City of Santa Clara
The Center of What's Possible

Legislative Updates for 2019 Q1

Staff has been tracking and monitoring the following legislative items during the first quarter of 2019. The legislative items are grouped by the respective LAP, guiding principle, or approved City policy (i.e. City Council Goals and Priorities) that they align with.

City Council Goal & Priority: Manage Strategically Our Workforce Capacity & Resources

Currently, peace officers undergo training to help deescalate emergencies that involve mental illness, intellectual disabilities, and substance use disorders. AB 680 seeks to enable emergency dispatchers, who are typically the first point of contact for emergencies, with similar training. **On March 21, 2019, the City submitted a letter of support to the Assembly Committee on Public Safety for AB 680 (attached).** AB 680 is aligned with current City Council Goal and Priority: Manage Strategically Our Workforce Capacity and Resources and the proposed Public Safety LAP covers support for employee training.

Legislative Advocacy Guiding Principle: Protect and/or Increase Local Government Discretion

AB 1356 (Ting)
Under the current law, a locality is allowed to completely ban retail cannabis within its jurisdiction. AB 1356 would require jurisdictions in which more than 50% of the electorate voted in favor of the Proposition 64 to legalize the use of adult-use cannabis to issue a minimum number of local licenses to authorize retail cannabis commercial activity. It would also require a minimum of one retail commercial cannabis license be issued for every four liquor licenses unless that ratio will result in more than one retail license for every 10,000 people. In those cases, the minimum number is one retail license for every 10,000 people. A local jurisdiction can issue a lower number of licenses if an ordinance implementing a lower number is submitted to and approved by voters by January 1, 2020. AB 1356 provides exceptions to the requirement to issue licenses if the electorate has rejected an ordinance authorizing retail cannabis activity or approved a prohibition on retail cannabis activity subsequent to the passage of Proposition 64. **Assembly Member Ting requested to place this bill in the inactive file.**

AB 510 (Cooley)
Current law authorizes the head of a department of a county or city, or the head of a special district to destroy recordings of telephone and radio communications maintained by that county, city, or special district after 100 days if that person receives approval from the legislative body and the written consent of the agency attorney. This bill would exempt the head of a department of a county or city, or the head of a special district

from these recording retention requirements if the county, city, or special district adopts a records retention policy governing recordings of routine video monitoring. **Staff supports this legislation.**

AB 992 (Mullin)
AB 992 would provide that the Ralph M. Brown Act does not apply to the posting, commenting, liking, interaction with, or participation in, internet-based social media platforms that are ephemeral, live, or static, by a majority of the members of a legislative body, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency. **Staff is monitoring this legislation.**

AB 1486 (Ting)
Current law prescribes requirements for the disposal of surplus land by a local agency. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land.

As currently drafted, AB 1486 would apply the requirements of the Surplus Land Act to all land owned by a public agency no longer necessary for the agency's governmental operations. AB 1486 would also narrowly define the term "governmental operations" in a manner that does not contemplate the countless instances where a public agency owns land for a public purpose but does not use the land in its day to day operations.

AB 1486 also would require a local agency to notice the availability of the property prior to participating in any formal or informal negotiations to dispose of the land. There are many reasons for an agency to have informal negotiations, particularly if the disposition is time sensitive. Informal discussions can provide a public agency the opportunity to closely consider the viability of the land for the agency's public purpose, available alternatives, and a good sense of potential market value. Lastly, AB 1486 would invalidate any transfer or conveyance of land for value where a public agency did not comply with the requirements of the SLA. This provision would not only be punitive to a bona fide purchaser not subject to the SLA, but also make public agencies' land less marketable when buyers are aware a purchase could be invalidated. With the inclusion of "informal negotiations" as a trigger for the requirements of the SLA under AB 1486, public agencies could be sued and have a land sale invalidated merely based on an informal conversation. **Staff opposes this legislation, unless it is amended to define "surplus land" as land used for achieving the agency's public purpose rather than merely governmental operations, establish a public process for agencies to declare the land in their possession that is surplus, and to simply require local jurisdictions to provide notice and negotiate in good faith pursuant to the SLA once it has made a determination to dispose surplus land.**

Affordable Housing and Homelessness LAP

SB 18 (Skinner)
SB 18 proposes to repeal the sunset date on existing law that requires a 90-day notice to be given to a tenant if they are a tenant on a month to month lease in a property that has been sold in a foreclosure. This measure would also repeal the sunset on existing law that allows tenants renting a unit, under a fixed-term lease entered before a transfer of title at the foreclosure sale, the right to continue out the lease until the end of the lease term, with specified exceptions.

