener) - Alcoholic beverages

Comment: This item seeks direction on SB 314. This bill authorizes the Department of Alcohol Beverage Control (ABC) to, for 365 days from the date the Covid-19 state of emergency is lifted, allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a Covid-19 temporary catering authorization. This bill amends a different section of state law than AB 61.

2. Assembly Bill 61 (Gabriel) - Business pandemic relief

Comment: This item seeks direction on AB 61. This bill authorizes the Department of Alcohol Beverage Control (ABC), for 365 days from the date the Covid-19 pandemic state of emergency proclaimed by the Governor is lifted, to allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a COVID-19 Temporary Catering Authorization. This bill amends a different section of state law than SB 314.

3. Assembly Bill 603 (McCarty) - Law enforcement settlements and judgments: reporting

Comment: This item seeks direction on AB 603. This bill requires law enforcement agencies to post online, annually, specified information about money spent on law enforcement related settlements and judgments.

4. Assembly Bill 970 (McCarty) - Planning and zoning: electric vehicle charging stations: permit application: approval

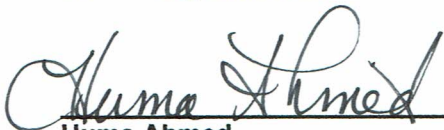
Comment: This item seeks direction on AB 970, which would establish specific time frames in which local agencies must approve permits for electric vehicle (EV) charging stations

5. State and Federal Legislative Updates

Comment: The City's state and federal lobbyists will provide a verbal update to the Liaisons on various legislative issues.

6. Future Agenda Items Discussion

C. Adjournment



Huma Ahmed
City Clerk

Posted: September 13, 2021

A DETAILED LIAISON AGENDA PACKET IS AVAILABLE FOR REVIEW AT
WWW.BEVERLYHILLS.ORG



Pursuant to the Americans with Disabilities Act, the City of Beverly Hills will make reasonable efforts to accommodate persons with disabilities. If you require special assistance, please call (310) 285-1014 (voice) or (310) 285-6881 (TTY). Providing at least forty-eight (48) hours advance notice will help to ensure availability of services.

Item B-1



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cynthia Owens, Policy and Management Analyst
DATE: September 15, 2021
SUBJECT: Senate Bill 314 (Wiener) - Alcoholic beverages
ATTACHMENTS: 1. Summary Memo – SB 314
2. Bill Text – SB 314

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Senate Bill 314 (Wiener) - Alcoholic beverages (SB 314) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw Yoder Antwih Schmelzer & Lange, provided a summary memo for SB 314 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of SB 314, the Liaisons may recommend the following actions:

- 1) Request the Governor Veto SB 314;
- 2) Request the Governor Sign SB 314;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on SB 314, then staff will place the item on the September 21, 2021, City Council Agenda for concurrence.

Attachment 1



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

September 9, 2021

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: SB 314 (Wiener) Alcoholic beverages

As Amended on August 30, 2021

Summary

SB 314 (Wiener) authorizes the Department of Alcohol Beverage Control (ABC) to, for 365 days from the date the Covid-19 state of emergency is lifted, allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a Covid-19 temporary catering authorization, as provided. In addition, this bill allows a licensed manufacturer to share a common licensed area with multiple licensed retailers, as specified. Finally, this bill increases the number of times, from 24 to 36 in a calendar year, that the Department of ABC can issue a caterer's permit for use at any one location.

Specifically, this bill:

1. Authorizes the Department of ABC, for 365 days from the date when the Covid-19 state of emergency order is lifted, to permit licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a Covid-19 temporary catering permit, as defined.
2. Provides that the Covid-19 temporary catering permits approved by the Department of ABC shall be subject to terms and conditions established by the department.
3. Authorizes the Department of ABC to extend the period that the Covid-19 temporary permit is valid beyond the 365 days if the licensee has filed a pending application with the department for the permanent expansion of the premises.
4. Authorizes an alcohol manufacturer to share a common licensed area with multiple retailers, as specified.
5. Increases the number of times, from 24 to 36 in a calendar year, that the Department of ABC can issue a caterer's permit for use at any one location.

Background

On March 15, 2020, the Department of ABC issued its Fourth Notice of Regulatory Relief, which was intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives. The notice created the Covid-19 temporary catering

permit, which authorizes the on-site consumption of alcoholic beverages for which the licensee has on-sale privileges; on property adjacent to the licensed premises and under the control of the licensee.

A qualified business is required to apply to the Department of ABC. It includes a diagram that identifies the requested area in relation to the existing licensed premise. Before applying, the licensee is responsible for, among other things, ensuring they have the legal authority to use the area requested, ensuring that the temporary expansion request has the approval of local agencies, and ensuring the temporary expansion request is being made in accordance with applicable city, county, and state guidelines regarding social distancing and the legality of the business being open for in-person service.

If the temporarily authorized area is being utilized by one or more other licensees, all licensees sharing the area are jointly responsible for compliance with all applicable laws and rules pertaining to their respective licenses and authorizations and for any violations that may occur within the shared common temporarily authorized area. If at any point a licensee wants to terminate its liability for a shared area, it must cancel its Covid-19 Temporary Catering Authorization.

This bill provides the Department of ABC with the authority necessary to continue allowing licensees to continue operating under the Covid-19 Temporary Catering Authorization permit for 365 days after the emergency order is lifted. This bill also allows the Department of ABC to extend the 365 days as long as the licensee has applied to the department to expand their licensed premises. Alcohol licensees would still need to follow all of the rules set forth under the fourth regulatory relief and continue to need local approval.

This bill also allows an alcohol manufacturer to share a common area with multiple retailers subject to various requirements. Among other things, this bill requires all licensees holding licenses within the shared common licensed area to be jointly responsible for compliance with all laws that may subject their license to disciplinary action.

Status of Legislation

The bill is pending action by the Governor.

Arguments in Support

According to the City and County of San Francisco, “with indoor service severely limited to-date, outdoor dining on sidewalks and in curb lanes has been critical to the survival of San Francisco’s restaurants and bars over the past year. Even with the prospect of full indoor reopening in the near future, outdoor service will continue to play a vital role in helping these businesses pay off outstanding rent and other debts accrued during the pandemic. SB 314 is a critical piece of legislation that will directly respond to the immediate challenges facing San Francisco’s nightlife sector. The ability to continue serving alcohol in outdoor areas is vital to the industry’s survival. The bill’s catering reforms will help businesses statewide employ creativity to generate additional revenue during our economic recovery and in the years beyond.”

Arguments in Opposition

The California Alcohol Policy Alliance is opposed to SB 314, “because it is another over-reaching grab bag of disparate issues opportunistically promoted by the alcohol industry. It is nothing more than a dangerous deregulation for the sake of corporate profits yet masquerading as phony [Covid-19] emergency management.”

Support

California Downtown Association
California Travel Association
Central City Association
City and County of San Francisco
City of Alameda
City of Desert Springs
City of Indian Wells
City of La Quinta
City of Menifee
City of Murrieta
City of Palm Desert
City of Palm Springs
Diaego
Independent Hospitality Coalition
Marin Council of Chambers
Mill Valley Chamber of Commerce & Visitor Center
Napa Valley Vintners
San Diego Regional Chamber of Commerce
San Francisco Chamber of Commerce
Santa Monica Chamber of Commerce
Southwest California Legislative Council
Tiburon Peninsula Chamber of Commerce
Westside Council of Chambers of Commerce

Opposition

Alcohol Justice
California Alcohol Policy Alliance
California Council on Alcohol Problems

Attachment 2

Senate Bill No. 314

Passed the Senate September 3, 2021

Secretary of the Senate

Passed the Assembly September 2, 2021

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 23399 and 25607 of, and to add and repeal Section 25750.5 of, the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 314, Wiener. Alcoholic beverages.

(1) The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law generally provides that a violation of the Alcoholic Beverage Control Act is a misdemeanor.

Existing law authorizes the issuance of a caterer's permit, upon application to the department, to a licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans' club license, that authorizes the holder of the permit to sell alcoholic beverages at specified locations and events, including, among others, conventions, sporting events, and trade exhibits. Under existing law, licensees are required to first obtain consent from the department for sales of alcoholic beverages at each event in the form of a catering or event authorization. The department, pursuant to its powers and in furtherance of emergency declarations and orders of the Governor under the California Emergency Services Act regarding the spread of the COVID-19 virus, has prescribed temporary relief measures to suspend certain legal restrictions relating to, among other things, the expansion of a licensed footprint, sales of alcoholic beverages to-go, and delivery privileges.

This bill would prohibit the issuance of a catering authorization for use at any one premises for more than 36 events in one calendar year, except as specified.

This bill would authorize the department, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an

expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued by the department, as specified. The bill would also authorize the department to extend the period of time during which the COVID-19 Temporary Catering Authorization is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. The bill would make these provisions effective only until July 1, 2024, and repeal them as of that date.

(2) Existing law, with exceptions, prohibits a licensee from having, upon the licensed premises, any alcoholic beverages other than the alcoholic beverage that the licensee is authorized to sell at the premises under their license, and makes a violation of this prohibition punishable as a misdemeanor.

