

AMENDED IN SENATE JULY 13, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 806

**Introduced by Assembly Member Dodd
(~~Coauthor: Assembly Member Atkins~~)**

February 26, 2015

~~An act to amend Sections 34179, 34191.4, and 34191.5 of the Health and Safety Code, relating to redevelopment. An act to add Section 65964.5 to the Government Code, relating to local government.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 806, as amended, Dodd. ~~Redevelopment: successor agencies to redevelopment agencies. Planning and zoning: permits: strand-mounted antenna.~~

The Permit Streamlining Act governs the approval process that a city, county, or city and county is required to follow when approving, among other things, a project that is located within a flood hazard zone, a permit for a hazardous waste facility project, and a permit for construction or reconstruction for a development project for a wireless telecommunications facility.

This bill would require state and local agencies to encourage the installation of broadband by eliminating barriers that restrict broadband deployment. The bill would also require that strand-mounted antennas, as defined, that were previously in accordance with state or local government permitting requirements be exempt from additional permit

requirements. The bill would make findings and declarations in this regard including that this constitutes a matter of statewide concern.

~~(1) Existing law dissolved redevelopment agencies and community development agencies as of February 1, 2012, and provides for the designation of successor agencies to wind down the affairs of the dissolved redevelopment agencies, subject to review by oversight boards, and to, among other things, make payments due for enforceable obligations and to perform obligations required pursuant to any enforceable obligation. Existing law requires the Department of Finance to issue a finding of completion to a successor agency upon confirmation by the county auditor-controller that specified payments have been fully made by the successor agency. Existing law prohibits a successor agency from entering into contracts with, incurring obligations or making commitments to, any entity, as specified; or from amending or modifying existing agreements, obligations, or commitments with any entity, for any purpose.~~

~~This bill would authorize a successor agency, if the successor agency has received a finding of completion, to amend or modify existing contracts and agreements, or otherwise administer projects in connection with enforceable obligations, if the contract, agreement, or project will not commit new property tax funds or otherwise adversely affect the flow of specified tax revenues or payments to the taxing agencies, as specified.~~

~~(2) Existing law requires each successor agency to have an oversight board composed of 7 members and requires each member to be appointed by a specified authority.~~

~~This bill would allow each appointing authority to appoint alternate representatives to serve on the oversight board as may be necessary. This bill would provide that an alternate representative has the same participatory and voting rights as all other attending members of the oversight board, and would require the successor agency to promptly notify the Department of Finance regarding the appointment of any alternate representatives.~~

~~(3) Existing law requires the disposition of assets and properties of the former redevelopment agency as directed by the oversight board, as specified, and suspends these requirements until the Department of Finance has approved a long-range property management plan, as specified. Upon approval of a long-range property management plan, the plan governs and supersedes all other provisions relating to the disposition and use of the real property assets of the former~~

redevelopment agency. Existing law requires the property of a former redevelopment agency to be disposed of according to law if the department has not approved a long-range property management plan by January 1, 2016.

~~This bill would authorize the department to require a compensation agreement or agreements, but would specify that the compensation agreement or agreements may be developed and executed subsequent to the approval of a long-range property management plan. The bill would describe the criteria and standard to be applied by the department in approving a long-range property management plan. The bill would require the department to approve long-range property management plans as expeditiously as possible. This bill would also provide that actions relating to the disposition of property after approval of a long-range property management plan do not require review by the department.~~

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

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

1 SECTION 1. Section 65964.5 is added to the Government Code,
2 to read:

3 65964.5. (a) (1) *The Legislature hereby finds and declares*
4 *that communications technology and services, particularly*
5 *broadband, are critical the the economic success of this state in*
6 *the 21st century. Broadband can drive local and state economic*
7 *growth, as well as improve education, business services, public*
8 *safety, health care, and energy efficiency.*