The bill also would require the following:

- Require the Department of Consumer Affairs (DCA) to develop and publish a guide to all state laws pertaining to landlords and landlord tenant relationship.
- Require DCA to publish on its website a list of those cities which, in the judgment of the department, have the most robust tenant protection resources and programs.
- Allocate, upon appropriation of the legislature, an unspecified amount to the California Emergency Solutions and Housing Program. This funding, in addition to the moneys already available for the program, would be allocated by HCD to local governments and nonprofit organizations for actives including rental assistance, housing relocation and stabilization.
- Create the Homelessness Prevention and Legal Aid Fund in the State Treasury to be used for legal aid to tenants facing eviction. This competitive grant program would allow HCD to allocate funds to cities and counties to establish their own tenant legal aid programs.

Staff generally supports this legislation but is monitoring its funding requirements and sources.

SB 50 (Wiener)
SB 50 would limit local land use control for multifamily projects that are in either “jobs-rich” or “transit-rich” areas by requiring that the review of such project be limited to objective General Plan and Zoning criteria, processed administratively and granted a waiver from density controls and parking requirements greater than 0.5 space per unit. The local jurisdiction would not be able to deny a qualifying project based on density.

“Jobs-rich” is yet to be defined. An outside agency will likely be brought in to help define what exactly a “jobs-rich” community is and how much of a city would be eligible for development under the measure.

“Transit-rich” means all development parcels that are within a one-half mile radius of a major transit stop or a one-quarter mile radius of a stop on a high-quality bus corridor. It would apply to the half-mile radius surrounding every BART station, Caltrain stop or other rail hub, and a quarter-mile around bus stops with frequent bus service. “Frequent” is defined as every 15 minutes during peak commute times.

The bill would require the local jurisdiction to allow specified heights near transit, such as five stories tall within the quarter-mile closest to a train stop and four stories within the next quarter-mile. Bus corridors won't be subject to the height requirements, but cities won't be able to reject proposals based on density, which means cities can't limit development to single-family homes but are required to allow multi-family apartment buildings even if those apartments are only two or three stories tall.

While these requirements generally require larger projects to provide more affordable units than Santa Clara's existing inclusionary policy, it would be less restrictive for smaller projects and allow more projects to pay an in-lieu fee, granting the Developer the ability to voluntarily fee-out of the requirement. It's not clear how the fees would be calculated but based on Santa Clara's existing fee schedule they would likely be too low to produce the same number of units as would be achieved through the City's current inclusionary requirement. In its current form, SB 50 allows developers to make a comparable affordability contribution toward offsite affordable housing and places the responsibility on the local government to identify and designate housing opportunity sites. **Staff generally opposes this legislation due to loss of local control and the bill's affordable housing requirements allow developers of smaller projects to opt out of producing affordable units by paying an in-lieu fee.**

SB 4 (McGuire)
SB 4 creates a streamlined approval process for eligible projects within ½ mile of fixed rail or ferry terminals in cities of 50,000 residents or more in smaller counties and in all urban areas in counties with over a million residents. It also creates a streamlined approval process for duplexes and fourplexes, as specified, in residential areas on vacant, infill parcels.

This bill is similar in nature to SB 50 (Wiener). Both bills encourage denser housing near transit by relaxing density, height, parking, and floor area ratio requirements, but also differ in several ways. First, this bill only applies in jurisdictions that have built fewer homes in the last 10 years than jobs and have unmet housing needs, whereas SB 50 does not have threshold requirements. Also, the zoning benefits in this bill do not extend to projects in proximity to high quality bus corridors. While both bills only apply to parcels in residential zones, this bill only applies to infill sites and is not permitted in specified areas.

This bill will likely have relatively limited applicability due to restrictions on eligible parcels. The provisions for both transit-oriented development (TOD) projects and neighborhood multifamily project (NMPs) are limited to infill sites and may not be permitted in architecturally or historically significant historic district, the coastal zone, very high fire hazard severity zone, or flood plains. TOD projects may only exist in urban communities, or cities with populations of 50,000 or more and, while NMPs may exist in a city of any size, they are limited to vacant parcels, as defined. **This bill failed to meet the deadline and will not be heard in the 2019 legislative session.**

AB 1483 (Grayson)
While the state collects a wealth of housing data, much of it is not accessible in a standardized or organized manner that facilitates research and analysis. As such, policy

makers and housing researchers often lack the data needed to adequately understand housing problems and to make and track progress on housing solutions. Additionally, there are substantial gaps in the data, particularly around zoning, standards, and fees that further impedes research and analysis. This bill would help fill in gaps in the data by requiring local jurisdictions to provide the following information to the state:

- Information about the housing entitlement process, including all zoning and planning standards, fees, taxes, and property assessments.
- Information about applications received, including project-specific data and cumulative data on outcomes.

