



STATE LEGISLATION COMMITTEE
Wednesday, February 23, 2022
11:00am – 1:00pm

Join online at

<https://ccsf.webex.com/ccsf/j.php?MTID=m2487b9d00cf14f82c9c035e99ead0d3c>

Meeting ID: 2491 091 9511 / **Meeting Password:** yGqk2pzUp98 (94752798
from phones) **Join by Phone at** +1-415-655-0001

(Public Comment Instructions available on page 5)

MEMBERS:

Mayor's Office (Chair) -- Edward McCaffrey
Supervisor Dean Preston -- Preston Kilgore
Supervisor Connie Chan -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- Dan Kaplan
Treasurer's Office -- Eric Manke

AGENDA

I. ROLL CALL

II. APPROVAL OF MEETING MINUTES (Action Item). Discussion and possible action to approve the minutes from the meeting of January 26, 2022.

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item). The City's state lobbyist will present to the Committee an update on State legislative matters.

IV. PROPOSED LEGISLATION (Discussion and Action). Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

San Francisco Municipal Transportation Agency

Presenter: Kate Breen

SB 922 (Wiener): California Environmental Quality Act:
exemptions: transportation-related projects

Recommended Position: Support

Senate Bill 922 expands the provisions and eliminates the sunset in SB 288 (Wiener, 2020) to ensure San Francisco and California can create an equitable and sustainable transportation system without unnecessary delays. SB 922 will extend statutory exemptions to the California Environmental Quality Act (CEQA) for transportation projects that significantly advance the state's climate, public safety and public health goals.

Office of Civic Engagement & Immigrant Affairs

Presenters: Elena Shore and Chloe Noonan

SB 836 (Wiener): Evidence: immigration status

Recommended Position: Support

On January 6, 2022, Sen. Scott Wiener, D-San Francisco, introduced SB 836 Evidence: immigration status, which would prevent the disclosure of a person's immigration status in open court, unless the presiding judge finds that their immigration status is relevant to the case. This legislation would extend protections of the 2018 law, SB 785 (Wiener), which had a sunset date of January 1, 2022. SB 836 would remove the sunset date to make these protections permanent. This legislation would allow undocumented immigrants, including crime victims and witnesses, to testify in California courts without fear that their immigration status be made public. The bill would require a two-thirds vote of the state legislature, and if passed, it would take effect immediately.

Office of the City Attorney

Presenter: Rebekah Krell

Bill Number Pending (Maienschein): Pre-litigation authority

Recommended Position: Sponsor

Existing law provides authority to the California Attorney General, District Attorneys, as well as City Attorneys and County Counsels representing populations greater than 750,000 to file cases under the California Unfair Competition Law (UCL), an important civil prosecutorial tool to address unlawful, unfair or fraudulent business acts as well as unfair or deceptive advertising. However, only the Attorney General and the District Attorneys may issue pre-litigation subpoenas, which they routinely do to investigate, expedite and focus potential UCL cases. The bill would provide pre-litigation subpoena authority to the seven agencies that already have authority to bring UCL actions (San Francisco City Attorney, Los Angeles City Attorney, San

Jose City Attorney, San Diego City Attorney, Santa Clara County Counsel, Los Angeles County Counsel, and San Diego County Counsel). It is limited in scope to apply only to potential violations of the UCL.

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

VI. ADJOURNMENT

Disability Access

Room 201 of City Hall is located at 1 Dr. Carlton B. Goodlett Place and is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible Muni lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness, as well as Muni Metro stations at Van Ness and Civic Center. For more information about Muni accessible services, call 923-6142. There is accessible parking at the Civic Center Plaza garage.

Know Your Rights Under the Sunshine Ordinance

The government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Donna Hall at Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, by phone at 415-554-7724, by fax at 415-554-7854, or email the Sunshine Ordinance Taskforce Administrator at sof@sfgov.org. Citizens may obtain a free copy of the Sunshine Ordinance by contacting the Task Force, or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at www.sfgov.org/sunshine.htm.

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sec. 2.100 -2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone 415-581-2300, fax 415-581-2317, Internet website: www.sfgov.org/ethics.

Cell Phones and Pagers

The ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Public Comment

Public Comment will be taken on each item on the agenda before or during consideration of that item.

