

2016 New Laws

Administrative Services

1. Office of the City Attorney is working with Planning and ESD in order to amend the water efficient landscaping ordinance in Title 19 to meet new legal standards as required by [Executive Order B-29-15](#), the State of Emergency proclamation regarding severe drought conditions in the State of California. The changes will increase water efficiency standards for new and retrofitted landscapes throughout the City.

Library & Community Services and Public Facilities

2. **AB 1146 (Jones). Skateboard Parks.** Amends provisions of existing law relating to skateboard safety and liability that prohibits an operator of a skateboard park from permitting a person to ride a skateboard at the park unless the person is wearing a helmet, elbow pads, and knee pads. Provides that this legislation now includes other wheeled devices that include non-motorized bicycles, scooters, in-line skates, roller skates, or wheelchairs.

Office of the City Attorney is working with LCS to do a minor update to the City's skateboarding ordinance (SMC 9.62.075). The City's existing ordinance covers skateboards; the amendments will reflect the inclusion of "other wheeled devices". For unsupervised activity, signage will be installed at the Fair Oaks Skate park to reflect the amended provisions. For supervised activity, future summer camps and programs that use skateboards or other wheeled devices will require the protective equipment.

Transportation, Streets and Infrastructure

3. **AB 219 (Daly). Public Works: Concrete Delivery.**

For all public contracts awarded 7/1/2016 or after where the hauling and delivery of ready-mix concrete is required, the ready-mix concrete company shall be considered a subcontractor and comply with prevailing wage laws including providing certified payroll. Codified as Labor Code Section 1720.9.

For public works contracts awarded 7/1/2016 or after, pursuant to California law the City of Sunnyvale will be required to perform the following:

- Include in the invitation to bid (specifications) to contractors a summary of requirements of California Labor Code Section 1720.9 and include, if needed, in the contract with contractors a summary of requirements of California Labor Code Section 1720.9;
- Determine whether ready-mix concrete companies are listed as subcontractors in bid proposals;
- Determine whether ready-mix concrete companies have registered with the Department of Industrial Relations before awarding the contract;
- Five days after the contract is awarded include the ready-mix contractor companies in the PWC-100 (Public Works Projects filing with the Department of Industrial Relations; and
- Review the certified payroll of ready-mix concrete companies throughout the contract to ensure prevailing wage determination requirements are met.

Additional staff time would depend on the project. Staff has a process in place to confirm that all subcontractors are listed on the contracts. Purchasing staff is in the process of updating the Invitation to Bid documents.

Public Safety

- 4. SB 287 (Hueso). Automated External Defibrillators (AEDs).** The new law includes new fire code amendments and will require review of and possibly additional conditions to the existing permitting process where the occupant load is greater than 50 people.

Fire Prevention Services has a plan in place to review and amend the fire code, with a planned effective date January 1, 2017. In addition, it is likely that there will be a county-wide movement to enact similar amendments.

- 5. AB 69 (Rodriguez). Peace Officers: Body-Worn Cameras.** This law will require a review of policy relating to data storage protocols, retention and destruction parameters, and staff training related to how to process digital video records.

DPS is currently in the implementation phase of the Body-Worn Camera project: a draft policy is in place and officers are testing cameras so that a determination of make/model/style can be made. The Department General Orders Manual is being reviewed and evaluated for possible revisions so that DGOM conforms to "best practices".

- 6. AB 243 (Wood). Medical Marijuana.** This law requires licensing for cultivation of medical marijuana. Cities may regulate or prohibit cultivation, but must have a regulation in place by March 1, 2016 or the state will be the sole licensing authority. However, a bill is awaiting the governor's signature that will eliminate the March 1 deadline for local regulation of cultivation. The law also provides that cities wishing to limit the delivery of medical marijuana must have explicit regulations in place, although there is no deadline associated with this aspect of the law.

RTC 16-0090, scheduled for March 29, 2016, addresses both issues.