9 (2) *The Legislature finds and declares that the implementation*
10 *of consistent statewide policies to achieve timely and cost-effective*
11 *deployment of broadband is a matter of statewide concern and*
12 *that this section shall apply to charter cities and charter counties.*
13 *The provisions of this section shall supersede any inconsistent*
14 *provisions in the charter of any city, county, or city and county.*

15 (b) *It is the intent of the Legislature that state and local agencies*
16 *not adopt ordinances, resolutions, or regulations that create*
17 *unreasonable barriers to the installation of broadband. State and*
18 *local agencies shall encourage the installation of broadband by*
19 *eliminating barriers that restrict broadband deployment.*

1 (c) (1) A strand-mounted antenna used for the provision of
 2 video, voice, or data service that is attached to communications
 3 infrastructure that were previously constructed in accordance with
 4 state or local permitting requirements shall be exempt from
 5 additional permitting requirements.

6 (2) For the purposes of this section, “strand-mounted antenna”
 7 means a low-powered antenna embedded in or attached to
 8 communications cables that are part of a pole-supported overhead
 9 communications infrastructure. “Strand-mounted antenna” shall not
 10 include a commercial mobile radio services (CMRS) antenna.

11 SECTION 1. Section 34179 of the Health and Safety Code is
 12 amended to read:

13 ~~34179. (a) Each successor agency shall have an oversight~~
 14 ~~board composed of seven members. The members shall elect one~~
 15 ~~of their members as the chairperson and shall report the name of~~
 16 ~~the chairperson and other members to the Department of Finance~~
 17 ~~on or before May 1, 2012. Members shall be selected as follows:~~

18 ~~(1) One member appointed by the county board of supervisors.~~

19 ~~(2) One member appointed by the mayor for the city that formed~~
 20 ~~the redevelopment agency.~~

21 ~~(3) (A) One member appointed by the largest special district,~~
 22 ~~by property tax share, with territory in the territorial jurisdiction~~
 23 ~~of the former redevelopment agency, which is of the type of special~~
 24 ~~district that is eligible to receive property tax revenues pursuant~~
 25 ~~to Section 34188.~~

26 ~~(B) On or after the effective date of this subparagraph, the~~
 27 ~~county auditor-controller may determine which is the largest special~~
 28 ~~district for purposes of this section.~~

29 ~~(4) One member appointed by the county superintendent of~~
 30 ~~education to represent schools if the superintendent is elected. If~~
 31 ~~the county superintendent of education is appointed, then the~~
 32 ~~appointment made pursuant to this paragraph shall be made by the~~
 33 ~~county board of education.~~

34 ~~(5) One member appointed by the Chancellor of the California~~
 35 ~~Community Colleges to represent community college districts in~~
 36 ~~the county.~~

37 ~~(6) One member of the public appointed by the county board~~
 38 ~~of supervisors.~~

39 ~~(7) One member representing the employees of the former~~
 40 ~~redevelopment agency appointed by the mayor or chair of the~~

1 board of supervisors, as the case may be, from the recognized
2 employee organization representing the largest number of former
3 redevelopment agency employees employed by the successor
4 agency at that time. In the case where city or county employees
5 performed administrative duties of the former redevelopment
6 agency, the appointment shall be made from the recognized
7 employee organization representing those employees. If a
8 recognized employee organization does not exist for either the
9 employees of the former redevelopment agency or the city or
10 county employees performing administrative duties of the former
11 redevelopment agency, the appointment shall be made from among
12 the employees of the successor agency. In voting to approve a
13 contract as an enforceable obligation, a member appointed pursuant
14 to this paragraph shall not be deemed to be interested in the contract
15 by virtue of being an employee of the successor agency or
16 community for purposes of Section 1090 of the Government Code.

