




Midpeninsula Regional
Open Space District

Memorandum

DATE: September 12, 2018

MEMO TO: MROSD Board of Directors

THROUGH: Ana M. Ruíz, General Manager 

FROM: Joshua Hugg, Governmental Affairs Specialist

SUBJECT: State Legislative Update

SUMMARY

The Midpeninsula Regional Open Space District's (District) Board of Directors (Board) periodically receive a State of California Legislative Session briefing regarding recent legislative developments. Staff and the District's legislative consultants, Public Policy Advocates (PPA) and Environment and Energy Consultants (EEC), last provided a legislative update to the Board on July 25, 2018 during the state legislative recess. Since then, the remainder of the bills still alive have been reviewed and voted upon by the state legislature prior to the August 31 deadline. Those that have passed are now awaiting signatures by the Governor.

Staff and the District's legislative consultants continue to utilize the Board-approved 2018 Legislative Program to communicate District positions on bills, budget recommendations, and other legislative items to the respective authors and/or legislative committees. In addition, staff fields time-sensitive requests from partners, and monitors evolving pieces of legislation in accordance with Board Policy 1.11.

State of California Upcoming Legislative Calendar

The State Legislature concluded its 2017-18 session on August 31. Key deadlines are as follows:

August 31	Last day for each house to pass bills except bills that take effect immediately or bills in Extraordinary Session. Final Recess began upon adjournment.
September 30	Last day for the Governor to sign or veto bills passed by the Legislature before September 1.
November 6	General Election
December 3	Convening of the 2019-20 Regular Session

DISCUSSION

Updates from Environment and Energy Consulting:

California Wildlife Corridor Working Group (WCWG):

The District is an active member of the WCWG. The group successfully advocated for a \$10 million 2018-19 Proposition 68 allocation that the Governor approved in the final budget. The group recently finalized its statewide catalogue of habitat connectivity projects that may be eligible for the first tranche of Proposition 68 wildlife corridor funds, as well as future allocations. This compilation of projects may also inform the development of Proposition 68 program guidelines, as well as help argue for future allocations. WCWG members are finalizing recommendations to the Wildlife Conservation Board (WCB) as that agency prepares to develop its grant guidelines.

Water Legislation:

- **AB 2551 (Wood D):** Forest and Wildland Health Improvement and Fire Prevention Program: Joint prescribed burning operations: watersheds.

Current law authorizes the director of the Department of Forestry and Fire Protection to enter into an agreement with an eligible landowner pursuant to which the landowner will undertake forest resource improvement work in return for an agreement by the director to share the cost of carrying out that work. It also authorizes the director to make various types of loans, including loans to cover all or part of the landowner's cost for the work. Current law requires these loans to be made for a term not exceeding 20 years and bearing interest at the prevailing rate. This bill would instead authorize the director to enter into those agreements with small, nonindustrial landowners.

Position: Support

Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **SB 881 (Wieckowski D):** Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project

SB 881 would add the South San Francisco Bay Shoreline Project (Shoreline Project) of the Santa Clara Valley Water District (District) to the list of flood control projects authorized to receive state flood control subventions reimbursements in accordance with the process established in existing law.

Position: Support

Location/Status: SENATE ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **SB 1301 (Beall D):** State permitting: environment: processing procedures: dam safety or flood risk reduction project.

SB 1301 seeks to improve efficiency in permit processing for flood protection and dam safety projects, without compromising on environmental protection. Under the bill, a project applicant would have the option to request supplemental consultation and interagency collaboration. Fees paid by the applicant would cover state costs and enable enhanced engagement early in the project design phase and throughout the permitting process. This supplemental consultation would identify actions that could expedite the required permits, discuss environmental impacts and mitigation, provide feedback on

environmental documents, and resolve any conflicts between the various permit conditions.

Position: Support

Location/Status: SENATE ENROLLMENT, PENDING GOVERNOR'S APPROVAL

Proposition 3: Water Bond

- Proposition 3 is a citizens' initiative bond measure containing \$8.875B for water projects on the November Ballot.
- Proposition 3 was recently endorsed by TNC, expanding the environmental support for the measure.
- While the campaign for the measure is low on funds to run a robust voter outreach strategy, supporters still remain hopeful that the positive polling numbers will prevail in November even without a significant campaign.

SB 901 (Dodd): Wildfires.

The Legislature passed SB 901 (Dodd) late Friday night, with a 29-4 vote count in the Senate, and a 49-14 vote count in the Assembly. The bill promotes wildfire prevention policies, and specifically establishes a commitment for the Legislature to appropriate \$200 M in Greenhouse Gas Reduction Fund dollars to CALFIRE for forest management. Of these funds, \$160 M is recommended for improving forest health and wildfire prevention, and \$30 M is recommended for prescribed fires and other fuel reduction practices. However, while SB 901 makes these suggestions, discussions with legislative staff have clarified that the language in the bill does not require the Legislature to appropriate this amount of money for these projects, but rather makes the commitment that they will be included in next year's budget negotiations.