Document Review

Documents that may have been provided to members of the State Legislation Committee in connection with the items on the agenda include proposed state legislation, consultant reports, correspondence and reports from City departments, and public correspondence. These may be inspected by contacting Edward McCaffrey, Manager, State and Federal Affairs, Mayor's Office at: (415) 554-6588.

Health Considerations

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City accommodate these individuals

February 23, 2022 State Legislation Committee

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PUBLIC COMMENT CALL-IN: +1-415-655-0001 Access code: 2491 091 9511

Webinar password: yGqk2pzUp98 (94752798 from phones)

Information Regarding Providing Public Comment

- Each individual may comment 1 time per agenda item.
- Each individual may speak for up to 2 minutes; after which time the line is automatically silenced.
- To make public comment on a specific agenda item, dial in using the information above when the item is called.
- Dial *3 to be added to the public comment queue for this item.
- When it is your time to speak, you will hear "Your line has been unmuted."
- Ensure you are in a quiet location.
- Before you speak, mute the sound of any equipment around you including televisions, radios, and computers. It is especially important that **you mute your computer** so there is no echo sound when you speak.
- When the Commission Secretary states, "Next Caller," you are encouraged to state your name clearly. As soon as you speak, your 2 minute allotment will begin.
- After you speak, you will go back to listening mode. You may stay on the line to provide public comment on another item.



STATE LEGISLATION COMMITTEE

*****DRAFT MINUTES*****

Wednesday, January 26, 2022

11:00am – 1:00pm

**Held Via Videoconference
(remote public access provided via teleconference)**

MEMBERS:

Mayor's Office (Chair) -- Edward McCaffrey
Supervisor Dean Preston – Preston Kilgore
Supervisor Connie Chan -- Ian Fregosi
Assessor's Office -- Holly Lung
City Attorney's Office -- Rebekah Krell
Controller's Office -- James Whitaker
Treasurer's Office -- Eric Manke

Meeting commenced at 11:01 am

AGENDA

I. ROLL CALL

Present: Edward McCaffrey, Preston Kilgore, Ian Fregosi, Holly Lung, Rebekah Krell, James Whitaker, and Eric Manke

Absent: None.

II. APPROVAL OF MEETING MINUTES (Action Item).

Discussion and possible action to approve the minutes from the meeting of September 15, 2021.

Motion to Approve: Edward McCaffrey

Seconded by: Ian Fregosi

Approved: 7-0

III. STATE LOBBYIST OVERVIEW AND UPDATE (Discussion Item).

The City's state lobbyist presented an update to the Committee State legislative matters.

Presenter: Karen Lange, Partner, Shaw Yoder Antwih Schmelzer & Lange

IV. PROPOSED LEGISLATION (Discussion and Action)

Discussion and possible action item: the Committee with review and discuss state legislation affecting the City and County of San Francisco. Items are listed by Department, then by bill number.

New Business

Commission of Animal Control & Welfare

Presenter: Nina Irani

1. AB 558 (Nazarian): Food and Agriculture: Plant-Based Food; Education

Recommended Position: Support

This bill will incentivize healthy meals in public schools by providing reimbursements to schools serving plant-based meal or milk options.

The bill would authorize a local educational agency to apply for funding, upon appropriation by the Legislature, for reimbursement of up to \$0.20 per meal for meals that include a plant-based food option, as defined, or up to \$0.10 per meal for meals that include a plant-based milk option, as defined, or both.

The bill would also require the department, upon a one-time appropriation by the Legislature, to provide grants of up to \$100,000 to local educational agencies for additional purposes relating to the program.

No public comment.

Motion to Approve: Edward McCaffrey

Seconded by: Holly Lung

Approved: 7-0

2. AB 1289 (Kalra): Food and Agriculture: Plant-Based Agriculture.

Recommended Position: Support

This bill would require the California Department of Food and Agriculture ("CDFA") to provide grants to persons farming on small to midsize farms who wish to transition the use of their land from raising livestock or growing feed crops to plant-based agriculture. It would also provide technical assistance to those persons.

The bill would require a person who receives a grant to provide a report, in consultation with a specified technical assistance provider, to the department that demonstrates that the person is transitioning to plant-based agriculture.

No public comment.

Motion to table to future meeting at the call of the Chair: Edward McCaffrey

Seconded by: Eric Manke

Approved: 7-0

V. GENERAL PUBLIC COMMENT

Members of the public may address the Committee on items of interest that are within the Committee's subject matter jurisdiction and that do not appear on the agenda.

