



COUNTY OF MENDOCINO

Board of Supervisors

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March 31, 2026

Assemblymember Blanca E. Rubio
Chair, Assembly Governmental
Organization Committee
1020 N Street, Room 360A
Sacramento, CA 95814

Assemblymember Laurie Davies
Vice Chair, Assembly Governmental
Organization Committee
1020 N Street, Room 360A
Sacramento, CA 95814

RE: AB 2099 (González): Advertising display: customary maintenance - OPPOSE

Dear Chair Rubio and Vice Chair Davies,

On behalf of the Mendocino County Board of Supervisors, I write in strong opposition to AB 2099 (González). As introduced, this bill would dramatically expand the definition of “customary maintenance” under the California Outdoor Advertising Act (OAA) in ways that would strip local governments of meaningful regulatory authority over billboard structures, expose counties and cities to substantial unfunded financial liability, and eliminate critical safeguards for public safety and environmental review.

Under California Code of Regulations, Title 4, § 2270, “customary maintenance” means activities performed to maintain a display in its existing approved physical configuration and size dimensions at the specific location approved on the State Outdoor Advertising Permit, and only for the duration of its normal life. The regulation enumerates permitted activities — changing the advertising message, adding a temporary copy extension, adding a light box, and selling or transferring the permit — and expressly excludes structural work. It also enumerates what does not qualify, including raising the display height, relocating the display, increasing any dimension, and adding illumination or changeable messaging.

AB 2099 would replace this framework by classifying as customary maintenance “an activity performed for the purpose of maintaining an advertising display in its existing physical configuration, including, but not limited to, replacing structural members, such as posts and internal bracing, and using stronger materials, without increasing the number of posts.” This proposed definition eliminates three foundational elements of existing law and adds structural work to the definition for the first time — each change carrying serious consequences.

Elimination of Existing Safeguards. AB 2099 removes the location anchor, which ties maintenance to the specific permitted site; the normal life anchor, which distinguishes maintenance from reconstruction of end-of-life structures; and the exclusions list, which gave Caltrans and local governments clear and enforceable grounds to deny permit-free structural work. Without these constraints, virtually any physical modification to a billboard — including repositioning it on the parcel, rebuilding an aged or deteriorated structure, or converting a multi-post wood structure to a steel

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monopole — can be characterized as “customary maintenance.” The open-ended “including, but not limited to” formulation leaves no outer boundary on the definition. Settled case law holding that physical movement of a billboard constitutes a new “placing” requiring a permit would be undermined. *People ex rel. Dept. Pub. Wks. v. Ryan Outdoor Advertising, Inc.* (1974) 39 Cal.App.3d 804.

Public Safety and Environmental Review. Local governments currently lack authority to require CEQA review or building permits for activities that qualify as customary maintenance. By expanding the definition to encompass structural work, AB 2099 would allow replacing or supplementing load-bearing billboard supports without building permits, engineering review, or any public permit record. The California Building Code expressly excludes removal or replacement of load-bearing structural supports from its ordinary repairs exemption and requires a permit for such work (CBC § 105.2.2). Proceeding without permits means no verification of structural adequacy or code compliance — a direct public safety risk for structures in or adjacent to public rights-of-way. It also means that structural work in wetlands, riparian areas, and other sensitive habitats along highway corridors would occur without environmental review.

Fiscal and Compensation Liability. BPC § 5412 requires eminent domain-level compensation whenever any governmental entity limits the customary maintenance of a lawfully erected display. Every activity added to the definition of customary maintenance is therefore an activity that government cannot restrict without paying compensation. Authorizing wood-to-steel material upgrades as maintenance extends a display’s economic life by decades, forces recalculation of amortization schedules, and substantially increases the measure of any future § 5412 compensation. It also disrupts county property tax assessment: building permits are the primary mechanism by which assessors discover assessable new construction on commercial properties. Without permits, no supplemental assessment is issued, and counties lose property tax revenue from substantial structural upgrades. Finally, a significant number of existing displays have structural elements that were added after original permitting without permit authorization. These elements are currently nonconforming and have no legal standing; government can require their removal without triggering § 5412. AB 2099 would retroactively confer § 5412 compensation protection on those unpermitted elements statewide — without engineering review, environmental clearance, or any permit process.

Mendocino County opposes efforts related to outdoor advertising that reduce local authority, expand or grant new entitlements, expose local jurisdictions to unfunded financial liability, or compromise public safety and environmental review. AB 2099, as introduced, does all of these things. The County of Mendocino respectfully but firmly opposes AB 2099 and urges your “no” vote on this bill.

Sincerely,



Bernie Norvell, Chair
Mendocino County Board of Supervisors

CC: The Honorable Mike McGuire, Member of the California State Senate
The Honorable Chris Rogers, California State Assembly, 2nd District
The Honorable Damon Connolly, California State Assembly, 12th District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)