To help local jurisdictions provide this information, the bill requires that HCD must provide them technical assistance upon request. The bill does not require the state to reimburse local jurisdictions for the cost of fulfilling these requirements. Under existing law, various agencies administer programs to preserve and expand safe and affordable housing opportunities and promote sound community growth. **Staff generally supports this legislation but has concerns about additional work flows and staff capacity and the implementation timeframe.**

AB 1484 (Grayson)
AB 1484 requires local agencies to publish fees for housing development projects on their internet website and freezes “impact and development fees that are applicable to housing developments” for two-years after a development application is deemed complete. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is imposed. This bill would prohibit a local agency from imposing a fee, as defined, on a housing development project, as defined, unless the type and amount of the exaction is specifically identified on the local agency's internet website at the time the application for the development project is submitted to the local agency. However, if passed, this bill should not be too difficult to implement as Santa Clara’s housing ordinance and fee schedules are already published to the City’s website. **Staff generally opposes this legislation due to some loss of local control on fee changes with legal protections already in place.**

SB 330 (Skinner)
SB 330 enacts the “Housing Crisis Act of 2019,” which, until January 1, 2030: 1) makes changes to local approval processes, 2) modifies the Permit Streamlining Act, 3) imposes restrictions on certain types of development standards, and 4) creates separate building standards for occupied substandard buildings. In addition, the bill limits opportunities for public input.

Until January 2030, a city would not be able to:

- Downzone.
- Impose parking requirements.
- Increase impact fees.
- Apply any fees to affordable housing

- Impose a housing moratorium.
- Impose design standards that are costlier than those in effect in 2019.
- Establish a maximum number of conditional use permits.
- Adhere to a voter approved initiative that limits density or intensity of housing, and infrastructure.

Staff generally opposes this legislation due to loss of local control, concern about the potential unintended consequences, and loss of ability to address project impacts.

SB 6 (Beall/McGuire)
SB 6 requires the Department of Housing and Community Development (HCD) to provide the Department of General Services (DGS) with a list of local lands suitable and available for residential development and requires DGS to create a public and searchable database of that information. Existing law requires the Department of General Services to report to the Legislature annually on the lands declared excess. Existing law requires a city or county to have a general plan for development with a housing element and to submit the housing element to the Department of Housing and Community Development prior to adoption or amendment. Existing law also requires that the housing element include an inventory of land suitable and available to residential development, as specified. This bill would require the Department of Housing and Community Development to furnish the Department of General Services with a list of local lands suitable and available for residential development as identified by a local government as part of the housing element of its general plan. The bill would require the Department of General Services to create a database of that information and information regarding state lands determined or declared excess and to make this database available and searchable by the public by means of a link on its internet website. **Staff is neutral regarding this legislation as it should have minimal impact on our local jurisdiction.**

ACA 1 (Aguiar-Curry)
ACA 1 lowers the voter threshold from a two-thirds supermajority to 55% majority to approve local (city, county, and special district) GO bonds and certain special taxes for affordable housing, public infrastructure, and permanent supportive housing projects. ACA 1 proposes amendments to the California Constitution to allow a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure. The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, or city and county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.

Supporters believe ACA 1 will level the playing field and create parity with school districts, which need 55% approval for school construction, so that cities, counties and special districts have a viable financing tool to help address important community needs for affordable housing, public infrastructure, and permanent supportive housing. Because of the numerous challenges in funding important public infrastructure and housing projects for their communities, supporters argue that this constitutional amendment is necessary to deal with the urgent need for investment in housing, and the chronic underfunding of local infrastructure to improve storm water management, transit development, park facilities, and streets and roads. Supporters also argue that one of the major obstacles to building housing, particularly in infill areas, is the cost of critical infrastructure, which often neither the developer or the city or county has the money to fund. **Staff generally supports this legislation.**

AB 831 (Grayson)
Current law requires the Department of Housing and Community Development, by June 30, 2019, to complete a study to evaluate the reasonableness of local fees charged to new developments, as defined, and requires the study to include findings and recommendations regarding potential amendments to the Mitigation Fee Act to substantially reduce fees for residential development. AB 831 bill would require the department to post the study on its internet website on or before March 1, 2020. **Staff is monitoring this legislation.**