No public comment.

VI. ADJOURNMENT

Meeting concluded at 11:41am.



State Legislation Proposal Form

This form should be used to submit legislative proposals for consideration by the State Legislation Committee. We ask that you keep your submissions under two pages. Before submission, proposals must be reviewed and approved by the Department Head or Commission. Please send completed forms to Eddie McCaffrey in the Mayor's Office at edward.mccaffrey@sfgov.org and cc Susanna Conine-Nakano at Susanna.Conine-Nakano@sfgov.org.

Date Submitted	2/10/22
Submitting Department	SFMTA
Contact Name	Kate Breen
Contact Email	Kate.breen@sfmta.com
Contact Phone	415-646-2404
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A

SB 922 **Sen. Wiener, District 11, Democrat** **California Environmental Quality Act: exemptions:** **transportation-related projects**

Recommended Position

- | | |
|--|--|
| <input type="checkbox"/> SPONSOR | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT if amended | <input type="checkbox"/> OPPOSE |
| <input type="checkbox"/> OTHER & Describe | |

Summary

Senate Bill 922 expands the provisions and eliminates the sunset in SB 288 (Wiener, 2020) to ensure San Francisco and California can create an equitable and sustainable transportation system without unnecessary delays. SB 922 will extend statutory exemptions to the California Environmental Quality Act (CEQA) for transportation projects that significantly advance the state's climate, public safety and public health goals.

Background/Analysis

Transportation is the sector with the largest carbon footprint, accounting for over 40% of all greenhouse gas emissions in California. The state has ambitious goals to lower this number down by moving away from fossil-

fuel technologies, investing in public transit, improving safety and accessibility for people who walk and bike - especially for those people living in disadvantaged communities. Simply put: people drive less in places with high quality public transit, bicycle lanes, and sidewalks. With fewer cars on the road under the March 2020 shelter-in-place orders, people felt safer biking and walking, and many people took fewer trips. Now that shelter-in-place orders have lifted, traffic and congestion have risen back to almost pre-pandemic levels. It is critical that San Francisco continue to advance projects that support our mode shift goals and encourage people to get out of their cars.

Challenge

The California Environmental Quality Act (CEQA) requires state and local agencies to evaluate and disclose the significant environmental impacts of projects they approve and to avoid or mitigate those impacts if possible. The evaluation is the basis for many state and local approvals needed to deliver a sustainable transportation or public transit project. CEQA is a critically

important law for protecting the environment from projects such as refineries that pollute natural resources and jeopardize health, especially for historically marginalized and underserved populations. However, each step of the CEQA process is subject to appeals and lawsuits that can increase project costs and create delays. It's not unusual for it to take three to four years and millions of dollars to resolve a single lawsuit, while appeals regularly take six months to resolve. When CEQA is misused as a tool to delay or halt critically needed projects, it has real consequences for California – making it more difficult to build the active transportation and sustainable transit projects that will result in a safer, healthier, and equitable future for all Californians.

SB 288 expanded statutory exemptions from CEQA for specified transportation projects. Not only were these projects significantly accelerated, but CEQA appeals no longer applied. In the short time since the bill passed, 10 projects have utilized the exemption, mainly for walking and biking infrastructure located in disadvantaged communities. Public agencies have identified 20 other projects for which the SB 288 exemption is being considered for use. In San Francisco, list projects...

However, SB 288 will sunset on January 1, 2023. Without an extension of this bill, these projects may no longer be workable for these agencies. Whether it's the necessary time and cost to work through CEQA, or the concerns around possible year-long lawsuits and appeals, without this statutory exemption, California is missing out on the necessary changes we need to reduce emissions and provide sustainable transportation options for communities across the state.

Solution/Recommended Proposal

SB 922 eliminates the sunset date in SB 288 and provides a statutory exemption to CEQA for sustainable transportation projects in an

effort to reduce the associated cost and time burdens.

Specifically, projects that apply must meet one of the following requirements:

- Make streets safer for walking and biking
- Speed up bus service on streets
- Make it possible to run bus service on highways
- Expand carpooling options
- Build new, or modernize old light rail stations
- Support parking policies that reduces drive-alone trips & congestion
- Improve wayfinding for people using transit, biking or walking

Additionally, to ensure that the exemption is not misapplied to projects with detrimental impacts, these projects must also:

- Be located in an existing public right of way
- Must not add new auto capacity
- Must not demolish affordable housing
- Must use a skilled and trained workforce or have a project labor agreement in place.

