

AB 1250 (JONES-SAWYER)

Myths vs Facts

MYTHS

FACTS



1400 K Street, Suite 400
Sacramento, California 95814
Phone: (916) 658-8200

1

MYTH: AB 1250 only applies to new contracts. No existing contracts will be affected.

FACT: AB 1250 specifically states this measure covers services “currently or customarily performed by a city or county.” This would include potential contracts and/or **renewals of existing contracts**. Further, the bill states the city/ county shall not **renew or extend an existing contract** prior to [completing] receiving and considering an annual performance audit.

2

MYTH: AB 1250 does not prevent or prohibit contracting for services.

FACT: AB1250 establishes impossible standards and costly barriers for procurement of services throughout California without providing enforceable or implementable guidelines for entering into contracts—acting as a prohibition in everything but name. **The result:** Fewer contracts and public services.

3

MYTH: AB 1250 will result in higher quality public services.

FACT: AB 1250 will likely result in substantial service reductions statewide. The mandated procedures will impair everyday necessary operations without added public benefit. AB 1250’s provisions will also likely increase the costs and decrease the quality and accessibility of services. Further, AB 1250 inappropriately requires a public bidding process, which is ordinarily reserved for projects where cost is the only factor. Local government prefers service proposals, which assess experience, qualifications, staffing levels, etc. so they can ensure high quality services for residents. **AB 1250 only focuses on costs and sacrifices quality and safety.**

4

MYTH: Local governments only care about saving money, not their employees.

FACT: Many local governments do not have the resources or need to retain full time employees. Many would prefer to have employees rather than contract but are financially unable. Furthermore, many cities are struggling to attract qualified candidates for employment, particularly in rural and remote areas. **AB 1250 exacerbates the problems by locking many cities into a catch-22 situation.** Under AB 1250, they will not be able to afford to procure services and will not be able to hire employees. **The result:** Reduced service levels and weakened communities.

5

MYTH: AB 1250 is a narrowly crafted bill that will improve local government accountability.

FACT: AB 1250 contains numerous ambiguous terms, unenforceable and implementable requirements, and does little to improve public engagement in local service contracts. Rather, the measure opens locals to violations of privacy, increased litigation, and liabilities without significant public benefit. Local governments are accountable to their residents and this measure injures their relationship.

6

MYTH: AB 1250 saves taxpayer dollars and improves local economies.

FACT: The costs to comply with AB 1250 or pay for new hires (and benefits) will be paid by taxpayers. AB 1250 will cost taxpayers tens of millions of dollars. Proponents’ arguments that employees provide greater return on investment (which, in some cases, is true) are void because AB 1250 will largely not result in new hires. Rather, local governments will need to cut services or pay more for contracted services. Furthermore, the disclosures required will likely discourage service providers from bidding or applying for government contracts—resulting in fewer, more costly services and reduced local economic activity. **The result:** Communities will experience job loss, blight, and lower quality of life.



SB 649 (HUESO)

Not So “Small” Cell

PROMISES VS. REALITY

1. PROMISE: The wireless industry promises SB 649 will allow locals to keep their discretion over “small cell” installations in their communities.

REALITY: SB 649 only gives complete discretion over small cell installation in coastal zones and historic districts, while the rest of **California’s communities** **lose their full ability to:**

- Negotiate any public benefit such as access for police, fire, or library services.
- Require regular maintenance, repair, or replacement of broken small cells.
- Reserve pole space for public safety or energy efficiency technology such as police cameras or solar panels.
- Negotiate a market rate lease with wireless carriers for installation of their private equipment on public taxpayer funded property.
- Generate flexible revenue to pay for services such as police, fire, parks, and pension obligations.
- Allow for public input for the location and design of “small cells” even if right outside their homes or in communities attempting to improve their aesthetic character in key residential or business areas.

2. PROMISE: The wireless industry promises SB 649 will help deliver the most advanced “small cell” technology with “sufficiently minor” impacts on local governments—justifying their push to remove local discretion and community input.

REALITY: SB 649’s “small cells” aren’t so small. Using the least restrictive regulations, SB 649 allows for large, unsightly, and nearly unlimited installations in public spaces (6 cubic feet for antennas and 21 cubic feet for on pole equipment)—**all without community input or local approval.** Communities will also be burdened and unable to control the amount and size of the following “ancillary” equipment since it’s excluded from the bill’s small cell definition:

- Electric meters and any required pedestal.
- Concealment elements.
- Any telecommunications demarcation box.

- Grounding equipment.
- Power transfer switch.
- Cutoff switch.
- Vertical cable runs for the connection of power and other services.

3. PROMISE: The wireless industry promises SB 649 will assist in the rapid deployment of 5G technology, create thousands of jobs, and prepare California for the future.

REALITY: In reality, SB 649:

- Cannot promise communities 5G capable technology because the standards for 5G are still being developed and is not readily available for deployment today.
- Does not require “small cells” to meet any technological standard such as 5G, 4G, or any quality or reliability standards, leaving uncertain exactly what is being “streamlined.”
- Does not require the wireless industry to build out their networks to unserved or underserved communities, instead rewards the industry for existing deployment patterns.
- Instead of creating jobs, SB 649 actually limits the ability for communities (non-coastal or historic areas), especially those that have been historically marginalized or struggled to attract business, to improve the aesthetics of their neighborhoods and business corridors.
- Sets a dangerous precedent of limiting the ability for local governments to leverage use of their public property to negotiate a public benefit and generate flexible revenue for essential government services, further eroding local dollars and adding additional pressure to raise taxes or reduce services.
- Removes local input and any incentive for local governments and the wireless industry to collaborate on the deployment of the most advanced technology, likely resulting in costly litigation throughout the state.