Proposition 68

On June 5, 2018, California voters passed a \$4.1 Billion natural resources bond. In June of 2018, the California Legislature subsequently passed their Fiscal Year 2018-2019 state budget, appropriating roughly \$1.2 Billion of Proposition 68 funding. The various administering agencies and entities that have been appropriated funds for FY18-19 are currently working through implementation for their Proposition 68 programs, many of which will be new, and all of which follow timelines unique to their own agencies. Thus far, a few entities have finalized their program guidelines and have active solicitations. An additional handful of programs are currently accepting comments to draft guidelines. The remaining agencies have either only begun to discuss next steps for program implementation, although some have indicated roughly the quarter in which they anticipate releasing draft program guidelines.

Environmental & Energy Consulting is currently tracking all Proposition 68 program implementation and working with the District to develop and implement an effective funding strategy. To date, two relevant Proposition 68 funding solicitations have opened, which the District is in the process of evaluating. Solicitation roll-out will ramp up this fall and the District will engage in guideline development and will evaluate additional opportunities as they become available.

Updates from Public Policy Advocates (PPA):

Wildfire Prevention and Preparedness

With an urgency sparked by two consecutive years of deadly fires, the Legislature sent to Governor Jerry Brown a collection of proposed laws to bolster prevention efforts and the readiness of residents, along with a controversial plan in which utility companies could pass some wildfire-related costs onto customers. The final package included wildfire prevention, response, and recovery, including funding for mutual aid, fuel reduction and forestry policies, wildfire mitigation plans by electric utilities, and cost recovery by electric corporations of wildfire-related damages.

Relevant to forestry and fuel reduction, SB 901 (Dodd) creates two new exemptions in the Forest Practices Act. One is for fuel reduction, and the other is for small landowners. Both intend to help California reduce fuel loads in its forestlands by focusing the removal on small and mid-sized trees that are currently over-stocked. The terms of each exemption were negotiated in weeks of conversation on a bipartisan basis by Assembly and Senate staff, California Department of Forestry and Fire Protection (CAL FIRE), the Governor's Office, the Board, and many stakeholders. These include diameter limits, the condition and management of the residual stand, the size and frequency for which each exemption can be used, and various other considerations. Both new exemptions sunset in five years to provide the Legislature an opportunity to evaluate and assess their effectiveness. Additionally, the Legislature has approved funding for local assistance grants through CAL FIRE.

It is important to consider this conference report in the context with other policy bills also sent to the Governor that deal with prescribed fire, local land use planning reforms, and the development of innovative wood products, among others. Other forest health bills of interest include:

- **AB 2889 (Caballero):** Timber harvesting plans: guidance and assistance.
Requires CAL FIRE to provide guidance and assistance to ensure the uniform and efficient implementation of processes and procedures regulating the filing, review, approval, required modification, completion, and appeal of decisions relating to timber harvesting plans (THPs).
Position: Watch
Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL
- **AB 1954 (Patterson):** Timber harvest plans: exemption: reducing flammable materials.
Extends the sunset date for an exemption from timber harvest plan requirements for defensible space surrounding a habitable structure, as specified, from January 1, 2019, to January 1, 2022, and deletes a duplicative reporting requirement.
Position: Support
Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL
- **AB 2551 (Wood):** Forestry and fire prevention: joint prescribed burning operations: watersheds.
Requires CAL FIRE to establish the Forest and Wildland Health Improvement and Fire Prevention Program, authorizes CAL FIRE to enter into the cooperative management of

joint prescribed burning operations, and requires specified priorities for CAL FIRE's investment in forest health projects. This bill also authorizes the California Natural Resources Agency and the California Environmental Protection Agency to both jointly develop and submit to the Legislature a plan for forest and watershed restoration investments for specified areas, and to develop and propose a pilot project for certain watershed restoration activities in those areas.

Position: Support

Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **AB 2091 (Grayson):** Fire prevention: prescribed burns: insurance pool.

Requires the Forest Management Task Force in coordination with the Department of Insurance to develop recommendations for an insurance pool or other mechanism to assist prescribed burn managers and reduce the cost of conducting prescribed fire.

Position: Support

Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **AB 1956 (Limón):** Fire prevention activities: local assistance grant program.

Establishes a local assistance grant program to improve fire prevention in California and ensure that fire prevention activities happen year-round.

Position: Watch

Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **SB 1079 (Monning):** Forest resources: fire prevention grants: advance payments.

