



Beverly Hills City Council Liaison / Legislative/Lobby Committee will conduct a Special Meeting, at the following time and place, and will address the agenda listed below:

CITY HALL  
455 North Rexford Drive  
4th Floor Conference Room A  
Beverly Hills, CA 90210

Thursday, April 7, 2016  
10:15 AM

#### AGENDA

- 1) Public Comment
  - a. Members of the public will be given the opportunity to directly address the Committee on any item listed on the agenda.
- 2) Minimum Wage Update
- 3) West Los Angeles VA Medical Center
- 4) AB 2602 (Gatto Bill re fraudulent disability placard use)
- 5) AB 2844 (Bloom Bill re public contracts: California combating the boycott, divestment, and sanctions of Israel act of 2016)
- 6) Mandatory Sentencing
- 7) Ellis Act Reform
- 8) Adjournment

A handwritten signature in black ink, appearing to read "Byron Pope".

**Byron Pope, City Clerk**

Posted: April 6, 2016



In accordance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Manager's Office at (310) 285-1014. Please notify the City Manager's Office at least twenty-four hours prior to the meeting so that reasonable arrangements can be made to ensure accessibility.



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**April 1, 2016**

**To:** Cheryl Friedling, Deputy City Manager  
City of Beverly Hills

**From:** Andrew K. Antwih, Partner  
Christopher Castrillo, Legislative Advocate  
Melissa Immel, Legislative Aide  
Shaw / Yoder / Antwih, Inc.

**Re:** Recent Minimum Wage Developments

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**Background**

Due to increasing poverty levels and rising income inequality, in 2013 the Legislature passed and the Governor signed [AB 10 \(Alejo, 2013\)](#), which increased the California minimum wage to \$10 per hour by 2016. This was the first minimum wage increase in California since 2008. After the passage of AB 10, we have seen continued efforts to further raise the minimum wage and ensure those wages keep up with inflation. Below is a summary of statewide efforts currently taking place.

**Statewide Minimum Wage Proposals**

Last year, Senator Mark Leno (D-San Francisco) carried [SB 3](#) which would have increased the minimum wage to \$13 per hour by 2017, but the bill ultimately stalled in the Assembly Appropriations committee.

This week, Governor Brown, legislators, and labor leaders announced a minimum wage deal, and [SB 3](#) was amended to be the vehicle for the new proposal. Under the plan, minimum wage will rise to \$10.50 per hour in 2017, \$11 per hour in 2018, and then rises by \$1 per hour each year until reaching \$15 per hour in 2022. The plan allows small businesses – those with fewer than 25 employees – an additional year to phase in the increases. Once the minimum wage reaches \$15 per hour for all businesses, wages could then be increased each year by up to 3.5 percent for inflation as measured by the national CPI. The plan also phases in three days of paid sick leave for In-Home Supportive Services workers starting in July 2018. Under SB 3, until the minimum wage reaches \$15 per hour, the Governor will have the authority to suspend the following year's minimum wage increase in the face of economic downturn or budgetary deficit.

This proposal was put forth as a deal between the Governor, legislative leaders, and labor leaders due to a minimum wage initiative that recently qualified for the November ballot. The ballot initiative, backed by the Service Employees International Union-United Healthcare Workers West (SEIU-UHW), would increase the state's minimum wage to \$15 per hour by 2021, and would not provide any off-ramps in the face of negative economic or budgetary circumstances. Polling indicates that this initiative would pass by a significant majority in November. SEIU-UHW agreed to remove their initiative from the ballot with the condition that SB 3 is signed into law.

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Sacramento, CA 95814

The business community has voiced clear opposition to this measure, while proponents assert that SB 3 is a more moderate alternative to the ballot initiative.

Within two days, SB 3 passed rapidly out of the Assembly Appropriations Committee, off the Assembly Floor, and again off the Senate Floor for concurrence. The bill passed the Assembly Floor on a 48-26 vote and the Senate Floor on a 26-12 vote, both partisan breakdowns with a handful of moderate Democrats voting in opposition or abstaining.

The Governor's office released a statement confirming that he will sign this legislation on Monday, April 4<sup>th</sup> in Los Angeles.

## California, New York poised to raise minimum wage to \$15

**AP**

Alison Noon and Jonathan J. Cooper, Associated Press  
April 1, 2016

SACRAMENTO, Calif. (AP) -- California and New York are poised to become the highest-paid minimum-wage states in the nation after their governors each reached deals with lawmakers to raise the lowest amount a worker can be paid to a record-shattering \$15 an hour.