This bill would, as an exception to that prohibition, authorize a licensed manufacturer to share a common licensed area with multiple licensed retailers, subject to specified provisions, including, but not limited to, that (A) a licensee sharing the common licensed area with a licensed manufacturer is prohibited from selling or serving any alcoholic beverages that are manufactured, produced, bottled, processed, imported, rectified, distributed, represented, or sold by the manufacturer, as provided, (B) the licensed manufacturer may, in connection with the operation of the shared common area only, advertise or promote the common licensed area, provided that each retailer pays its pro rata share of the costs of such advertising or promotion, as specified, (C) no thing of value may be given or furnished by the manufacturer to the retailers, except as specified, (D) the manufacturer may have on the area of its licensed premises that encompass the shared common licensed area alcoholic beverages that would not otherwise be permitted on the manufacturer's licensed premises, as provided, (E) all licensees sharing the common licensed area are required to hold the same license type retailers, (F) all licensees holding licenses within the shared common licensed area are jointly responsible for compliance with all laws that may subject their license to discipline, and (G) the manufacturer maintains records necessary to establish its compliance, as specified.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The COVID-19 pandemic has had a huge financial impact on restaurants, bars, retailers, and small businesses throughout the state, including sidewalk vendors who are only now beginning to return to local streets, boardwalks, and piers.

(b) Senate Bill 946 (Chapter 459 of the Statutes of 2018) established a statewide framework for the local regulation of sidewalk vendors to sell food or merchandise.

(c) Nothing in this measure should unintentionally roll back existing protections given to these microbusinesses under the existing sidewalk vendor law, create additional restrictions, limitations, or requirements on local sidewalk vendors, or limit any local authority from creating, maintaining, and enforcing a local sidewalk vendor program.

(d) These protections ensure that entrepreneurial microbusinesses, many of whom come from low-income and immigrant communities, are protected and promoted in our collective push for statewide economic revitalization and resumption of commercial activities, post-pandemic.

SEC. 2. Section 23399 of the Business and Professions Code is amended to read:

23399. (a) An on-sale general license authorizes the sale of beer, wine, and distilled spirits for consumption on the premises where sold. Any licensee under an on-sale general license, an on-sale beer and wine license, a club license, or a veterans' club license may apply to the department for a caterer's permit. A caterer's permit under an on-sale general license shall authorize the sale of beer, wine, and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events held any place in the state approved by the department. A caterer's permit under an on-sale beer and wine license shall authorize the sale of beer and wine for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings, or similar events held any place in the

state approved by the department. A caterer's permit under a club license or a veterans' club license shall authorize sales at these events only upon the licensed club premises.

(b) Any licensee under an on-sale general license or an on-sale beer and wine license may apply to the department for an event permit. An event permit under an on-sale general license or an on-sale beer and wine license shall authorize, at events held no more frequently than four days in any single calendar year, the sale of beer, wine, and distilled spirits only under an on-sale general license or beer and wine only under an on-sale beer and wine license for consumption on property adjacent to the licensed premises and owned or under the control of the licensee. This property shall be secured and controlled by the licensee and not visible to the general public.

(c) (1) This section shall in no way limit the power of the department to issue special licenses under the provisions of Section 24045 or to issue daily on-sale general licenses under the provisions of Section 24045.1. Consent for sales at each event shall be first obtained from the department in the form of a catering or event authorization issued pursuant to rules prescribed by it. Any event authorization shall be subject to approval by the appropriate local law enforcement agency. The daily fee for each catering or event authorization shall be based on the estimated attendance at each day of the event, as follows:

(A) One hundred dollars (\$100) when anticipated attendance is less than 1,000 people.

(B) Three hundred twenty-five dollars (\$325) when anticipated attendance is at least 1,000 people and less than 5,000 people.

(C) One thousand dollars (\$1,000) when anticipated attendance is 5,000 people or more.

(2) All fees collected pursuant to this section shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.

(d) At all approved events, the licensee may exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the act pertaining to the conduct of on-sale premises and violation of those provisions may be grounds for suspension or revocation of the licensee's license or permit, or both, as though the violation occurred on the licensed premises.

(e) The fee for a caterer's permit for a licensee under an on-sale general license, a caterer's permit for a licensee under an on-sale beer and wine license, or an event permit for a licensee under an on-sale general license or an on-sale beer and wine license shall be the annual fee as specified in subdivision (b) of Section 23320, and the fee for a caterer's permit for a licensee under a club license or a veterans' club license shall be as specified in Section 23320, and the permit may be renewable annually at the same time as the licensee's license. A caterer's or event permit shall be transferable as a part of the license.

(f) A catering authorization shall not be issued for use at any one premises for more than 36 events in one calendar year, except when the department determines additional events may be catered to satisfy substantial public demand.

SEC. 3. Section 25607 of the Business and Professions Code is amended to read:

25607. (a) Except as provided in subdivisions (b), (c), (d), and (e), it is unlawful for any person or licensee to have upon any premises for which a license has been issued any alcoholic beverages other than the alcoholic beverage which the licensee is authorized to sell at the premises under their license. It shall be presumed that all alcoholic beverages found or located upon premises for which licenses have been issued belong to the person or persons to whom the licenses were issued. Every person violating the provisions of this section is guilty of a misdemeanor. The department may seize any alcoholic beverages found in violation of this section.

(b) Except as provided in subdivision (c), a bona fide public eating place for which an on-sale beer and wine license has been issued may have upon the premises brandy, rum, or liqueurs for use solely for cooking purposes.

(c) (1) A licensed winegrower, licensed beer manufacturer that holds a small beer manufacturer's license, and a licensed craft distiller, in any combination, whose licensed premises of production are immediately adjacent to each other and which are not branch offices, may, with the approval of the department and under such conditions as the department may require, share a common licensed area in which the consumption of alcoholic beverages is permitted, only under all of the following circumstances:

(A) The shared common licensed area is adjacent and contiguous to the licensed premises of the licensees.

(B) The licensed premises of the licensees are not branch offices.

(C) The shared common licensed area shall be readily accessible from the premises of the licensees without the necessity of using a public street, alley, or sidewalk.

(D) Except as otherwise authorized by this division, the alcoholic beverages that may be consumed in the shared common licensed area shall be purchased by the consumer only from the licensed winegrower, the licensed beer manufacturer, or the licensed craft distiller.

(E) The licensed winegrower, the licensed beer manufacturer, and the licensed craft distiller shall be jointly responsible for compliance with the provisions of this division and for any violations that may occur within the shared common licensed area.

(2) Nothing in this subdivision is intended to authorize the licensed winegrower, the licensed beer manufacturer, or the licensed craft distiller to sell, furnish, give, or have upon their respective licensed premises any alcoholic beverages, or to engage in any other activity, not otherwise authorized by this division, including, without limitation, the consumption on the premises of any distilled spirits purchased by consumers for consumption off the premises pursuant to Section 23504 or the consumption of distilled spirits other than as permitted by Section 23363.1.

(d) The holder of a beer manufacturer's license, winegrower's license, brandy manufacturer's license, distilled spirits manufacturer's license, craft distiller's license, any rectifier's license, any importer's license, or any wholesaler's license, that holds more than one of those licenses for a single premises, may have alcoholic beverages that are authorized under those licenses at the same time anywhere within the premises for purposes of production and storage, if the holder of the licenses maintains records of production and storage that identify the specific location of each alcoholic beverage product within the premises. Nothing in this subdivision is intended to allow a licensee to hold licenses, alone or in combination, or to exercise any license privileges, not otherwise provided for or authorized by this division.

(e) Notwithstanding any provision to the contrary, a licensed manufacturer may share a common licensed area with multiple licensed retailers, subject to the provisions of this subdivision.

(1) No retail licensee sharing the common licensed area with a licensed manufacturer shall sell or serve any alcoholic beverages that are manufactured, produced, bottled, processed, imported, rectified, distributed, represented, or sold by the manufacturer, directly or indirectly. This prohibition shall apply to all licensed premises owned or operated, in whole or in part, by the retail licensee anywhere in the state. No wholesaler shall be responsible for compliance with this paragraph.

(2) The licensed manufacturer may, in connection with the operation of the shared common area only, advertise or promote the common licensed area, including, but not limited to, any advertising or promotion related to the licensed retailers sharing the common licensed area, provided that each retailer pays its pro rata share of the costs of that advertising or promotion. The cost attributed to each retailer's pro rata share shall not be less than the current market price for that advertising or promotion.

(3) The licensed manufacturer may, in connection with the operation of the shared common area only, pay its pro rata share of the cost of the operation of the shared common area, including, but not limited to, the cost of renting, utilities, or any other operating costs for the area.

(4) Except as provided in paragraphs (2) and (3), no other thing of value may be given or furnished by the manufacturer to the retailers.

(5) The manufacturer may have on the area of its licensed premises that encompass the shared common licensed area alcoholic beverages that would not otherwise be permitted on the manufacturer's licensed premises. This provision does not authorize the possession of alcoholic beverages not otherwise permitted on the manufacturer's licensed premises that is not part of the shared common licensed area.

(6) All retailers sharing the common licensed area shall hold the same license type. Nothing in this subdivision shall authorize any of the retailers to exercise license privileges that are not authorized by their license.

(7) All licensees holding licenses within the shared common licensed area shall be jointly responsible for compliance with all laws that may subject their license to discipline.

(8) A wholesaler does not directly or indirectly underwrite, share in, or contribute to any costs related to the common licensed area.

(9) The manufacturer maintains records necessary to establish its compliance with this section.

(10) (A) This subdivision does not authorize a licensed manufacturer to share a common licensed area with a single retailer or with multiple retailers under common ownership, in whole or in part.

(B) This subdivision is intended to be a narrow exception to the separation of manufacturers and retailers. This subdivision shall be narrowly construed.

(11) The Legislature finds and declares both of the following:

(A) It is necessary and proper to require a separation between manufacturing interests, wholesale interests, and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages produced by overly aggressive marketing techniques.

(B) Any exception established by the Legislature to the general prohibition against tied interests must be limited to the express terms of the exception so as to not undermine the general prohibitions.

