



Agenda Report

20-121

Agenda Date: 4/7/2020

REPORT TO COUNCIL

SUBJECT

Action on 2020 Legislative Advocacy Positions [Council Pillar: Enhance Community Engagement and Transparency]

BACKGROUND

On October 9, 2018, Council adopted Resolution No. 18-8611 to approve a Legislative Advocacy Position (LAP) Policy (Attachment 1). The purpose of the LAP Policy is to establish clear guidelines for advancing City goals and positions through legislative review and advocacy at the regional, State, and federal levels of government and to provide guidance for City officials who serve on regional, State, and national boards, committees, and commissions when they are asked to review public policy matters and issues. The LAP Policy requires Council to adopt or update the LAPs at the beginning of the calendar year to identify specific legislative priorities outside of the legislative guiding principles listed below:

- Support the League of California Cities and National League of Cities positions on priority bills that benefit Santa Clara
- Protect local revenue sources and prevent unfunded mandates
- Protect and/or increase funding for specific programs and services
- Protect and/or increase local government discretion
- Advance approved policies such as the City's Statement of Values, the General Plan, or the Climate Action Plan

Staff is presenting nine updated LAPs and five new LAPs for Council's consideration. If approved, staff will use these LAPs to track, monitor and advocate for legislation that is consistent with the outlined priorities and provide quarterly legislative updates to the Council as required by the LAP Policy.

DISCUSSION

Staff recommends that Council approve the attached 2020 LAPs (Attachment 2) to provide staff with direction on future legislation. Nine are existing LAPs that have been updated to reflect new legislation and work efforts. Staff is also introducing five new LAPs on the topics of 1) COVID-19 Legislation, 2) Council Districting, Campaign Reform and Public Records, 3) Human Resources/Public Sector Employment, 4) Regional Issues and Collaboration, and 5) Federal Legislative Priorities. The 2020 LAPs are summarized below:

Affordable Housing and Homelessness

The lack of affordable housing continues to have a profound impact on the City and the region as a whole. The City is committed to being a leader at the local level in providing affordable housing,

making a fair share contribution to the overall need for housing production within the Silicon Valley and proactively taking concrete steps to realize new housing production within Santa Clara. City advocacy efforts will continue to focus on encouraging the State and federal governments to provide more resources (funding, legal authority, technical support, streamlining of burdensome administrative requirements associated with federal funding, etc.) to local governments to address local housing needs. Santa Clara is also prepared to participate in broader regional efforts that are collaborative, recognize the unique characteristics of local jurisdictions, and provide opportunities for local representation. The City is concerned about potential measures imposed at the State or regional level that reduce local control, recognizing that in some instances such measures can be necessary or helpful to advance common goals across multiple jurisdictions, but also aware that such efforts may have unintended consequences, limited effectiveness, or create inequities due to a lack of accountability to localized circumstances.

Recommended Updates: Staff recommends updating this LAP to reflect recent housing legislation and work efforts, including SB 50, SB 330, SB 795, AB 725 and AB 1482.

Council Districting, Campaign Reform and Public Records

This is a new LAP that outlines the City's stance on several issues that impact the public's participation in local government. The City is supportive of measures that increase public participation, provide fair representation, and allow for transparency in the council districting process; however, legislation needs to allow flexibility for cities throughout the State to engage in a process that best suits the needs of their individual community.

The City works with the State and County to ensure the fair administration of elections and that campaigns for elective office are conducted pursuant to local, State and federal laws. The State legislature has approved legislation in recent years that attempt to ensure that campaigns are conducted in a fair and transparent manner and reflect the new technologies available to modern campaigns. The City's first-of-its-kind Dark Money Ordinance aims to further increase transparency in the election process by rooting out dark money influence in local politics. The City supports legislation that increases transparency in the campaigning process and provides residents with the information needed to make informed decisions.

In recent years, the City of Santa Clara has received an increasing number of public records requests. While the City is committed to transparency and accountability, this significant increase in public records requests has impacted staffing resources across all departments and at times has hindered staff's ability to perform normal duties while responding to such requests. The City supports public records related legislation that balances transparency, an agencies' ability to effectively respond to public records requests, and provide other public services. The City does not support legislation that will require a shorter production timeframe.

Recommended Updates: Not applicable, this is a new LAP.