California Gov. Jerry Brown said he will sign a new minimum-wage bill Monday after it passed the Legislature on Thursday. Across the country in New York, Gov. Andrew Cuomo reached a tentative deal late Thursday with top lawmakers to raise the state's base wage.

The actions in two of the country's most labor-friendly states come as the income divide has emerged as a key issue nationwide in a presidential election year. President Barack Obama, who first proposed an increase to the \$7.25 federal minimum wage in 2013, applauded the states' actions and called on the Republican-controlled Congress to "keep up with the rest of the country."

"California takes a massive leap forward today in the fight to rebalance our nation's economy," said Art Pulaski, executive secretary-treasurer of the California Labor Federation.

California's current \$10-an-hour minimum wage is tied with Massachusetts for the highest among states. Only Washington, D.C., at \$10.50 per hour is higher. New York's minimum wage is \$9.

Democrats who control both legislative chambers in California hailed the increase as a boon to more than 2 million workers. Brown, also a Democrat, said it proves the nation's most populous state can get things done and help people get ahead.

But Republicans echoed fears from business owners and economists that California's annual increases — eventually tied to inflation — will compound the state's image as hostile to business.

Republican Assemblyman Jim Patterson of Fresno said the increase would force small-business owners to make layoffs "with tears in their eyes."

The increases would start with a boost from \$10 to \$10.50 on Jan. 1. Businesses with 25 or fewer employees would have an extra year to comply. Increases of \$1 an hour would come every January until 2022. The governor could delay increases in times of budgetary or economic downturns.

The tentative deal reached by New York officials would be phased in regionally in the nation's fourth-largest state. It also would eventually affect more than 2 million workers.

In New York City, the wage would increase to \$15 by the end of 2018, though businesses with fewer than 10 employees would get an extra year. In the suburbs of Long Island and Westchester County, the wage would rise to \$15 by the end of 2022. The increases are even more drawn out upstate, where the wage would hit \$12.50 in 2021, then increase to \$15 based on an undetermined schedule.

"This minimum wage increase will be of national significance," Cuomo, the Democratic governor, told reporters. "It's raising the minimum wage in a way that's responsible."

Cuomo had initially proposed a simpler phase-in: three years in New York City and six years elsewhere. The more gradual, nuanced approach was the result of negotiations with Senate Republicans who worried such a sharp increase would devastate businesses, particularly in the upstate region's more fragile economy.

Economists have long debated the impact of a higher minimum wage. Some studies have found that higher wages contributed to job cuts, while others found little effect on hiring because employers could absorb the costs or pass them along to customers.

The Congressional Budget Office conducted an analysis in 2014 finding both benefits and trade-offs with an increase. A higher minimum wage would generally raise incomes and lift people above the poverty line, but it also would lead to a wave of job losses for some low-income workers.

The non-partisan agency examined the prospect of raising the national minimum wage to \$10.10 an hour from \$7.25. It would raise incomes by a net of \$17 billion for families below or relatively close to the poverty line. But it would cost 500,000 jobs, a 0.3 percent decline in total employment.

In California, Brown was previously reluctant to raise the base wage. He negotiated the deal with labor unions to head off competing November ballot initiatives that would have imposed swifter increases without some of the safeguards included in the legislation. The governor now says California's fast-growing economy can absorb the raises without the problems predicted by opponents.

About 2.2 million Californians now earn the minimum wage. The University of California, Berkeley, Center for Labor Research and Education projected that pay would rise for 5.6 million Californians by an average of 24 percent. More than a third of the affected workers are parents.

Latinos would benefit most because they hold a disproportionate number of low-wage jobs, the researchers said.

The right-leaning American Action Forum countered with its own projection that the increases would slow the rate of job growth, potentially costing the state nearly 700,000 jobs over the next decade.

The increases are expected to eventually cost California taxpayers an additional \$3.6 billion annually for higher government employee pay.

In New York, the tentative deal also includes middle-class state income tax cuts starting in 2018. The cut would apply to New Yorkers with incomes between \$40,000

and \$300,000 and rates that currently range from 6.45 percent to 6.65 percent starting in 2018. The rates would gradually drop to 5.5 percent by 2025.

Cuomo administration officials estimate the lower tax rates will save more than 4 million filers nearly \$6.6 billion in the first four years, with annual savings reaching \$4.2 billion by 2025.

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Associated Press writers Don Thompson in Sacramento and David Klepper and Michael Virtanen in Albany, N.Y., contributed to this report.