SEC. 4. Section 25750.5 is added to the Business and Professions Code, to read:

25750.5. (a) For a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, the Department of Alcoholic Beverage Control may permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering Authorization approved in accordance with the Fourth Notice of Regulatory Relief issued by the department on May 15, 2020. A COVID-19 Temporary Catering Authorization authorizes the on-sale consumption of those alcoholic beverages for which the licensee has on-sale privileges on property that is adjacent to the licensed premises, under the control of the licensee. The department may extend the period of time during which the COVID-19 Temporary Catering Authorization is valid beyond 365 days if the licensee has filed a

pending application with the department for the permanent expansion of their premises before the 365-day time period expires.

(b) The COVID-19 Temporary Catering Authorization approved by the department shall be subject to those terms and conditions established by the department and as stated in the Fourth Notice of Regulatory Relief and the related application form, including, but not limited to, that the authorization may be canceled as determined by the department, as provided in the Fourth Notice, which includes, but is not limited to, upon objection by local law enforcement or if operation of the temporarily authorized area is inconsistent with state or local public health directives.

(c) Notwithstanding any other provision of law, if the department determines that any licensee is found to be abusing the relief provided by this section, or if the licensee's actions jeopardize public health, safety, or welfare, the department may summarily rescind the relief as to that licensee at any time.

(d) This section shall remain in effect only until July 1, 2024, and as of that date is repealed.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to address the economic loss restaurants and bars have sustained after being hit extremely hard by COVID-19 and to protect against further loss, which will help ensure public health and safety, it is necessary for this act to take effect immediately.

Approved _____, 2021

Governor

Item B-2



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cynthia Owens, Policy and Management Analyst

DATE: September 15, 2021

SUBJECT: Assembly Bill 61 (Gabriel) - Business pandemic relief

ATTACHMENTS: 1. Summary Memo – AB 61
2. Bill Text – AB 61

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 61 (Gabriel) - Business pandemic relief (AB 61) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw Yoder Antwih Schmelzer & Lange, provided a summary memo for AB 61 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 61, the Liaisons may recommend the following actions:

- 1) Request the Governor Veto AB 61;
- 2) Request the Governor Sign AB 61;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 61, then staff will place the item on the September 21, 2021, City Council Agenda for concurrence.

Attachment 1



September 9, 2021

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: AB 61 (Gabriel and Gipson) Business pandemic relief.

Version

As Amended on August 26, 2021

Summary

AB 61 (Gabriel and Gipson) authorizes the Department of Alcohol Beverage Control (ABC) to, for 365 days from the date the Covid-19 state of emergency is lifted, allow licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a Covid-19 temporary catering authorization, as provided.

Specifically, this bill:

1. Authorizes the Department of ABC, for 365 days from the date when the Covid-19 state of emergency order is lifted, to permit licensees to continue to exercise license privileges in an expanded licensed area authorized pursuant to a Covid-19 temporary catering, as defined.
2. Authorizes the Department of ABC to extend the period that the Covid-19 Temporary Catering Authorization is valid beyond the 365 days if the licensee has filed a pending application for the permanent expansion of their premises before the 365-day time period expires.
3. Provides that the Covid-19 temporary catering permits approved by the Department of ABC shall be subject to terms and conditions established by the department and as stated in the Fourth Notice of Regulatory relief and the related application form, including, but not limited to, that the authorization may be canceled by the Department of ABC, as specified.
4. Authorizes the Department of ABC, if the department determines that any licensee is found to be abusing the relief, or if the licensee's actions jeopardize public health, safety, or welfare, to rescind the relief as to that licensee at any time.
5. Authorizes, for a period of one year after the end of the state of emergency related to the Covid-19 pandemic, a permitted food facility within any local jurisdiction that is subject to retail food operation restrictions related to a Covid-19 public health response to prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit, as specified.

6. Provides, that beginning on January 1, 2022 and ending on January 1, 2024, to the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with required parking for existing uses, a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas shall reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area
7. Includes an urgency statute.

Background

On March 15, 2020, the Department of ABC issued its Fourth Notice of Regulatory Relief, which was intended to assist qualified hospitality businesses with reopening in a manner that is consistent with local and state health and safety directives. The notice created the Covid-19 temporary catering permit, which authorizes the on-site consumption of alcoholic beverages for which the licensee has on-sale privileges; on property adjacent to the licensed premises and under the control of the licensee. On June 3, 2021, the Department of ABC issue its Eight Notice of Regulatory relief, which extended a number of the previous reliefs until December 31, 2021. Included in that was extension of the Covid-19 temporary catering permit.

A qualified business is required to apply to the Department of ABC. It includes a diagram that identifies the requested area in relation to the existing licensed premise. Before applying, the licensee is responsible for, among other things, ensuring they have the legal authority to use the area requested, ensuring that the temporary expansion request has the approval of local agencies, and ensuring the temporary expansion request is being made in accordance with applicable city, county, and state guidelines regarding social distancing and the legality of the business being open for in-person service.

If approved, the licensee is authorized to exercise only those privileges authorized by the licensee's license and shall comply with all provisions of the ABC Act pertaining to the conduct of on-sale premises. Violations of these provisions, as well as the terms and conditions of the Covid-19 Temporary Catering Authorization, may be grounds for suspension or revocation of the licensee's license, as though the violation occurred on the licensed premises.

If the temporarily authorized area is being utilized by one or more other licensees, all licensees sharing the area are jointly responsible for compliance with all applicable laws and rules pertaining to their respective licenses and authorizations and for any violations that may occur within the shared common temporarily authorized area. If at any point a licensee wants to terminate its liability for a shared area, it must cancel its Covid-19 Temporary Catering Authorization.

The Department of ABC may further cancel the Covid-19 Temporary Catering Authorization for disturbance of the quiet enjoyment of nearby residents and upon objection by local law enforcement. In addition, since none of the relief measures are expressly authorized by law, the Covid-19 Temporary Catering Authorization will likely end as soon as the Covid-19 emergency order is lifted. While current law already includes a process by which licenses could permanently expand their licensed premises and thus continue to use the space, it can be time-consuming since it provides input from various stakeholders, including local governments, law enforcement, and members of the public.

This bill provides the Department of ABC with the authority necessary to continue to allow licensees to continue to operate under the Covid-19 Temporary Catering Authorization permit for

a period of 365 days after the emergency order is lifted. Alcohol licensees would still need to follow all of the rules set forth under the fourth regulatory relief and would continue to need local approval.

Status of Legislation

The bill is pending action by the Governor.

Arguments in Support

According to the Los Angeles County Business Federation, “the restaurant industry has been disproportionately affected by COVID-19. Out of 1.4 million restaurant workers in California prior to the pandemic, approximately 1 million of them have been laid-off or unemployed during the past year. In Los Angeles County, Yelp estimated that 15,000 restaurants have closed permanently or suspended operations in the past year due to the mandated COVID-19 closures. AB 61 will bring much needed relief to the restaurant industry by allowing local cities to expand outdoor dining programs and coffee bars to be set up outdoors.”

Arguments in Opposition

According to Alcohol Justice, “AB 61 is an undeserved and unnecessary giveaway to restaurants that effectively takes away local control and forces the Department of ABC to reduce regulations. If passed AB 61 will expand availability of alcohol to locations, events, and public spaces, thus extensively threatening public health and safety.”

Support

California Restaurant Association (source)
Bowling Centers of Southern California
California Travel Association
Capri Club Restaurant
Central City Association
City of Glendora
City of San Diego
City of Santa Monica
Eric Garcetti, Mayor, City of Los Angeles
Hollywood Chamber of Commerce
Independent Hospitality Coalition
Hillcrest Business Association

League of California Cities
Los Angeles Business Council
Los Angeles County Board of Supervisors
Los Angeles County Business Federation
MacLeod Ale Brewing Company
San Gabriel Valley Council of Governments
Small Business California
Terroni
Three Mules Restaurant
Valley Industry and Commerce Association
Westside Council of Chamber of Commerce
Whole Cluster Hospitality

Opposition

Alcohol Justice
Asian American Drug Abuse Program, Inc.
California Alcohol Policy Alliance
Future Leaders of America
Paso por Paso
Pueblo y Salud, Inc.
San Marcos Prevention Coalition
Women’s Christian Temperance Union of Southern California

Attachment 2

AMENDED IN SENATE AUGUST 26, 2021
AMENDED IN SENATE JULY 15, 2021
AMENDED IN SENATE JULY 5, 2021
AMENDED IN SENATE JUNE 23, 2021
AMENDED IN ASSEMBLY MAY 24, 2021
AMENDED IN ASSEMBLY MAY 3, 2021
AMENDED IN ASSEMBLY APRIL 14, 2021
AMENDED IN ASSEMBLY FEBRUARY 16, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 61

Introduced by Assembly Members Gabriel and Gipson

(Principal coauthors: Senators Hertzberg and Wiener)

(Coauthors: Assembly Members Aguiar-Curry, Burke, Carrillo, Chiu, Cooper, Cunningham, Daly, Davies, Flora, Eduardo Garcia, Nazarian, Blanca Rubio, Smith, and Valladares)

(Coauthors: Senators Allen, Bates, Gonzalez, and Rubio)

December 7, 2020

An act to add and repeal Section 25750.5 of the Business and Professions Code, to add and repeal Section 65907 of the Government Code, and to amend Section 114067 of the Health and Safety Code, relating to business pandemic relief, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 61, as amended, Gabriel. Business pandemic relief.