Environmental Regulatory & Conservation Issues LAP

Clean Energy and Energy Conservation - AB 40 (Ting)
AB 40 would, no later than January 1, 2021, require the State Air Resources Board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero emission vehicles, as defined, by 2040, as specified. **This bill was referred to the Transportation and Natural Resources committees where it failed to meet the deadline. This bill will not be heard in 2019 legislative session.**

Clean Energy and Energy Conservation - AB 285 (Friedman)
AB 285 would require the Department of Transportation to add environmental justice as a subject of consideration and to address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions of 40% below 1990 levels by the end of 2030 and attain the air quality goals described in the State Implementation Plan, as required by the federal Clean Air Act. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - AB 1424 (Berman)
AB 1424 would require an electric vehicle charging station to provide to the general public a toll-free telephone number to process a credit card and at least two other specified options of payment. The bill would prohibit a state agency from requiring a credit card payment, as defined, to be through a physical credit card or magstripe reader on electric vehicle service equipment. The bill would revise the provision authorizing the state board to adopt interoperability billing standards for network roaming payment methods for electric vehicle charging stations by authorizing the state

board to instead adopt interoperability roaming standards and delaying that authorization until January 1, 2023. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - SB 43 (Allen)
SB 43 would require the State Air Resources Board, no later than January 1, 2022, to submit a report to the Legislature on the findings from a study, as specified, to determine the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - AB 56 (E. Garcia)
AB 56 would authorize the Public Utilities Commission (PUC) and the State Energy Resources Conservation and Development Commission (Energy Commission) to jointly establish the California Clean Electricity Authority, a nonprofit, public benefit corporation, if both commissions make certain findings. The bill would authorize the authority to undertake procurement of electricity on behalf of retail end-use customers of electrical corporations, community choice aggregators, and electric service providers, collectively referred to as load serving entities, and local publicly owned electric utilities, in support of certain energy, environmental, economic, public health, and public safety policy objectives. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - AB 343 (Patterson)
AB 343 would require the Natural Resources Agency to develop and implement a fuels transportation program that provides competitive grants or other financial incentives for projects in eligible communities to offset the costs of transporting fuels to a biomass energy facility, as specified. The bill would authorize the agency to allocate moneys from the Greenhouse Gas Reduction Fund consistent with the purposes of the fund. The bill would exempt these provisions from the Administrative Procedure Act. **This bill was placed on suspense file where it failed to meet the deadline and will not be acted on during the 2019 legislative session.**

Clean Energy and Energy Conservation - SB 288 (Wiener)
SB 288 would require the PUC and the governing board of each local publicly owned electric utility with an annual electrical demand exceeding 700 gigawatthours to establish a streamlined and standardized process for the review of interconnection requests for customers seeking to install renewable energy and energy storage systems on the customer side of the point of interconnection to minimize uncertainty and the amount of time and cost of the review while maintaining electric system safety and reliability. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - AB 915 (Mayes)
AB 915 would require that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours of those products sold to their retail end-use customers achieve 68% of retail sales by December 31, 2033, 76% by December 31, 2036, and 80% by December 31, 2038. The bill would revise the definition of “eligible renewable resource” for purposes of the program to include, on and after January 1, 2026, an electrical generation facility that has a specified point source emission level of carbon dioxide equivalent at, or below, a specified level, if the marginal increase in the cost of procurement from other eligible renewable energy resources exceeds a specified level.

This bill failed to meet the deadline and will not be heard in the 2019 legislative session

Clean Energy and Energy Conservation - AB 961 (Reyes)
AB 961 would require the Public Utilities Commission to (1) establish common definitions of nonenergy benefits and attempt to determine consistent values for use in all energy programs, (2) meaningfully consider and prioritize producing nonenergy benefits in clean energy programs and projects, (3) give preference to producing nonenergy benefits in clean energy programs and projects in low-income and disadvantaged communities, as defined, and (4) track and the nonenergy benefits produced in energy programs and report those benefits during program evaluations. **This bill was placed on suspense file and will not be heard in the 2019 legislative session.**