## SACRAMENTO WATCH

# Will a \$15 wage be approved?

Here are some key questions about the minimum wage plan and the politics behind the debate.

**JOHN MYERS**

SACRAMENTO — Gov. Jerry Brown, lawmakers and leaders of two major labor unions held a news conference Monday in Sacramento to unveil details of an agreement that would raise California's minimum wage to \$15 an hour.

Here's what we know — and don't know — about the proposal and the politics behind it.

## Why a minimum wage increase now?

The simple answer is that the politics were right. Two different labor unions vowed to put the issue on the Nov. 8 statewide ballot, and one of those initiatives officially qualified for the ballot last week. The governor and lawmakers have been quietly working the last few weeks on a proposal that could persuade unions to abandon their ballot plans. Neither of those initiatives would have allowed for temporary pauses in the wage increase, one of Brown's long-standing objections.

It's important to note that the minimum wage debate is also a key element of the Democratic presidential race as the campaigns arrive in California ahead of the June 7 primary. Sen. Bernie Sanders (I-Vt.) and former Secretary of

State Hillary Clinton support raising the federal minimum wage, though progressive groups have criticized Clinton for not embracing the \$15-an-hour wage. She backs a \$12-an-hour rate.

## What happens next in Sacramento?

Now that the minimum wage proposal has been formally introduced, both houses of the Legislature could act quickly to approve it and send it to Brown for his signature. An Assembly committee hearing has been scheduled for Wednesday, and final legislative action in both houses could come Thursday.

## What are its chances of passage?

Probably pretty good. Democrats control both the state Senate and state Assembly by substantial margins, and the party has long identified the minimum wage as a key issue. State lawmakers approved the last wage increase in 2013.

That being said, a key question is how many business-aligned Democrats raise objections. A sizable portion of the Assembly's 51 Democrats consider themselves part of the "mod caucus," a group that has proved more fiscally cautious than their more liberal colleagues. The minimum wage legislation will probably require a simple majority — 41 votes in the 80-seat Assembly — to pass. If a substantial number of the "mods" balk, the plan could be in trouble.

The odds are generally

seen to be stronger in the 40-member state Senate, where the bill would probably need 21 votes in favor. Democrats hold 26 seats, and liberal legislators dominate more in the Senate than in the Assembly.

## When would the minimum wage go up?

California's statewide minimum wage rose to \$10 on Jan. 1 and the new agreement would trigger further increases over the next six years. Here's the schedule outlined in a document obtained by The Times:

Jan. 1, 2017 - \$10.50  
 Jan. 1, 2018 - \$11.00  
 Jan. 1, 2019 - \$12.00  
 Jan. 1, 2020 - \$13.00  
 Jan. 1, 2021 - \$14.00  
 Jan. 1, 2022 - \$15.00

For companies with fewer than 25 workers, the increases would start in 2018 and end at \$15 an hour in 2023.

## Who benefits from the deal?

Senate President Pro Tem Kevin de León said that about 5.6 million workers will benefit from the wage hike. In 2022, the annual income of a person working a full-time, minimum wage job at \$15 an hour would rise to \$31,200. In 2016, the annual income of a person earning \$10 an hour in a full-time job is \$20,800.

In addition, labor unions successfully won as many as three additional paid sick days for their members who work as in-home care providers.

## What about concerns over the effect to the economy?

Those are exactly why Brown has resisted most plans for a minimum wage increase introduced in the Legislature. The tentative agreement allows a governor to hit the pause button on all of the scheduled increases except the one in 2017, but would require that governor to show either a decline in statewide job growth or new estimates of state budget deficits.

The proposal also makes a concession to small businesses, allowing those with fewer than 26 workers an additional year to raise wages.

## Does action in Sacramento guarantee that there won't be a minimum wage hike on the November statewide ballot?

No. Labor unions have spent millions of dollars gathering signatures, and they want to see the final details of the minimum wage agreement before standing down. The \$15 an hour initiative that qualified last week doesn't have to be formally withdrawn from the ballot until late June.

But the deal is widely seen as being far-reaching enough to gain the support of the unions, who then wouldn't have to spend tens of millions of dollars on campaigns this fall. Democrats will no doubt applaud that, as it means the unions could then use those funds for other causes, including a closely watched effort to extend a temporary income tax hike on the state's highest earners.