(1) Existing law, the Alcoholic Beverage Control Act, is administered by the Department of Alcoholic Beverage Control and regulates the granting of licenses for the manufacture, distribution, and sale of alcoholic beverages within the state. The act requires the department to make and prescribe rules to carry out the purposes and intent of existing state constitutional provisions on the regulation of alcoholic beverages, and to enable the department to exercise the powers and perform the duties conferred upon it by the state constitution and the act, not inconsistent with any statute of this state. The act makes it unlawful for any person other than a licensee of the department to sell, manufacture, or import alcoholic beverages in this state, with exceptions. The department, pursuant to its powers and in furtherance of emergency declarations and orders of the Governor under the California Emergency Services Act regarding the spread of the COVID-19 virus, has established prescribed temporary relief measures to suspend certain legal restrictions relating to, among other things, the expansion of a licensed footprint, sales of alcoholic beverages to-go, and delivery privileges.

This bill would authorize the department, for a period of 365 days following the end of the state of emergency proclaimed by the Governor on March 4, 2020, in response to the COVID-19 pandemic, to permit licensees to exercise license privileges in an expanded license area authorized pursuant to a COVID-19 Temporary Catering ~~Permit Authorization~~ approved in accordance with the Fourth Notice of Regulatory Relief issued by the department, as specified. The bill would also authorize the department to extend the period of time during which the COVID-19 ~~permit~~ *Temporary Catering Authorization* is valid beyond 365 days if the licensee has filed a pending application with the department for the permanent expansion of their premises before the 365-day time period expires. The bill would make these provisions effective only until July 1, 2024, and repeal them as of that date.

(2) The Planning and Zoning Law authorizes the legislative body of any city or county to adopt ordinances that regulate zoning within its jurisdiction, as specified. Under that law, variances and conditional use permits may be granted if provided for by the zoning ordinance.

This bill would, to the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, require a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining

areas to reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area. Because the bill would require local officials to perform additional duties, the bill would impose a state-mandated local program. The bill would make these provisions operative on January 1, 2022, and repeal them on July 1, 2024.

(3) Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities. Existing law restricts satellite food service to limited food preparation in a fully enclosed permanent food facility that meets specified requirements. Existing law requires a permanent food facility, prior to conducting satellite food service, to submit to the enforcement agency written operating standards.

This bill would, for a period of one year after the end of the state of emergency proclaimed by the Governor on March 4, 2020, related to the COVID-19 pandemic, or until January 1, 2024, whichever occurs first, authorize a permitted food facility within any local jurisdiction that is subject to retail food operation restrictions related to a COVID-19 public health response to prepare and serve food as a temporary satellite food service without obtaining a separate satellite food service permit or submitting written operating procedures. This bill would require the written operating procedures to be maintained onsite for review, upon request, by the local jurisdiction.

(4) 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.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25750.5 is added to the Business and
2 Professions Code, to read:

1 25750.5. (a) For a period of 365 days following the end of the
2 state of emergency proclaimed by the Governor on March 4, 2020,
3 in response to the COVID-19 pandemic, the Department of
4 Alcoholic Beverage Control may permit licensees to exercise
5 license privileges in an expanded license area authorized pursuant
6 to a COVID-19 Temporary Catering-~~Permit~~ *Authorization* approved
7 in accordance with the Fourth Notice of Regulatory Relief issued
8 by the department on May 15, 2020. A COVID-19 Temporary
9 Catering Authorization authorizes the on-sale consumption of
10 those alcoholic beverages for which the licensee has on-sale
11 privileges on property that is adjacent to the licensed premises,
12 under the control of the licensee. The department may extend the
13 period of time during which the COVID-19-~~permit~~ *Temporary*
14 *Catering Authorization* is valid beyond 365 days if the licensee
15 has filed a pending application with the department for the
16 permanent expansion of their premises before the 365-day time
17 period expires.

18 (b) The COVID-19 Temporary Catering-~~Permit~~ *Authorization*
19 approved by the department shall be subject to those terms and
20 conditions established by the department and as stated in the Fourth
21 Notice of Regulatory Relief and the related application-~~form~~ *form*,
22 *including, but not limited to, that the authorization may be canceled*
23 *as determined by the department, as provided in the Fourth Notice,*
24 *which includes, but is not limited to, upon objection by local law*
25 *enforcement or if operation of the temporarily authorized area is*
26 *inconsistent with state or local public health directives.*

27 (c) Notwithstanding any other provision of law, if the department
28 determines that any licensee is found to be abusing the relief
29 provided by this section, or if the licensee's actions jeopardize
30 public health, safety, or welfare, the department may summarily
31 rescind the relief as to that licensee at any time.

32 (d) This section shall remain in effect only until July 1, 2024,
33 and as of that date is repealed.

34 SEC. 2. Section 65907 is added to the Government Code, to
35 read:

36 65907. (a) To the extent that an outdoor expansion of a
37 business to mitigate COVID-19 pandemic restrictions on indoor
38 dining interferes with, reduces, eliminates, or impacts required
39 parking for existing uses, a local jurisdiction that has not adopted
40 an ordinance that provides relief from parking restrictions for

1 expanded outdoor dining areas shall reduce the number of required
2 parking spaces for existing uses by the number of spaces that the
3 local jurisdiction determines are needed to accommodate an
4 expanded outdoor dining area.

5 (b) This section shall become operative on January 1, 2022.

6 (c) This section shall remain in effect only until January 1, 2024,
7 and as of that date is repealed.

8 SEC. 3. Section 114067 of the Health and Safety Code is
9 amended to read:

10 114067. (a) Satellite food service is restricted to limited food
11 preparation.

12 (b) Satellite food service shall only be operated by a fully
13 enclosed permanent food facility that meets the requirements for
14 food preparation and service and that is responsible for servicing
15 the satellite food service operation.

16 (c) Prior to conducting satellite food service, the permitholder
17 of the permanent food facility shall submit to the enforcement
18 agency written standard operating procedures that include all of
19 the following information:

20 (1) All food products that will be handled and dispensed.

21 (2) The proposed procedures and methods of food preparation
22 and handling.

23 (3) Procedures, methods, and schedules for cleaning utensils,
24 equipment, structures, and for the disposal of refuse.

25 (4) How food will be transported to and from the permanent
26 food facility and the satellite food service operation, and procedures
27 to prevent contamination of foods.

28 (5) How potentially hazardous foods will be maintained in
29 accordance with Section 113996.

30 (d) All food preparation shall be conducted within a food
31 compartment or fully enclosed facility approved by the enforcement
32 officer.

33 (e) Satellite food service areas shall have overhead protection
34 that extends over all food handling areas.

35 (f) Satellite food service operations that handle nonprepackaged
36 food shall be equipped with approved handwashing facilities and
37 warewashing facilities that are either permanently plumbed or
38 self-contained.

39 (g) Notwithstanding subdivision (f), the local enforcement
40 agency may approve the use of alternative warewashing facilities.

1 (h) During nonoperating hours and periods of inclement weather,
2 food, food contact surfaces, and utensils shall be stored within any
3 of the following:

- 4 (1) A fully enclosed satellite food service operation.
- 5 (2) Approved food compartments where food, food contact
6 surfaces, and utensils are protected at all times from contamination,
7 exposure to the elements, ingress of vermin, and temperature abuse.
- 8 (3) A fully enclosed permanent food facility.

9 (i) Satellite food service activities shall be conducted by and
10 under the constant and complete control of the permitholder of the
11 fully enclosed permanent food facility, or the duly contracted
12 personnel of, or third-party providers to, the permitholder.

13 (j) For purposes of permitting and enforcement, the permitholder
14 of the permanent food facility and the permitholder of the satellite
15 food service shall be the same.

16 (k) (1) A permitted food facility within any local jurisdiction
17 that is subject to retail food operation restrictions related to a
18 COVID-19 public health response may prepare and serve food as
19 a temporary satellite food service without obtaining a separate
20 satellite food service permit or submitting written operating
21 procedures pursuant to subdivision (c). The written operating
22 procedures shall be maintained onsite for review, upon request,
23 by the local jurisdiction.

24 (2) This subdivision shall remain operative for a period of one
25 year following the end, pursuant to Section 8629 of the
26 Government Code, of the state of emergency proclaimed by the
27 Governor on March 4, 2020, related to the COVID-19 pandemic,
28 or until January 1, 2024, whichever occurs first.

29 SEC. 4. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 a local agency or school district has the authority to levy service
32 charges, fees, or assessments sufficient to pay for the program or
33 level of service mandated by this act, within the meaning of Section
34 17556 of the Government Code.

35 SEC. 5. This act is an urgency statute necessary for the
36 immediate preservation of the public peace, health, or safety within
37 the meaning of Article IV of the California Constitution and shall
38 go into immediate effect. The facts constituting the necessity are:

1 In order to provide relief to California businesses at the earliest
2 possible time, it is necessary that this act take effect immediately.

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Item B-3



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cynthia Owens, Policy and Management Analyst

DATE: September 15, 2021

SUBJECT: Assembly Bill 603 (McCarty) - Law enforcement settlements and judgments: reporting

ATTACHMENTS: 1. Summary Memo – AB 603
2. Bill Text – AB 603

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 603 (McCarty) - Law enforcement settlements and judgments: reporting relief (AB 603) involves a policy matter that is not specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw Yoder Antwih Schmelzer & Lange, provided a summary memo for AB 603 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 603, the Liaisons may recommend the following actions:

- 1) Request the Governor Veto AB 603;
- 2) Request the Governor Sign AB 603;
- 3) Remain neutral; or
- 4) Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 603, then staff will place the item on the September 21, 2021, City Council Agenda for concurrence.