Clean Energy and Energy Conservation - SB 350 (Hertzberg)
SB 350 would authorize the Public Utilities Commission to consider a multiyear centralized resource adequacy mechanism, among other options, to most efficiently and equitably meet specified resource adequacy objectives. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - SB 772 (Bradford)
SB 772 would require the ISO, on or before June 30, 2022, to complete a competitive solicitation process for the procurement of one or more long duration energy storage projects that in aggregate have at least 2,000 megawatts capacity, but not more than 4,000 megawatts, except as provided. The bill would require that the competitive solicitation process provide for cost recovery from load serving entities within the ISO-controlled electrical grid that the ISO determines is just and reasonable and takes into account the distribution of benefits from the long duration bulk energy storage. **Staff opposed this legislation. On May 22, 2019, the City submitted a letter of opposition to Senator Bradford's office (attached). Senator Bradford requested to place this bill in the inactive file and will not be heard in the 2019 legislative session.**

Clean Energy and Energy Conservation - SB 662 (Archuleta)
SB 662 would require the PUC and Energy Commission to take into account opportunities to increase grid-responsive production of green electrolytic hydrogen for use in the transportation sector. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - SB 682 (Allen)
SB 682 would require the State Air Resources Board, by January 1, 2021, to adopt a climate accounting protocol to evaluate the potential of proposed climate mitigation and restoration actions to reduce radiative forcing and excess heat in the atmosphere to reduce the global and regional mean temperatures. The bill would require the state board to adopt rules and regulations to identify technologically feasible and cost-effective mitigation and restoration actions to reduce radiative forcing and to stabilize California's climate. **This bill was placed on suspense file and will not be heard in the 2019 legislative session.**

Clean Energy and Energy Conservation - AB 1284 (Carrillo)
AB 1284 would require the State Air Resources Board to adopt a regulation defining carbon neutrality, as specified. **This bill was pulled by the author and will not be heard in the 2019 legislative session**

Clean Energy and Energy Conservation - AB 1028 (Gonzalez)
AB 1028 would require the State Energy Resources Conservation and Development Commission, in allocating grants to local educational agencies as part of the program, to also give priority based on a local educational agency's utilization of apprentices from state-approved apprenticeship and pre-apprenticeship programs, as specified. The bill would explicitly authorize program expenditures associated with employee training and energy managers. **Staff is monitoring this legislation.**

Clean Energy and Energy Conservation - AB 1236 (Lackey)
AB 1236 would require the State Air Resources Board for a market-based compliance mechanism applicable from January 1, 2021, to December 31, 2030, to develop and adopt, in consultation with the Compliance Offsets Protocol Task Force, a carbon offset compliance protocol for recycled product manufacturing no later than January 1, 2022. The bill would authorize $200,000,000 from the annual proceeds of the fund to be subsequently appropriated to the Department of Resources Recycling and Recovery for the department's Recycled Fiber, Plastic, and Glass Grant Program. This could impact SVP's restricted revenue from the Cap and Trade auctions by either requiring participating entities to contribute to the Department of Resources Recycling and Recovery or take away funds from other State De-carbonization/electrification programs. **This bill was place on suspense file and will not be heard in the 2019 legislative session.**

Forest Management/Wildfire Mitigation - AB 281 (Frazier)
AB 281 would state the intent of the Legislature to enact legislation that would require electrical corporations and POUs to relocated transmission and distribution lines and equipment outside of high fire risk areas. If this is not feasible, the legislation would require undergrounding of T&D equipment and lines. If neither is feasible, AB 281 would require the electrical corporation to make improvements to the lines and equipment to prevent and minimize risk of fire ignitions. **This bill failed to meet the deadline in the Assembly Utilities and Energy Committee and will not be heard in the 2019 legislative session.**

Forest Management/Wildfire Mitigation - SB 190 (Dodd)
SB 190 would require Office of the State Fire Marshal to develop a model defensible space program to be made available for city and county use, among other things. **Staff is monitoring this legislation.**

Forest Management/Wildfire Mitigation - SB 209 (Dodd)
SB 209 would establish the California Wildfire Warning Center, comprised of representatives from the California Public Utilities Commission (CPUC), Office of Emergency Services, and Department of Forestry and Fire Protection, an electrical corporation, and a publicly owned electric utility. The Center would oversee the development and deployment of a statewide network of automated weather stations. **Staff is monitoring this legislation.**

Forest Management/Wildfire Mitigation - SB 247 (Dodd)
Sb 247 would state the intent of the Legislature to require the Department of Forestry and Fire Protection to identify trees that should be trimmed or removed to protect against contact between trees and power lines that could cause a fire. **Staff is monitoring this legislation.**

Forest Management/Wildfire Mitigation - SB 584 (Moorlach)
SB 584 would require the Public Utilities Commission to require electrical corporations, by July 1, 2020, to develop and administer programs to provide matching funds to local jurisdictions for conversion projects to replace overhead electrical infrastructure with underground electrical infrastructure in tier 3 fire-threat districts. **Staff is monitoring this legislation.**

