



## A G E N D A

CHINO HILLS LEGISLATIVE ADVOCACY COMMITTEE  
REGULAR MEETING  
FRIDAY, SEPTEMBER 8, 2023

9:00 A.M.

CIVIC CENTER, GOLDEN EAGLE CONFERENCE ROOM,  
14000 CITY CENTER DRIVE, 2ND FLOOR  
CHINO HILLS, CALIFORNIA

This agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda unless the Legislative Advocacy Committee makes a determination that an emergency exists or that a need to take immediate action on the item came to the attention of the City subsequent to the posting of the agenda. The City Clerk has on file copies of written documentation relating to each item of business on this Agenda available for public inspection in the Office of the City Clerk in a public binder, and on the City's website at [www.chinohills.org](http://www.chinohills.org). Materials related to an item on this Agenda submitted to the Committee after distribution of the agenda packet are available for public inspection in the Office of the City Clerk at 14000 City Center Drive, Chino Hills, CA during normal business hours.

Speaker Cards - Those persons wishing to address the Legislative Advocacy Committee on any matter, whether or not it appears on the agenda, are requested to complete and submit to the City Clerk a "Request to Speak" form available in the Office of the City Clerk. In accordance with the Public Records Act, any information you provide on this form is available to the public. **You are not required to provide personal information in order to speak, except to the extent necessary for the City Clerk to call upon you.** Comments will be limited to three minutes per speaker.

**Emails and documents submitted will be considered a public document subject to posting on the City's website and are subject to the Public Records Act.**

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in the Legislative Advocacy Committee meeting, please contact the City Clerk's Office, (909) 364-2620, at least 48 hours prior to the meeting to enable the City to make reasonable arrangements. [Click here](#) to view the City's Reasonable Accommodation Policy or contact the City Clerk's office to obtain a copy.

**PLEASE SILENCE ALL ELECTRONIC DEVICES WHILE COUNCIL IS IN SESSION.**  
Thank you.

## COMMITTEE MEMBERS

BRIAN JOHSZ  
PETER ROGERS

## **9:00 A.M. - CALL TO ORDER / ROLL CALL**

1. **PUBLIC COMMENTS:** At this time members of the public may address the Legislative Advocacy Committee regarding any items within the subject matter jurisdiction of the Committee, whether or not the item appears on the agenda. Individual audience participation is limited to three minutes per speaker. Please complete and submit a speaker card to the City Staff.

## **PUBLIC MEETING**

2. Approve June 30, 2023, Legislative Advocacy Committee Meeting Minutes
3. Discuss City's position on Senate Bill 553 (Cortese) Occupational safety: workplace violence: restraining orders and workplace violence prevention plan
4. Receive and file report on Taxpayer Protection and Government Accountability Act Update
5. Discuss City's position on ACA 13 (Ward): Voting Thresholds
6. Discuss City's position on ACA 1 (Aguilar-Curry) Local government financing: affordable housing and public infrastructure: voter approval
7. Discuss City's position on proposed 2024 ballot measure entitled "Government Transparency Act" that would make changes to California Public Records Act provisions
8. Discuss Fiscal Year 2024-25 Community Project Funding Requests and application processes
9. End of Legislative Session Update and Leadership and Committee Changes given by Townsend Public Affairs

## **FUTURE DISCUSSION ITEMS**

## **ADJOURNMENT:**

# MINUTES

## LEGISLATIVE ADVOCACY COMMITTEE

CITY OF CHINO HILLS  
REGULAR MEETING  
JUNE 30, 2023

The Regular meeting of the Legislative Advocacy Committee was called to order at 9:00 a.m.

PRESENT: COMMITTEE MEMBERS: BRIAN JOHSZ  
PETER ROGERS

ABSENT: COMMITTEE MEMBERS: NONE

ALSO PRESENT: BENJAMIN MONTGOMERY, CITY MANAGER  
LYNNAE SISEMORE, SECRETARY  
CHRISTA BUHAGIAR, FINANCE DIRECTOR  
ERIC O'DONNELL, SENIOR ASSOCIATE, TOWNSEND PUBLIC  
AFFAIRS

### PUBLIC COMMENTS

There were no public comments.

### MEETING MINUTES

On a motion made by Committee Member Rogers, the Committee with all members present, unanimously approved the April 21, 2023, Legislative Advocacy Committee meeting minutes, as presented.

### TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

Townsend Public Affairs (TPA) Senior Associate O'Donnell stated that the Taxpayer Protection and Government Accountability Act initiative has qualified for the 2024 ballot. He said that it is likely that the legislature will seek to negotiate with the initiative proponents sometime next year, roughly in the late spring, to ensure that the proponents do not receive concessions in a timeframe that would allow them to re-qualify a similar measure. He stated in the past that the soda beverage industry proposed a similar measure, Tax Fairness, Transparency Accountability Act, and that it was withdrawn after the passing of Assembly Bill 1838 because that bill placed a 12-year moratorium on soda taxes. He said the legislature reached a compromise with the soda tax proponents which is why the measure was withdrawn.

City Manager Montgomery asked if any cities were doing anything public facing regarding the Taxpayer Protection and Government Accountability Act measure which intends to adopt new and stricter rules for raising taxes and fees and will make it more difficult to impose fines for violation of state and local laws. TPA Senior Associate O'Donnell stated

that Chino Hills has already adopted a resolution opposing the initiative and that no letters of action could be done, however, he said the City Council could mention the measure at future meetings to keep the public engaged, speak with CitiPAC who protects local democracy, and engage with your local area electeds. Lastly, he stated that cities trying to prove all their fee schedules would be hard to do.

Following discussion, there was Committee consensus to receive and file the Taxpayer Protection and Government Accountability Act report.

### **SENATE BILL 584 (LIMÓN), AS AMENDED, LABORFORCE HOUSING SHORT-TERM RENTAL TAX LAW**

TPA Senior Associate O'Donnell stated that the author of this bill pulled it for a year, so it will be a two-year bill. He said that imposing a statewide 15 percent on tax occupancy for short-term rentals is huge and most likely will benefit large cities that take in a lot of tourism. He stated that California competes with other states for tourism and that this bill will scale down on the short-term rentals.

City Manager Montgomery stated that the City of Chino Hills is not huge on tourism and the City curtails short-term rentals in two ways, a renter cannot do a term shorter than 30 days and cannot have more than three lease agreements in a dwelling. He said that the City's Code Enforcement Department will monitor foreign language advertisements for short-term rentals in the City and Airbnb's that advertise in the City of Chino Hills include the City's local ordinance pertaining to Airbnb's in their advertisement.

TPA Senior Associate O'Donnell said that he believes Limón will amend this bill because coastal cities will not give up on taxes for short-term rentals.

City Manager Montgomery also stated that the bill includes Transient Occupancy Tax and a statewide short-term rental tax would hinder many cities that rely heavily on this.

Following discussion, there was Committee consensus to receive and file the Senate Bill 584 (Limon), as amended, Laborforce Housing Short-term Rental Tax Law report.

### **TOWNSEND PUBLIC AFFAIRS - STATE AND FEDERAL UPDATES**

TPA Senior Associate O'Donnell spoke about AB 233 (Wilson) Local Government: public or private property: disposal of animal excrement which would authorize a local agency to adopt an ordinance requiring an owner or person responsible for an animal to collect and dispose of the excrement. He asked if the City currently had such an ordinance in place for dogs. City Manager Montgomery replied no. TPA Senior Associate O'Donnell stated that some cities in the bay area let horses go wherever they want and that an ordinance could be implemented to impose a fine.

Committee Member Johsz asked how someone would catch the act of animal excrement and how would a City enforce such a fine. TPA Senior Associate O'Donnell replied that some cities are implementing ordinances, such as Huntington Beach, and said if Chino Hills wanted an ordinance, they could put one into effect. He said this bill is being heard on the Senate floor and that it will pass.

TPA Senior Associate O'Donnell spoke about the State budget and that Governor Newsom signed the framework and will sign the actual budget by Monday, July 3rd which includes earmarks. He said that there was not as many earmarks submitted as previous years and nothing was submitted for the City of Chino Hills because there was not much movement from the City's area electeds this year. He stated that Senator Newman did not touch on any cities this year but geared his focus more on nonprofits in the Orange County area. He said he was not certain on action taken by Assemblyman Chen and Senator Seyarto this year. He believes that earmarks will continue on and that it is not too late to start thinking about projects for next year.

TPA Senior Associate O'Donnell said that the Assembly released their budget plan which is different than Governor Newsom's budget revise. He stated that they publicly fought over public transportation and how to use the reserves, which no reserves were pulled.

City Manager Montgomery asked if Cal Cities is pushing for local money in the State budget. TPA Senior Associate O'Donnell replied that the funds did not make their way to cities and that monies were mostly focused on the homelessness. He said that there are no ongoing cuts to programs, no tax increases, no public transit cuts, restoring cuts in water recycling, and to increase the reserves.

Committee Member Rogers asked if there was anything controversial with housing. TPA Senior Associate O'Donnell stated that there was an eleven-bill package released on housing, and that eight of the eleven were selected. He said the Delta tunnels project would be difficult to pass without California Environmental Quality Act (CEQA) guidelines, which is still in the legislative process.

TPA Senior Associate O'Donnell stated that the City has received requests to support and take opposition positions on the Governor's Infrastructure Package, and he advised that the City take no action.

TPA Senior Associate O'Donnell said that the Federal Earmark decisions are still pending, and that Senator Padilla selected all four of Chino Hills projects. He said that the House of Representatives is still vetting out earmarks and will most likely come to their decisions by the end of summer recess. He also said that the debt ceiling has been pushed back because the decision of lawmakers is split but that they are hopeful to receive the Senates position before August.

City Manager Montgomery asked that the committee members arrange a meet and greet with Senator Torres soon so they can develop a relationship with her and acquaint her with the Los Serranos area that she represents.

TPA Senior Associate O'Donnell stated that this morning there will be an official Assembly Speaker change from Assembly Member Anthony Rendon to Assembly Member Robert Rivas. He said Assembly Member Rivas has yet to share his goals or provide information about changes to the membership of committees in the Assembly.

## **FUTURE DISCUSSION ITEMS**

TPA Senior Associate O'Donnell stated that he will continue to seek authors for bills requested by the City pertaining to a fifth exemption for public records requests during a pandemic and for eSignature requirements.

Committee Johsz inquired about any grants the City should seek in the future. TPA Senior Associate O'Donnell stated that when it comes to grants, that the City should tailor the projects to meet the requirements of the grant and to be flexible.

There was committee discussion about finding future grant funds for the 71 freeway.

Finance Director Buhagiar spoke about water arrearage funds from the pandemic, March 2020 through June 2021, and stated that the City did not start locking off meters until April 2022. She asked whether the City could recoup any costs for writing off funds from that time period. She said that the City did receive some funds and is in the process of writing off \$100,000 for residents that have moved or have outstanding balances on their accounts. TPA Senior Associate O'Donnell replied that the water arrearage money that was in the Surplus Budget did not get used a couple of years ago which was geared to help with unpaid bills for customers during the pandemic, and that there was a claw back and that the money was put back into the General Fund. He said that it is too late for the City to ask for more money because of the short time frame allotted to cities to respond, but that he will look into whether low-income homeowners could apply for some type of funding to assist with outstanding payments.

## **ADJOURNMENT:**

The meeting was adjourned at 9:47 a.m.

Respectfully submitted,

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Lynnae Sisemore  
Secretary



## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO: COMMITTEE MEMBERS                      DATE: SEPTEMBER 8, 2023  
FROM: CITY MANAGER                      ITEM NO: 3  
SUBJECT: SB 553 (CORTESE) OCCUPATIONAL SAFETY: WORKPLACE VIOLENCE

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### RECOMMENDATION:

1. Discuss City's position on Senate Bill 553 (Cortese) Occupational safety: workplace violence: restraining orders and workplace violence prevention plan; and
2. Direct staff on action to be taken.

### BACKGROUND/ANALYSIS:

Senate Bill (SB) 553 (Cortese) Occupational safety: workplace violence: restraining orders and workplace violence prevention plan current law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. This bill, commencing January 1, 2025, would also authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described. The bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order.

Senator Cortese announced on Monday, August 28, 2023 an update on SB 553: Workplace Violence Prevention, to amend his legislation to protect people from incidents of workplace violence. SB 553 requires employers to develop their own workplace prevention plans as part of their Cal/OSHA Injury Illness Prevention Plan. According to OSHA, workplace violence is the second leading cause of fatal occupational injuries in the United States.

These workplace plans require all employers to:

1. Maintain a Violent Incident Log of all violent incidents against employees as well as post-incident investigations.
2. Inform staff on how to obtain help from law enforcement or staff assigned to respond to workplace violence emergencies.
3. Allow an employee representative to be a petitioner for a temporary workplace violence restraining order.
4. As part of maintaining a required Injury Illness Prevention Plan, identify those responsible for implementing the plan, including roles, trainings, and protocols for assessing and reacting to threats of workplace violence. Employers must review the plan annually.

5. Employers must explain how to report violent incidents without fear of retaliation, and how their concerns will be addressed.
6. Lay out procedures for responding to violence emergencies, including alerts about emergencies, feasible evacuation or sheltering plans, and obtaining assistance from staff, security, or law enforcement.

The City of Chino Hills has an 2019 Injury and Illness Prevention Program, several Safety Administrative Policies, and an established Safety Committee comprised of City staff who review and discuss requirements of Cal/OSHA and safety measures in the workplace. If this bill passes these policies and programs will need to be updated to reflect these new requirements.

SB 553 will be heard with the Suspense File hearing on August 31st. The League of California Cities (Cal Cities) is opposed to this bill.

#### ENVIRONMENTAL (CEQA) REVIEW:

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

#### FISCAL IMPACT:

There is no fiscal impact with this item at this time.

#### REVIEWED BY OTHERS:

This item was reviewed by the Assistant City Manager.

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk

Attachments SB 553 Bill Text



AMENDED IN ASSEMBLY JULY 10, 2023

AMENDED IN ASSEMBLY JUNE 20, 2023

AMENDED IN SENATE MAY 22, 2023

AMENDED IN SENATE APRIL 17, 2023

AMENDED IN SENATE MARCH 28, 2023

AMENDED IN SENATE MARCH 20, 2023

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**SENATE BILL**

**No. 553**

**Introduced by Senator Cortese**  
*(Coauthor: Assembly Member Kalra)*

February 15, 2023

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An act to amend, repeal, and add Section 527.8 of the Code of Civil Procedure, and to amend Section 6401.7 of, and to add Section 6401.9 to, the Labor Code, relating to occupational safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 553, as amended, Cortese. Occupational safety: workplace violence: restraining orders and workplace violence prevention plan.

Existing law authorizes any employer, whose employee has suffered unlawful violence or a credible threat of violence from any individual that can reasonably be construed to be carried out or to have been carried out at the workplace, to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace, as described.