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# *David Turch and Associates*

TO: Cheryl Friedling, Deputy City Manager  
City of Beverly Hills

FROM: Jamie Jones  
(202) 543-3744  
Jamie.jones@davidturch.com

DATE: March 29, 2016

RE: Draft Master Plan for West Los Angeles VA Medical Center

This memorandum focuses on the Department of Veterans Affairs (VA) draft master plan for the West Los Angeles VA Medical Center. Veterans Affairs Secretary Robert McDonald unveiled the plan in January 2016. The 388 acre VA campus is the largest undeveloped property on the Westside of Los Angeles, consisting of 104 buildings, 39 of which are historic. According to the Department of Veterans Affairs, a number of these building are vacant or closed and 12 out of the 144 buildings need seismic improvements.

## **West L.A. Master Plan**

The VA Master Plan proposes to transform the West L.A. Campus into a vibrant veteran-centric residential community by constructing 1,200 additional units of permanent supportive housing for homeless veterans. This bold initiative represents a 180 degree turnaround in VA's homeless policy in Los Angeles, a policy that has emphasized providing medical care to homeless veterans for their illnesses and addictions before providing them long-term housing. The new policy, as reflected in the master plan's focus on building housing units, will put homeless veterans in long-term shelter first and then treat them for their maladies and afflictions.

The master plan will also provide opportunities for non-homeless veterans to visit and use the campus for career and legal resources, medical care, recreational and cultural events. The new plan also addresses the need for improved delivery of specialized family support, mental and physical health, addiction recovery as well as other supportive services that are needed to help chronically homeless and underserved veterans reintegrate into the community and improve their quality of life.

## **UCLA Baseball Stadium**

The master plan includes an agreement with UCLA – a current tenant – which plans to pay \$300,000 (up from \$60,000) in annual rent to keep its Jackie Robinson Stadium baseball complex on the property. The university will also pay \$750,000 a year for the design and operation of a UCLA-VA Family Resource and Well-Being Center and a Mental Health and

Addictions Center for Excellence. In addition, UCLA will spend \$400,000 for the expansion and relocation of the UCLA Veterans Legal Clinic, and provide \$2 million over 10 years for recreation and mentorship programs.

### **Dog Park**

The fate of a dog park, which has operated rent-free on the VA campus, is still up in the air. Barrington Park, which includes the dog park, is now among a handful of tenants fighting to hang on to their leases as the VA begins to transform the complex. The park is operated by the City of Los Angeles. The Barrington ball fields opened in 1979 on a VA permit and the dog park was added in 2002. LA City's Recreation and Parks Department's lease with the VA expired in 1991, but the City continued to run facilities rent-free on a month-to-month basis, covering maintenance and operations costs. Mayor Eric Garcetti, who supports keeping the dog park and ball fields, recently said resident access is "conditional" and could end at the VA's discretion. One option under consideration is encouraging veterans to use the dog park to start a kennel, train therapy animals or learn the dog-walking business.

### **Congressional Legislation**

To effectively implement the new West LA VA master plan and transform the campus into a leading provider of veterans' services, Congress must first pass legislation authorizing the VA to enter into partnerships with nonprofits and community groups to build housing and offer education and employment services and recreational opportunities.

Representative Ted Lieu introduced two bills to accommodate the VA's plans:

- H.R. 3484 – the “Los Angeles Homeless Veterans Leasing Act of 2016” grants the Secretary of Veterans Affairs leasing authority to construct permanent supportive housing on the West Los Angeles VA Medical Center campus; and
- H.R. 4334 – the "Fiscal Year 2016 Department of Veterans Affairs Seismic Safety and Construction Authorization Act," provides \$35 million for critical seismic retrofits for buildings on the campus.
- H.R. 3484 and H.R. 4334 passed the House Committee on Veterans Affairs by voice vote on February 25, 2016. The full House has yet to adopt these two bills.

Senator Dianne Feinstein introduced S.2013, a companion bill to H.R. 3484:

- S.2013 – The Los Angeles Homeless Veterans Leasing Act of 2015 authorizes the Department of Veterans Affairs (VA) to carry out certain leases at the VA's West Los Angeles Campus in Los Angeles, California, for: (1) supportive housing; (2) health, education, family support, vocational training, and other services that principally benefit veterans and their families; and (3) a lease of real property to a California institution that has had a long-term medical affiliation with the VA at such Campus.

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## Dog Park, Tenants Battle With VA Over Land

By Business Journal Staff

Tuesday, March 1, 2016

A popular dog park, baseball fields and the private Brentwood School are among tenants in Brentwood's Barrington Park still engaged in a long fight with the Veteran's Administration. They want to hang on to their leases but the VA is transforming its 388-acre campus into a veterans' village.