Recycling and Waste - AB 1383 Proposed Regulations
On January 18, 2019, the Office of Administrative Law (OAL) published notice of the proposed regulations to implement the department's responsibilities established by SB 1383 (Lara, Chapter 395, Statutes of 2016). SB 1383 reinforces California Air Resources Board's focus on diverting organics from landfill. The formal 45-day public comment period of the rulemaking process closed on March 4, 2019. The City did not submit any comments on the proposed regulations directly, although City staff participated in a countywide workgroup to submit comments through the Recycling and Waste Reduction Commission of Santa Clara County. The City wants to ensure that mixed waste processing of organic material remains a viable path to compliance, requirements monitoring of containers and outreach are less onerous, and annual reporting is streamlined and easily understood. Comments include concern that the current proposed regulations will deprive cities and counties of local control for their diversion programs and establishes procurement targets for the purchase of organic waste products, among other things. A copy of the submitted comment letter is attached. **Staff is monitoring the development of the regulations.**

PG&E Bankruptcy and State Wildfire Liability Legislation

AB 235 (Mayes)
Current law authorizes the Public Utilities Commission, in a proceeding on an application by an electrical corporation to recover costs and expenses arising from a catastrophic wildfire occurring on or after January 1, 2019, to allow cost recovery if the costs and expenses are just and reasonable, after consideration of the conduct of the utility. AB 235 would authorize the Public Utilities Commission to also consider the electrical corporation's financial status and determine the maximum amount the corporation can pay without harming ratepayers or materially impacting the electrical corporation's ability to provide adequate and safe service. **Staff is monitoring this legislation.**

SB 290 (Dodd)
SB 290 would authorize the Governor to purchase insurance, reinsurance, insurance-linked securities or other risk-transfer products for the State to help mitigate against costs incurred in response to natural disasters. **Staff is monitoring this legislation.**

Regional and State-wide Water Supply and Conservation LAP

SB 699, which was introduced by Senator Hill on March 27, 2019, will extend two California laws (AB 1823 and SB 1870) to protect the health, safety, and economic well-being of the water users who depend on the Bay Area Regional (Hetch-Hetchy) Water System and to provide funding for it through the Regional Financing Authority, if necessary. SB 699 is supported by other regional water agencies, such as Bay Area Water Supply & Conservation Agency and San Francisco Public Utilities Commission, and is consistent with the current Regional and State-wide Water Supply and Conservation LAP. **Staff supports this legislation.**

Don Pedro and La Grange Hydroelectric Projects
The City submitted a comment letter to the Federal Energy Regulatory Commission (FERC) on April 11, 2019 regarding the Draft Environmental Impact Statement for Hydropower Licenses for the Don Pedro and La Grange Hydroelectric Projects (attached). The letter highlights Santa Clara's support of BAWSCA and SFPUC's supply reliability efforts and requests FERC to continue to evaluate how potential additional flow requirements will impact the Bay Area's water supply, economy, and environment in the Final Environmental Impact Statement. **Staff supports the supply reliability efforts undertaken by BAWSCA and SFPUC related to the La Grange and Don Pedro Hydroelectric projects.**

City of Santa Clara
The Center of What's Possible

March 21, 2019

The Honorable Reginald Byron Jones-Sawyer, Sr., Chair
Assembly Committee on Public Safety
1020 N Street, Room 111
Sacramento, CA 95814

Re: AB 680 (Chu) – Dispatcher Mental Health Identification Training - SUPPORT

Dear Chair Jones-Sawyer:

On behalf of the City of Santa Clara, I write to express our strong support for Assembly Bill 680 (Chu), which will improve the quality of information relayed from dispatchers to peace officers responding to emergencies that involve mental illness, intellectual disabilities, and substance use disorders.

Dispatchers are routinely the first point of contact for emergencies, and peace officers rely on the information provided to them by dispatchers when responding to any emergency or disturbance. AB 680 addresses the fact that people with mental health emergencies are more likely to wind up in jail or to be injured during police encounters than members of the general public. Earlier identification of emergencies with a mental health component can better give first responders the appropriate information to ensure that these community members receive the help they need.

Currently, peace officers take training to help deescalate these encounters. The goal is to improve safety for all people involved and to minimize the use of force during interaction with a person experiencing a mental health crisis. AB 680 (Chu) seeks to enable emergency dispatchers with similar training.

The bill also builds from a foundation of evidence-based training for dispatchers that has been field-tested in other parts of the country. In the long term, the bill aims to reduce the number of people with mental health problems involved with the criminal justice system and help those in crisis reach services.