17 (8) ~~If the county or a joint powers agency formed the~~
18 ~~redevelopment agency, then the largest city by acreage in the~~
19 ~~territorial jurisdiction of the former redevelopment agency may~~
20 ~~select one member. If there are no cities with territory in a project~~
21 ~~area of the redevelopment agency, the county superintendent of~~
22 ~~education may appoint an additional member to represent the~~
23 ~~public.~~

24 (9) ~~If there are no special districts of the type that are eligible~~
25 ~~to receive property tax pursuant to Section 34188, within the~~
26 ~~territorial jurisdiction of the former redevelopment agency, then~~
27 ~~the county may appoint one member to represent the public.~~

28 (10) ~~If a redevelopment agency was formed by an entity that is~~
29 ~~both a charter city and a county, the oversight board shall be~~
30 ~~composed of seven members selected as follows: three members~~
31 ~~appointed by the mayor of the city, if that appointment is subject~~
32 ~~to confirmation by the county board of supervisors, one member~~
33 ~~appointed by the largest special district, by property tax share, with~~
34 ~~territory in the territorial jurisdiction of the former redevelopment~~
35 ~~agency, which is the type of special district that is eligible to~~
36 ~~receive property tax revenues pursuant to Section 34188, one~~
37 ~~member appointed by the county superintendent of education to~~
38 ~~represent schools, one member appointed by the Chancellor of the~~
39 ~~California Community Colleges to represent community college~~
40 ~~districts, and one member representing employees of the former~~

1 redevelopment agency appointed by the mayor of the city if that
2 appointment is subject to confirmation by the county board of
3 supervisors, to represent the largest number of former
4 redevelopment agency employees employed by the successor
5 agency at that time.

6 ~~(11) Each appointing authority identified in this subdivision~~
7 ~~may, but is not required to, appoint alternate representatives to~~
8 ~~serve on the oversight board as may be necessary to attend any~~
9 ~~meeting of the oversight board in the event that the appointing~~
10 ~~authority's primary representative is unable to attend any meeting~~
11 ~~for any reason. If an alternate representative attends any meeting~~
12 ~~in place of the primary representative, the alternate representative~~
13 ~~shall have the same participatory and voting rights as all other~~
14 ~~attending members of the oversight board. The successor agency~~
15 ~~shall promptly notify the department regarding the appointment~~
16 ~~of alternate representatives to the oversight board.~~

17 ~~(b) The Governor may appoint individuals to fill any oversight~~
18 ~~board member position described in subdivision (a) that has not~~
19 ~~been filled by May 15, 2012, or any member position that remains~~
20 ~~vacant for more than 60 days.~~

21 ~~(c) The oversight board may direct the staff of the successor~~
22 ~~agency to perform work in furtherance of the oversight board's~~
23 ~~duties and responsibilities under this part. The successor agency~~
24 ~~shall pay for all of the costs of meetings of the oversight board~~
25 ~~and may include such costs in its administrative budget. Oversight~~
26 ~~board members shall serve without compensation or reimbursement~~
27 ~~for expenses.~~

28 ~~(d) Oversight board members are protected by the immunities~~
29 ~~applicable to public entities and public employees governed by~~
30 ~~Part 1 (commencing with Section 810) and Part 2 (commencing~~
31 ~~with Section 814) of Division 3.6 of Title 1 of the Government~~
32 ~~Code.~~

33 ~~(e) A majority of the total membership of the oversight board~~
34 ~~shall constitute a quorum for the transaction of business. A majority~~
35 ~~vote of the total membership of the oversight board is required for~~
36 ~~the oversight board to take action. The oversight board shall be~~
37 ~~deemed to be a local entity for purposes of the Ralph M. Brown~~
38 ~~Act, the California Public Records Act, and the Political Reform~~
39 ~~Act of 1974. All actions taken by the oversight board shall be~~
40 ~~adopted by resolution.~~