Although the VA had pledged to formulate "exit strategies" for leaseholders that were not "veteran-centric," the *Los Angeles Times* reported Tuesday that several of those leaseholders are still lobbying and hiring lawyers to help them retain their leases.

The VA says that only tenants that pay fair market rent and offer direct benefits to veterans and their families would be allowed to remain. Commercial tenants, including a hotel laundry service and a movie-set storage lot, have been ousted while other leaseholders have received exit notices.

Mayor Eric Garcetti, who originally supported keeping the dog park when it was nearly closed last October, as well as public ball fields, now said resident access is "conditional" and could end if the VA has other plans.

"The West L.A. VA is here, first and foremost, to serve our veterans," Connie Llanos, the mayor's spokeswoman, said in a statement. "The mayor is also committed to ensuring that open space is put to good community use."



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**April 1, 2016**

**To:** Cheryl Friedling, Deputy City Manager  
City of Beverly Hills

**From:** Andrew K. Antwih, Partner  
Christopher Castrillo, Legislative Advocate  
Melissa Immel, Legislative Aide  
Shaw / Yoder / Antwih, Inc.

**Re: Disabled Placards & Parking Reform**

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In January, Assemblymember Gatto (D-Los Angeles) announced the "California Parking Bill of Rights" to change substantially how local governments manage and enforce parking laws. Those reforms manifested themselves as AB 2602 and AB 2586.

**AB 2602 (Gatto)**, which the City of Beverly Hills supports, will address the illegitimate use of disabled person (DP) parking placards. The bill will:

- Require the DMV, when it receives information that the owner of a DP placard is deceased, to notify the informant listed on the certificate of death of the responsibility to remit the placard, and include directions on how to do so.
- Require an individual to re-apply for new permanent DP placards upon the placard's expiration.
- Allow a local government to charge for the cost of parking and enforce time restrictions, only if it:
  - Completes and makes available to the public a self-assessment of its compliance with ADA law with regards to its provision of handicapped accessible parking spots;
  - Provides an opportunity for public comment on the above report;
  - Holds a vote of its governing body in an open meeting.

The City of Beverly Hills has indicated support for this measure, as it comports with the efforts of the City's Disabled Placard Parking Committee. We have heard that other cities are likely to support the bill as well.

AB 2602 was scheduled to be heard in the Assembly Transportation Committee on Monday, April 4<sup>th</sup> however we understand that the hearing will now be pushed back to April 11<sup>th</sup>.

**AB 2586 (Gatto)**, with which many cities have concerns, aims to change substantially how local governments manage and enforce parking laws. This bill:

- Requires local governments to make on-street parking spaces available immediately after street-sweeping and other maintenance activities have concluded.
- Prohibits cities from ticketing motorists who park at broken meters. The current law governing this (authored by Gatto in 2013 – AB 61) expires at the end of 2016.

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- Various local governments, including the League of CA Cities were opposed to AB 61 (Gatto, 2013). Some local governments have since passed local measures regarding parking at broken meters.
- Prohibits valet-parking operators from barring motorists from metered spots or loading zones.
- Prohibits local governments from including “bounty hunter” provisions in contracts if contracting with a third-party for parking enforcement activities.
- Requires cities, when installing new high-tech meters, to consider the feasibility of demand based pricing.
- Reduces the ability of cities to fine individuals for cars illegally parked due to criminal activity that was no fault of the owner.
  - We understand that Asm. Gatto will be taking amendments that remove provisions relative to exemptions for towing and impounding fees in this section.

Generally speaking, we’ve heard local governments acknowledge the need to continue to improve and innovate parking systems and infrastructure. However, it is a generally held belief that these decisions are best left to local governments and allowed to be tailored to their individual needs. Additionally, a number of cities throughout the state have been pro-actively forming working groups and passing individual ordinances, some of which could be superseded by the provisions in this legislation. We expect to see local governments come out in opposition to this legislation. The League of CA Cities has already indicated their opposition to the measure. Our firm is working with City staff to determine and address our local concerns with respect to this bill.

AB 2586 is scheduled to be heard in the Assembly Transportation Committee on Monday, April 4th.