~~This bill would,~~ *bill*, commencing January 1, 2025, *would* also authorize a collective bargaining representative of an employee, as described, to seek a temporary restraining order and an order after

hearing on behalf of the employee and other employees at the workplace, as described. *The bill would require an employer or collective bargaining representative of an employee, before filing such a petition, to provide the employee who has suffered unlawful violence or a credible threat of violence from any individual an opportunity to decline to be named in the temporary restraining order. Under the bill, an employee's request to not be named in the temporary restraining order would not prohibit an employer or collective bargaining representative from seeking a temporary restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.* The bill would make various conforming changes.

Existing law, the California Occupational Safety and Health Act of 1973, imposes safety responsibilities on employers and employees, including the requirement that an employer establish, implement, and maintain an effective injury prevention program, and makes specified violations of these provisions a crime. The act is enforced by the Division of Occupational Safety and Health within the Department of Industrial Relations, including the enforcement of standards adopted by the Occupational Safety and Health Standards Board.

This bill would require every employer, as defined, to also establish, implement, and maintain, at all times in all of the employer's facilities, a workplace violence prevention plan as part of the injury prevention program, as described. The bill would require the employer to record information in a violent incident log about every incident, postincident response, and workplace violence injury investigation required to be performed as part of the workplace violence prevention plan, as described. The bill would require the employer to establish and implement a system to review, at least annually and in conjunction with employees and their collective bargaining representatives, if any, the effectiveness of the workplace violence prevention plan, as described. The bill would require the employer to provide effective training to employees that addresses the workplace violence risks that employees may reasonably anticipate to encounter in their jobs, as described. The bill would require records of workplace violence hazard identification, evaluation, and correction to be created and maintained in accordance with specified law, except as provided. The bill would provide that an employer shall not prohibit an employee from, and shall not take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

Because this bill would expand the scope of a crime, the 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 no reimbursement is required by this act for a specified reason.

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. Section 527.8 of the Code of Civil Procedure is  
2 amended to read:

3 527.8. (a) Any employer, whose employee has suffered  
4 unlawful violence or a credible threat of violence from any  
5 individual, that can reasonably be construed to be carried out or  
6 to have been carried out at the workplace, may seek a temporary  
7 restraining order and an order after hearing on behalf of the  
8 employee and, at the discretion of the court, any number of other  
9 employees at the workplace, and, if appropriate, other employees  
10 at other workplaces of the employer.

11 (b) For purposes of this section:

12 (1) "Course of conduct" is a pattern of conduct composed of a  
13 series of acts over a period of time, however short, evidencing a  
14 continuity of purpose, including following or stalking an employee  
15 to or from the place of work; entering the workplace; following  
16 an employee during hours of employment; making telephone calls  
17 to an employee; or sending correspondence to an employee by any  
18 means, including, but not limited to, the use of the public or private  
19 mails, interoffice mail, facsimile, or computer email.

20 (2) "Credible threat of violence" is a knowing and willful  
21 statement or course of conduct that would place a reasonable person  
22 in fear for their safety, or the safety of their immediate family, and  
23 that serves no legitimate purpose.

24 (3) "Employer" and "employee" mean persons defined in  
25 Section 350 of the Labor Code. "Employer" also includes a federal  
26 agency, the state, a state agency, a city, county, or district, and a  
27 private, public, or quasi-public corporation, or any public agency  
28 thereof or therein. "Employee" also includes the members of boards

1 of directors of private, public, and quasi-public corporations and  
2 elected and appointed public officers. For purposes of this section  
3 only, “employee” also includes a volunteer or independent  
4 contractor who performs services for the employer at the  
5 employer’s worksite.

6 (4) “Petitioner” means the employer that petitions under  
7 subdivision (a) for a temporary restraining order and order after  
8 hearing.

9 (5) “Respondent” means the person against whom the temporary  
10 restraining order and order after hearing are sought and, if the  
11 petition is granted, the restrained person.

12 (6) “Temporary restraining order” and “order after hearing”  
13 mean orders that include any of the following restraining orders,  
14 whether issued ex parte or after notice and hearing:

15 (A) An order enjoining a party from harassing, intimidating,  
16 molesting, attacking, striking, stalking, threatening, sexually  
17 assaulting, battering, abusing, telephoning, including, but not  
18 limited to, making annoying telephone calls as described in Section  
19 653m of the Penal Code, destroying personal property, contacting,  
20 either directly or indirectly, by mail or otherwise, or coming within  
21 a specified distance of, or disturbing the peace of, the employee.

22 (B) An order enjoining a party from specified behavior that the  
23 court determines is necessary to effectuate orders described in  
24 subparagraph (A).

25 (7) “Unlawful violence” is any assault or battery, or stalking as  
26 prohibited in Section 646.9 of the Penal Code, but shall not include  
27 lawful acts of self-defense or defense of others.

28 (c) This section does not permit a court to issue a temporary  
29 restraining order or order after hearing prohibiting speech or other  
30 activities that are constitutionally protected, or otherwise protected  
31 by Section 527.3 or any other provision of law.

32 (d) In the discretion of the court, on a showing of good cause,  
33 a temporary restraining order or order after hearing issued under  
34 this section may include other named family or household  
35 members, or other persons employed at the employee’s workplace  
36 or workplaces.

37 (e) Upon filing a petition under this section, the petitioner may  
38 obtain a temporary restraining order in accordance with subdivision  
39 (a) of Section 527, if the petitioner also files a declaration that, to  
40 the satisfaction of the court, shows reasonable proof that an

1 employee has suffered unlawful violence or a credible threat of  
2 violence by the respondent, and that great or irreparable harm  
3 would result to an employee. The temporary restraining order may  
4 include any of the protective orders described in paragraph (6) of  
5 subdivision (b).

6 (f) A request for the issuance of a temporary restraining order  
7 without notice under this section shall be granted or denied on the  
8 same day that the petition is submitted to the court, unless the  
9 petition is filed too late in the day to permit effective review, in  
10 which case the order shall be granted or denied on the next day of  
11 judicial business in sufficient time for the order to be filed that day  
12 with the clerk of the court.

13 (g) A temporary restraining order granted under this section  
14 shall remain in effect, at the court's discretion, for a period not to  
15 exceed 21 days, or if the court extends the time for hearing under  
16 subdivision (h), not to exceed 25 days, unless otherwise modified  
17 or terminated by the court.

18 (h) Within 21 days, or if good cause appears to the court, 25  
19 days from the date that a petition for a temporary order is granted  
20 or denied, a hearing shall be held on the petition. If no request for  
21 temporary orders is made, the hearing shall be held within 21 days,  
22 or, if good cause appears to the court, 25 days, from the date that  
23 the petition is filed.

24 (i) The respondent may file a response that explains, excuses,  
25 justifies, or denies the alleged unlawful violence or credible threats  
26 of violence.

27 (j) At the hearing, the judge shall receive any testimony that is  
28 relevant and may make an independent inquiry. Moreover, if the  
29 respondent is a current employee of the entity requesting the order,  
30 the judge shall receive evidence concerning the employer's decision  
31 to retain, terminate, or otherwise discipline the respondent. If the  
32 judge finds by clear and convincing evidence that the respondent  
33 engaged in unlawful violence or made a credible threat of violence,  
34 an order shall issue prohibiting further unlawful violence or threats  
35 of violence.

36 (k) (1) In the discretion of the court, an order issued after notice  
37 and hearing under this section may have a duration of not more  
38 than three years, subject to termination or modification by further  
39 order of the court either on written stipulation filed with the court  
40 or on the motion of a party. These orders may be renewed, upon

1 the request of a party, for a duration of not more than three years,  
2 without a showing of any further violence or threats of violence  
3 since the issuance of the original order, subject to termination or  
4 modification by further order of the court either on written  
5 stipulation filed with the court or on the motion of a party. The  
6 request for renewal may be brought at any time within the three  
7 months before the expiration of the order.

8 (2) The failure to state the expiration date on the face of the  
9 form creates an order with a duration of three years from the date  
10 of issuance.

11 (3) If an action is filed for the purpose of terminating or  
12 modifying a protective order prior to the expiration date specified  
13 in the order by a party other than the protected party, the party  
14 who is protected by the order shall be given notice, pursuant to  
15 subdivision (b) of Section 1005, of the proceeding by personal  
16 service or, if the protected party has satisfied the requirements of  
17 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
18 Title 1 of the Government Code, by service on the Secretary of  
19 State. If the party who is protected by the order cannot be notified  
20 prior to the hearing for modification or termination of the protective  
21 order, the court shall deny the motion to modify or terminate the  
22 order without prejudice or continue the hearing until the party who  
23 is protected can be properly noticed and may, upon a showing of  
24 good cause, specify another method for service of process that is  
25 reasonably designed to afford actual notice to the protected party.  
26 The protected party may waive their right to notice if they are  
27 physically present in court and does not challenge the sufficiency  
28 of the notice.

29 (l) This section does not preclude either party from  
30 representation by private counsel or from appearing on the party's  
31 own behalf.

32 (m) Upon filing of a petition under this section, the respondent  
33 shall be personally served with a copy of the petition, temporary  
34 restraining order, if any, and notice of hearing of the petition.  
35 Service shall be made at least five days before the hearing. The  
36 court may, for good cause, on motion of the petitioner or on its  
37 own motion, shorten the time for service on the respondent.

38 (n) A notice of hearing under this section shall notify the  
39 respondent that, if they do not attend the hearing, the court may  
40 make orders against them that could last up to three years.

1 (o) The respondent shall be entitled, as a matter of course, to  
2 one continuance, for a reasonable period, to respond to the petition.

3 (p) (1) Either party may request a continuance of the hearing,  
4 which the court shall grant on a showing of good cause. The request  
5 may be made in writing before or at the hearing or orally at the  
6 hearing. The court may also grant a continuance on its own motion.

7 (2) If the court grants a continuance, any temporary restraining  
8 order that has been granted shall remain in effect until the end of  
9 the continued hearing, unless otherwise ordered by the court. In  
10 granting a continuance, the court may modify or terminate a  
11 temporary restraining order.

12 (q) (1) If a respondent, named in a restraining order issued  
13 under this section after a hearing, has not been served personally  
14 with the order but has received actual notice of the existence and  
15 substance of the order through personal appearance in court to  
16 hear the terms of the order from the court, no additional proof of  
17 service is required for enforcement of the order.

18 (2) If the respondent named in a temporary restraining order is  
19 personally served with the order and notice of hearing with respect  
20 to a restraining order or protective order based on the temporary  
21 restraining order, but the person does not appear at the hearing,  
22 either personally or by an attorney, and the terms and conditions  
23 of the restraining order or protective order issued at the hearing  
24 are identical to the temporary restraining order, except for the  
25 duration of the order, then the restraining order or protective order  
26 issued at the hearing may be served on the person by first-class  
27 mail sent to that person at the most current address for the person  
28 available to the court.

29 (3) The Judicial Council form for temporary orders issued  
30 pursuant to this subdivision shall contain a statement in  
31 substantially the following form:

32  
33 “If you have been personally served with this temporary  
34 restraining order and notice of hearing, but you do not appear at  
35 the hearing either in person or by a lawyer, and a restraining order  
36 that is the same as this restraining order except for the expiration  
37 date is issued at the hearing, a copy of the order will be served on  
38 you by mail at the following address: \_\_\_\_.

39 If that address is not correct or you wish to verify that the  
40 temporary restraining order was converted to a restraining order

1 at the hearing without substantive change and to find out the  
2 duration of that order, contact the clerk of the court.”

3  
4 (r) (1) Information on a temporary restraining order or order  
5 after hearing relating to workplace violence issued by a court  
6 pursuant to this section shall be transmitted to the Department of  
7 Justice in accordance with either paragraph (2) or (3).

8 (2) The court shall order the petitioner or the attorney for the  
9 petitioner to deliver a copy of any order issued under this section,  
10 or a reissuance, extension, modification, or termination of the  
11 order, and any subsequent proof of service, by the close of the  
12 business day on which the order, reissuance, extension,  
13 modification, or termination was made, to each law enforcement  
14 agency having jurisdiction over the residence of the petitioner and  
15 to any additional law enforcement agencies within the court’s  
16 discretion as are requested by the petitioner.

17 (3) Alternatively, the court or its designee shall transmit, within  
18 one business day, to law enforcement personnel all information  
19 required under subdivision (b) of Section 6380 of the Family Code  
20 regarding any order issued under this section, or a reissuance,  
21 extension, modification, or termination of the order, and any  
22 subsequent proof of service, by either one of the following  
23 methods:

24 (A) Transmitting a physical copy of the order or proof of service  
25 to a local law enforcement agency authorized by the Department  
26 of Justice to enter orders into the California Law Enforcement  
27 Telecommunications System (CLETS).

28 (B) With the approval of the Department of Justice, entering  
29 the order or proof of service into CLETS directly.

30 (4) Each appropriate law enforcement agency shall make  
31 available information as to the existence and current status of these  
32 orders to law enforcement officers responding to the scene of  
33 reported unlawful violence or a credible threat of violence.

34 (5) At the request of the petitioner, an order issued under this  
35 section shall be served on the respondent, regardless of whether  
36 the respondent has been taken into custody, by any law  
37 enforcement officer who is present at the scene of reported  
38 unlawful violence or a credible threat of violence involving the  
39 parties to the proceedings. The petitioner shall provide the officer



1 with an endorsed copy of the order and proof of service that the  
2 officer shall complete and send to the issuing court.

3 (6) Upon receiving information at the scene of an incident of  
4 unlawful violence or a credible threat of violence that a protective  
5 order has been issued under this section, or that a person who has  
6 been taken into custody is the subject of an order, if the petitioner  
7 or the protected person cannot produce an endorsed copy of the  
8 order, a law enforcement officer shall immediately attempt to  
9 verify the existence of the order.

10 (7) If the law enforcement officer determines that a protective  
11 order has been issued but not served, the officer shall immediately  
12 notify the respondent of the terms of the order and obtain the  
13 respondent's address. The law enforcement officer shall at that  
14 time also enforce the order, but may not arrest or take the  
15 respondent into custody for acts in violation of the order that were  
16 committed prior to the verbal notice of the terms and conditions  
17 of the order. The law enforcement officer's verbal notice of the  
18 terms of the order shall constitute service of the order and  
19 constitutes sufficient notice for the purposes of this section and  
20 for the purposes of Section 29825 of the Penal Code. The petitioner  
21 shall mail an endorsed copy of the order to the respondent's mailing  
22 address provided to the law enforcement officer within one  
23 business day of the reported incident of unlawful violence or a  
24 credible threat of violence at which a verbal notice of the terms of  
25 the order was provided by a law enforcement officer.

26 (s) (1) A person subject to a protective order issued under this  
27 section shall not own, possess, purchase, receive, or attempt to  
28 purchase or receive a firearm or ammunition while the protective  
29 order is in effect.

30 (2) The court shall order a person subject to a protective order  
31 issued under this section to relinquish any firearms they own or  
32 possess pursuant to Section 527.9.

33 (3) Every person who owns, possesses, purchases or receives,  
34 or attempts to purchase or receive a firearm or ammunition while  
35 the protective order is in effect is punishable pursuant to Section  
36 29825 of the Penal Code.

37 (t) Any intentional disobedience of any temporary restraining  
38 order or order after hearing granted under this section is punishable  
39 pursuant to Section 273.6 of the Penal Code.