Attachment 1



September 9, 2021

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: AB 603 (McCarty) Law enforcement settlements and judgments: reporting

Version

As Amended in the Senate on August 26, 2021

Summary

Requires local law enforcement agencies and the California Highway Patrol (CHP) to annually post information regarding money spent on settlements, judgements and other information on their websites. Specifically, this bill would:

- 1) Define "municipality" as a city, county, or city and county with a police department or a sheriff's department.
- 2) Require each municipality to post on its website how much money was spent on law enforcement settlements and judgements in the previous year.
- 3) Clarify that these settlements and judgements can be results of police misconduct including, excessive use of force, assault and battery, false arrest and more.
- 4) Require these municipalities to post how much they have paid out to plaintiffs on law enforcement settlements and judgments on or before February 1 of each year.
- 5) Establish that with each action posted on the website, all of the following shall be included:
 - a) The court in which the action was filed.
 - b) The name of the law firm representing the plaintiff.
 - c) The name of the law firm or agency representing each defendant.
 - d) The date the action was filed.
 - e) Whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment.
- 6) If the action has been resolved, the date on which it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff by the city, and, if so, the amount of the payment.
- 7) Establish that for any settlement or judgement paid for with municipal bonds, the municipality must post the amount, maturity and interest of the bond on its website.
- 8) Require the California State Transportation Agency (CalSTA) to provide the same information with regards to the CHP.

Status of Legislation

AB 603 (McCarty) has been approved by the Legislature and is pending on the Governor's desk.

Summary

Current law requires an agency to justify withholding any record by demonstrating that the record in question is exempt under express provisions of the California Public Records Act (CPRA) or that on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. When a member of the public requests to inspect or obtain a copy of a public record, the public agency must take reasonable steps to assist, guide the requestor.

The author points out that current law allows citizens to file civil suits or claims against local police or sheriff departments for misconduct or use of force incidents that result in death or serious bodily injury. These lawsuits are filed against local governments to recoup damages for injuries or loss of life. The damages awarded to victims in these cases can become costly for municipalities.

The officers in question are not responsible for the economic damages of these lawsuits. Instead, these settlements typically come from the general fund of the local jurisdiction involved, or if the law enforcement agency itself pays, then it is part of a specific line item set aside for settling officer misconduct litigation. The local agency must then allocate funds through their local budget process to their law enforcement agencies with the expectation that they will be financially liable for their wrongdoing, year over year.

Many cities and counties have liability insurance to cover costs of incidents such as trip-and-fall cases, government human resources cases, and workers' compensation claims. Local jurisdictions are also allowed to use liability insurance to cover claims of police misconduct, brutality, or death of a civilian by law enforcement.

Municipalities typically settle these claims out of court to avoid further scrutiny, and almost always in closed sessions of city council or board of supervisor's meetings. While these settlements are paid for by taxpayers, the author argues that the public will often only hear about these settlements from newspapers. Information about the financial implications of these police misconduct settlements are difficult to find and require Public Records Act (PRA) requests to get details.

AB 603 (McCarty) includes the following findings and declarations

- “Throughout the country, municipalities with the 20 largest police departments paid over \$2 billion since 2015 in misconduct claims. Of those 20 municipalities, four are located in California. The County of Los Angeles paid \$238,300,000, the City of Los Angeles paid \$172,200,000, the City of San Francisco paid \$22,000,000, and the City of San Diego paid \$12,500,000.
- In 2019, the City of Sacramento paid an insurance company \$2,000,000 in taxpayer dollars to secure up to \$35,000,000 for settlements and judgments. Among the payouts made in 2019 was the city's largest ever settlement, involving \$5,200,000 for a man who was so brutally beaten by a police officer that he requires intensive, life-long medical care.
- During the 2018–19 fiscal year, the County of Los Angeles paid over \$16,000,000 in judgments against the Sheriff's Department, another \$30,000,000 in settlements against the department, and incurred an additional \$80,000,000 in litigation expenses on behalf of the department. According to the county's annual report, “six of the nine most expensive settlements in FY 2018–19 stemmed from Law Enforcement excessive-force shooting fatalities involving the Sheriff's Department.”

- In addition to liability insurance, the board of supervisors or city council can authorize a general obligation bond to pay for these incidents of police misconduct and brutality. These types of general obligation bonds are so common that they are called Police Brutality Bonds by the Wall Street firms who profit from them. These bonds are paid for by taxpayers and take years to pay off due to additional fees and high interest rates.
- In 2009 and 2010, the City of Los Angeles issued \$71,400,000 in Police Brutality Bonds. Banks and other private firms collected more than \$1,000,000 in issuance fees on these two bonds. By the time these bonds are paid off, taxpayers will have handed over more than \$18,000,000 to investors—allowing Wall Street to profit from these incidents.”

Opponents argue that as many as 97 percent of civil cases that are filed are resolved other than by a trial. Many of these resolutions are settlements which are not based on culpability but rather on weighing the costs of settling outside of court versus potentially having to cover costly lawyers’ fees. Simply put, in most civil lawsuits, the defendant settles with the plaintiff because it is more economical to do so. Therefore, posting this information publicly would not portray an accurate picture of law enforcement interactions and conduct.

Support

ACLU California Action

All Home

American Civil Liberties Union, Northern California/Southern California/San Diego and Imperial Counties

California Attorneys for Criminal Justice

California Department of Insurance

California Faculty Association

California Federation of Teachers, AFL-CIO

California Immigrant Policy Center

California Public Defenders Association

Consumer Attorneys of California

Initiate Justice

Los Angeles County District Attorney’s Office

National Council of Jewish Women

Oakland Privacy

Opposition

League of California Cities

Attachment 2

AMENDED IN SENATE AUGUST 26, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 603

Introduced by Assembly Member McCarty

February 11, 2021

An act to add Section 12525.4 to the Government Code, relating to law enforcement.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, McCarty. Law enforcement settlements and judgments: reporting.

Existing law requires each law enforcement agency to annually furnish specified information to the Department of Justice regarding the use of force by a peace officer. Existing law also establishes the Department of the California Highway Patrol within the Transportation Agency.

This bill would require municipalities, as defined, to annually post on their internet websites specified information relating to settlements and judgments resulting from allegations of improper police conduct, including, among other information, amounts paid, broken down by individual settlement and judgment, *and* information on bonds used to finance use of force settlement and judgment ~~payments, and premiums paid for insurance against settlements or judgments resulting from allegations of improper police conduct.~~ *payments*. The bill would require the Transportation Agency to annually post the same information on its internet website regarding settlements and judgments against the Department of the California Highway Patrol. By increasing requirements for local governments, this bill would impose a state-mandated local program.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
2 following:
- 3 (a) On May 25, 2020, George Floyd was murdered by
4 Minneapolis police when an officer held his knee on his neck for
5 8 minutes and 46 seconds, resulting in his death.
- 6 (b) The outcry over this murder has resulted in demands for
7 police reform across the state and the nation.
- 8 (c) For decades, Californians have experienced horrific civil
9 rights violations, ~~injuries~~ *injuries*, and death at the hands of peace
10 officers.
- 11 (d) These incidents often result in civil lawsuits and payouts
12 made by cities, counties, and the state to the civilians harmed by
13 the actions of police officers, sheriffs' deputies, and other peace
14 officers. These settlements and judgments are often agreed to in
15 closed sessions at city council and board of supervisors meetings,
16 and settlements can range between thousands and millions of
17 dollars.
- 18 (e) Despite the burden these payouts have on local jurisdictions,
19 there is little publicly available information about the costs to
20 taxpayers of law enforcement liability, the manner in which
21 governments budget for and pay lawsuits involving law
22 enforcement, and the financial impact of these arrangements on
23 law enforcement agency budgets.
- 24 (f) Throughout the country, municipalities with the 20 largest
25 police departments paid over \$2 billion since 2015 in misconduct
26 claims. Of those 20 municipalities, four are located in California.
27 The County of Los Angeles paid \$238,300,000, the City of Los

1 Angeles paid \$172,200,000, the City of San Francisco paid
2 \$22,000,000, and the City of San Diego paid \$12,500,000.

3 (g) State law stipulates that individual officers do not pay
4 towards these settlements. Instead, these settlements typically come
5 from the general fund of the municipality involved, or if the law
6 enforcement agency itself pays, then it is part of a specific budget
7 line item set aside for settling officer misconduct litigation.
8 Municipal budgets allocate funds to their law enforcement agencies
9 with the expectation that they will be financially liable for their
10 wrongdoing, year over year.

11 (h) Cities and counties typically use liability insurance or general
12 obligation bonds procured by the municipality or state to pay for
13 police settlements. Cities and counties pay annually for liability
14 insurance, which is also used to cover trip-and-fall injuries and
15 workers' compensation claims, to cover the costs of settlements
16 involving police misconduct, brutality, or death of a civilian by a
17 peace officer.

18 (i) In 2019, the City of Sacramento paid an insurance company
19 \$2,000,000 in taxpayer dollars to secure up to \$35,000,000 for
20 settlements and judgments. Among the payouts made in 2019 was
21 the city's largest ever settlement, involving \$5,200,000 for a man
22 who was so brutally beaten by a police officer that he requires
23 intensive, life-long medical care.

24 (j) In 2017, the Los Angeles Police Department cost taxpayers
25 \$80,000,000 settling lawsuits involving officer misconduct.
26 Similarly, the County of Los Angeles paid out over \$50,000,000
27 in misconduct claims from 2015 to 2016, inclusive, the majority
28 of which were excessive force claims. Shootings alone cost the
29 County of Los Angeles \$60,000,000 between 2011 to 2016,
30 inclusive.