## CITY OF BEVERLY HILLS

455 NORTH REXFORD DRIVE • BEVERLY HILLS, CALIFORNIA 90210

John A. Mirisch, Mayor

March 28, 2016

The Honorable Mike Gatto  
California State Assembly, 43rd District  
State Capitol, Room 5136  
Sacramento, CA 95814

RE: AB 2602 (Gatto): Disabled parking placards.  
City of Beverly Hills – SUPPORT

Dear Assembly Member Gatto,

On behalf of the City of Beverly Hills, I am pleased to write to you in SUPPORT of your AB 2602 (Gatto), which would address the illegitimate use of disabled person parking placards. The bill will require the Department of Motor Vehicles to more actively recoup expired parking placards and require individuals to reapply for parking placards upon expiration. AB 2602 will also allow local governments to charge for the cost of parking and enforce time restrictions provided that a self-assessment of compliance with ADA law is completed, made available for public comment, and voted on in an open meeting.

Today, there are approximately three million disabled placards in use in California. While placards are most often used responsibly and for valid reasons, fraudulent placard use is a significant concern, and it poses major hurdles in local jurisdictions' attempts to provide accessible parking to those truly in need.

The City of Beverly Hills has been doing its part to safeguard the legitimate use of disabled parking placards. The City's Disabled Parking Committee continues to work with other stakeholders to seek reforms that protect and serve the needs of the disabled community, discourages the misuse of these parking privileges, and mitigates the impacts of declining parking resources. AB 2602 (Gatto) is a meaningful solution to parking placard abuse that protects the rights of disabled persons while preserving an important level of local control.

For these reasons, the City of Beverly Hills SUPPORTS AB 2602 (Gatto). Thank you for authoring this transformative measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Mirisch', with a large, sweeping flourish extending to the right.

John A. Mirisch  
Mayor, City of Beverly Hills

cc: The Honorable Ben Allen, 26th Senate District  
The Honorable Richard Bloom, 50th Assembly District  
Andrew K. Antwih, Shaw / Yoder / Antwih, Inc.



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**April 5, 2016**

**To:** Cheryl Friedling, Deputy City Manager  
**City of Beverly Hills**

**From:** Andrew K. Antwih, Partner  
Christopher Castrillo, Legislative Advocate  
Melissa Immel, Legislative Aide  
**Shaw / Yoder / Antwih, Inc.**

**Re: AB 2844 (Bloom) – Public contracts: California Combating the Boycott, Divestment, and Sanctions of Israel Act of 2016.**

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Assemblymember Bloom is authoring [AB 2844](#), which would, beginning January 1, 2017; prohibit a public entity (state or local) from contracting with a company that is participating in the boycott of Israel, due to the political nature of this activity. The bill would also require the Governor's Office of Business and Economic Development (GoBiz) to incentivize business and academic collaboration, trade, and partnership between Israel and California and to disincentive barriers hindering those activities.

In 2014, the Governor of California and the Prime Minister of Israel signed an [MOU](#) for strategic partnerships for joint innovation, exchanges, and cooperation between California and Israel. This MOU was reaffirmed with the passage of last year's [SCR 25 \(Block\)](#). AB 2844 seeks to ensure that these state agreements and goals are not undermined by contracts with companies that are boycotting Israel.

Contracts with a total value under \$10,000 would be exempted from the provisions of this bill. Contracts for goods, services, information technology and other matters that are necessary for the public entity to perform its functions would also be exempted, should they make a written determination that they would be unable to obtain them elsewhere. The bill also allows for a public entity contractor to take substantial action to cease its boycott of Israel within 90 days after being notified by the public entity.

According to the American Jewish Committee (AJC), *"Boycott, Divestment and Sanctions (BDS) seek to delegitimize and isolate Israel and that the aim of the BDS movement is not a negotiated peace between Israel and the Palestinians, but to delegitimize the existence of Israel, our democratic ally in the Middle East."* The organization states that California would join Colorado, Florida, Illinois, Indiana, New York, and South Carolina as states that have passed anti-BDS legislation.

This bill has been double referred to the Assembly Accountability and Administrative Review Committee and the Assembly Judiciary Committee. The author's office expects the bill to have its first policy committee hearing on April 13.



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**April 1, 2016**

**To:** Cheryl Friedling, Deputy City Manager  
City of Beverly Hills

**From:** Andrew K. Antwih, Partner  
Christopher Castrillo, Legislative Advocate  
Melissa Immel, Legislative Aide  
Shaw / Yoder / Antwih, Inc.

**Re: Mandatory Sentencing**

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During Governor Brown's first term in 1977, he signed a "determinate sentencing" law, which established strict sentencing guidelines and limited judicial discretion, and prohibited convicted felons from appealing to parole boards. In the years since, there have been steps taken (including by Governor Brown, now in his fourth and final term) to undo such "mandatory sentencing" laws, especially as prisons and jails have become increasingly overcrowded and underfunded. In this memo, we discuss recent legislation that has impacted sentencing laws in California.