1 ~~(f) All notices required by law for proposed oversight board~~
2 ~~actions shall also be posted on the successor agency's Internet~~
3 ~~Web site or the oversight board's Internet Web site.~~
4 ~~(g) Each member of an oversight board shall serve at the~~
5 ~~pleasure of the entity that appointed such member.~~
6 ~~(h) The Department of Finance may review an oversight board~~
7 ~~action taken pursuant to this part. Written notice and information~~
8 ~~about all actions taken by an oversight board shall be provided to~~
9 ~~the department by electronic means and in a manner of the~~
10 ~~department's choosing. An action shall become effective five~~
11 ~~business days after notice in the manner specified by the~~
12 ~~department is provided unless the department requests a review.~~
13 ~~Each oversight board shall designate an official to whom the~~
14 ~~department may make those requests and who shall provide the~~
15 ~~department with the telephone number and email contact~~
16 ~~information for the purpose of communicating with the department~~
17 ~~pursuant to this subdivision. Except as otherwise provided in this~~
18 ~~part, in the event that the department requests a review of a given~~
19 ~~oversight board action, it shall have 40 days from the date of its~~
20 ~~request to approve the oversight board action or return it to the~~
21 ~~oversight board for reconsideration and the oversight board action~~
22 ~~shall not be effective until approved by the department. In the~~
23 ~~event that the department returns the oversight board action to the~~
24 ~~oversight board for reconsideration, the oversight board shall~~
25 ~~resubmit the modified action for department approval and the~~
26 ~~modified oversight board action shall not become effective until~~
27 ~~approved by the department. If the department reviews a~~
28 ~~Recognized Obligation Payment Schedule, the department may~~
29 ~~eliminate or modify any item on that schedule prior to its approval.~~
30 ~~The county auditor-controller shall reflect the actions of the~~
31 ~~department in determining the amount of property tax revenues to~~
32 ~~allocate to the successor agency. The department shall provide~~
33 ~~notice to the successor agency and the county auditor-controller~~
34 ~~as to the reasons for its actions. To the extent that an oversight~~
35 ~~board continues to dispute a determination with the department,~~
36 ~~one or more future recognized obligation schedules may reflect~~
37 ~~any resolution of that dispute. The department may also agree to~~
38 ~~an amendment to a Recognized Obligation Payment Schedule to~~
39 ~~reflect a resolution of a disputed item; however, this shall not affect~~

1 a past allocation of property tax or create a liability for any affected
2 taxing entity.

3 ~~(i) Oversight boards shall have fiduciary responsibilities to~~
4 ~~holders of enforceable obligations and the taxing entities that~~
5 ~~benefit from distributions of property tax and other revenues~~
6 ~~pursuant to Section 34188. Further, the provisions of Division 4~~
7 ~~(commencing with Section 1000) of the Government Code shall~~
8 ~~apply to oversight boards. Notwithstanding Section 1099 of the~~
9 ~~Government Code, or any other law, any individual may~~
10 ~~simultaneously be appointed to up to five oversight boards and~~
11 ~~may hold an office in a city, county, city and county, special~~
12 ~~district, school district, or community college district.~~

13 ~~(j) Commencing on and after July 1, 2016, in each county where~~
14 ~~more than one oversight board was created by operation of the act~~
15 ~~adding this part, there shall be only one oversight board appointed~~
16 ~~as follows:~~

17 ~~(1) One member may be appointed by the county board of~~
18 ~~supervisors.~~

19 ~~(2) One member may be appointed by the city selection~~
20 ~~committee established pursuant to Section 50270 of the~~
21 ~~Government Code. In a city and county, the mayor may appoint~~
22 ~~one member.~~

23 ~~(3) One member may be appointed by the independent special~~
24 ~~district selection committee established pursuant to Section 56332~~
25 ~~of the Government Code, for the types of special districts that are~~
26 ~~eligible to receive property tax revenues pursuant to Section 34188.~~

27 ~~(4) One member may be appointed by the county superintendent~~
28 ~~of education to represent schools if the superintendent is elected.~~
29 ~~If the county superintendent of education is appointed, then the~~
30 ~~appointment made pursuant to this paragraph shall be made by the~~
31 ~~county board of education.~~

32 ~~(5) One member may be appointed by the Chancellor of the~~
33 ~~California Community Colleges to represent community college~~
34 ~~districts in the county.~~

