



January 25, 2021

To: CSA Membership

From: Jeff Aran

Government Affairs – Brief Highlights

Hoping everyone is having a save and Healthy New Year!

At the last Board meeting in October (which seems like a year ago), we were concerned about wildfires, Covid, climate, the economy and the election. It's the same this year, so far, with the addition of the insanity in Washington, but at least California is finally seeing some good rain.

Since the Board meeting, the CSA Government Affairs Committee has been very active tracking Covid-related employment legislation pertaining to the construction industry, including regulatory changes from OSHA, CARB and CSLB. The Committee met in October, November and January. Last fall, a letter was sent from CSA to Governor Newsom with suggestions intended to reduce carbon footprint via virtual building inspections and permit applications, as well as standardized engineering.

> LEGISLATION

Needless to say, with everyone Zooming, operations at the Capitol were challenging and remotely conducted. Nonetheless, 2020 saw an exceptional number of bills relating to jobsite Covid protections, but fortunately no relevant signage legislation was proposed. The CSA Government Committee reviewed several of these bills and sent opposition letters to the governor. No signage bills have been introduced yet in the new session. The deadline for new bills to be introduced is Feb 19.

PROP 22 -- *Approved*. Pertaining to misclassification of independent contractors, Prop 22, on last November's ballot, exempts app-based workers, such drivers for Uber, Lyft, Door Dash and other delivery services from being classified as employees (but nonetheless entitled minimum earnings, healthcare and other non-discrimination protections). According to *Capitol Weekly*, under Prop 22, a driver's minimum compensation works out to about \$15-\$18/hr, depending on location.

AB 3216 – *Vetoed*. This bill from last session would have established a statewide "right of recall" requirement for employees laid off due to Covid.

AB 62 – One new bill we are tracking would entitle employers to a tax credit for Covid prevention and training compliance activities.

> **REGULATORY**

>> **CSLB**

Under legislation passed last year, CSLB may now contract with outside agencies and private organizations to offer license testing. CSA is reviewing this as a potential opportunity. We are also exploring the scope of work performed by C7 and D34 contractors with regard to large video installations.

>> **CARB**

See intro Comments above re carbon footprint. We received a response to our letter from the OPR Legislative Director indicating they would be following up with us.

>> **Health & Safety / DIR**

The Covid pandemic is dramatically and constantly changing insurance temporarily in numerous ways, in particular with regard to worker's comp. As noted previously, we continue to communicate via E-Blasts and Signage Matter. DIR and DLSE have published an updated Covid resource page with the latest info pertaining to benefits and protections under the pandemic. <https://www.labor.ca.gov/coronavirus2019/#chart>

Reminder: Labor Law webinar. The Labor Commissioner's Office has launched a Business Engagement Program to help employers understand California labor law. The program includes an educational webinar series in partnership with ADP, Inc. <https://www.dir.ca.gov/DIRNews/2020/2020-79.html>

Reminder: Sex Harassment Prevention Training. Employers with 5 or more employees had until the end of the 2020 to complete required Sexual Harassment prevention training. A free program is available online at www.dfeh.ca.gov/shpt/

Reminder: CalOSHA Construction Industry Guidance www.dir.ca.gov/dosh/coronavirus/

>> CALTRANS

A lawsuit discussed previously, *NorCal Outdoor Media v. Caltrans*, which sought to upend the Outdoor Advertising Act, was tossed by a Federal Court judge in December (with 20 days leave to refile). The same attorneys are also suing Caltrans on similar grounds in another case in State Court, *Citizens For Free Speech v. Caltrans*. Stay tuned.

> LOCAL

LA ~ Finally some action. Out of the blue in December the city issued a draft copy of the proposed “new” ordinance. CSA rallied a quick meeting of the GA Committee to review and will be responding formally shortly.

Reminder : LA published its own construction site Covid guidance (also in Spanish). <https://www.ladbs.org/our-organization/messaging/news/news-details/2020/03/31/guidance-for-construction-sites>

Oroville ~ On Monday, Nov 30, CSA learned at the last minute of a pending comprehensive ordinance revision, with a public hearing scheduled for the next day at 4 pm. With the generous help of Keith Wills (Western Sign), we were able to quickly review the pending changes and point out complications we believed the city would face. I got a call from the city attorney 20 minutes before the hearing informing us they were pulling the item for further review. Reviewed again with the city attorney Jan 7; changes underway.

Sacramento County ~ The County is revising its sign ordinance and is planning to undertake a stakeholder survey. CSA has many years experience working with Sacramento County and we were able to reach out to our contacts to reiterate our participation in the process. No further activity as yet. Thank you to Sign Designs for bringing this to our attention.

Folsom ~ Last fall, the city issued a rewrite of its sign code with plans for public hearings in spring 2021 (not yet scheduled). Draft was reviewed and we are planning a response.

San Luis Obispo/Coastal Commission ~ Did you know the Coastal Commission can pull the plug on a sign code? SLO's recent revision, which cleaned up content restrictions in light of *Reed*, along with some non-substantive changes, needs final OK from the Coastal Commission (approved Jan 13).

> LEGAL

Sign Code Smackdown Continues. As noted in the Caltrans section above, there are two pending cases challenging the Outdoor Advertising Act. CSA has been concerned about these cases, which seek, among other points, to eliminate the distinction between onsite and offsite signage. In the interim, the 9th Circuit Court of Appeals in October issued a decision in *Boyer v. City of Simi Valley*, which declares that "strict scrutiny" analysis must be used when evaluating a sign code that regulates based on content (i.e., not the traditional "reasonable time, place or manner" standard). Boyer challenged the city code which banned private mobile billboards, but carved out an exception for the city to utilize them for official government speech. "Strict scrutiny" analysis compels a city to justify a sign ordinance regulating speech by demonstrating the restriction is narrowly tailored to achieve a substantial and valid government purpose.

(As an aside, many years ago CSA sponsored related legislation, now B&P Code 5491.1, which requires a city adopting a more restrictive ordinance for new signs, to first undertake an inventory of illegal and abandoned signs prior to enforcing the new ordinance, and then hold subsequent hearings to determine whether the new code is really necessary).

>> Member Inquires

Over the past few months, we have assisted members seeking legal guidance with regard to sales tax audits, license renewal problems, proper licensing requirements, out of state fabricators, Covid compliance, insurance, and digital menu boards, to list a few.