COVID-19 Legislation

The disease, now commonly known as COVID-19, has spread globally, resulting in the 2019-2020 Coronavirus Pandemic. The first case in the United States was announced on January 21, 2020 and Santa Clara County, specifically, has been disproportionately impacted when compared to other California regions. There has been much effort at the local, State and federal levels of government to

stop the spread of the disease. The City of Santa Clara declared a local state of emergency on March 11, 2020 and is closely monitoring county, State and federal orders and legislation to see how they apply to Santa Clara. City resources and personnel are working to continue to provide essential governmental functions to residents and businesses, while navigating the response necessary to contain the COVID-19 outbreak and complying with the requirements for social distancing and self-quarantining. In order to adequately protect the public health and safety in the midst of the COVID-19 outbreak, the City of Santa Clara supports continued efforts to stop the spread of COVID-19, provide direct relief funding to local jurisdictions, especially small and medium-sized cities, and the temporary suspension of certain time-specific statutory requirements.

Recommended Updates: Not applicable, this is a new LAP.

Energy Legislation, Regulations and Issues (previously titled *PG&E Bankruptcy and State Wildfire Liability Legislation*)

The City is monitoring a variety of energy-related issues, such as the PG&E bankruptcy, wildfire mitigation, wildfire liability, and energy de-regulation. The City is tracking the PG&E bankruptcy proceeding and associated legislation for its potential impacts on Silicon Valley Power's (SVP) agreements with PG&E Corporation and its subsidiaries, the extended impact to all other energy market participants and the independent system operator, SVP's partners in power generation and distribution, and the implication for how risk is assigned to an electric utility. As wildfires continue to adversely impact our public health and safety, air quality, and the economy, the City is committed to ensuring that transmission level Public Safety Power Shut-offs events do not unnecessarily burden local communities that are dependent on IOU transmission infrastructure and support efforts to align wildfire-related liability with fault. Additionally, the City will continue to monitor regulations and participate in the development of new energy related products to mitigate ratepayer impacts as utility companies continue to de-regulate.

Recommended Updates: Staff recommends updating this LAP's title so that the LAP can capture additional energy-related topics wildfire mitigation plans and energy de-regulation. Information related to those topics have also been included in the LAP.

Engagement with Federal Aviation Administration Regarding Airplane Noise

In Santa Clara, the source of air noise comes from various activities from regional international airports, general aviation airports, and Moffett Federal Airfield. The Cities Association of Santa Clara County formed an Ad-Hoc Committee to build the framework of forming a regional aircraft noise roundtable that will work together with San Francisco Airport, Mineta San José Airport, and the Federal Aviation Administration (FAA) to address the growing concern of aircraft noise. At the July 17, 2018 meeting, Council adopted a resolution for Santa Clara to participate in the Santa Clara/Santa Cruz Airport Community Roundtable and approved the appropriation of funds for the City's participation. While the City does not have direct authority over air space, City staff will continue to work with regional agencies and federal representatives and authorities to mitigate the effect of airplane noise on our residents.

Recommended Updates: No substantial updates.

Human Resources/Public Sector Employment

This is a new LAP that outlines the City's proposed stance on key human resources-related issues: labor, bargaining units, CalPERS, immigration, and work visas. As a public agency at the center of

Silicon Valley, the City competes with other local municipalities and the private sector to attract, hire and retain a talented workforce. The City supports legislation that preserves local government's ability to manage its own employment issues, including but not limited to hiring, evaluating, disciplining, and negotiating collective bargaining agreements. Additionally, the ability to manage our own pension obligations. The City is also supportive of efforts that protect children, including undocumented children, with the continuation of the Deferred Action for Childhood Arrivals (DACA) Program and the Dream Act, and an increase in work visas that allow employers to hire foreign workers for jobs that require advanced technical skills as well as support programs that stimulate the economy through job creation and capital investment by foreign investors.

Recommended Updates: Not applicable, this is a new LAP.

Local Authority over Wireless Telecommunications Facilities and Cable Services

The wireless telecommunications industry has made efforts to limit or preempt local control over placement of wireless facilities and supporting structures in and outside the rights of way (ROW) under the premise that local agencies are inhibiting telecommunications companies from implementing their own technology. Over the past several years, actions by federal and State lawmakers and regulatory agencies have resulted in the adoption of regulations and orders restricting local authority over placement of wireless facilities, including the adoption of "shot clocks" requiring local agencies to complete review of projects within a 60 or 90 day period for existing and new facilities respectively.