Lastly, for projects estimated to cost over \$100 million, the lead agency or project sponsor must also:

- Expand public participation requirements so they occur early in a project and when input can be most meaningful
- Complete a project business case to evaluate benefits and costs and enable communities to shape the project early in the planning and alternatives development process
- Complete a racial equity analysis and suggest mitigations to address any disproportionate impacts

Departments Impacted & Why

SB288 has allowed the SFMTA to extend some of SFMTA's COVID Transportation Recovery Projects, such as the 19 Polk and 27 Bryant Transit Lanes and Slow Streets, while implementing projects in the Tenderloin, such as the Golden Gate and Leavenworth Quick Build projects, to respond to community traffic safety concerns.

SB288 has also allowed SFMTA to quickly implement projects resulting from community planning efforts, such as the Bayview Community- Based Transportation Plan. The SFMTA has relied on SB288 to implement two Bayview Quick-Build projects from the plan – along Evans, Ave, Hunter Point Blvd, Innes Ave, and along Williams Ave. These expedited projects have resulted in cost savings as a result of ending unnecessary delay and staff time.

Note other departments that deliver sustainable projects may also be positively impacted from using the streamlined project delivery provisions included in SB 922.

Fiscal Impact

Cost savings will be realized from expedited project delivery and unnecessary delay and staff time.

Support / Opposition

Support

Bay Area Council-co-sponsor

SPUR-co-sponsor

California Transit Association-co-sponsor

Silicon Valley Leadership Group-co-sponsor



State Legislation Proposal Form

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Date Submitted	January 26, 2022
Submitting Department	Office of Civic Engagement & Immigrant Affairs (OCEIA)
Contact Name	Adrienne Pon
Contact Email	Adrienne.pon@sfgov.org
OCEIA Staff Analyst	Elena Shore
Contact Phone	415-581-2317
Reviewed and approved by Department Head?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reviewed and approved by Commission?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A

SB 836

Sen. Wiener, District 11, Democrat

Evidence: immigration status

Recommended Position

- | | |
|---|---|
| <input type="checkbox"/> SPONSOR | <input checked="" type="checkbox"/> SUPPORT |
| <input type="checkbox"/> SUPPORT if amended | <input type="checkbox"/> OPPOSE |
| <input type="checkbox"/> OTHER & Describe | |

Summary

On January 6, 2022, Sen. Scott Wiener, D-San Francisco, introduced SB 836 Evidence: immigration status, which would prevent the disclosure of a person's immigration status in open court, unless the presiding judge finds that their immigration status is relevant to the case. This legislation would extend protections of the 2018 law, SB 785 (Wiener), which had a sunset date of January 1, 2022. SB 836 would remove the sunset date to make these protections permanent. This legislation would allow undocumented immigrants, including crime victims and witnesses, to testify in California courts without fear that their immigration status be made public. The bill would require a two-thirds vote of the state legislature, and if passed, it would take effect immediately.

Background

During the previous administration, when SB 785 was proposed, reports of ICE officers making immigration arrests at California courthouses created fear among immigrant communities. On March 16, 2017, Chief Justice Tani G. Cantil-Sakauye wrote a letter to U.S. Attorney General Jeff Sessions and Homeland Secretary John Kelly expressing her concern over reports of immigration agents "stalking undocumented immigrants in our courthouses to make arrests." Chief Justice Cantil-Sakauye wrote, "Our courthouses serve as a vital forum for ensuring access to justice and protecting public safety. Courthouses should not be used as bait in the necessary enforcement of our country's immigration laws."

On January 10, 2018, ICE published a directive on immigration enforcement actions inside courthouses. According to the directive, "ICE civil immigration enforcement actions inside courthouses include actions against specific, targeted aliens with criminal convictions, gang members, national security or public safety

threats, aliens who have been ordered removed from the United States but have failed to depart, and aliens who have re-entered the country illegally after being removed, when ICE officers or agents have information that leads them to believe the targeted aliens are present at that specific location."

The Biden administration has since reversed this policy. On April 27, 2021, the Department of Homeland Security announced that federal agents would no longer be able to arrest people in or near courthouses for most immigration violations. However, it is unknown what actions a future administration may take.

Analysis

Studies have shown that fear of deportation makes undocumented immigrants less likely to report crimes and cooperate with law enforcement.