35 ~~(6) One member of the public may be appointed by the county~~
36 ~~board of supervisors.~~

37 ~~(7) One member may be appointed by the recognized employee~~
38 ~~organization representing the largest number of successor agency~~
39 ~~employees in the county.~~

1 ~~(k) The Governor may appoint individuals to fill any oversight~~
2 ~~board member position described in subdivision (j) that has not~~
3 ~~been filled by July 15, 2016, or any member position that remains~~
4 ~~vacant for more than 60 days.~~

5 ~~(l) Commencing on and after July 1, 2016, in each county where~~
6 ~~only one oversight board was created by operation of the act adding~~
7 ~~this part, then there will be no change to the composition of that~~
8 ~~oversight board as a result of the operation of subdivision (b).~~

9 ~~(m) Any oversight board for a given successor agency shall~~
10 ~~cease to exist when all of the indebtedness of the dissolved~~
11 ~~redevelopment agency has been repaid.~~

12 ~~(n) An oversight board may direct a successor agency to provide~~
13 ~~additional legal or financial advice than what was given by agency~~
14 ~~staff.~~

15 ~~(o) An oversight board is authorized to contract with the county~~
16 ~~or other public or private agencies for administrative support.~~

17 ~~(p) On matters within the purview of the oversight board,~~
18 ~~decisions made by the oversight board supersede those made by~~
19 ~~the successor agency or the staff of the successor agency.~~

20 ~~SEC. 2. Section 34191.4 of the Health and Safety Code is~~
21 ~~amended to read:~~

22 ~~34191.4. The following provisions shall apply to any successor~~
23 ~~agency that has been issued a finding of completion by the~~
24 ~~Department of Finance:~~

25 ~~(a) All real property and interests in real property identified in~~
26 ~~subparagraph (C) of paragraph (5) of subdivision (e) of Section~~
27 ~~34179.5 shall be transferred to the Community Redevelopment~~
28 ~~Property Trust Fund of the successor agency upon approval by the~~
29 ~~Department of Finance of the long-range property management~~
30 ~~plan submitted by the successor agency pursuant to subdivision~~
31 ~~(b) of Section 34191.5 unless that property is subject to the~~
32 ~~requirements of any existing enforceable obligation.~~

33 ~~(b) (1) Notwithstanding subdivision (d) of Section 34171, upon~~
34 ~~application by the successor agency and approval by the oversight~~
35 ~~board, loan agreements entered into between the redevelopment~~
36 ~~agency and the city, county, or city and county that created the~~
37 ~~redevelopment agency shall be deemed to be enforceable~~
38 ~~obligations provided that the oversight board makes a finding that~~
39 ~~the loan was for legitimate redevelopment purposes.~~

1 ~~(2) If the oversight board finds that the loan is an enforceable~~
2 ~~obligation, the accumulated interest on the remaining principal~~
3 ~~amount of the loan shall be recalculated from origination at the~~
4 ~~interest rate earned by funds deposited into the Local Agency~~
5 ~~Investment Fund. The loan shall be repaid to the city, county, or~~
6 ~~city and county in accordance with a defined schedule over a~~
7 ~~reasonable term of years at an interest rate not to exceed the interest~~
8 ~~rate earned by funds deposited into the Local Agency Investment~~
9 ~~Fund. The annual loan repayments provided for in the recognized~~
10 ~~obligation payment schedules shall be subject to all of the following~~
11 ~~limitations:~~