1 (u) This section shall not be construed as expanding,  
2 diminishing, altering, or modifying the duty, if any, of an employer  
3 to provide a safe workplace for employees and other persons.

4 (v) (1) The Judicial Council shall develop forms, instructions,  
5 and rules for relating to matters governed by this section. The  
6 forms for the petition and response shall be simple and concise,  
7 and their use by parties in actions brought pursuant to this section  
8 shall be mandatory.

9 (2) A temporary restraining order or order after hearing relating  
10 to unlawful violence or a credible threat of violence issued by a  
11 court pursuant to this section shall be issued on forms adopted by  
12 the Judicial Council of California and that have been approved by  
13 the Department of Justice pursuant to subdivision (i) of Section  
14 6380 of the Family Code. However, the fact that an order issued  
15 by a court pursuant to this section was not issued on forms adopted  
16 by the Judicial Council and approved by the Department of Justice  
17 shall not, in and of itself, make the order unenforceable.

18 (w) There is no filing fee for a petition that alleges that a person  
19 has inflicted or threatened violence against an employee of the  
20 petitioner, or stalked the employee, or acted or spoken in any other  
21 manner that has placed the employee in reasonable fear of violence,  
22 and that seeks a protective or restraining order restraining stalking  
23 or future violence or threats of violence, in any action brought  
24 pursuant to this section. A fee shall not be paid for a subpoena  
25 filed in connection with a petition alleging these acts. A fee shall  
26 not be paid for filing a response to a petition alleging these acts.

27 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
28 6103.2 of the Government Code, there shall be no fee for the  
29 service of process by a sheriff or marshal of a temporary restraining  
30 order or order after hearing to be issued pursuant to this section if  
31 either of the following conditions applies:

32 (A) The temporary restraining order or order after hearing issued  
33 pursuant to this section is based upon stalking, as prohibited by  
34 Section 646.9 of the Penal Code.

35 (B) The temporary restraining order or order after hearing issued  
36 pursuant to this section is based on unlawful violence or a credible  
37 threat of violence.

38 (2) The Judicial Council shall prepare and develop forms for  
39 persons who wish to avail themselves of the services described in  
40 this subdivision.

(y) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

SEC. 2. Section 527.8 is added to the Code of Civil Procedure, to read:

527.8. (a) Any employer or collective bargaining representative of an employee who has suffered unlawful violence or a credible threat of violence from any individual, that can reasonably be construed to be carried out or to have been carried out at the workplace, may seek a temporary restraining order and an order after hearing on behalf of the employee and, at the discretion of the court, any number of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer. For purposes of this section only, a person may bring a petition for a temporary restraining order and an order after hearing on behalf of an employee as their collective bargaining representative only if the person serves as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

(b) For purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an employee to or from the place of work; entering the workplace; following an employee during hours of employment; making telephone calls to an employee; or sending correspondence to an employee by any means, including, but not limited to, the use of the public or private mails, interoffice mail, facsimile, or computer email.

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

(3) "Employer" and "employee" mean persons defined in Section 350 of the Labor Code. "Employer" also includes a federal agency, the state, a state agency, a city, county, or district, and a private, public, or quasi-public corporation, or any public agency thereof or therein. "Employee" also includes the members of boards of directors of private, public, and quasi-public corporations and elected and appointed public officers. For purposes of this section only, "employee" also includes a volunteer or independent

1 contractor who performs services for the employer at the  
2 employer's worksite.

3 (4) "Petitioner" means the employer or collective bargaining  
4 representative that petitions under subdivision (a) for a temporary  
5 restraining order and order after hearing.

6 (5) "Respondent" means the person against whom the temporary  
7 restraining order and order after hearing are sought and, if the  
8 petition is granted, the restrained person.

9 (6) "Temporary restraining order" and "order after hearing"  
10 mean orders that include any of the following restraining orders,  
11 whether issued ex parte or after notice and hearing:

12 (A) An order enjoining a party from harassing, intimidating,  
13 molesting, attacking, striking, stalking, threatening, sexually  
14 assaulting, battering, abusing, telephoning, including, but not  
15 limited to, making annoying telephone calls as described in Section  
16 653m of the Penal Code, destroying personal property, contacting,  
17 either directly or indirectly, by mail or otherwise, or coming within  
18 a specified distance of, or disturbing the peace of, the employee.

19 (B) An order enjoining a party from specified behavior that the  
20 court determines is necessary to effectuate orders described in  
21 subparagraph (A).

22 (7) "Unlawful violence" is any assault or battery, or stalking as  
23 prohibited in Section 646.9 of the Penal Code, but shall not include  
24 lawful acts of self-defense or defense of others.

25 (c) This section does not permit a court to issue a temporary  
26 restraining order or order after hearing prohibiting speech or other  
27 activities that are constitutionally protected, protected by the  
28 National Labor Relations Act (29 U.S.C. Sec. 151 et seq.),  
29 protected by Chapter 11.5 (commencing with Section 3555) of  
30 Division 4 of Title 1 of the Government Code, or otherwise  
31 protected by Section 527.3 or any other provision of law.

32 (d) In the discretion of the court, on a showing of good cause,  
33 a temporary restraining order or order after hearing issued under  
34 this section may include other named family or household  
35 members, or other persons employed at the employee's workplace  
36 or workplaces.

37 (e) *Before filing a petition under this section, an employer or*  
38 *collective bargaining representative of an employee shall provide*  
39 *the employee who has suffered unlawful violence or a credible*  
40 *threat of violence from any individual an opportunity to decline*

1 *to be named in the temporary restraining order. An employee's*  
2 *request to not be named in the temporary restraining order shall*  
3 *not prohibit an employer or collective bargaining representative*  
4 *from seeking a temporary restraining order on behalf of other*  
5 *employees at the workplace, and, if appropriate, other employees*  
6 *at other workplaces of the employer.*

7 ~~(e)~~

8 (f) Upon filing a petition under this section, the petitioner may  
9 obtain a temporary restraining order in accordance with subdivision  
10 (a) of Section 527, if the petitioner also files a declaration that, to  
11 the satisfaction of the court, shows reasonable proof that an  
12 employee has suffered unlawful violence or a credible threat of  
13 violence by the respondent, and that great or irreparable harm  
14 would result to an employee. The temporary restraining order may  
15 include any of the protective orders described in paragraph (6) of  
16 subdivision (b).

17 ~~(f)~~

18 (g) A request for the issuance of a temporary restraining order  
19 without notice under this section shall be granted or denied on the  
20 same day that the petition is submitted to the court, unless the  
21 petition is filed too late in the day to permit effective review, in  
22 which case the order shall be granted or denied on the next day of  
23 judicial business in sufficient time for the order to be filed that day  
24 with the clerk of the court.

25 ~~(g)~~

26 (h) A temporary restraining order granted under this section  
27 shall remain in effect, at the court's discretion, for a period not to  
28 exceed 21 days, or if the court extends the time for hearing under  
29 subdivision ~~(h)~~, (i), not to exceed 25 days, unless otherwise  
30 modified or terminated by the court.

31 ~~(h)~~

32 (i) Within 21 days, or if good cause appears to the court, 25  
33 days from the date that a petition for a temporary order is granted  
34 or denied, a hearing shall be held on the petition. If no request for  
35 temporary orders is made, the hearing shall be held within 21 days,  
36 or, if good cause appears to the court, 25 days, from the date that  
37 the petition is filed.

38 ~~(i)~~

1 (j) The respondent may file a response that explains, excuses,  
2 justifies, or denies the alleged unlawful violence or credible threats  
3 of violence.

4 ~~(j)~~

5 (k) At the hearing, the judge shall receive any testimony that is  
6 relevant and may make an independent inquiry. Moreover, if the  
7 respondent is currently employed by the employer of the employee,  
8 as described in subdivision (a), the judge shall receive evidence  
9 concerning the employer's decision to retain, terminate, or  
10 otherwise discipline the respondent. If the judge finds by clear and  
11 convincing evidence that the respondent engaged in unlawful  
12 violence or made a credible threat of violence, an order shall issue  
13 prohibiting further unlawful violence or threats of violence.

14 ~~(k)~~

15 (l) (1) In the discretion of the court, an order issued after notice  
16 and hearing under this section may have a duration of not more  
17 than three years, subject to termination or modification by further  
18 order of the court either on written stipulation filed with the court  
19 or on the motion of a party. These orders may be renewed, upon  
20 the request of a party, for a duration of not more than three years,  
21 without a showing of any further violence or threats of violence  
22 since the issuance of the original order, subject to termination or  
23 modification by further order of the court either on written  
24 stipulation filed with the court or on the motion of a party. The  
25 request for renewal may be brought at any time within the three  
26 months before the expiration of the order.

27 (2) The failure to state the expiration date on the face of the  
28 form creates an order with a duration of three years from the date  
29 of issuance.

30 (3) If an action is filed for the purpose of terminating or  
31 modifying a protective order prior to the expiration date specified  
32 in the order by a party other than the protected party, the party  
33 who is protected by the order shall be given notice, pursuant to  
34 subdivision (b) of Section 1005, of the proceeding by personal  
35 service or, if the protected party has satisfied the requirements of  
36 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
37 Title 1 of the Government Code, by service on the Secretary of  
38 State. If the party who is protected by the order cannot be notified  
39 prior to the hearing for modification or termination of the protective  
40 order, the court shall deny the motion to modify or terminate the

1 order without prejudice or continue the hearing until the party who  
2 is protected can be properly noticed and may, upon a showing of  
3 good cause, specify another method for service of process that is  
4 reasonably designed to afford actual notice to the protected party.  
5 The protected party may waive their right to notice if they are  
6 physically present in court and does not challenge the sufficiency  
7 of the notice.

8 ~~(t)~~

9 *(m)* This section does not preclude any party from representation  
10 by private counsel or from appearing on the party's own behalf.

11 ~~(m)~~

12 *(n)* Upon filing of a petition under this section, the respondent  
13 shall be personally served with a copy of the petition, temporary  
14 restraining order, if any, and notice of hearing of the petition.  
15 Service shall be made at least five days before the hearing. The  
16 court may, for good cause, on motion of the petitioner or on its  
17 own motion, shorten the time for service on the respondent.

18 ~~(n)~~

19 *(o)* A notice of hearing under this section shall notify the  
20 respondent that, if they do not attend the hearing, the court may  
21 make orders against them that could last up to three years.

22 ~~(o)~~

23 *(p)* The respondent shall be entitled, as a matter of course, to  
24 one continuance, for a reasonable period, to respond to the petition.

25 ~~(p)~~

26 *(q)* (1) Any party may request a continuance of the hearing,  
27 which the court shall grant on a showing of good cause. The request  
28 may be made in writing before or at the hearing or orally at the  
29 hearing. The court may also grant a continuance on its own motion.

30 (2) If the court grants a continuance, any temporary restraining  
31 order that has been granted shall remain in effect until the end of  
32 the continued hearing, unless otherwise ordered by the court. In  
33 granting a continuance, the court may modify or terminate a  
34 temporary restraining order.

35 ~~(q)~~

36 *(r)* (1) If a respondent, named in a restraining order issued under  
37 this section after a hearing, has not been served personally with  
38 the order but has received actual notice of the existence and  
39 substance of the order through personal appearance in court to

1 hear the terms of the order from the court, no additional proof of  
2 service is required for enforcement of the order.

3 (2) If the respondent named in a temporary restraining order is  
4 personally served with the order and notice of hearing with respect  
5 to a restraining order or protective order based on the temporary  
6 restraining order, but the person does not appear at the hearing,  
7 either personally or by an attorney, and the terms and conditions  
8 of the restraining order or protective order issued at the hearing  
9 are identical to the temporary restraining order, except for the  
10 duration of the order, then the restraining order or protective order  
11 issued at the hearing may be served on the person by first-class  
12 mail sent to that person at the most current address for the person  
13 available to the court.

14 (3) The Judicial Council form for temporary orders issued  
15 pursuant to this subdivision shall contain a statement in  
16 substantially the following form:

17  
18 “If you have been personally served with this temporary  
19 restraining order and notice of hearing, but you do not appear at  
20 the hearing either in person or by a lawyer, and a restraining order  
21 that is the same as this restraining order except for the expiration  
22 date is issued at the hearing, a copy of the order will be served on  
23 you by mail at the following address: \_\_\_\_.

24 If that address is not correct or you wish to verify that the  
25 temporary restraining order was converted to a restraining order  
26 at the hearing without substantive change and to find out the  
27 duration of that order, contact the clerk of the court.”

28  
29 ~~(r)~~

30 (s) (1) Information on a temporary restraining order or order  
31 after hearing relating to workplace violence issued by a court  
32 pursuant to this section shall be transmitted to the Department of  
33 Justice in accordance with either paragraph (2) or (3).

34 (2) The court shall order the petitioner or the attorney for the  
35 petitioner to deliver a copy of any order issued under this section,  
36 or a reissuance, extension, modification, or termination of the  
37 order, and any subsequent proof of service, by the close of the  
38 business day on which the order, reissuance, extension,  
39 modification, or termination was made, to each law enforcement  
40 agency having jurisdiction over the residence of the petitioner and



1 to any additional law enforcement agencies within the court's  
2 discretion as are requested by the petitioner.

3 (3) Alternatively, the court or its designee shall transmit, within  
4 one business day, to law enforcement personnel all information  
5 required under subdivision (b) of Section 6380 of the Family Code  
6 regarding any order issued under this section, or a reissuance,  
7 extension, modification, or termination of the order, and any  
8 subsequent proof of service, by either one of the following  
9 methods:

10 (A) Transmitting a physical copy of the order or proof of service  
11 to a local law enforcement agency authorized by the Department  
12 of Justice to enter orders into the California Law Enforcement  
13 Telecommunications System (CLETS).

14 (B) With the approval of the Department of Justice, entering  
15 the order or proof of service into CLETS directly.

16 (4) Each appropriate law enforcement agency shall make  
17 available information as to the existence and current status of these  
18 orders to law enforcement officers responding to the scene of  
19 reported unlawful violence or a credible threat of violence.

20 (5) At the request of the petitioner, an order issued under this  
21 section shall be served on the respondent, regardless of whether  
22 the respondent has been taken into custody, by any law  
23 enforcement officer who is present at the scene of reported  
24 unlawful violence or a credible threat of violence involving the  
25 parties to the proceedings. The petitioner shall provide the officer  
26 with an endorsed copy of the order and proof of service that the  
27 officer shall complete and send to the issuing court.

28 (6) Upon receiving information at the scene of an incident of  
29 unlawful violence or a credible threat of violence that a protective  
30 order has been issued under this section, or that a person who has  
31 been taken into custody is the subject of an order, if the petitioner  
32 or the protected person cannot produce an endorsed copy of the  
33 order, a law enforcement officer shall immediately attempt to  
34 verify the existence of the order.