31 (k) During the 2018–19 fiscal year, the County of Los Angeles
32 paid over \$16,000,000 in judgments against the Sheriff's
33 Department, another \$30,000,000 in settlements against the
34 department, and incurred an additional \$80,000,000 in litigation
35 expenses on behalf of the department. According to the county's
36 annual report, "six of the nine most expensive settlements in FY
37 2018–19 stemmed from Law Enforcement excessive-force shooting
38 fatalities involving the Sheriff's Department."

39 (l) In addition to liability insurance, the board of supervisors or
40 city council can authorize a general obligation bond to pay for

1 these incidents of police misconduct and brutality. These types of
2 general obligation bonds are so common that they are called Police
3 Brutality Bonds by the Wall Street firms who profit from them.
4 These bonds are paid for by taxpayers and take years to pay off
5 due to additional fees and high interest rates.

6 (m) In 2009 and 2010, the City of Los Angeles issued
7 \$71,400,000 in Police Brutality Bonds. Banks and other private
8 firms collected more than \$1,000,000 in issuance fees on these
9 two bonds. By the time these bonds are paid off, taxpayers will
10 have handed over more than \$18,000,000 to investors—allowing
11 Wall Street to profit from the death or serious injury of a civilian
12 at the hands of a police officer.

13 (n) Therefore, it is the intent of the Legislature to enact
14 legislation to establish transparency requirements surrounding
15 police use of force settlements and judgments against police and
16 sheriff's departments and the Department of the California
17 Highway Patrol.

18 SEC. 2. Section 12525.4 is added to the Government Code, to
19 read:

20 12525.4. (a) (1) On or before February 1 of each year, each
21 municipality shall post on its internet website how much it ~~spent~~
22 *paid out to plaintiffs* on law enforcement settlements and judgments
23 during the previous year, resulting from allegations of improper
24 police conduct, including, but not limited to, claims involving the
25 use of force, assault and battery, malicious prosecution, or false
26 arrest or imprisonment, broken down by individual settlement or
27 judgment.

28 (2) For each action posted, the municipality shall include all of
29 the following information:

30 (A) The court in which the action was filed.

31 (B) The name of the law firm representing the plaintiff.

32 (C) The name of the law firm or agency representing each
33 defendant.

34 (D) The date the action was filed.

35 (E) Whether the plaintiff alleged improper police conduct,
36 including, but not limited to, claims involving use of force, assault
37 and battery, malicious prosecution, or false arrest or imprisonment.

38 (F) If the action has been resolved, the date on which it was
39 resolved, the manner in which it was resolved, and whether the

1 resolution included a payment to the plaintiff by the city, and, if
2 so, the amount of the payment.

3 (3) If any settlements or judgments are paid for using municipal
4 bonds, the municipality shall post on its internet website the amount
5 of the bond, the time it will take the bond to mature, interest and
6 fees paid on the bond, and the total future cost of the bond.

7 ~~(4) The municipality shall also post on its internet website the
8 amount of any settlements or judgments that were paid by
9 insurance, broken down by individual settlement or judgment, and
10 the amount of any premiums paid by the municipality for insurance
11 against settlements or judgments resulting from allegations of
12 improper police conduct, including, but not limited to, claims
13 involving the use of force, assault and battery, malicious
14 prosecution, or false arrest or imprisonment.~~

15 (b) (1) On or before February 1 of each year, the Transportation
16 Agency shall post on its internet website how much it ~~spent~~ *paid*
17 *out to plaintiffs* on settlements and judgments during the previous
18 year obtained against the Department of the California Highway
19 Patrol, resulting from allegations of improper police conduct,
20 including, but not limited to, claims involving the use of force,
21 assault and battery, malicious prosecution, or false arrest or
22 imprisonment, broken down by individual settlement or judgment.

23 (2) For each action posted, the agency shall include all of the
24 following information:

25 (A) The court in which the action was filed.

26 (B) The name of the law firm representing the plaintiff.

27 (C) The name of the law firm or agency representing each
28 defendant.

29 (D) The date the action was filed.

30 (E) Whether the plaintiff alleged improper police conduct,
31 including, but not limited to, claims involving use of force, assault
32 and battery, malicious prosecution, or false arrest or imprisonment.

33 (F) If the action has been resolved, the date on which it was
34 resolved, the manner in which it was resolved, and whether the
35 resolution included a payment to the plaintiff, and, if so, the amount
36 of the payment.

37 (3) If any settlements or judgments are paid for using bonds,
38 the agency shall post on its internet website the amount of the
39 bond, the time it will take the bond to mature, interest and fees
40 paid on the bond, and the total future cost of the bond.

1 ~~(4) The agency shall also post on its internet website the amount~~
2 ~~of any settlements or judgments against the Department of the~~
3 ~~California Highway Patrol that were paid by insurance, broken~~
4 ~~down by individual settlement or judgment, and the amount of any~~
5 ~~premiums paid by the agency or department for insurance against~~
6 ~~settlements or judgments resulting from allegations of improper~~
7 ~~police conduct, including, but not limited to, claims involving the~~
8 ~~use of force, assault and battery, malicious prosecution, or false~~
9 ~~arrest or imprisonment.~~

10 (c) For purposes of this section, “municipality” means a city,
11 county, or city and county with a police department or a sheriff’s
12 department.

13 SEC. 3. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

Item B-4



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee

FROM: Cynthia Owens, Policy and Management Analyst

DATE: September 13, 2021

SUBJECT: Assembly Bill 970 (McCarty) - Planning and zoning: electric vehicle charging stations: permit application: approval

ATTACHMENTS: 1. Summary Memo – AB 970
2. Bill Text – AB 970

The City Council has historically taken positions on proposed federal and state legislation of interest to Beverly Hills because of the City's location, economy, programs, and policies through the adoption of a Legislative Platform.

Assembly Bill 970 (McCarty) - Planning and zoning: electric vehicle charging stations: permit application: approval (AB 970) involves a policy matter that may not be specifically addressed within the adopted Legislative Platform language.

The City's state lobbyist, Shaw Yoder Antwih Schmelzer & Lange, provided a summary memo for AB 970 to the City (Attachment 1) and will provide a verbal update to the City Council Liaison/Legislative/Lobby Committee.

After discussion of AB 970, the Liaisons may recommend the following actions:

- Request the Governor Veto AB 970;
- Request the Governor Sign AB 970;
- Remain neutral; or
- Provide other direction to City staff.

Should the Liaisons recommend the City take a position on AB 970, then staff will place the item on the September 21, 2021, City Council Agenda for concurrence.

Attachment 1



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

September 9, 2021

To: Cindy Owens, City of Beverly Hills

**From: Andrew K. Antwih, Partner, Shaw Yoder Antwih Schmelzer & Lange
Priscilla Quiroz, Legislative Advocate, Shaw Yoder Antwih Schmelzer & Lange
Tim Sullivan, Legislative Aide, Shaw Yoder Antwih Schmelzer & Lange**

Re: AB 970 (McCarty) Planning and zoning: electric vehicle charging stations: permit application: approval

As Amended on July 13, 2021

Summary

AB 970 (McCarty) deems applications for electric vehicle charging stations after specified periods to be approved.

Specifically, this bill:

1. Deems an application to install an EV charging station complete if the building official of the city, county, or city and county has not either deemed the application complete or written a correction notice detailing the deficiencies in the application within the following periods:
 - a. Five business days of the application being submitted to construct at least one and up to 25 charging stations at a single site.
 - b. Ten business days of the application being submitted to construct more than 25 charging stations at a single site.
2. Deems approved an application to install an EV charging station 20 business days after the application was deemed complete for an installation of up to 25 charging stations at a single site, or 40 business days for an installation of more than 25 charging stations if all of the following are true:
 - a. The building official has not administratively approved or denied the application based on the requirements of AB 1236.
 - b. The building official has not found that the EV charging station could have a specific adverse impact upon the public health or safety or require the applicant to apply for a use permit.
 - c. An appeal has not been made to the planning commission of the city, county, or city and county.

3. Requires a city or county to reduce the number of required parking spaces for any existing uses by the amount necessary to accommodate the EV charging station and any associated equipment if that equipment reduces or otherwise impacts parking required for existing uses.
4. It becomes effective on January 1, 2022, but delays the requirements of this bill until January 1, 2023, for a city or county with a population of fewer than 200,000 residents.

Background

Responding to a patchwork of California's EV permitting structure and the uncertainty it posed to installers, AB 1236 (Chiu and Low), Chapter 598, Statutes of 2015, placed significant new requirements into law regarding applications to install EV charging stations. AB 1236 requires counties and cities to administratively approve an application to install EV charging stations by issuing a building permit or similar nondiscretionary permit. The review of an application is limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law.

Local law requirements are limited to those standards and regulations necessary to ensure that the EV charging station will not have a specific, adverse impact upon public health or safety. However, a county or city may require an applicant to apply for a use permit if the building official finds, based on substantial evidence, that the EV charging station could have a specific, adverse impact upon public health and safety. The decisions of the building official may be appealed to the planning commission of the local agency.

AB 1236 prohibits a local agency from denying an application for a use permit to install an EV charging station unless it makes written findings based upon substantial evidence in the record that the proposed installation will have a specific, adverse impact upon the public health or safety. There is no feasible method to mitigate or avoid the specific negative impact satisfactorily. The findings must include the basis for the rejection of potentially feasible alternatives for preventing the adverse impact. Any conditions imposed on an application to install an EV charging station must be designed to mitigate the specific adverse impact on public health and safety at the lowest cost possible. An EV charging station must meet specified applicable health and safety requirements and performance standards.