12 ~~(A) Loan repayments shall not be made prior to the 2013–14~~
13 ~~fiscal year. Beginning in the 2013–14 fiscal year, the maximum~~
14 ~~repayment amount authorized each fiscal year for repayments~~
15 ~~made pursuant to this subdivision and paragraph (7) of subdivision~~
16 ~~(e) of Section 34176 combined shall be equal to one-half of the~~
17 ~~increase between the amount distributed to the taxing entities~~
18 ~~pursuant to paragraph (4) of subdivision (a) of Section 34183 in~~
19 ~~that fiscal year and the amount distributed to taxing entities~~
20 ~~pursuant to that paragraph in the 2012–13 base year, provided,~~
21 ~~however, that calculation of the amount distributed to taxing~~
22 ~~entities during the 2012–13 base year shall not include any amounts~~
23 ~~distributed to taxing entities pursuant to the due diligence review~~
24 ~~process established in Sections 34179.5 to 34179.8, inclusive.~~
25 ~~Loan or deferral repayments made pursuant to this subdivision~~
26 ~~shall be second in priority to amounts to be repaid pursuant to~~
27 ~~paragraph (7) of subdivision (e) of Section 34176.~~

28 ~~(B) Repayments received by the city, county, or city and county~~
29 ~~that formed the redevelopment agency shall first be used to retire~~
30 ~~any outstanding amounts borrowed and owed to the Low and~~
31 ~~Moderate Income Housing Fund of the former redevelopment~~
32 ~~agency for purposes of the Supplemental Educational Revenue~~
33 ~~Augmentation Fund and shall be distributed to the Low and~~
34 ~~Moderate Income Housing Asset Fund established by subdivision~~
35 ~~(d) of Section 34176.~~

36 ~~(C) Twenty percent of any loan repayment shall be deducted~~
37 ~~from the loan repayment amount and shall be transferred to the~~
38 ~~Low and Moderate Income Housing Asset Fund, after all~~
39 ~~outstanding loans from the Low and Moderate Income Housing~~

1 Fund for purposes of the Supplemental Educational Revenue
2 Augmentation Fund have been paid.

3 (e) (1) Bond proceeds derived from bonds issued on or before
4 December 31, 2010, shall be used for the purposes for which the
5 bonds were sold.

6 (2) (A) Notwithstanding Section 34177.3 or any other
7 conflicting provision of law, bond proceeds in excess of the
8 amounts needed to satisfy approved enforceable obligations shall
9 thereafter be expended in a manner consistent with the original
10 bond covenants. Enforceable obligations may be satisfied by the
11 creation of reserves for projects that are the subject of the
12 enforceable obligation and that are consistent with the contractual
13 obligations for those projects, or by expending funds to complete
14 the projects. An expenditure made pursuant to this paragraph shall
15 constitute the creation of excess bond proceeds obligations to be
16 paid from the excess proceeds. Excess bond proceeds obligations
17 shall be listed separately on the Recognized Obligation Payment
18 Schedule submitted by the successor agency.

19 (B) If remaining bond proceeds cannot be spent in a manner
20 consistent with the bond covenants pursuant to subparagraph (A),
21 the proceeds shall be used to defease the bonds or to purchase
22 those same outstanding bonds on the open market for cancellation.

23 (d) Notwithstanding subdivision (b) of Section 34163, if a
24 successor agency has received a finding of completion, with the
25 approval of the successor agency's oversight board, the successor
26 agency may amend or modify existing contracts and agreements,
27 or otherwise administer projects in connection with enforceable
28 obligations approved pursuant to subdivision (m) of Section 34177,
29 including the substitution of private developer capital in a
30 disposition and development agreement that has been deemed an
31 enforceable obligation, if the contract, agreement, or project will
32 not commit new property tax funds, and will not otherwise directly
33 or indirectly reduce property tax revenues or payments made
34 pursuant to paragraph (4) of subdivision (a) of Section 34183 to
35 the taxing agencies.

36 SEC. 3. Section 34191.5 of the Health and Safety Code is
37 amended to read:

38 34191.5. (a) There is hereby established a Community
39 Redevelopment Property Trust Fund, administered by the successor
40 agency, to serve as the repository of the former redevelopment

1 agency's real properties identified in subparagraph (C) of paragraph
2 (5) of subdivision (e) of Section 34179.5.