35 (7) If the law enforcement officer determines that a protective  
36 order has been issued but not served, the officer shall immediately  
37 notify the respondent of the terms of the order and obtain the  
38 respondent's address. The law enforcement officer shall at that  
39 time also enforce the order, but may not arrest or take the  
40 respondent into custody for acts in violation of the order that were

1 committed prior to the verbal notice of the terms and conditions  
2 of the order. The law enforcement officer's verbal notice of the  
3 terms of the order shall constitute service of the order and  
4 constitutes sufficient notice for the purposes of this section and  
5 for the purposes of Section 29825 of the Penal Code. The petitioner  
6 shall mail an endorsed copy of the order to the respondent's mailing  
7 address provided to the law enforcement officer within one  
8 business day of the reported incident of unlawful violence or a  
9 credible threat of violence at which a verbal notice of the terms of  
10 the order was provided by a law enforcement officer.

11 ~~(s)~~

12 (t) (1) A person subject to a protective order issued under this  
13 section shall not own, possess, purchase, receive, or attempt to  
14 purchase or receive a firearm or ammunition while the protective  
15 order is in effect.

16 (2) The court shall order a person subject to a protective order  
17 issued under this section to relinquish any firearms they own or  
18 possess pursuant to Section 527.9.

19 (3) Every person who owns, possesses, purchases or receives,  
20 or attempts to purchase or receive a firearm or ammunition while  
21 the protective order is in effect is punishable pursuant to Section  
22 29825 of the Penal Code.

23 ~~(t)~~

24 (u) Any intentional disobedience of any temporary restraining  
25 order or order after hearing granted under this section is punishable  
26 pursuant to Section 273.6 of the Penal Code.

27 ~~(u)~~

28 (v) This section shall not be construed as expanding,  
29 diminishing, altering, or modifying the duty, if any, of an employer  
30 to provide a safe workplace for employees and other persons.

31 ~~(v)~~

32 (w) (1) The Judicial Council shall develop forms, instructions,  
33 and rules for relating to matters governed by this section. The  
34 forms for the petition and response shall be simple and concise,  
35 and their use by parties in actions brought pursuant to this section  
36 shall be mandatory.

37 (2) A temporary restraining order or order after hearing relating  
38 to unlawful violence or a credible threat of violence issued by a  
39 court pursuant to this section shall be issued on forms adopted by  
40 the Judicial Council of California and that have been approved by

1 the Department of Justice pursuant to subdivision (i) of Section  
2 6380 of the Family Code. However, the fact that an order issued  
3 by a court pursuant to this section was not issued on forms adopted  
4 by the Judicial Council and approved by the Department of Justice  
5 shall not, in and of itself, make the order unenforceable.

6 ~~(w)~~

7 (x) There is no filing fee for a petition that alleges that a person  
8 has inflicted or threatened violence against an employee employed  
9 or represented by the petitioner, or stalked the employee, or acted  
10 or spoken in any other manner that has placed the employee in  
11 reasonable fear of violence, and that seeks a protective or  
12 restraining order restraining stalking or future violence or threats  
13 of violence, in any action brought pursuant to this section. A fee  
14 shall not be paid for a subpoena filed in connection with a petition  
15 alleging these acts. A fee shall not be paid for filing a response to  
16 a petition alleging these acts.

17 ~~(x)~~

18 (y) (1) Subject to paragraph (4) of subdivision (b) of Section  
19 6103.2 of the Government Code, there shall be no fee for the  
20 service of process by a sheriff or marshal of a temporary restraining  
21 order or order after hearing to be issued pursuant to this section if  
22 either of the following conditions applies:

23 (A) The temporary restraining order or order after hearing issued  
24 pursuant to this section is based upon stalking, as prohibited by  
25 Section 646.9 of the Penal Code.

26 (B) The temporary restraining order or order after hearing issued  
27 pursuant to this section is based on unlawful violence or a credible  
28 threat of violence.

29 (2) The Judicial Council shall prepare and develop forms for  
30 persons who wish to avail themselves of the services described in  
31 this subdivision.

32 ~~(y)~~

33 (z) This section shall be operative on January 1, 2025.

34 SEC. 3. Section 6401.7 of the Labor Code is amended to read:

35 6401.7. (a) Every employer shall establish, implement, and  
36 maintain an effective injury prevention program. The program  
37 shall be written, except as provided in subdivision (e), and shall  
38 include, but not be limited to, the following elements:

39 (1) Identification of the person or persons responsible for  
40 implementing the program.

1 (2) The employer's system for identifying and evaluating  
2 workplace hazards, including scheduled periodic inspections to  
3 identify unsafe conditions and work practices.

4 (3) The employer's methods and procedures for correcting  
5 unsafe or unhealthy conditions and work practices in a timely  
6 manner.

7 (4) An occupational health and safety training program designed  
8 to instruct employees in general safe and healthy work practices  
9 and to provide specific instruction with respect to hazards specific  
10 to each employee's job assignment.

11 (5) The employer's system for communicating with employees  
12 on occupational health and safety matters, including provisions  
13 designed to encourage employees to inform the employer of  
14 hazards at the worksite without fear of reprisal.

15 (6) The employer's system for ensuring that employees comply  
16 with safe and healthy work practices, which may include  
17 disciplinary action.

18 (7) A workplace violence prevention plan conforming to the  
19 requirements of Section 6401.9.

20 (b) The employer shall correct unsafe and unhealthy conditions  
21 and work practices in a timely manner based on the severity of the  
22 hazard.

23 (c) The employer shall train all employees when the training  
24 program is first established, all new employees, and all employees  
25 given a new job assignment, and shall train employees whenever  
26 new substances, processes, procedures, or equipment are introduced  
27 to the workplace and represent a new hazard, and whenever the  
28 employer receives notification of a new or previously unrecognized  
29 hazard. An employer in the construction industry who is required  
30 to be licensed under Chapter 9 (commencing with Section 7000)  
31 of Division 3 of the Business and Professions Code may use  
32 employee training provided to the employer's employees under a  
33 construction industry occupational safety and health training  
34 program approved by the division to comply with the requirements  
35 of subdivision (a) relating to employee training, and shall only be  
36 required to provide training on hazards specific to an employee's  
37 job duties.

38 (d) The employer shall keep appropriate records of steps taken  
39 to implement and maintain the program. An employer in the  
40 construction industry who is required to be licensed under Chapter

9 (commencing with Section 7000) of Division 3 of the Business and Professions Code may use records relating to employee training provided to the employer in connection with an occupational safety and health training program approved by the division to comply with this subdivision, and shall only be required to keep records of those steps taken to implement and maintain the program with respect to hazards specific to an employee's job duties.

(e) (1) The standards board shall adopt a standard setting forth the employer's duties under this section, on or before January 1, 1991, consistent with the requirements specified in subdivisions (a), (b), (c), and (d). The standards board, in adopting the standard, shall include substantial compliance criteria for use in evaluating an employer's injury prevention program. The board may adopt less stringent criteria for employers with few employees and for employers in industries with insignificant occupational safety or health hazards.

(2) Notwithstanding subdivision (a), for employers with fewer than 20 employees who are in industries that are not on a designated list of high hazard industries and who have a workers' compensation experience modification rate of 1.1 or less, and for any employers with fewer than 20 employees who are in industries that are on a designated list of low hazard industries, the board shall adopt a standard setting forth the employer's duties under this section consistent with the requirements specified in subdivisions (a), (b), and (c), except that the standard shall only require written documentation to the extent of documenting the person or persons responsible for implementing the program pursuant to paragraph (1) of subdivision (a), keeping a record of periodic inspections pursuant to paragraph (2) of subdivision (a), and keeping a record of employee training pursuant to paragraph (4) of subdivision (a). To any extent beyond the specifications of this subdivision, the standard shall not require the employer to keep the records specified in subdivision (d).

(3) (A) The division shall establish a list of high hazard industries using the methods prescribed in Section 6314.1 for identifying and targeting employers in high hazard industries. For purposes of this subdivision, the "designated list of high hazard industries" shall be the list established pursuant to this paragraph.

1 (B) For the purpose of implementing this subdivision, the  
2 Department of Industrial Relations shall periodically review, and  
3 as necessary revise, the list.

4 (4) For the purpose of implementing this subdivision, the  
5 Department of Industrial Relations shall also establish a list of low  
6 hazard industries, and shall periodically review, and as necessary  
7 revise, that list.

8 (f) The standard adopted pursuant to subdivision (e) shall  
9 specifically permit employer and employee occupational safety  
10 and health committees to be included in the employer's injury  
11 prevention program. The board shall establish criteria for use in  
12 evaluating employer and employee occupational safety and health  
13 committees. The criteria shall include minimum duties, including  
14 the following:

15 (1) Review of the employer's periodic, scheduled worksite  
16 inspections; investigation of causes of incidents resulting in injury,  
17 illness, or exposure to hazardous substances; and investigation of  
18 any alleged hazardous condition brought to the attention of any  
19 committee member. When determined necessary by the committee,  
20 the committee may conduct its own inspections and investigations.

21 (2) (A) Upon request from the division, verification of  
22 abatement action taken by the employer as specified in division  
23 citations.

24 (B) If an employer's occupational safety and health committee  
25 meets the criteria established by the board, it shall be presumed to  
26 be in substantial compliance with paragraph (5) of subdivision (a).

27 (g) The division shall adopt regulations specifying the  
28 procedures for selecting employee representatives for  
29 employer-employee occupational health and safety committees  
30 when these procedures are not specified in an applicable collective  
31 bargaining agreement. No employee or employee organization  
32 shall be held liable for any act or omission in connection with a  
33 health and safety committee.

34 (h) The employer's injury prevention program, as required by  
35 this section, shall cover all of the employer's employees and all  
36 other workers who the employer controls or directs and directly  
37 supervises on the job to the extent these workers are exposed to  
38 worksite and job assignment specific hazards. Nothing in this  
39 subdivision shall affect the obligations of a contractor or other

1 employer that controls or directs and directly supervises its own  
2 employees on the job.

3 (i) When a contractor supplies its employee to a state agency  
4 employer on a temporary basis, the state agency employer may  
5 assess a fee upon the contractor to reimburse the state agency for  
6 the additional costs, if any, of including the contract employee  
7 within the state agency's injury prevention program.

8 (j) (1) The division shall prepare a Model Injury and Illness  
9 Prevention Program for Non-High-Hazard Employment, and shall  
10 make copies of the model program prepared pursuant to this  
11 subdivision available to employers, upon request, for posting in  
12 the workplace. An employer who adopts and implements the model  
13 program prepared by the division pursuant to this paragraph in  
14 good faith shall not be assessed a civil penalty for the first citation  
15 for a violation of this section issued after the employer's adoption  
16 and implementation of the model program.

17 (2) For purposes of this subdivision, the division shall establish  
18 a list of non-high-hazard industries in California. These industries,  
19 identified by their Standard Industrial Classification Codes, as  
20 published by the United States Office of Management and Budget  
21 in the Manual of Standard Industrial Classification Codes, 1987  
22 Edition, are apparel and accessory stores (Code 56), eating and  
23 drinking places (Code 58), miscellaneous retail (Code 59), finance,  
24 insurance, and real estate (Codes 60–67), personal services (Code  
25 72), business services (Code 73), motion pictures (Code 78) except  
26 motion picture production and allied services (Code 781), legal  
27 services (Code 81), educational services (Code 82), social services  
28 (Code 83), museums, art galleries, and botanical and zoological  
29 gardens (Code 84), membership organizations (Code 86),  
30 engineering, accounting, research, management, and related  
31 services (Code 87), private households (Code 88), and  
32 miscellaneous services (Code 89). To further identify industries  
33 that may be included on the list, the division shall also consider  
34 data from a rating organization, as defined in Section 11750.1 of  
35 the Insurance Code, and all other appropriate information. The list  
36 shall be established by June 30, 1994, and shall be reviewed, and  
37 as necessary revised, biennially.

38 (3) The division shall prepare a Model Injury and Illness  
39 Prevention Program for Employers in Industries with Intermittent  
40 Employment, and shall determine which industries have historically

1 utilized seasonal or intermittent employees. An employer in an  
2 industry determined by the division to have historically utilized  
3 seasonal or intermittent employees shall be deemed to have  
4 complied with the requirements of subdivision (a) with respect to  
5 a written injury prevention program if the employer adopts the  
6 model program prepared by the division pursuant to this paragraph  
7 and complies with any instructions relating thereto.

8 (k) With respect to any county, city, city and county, or district,  
9 or any public or quasi-public corporation or public agency therein,  
10 including any public entity, other than a state agency, that is a  
11 member of, or created by, a joint powers agreement, subdivision  
12 (d) shall not apply.

13 (l) Every workers' compensation insurer shall conduct a review,  
14 including a written report as specified below, of the injury and  
15 illness prevention program (IIPP) of each of its insureds with an  
16 experience modification of 2.0 or greater within six months of the  
17 commencement of the initial insurance policy term. The review  
18 shall determine whether the insured has implemented all of the  
19 required components of the IIPP, and evaluate their effectiveness.  
20 The training component of the IIPP shall be evaluated to determine  
21 whether training is provided to line employees, supervisors, and  
22 upper level management, and effectively imparts the information  
23 and skills each of these groups needs to ensure that all of the  
24 insured's specific health and safety issues are fully addressed by  
25 the insured. The reviewer shall prepare a detailed written report  
26 specifying the findings of the review and all recommended changes  
27 deemed necessary to make the IIPP effective. The reviewer shall  
28 be or work under the direction of a licensed California professional  
29 engineer, certified safety professional, or a certified industrial  
30 hygienist.

31 SEC. 4. Section 6401.9 is added to the Labor Code, to read:

32 6401.9. (a) For purposes of this section, the following  
33 definitions apply:

34 (1) "Employer" means either of the following, but does not  
35 include an employer subject to Section 3342 of Title 8 of the Code  
36 of Regulations:

37 (A) A person who employs one or more persons to perform  
38 services for a wage or salary.

39 (B) The state and any political or civil subdivision of the state,  
40 including, but not limited to, cities and counties.



1 (2) “Alarm” means a mechanical, electrical, or electronic device  
2 that does not rely upon an employee’s vocalization in order to alert  
3 others.

4 (3) “Dedicated safety personnel” includes, but is not limited to,  
5 security guards, security officers, loss prevention officers, and  
6 other persons employed for purposes of ensuring the security of  
7 persons at, and property of, the employer’s workplaces.

8 (4) “Engineering controls” means an aspect of the built space  
9 or a device that removes a hazard from the workplace or creates  
10 a barrier between the worker and the hazard. For purposes of  
11 reducing workplace violence hazards, “engineering controls”  
12 include, but are not limited to, electronic access controls to  
13 employee occupied areas, installed or handheld weapon detectors,  
14 enclosed workstations with shatter-resistant glass, deep service  
15 counters, locks on doors, closed-circuit television monitoring and  
16 video recording, sight aids, and personal alarm devices.

17 (5) “Environmental risk factors” means factors in the facility  
18 or area in which services or operations are conducted that may  
19 contribute to the likelihood or severity of a workplace violence  
20 incident. “Environmental risk factors” include, but are not limited  
21 to, risk factors associated with the specific task being performed,  
22 such as the collection of money.

23 (6) “Employer’s facilities” shall not include facilities operated  
24 by the Department of Corrections and Rehabilitation.