AB 1236 also required, on or before September 30, 2016, every local agency with a population of 200,000 or more, and on or before September 30, 2017, every local agency with a population of less than 200,000, to adopt an ordinance that creates an expedited, streamlined permitting process for EV charging stations. To be eligible for expedited review, local agencies must adopt a checklist of all requirements with which EV charging stations must comply. An application that satisfies the information requirements in the checklist is deemed complete. A local agency must approve the application and issue all required permits once the local agency confirms the application and supporting documents are complete and meet the requirements of the checklist. Suppose a local agency receives an incomplete application. In that case, it must issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

Status of Legislation

The bill is pending action by the Governor.

Arguments in Support

A coalition including 350 Silicon Valley, the California Business Alliance for a Clean Economy, the California Electric Transportation Coalition, CALSTART, the Central California Asthma Collaborative, the Coalition for Clean Air, and the Union of Concerned Scientists write, “To create an expedited and consistent permitting process for EV charging stations, the Legislature and Governor Brown in 2015 enacted AB 1236 (Chiu) to require that every city and county in the state enact an ordinance that expedites the permitting of EV charging stations. The law limits permitting reviews to the building official’s review of whether the proposed charging station would have a specific adverse impact on the public health or safety. This was intended to improve the permitting process for both applicants and local governments – creating an easier and faster process for applicants to receive a permit, while easing the burden on local permitting offices that review an increasing number of EV charging station applications.

“AB 970 would speed up EV charging deployment and address the problem of noncompliance with AB 1236 by enacting in statute the best practice timelines for EV charging station permitting review set by Go-Biz, in close consultation with permitting officials and practitioners, which were published in the 2019 Electric Vehicle Charging Station Permitting Guidebook. The bill would codify the best practice timelines by establishing that permit applications would be ‘deemed complete’ or ‘deemed approved’ in situations where the timelines were not followed.”

Arguments in Opposition

The Rural County Representatives of California (RCRC), League of California Cities (CalCities), California State Association of Counties (CSAC), Urban Counties Caucus (UCC), and the California Building Officials (CALBO) state, “Existing law, via Assembly Bill 1236 (Chiu, 2015), requires all cities and counties to adopt an ordinance by September 30, 2017, creating an expedited, streamlined permitting process for EV charging stations. Municipalities also have to adopt a checklist for applicants that satisfies the information required to be deemed complete, and therefore eligible for expedited review. While we regret that not all 58 counties and 482 cities have complied to date, model ordinances and guidance documents providing technical assistance to local governments were not available until recently.

“In July 2019, the Governor’s Office of Business and Economic Development (GO-Biz) published the Electric Vehicle Charging Station Permitting Guidebook, including a compliance toolkit with best practices for EV permit streamlining. Since then, our organizations have undergone education and outreach to our members encouraging compliance with AB 1236. Rural/low-population cities and counties face many challenges in reviewing EV charging applications. Some of these challenges include, incomplete or poor quality permit applications, a high volume of permit applications at any given time, lack of adequate staff capacity, and the need for infrastructure upgrades as the result of new device installation. Additionally, EV charging retrofits can be very complex, costly, and technical making a 20-day approval time difficult regardless of jurisdiction type (rural, urban, suburban).

“AB 970 creates a separate and unequal permitting and inspection process specifically for EV charging stations, and would apply to all local jurisdictions, including those that comply with AB 1236. For cities and counties with finite resources, having to focus on certain permit types with very short turnarounds results in less resources to expedite other types of permits. AB 970 would unfairly prioritize EV charging applications for permits over all permittees, including projects related to affordable housing, health and safety, and other established or emerging industries. Additionally, this approach would not take into account the differences in permittee—whether they are a homeowner seeking a building permit for their plug-in vehicle, or a more complicated installation of a large public charging station.”

Support

Coalition for Clean Air (co-source)
Electrify America, LLC (co-source)
350 Silicon Valley
Alliance for Automotive Innovation
Amplify Power
Bay Area Council
Black & Veatch
BP America INC.
Breathe Southern California
California Apartment Association
California Business Alliance for a Clean
Economy
California Electric Transportation Coalition
California New Car Dealers Association
California State Association of Electrical
Workers
California State Pipe Trades Council
CALSTART
Central California Asthma Collaborative
Ceres

City of Los Angeles
City of Sacramento
Coalition of California Utility Employees
Cruise LLC
Edison International and Affiliates, including
Southern California Edison
Electric Auto Association
Ford Motor Company
Greenlots
Los Angeles Cleantech Incubator
National Parks Conservation Association
NRDC
Plug in America
Sacramento Electric Vehicle Association
Siemens
Silicon Valley Leadership Group
Tesla Motors, INC.
Union of Concerned Scientists
Valley Clean Air Now

Opposition

California Building Officials
California State Association of Counties
City of Menifee
City of Santa Clarita
League of California Cities
Rural County Representatives of California
Urban Counties of California

Attachment 2

AMENDED IN SENATE JULY 13, 2021

AMENDED IN ASSEMBLY MAY 10, 2021

AMENDED IN ASSEMBLY APRIL 27, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 970

**Introduced by Assembly Members McCarty and Chiu
(Coauthor: Assembly Member Ting)**

February 18, 2021

An act to *amend Section 65850.7 of, and to add Section 65850.71 to* the Government Code, relating to zoning.

LEGISLATIVE COUNSEL'S DIGEST

AB 970, as amended, McCarty. Planning and zoning: electric vehicle charging stations: permit application: approval.

Existing law requires a city, county, or city and county to administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit subject to a limited review by the building official of that city, county, or city and county. Existing law allows the building official to require the applicant to apply for a use permit if the official finds that the station could have a specific adverse impact upon the public health or safety and prohibits the city, county, or city and county from denying the application for a use permit to install an electric vehicle charging station unless it makes written findings that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

Existing law requires every city, county, and city and county to create an expedited, streamlined permitting process for electric vehicle charging stations and to adopt a checklist pursuant to which an applicant that satisfies the information requirements shall be deemed complete and therefore eligible for expedited review.

This bill would clarify that these provisions apply to all cities, including charter cities.

This bill would require an application to install an electric vehicle charging station to be deemed complete if, *either 5 business days or 10 business days* after the application was submitted, *depending on the number of electric vehicle charging stations proposed in the application*, the city, county, or city and county has not deemed the application to be incomplete or issued a written correction notice detailing all deficiencies in the application, as specified. The bill would require an application to install an electric vehicle charging station to be deemed approved if *20 business days or 40 business days* after the application was deemed complete, *depending on the number of electric vehicle charging stations proposed in the application*, (1) the city, county, or city and county has not approved the application, (2) the building official has not made a finding that the proposed installation could have an adverse impact upon the public health or safety or required the applicant to apply for a use permit, (3) the building official has not denied the permit, and (4) an appeal has not been made to the planning commission of the city, county, or city and county, as specified. The bill would provide that these requirements do not expand or restrict the role or responsibility of a local publicly owned electric utility in providing new electric service to an electric vehicle charging station in a manner consistent with safety, reliability, and engineering requirements. The bill would require a city, county, or city and county to reduce the number of required parking spaces to accommodate the electric vehicle charging station, as specified.

This bill's provisions would become operative on January 1, 2022, but for every city, county, or city and county with a population of less than 200,000 residents, the bill's provisions would apply beginning on January 1, 2023.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 65850.7 of the Government Code is*
2 *amended to read:*

3 65850.7. (a) The Legislature finds and declares all of the
4 following:

5 (1) The implementation of consistent statewide standards to
6 achieve the timely and cost-effective installation of electric vehicle
7 charging stations is not a municipal affair, as that term is used in
8 Section 5 of Article XI of the California Constitution, but is instead
9 a matter of statewide concern. *Therefore, this section applies to*
10 *all cities, including charter cities.*

11 (2) It is the intent of the Legislature that local agencies not adopt
12 ordinances that create unreasonable barriers to the installation of
13 electric vehicle charging stations and not unreasonably restrict the
14 ability of homeowners and agricultural and business concerns to
15 install electric vehicle charging stations.

16 (3) It is the policy of the state to promote and encourage the use
17 of electric vehicle charging stations and to limit obstacles to their
18 use.

19 (4) It is the intent of the Legislature that local agencies comply
20 not only with the language of this section, but also the legislative
21 intent to encourage the installation of electric vehicle charging
22 stations by removing obstacles to, and minimizing costs of,
23 permitting for charging stations so long as the action does not
24 supersede the building official's authority to identify and address
25 higher priority life-safety situations.

26 (b) A city, county, or city and county shall administratively
27 approve an application to install electric vehicle charging stations
28 through the issuance of a building permit or similar
29 nondiscretionary permit. Review of the application to install an
30 electric vehicle charging station shall be limited to the building
31 official's review of whether it meets all health and safety
32 requirements of local, state, and federal law. The requirements of
33 local law shall be limited to those standards and regulations
34 necessary to ensure that the electric vehicle charging station will
35 not have a specific, adverse impact upon the public health or safety.
36 However, if the building official of the city, county, or city and
37 county makes a finding, based on substantial evidence, that the
38 electric vehicle charging station could have a specific, adverse

1 impact upon the public health or safety, the city, county, or city
2 and county may require the applicant to apply for a use permit.

3 (c) A city, county, or city and county may not deny an
4 application for a use permit to install an electric vehicle charging
5 station unless it makes written findings based upon substantial
6 evidence in the record that the proposed installation would have
7 a specific, adverse impact upon the public health or safety, and
8 there is no feasible method to satisfactorily mitigate or avoid the
9 specific, adverse impact. The findings shall include the basis for
10 the rejection of potential feasible alternatives of preventing the
11 adverse impact.

12 (d) The decision of the building official pursuant to subdivisions
13 (b) and (c) may be appealed to the planning commission of the
14 city, county, or city and county.