A 2018 study by the American Civil Liberties Union (ACLU) and the National Immigrant Women's Advocacy Project found that the arrests of immigrants in courthouses in 2017 had a chilling effect, and fear of deportation prevented immigrants from reporting crimes and testifying in court. For example, 82 percent of the prosecutors surveyed said that domestic violence cases had become harder to prosecute.

Advocates said their clients were staying in abusive and dangerous situations and were afraid to go to court.

The public safety consequences of this can be far-reaching. When undocumented immigrants are afraid to call the police and testify in court, it can undermine the effectiveness of the judicial system and the public safety of the larger community.

Challenge

SB 785 had a sunset date of January 1, 2022 and has now expired. Although the Biden administration has limited the power of U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) to arrest immigrants in or near courthouses, it is unknown whether a future administration will continue this policy. Even without the threat of courthouse arrests, the fear of deportation may prevent undocumented immigrants from attending a required court hearing or testifying in court. This undermines the court system's ability to provide equal access to justice.

Solution/Recommended Proposal

SB 836 would prevent the disclosure of a person's immigration status in open court, unless the presiding judge deems it relevant to the case, and would make these protections permanent. This would allow undocumented immigrants, including crime victims and witnesses, to participate in court proceedings without fear of having their immigration status revealed.

This could represent a communications opportunity for City leaders to affirm San Francisco's values as a sanctuary city that stands with immigrants, refugees and communities of color, and works to ensure equity and opportunity for all San Franciscans. Access to justice should be equal for citizens and noncitizens alike, and should not depend on one's immigration status.

The City could continue to work with trusted community-based organizations to engage with community members in multiple languages, educate them about their rights, and encourage them to report crimes and participate in court proceedings.

For example, the Stop AAPI Hate Coalition has reported an increase in hate incidents against Asian American

Pacific Islander (AAPI) community members. However, many of these incidents of discrimination do not rise to the level of illegal crimes, and many continue to go underreported as a result of language barriers, lack of trust in law enforcement, fear of deportation and other factors.

On May 19, 2021, the San Francisco Immigrant Rights Commission held a special hearing with the Stop AAPI Hate Coalition and other organizations on ending anti-AAPI hate. The Commission sent a letter to the Mayor's Office and City leaders with its recommendations, including investment in assistance for survivors, prevention and intervention efforts, resources for service providers, models for cross-racial healing and solidarity, and promoting language access as a safety issue. The Commission also created a multilingual resource guide to help community members report hate incidents, prevent future incidents, and get the help they need.

SB 836 represents an important step in protecting the rights of undocumented immigrants by addressing one of the key barriers that prevents victims and witnesses from reporting crimes: the fear that their immigration status could be made public, and that they may be subject to deportation. This provides an opportunity for multilingual communications by City leaders to support all San Franciscans.

Departments Impacted & Why

San Francisco Public Defender's Office, San Francisco District Attorney's Office and its Victim Services Division, San Francisco Superior Court.

Fiscal Impact

Unknown. The previous bill SB 785 was keyed non-fiscal.

Challenge

There is a significant need for robust consumer protection in California. There are thousands of consumer complaints in San Francisco and other jurisdictions each year, and not enough resources to address them. This bill will allow for more robust consumer protection at the local level. Additionally, the proposed bill would support the enforcement of labor and employment laws, environmental laws and other important California protections.

Solution/Recommended Proposal

A pre-litigation subpoena is an investigative tool, not a discovery tool. This tool allows civil prosecutors to obtain information prior to filing a public lawsuit, and in some instances may obviate the need for costly litigation. All materials are subject to strict confidentiality requirements. Penalties for divulging any confidential information collected include misdemeanor prosecution.

The bill would help protect consumers, workers, and residents, because it would allow agencies to investigate potential violations promptly instead of waiting for

closely-held information to become public or a whistleblower to step forward.

The bill will also help ensure a level playing field and protect law-abiding businesses from industry competitors acting fraudulently.

Departments Impacted & Why

N/A

Fiscal Impact

N/A

Support / Opposition

Sponsors include the city attorneys and county counsels of San Francisco, Santa Clara, San Jose, San Diego, and Los Angeles.

We anticipate support from the cities and counties of the above jurisdictions, consumer, environmental and labor communities, as well as the Consumer Attorneys of California.

We anticipate opposition from large corporate interest.