For these reasons and more, the City of Santa Clara supports the mental health identification training for emergency dispatchers trained by the POST Commission. We urge you to vote aye on AB 680 (Chu). Thank you for your consideration.

Sincerely,

Lisa M. Gillmor
Mayor
City of Santa Clara

May 20, 2019

The Honorable Steven Bradford
State Senator, 35th District
State Capitol, Room 2059
Sacramento, CA 95814

RE: SB 772 (Bradford) Long duration bulk energy storage: procurement – **OPPOSE**

Dear Senator Bradford,

On behalf of the City of Santa Clara dba Silicon Valley Power, I write to respectfully oppose Senate Bill 772 (SB 772), which seeks to force the procurement of 2,400 megawatts (with an additional 2,000 megawatt procurement option) of long-duration bulk energy storage, generally understood to mean pumped-hydroelectric energy storage. The billions of dollars in procurement costs imposed by the bill would be passed on to electric utilities – and ultimately their customers – that participate in the California Independent System Operator (CAISO), of which Silicon Valley Power is a participant. These significant costs would be imposed for an electric resource that may not even be needed or provide any local benefits to our customers.

Silicon Valley Power is a not-for-profit, publicly owned electric utility overseen by a locally elected governing board that serves 129,000 residents. Silicon Valley Power provides reliable and affordable electric service while meeting the state's clean energy goals and procures a balanced portfolio, informed by the needs and input of our community. SB 772 disregards this thoughtful local approach to providing reliable, affordable and sustainable power.

As a community owned utility, we hear from our customers at regular City of Santa Clara Council public meetings. They tell us regularly about affordability and share their concerns about rising costs. SB 772 disregards the existing process in place to select cost-effective resources, including energy storage. Additionally, there are already mechanisms to assess long-term resource needs on a broad, statewide scale. For example, under SB 100 (de Leon, 2018), the state's energy planning agencies are mandated to conduct an assessment of achieving a 100% zero-carbon retail electric supply. Silicon Valley Power should continue to be empowered to make procurement decisions for its customers without interventions like SB 772.

Further, as an independent market operator, the CAISO should not be in the business of resource procurement. Currently, the CAISO only contracts for power in a very limited set of circumstances to ensure system reliability. Outside of this limited scope for reliability services, the CAISO should not be in the business of procuring energy resources to achieve energy policy objectives.

For these reasons, Silicon Valley Power respectfully opposes SB 772.

Sincerely,

Manuel Pineda
Interim Chief Electric Utility Officer
Silicon Valley Power

cc: Senator Bob Wieckowski

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County of Santa Clara

Recycling and Waste Reduction Commission of Santa Clara County
Recycling and Waste Reduction Division

1555 Berger Drive, Building 2, Suite 300
San Jose, CA 95112-2716
(408) 282-3180 FAX (408) 280-6479
www.ReduceWaste.org

Gwen Huff
Materials Management and Local Assistance Division
California Department of Resources Recycling and Recovery
P.O. Box 4025
Sacramento, CA 95812

Transmittal Via Email: SLCP.Organics@calrecycle.ca.gov

Re: Comments on Senate Bill 1383 Proposed Regulations – Dated March 1, 2019

Dear Ms. Huff:

The Recycling and Waste Reduction Commission of Santa Clara County had an ad hoc Legislative Subcommittee representing our respective member cities and the County review the proposed SB 1383 regulation text released January 18, 2019.

There are several concerns that the Commission has regarding the current draft where we wish to provide comment. As with the previous comments submitted for the May 18, 2018 draft, we understand and agree with the urgency and importance that CalRecycle and the Air Resources Board attach to the goal of increasing diversion of organics. However, since a significant portion of the proposed regulation text remained unchanged from the previous draft, our original concerns remain that the very prescriptive and process-oriented approach taken does not best support achievement of the goals. We have also included some additional areas of concern:

- The current draft deprives cities and counties of local control for their diversion programs. In fact, many jurisdictions have long demonstrated a serious commitment to reducing landfill disposal; including early adoption of citywide organics and food scraps programs. These programs have been carefully researched, designed, piloted, implemented and enhanced for over a decade. If it can demonstrate that these programs meet the overall organics diversion goal of SB 1383, we believe that jurisdictions should be allowed to build on the programs established in pursuit of their landfill diversion commitments in a manner that works best for their community. These jurisdictions should not be burdened with the overly prescriptive requirements of SB 1383 regulations which may ignore or diminish existing successful efforts.
- The current draft establishes procurement targets for the purchase of organic waste products. While we understand the need for promoting markets for recovered waste products, the current proposal, which relies heavily on the purchase of renewable transportation fuel, seems dramatically misaligned with the availability of renewable transportation fuels and each jurisdiction's ability to pay for them.