Community, Economic, and Workforce Development

- 7. AB 744 (Chau). Planning and Zoning: Density Bonuses.** Density bonus law incentivizes the production of more affordable dwelling units. The bill prohibits jurisdictions from imposing a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that includes the maximum percentage of affordable dwelling units, and is located within 1/2 mile of a major transit stop with unobstructed access to the transit stop from the development. Therefore, the bill enables developers to invest public subsidies in building more affordable dwelling units, include as much parking as necessary, and reduces construction costs.

Planning staff has implemented the process to allow density bonuses to ensure that affordable housing continues to be built in Sunnyvale. Housing staff monitors affordable housing once project is complete.

8. AB 403 (Stone). Public Social Services: Foster Care Placement: Funding. Existing law requires the State Department of Social Services to license and regulate various out-of-home facilities, including foster family homes, group homes, and imposes training requirements on foster parents. Existing law also establishes a program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. This bill reclassifies treatment facilities and the transition from the use of group homes for children in foster care to the use of short-term residential treatment centers and will impose licensing requirements on those facilities. Moreover, the bill would revise the foster parent training requirements and would require a new payment structure for funding placement options for children in foster care.

Planning staff will modify the Zoning Code language to meet State requirements.

9. AB 1270 (Garcia). California Workforce Innovation and Opportunity Act. In 2014, Congress passed the federal Workforce Innovation and Opportunity Act (WIOA) that replaces the Workforce Investment Act (WIA) as the new governing legislation for the local workforce investment system. WIOA builds upon WIA by reaffirming America's Job Centers in supporting the nation's workforce, employers and the economy. In addition, WIOA catches up with what many local workforce boards, such as NOVA, are already doing in the area of sector-driven initiatives, use of today's technology to improve effectiveness and efficiencies, better access to services for everyone through an integrated service-delivery model, and enhanced performance accountability. WIOA will also require regional partnerships among local workforce boards through identified planning regions. This new law took effect July 1, 2015. Under WIA, the California Legislature passed legislation that put WIA in State statute. With the passage of WIOA, the State Legislature passed AB 1270 that makes technical changes to State workforce development statutes to conform to the new federal guidelines and provisions under WIOA.

There are very few differences between AB 1270 and the federal WIOA bill passed by Congress. Impact to NOVA: For the past year, NOVA has worked on implementing the provisions of WIOA. The passage of AB 1270 will have little impact on NOVA's timeframe and plans for implementation of WIOA that will continue into the coming year.

10. SB 358 (Jackson). Conditions of Employment. Gender Wage Differential. Expands equal pay protection by prohibiting employers from paying an employee a wage that is at a rate less than what is paid to employees of the opposite sex for substantially similar work. Exceptions are provided for seniority or merit system, where quantity and quality of production are measured, or there is a bona fide factor contributing to the difference other than sex.

With the passage of SB 358, when NOVA career advisors work with job seeker customers around negotiating salaries, they will ensure that customers are aware of this new law

11. AB 1509 (Hernandez). Employer Liability. The City will need to ensure that when we receive complaints from employees, that we are aware of any family relationship and extend the retaliation protections to the family members.

This will require additional steps in identifying family members and notifying appropriate department directors, managers and/or supervisors. The Department of Human Resources is working on a process.

Environment and Sustainability

12.SB 489 (Monning). Hazardous Waste: Photovoltaic Modules. This bill re-categorizes end-of-life photovoltaic(PV) panels as "Universal Waste," the same category as household batteries, fluorescent light bulbs/tubes, and other low-hazard items that would otherwise be subject to costly hazardous waste disposal requirements.

PV panels are rarely, if ever, disposed through the City's SMaRT Station at this time. But when we do begin to see these items in waste loads in large quantities, this bill bans them from landfill disposal while allowing for simpler and less costly handling than if PV panels had retained their "hazardous waste" status.