3 (b) ~~The successor agency shall prepare a long-range property
4 management plan that addresses the disposition and use of the real
5 properties of the former redevelopment agency. The report shall
6 be submitted to the oversight board and the Department of Finance
7 for approval no later than six months following the issuance to the
8 successor agency of the finding of completion.~~

9 (c) ~~The long-range property management plan shall do all of
10 the following:~~

11 (1) ~~Include an inventory of all properties in the trust. The
12 inventory shall consist of all of the following information:~~

13 (A) ~~The date of the acquisition of the property and the value of
14 the property at that time, and an estimate of the current value of
15 the property.~~

16 (B) ~~The purpose for which the property was acquired.~~

17 (C) ~~Parcel data, including address, lot size, and current zoning
18 in the former agency redevelopment plan or specific, community,
19 or general plan.~~

20 (D) ~~An estimate of the current value of the parcel including, if
21 available, any appraisal information.~~

22 (E) ~~An estimate of any lease, rental, or any other revenues
23 generated by the property, and a description of the contractual
24 requirements for the disposition of those funds.~~

25 (F) ~~The history of environmental contamination, including
26 designation as a brownfield site, any related environmental studies,
27 and history of any remediation efforts.~~

28 (G) ~~A description of the property's potential for transit-oriented
29 development and the advancement of the planning objectives of
30 the successor agency.~~

31 (H) ~~A brief history of previous development proposals and
32 activity, including the rental or lease of property.~~

33 (2) ~~Address the use or disposition of all of the properties in the
34 trust. Permissible uses include the retention of the property for
35 governmental use pursuant to subdivision (a) of Section 34181,
36 the retention of the property for future development, the sale of
37 the property, or the use of the property to fulfill an enforceable
38 obligation. The plan shall separately identify and list properties in
39 the trust dedicated to governmental use purposes and properties
40 retained for purposes of fulfilling an enforceable obligation. With~~

1 respect to the use or disposition of all other properties, all of the
2 following shall apply:

3 (A) (i) If the plan directs the use or liquidation of the property
4 for a project identified in an approved redevelopment plan, the
5 property shall transfer to the city, county, or city and county.

6 (ii) For purposes of this subparagraph, the term “identified in
7 an approved redevelopment plan” includes properties listed in a
8 community plan or a five-year implementation plan.

9 (iii) The department or an oversight board may require approval
10 of a compensation agreement or agreements, as described in
11 subdivision (f) of Section 34180, prior to any transfer of property
12 pursuant to this subparagraph, provided, however, that a
13 compensation agreement or agreements may be developed and
14 executed subsequent to the approval process of a long-range
15 property management plan.

16 (B) If the plan directs the liquidation of the property or the use
17 of revenues generated from the property, such as lease or parking
18 revenues, for any purpose other than to fulfill an enforceable
19 obligation or other than that specified in subparagraph (A), the
20 proceeds from the sale shall be distributed as property tax to the
21 taxing entities.

22 (C) Property shall not be transferred to a successor agency, city,
23 county, or city and county, unless the long-range property
24 management plan has been approved by the oversight board and
25 the Department of Finance.

26 (d) The department shall only consider whether the long-range
27 property management plan makes a good faith effort to address
28 the requirements set forth in subdivision (e).

29 (e) The department shall approve long-range property
30 management plans as expeditiously as possible.

31 (f) Actions relating to the disposition of property after approval
32 of a long-range property management plan shall not require review
33 by the department.



ASSEMBLY MEMBER

Bill Dodd

DISTRICT 4

FACT SHEET

AB 806 – Dodd (as amended 7-13-2015) Wi-Fi Antennas

Summary

Assembly Bill 806, as amended 7-13-15, would exempt strand-mounted antennas used for the provision of video, voice, or data service from additional permitting requirements as long as those strand-mounted antennas are attached to communications infrastructure constructed in accordance with state or local permitting requirements.