Allows advance payment to a nonprofit organization, local agency, a special district, private landowners or a Native American tribe from the \$195 million appropriated in the Budget Act of 2017 for healthy forest and local fire prevention grants. Advanced payments may be made to a nonprofit organization, a local agency, a special district, a private forest landowner, or a Native American tribe for forest health grants.

Position: Support

Location/Status: SENATE ENROLLMENT, PENDING GOVERNOR'S APPROVAL

- **SB 1260 (Jackson):** Fire prevention and protection: prescribed burns.

Authorizes federal, state, and local agencies to engage in collaborative forestry management, creates new opportunities for public and private land managers to mitigate wildfire risks, and enhances CAL FIRE's role in identifying wildfire hazards as local governments plan for new housing and neighborhoods.

Position: Watch

Location/Status: SENATE ENROLLMENT, PENDING GOVERNOR'S APPROVAL

Open Space District Board Compensation

- **AB 2329 (Oberholte):** Special districts: board of directors: compensation.

Increases the number of meetings, from five to six, for which board members from open space districts, among others, can be compensated for in each calendar month. Authorizes the amount of compensation received for attending meetings of the board by no more than 5% annually. Requires a district that increases the number of days of compensation offered to its board members pursuant to this bill to annually adopt a written policy for compensating its board members and a finding, based on substantial evidence, that more than four meetings per month are necessary for the effective operation of the district.

Position: Support

Location/Status: ASSEMBLY CHAPTERED

Open Space District Contracts

- **AB 2137 (Mayes):** Regional park and open-space districts: general manager: powers.

Increases, from \$25,000 to \$50,000, the amount for which all Regional Park and Open Space Districts may enter into contracts without a formal bid process. The District already has this authority through AB 495 (Gordon, 2015).

Position: Watch

Location/Status: ASSEMBLY ENROLLMENT, PENDING GOVERNOR'S APPROVAL

Class I Bikeway Rules

- **AB 1755 (Steinorth/Flora):** Bicycle operation.

Subjects a person operating a bicycle on a Class I bikeway to all of the accident-related Vehicle Code provisions that apply to the driver of a vehicle on a highway. AB 1755 has already been signed by the Governor.

Position: Watch

Location/Status: ASSEMBLY CHAPTERED

#MeToo Response

Lawmakers passed more than a dozen bills addressing workplace sexual harassment in response to the #MeToo movement, reaching all the way to the top of the corporate ladder with a requirement for public companies to have women on their boards of directors. Among more than a dozen proposals now awaiting a signature or veto from Governor Jerry Brown are:

- **SB 820 (Leyva):** Settlement agreements: confidentiality.

Prohibits secret settlements and non-disclosure agreements in sexual harassment cases.

Position: No position

Location/Status: SENATE ENROLLED, PENDING GOVERNOR'S APPROVAL

- **SB 1300 (Jackson):** Unlawful employment practices: discrimination and harassment. Forbids companies from requiring their workers to sign releases of liability as condition of continued employment or in exchange for a bonus.

Position: No position

Location/Status: SENATE ENROLLED, PENDING GOVERNOR'S APPROVAL

- **SB 1343 (Mitchell):** Employers: sexual harassment training: requirements. Expands a biannual sexual harassment training mandate to nearly all California employees.
 Position: No position
 Location/Status: SENATE ENROLLED, PENDING GOVERNOR'S APPROVAL
- **AB 1870 (Reyes):** Employment discrimination: limitation of actions. Gives workers three years, rather than just one, to file an employment discrimination claim with the state.
 Position: No position
 Location/Status: ASSEMBLY ENROLLED, PENDING GOVERNOR'S APPROVAL
- **AB 3080 (Gonzales Fletcher):** Employment discrimination: enforcement. Bans forced arbitration agreements, where workers must give up their right to take disputes with their employer to court as a condition of the job.
 Position: No position
 Location/Status: ASSEMBLY ENROLLED, PENDING GOVERNOR'S APPROVAL

Hiring Practices

- **SB 1412 (Bradford):** Applicants for employment: criminal history. Requires employers to only consider convictions relevant to the job, which they are applying for when screening job applicants using a criminal background check.
 Position: No position
 Location/Status: SENATE ENROLLED, PENDING GOVERNOR'S APPROVAL
- **AB 2282 (Eggman):** Salary history information. Clarifies the law regarding the use of a job applicant's prior salary to prohibit use of prior salary to justify any disparity in compensation. This bill also clarifies that an employer may make a compensation decision based on a current employee's existing salary, so long as the wage differential resulting from that compensation decision is justified by other specified factors in current law. This bill also specifies that the prohibition on asking a job applicant about prior salary does not forbid an employer from asking the applicant about his or her salary expectations for the position being applied for. AB 2282 has been signed by the Governor.
 Position: No position
 Location/Status: ASSEMBLY ENROLLED, PENDING GOVERNOR'S APPROVAL

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