25 (7) “Threat of violence” means a statement or conduct that  
26 causes a person to fear for the person’s safety because there is a  
27 reasonable possibility the person might be physically injured, and  
28 that serves no legitimate purpose.

29 (8) “Work practice controls” means procedures, rules, and  
30 staffing that are used to effectively reduce workplace violence  
31 hazards. Work practice controls include, but are not limited to,  
32 appropriate staffing levels, provision of dedicated safety personnel,  
33 employee training on workplace violence prevention methods, and  
34 employee training on procedures to follow in the event of a  
35 workplace violence incident.

36 (9) “Workplace violence” means any act of violence or threat  
37 of violence that occurs at the workplace. The term workplace  
38 violence shall not include lawful acts of self-defense or defense  
39 of others. Workplace violence includes any of the following:

1 (A) The threat or use of physical force against an employee that  
2 results in, or has a high likelihood of resulting in, injury,  
3 psychological trauma, or stress, regardless of whether the employee  
4 sustains an injury.

5 (B) An incident involving the use of a firearm or other dangerous  
6 weapon, regardless of whether the employee sustains an injury.

7 (b) As part of the injury prevention program required by Section  
8 6401.7, every employer shall establish, implement, and maintain,  
9 at all times in all of the employer's facilities, a workplace violence  
10 prevention plan for purposes of protecting employees and other  
11 personnel from aggressive and violent behavior at the workplace.  
12 The workplace violence prevention plan may be incorporated into  
13 the written injury prevention program as a separate chapter or may  
14 be maintained as a separate document, and shall include all of the  
15 following elements:

16 (1) The names or job titles of the persons responsible for  
17 implementing and maintaining the workplace violence prevention  
18 plan.

19 (2) Effective procedures to obtain the active involvement of  
20 employees and their collective bargaining representatives, if any,  
21 in developing, implementing, and reviewing the workplace violence  
22 prevention plan, including their participation in identifying,  
23 evaluating, and correcting workplace violence hazards, designing  
24 and implementing training, and reporting and investigating  
25 workplace violence incidents.

26 (3) Methods the employer will use to coordinate implementation  
27 of the workplace violence prevention plan with other employers  
28 whose employees work in the same facility, department, or  
29 operation, to ensure that those employers and employees  
30 understand their respective roles as provided in the workplace  
31 violence prevention plan. These methods shall ensure that all  
32 employees are provided the training required by subdivision (e)  
33 and shall ensure that workplace violence incidents involving any  
34 employee are reported, investigated, and recorded.

35 (4) Effective procedures for obtaining assistance from the  
36 appropriate law enforcement agency during all work shifts. The  
37 procedure may establish a central coordination procedure and shall  
38 also include a policy statement prohibiting the employer from  
39 disallowing an employee from, or taking punitive or retaliatory  
40 action against an employee for, seeking assistance and intervention

1 from local emergency services or law enforcement when a violent  
2 incident occurs.

3 (5) Effective procedures for the employer to accept and respond  
4 to reports of workplace violence and to prohibit retaliation against  
5 an employee who makes such a report.

6 (6) Procedures to ensure that supervisory and nonsupervisory  
7 employees comply with the workplace violence prevention plan.

8 (7) Procedures to communicate with employees regarding  
9 workplace violence matters, including:

10 (A) How employees will document and communicate to other  
11 employees and between shifts and departments, facilities, or  
12 operations, information regarding conditions that may increase the  
13 potential for workplace violence incidents.

14 (B) How an employee can report a violent incident, threat, or  
15 other workplace violence concern.

16 (C) How employees can communicate workplace violence  
17 concerns without fear of reprisal.

18 (D) How employee concerns will be investigated and how  
19 employees will be informed of the results of the investigation and  
20 any corrective actions to be taken.

21 (8) Procedures to develop and provide the training required in  
22 subdivision (e). Employees and their collective bargaining  
23 representatives, if any, shall be allowed to participate in developing  
24 the training.

25 (9) Assessment procedures to identify and evaluate  
26 environmental risk factors, including community-based risk factors,  
27 for each facility, department, or operation. These procedures shall  
28 include a review of all workplace violence incidents that occurred  
29 in the facility, department, or operation within the previous year,  
30 regardless of whether an injury occurred. This shall also include  
31 procedures to identify and evaluate environmental risk factors for  
32 workplace violence in each facility, department, or operation of  
33 the establishment, including surrounding areas, such as employee  
34 parking areas and other outdoor areas. Assessment tools,  
35 environmental checklists, or other effective means shall be used  
36 to identify locations and situations where violent incidents are  
37 more likely to occur. These procedures shall specify the frequency  
38 with which those environmental assessments will take place.  
39 Environmental risk factors shall include, but are not limited to, the  
40 following:

1 (A) Employees working in locations isolated from other  
2 employees because their assignment requires them to work alone,  
3 in remote locations, during night or early morning hours, or where  
4 an assailant could prevent entry into the work area by responders  
5 or other employees.

6 (B) Poor illumination or blocked visibility of areas where  
7 possible assailants may be present.

8 (C) Lack of physical barriers between employees and persons  
9 at risk of committing workplace violence.

10 (D) Lack of effective escape routes.

11 (E) Obstacles and impediments to accessing alarm systems.

12 (F) Locations within the facility where alarm systems are not  
13 operational.

14 (G) Entryways where unauthorized entrance may occur, such  
15 as doors designated for staff entrance or emergency exits.

16 (H) Storage of high-value items or currency.

17 (10) Procedures to correct workplace violence hazards in a  
18 timely manner. Engineering and work practice controls shall be  
19 used to eliminate or minimize employee exposure to the identified  
20 hazards to the extent feasible. The procedures shall include  
21 measures that the employer will take to protect employees from  
22 imminent hazards immediately and to protect employees from  
23 identified serious hazards within seven days of the discovery of  
24 the hazard where there is a realistic possibility that death or serious  
25 physical harm could result from the hazard. The procedures shall  
26 also include, when an identified corrective measure cannot be  
27 implemented within this timeframe, interim measures the employer  
28 will take to abate the imminent or serious nature of the hazard  
29 while completing the permanent control measures. Corrective  
30 measures shall include, but are not limited to, the following:

31 (A) Ensuring that sufficient numbers of staff are trained and  
32 available to prevent and immediately respond to workplace  
33 violence incidents during each shift. A staff person is not  
34 considered to be available if other assignments prevent the person  
35 from immediately responding to an alarm or other notification of  
36 a violent incident.

37 (B) Providing line of sight or other immediate communication  
38 in all areas where members of the public may be present. This may  
39 include removal of sight barriers, provision of surveillance systems

1 or other sight aids such as mirrors, use of a buddy system,  
2 improving illumination, or other effective means.

3 (C) Configuring facility spaces so that employee access to doors  
4 and alarm systems cannot be impeded by persons or obstacles.

5 (D) Maintaining sufficient staffing, including security personnel,  
6 who can maintain order in the facility and respond to workplace  
7 violence incidents in a timely manner.

8 (E) Installing, implementing, and maintaining the use of an  
9 alarm system or other effective means by which employees can  
10 summon security and other aid to defuse or respond to an actual  
11 or potential workplace violence emergency.

12 (F) Creating an effective means by which employees can be  
13 alerted to the presence, location, and nature of a security threat.

14 (G) Establishing an effective response plan for actual or potential  
15 workplace violence emergencies that includes obtaining help from  
16 facility security or law enforcement agencies as appropriate.  
17 Employees designated to respond to emergencies must not have  
18 other assignments that would prevent them from responding  
19 immediately to an alarm to assist other staff. The response plan  
20 shall also include procedures to respond to mass casualty threats,  
21 such as active shooters, by developing evacuation or sheltering  
22 plans that are appropriate and feasible for the facility, a procedure  
23 for warning employees of the situation, and a procedure for  
24 contacting the appropriate law enforcement agency.

25 (11) Procedures for postincident response and investigation,  
26 including:

27 (A) Providing immediate medical care or first aid to employees  
28 who have been injured in the incident.

29 (B) Identifying all employees involved in the incident.

30 (C) Making available individual trauma counseling to all  
31 employees affected by the incident.

32 (D) Referring employees affected by the incident to worker  
33 wellness centers, or employee assistance programs, as appropriate  
34 and available.

35 (E) Conducting a postincident debriefing as soon as possible  
36 after the incident with all employees, supervisors, and security  
37 involved in the incident.

38 (F) Reviewing whether appropriate corrective measures  
39 developed under the workplace violence prevention plan, such as  
40 adequate staffing, provision and use of alarms or other means of

1 summoning assistance, and response by staff or law enforcement,  
2 were effectively implemented.

3 (G) Soliciting from the injured employee and other personnel  
4 involved in the incident, and their collective bargaining  
5 representative, if any, their opinions regarding the cause of the  
6 incident, and whether any measure would have prevented the  
7 injury.

8 (12) Provisions prohibiting the employer from maintaining  
9 policies that require employees who are not dedicated safety  
10 personnel to confront active shooters or suspected shoplifters.

11 (c) The employer shall record information in a violent incident  
12 log about every incident, postincident response, and workplace  
13 violence injury investigation performed in accordance with  
14 paragraph (11) of subdivision (b). Information about each incident  
15 shall be based on information solicited from the employees who  
16 experienced the workplace violence. The employer shall omit from  
17 the violent incident log any element of personal identifying  
18 information sufficient to allow identification of any person involved  
19 in a violent incident, such as the person's name, address, electronic  
20 mail address, telephone number, social security number, or other  
21 information that, alone or in combination with other publicly  
22 available information, reveals the person's identity. The violent  
23 incident log shall be reviewed during the annual review of the  
24 workplace violence prevention plan required in subdivision (d).  
25 The information recorded in the violent incident log shall include,  
26 but is not limited to:

27 (1) The date, time, specific location, and department of the  
28 incident.

29 (2) A detailed description of the incident.

30 (3) A classification of who committed the violence, including  
31 whether the perpetrator was a client or customer, family or friend  
32 of a client or customer, stranger with criminal intent, coworker,  
33 supervisor or manager, partner or spouse, parent or relative, or  
34 other perpetrator.

35 (4) A classification of circumstances at the time of the incident,  
36 including, but not limited to, whether the employee was completing  
37 usual job duties, working in poorly lit areas, rushed, working during  
38 a low staffing level, in a high crime area, isolated or alone, unable  
39 to get help or assistance, working in a community setting, working  
40 in an unfamiliar or new location, or other circumstances.

1 (5) A classification of where the incident occurred, including,  
2 but not limited to, whether it was in an office, sales floor, hallway,  
3 restroom or bathroom, parking lot or other area outside the  
4 building, personal residence, break room, cafeteria, or other area.

5 (6) The type of incident, including whether it involved any of  
6 the following:

7 (A) Physical attack, including biting, choking, grabbing, hair  
8 pulling, kicking, punching, slapping, pushing, pulling, scratching,  
9 or spitting.

10 (B) Attack with a weapon or object, including a gun, knife, or  
11 other object.

12 (C) Threat of physical force or threat of the use of a weapon or  
13 other object.

14 (D) Sexual assault or threat, including rape or attempted rape,  
15 physical display, or unwanted verbal or physical sexual contact.

16 (E) Verbal harassment.

17 (F) Animal attack.

18 (G) Other.

19 (7) Consequences of the incident, including:

20 (A) Whether medical treatment was provided to the employee.

21 (B) Who, if anyone, provided necessary assistance to conclude  
22 the incident.

23 (C) Whether security was contacted and whether law  
24 enforcement was contacted.

25 (D) Amount of lost time from work, if any.

26 (E) Actions taken to protect employees from a continuing threat,  
27 if any.

28 (8) Information about the person completing the violent incident  
29 log, including their name, job title, phone number, email address,  
30 and the date completed.

31 (d) (1) The employer shall establish and implement a system  
32 to review, at least annually and in conjunction with employees and  
33 their collective bargaining representatives, if any, the effectiveness  
34 of the workplace violence prevention plan for the overall facility  
35 or operation in relation to the employees' respective work areas,  
36 services, and operations. Problems found during the review shall  
37 be corrected in accordance with paragraph (10) of subdivision (b).  
38 The review shall include an evaluation of the following:

39 (A) Staffing, including staffing patterns that contribute to, or  
40 are insufficient to address, the risk of violence.

1 (B) Sufficiency of security systems, including alarms,  
2 emergency response, and security personnel availability.

3 (C) Job design, equipment, and facilities.

4 (D) Security risks associated with specific units, areas of the  
5 facility with uncontrolled access, late-night or early morning shifts,  
6 and employee security in areas surrounding the facility, such as  
7 employee parking areas and other outdoor areas.

8 (2) Based on the review in paragraph (1), the workplace violence  
9 prevention plan shall be updated, in accordance with subparagraphs  
10 (B) and (C) of paragraph (4) of subdivision (a) of Section 3203 of  
11 Title 8 of the California Code of Regulations, in a manner that is  
12 specific to each of the units within a facility, the facility as a whole,  
13 or the particular operation, as applicable, if necessary. When an  
14 update is necessary pursuant to this paragraph for only part of the  
15 facility or operation, the update may be limited to the employees  
16 in the units or operations affected by the update, independently of  
17 the annual review for the facility as a whole, as described in  
18 paragraph (1). The updates shall include the following:

19 (A) New or modified tasks and procedures that may affect how  
20 the workplace violence prevention plan is implemented, such as  
21 changes in staffing, engineering controls, construction or  
22 modification of the facilities, evacuation procedures, alarm systems  
23 and emergency response.

24 (B) Newly recognized workplace violence hazards.

25 (C) A review and evaluation of workplace violence incidents  
26 that result in a serious injury or fatality.

27 (D) A review and response to information indicating that the  
28 workplace violence prevention plan is deficient in any area.

29 (e) (1) The employer shall provide effective training to  
30 employees, as specified in paragraph (2), that addresses the  
31 workplace violence risks that employees may reasonably anticipate  
32 to encounter in their jobs. The employer shall have an effective  
33 procedure for obtaining the active involvement of employees and  
34 their collective bargaining representatives, if any, in developing  
35 training curricula and training materials, participating in training  
36 sessions, and reviewing and revising the training program. Training  
37 material appropriate in content and vocabulary to the educational  
38 level, literacy, and language of employees shall be used. All  
39 employees of the employer shall receive all training required by  
40 this subdivision in person, during work time, at the workplace,



1 and in an atmosphere designed to provide an opportunity for  
2 interactive questions and answers with a person knowledgeable  
3 about the workplace violence prevention plan.

4 (2) All employees working in the facility, unit, service, or  
5 operation shall be provided all of the following trainings:

6 (A) Initial training when the workplace violence prevention  
7 plan is first established and when an employee is newly hired or  
8 newly assigned to perform duties for which the training required  
9 in this subparagraph was not previously provided. The training  
10 required by this subparagraph shall address the workplace violence  
11 hazards identified in the facility, unit, service, or operation, shall  
12 address the corrective measures the employer has implemented,  
13 and shall include the following:

14 (i) An explanation of the employer's workplace violence  
15 prevention plan, including the employer's hazard identification  
16 and evaluation procedures, general and personal safety measures  
17 the employer has implemented, how the employee may  
18 communicate concerns about workplace violence without fear of  
19 reprisal, how the employer will address workplace violence  
20 incidents, and how the employee can participate in reviewing and  
21 revising the plan.