**Realignment**

In 2011, Governor Brown signed [AB 109](#), which shifted responsibility for certain populations of offenders from the state to the counties. The bill allows for non-violent, non-serious, and non-sex offenders to be supervised at the local county level and report to local county probation officers upon release from state prison. AB 109 and the subsequent trailer bills, collectively termed "realignment legislation," changed the place where felony sentences are served. Length of sentences, probation eligibility rules, and alternative sentencing programs remained unchanged. Any changes to related to sentencing were due to the fact that defendants are now sentenced to 58 different county custody facilities, rather than one state prison system.

**Proposition 47**

Passed by the voters as a ballot initiative in 2014, Prop 47 reduced certain felonies to misdemeanors.

Prop 47 offenses include:

- Drug possession
- Receiving stolen property
- Theft of property of \$950 or less
- Shoplifting property worth \$950 or less
- Writing bad checks worth \$950 or less
- Forging checks worth \$950 or less

[A recent report](#) from the Public Policy Institute of California (PPIC) analyzed the impacts of Prop 47 on jail population, finding "significant changes in the level and composition of those incarcerated." Due to a 50% decline in the number of individuals being held or serving sentences for Prop 47 offenses, the

overall jail population declined by 9% in the year following the proposition's passage. PPIC attributes this change to four key mechanisms:

- Immediate decline in new bookings on arrests and warrants for Prop 47 offenses
- Decline in the number of convictions for those individuals
- Increase in the share of Prop 47 defendants receiving pretrial releases
- Decline in the average length of stay for sentenced offenders

Additionally, PPIC found that counties with overcrowded jail facilities used some of the newly available jail space to house offenders they would have otherwise had to release early, reducing the number of early releases for offenders with more serious charges.

Prop 47 also contains a provision that requires state correctional savings from the proposition to be reinvested into the Safe Neighborhoods and Schools Fund (SNSF), which provides funding to behavioral health treatments and other recidivism prevention programs. The PPIC report notes that this key component has not yet been realized.

This year, the Governor's administration and the Legislative Analyst's Office (LAO) have cited significant discrepancies in their estimates of state savings as a result of Prop 47. The Department of Finance (DOF) has estimated just \$29 million in net savings for the 2015-16 Fiscal Year. [A recent LAO report](#) estimates this number could be about \$100 million more than the DOF estimates. Proponents of the initiative question the DOF's methodology and note that voters were told to expect savings of approximately several hundred million dollars. We expect this debate to continue through the budget negotiation process in the coming months.

#### **Unintended Consequences and Sentencing Reform on the Horizon**

Law enforcement and some local governments, especially in larger cities, have seen increases in the rates of certain crimes (such as property crime). This has sparked debate about whether such trends can be connected to Prop 47. Those in favor of Prop 47 note that the rehabilitation piece has not received sufficient follow through. The first deposit into the fund is scheduled for July 1, 2016. Others assert that there are no longer enough disincentives for offenders. As such, there have since been a number of legislative attempts to make modifications to Prop 47's provisions.

One approach in responding to the impacts of Prop 47 has been the introduction of bills that would revert offenses now classified as misdemeanors back to being deemed felonies. For example, Assemblymember Melendez's [AB 1869](#) would make all cases of firearm theft grand theft, punishable as a felony. Senator Galgiani's [SB 1182](#) would make possession of "date rape" drugs, with intent to commit sexual assault, a felony.

[AB 2369](#) (Patterson) would increase penalties by authorizing the prosecution to charge a person with a felony if that person has been previously convicted 2 or more times of Prop 47 misdemeanor offenses, or if the crime being prosecuted is petty theft, when that person has been convicted of other more significant crimes within the last 36 months. Assemblymember Hadley's [AB 1745](#) aims to respond to the increase in crime rate by appropriating state General Fund money to local governments' Supplemental Law Enforcement Services Accounts for the purposes of front-line law enforcement activities.

Some legislators have introduced "clean-up" bills with the goal of ensuring complete implementation of Prop 47 as intended by the voters, and others are working to expand Prop 47's provisions. [AB 2765](#) (Weber) would repeal Prop 47's deadline for petitioning or applying for a reduction of sentence.

The Governor vetoed an array of bills last year that would create new crimes, writing in [a veto message](#) that the “multiplication and particularization of criminal behavior creates increasing complexity without commensurate benefit.” Several of those bills have been reintroduced this year, but the Governor has not signaled a likeliness to change his view.