Background

Local government permit cable operators to install overhead and underground wireline facilities. Low-powered Wi-Fi network upgrades that attach to authorized, previously permitted broadband wireline facilities have not been considered a material change to those permitted facilities and customarily have not required any additional local government permits. However, some local governments are now considering adopting regulations to require additional permits for these strand-mounted facilities.

The increased bureaucracy of requiring additional permits for Wi-Fi attachments to permitted broadband infrastructure (strands of cable) would slow or stop the installation of tens of thousands of future Wi-Fi cable hotspots planned for deployment and would not provide any greater level of safety – at the very time California is looking to Wi-Fi to enhance public safety.

Wi-Fi is a technological innovation that has vastly enhanced the ability of the public to send and receive information. The California Legislature has recognized that Wi-Fi is an essential part of our developing public safety broadband network that will include text-to-911 and other Next-Gen 911 capabilities.

In the event of catastrophic events, the availability of universal Wi-Fi provides additional opportunities for emergency response authorities to communicate with residents/citizens.

As a recent example, following the 2014

Napa-Sonoma earthquake, Comcast opened its Xfinity Wi-Fi network for free to non-customers in Napa, Vallejo, Fairfield, Saint Helena and other North Bay communities to help residents and emergency crews recover from the earthquake.

In another example, during last year's San Diego County fires, Cox Communications provided wireless and wired connectivity to the Cal Fire assembly area around Lake O'Neil on Camp Pendleton.

Wi-Fi and connected devices are growing at an explosive rate, inside the home and outside, enriching our digital connection. In 2014, more data was carried over Wi-Fi in the United States than any other platform. In fact, 64 percent of mobile users connect to Wi-Fi networks outside of their home at least once a day. It is estimated that by 2017, the average person will have five Wi-Fi devices. Nationally, the cable industry has built more than 400,000 out-of-home public Wi-Fi hotspots.

Existing Law

The California Constitution allows a city to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws, known as the police power of cities." It is from this fundamental power that local governments derive their authority to regulate land through planning, zoning, and building ordinances, thereby protecting public health, safety and welfare.

Existing law:

- Prohibits a city or county from unreasonably limiting the duration of any permit for a wireless telecommunications facility. (Government Code 65964).
- Prohibits a city or county from requiring that all wireless telecommunications facilities be limited to sites owned by particular parties within the jurisdiction of the city or county. (Government Code 65964)

The Federal Communications Commission (FCC) has primary regulatory authority over the video, voice and data services provided by the cable industry. However, cable and video providers are also required to obtain a state or local franchise to provide video service and pay significant fees and taxes to access the public right-of-way.

Cable operators must also obtain and pay local government encroachment permits for the initial installation of overhead and underground facilities placed on or in regulated or municipal utility infrastructure.

To ensure that telephone companies, electric utilities and local governments would not stifle the growth of the then-fledgling cable television industry by charging excessive rates for essential pole

attachments, Congress enacted the Pole Attachment Act of 1978 (Act). In California, the Legislature and the Public Utilities Commission require regulated utilities to grant the cable industry access to their utility poles and to set the rates, terms, and conditions for that access.

In 2011, the Legislature extended comparable requirements on California municipal utilities. Also, in 2011, the FCC reformed its pole attachment rules to "streamline access and reduce costs for attaching broadband lines and wireless antennas to utility poles.

While federal and state law provides for cable attachments to utility infrastructure, these attachments must also comply with the safety standards set by the California Public Utilities Commissions' (CPUC) General Order (GO) 95 (overhead pole attachment) including GO 95, Rule 94 (antennas) and General Order 128 (underground attachments).

This Bill

AB 806 would prevent unnecessary barriers to expediting the deployment of broadband via Wi-Fi by providing that antennas used for the provision of video, voice or data service that are attached to communications facilities (strands of cable) constructed in accordance with state or local government permitting requirements, shall be exempt from additional permitting requirements.

FOR MORE INFORMATION – Contact Les Spahnn, Office of Assemblymember Bill Dodd (916) 319-2004

Support

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