22 (ii) How to recognize the potential for violence, factors  
23 contributing to the escalation of violence and how to counteract  
24 them, and when and how to seek assistance to prevent or respond  
25 to violence.

26 (iii) Strategies to avoid physical harm.

27 (iv) How to recognize alerts, alarms, or other warnings about  
28 emergency conditions such as mass casualty threats and how to  
29 use identified escape routes or locations for sheltering, as  
30 applicable.

31 (v) How to prepare for and respond to an active shooter scenario  
32 at the workplace. Any training that involves content described in  
33 this clause and that is provided at any educational workplaces shall  
34 not be provided at any time when, or location where, students are  
35 present. For purposes of this clause, "educational workplace"  
36 means any workplace where students are educated in any subject  
37 matter.

38 (vi) How to prepare for and respond to shoplifting, if the  
39 employees work in retail.

40 (vii) The role of private security personnel, if any.

1 (viii) How to report violent incidents to law enforcement.

2 (ix) Any resources available to employees for coping with  
3 incidents of violence, including, but not limited to, critical incident  
4 stress debriefing or employee assistance programs.

5 (x) An opportunity for interactive questions and answers with  
6 a person knowledgeable about the employer's workplace violence  
7 prevention plan,

8 (B) Additional training, which shall be provided when new  
9 equipment or work practices are introduced or when a new or  
10 previously unrecognized workplace violence hazard has been  
11 identified. The additional training may be limited to addressing  
12 the new equipment or work practice or new workplace hazard.

13 (C) Training on the topics in clauses (i) to (x), inclusive, of  
14 subparagraph (A) at least annually thereafter.

15 (f) (1) Records of workplace violence hazard identification,  
16 evaluation, and correction shall be created and maintained in  
17 accordance with paragraph (1) of subdivision (b) of Section 3203  
18 of Title 8 of the California Code of Regulations, except that the  
19 exception to paragraph (1) of subdivision (b) of Section 3203 of  
20 Title 8 of the California Code of Regulations shall not apply.

21 (2) Training records shall be created and maintained for a  
22 minimum of one year and include training dates, contents or a  
23 summary of the training sessions, names and qualifications of  
24 persons conducting the training, and names and job titles of all  
25 persons attending the training sessions. Exception No. 1 to  
26 paragraph (2) of subdivision (b) of Section 3203 of Title 8 of the  
27 California Code of Regulations shall not apply to these training  
28 records.

29 (3) Records of violent incidents, including, but not limited to,  
30 violent incident logs required by subdivision (c) and workplace  
31 violence injury investigations conducted pursuant to paragraph  
32 (11) of subdivision (b), shall be maintained for a minimum of five  
33 years or pursuant to other law, whichever is greater.  
34 Notwithstanding any law, these records shall not contain "medical  
35 information," as defined by subdivision (i) of Section 56.05 of the  
36 Civil Code.

37 (4) All records required by this subdivision shall be made  
38 available to employees and their collective bargaining  
39 representatives, if any, on request, for examination and copying.

1 (g) An employer shall not prohibit an employee from, and shall  
2 not take punitive or retaliatory action against an employee for,  
3 seeking assistance and intervention from local emergency services  
4 or law enforcement when a violent incident occurs.

5 SEC. 5. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.

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## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO: COMMITTEE MEMBERS                      DATE: SEPTEMBER 8, 2023  
FROM: CITY MANAGER                      ITEM NO: 4  
SUBJECT: TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT  
UPDATE

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### RECOMMENDATION:

Receive and file report on Taxpayer Protection and Government Accountability Act Update.

### BACKGROUND/ANALYSIS:

At the last Legislative Advocacy Committee meeting on June 30, 2023, Townsend Public Affairs (TPA) stated that the Taxpayer Protection and Government Accountability Act initiative has qualified for the 2024 ballot. The Taxpayer Protection and Government Accountability Act would amend the California Constitution with provisions that limit voters' authority and input, adopt new and stricter rules for raising taxes and fees, and may make it more difficult to impose fines and penalties for violation of state and local laws. This measure puts billions of local government tax and fee revenues at risk statewide with related core public service impacts. At that meeting, TPA said that it is likely that the legislature will seek to negotiate with the initiative proponents sometime next year, roughly in the late spring, to ensure that the proponents do not receive concessions in a timeframe that would allow them to re-qualify a similar measure. TPA also mentioned that the City of Chino Hills City Council adopted a resolution opposing the initiative before it was qualified for the ballot and no other letters of action were taken. The Legislative Advocacy Committee received and filed the report from that June meeting.

Recently, the California Business Roundtable (CBR) sent letters to elected officials stating that the League of California Cities (Cal Cities) provided misleading information about the 2024 Taxpayer Protection and Government Accountability Act initiative by stating Cal Cities said the Act will impact all taxes at the local level and puts two billion dollars in local taxes at risk. The CBR says that is not a factual statement and that Cal Cities should be held accountable for false information.

CBR states several reasons how the Taxpayer Protection and Government Accountability Act impacts cities. First, the vote threshold for general local taxes will remain a majority vote. Second, the Act does not impact the vote threshold for any tax measure a city of local governing body puts on the ballot. Third, the only local tax measures impacted by the Act are special tax proposals put on the ballot by citizen initiatives. Fourth, the Act also includes provisions to improve voter information and transparency when presented with measures seeking to approve new or increased taxes. Fifth, the Act contains a "look back" provision for local tax measures passed since January 1, 2022. Lastly, the Act provides a solution to resolve non-conforming tax under its "look back" provision.

The League of California Cities states that this measure would put cities at risk, billions in revenues used to fund public safety, housing, and services to support the homeless. Open the door for new lawsuits, bureaucracy, and red tape at the taxpayers' expense while delaying and stopping investments in infrastructure and vital services. Limit the voice of the voters by eliminating advisory ballot measures that allow voters to tell local governments how they should spend revenues from proposed taxes when they appear on the same

ballot of the proposed tax. Upend how cities administer fees, potentially resulting in delays in approvals of funding for important local services. Lastly, retroactively cancel many measures already passed by local voters.

City staff recommends that the committee discuss the Taxpayer Protection and Government Accountability Act and receive an update on the initiative impacts from the City's lobbyist, Townsend Public Affairs.

**ENVIRONMENTAL (CEQA) REVIEW:**

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**FISCAL IMPACT:**


There is no fiscal impact with this item at this time.

**REVIEWED BY OTHERS:**

This item was reviewed by the Finance Director.

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk



## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO:	COMMITTEE MEMBERS	DATE:	SEPTEMBER 8, 2023
FROM:	CITY MANAGER	ITEM NO:	5
SUBJECT:	ACA 13 (WARD): VOTING THRESHOLDS		

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### RECOMMENDATION:

1. Discuss City's position on ACA 13 (Ward): Voting Thresholds; and
2. Direct staff on action to be taken.

### BACKGROUND/ANALYSIS:

The California Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure. The ACA 13 (Ward): Voting Threshold measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose.

Under ACA 13 (Ward), any amendment to the state constitution that would increase the supermajority vote of the electorate required to approve any state or local measure, including increasing taxes or selling bonds and would have to pass by the same supermajority it would impose for the state or local measure increase. This would mean that the Taxpayers Protection and Government Accountability Act would need a two-thirds majority favorable vote by the electorate to prevail.

ACA 13 (Ward) by no means erodes Prop 13 and does not impact any taxes or tax protections from the past, does not impact property taxes, and does not impact the current two-thirds vote requirement for special taxes.

The League of California Cities (Cal Cities) supports this measure.

**ENVIRONMENTAL (CEQA) REVIEW:**

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**FISCAL IMPACT:**

There is no fiscal impact at this time.

**REVIEWED BY OTHERS:**

N/A

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk

Attachments ACA 13 Bill Text  
ACA 13 Fact Sheet  
ACA 13 Sample Letter

AMENDED IN ASSEMBLY AUGUST 17, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## Assembly Constitutional Amendment

No. 13

**Introduced by Assembly Member Ward**

*(Principal coauthors: Assembly Members Aguiar-Curry, Berman, and Lee)*

*(Coauthors: Assembly Members Robert Rivas, Ortega, and Rendon)*

*(Coauthors: Senators Durazo and Wiener)*

July 13, 2023

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Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, ~~relating to ballot measures.~~ *by amending Section 10 of, and adding Section 10.5 to, Article II thereof, and adding Section 7.8 to Article XI thereof, relating to voting.*

### LEGISLATIVE COUNSEL’S DIGEST

ACA 13, as amended, Ward. ~~Ballot measures.~~ *Voting thresholds.*

*The California Constitution provides that a proposed constitutional amendment and a statewide initiative measure each take effect only if approved by a majority of the votes cast on the amendment or measure.*

*This measure would further provide that an initiative measure that includes one or more provisions that would amend the Constitution to increase the voter approval requirement to adopt any state or local measure would be approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose.*



*The California Constitution also permits initiative and referendum powers to be exercised by the voters of each city or county under procedures provided by the Legislature.*

*This measure would expressly authorize a local governing body to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. The measure would specify that an advisory question is approved only if a majority of the votes cast on the question are in favor.*

*This measure would further declare that its provisions are severable and that if any provision is held invalid, the other provisions of the act remain valid, as specified.*

~~Under the California Constitution, the Legislature may propose an amendment to the Constitution, as specified. The Constitution permits voters to vote upon various statewide measures appearing on the ballot, including constitutional amendments, initiative statutes, and referenda. The Constitution also permits initiative and referendum powers to be exercised by local voters under procedures provided by the Legislature.~~

~~This measure would state the intent of the Legislature to propose an amendment to the Constitution relating to ballot measures.~~

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

1     RESOLVED, *That this measure shall be known, and may be*  
2     *cited, as the Protect and Retain the Majority Vote Act.*  
3     *Resolved by the Assembly, the Senate concurring,* That the  
4     Legislature of the State of California at its 2023–24 Regular  
5     Session, commencing on the fifth day of December 2022,  
6     two-thirds of the membership of each house concurring, hereby  
7     proposes to the people of the State of California, that the  
8     Constitution of the State be amended as follows:  
9     ~~It is the intent of the Legislature to propose an amendment to~~  
10    ~~the Constitution relating to ballot measures.~~  
11    *First—That Section 10 of Article II thereof is amended to read:*  
12    SEC. 10. (a) An initiative statute or referendum ~~approved by~~  
13    ~~a majority of votes cast thereon~~ takes effect on the fifth day after  
14    the Secretary of State files the statement of the vote for the election  
15    at which the measure is voted on, but the measure may provide  
16    that it becomes operative after its effective date. If a referendum

petition is filed against a part of a statute, the remainder of the statute shall not be delayed from going into effect.

(b) If provisions of two or more measures approved at the same election conflict, the provisions of the measure receiving the highest number of affirmative votes shall prevail.

(c) The Legislature may amend or repeal a referendum statute. The Legislature may amend or repeal an initiative statute by another statute that becomes effective only when approved by the electors unless the initiative statute permits amendment or repeal without the electors' approval.

(d) Before circulation of an initiative or referendum petition for signatures, a copy shall be submitted to the Attorney General who shall prepare a title and summary of the measure as provided by law.

(e) The Legislature shall provide for the manner in which a petition shall be circulated, presented, and certified, and the manner in which a measure shall be submitted to the electors.

*Second—That Section 10.5 is added to Article II thereof, to read:*

*SEC. 10.5. (a) Except as provided in subdivision (b), a statewide initiative statute or referendum is approved if a majority of the votes cast on the measure are in favor.*

*(b) Notwithstanding Section 4 of Article XVIII, an initiative measure that includes one or more provisions that amend the Constitution to increase the voter approval requirement to adopt any state or local measure is approved by the voters only if the proportion of votes cast in favor of the initiative measure is equal to or greater than the highest voter approval requirement that the initiative measure would impose for the adoption of any state or local measure.*

*Third—That Section 7.8 is added to Article XI thereof, to read:*

*SEC. 7.8. At any election, pursuant to procedures that the Legislature shall provide, a local governing body may hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. An advisory question is approved only if a majority of the votes cast on the question are in favor. The results of the advisory vote shall in no manner be controlling on the sponsoring local governing body.*

12  
13  
14 **REVISIONS:**  
15 **Heading—Lines 2 and 3.**  
16

51/75



### Fact Sheet: ACA 13

#### Protect and Retain the Majority Vote Act

#### PROPOSED BILL

The Protect and Retain the Majority Vote Act, Assembly Constitutional Amendment (ACA) 13, would retain the majority vote requirement for passage of state and local initiatives. ACA 13 will require proposed initiatives that seek to increase vote thresholds on future ballot measures to pass with that same proportional higher vote threshold.

ACA 13 would also preserve the right of cities to place advisory questions on the ballot to ask voters their opinion on issues.

#### BACKGROUND

Under current law, a ballot measure approved by a simple majority of voters can selectively change the law so that a future measure would require a supermajority to pass.

If passed by voters, ACA 13 would retain the majority vote while also requiring any statewide initiative measure seeking to increase the vote threshold on future state or local ballot measures to also be approved by that same proportional higher vote threshold.

For example, a measure that would impose a two-thirds vote threshold on future measures should also pass with a two-thirds vote.

Cities and counties also often place non-binding advisory measures on the ballot to allow voters to weigh in on various issues. This is a critical tool that allows voters to advise local government. However, the ability for local governments to ask voters to weigh in on advisory questions is now under threat.

#### SOLUTION

ACA 13 will retain the will of the majority of voters to make their voices heard on constitutional amendments proposed by initiative and protect voters' ability to advise their elected officials via local advisory questions.

#### FOR MORE INFORMATION

Contact: Eric Warmoth  
Phone: (916) 319-2078  
Email: [Eric.Warmoth@asm.ca.gov](mailto:Eric.Warmoth@asm.ca.gov)

*Bill Version: Amended August 17, 2023*

**NOTE** – The Legislature has a new letter submission process that requires **ALL LETTERS TO BE UPLOADED INTO A NEW ELECTRONIC PORTAL**. The portal will automatically send letters to the author's office and the committee(s) of jurisdiction. Please visit <https://calegislation.lc.ca.gov/advocates/> to create an account and upload this letter.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and continue to send a copy by email to your Regional Public Affairs Manager, and the League's city letter account ([cityletters@cacities.org](mailto:cityletters@cacities.org)).

**\*\*\*CITY LETTERHEAD\*\*\***

**DATE**

The Honorable [Name]  
California State Capitol, Room #  
Sacramento, CA 95814

**RE:    ACA 13 (Ward) Voting Thresholds**  
          **Notice of SUPPORT** *(As Amended 8/17/2023)*

Dear Assembly Member [Name]:

The City/Town of \_\_\_\_\_ supports ACA 13 (Ward), which would require any constitutional amendment proposed by an initiative that increases a vote requirement for future measures to be approved by the same proportion of voters. The measure would also preserve the right of cities to place advisory questions asking voters their opinions on the ballot.