- We continue to be concerned that the punitive approach to residents and businesses dissuades customers from making the behavior changes needed to reach the very ambitious goals set by SB 1383 and damages the historic relationship between local government and ratepayers.
- Forcing jurisdictions to procure specified amounts of recycled organic waste products and the calculation for quantifying the amount required is flawed. A better approach would be to simply require that jurisdictions' purchases of landscape materials include recycled content.
- There needs to be a formula to calculate the ratio of residents per land area. Requiring a jurisdiction to use the number of residents to calculate the recovered organic waste products required does not address large multifamily complexes that would generate large quantities of organic waste but will not have the landscape areas to place the recovered products. There needs to be a method for calculating residents per parcel and the quantity of available land for recovered products. Conversely, large, open farm land with one or two residents on 10's of acres needs a different method for calculations.
- With the goal of reducing short-lived climate pollutants, having electric vehicles would better reach the goals than requiring use of renewable fuels. Additionally, with the goal of creating markets, then purchasing electricity generated from those sources would also be aligned.
- Requiring daily waste characterization of one-cubic yard samples is expensive, labor intensive and occupies valuable space needed for operations. Some jurisdictions may have more than one facility which would then multiply the resources needed. A smaller sample size and lesser frequency could provide statistically equivalent results.
- The Proposed Regulation should clarify that food sales at large events and large venues that are not a part of the venue's direct concession services should be exempt from the food donation requirements. These are often outside the sphere of control of a jurisdiction.
- Requiring the jurisdiction to provide access to the implementation records within one business day seems unreasonable. We would prefer to see record requests synchronized to standard California Public Records Act requirements where each of our participating cities has existing policies and pathways established.
- There should be coordination between SB 1383 regulations and other State Regulations that deal with soil management, such as the MWELO regulations which require landscape projects to provide a 'Soil Management Plan.' By adding requirement to use a percentage of the recovered organic waste in their Soil Management Plan will assist the local jurisdiction in meeting their procurement quantities.

Thank you for taking the time to consider these comments. If you have any questions, please feel free to contact me at susanl@cityofcampbell.com.

Very truly yours,

Susan M. Landry, Chair
Recycling and Waste Reduction Commission of Santa Clara County

City of Santa Clara
The Center of What's Possible

City Manager's Office

April 11, 2019

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Office of Energy Projects
888 First Street, N.E.
Washington, D.C. 20426

Re: City of Santa Clara Comments on the Draft Environmental Impact Statement Prepared for the Don Pedro Hydroelectric Project (No. 2299-082) and La Grange Hydroelectric Project (No. 14581-002)

Dear Secretary Bose:

The City of Santa Clara submits the following comments regarding the Draft Environmental Impact Statement for Hydropower Licenses for the Don Pedro and La Grange Hydroelectric Projects (Draft EIS).

The City of Santa Clara purchases water from the San Francisco Regional Water System (System) that is owned and operated by the City and County of San Francisco. The City of Santa Clara depends on Tuolumne River water supplied through the System for a significant portion of its water supply to serve Santa Clara's 26,000 customer accounts, including over 120,000 residents, 3,000 businesses and other non-residential customers. The Bay Area Water Supply and Conservation Agency (BAWSCA) represents the City of Santa Clara in contractual, financial, and water supply planning matters with the San Francisco Public Utilities Commission (SFPUC).

Both BAWSCA and the SFPUC submitted comment letters on the Draft EIS. Those letters note corrections and clarifications that should be made to the Draft EIS. The City of Santa Clara supports these supply reliability efforts undertaken by BAWSCA and the SFPUC. Importantly, Santa Clara appreciates FERC's efforts in the Draft EIS to properly balance environmental, agriculture, municipal, and industrial beneficial uses of water. The City of Santa Clara requests that FERC's analysis in the Final EIS continue to evaluate how potential additional flow requirements will impact the Bay Area's water supply, economy, and environment.

Thank you for considering our comments.

Sincerely,

Deanna J. Santana
City Manager

cc : Gary Welling Director of Water and Sewer Utilities
Nicole Sandkulla, Chief Executive Officer and General Manager, (BAWSCA)
Harlan L. Kelly, Jr., General Manager, San Francisco Public Utilities Commission