Additionally, in September 2018, the FCC released a Second Further Notice of Proposed Rulemaking that sought to address how local franchising authorities (LFAs) can regulate incumbent cable operators and cable television services. If adopted, the proposed rules are likely to have significant impact on cable franchise fees, public, educational, and government access television (PEG) channels, and other common cable-related obligations in cable franchise agreements. The City may be impacted by these rules as our Santa Clara City Television (Comcast cable channel 15 and AT&T U-verse 99) is considered a government access channel. The proposed rules will allow all cable-related, in-kind contributions, other than PEG capital costs and build out requirements, to be treated as "franchise fees" subject to the 5% franchise fee cap that LFA may collect from a cable operator for any twelve-month period. This will have negative impacts on the City as this holding appears to allow cable operators to deduct the value of franchise requirements, such as PEG channel capacity, connections to programming origination points, and complementary cable services to schools and other public buildings, from their cable franchise fee payments.

These efforts continue to erode the City's ability to effectively regulate wireless telecommunications and non-cable services facilities and take away local authority on facilities that directly affect our City's residents. Since SVP owns and operates its own public power utility, it is even more alert to proposals that may impact its electric distribution system built on public street-light and power poles. City staff will continue to advocate for local control of permitting wireless telecommunications and non-cable services facilities in the public right-of-way.

Recommended Updates: Staff recommends updating this LAP to reflect minor edits.

Public Safety

As a city that is consistently named one of the safest cities in the country, Santa Clara is committed to promoting a living and working environment that allows for the best quality of life. Staff is

monitoring and tracking legislation to ensure that proposed legislation aligns with the City's stance on public safety issues, such as community safety, disaster preparedness and response, fines and forfeitures, infrastructure and technology, and vulnerable populations.

Recommended Updates: Staff recommends updating this LAP to include legislation and work efforts related to gun violence, emergency alert notification systems, illegal street racing, and updates to the existing topics.

Regional and State-wide Water Supply and Conservation

The City is monitoring legislation and projects related to water supply and conservation, the Bay-Delta Plan Update, a proposed tax on drinking water, funding safe drinking water, and improving the permitting process for flood risk reduction and dam safety projects. The 2012-2017 statewide drought prompted the State to establish new water conservation regulations and to pass new legislation that aim to make water conservation a California way of life. There have been efforts that could impact the State's water supply systems to this region, such as the Bay-Delta Plan Update, the relicensing of the La Grange and Don Pedro Hydroelectric projects.

The City is also monitoring discussions of any potential drinking water tax. SB 623 was introduced in 2018 and proposed to tax California residents 95 cents a month for water services to raise funds for disadvantaged communities that lack access to safe and affordable water and clean up contaminated water. SB 623 did not pass, and instead a solution was found in SB 200, which created the legal structure and process for funding drinking water solutions for disadvantaged communities in California without a water tax.

City staff will continue to support and implement water quality, supply and conservation measures working in cooperation with partner agencies and oppose any future drinking water taxes.

Recommended Updates: Staff recommends updating this LAP to include a new section on SB 200 and to reflect recent regulations and work efforts related to the existing topics.

Regional Issues and Collaboration

This is a new LAP that outlines the City's stance on regional issues and collaboration with neighboring cities. While the City of Santa Clara is unique in many ways, it experiences many of the same issues that other cities in the region experience. As demonstrated in other Legislative Advocacy Positions, the City works closely with other jurisdictions to address a variety of issues that impact residents in the San Francisco Bay Area, such as affordable housing, transportation, and water conservation. The City recognizes the importance of regional collaboration and participates in various regional organizations to not only advance the City's goals but to contribute to regional work efforts. Staff will continue to track regional issues and monitor new legislation to ensure that they benefit the region and its residents.

Recommended Updates: Not applicable, this is a new LAP.

Regional Transportation Issues

Santa Clara residents and businesses, along with the region, have been negatively impacted by traffic congestion. There have been various State and local efforts to address traffic congestion and worsening road infrastructure and promote alternative modes of transportation. Recent investments in transportation improvements include the approval of Valley Transportation's Measure B in 2016

and Senate Bill 1. A new transportation funding initiative (FASTER Bay Area) was also introduced in 2019 by a cross-section of supporting organizations to raise up to \$100 billion over 40 years for transportation projects in the Bay Area through a proposed one-cent sales tax.