Under current law, a simple majority of voters (50% + 1 vote) may vote to require a supermajority (for example, 66%) voter approval for future action. This framework has given disproportionate power to a small number of voters: Little more than one-third of voters can prevent the enactment of laws that a majority of voters agree upon.

At the local level, this has made it unnecessarily difficult to pass revenue measures dedicated to critical services, such as homelessness and housing, fire, public safety, and roads. For example, from 2001-2018, city revenue measures with a two-thirds vote requirement have enjoyed only a 51% passage rate, compared to a 70% passage rate of all local revenue measures over the same period. The status quo has prevented cities from providing desperately needed services.

ACA 13 addresses this issue by simply requiring any initiative that enhances a voter requirement to pass by that same voter requirement. ACA 13 is a fair, good government proposal that protects the principles of democracy and majority rule.

For these reasons, the City/Town of \_\_\_\_\_ supports ACA 13.

Sincerely,

NAME

TITLE

CITY/TOWN of \_\_\_\_\_

cc.

Your Senator

Your League Regional Public Affairs Manager (via email)

Meg Desmond, League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)



## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO: COMMITTEE MEMBERS                      DATE: SEPTEMBER 8, 2023  
FROM: CITY MANAGER                      ITEM NO: 6  
SUBJECT: ACA 1 (AGUIAR-CURRY) LOCAL GOVERNMENT FINANCING: AFFORDABLE  
HOUSING AND PUBLIC INFRASTRUCTURE: VOTER APPROVAL

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### RECOMMENDATION:

1. Discuss City's position ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval; and
2. Direct staff on action to be taken.

### BACKGROUND/ANALYSIS:

The California Constitution prohibits the ad valorem tax rate on real property from exceeding one percent of the full cash value of the property, subject to certain exceptions. The ACA 1 (Aguiar-Curry) Local Government financing: affordable housing and public infrastructure: voter approval measure would create an additional exception to the one percent limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes. If the proposition proposing that tax is approved by 55 percent of the voters of the city, county, city and county, or special district, as applicable, and the proposition includes specified accountability requirements. This measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

The League of California Cities (Cal Cities) supports this measure.

### ENVIRONMENTAL (CEQA) REVIEW:

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**FISCAL IMPACT:**

There is no fiscal impact with this item at this time.

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk

Attachments ACA 1 Bill Text  
ACA 1 Sample Letter



AMENDED IN ASSEMBLY JULY 13, 2023

AMENDED IN ASSEMBLY MAY 30, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## Assembly Constitutional Amendment

No. 1

**Introduced by Assembly Members Aguiar-Curry, Berman, and  
Haney Haney, Lee, and Wicks**

(Principal coauthor: Senator Wiener)

**(Coauthors: Assembly Members Addis, Arambula, Bennett, Boerner,  
Bryan, Juan Carrillo, Friedman, Garcia, Grayson, Hart, Holden,  
Jackson, Kalra, Lowenthal, McCarty, Stephanie Nguyen, Ortega,  
Luz Rivas, Robert Rivas, Blanca Rubio, Santiago, Ting,  
Villapudua, Ward, and Wood) Weber, Wilson, Wood, and Zbur)**

December 5, 2022

Assembly Constitutional Amendment No. 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of, and by adding Section 2.5 to, Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to local finance.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 1, as amended, Aguiar-Curry. Local government financing: affordable housing and public infrastructure: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district

to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, ~~or city and county~~, *or special district*, as applicable, and the proposition includes specified accountability requirements. The measure would specify that these provisions apply to any city, county, city and county, or special district measure imposing an ad valorem tax to pay the interest and redemption charges on bonded indebtedness for these purposes that is submitted at the same election as this measure.

(2) The California Constitution conditions the imposition of a special tax by a local government upon the approval of  $\frac{2}{3}$  of the voters of the local government voting on that tax.

This measure would authorize a local government to impose, extend, or increase a sales and use tax or transactions and use tax imposed in accordance with specified law or a parcel tax, as defined, for the purposes of funding the construction, *reconstruction*, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive ~~housing~~ *housing, or the acquisition or lease of real property for those purposes*, if the proposition proposing that tax is approved by *a majority vote of the membership of the governing board of the local government* and by 55% of its voters voting on the proposition and the proposition includes specified accountability requirements. This measure would also make conforming changes to related provisions. The measure would specify that these provisions apply to any local measure imposing, extending, or increasing a sales and use tax, transactions and use tax, or parcel tax for these purposes that is submitted at the same election as this measure.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of  $\frac{2}{3}$  of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted

upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would expressly prohibit a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district. The measure would also similarly require the approval of 55% of the voters of the city, county, city and county, or special district, as applicable, to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing projects, if the proposition proposing that bond includes specified accountability requirements. The measure would specify that this 55% threshold applies to any proposition for the incurrence of indebtedness by a city, county, city and county, or special district for these purposes that is submitted at the same election as this measure.

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

1     *Resolved by the Assembly, the Senate concurring,* That the  
2     Legislature of the State of California at its 2023–24 Regular  
3     Session commencing on the fifth day of December 2022, two-thirds  
4     of the membership of each house concurring, hereby proposes to  
5     the people of the State of California, that the Constitution of the  
6     State be amended as follows:

7     First—That Section 1 of Article XIII A thereof is amended to  
8     read:

9     SECTION 1. (a) The maximum amount of any ad valorem  
10    tax on real property shall not exceed 1 percent of the full cash  
11    value of that property. The 1 percent tax shall be collected by the  
12    counties and apportioned according to law to the districts within  
13    the counties.

14    (b) The limitation provided for in subdivision (a) shall not apply  
15    to ad valorem taxes or special assessments to pay the interest and  
16    redemption charges on any of the following:

17    (1) Indebtedness approved by the voters before July 1, 1978.

18    (2) Bonded indebtedness to fund the acquisition or improvement  
19    of real property approved on or after July 1, 1978, by two-thirds  
20    of the votes cast by the voters voting on the proposition.

(3) Bonded indebtedness incurred by a school district, community college district, or county office of education for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, approved by 55 percent of the voters of the district or county, as appropriate, voting on the proposition on or after November 8, 2000. This paragraph shall apply only if the proposition approved by the voters and resulting in the bonded indebtedness includes all of the following accountability requirements:

(A) A requirement that the proceeds from the sale of the bonds be used only for the purposes specified in this paragraph, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

(B) A list of the specific school facilities projects to be funded and certification that the school district board, community college board, or county office of education has evaluated safety, class size reduction, and information technology needs in developing that list.

(C) A requirement that the school district board, community college board, or county office of education conduct an annual, independent performance audit to ensure that the funds have been expended only on the specific projects listed.

(D) A requirement that the school district board, community college board, or county office of education conduct an annual, independent financial audit of the proceeds from the sale of the bonds until all of those proceeds have been expended for the school facilities projects.

(4) (A) Bonded indebtedness incurred by a city, county, city and county, or special district for the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, approved by 55 percent of the voters of the city, county, city and county, or special district, as appropriate, voting on the proposition on or after the effective date of the measure adding

1 this paragraph. This paragraph shall apply only if the proposition  
2 approved by the voters and resulting in the bonded indebtedness  
3 includes all of the following accountability requirements:

4 (i) A requirement that the proceeds from the sale of the bonds  
5 be used only for the purposes specified in this paragraph, and not  
6 for any other purpose, including city, county, city and county, or  
7 special district employee salaries and other operating expenses.

8 (ii) The specific local program or ordinance through which  
9 projects will be funded and a certification that the city, county,  
10 city and county, or special district has evaluated alternative funding  
11 sources.

12 (iii) A requirement that the city, county, city and county, or  
13 special district conduct an annual, independent performance audit  
14 to ensure that the funds have been expended pursuant to the local  
15 program or ordinance specified in clause (ii).

16 (iv) A requirement that the city, county, city and county, or  
17 special district conduct an annual, independent financial audit of  
18 the proceeds from the sale of the bonds until all of those proceeds  
19 have been expended for the public infrastructure or affordable  
20 housing projects, as applicable.

21 (v) A requirement that the city, county, city and county, or  
22 special district post the audits required by clauses (iii) and (iv) in  
23 a manner that is easily accessible to the public.

24 (vi) A requirement that the city, county, city and county, or  
25 special district appoint a citizens' oversight committee to ensure  
26 that bond proceeds are expended only for the purposes described  
27 in the measure approved by the voters.

28 (B) For purposes of this paragraph:

29 (i) "Affordable housing" shall include housing developments,  
30 or portions of housing developments, that provide workforce  
31 housing affordable to households earning up to 150 percent of  
32 countywide median income, and housing developments, or portions  
33 of housing developments, that provide housing affordable to lower,  
34 low-, or very low income households, as those terms are defined  
35 in state law.

36 (ii) "At risk of chronic homelessness" includes, but is not limited  
37 to, persons who are at high risk of long-term or intermittent  
38 homelessness, including persons with mental illness exiting  
39 institutionalized settings, including, but not limited to, jail and  
40 mental health facilities, who were homeless prior to admission,

1 transition age youth experiencing homelessness or with significant  
2 barriers to housing stability, and others, as defined in program  
3 guidelines.

4 (iii) “Permanent supportive housing” means housing with no  
5 limit on length of stay, that is occupied by the target population,  
6 and that is linked to onsite or offsite services that assist residents  
7 in retaining the housing, improving their health status, and  
8 maximizing their ability to live and, when possible, work in the  
9 community. “Permanent supportive housing” includes associated  
10 facilities, if those facilities are used to provide services to housing  
11 residents.

12 (iv) “Public infrastructure” shall include, but is not limited to,  
13 projects that provide any of the following:

14 (I) Water or ~~protect~~ *protection* of water quality.

15 (II) Sanitary sewer.

16 (III) Treatment of wastewater or reduction of pollution from  
17 stormwater runoff.

18 (IV) Protection of property from impacts of sea level rise.

19 (V) Parks and recreation facilities.

20 (VI) Open space.

21 (VII) Improvements to transit and streets and highways.

22 (VIII) Flood control.

23 (IX) Broadband internet access service expansion in underserved  
24 areas.

25 (X) Local hospital construction.

26 (XI) Public safety buildings or facilities, equipment related to  
27 fire suppression, emergency response equipment, or interoperable  
28 communications equipment for direct and exclusive use by fire,  
29 emergency response, ~~police~~, *police*, or sheriff personnel.

30 (XII) Public library facilities.

31 (v) “Special district” has the same meaning as provided in  
32 subdivision (c) of Section 1 of Article XIII C and specifically  
33 includes a transit district, a regional transportation commission,  
34 and an association of governments, except that “special district”  
35 does not include a school district, redevelopment agency, or  
36 successor agency to a dissolved redevelopment agency.

37 (C) This paragraph shall apply to any city, county, city and  
38 county, or special district measure imposing an ad valorem tax to  
39 pay the interest and redemption charges on bonded indebtedness

1 for those purposes described in this paragraph that is submitted at  
2 the same election as the measure adding this paragraph.

3 (c) (1) Notwithstanding any other provisions of law or of this  
4 Constitution, a school district, community college district, or  
5 county office of education may levy a 55-percent vote ad valorem  
6 tax pursuant to paragraph (3) of subdivision (b).

7 (2) Notwithstanding any other provisions of law or this  
8 Constitution, a city, county, city and county, or special district  
9 may levy a 55-percent vote ad valorem tax pursuant to paragraph  
10 (4) of subdivision (b).

11 Second—That Section 4 of Article XIII A thereof is amended  
12 to read:

13 SEC. 4. Except as provided by Section 2.5 of Article XIII C,  
14 a city, county, or special district, by a two-thirds vote of its voters  
15 voting on the proposition, may impose a special tax within that  
16 city, county, or special district, except an ad valorem tax on real  
17 property or a transactions tax or sales tax on the sale of real  
18 property within that city, county, or special district.

19 Third—That Section 2 of Article XIII C thereof is amended to  
20 read:

21 SEC. 2. Notwithstanding any other provision of this  
22 Constitution:

23 (a) Any tax imposed by a local government is either a general  
24 tax or a special tax. A special district or agency, including a school  
25 district, has no authority to levy a general tax.

26 (b) A local government may not impose, extend, or increase  
27 any general tax unless and until that tax is submitted to the  
28 electorate and approved by a majority vote. A general tax is not  
29 deemed to have been increased if it is imposed at a rate not higher  
30 than the maximum rate so approved. The election required by this  
31 subdivision shall be consolidated with a regularly scheduled general  
32 election for members of the governing body of the local  
33 government, except in cases of emergency declared by a unanimous  
34 vote of the governing body.

35 (c) Any general tax imposed, extended, or increased, without  
36 voter approval, by any local government on or after January 1,  
37 1995, and before the effective date of this article, may continue to  
38 be imposed only if that general tax is approved by a majority vote  
39 of the voters voting in an election on the issue of the imposition,

1 which election shall be held no later than November 6, 1996, and  
2 in compliance with subdivision (b).

3 (d) Except as provided by Section 2.5, a local government may  
4 not impose, extend, or increase any special tax unless and until  
5 that tax is submitted to the electorate and approved by a two-thirds  
6 vote. A special tax is not deemed to have been increased if it is  
7 imposed at a rate not higher than the maximum rate so approved.

8 Fourth—That Section 2.5 is added to Article XIII C thereof, to  
9 read:

10 SEC. 2.5. (a) The imposition, extension, or increase of a sales  
11 and use tax imposed in accordance with the Bradley-Burns Uniform  
12 Local Sales and Use Tax Law (Part 1.5 (commencing with Section  
13 7200) of Division 2 of the Revenue and Taxation Code) or a  
14 successor law, a transactions and use tax imposed in accordance  
15 with the Transactions and Use Tax Law (Part 1.6 (commencing  
16 with Section 7251) of Division 2 of the Revenue and Taxation  
17 Code) or a successor law, or a parcel tax imposed by a local  
18 government for the purpose of funding the construction,  
19 reconstruction, rehabilitation, or replacement of public  
20 infrastructure, affordable housing, or permanent supportive housing  
21 for persons at risk of chronic homelessness, including persons with  
22 mental illness, or the acquisition or lease of real property for public  
23 infrastructure, affordable housing, or permanent supportive housing  
24 for persons at risk of chronic homelessness, including persons with  
25 mental illness, is subject to approval by 55 percent of the voters  
26 in the local government voting on the proposition, if both of the  
27 following conditions are met:

28 (1) The proposition is approved by a majority vote of the  
29 membership of the governing board of the local government.

30 (2) The proposition contains all of the following accountability  
31 requirements:

32 (A) A requirement that the proceeds of the tax only be used for  
33 the purposes specified in the proposition, and not for any other  
34 purpose, including general employee salaries and other operating  
35 expenses of the local government.

36 (B) The specific local program or ordinance through which  
37 projects will be funded and a certification that the city, county,  
38 city and county, or special district has evaluated alternative funding  
39 sources.



1 (C) A requirement that the local government conduct an annual,  
2 independent performance audit to ensure that the proceeds of the  
3 special tax have been expended pursuant to the local program or  
4 ordinance specified in subparagraph (B).

5 (D) A requirement that the local government conduct an annual,  
6 independent financial audit of the proceeds from the tax during  
7 the lifetime of that tax.