15 (e) Any conditions imposed on an application to install an
16 electric vehicle charging station shall be designed to mitigate the
17 specific, adverse impact upon the public health or safety at the
18 lowest cost possible.

19 (f) (1) An electric vehicle charging station shall meet applicable
20 health and safety standards and requirements imposed by state and
21 local permitting authorities.

22 (2) An electric vehicle charging station shall meet all applicable
23 safety and performance standards established by the California
24 Electrical Code, the Society of Automotive Engineers, the National
25 Electrical Manufacturers Association, and accredited testing
26 laboratories such as Underwriters Laboratories and, where
27 applicable, rules of the Public Utilities Commission regarding
28 safety and reliability.

29 (g) (1) On or before September 30, 2016, every city, county,
30 or city and county with a population of 200,000 or more residents,
31 and, on or before September 30, 2017, every city, county, or city
32 and county with a population of less than 200,000 residents, shall,
33 in consultation with the local fire department or district and the
34 utility director, if the city, county, or city and county operates a
35 utility, adopt an ordinance, consistent with the goals and intent of
36 this section, that creates an expedited, streamlined permitting
37 process for electric vehicle charging stations. In developing an
38 expedited permitting process, the city, county, or city and county
39 shall adopt a checklist of all requirements with which electric
40 vehicle charging stations shall comply to be eligible for expedited

1 review. An application that satisfies the information requirements
2 in the checklist, as determined by the city, county, or city and
3 county, shall be deemed complete. Upon confirmation by the city,
4 county, or city and county of the application and supporting
5 documents being complete and meeting the requirements of the
6 checklist, and consistent with the ordinance, a city, county, or city
7 and county shall, consistent with subdivision (b), approve the
8 application and issue all required permits or authorizations.
9 However, the city, county, or city and county may establish a
10 process to prioritize competing applications for expedited permits.
11 Upon receipt of an incomplete application, a city, county, or city
12 and county shall issue a written correction notice detailing all
13 deficiencies in the application and any additional information
14 required to be eligible for expedited permit issuance. An application
15 submitted to a city, county, or city and county that owns and
16 operates an electric utility shall demonstrate compliance with the
17 utility's interconnection policies prior to approval.

18 (2) The checklist and required permitting documentation shall
19 be published on a publicly accessible ~~Internet Web site~~, *internet*
20 *website*, if the city, county, or city and county has an ~~Internet Web~~
21 ~~site~~, *internet website*, and the city, county, or city and county shall
22 allow for electronic submittal of a permit application and associated
23 documentation, and shall authorize the electronic signature on all
24 forms, applications, and other documentation in lieu of a wet
25 signature by an applicant. In developing the ordinance, the city,
26 county, or city and county may refer to the recommendations
27 contained in the most current version of the "Plug-In Electric
28 Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission
29 Vehicles in California: Community Readiness Guidebook"
30 published by the Office of Planning and Research. A city, county,
31 or city and county may adopt an ordinance that modifies the
32 checklists and standards found in the guidebook due to unique
33 climactic, geological, seismological, or topographical conditions.
34 If a city, county, or city and county determines that it is unable to
35 authorize the acceptance of an electronic signature on all forms,
36 applications, and other documents in lieu of a wet signature by an
37 applicant, the city, county, or city and county shall state, in the
38 ordinance required under this subdivision, the reasons for its
39 inability to accept electronic signatures and acceptance of an
40 electronic signature shall not be required.

1 (h) A city, county, or city and county shall not condition
2 approval for any electric vehicle charging station permit on the
3 approval of an electric vehicle charging station by an association,
4 as that term is defined in Section 4080 of the Civil Code.

5 (i) The following definitions shall apply to this section:

6 (1) “A feasible method to satisfactorily mitigate or avoid the
7 specific, adverse impact” includes, but is not limited to, any
8 cost-effective method, condition, or mitigation imposed by a city,
9 county, or city and county on another similarly situated application
10 in a prior successful application for a permit.

11 (2) “Electronic submittal” means the utilization of one or more
12 of the following:

13 (A) Email.

14 (B) ~~The Internet.~~ *internet*.

15 (C) Facsimile.

16 (3) “Electric vehicle charging station” or “charging station”
17 means any level of electric vehicle supply equipment station that
18 is designed and built in compliance with Article 625 of the
19 California Electrical Code, as it reads on the effective date of this
20 section, and delivers electricity from a source outside an electric
21 vehicle into a plug-in electric vehicle.

22 (4) “Specific, adverse impact” means a significant, quantifiable,
23 direct, and unavoidable impact, based on objective, identified, and
24 written public health or safety standards, policies, or conditions
25 as they existed on the date the application was deemed complete.

26 ~~SECTION 1.~~

27 *SEC. 2.* Section 65850.71 is added to the Government Code,
28 to read:

29 65850.71. (a) The Legislature finds and declares both of the
30 following:

31 (1) An electric vehicle charging station has a significant
32 economic impact in California and is not a municipal affair, as the
33 term is used in Section 5 of Article XI of the California
34 Constitution, but is instead a matter of statewide concern.
35 *Therefore, this section applies to all cities, including charter cities.*

36 (2) Table 3 of the Governor’s Office of Business and Economic
37 Development (GO-Biz) Electric Vehicle Charging Station
38 Permitting Guidebook, published July 2019, recommends best
39 practices for electric vehicle supply equipment permitting that

1 would establish a 15-day timeline and satisfy the intent of
2 Assembly Bill 1236 (Chapter 598 of the Statutes of 2015).

3 (b) (1) An application to install an electric vehicle charging
4 station submitted to the building official of a city, county, or city
5 and county shall be deemed complete if, ~~five business days after~~
6 ~~the application was submitted to the city, county, or city and~~
7 ~~county,~~ *after the applicable time period described in paragraph*
8 *(2) has elapsed*, both of the following are true:

9 (1)

10 (A) The building official of the city, county, or city and county
11 has not deemed the application complete, consistent with the
12 checklist created by the city, county, or city and county pursuant
13 to subdivision (g) of Section 65850.7.

14 (2)

15 (B) The building official of the city, county, or city and county
16 has not issued a written correction notice detailing all deficiencies
17 in the application and identifying any additional information
18 explicitly necessary for the building official to complete a review
19 limited to whether the electric vehicle charging station meets all
20 health and safety requirements of local, state, and federal law,
21 consistent with subdivisions (b) and (g) of Section 65850.7.

22 (2) *For purposes of paragraph (1), “applicable time period*
23 *means” either of the following:*

24 (A) *Five business days after submission of the application to*
25 *the city, county, or city and county, if the application is for at least*
26 *1, but not more than 25 electric vehicle charging stations at a*
27 *single site.*

28 (B) *Ten business days after submission of the application to the*
29 *city, county, or city and county, if the application is for more than*
30 *25 electric vehicle charging stations at a single site.*

31 (c) (1) An application to install an electric vehicle charging
32 station shall be deemed approved if ~~20 business days after the~~
33 ~~application was deemed complete,~~ *the applicable time period*
34 *described in paragraph (2) has elapsed and* all of the following
35 are true:

36 (1)

37 (A) The building official of the city, county, or city and county
38 has not administratively approved the application pursuant to
39 subdivision (b) of Section 65850.7.

40 (2)

1 (B) The building official of the city, county, or city and county
2 has not made a finding, based on substantial evidence, that the
3 electric vehicle charging station could have a specific adverse
4 impact upon the public health or safety or required the applicant
5 to apply for a use permit pursuant to subdivision (b) of Section
6 65850.7.

7 ~~(3)~~

8 (C) The building official of the city, county, or city and county
9 has not denied the permit pursuant to subdivision (c) of Section
10 65850.7.

11 ~~(4)~~

12 (D) An appeal has not been made to the planning commission
13 of the city, county, or city and county, pursuant to subdivision (d)
14 of Section 65850.7.

15 (2) *For purposes of paragraph (1), “applicable time period*
16 *means” either of the following:*

17 (A) *Twenty business days after the application was deemed*
18 *complete, if the application is for at least 1, but not more than 25*
19 *electric vehicle charging stations at a single site.*

20 (B) *Forty business days after the application was deemed*
21 *complete, if the application is for more than 25 electric vehicle*
22 *charging stations at a single site.*

23 (d) If an electric vehicle charging station and any associated
24 equipment interfere with, reduce, eliminate, or in any way impact
25 the required parking spaces for existing uses, the city, county, or
26 city and county shall reduce the number of required parking spaces
27 for the existing uses by the amount necessary to accommodate the
28 electric vehicle charging station and any associated equipment.

29 (e) If the electric vehicle charging station is being installed in
30 an area that receives electrical service from a local publicly owned
31 electric utility, this section does not expand or restrict the local
32 publicly owned electric utility’s role and responsibility in providing
33 new electric service to the electric vehicle charging station in a
34 manner consistent with safety, reliability, and engineering
35 requirements.

36 (f) This section shall become operative on January 1, 2022, but
37 for every city, county, or city and county with a population of less

1 than 200,000 residents, this section shall apply beginning on
2 January 1, 2023.

O

Item B-5



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cynthia Owens, Policy and Management Analyst
DATE: September 15, 2021
SUBJECT: State and Federal Legislative Updates
ATTACHMENTS: None

Verbal updates on legislative issues will be presented by the City's state and federal lobbyists.

Item B-6



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: City Council Liaison/Legislative/Lobby Committee
FROM: Cynthia Owens, Policy and Management Analyst
DATE: September 15, 2021
SUBJECT: Future Agenda Items Discussion
ATTACHMENTS: None

The Legislative/Lobby Liaison Committee may request items related to the purview of the Committee be placed on the next agenda.