Furthermore, the Governor has announced his backing of a November 2016 ballot initiative that would allow corrections officials to more easily award credits toward early release based on an inmate’s good behavior, efforts to rehabilitate, or participation in prison education programs. The initiative would also authorize the state parole board to consider early release for nonviolent inmates who complete a full sentence for their primary offense, and it would require a judge to decide whether felons as young as 14 should be tried in juvenile or adult court. The Governor and other supporters are still working to gather the more than 585,000 valid signatures to qualify this measure for the statewide ballot.



**SHAW/YODER/ANTWIH, inc.**  
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

**April 1, 2016**

**To:** Cheryl Friedling, Deputy City Manager  
City of Beverly Hills

**From:** Andrew K. Antwih, Partner  
Christopher Castrillo, Legislative Advocate  
Melissa Immel, Legislative Aide  
Shaw / Yoder / Antwih, Inc.

**Re: Ellis Act Reform**

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[The Ellis Act](#), passed by the California Legislature in 1985, gives landlords the unconditional right to evict all tenants from rent-controlled buildings in order to “go out of business,” provided that they sell the property, convert the property into condominiums, or let the property sit vacant for five years. In recent years, Ellis evictions have become increasingly common, particularly in San Francisco and Los Angeles. The notice period for eviction is 120 days, extended to one year for seniors (62+) and disabled tenants, if they notify their landlord within 60 days of the filing date of the notice.

Affordable housing activists have long identified the Ellis Act as a policy that they argue is abused by landlords to evict tenants and circumvent rent control measures. This problem is exacerbated by the fact that there is a growing need for more affordable housing in many areas of the State. However, groups such as the California Apartment Association, the California Realtors Association and the California Chamber of Commerce staunchly defend the use of the Ellis Act and have opposed recent efforts to overturn or alter the law. They generally have contended that the use of the Ellis Act has been declining in recent years and that the previously proposed changes to the Ellis Act would result in forced reductions of rental property values by limiting the ability of an owner to sell or convert their property.

**Previous Ellis Act Reform Proposals – State Legislature**

In 2014, Senator Mark Leno (D-San Francisco) authored [SB 1439](#), aimed at prohibiting new property owners from taking advantage of the Ellis Act in San Francisco. This bill made it out of its house of origin, but died in the first Assembly committee it faced.

In 2015, Senator Leno carried [SB 364](#), which intended to amend the Ellis Act to prevent landlords from buying a building and then immediately exiting the rental business through across-the-board evictions of low- and middle-income tenants. SB 364 would have allowed the City and County of San Francisco to enact specified measures to mitigate the negative effects of the Ellis Act. This bill was held in the Senate Transportation and Housing Committee in its first hearing.

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### **Current Local Efforts on Ellis Act Reform**

This year, the Santa Monica City Council gave [approval](#) for staff to explore expanded Ellis Act protections for households that include school-age children, similar to the augmented protections afforded to seniors and people with disabilities, to avoid the negative impact on young people of unanticipated forced relocation and re-enrollment in the middle of a school year. The West Hollywood City Council recently adopted [Resolution No. 16-4797](#), which calls on the State Legislature to amend the Ellis Act to require a one-year notice period for all tenancies terminated under the Act and require notice to tenants of re-rental of vacated premises.

Last month, the Westside Cities Council of Governments staff recommended the board discuss potential support for specific policies relative to statewide Ellis Act protections. Similar to the West Hollywood approach mentioned above, one consideration staff put forth for consideration was to extend the noticing period for tenancies terminated under that act to allow households more time to find new housing. Staff also put forth consideration to require landlords to notify displaced tenants when their units return to the housing market. Currently, landlords are only required to notice a public agency when that occurs and have no responsibility to inform the tenant.

### **2016 State Legislation on Ellis Act Reform**

We understand that Senator Ben Allen has recently decided to author an Ellis Act bill this year. While the language of the bill is still being finalized, we understand he has landed on a couple of general concepts and parameters which he would like to tackle with this legislation. The first of which is to protect tenants who are the parent or guardian of a pupil enrolled in primary or secondary school from being evicted during the course of the pupil's school year. We also understand that he is considering language that will require landlords to provide tenants with a physical address where they may tender rent by mail.

Senator Allen has not yet put forth any amendments but we expect that they will be in print sometime next week. At that time we will have a clear picture of the concepts he will be moving forward with this year. We will share that language with the City once it is available.