8 (E) A requirement that the local government post the audits  
9 required by subparagraphs (C) and (D) in a manner that is easily  
10 accessible to the public.

11 (F) A requirement that the local government appoint a citizens'  
12 oversight committee to ensure the proceeds of the special tax are  
13 expended only for the purposes described in the measure approved  
14 by the voters.

15 (b) For purposes of this section, the following terms have the  
16 following meanings:

17 (1) "Affordable housing" shall include housing developments,  
18 or portions of housing developments, that provide workforce  
19 housing affordable to households earning up to 150 percent of  
20 countywide median income, and housing developments, or portions  
21 of housing developments, that provide housing affordable to lower,  
22 low-, or very low income households, as those terms are defined  
23 in state law.

24 (2) "At risk of chronic homelessness" includes, but is not limited  
25 to, persons who are at high risk of long-term or intermittent  
26 homelessness, including persons with mental illness exiting  
27 institutionalized settings, including, but not limited to, jail and  
28 mental health facilities, who were homeless prior to admission,  
29 transition age youth experiencing homelessness or with significant  
30 barriers to housing stability, and others, as defined in program  
31 guidelines.

32 (3) "Permanent supportive housing" means housing with no  
33 limit on length of stay, that is occupied by the target population,  
34 and that is linked to onsite or offsite services that assist residents  
35 in retaining the housing, improving their health status, and  
36 maximizing their ability to live and, when possible, work in the  
37 community. "Permanent supportive housing" includes associated  
38 facilities, if those facilities are used to provide services to housing  
39 residents.

(4) “Local government” has the same meaning as provided in subdivision (b) of Section 1 of this article and specifically includes a transit district, a regional transportation commission, and an association of governments.

(5) “Public infrastructure” shall include, but is not limited to, the projects that provide any of the following:

(A) Water or ~~protect~~ *protection* of water quality.

(B) Sanitary sewer.

(C) Treatment of wastewater or reduction of pollution from stormwater runoff.

(D) Protection of property from impacts of sea level rise.

(E) Parks and recreation facilities.

(F) Open space.

(G) Improvements to transit and streets and highways.

(H) Flood control.

(I) Broadband internet access service expansion in underserved areas.

(J) Local hospital construction.

(K) Public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, ~~police~~, *police*, or sheriff personnel.

(L) Public library facilities.

(c) This section shall apply to any local measure imposing, extending, or increasing a sales and use tax imposed pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, a transactions and use tax imposed in accordance with the Transactions and Use Tax Law, or a parcel tax imposed by a local government for those purposes described in subdivision (a) that is submitted at the same election as the measure adding this section.

Fifth—That Section 3 of Article XIII D thereof is amended to read:

SEC. 3. (a) An agency shall not assess a tax, assessment, fee, or charge upon any parcel of property or upon any person as an incident of property ownership except:

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

(2) Any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A or receiving a 55-percent approval pursuant to Section 2.5 of Article XIII C.

1 (3) Assessments as provided by this article.

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

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

7 Sixth—That Section 18 of Article XVI thereof is amended to  
8 read:

9 SEC. 18. (a) A county, city, town, township, board of  
10 education, or school district, shall not incur any indebtedness or  
11 liability in any manner or for any purpose exceeding in any year  
12 the income and revenue provided for that year, without the assent  
13 of two-thirds of the voters of the public entity voting at an election  
14 to be held for that purpose, except that with respect to any such  
15 public entity that is authorized to incur indebtedness for public  
16 school purposes, any proposition for the incurrence of indebtedness  
17 in the form of general obligation bonds for the purpose of repairing,  
18 reconstructing, or replacing public school buildings determined,  
19 in the manner prescribed by law, to be structurally unsafe for school  
20 use, shall be adopted upon the approval of a majority of the voters  
21 of the public entity voting on the proposition at the election; nor  
22 unless before or at the time of incurring such indebtedness  
23 provision shall be made for the collection of an annual tax  
24 sufficient to pay the interest on such indebtedness as it falls due,  
25 and to provide for a sinking fund for the payment of the principal  
26 thereof, on or before maturity, which shall not exceed ~~forty~~ 40  
27 years from the time of contracting the indebtedness. A special  
28 district, other than a board of education or school district, shall not  
29 incur any indebtedness or liability exceeding any applicable  
30 statutory limit, as prescribed by the statutes governing the special  
31 district as they currently read or may thereafter be amended by the  
32 Legislature.

33 (b) (1) Notwithstanding subdivision (a), any proposition for  
34 the incurrence of indebtedness in the form of general obligation  
35 bonds for the purposes described in paragraph (3) or (4) of  
36 subdivision (b) of Section 1 of Article XIII A shall be adopted  
37 upon the approval of 55 percent of the voters of the school district,  
38 community college district, county office of education, city, county,  
39 city and county, or other special district, as appropriate, voting on  
40 the proposition at an election. This subdivision shall apply to a

1 proposition for the incurrence of indebtedness in the form of  
2 general obligation bonds for the purposes specified in this  
3 subdivision only if the proposition meets all of the accountability  
4 requirements of paragraph (3) or (4) of subdivision (b), as  
5 appropriate, of Section 1 of Article XIII A.

6 (2) The amendments made to this subdivision by the measure  
7 adding this paragraph shall apply to any proposition for the  
8 incurrence of indebtedness in the form of general obligation bonds  
9 pursuant to this subdivision for the purposes described in paragraph  
10 (4) of subdivision (b) of Section 1 of Article XIII A that is  
11 submitted at the same election as the measure adding this  
12 paragraph.

13 (c) When two or more propositions for incurring any  
14 indebtedness or liability are submitted at the same election, the  
15 votes cast for and against each proposition shall be counted  
16 separately, and if two-thirds or a majority or 55 percent of the  
17 voters, as the case may be, voting on any one of those propositions,  
18 vote in favor thereof, the proposition shall be deemed adopted.

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**NOTE** – The Legislature has a new letter submission process that requires **ALL LETTERS TO BE UPLOADED INTO A NEW ELECTRONIC PORTAL**. The portal will automatically send letters to the author's office and the committee(s) of jurisdiction. Please visit <https://calegislation.lc.ca.gov/advocates/> to create an account and upload this letter.

In addition to submitting the letter through the portal, please send a physical copy to your Legislator(s), and continue to send a copy by email to your Regional Public Affairs Manager, and the League's city letter account ([cityletters@cacities.org](mailto:cityletters@cacities.org)).

**\*\*\*CITY LETTERHEAD\*\*\***

DATE

The Honorable [Name]  
Chair, [House] [Committee]  
California State Capitol, Room #  
Sacramento, CA 95814

**RE: ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.**  
**Notice of SUPPORT** (*As Amended 07/13/2023*)

Dear Assembly Member/Senator [Name]:

The City/Town of \_\_\_\_\_ supports ACA 1 which would lower to 55 percent the voter-approval threshold for cities, counties, or special districts to fund critical public infrastructure and affordable housing.

Maintaining and improving local infrastructure and having an adequate supply of affordable housing is critical for local economic development and quality of life. However, a major discrepancy exists between state and local governments when seeking voter approval for such investments. When the state seeks voter approval for a statewide measure – such as past voter approvals of measures to extend the income tax or the recently approved housing bond – it requires a simple majority, but when a city or county seeks voter approval for a similar investment they face a stringent two-thirds vote threshold. This makes no sense.

The law, however, is different for school construction. Nearly 23 years ago, the state's voters agreed (Prop. 39 of 2000) that the two-thirds threshold was too strict for investments in school construction and lowered that threshold to 55 percent. That model has worked well over the past two decades. Cities need similar flexibility when seeking voter approval for investments in public infrastructure and affordable housing.

ACA 1 offers voters an opportunity to consider treating investments in local infrastructure and affordable housing in a similar manner as schools. California voters have demonstrated –

through their past approval of major state school, housing, and water bonds – that they understand the importance of investing in their future. Let’s pass ACA 1 and provide voters with an opportunity to weigh in on local investments on infrastructure and affordable housing – issues that are so critical to the state’s future, prosperity and quality of life.

**PLEASE CITE SPECIFIC REASONS OF HOW YOUR CITY WILL BE AFFECTED BY THIS BILL.**

For these reasons, the City/Town of \_\_\_\_\_ supports/opposes AB/SB #.

Sincerely,

NAME

TITLE

CITY/TOWN of \_\_\_\_\_

cc. Your Senator & Assembly Member  
Your League Regional Public Affairs Manager (via email)  
Meg Desmond, League of California Cities, [cityletters@cacities.org](mailto:cityletters@cacities.org)



## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO: COMMITTEE MEMBERS                      DATE: SEPTEMBER 8, 2023  
FROM: CITY MANAGER                      ITEM NO: 7  
SUBJECT: PROPOSED 2024 BALLOT MEASURE - GOVERNMENT TRANSPARENCY  
ACT - CALIFORNIA PUBLIC RECORDS ACT

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### RECOMMENDATION:

1. Discuss the City's position on the proposed 2024 ballot measure entitled the "Government Transparency Act" that would make changes to the California Public Records Act provisions; and
2. Direct staff on action to be taken.

### BACKGROUND/ANALYSIS:

A non-profit organization focusing on consumer advocacy, submitted a proposed November 2024 ballot measure to the California Attorney General that would make numerous changes to the California Public Records Act (CPRA). Consumer Watchdog has budgeted five million dollars to support the qualification of this measure for the 2024 ballot.

The proposed measure is entitled "Government Transparency Act" and would make significant changes to the CPRA provisions that apply to both state and local agencies. Local agencies would be required to:

1. Provide a specific factual showing in a written justification for the withholding and redaction of records;
2. Disclose the search terms and search parameters used by the agency and permit the requester to request the use of other search terms;
3. Require all records to be produced within 30 calendar days, unless the agency provides a declaration, under penalty of perjury, detailing specific facts and stating that extraordinary circumstances exist that prevent the production of documents within 30 days; and impose an outer limit of 90 days to produce all responsive records with no exceptions;
4. Require regular website posting of government records, such as contracts (with no dollar threshold), court documents, whether the agency is a party or participant, and budget and cost estimates of proposed legislation;
5. Retain all public records for at least five years;
6. Upon request, provide a detailed description of how the agency conducted its public records search and a general description of the withheld and redacted records by subject matter;
7. Within 30 days of the service of a legal complaint, provide a document-by-document "privilege log" of every record withheld or redacted;
8. Require public agencies to produce the documents held by their vendors that relate to agency business;
9. Change procedures for lawsuits brought under the Public Records Act;
10. Prohibit a public agency from relying on legal basis for withholding a record in a legal action if the public agency did not rely on that basis initially;

11. Issue a comprehensive annual report regarding public records requests;
12. Limit the application of the deliberative process and attorney-client privileged to exempt certain documents from production; and
13. Prohibit reliance on the official information privilege to withhold a document.

The City Clerk's Office currently complies with many of these proposed actions relating to public records requests. The City has a vast amount of documents available online to the public. The City Clerk's office also already provides the relevant Government Code section and explanation for all redactions, compiles a written response detailing any exemptions relied upon (that include the codes & explanations), provides responsive records with 10-days or less in the vast majority of requests, and currently retains almost all public records for at least two years per Government Code Section 34090. Per the proposed measure, the City would be impacted in the following ways:

- Document-by-document privilege logs for exempted records would impact staff time; voluminous records requests can be anywhere from 100 to 18,000 possible records or more; the city currently provides privilege logs for litigation cases when directed by the City Attorney's office but expanding this to PRA requests would be very time-consuming and thus costly in staff time.
- Retention for five years would likely double the amount of responsive records because currently most documents are retained for only two years, thus this will likely double the amount of time required to review records and respond;
- Limiting deliberative process, attorney-client privilege and prohibiting reliance on official information privilege to withhold a record would increase the demand for the City's Attorney to be involved in determining which records meet the specific criteria to be withheld
- The limitation on the attorney-client privilege will mean that communications that have already occurred will now be disclosable even though when these records were created the attorney and the client agency had understood that the communication was privileged.
- These rules will create fiscal and other pressures not to create records in the first place, instead causing public officials to rely on oral rather than written communications, thus making government less effective and efficient.
- Subjecting City's vendors to the Public Records Act will limit the vendors willing to work with public agencies and increase pricing for the services that will be rendered due to having to comply with the Public Records Act.
- The proposed 90 day deadline to produce records will force more City resources to be reallocated to records request. For example, one recent request involved 251 hours of staff time with 3,190 uploaded documents. Such voluminous requests that are today handled on a rolling basis over a matter of months would require more staffing to handle in a 90 day time-frame.

The public records requests have increased significantly in the last few years and certain requests, whether public records or litigation, currently consume a significant amount of staff time to search for and retrieve, determine if responsive, redact and exempt voluminous records electronically and in paper form. This process will sometimes also include the City Attorney's Office depending on the nature of the request.



**ENVIRONMENTAL (CEQA) REVIEW:**

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**FISCAL IMPACT:**


There is no fiscal impact with this item at this time.

**REVIEWED BY OTHERS:**

This item was reviewed by the Assistant City Attorney.

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk



## LEGISLATIVE ADVOCACY COMMITTEE AGENDA STAFF REPORT

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TO: COMMITTEE MEMBERS                      DATE: SEPTEMBER 8, 2023  
FROM: CITY MANAGER                      ITEM NO: 8  
SUBJECT: FISCAL YEAR 2024-25 COMMUNITY PROJECT FUNDING REQUESTS AND  
APPLICATION PROCESSES

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### RECOMMENDATION:

Discuss Fiscal Year 2024-25 Community Project Funding Requests and application processes.

### BACKGROUND/ANALYSIS:

Annually, the City of Chino Hills requests support for state and federal funding for community projects that reflect the priorities of the City of Chino Hills and its residents.

In the last three years, the City of Chino Hills has submitted letters of support to area elected officials asking for support for funding for the following Chino Hills community projects:

#### 2021

- Los Serranos Infrastructure
- Citywide Fuel Reduction
- Citywide Security and Monitoring Services

#### 2022

- Los Serranos Infrastructure
- Urban Forest Management and Fuel Modification Project
- Solar Facilities Project
- Mystic Canyon Community Building

#### 2023

- Los Serranos Infrastructure Improvements
- Urban Forest Fuel Modifications Project
- Electric Resiliency and Sustainability
- Recycled Water System Expansion
- Los Serranos Infrastructure Improvements specific to a new drain system along Fairway Boulevard, Monterey Avenue, and Yorba Avenue

Only one of these Community Project Funding requests was chosen in 2021, which was for the Citywide Fuel Reduction Project.

This year, staff recommends that the committee discuss projects and the application processes required by Congress and Senators, so that City staff can prepare a Fiscal Year 2024-25 list for consideration.

**ENVIRONMENTAL (CEQA) REVIEW:**

This proposed action is not subject to review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.), because it does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and, constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this action does not constitute a "project" that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**FISCAL IMPACT:**

There is no fiscal impact with this item at this time.

Respectfully Submitted,

Recommended By:

  
Benjamin Montgomery  
City Manager

  
Cheryl Balz  
City Clerk