At the local level, there are many efforts to promote and provide funding for alternative modes of transportation including the 2018 update to the City's Traffic Impact Fee program, the City's Multimodal Improvement Plan, Bicycle Master Plan Update 2018, Pedestrian Master Plan, and Creek Trail Network Expansion Master Plan. Additionally, City staff is working with other transportation agencies to support their significant regional projects, including BART Phase II (VTA), Caltrain Electrification and Caltrain Business Plan, and the High-Speed Rail.

City staff will continue to monitor and advocate for legislation and projects that will alleviate traffic congestion and promote alternative modes of transportation that benefit our residents and businesses and support the City's commitment to environmental sustainability.

Recommended Updates: Staff recommends updating this LAP to include information on the proposed regional transportation measure (FASTER Bay Area) and to reflect recent legislation and work efforts related to transportation.

Santa Clara Federal Legislative Priorities

This is a new LAP that includes many of the same issues that are discussed in detail in other LAPs (e.g. housing, transportation, infrastructure, etc.). However, this summary is specific to federal legislation and can be easily shared with the City's Congressional Representatives. The LAP organizes the City's federal legislative priorities by relevant 2020 Strategic Pillars.

Recommended Updates: Not applicable, this is a new LAP.

School Mitigation Fees

AB 2926 was signed into law in 1986, which authorized school districts to levy development fees to pay for new school facilities and established the maximum fees that can be charged to developers that are building new residential and non-residential projects. This fee is updated every two years as adjusted for inflation. Land values and construction costs have dramatically increased since 1986 and the current adjusted maximum rate does not adequately mitigate the school impacts from new development.

The City would support efforts by the State Legislature and/or Allocation Board to increase the rates and/or inflation calculator to more realistically reflect current school facility costs or consider other provisions to allow school districts to effectively mitigate the impacts of new development.

Recommended Updates: Staff recommends updating this LAP to reflect additional housing developments and projected number of housing units in the City.

Sustainability and Environmental Legislation, Regulations and Issues (*previously titled Environmental Regulatory & Conservations Issues*)

The City of Santa Clara is committed to creating a sustainable city for residents and businesses. Interest in sustainability and environmental issues, at both the State and federal levels, will likely result in new legislation and regulation changes that could significantly impact the City. Monitoring and advocacy efforts will be geared towards ensuring that emerging legislation and regulations align

with the City's interests in providing sustainable services to its residents. Topics of interest include:

- California Environmental Quality Act Reform
- Clean Energy and Energy Conservation
- Contaminants of Emerging Concern
- Green House Gas (GHG) Emission Reductions
- Lead Testing of Drinking Water in California Schools
- Per- and Poly-fluoroalkyl Substances (PFASs)
- Prohibition of Oil Drilling off the California Coast
- Recycling and Solid Waste Diversion
- Sanitary Sewer Overflows (SSOs)
- South Bay Salt Ponds Restoration Project
- South Bay Shoreline Study
- Urban Runoff Pollution Prevention
- Vegetation and Forest Management
- Wastewater Regulation
- Water Sustainability

Recommended Updates: Staff recommends updating this LAP's title to highlight sustainability and updating the LAP to reflect new legislation, regulations and work efforts related to existing topic sections and to include three new topics of interest in the LAP: Contaminants of Emerging Concern; Per- and Poly-fluoroalkyl Substances (PFASs); and Water Sustainability.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

There is no fiscal or economic impact to the City other than administrative staff time and expenses.

COORDINATION

This report was coordinated with Silicon Valley Power, the Community Development, Human Resources, Fire, IT, Police, Public Works, Water and Sewer Utilities Departments, and the City Clerk's and City Attorney's Offices.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> .

RECOMMENDATION

Adopt the 2020 Legislative Advocacy Positions on Affordable Housing and Homelessness; COVID-19

Legislation; Council Districting, Campaign Reform and Public Records; Energy Legislation Regulation and Issues; Engagement with Federal Aviation Administration Regarding Airplane Noise; Human Resources/Public Sector Employment; Local Authority over Wireless Telecommunications Facilities and Cable Services; Public Safety; Regional and State-wide Water Supply and Conservation; Regional Issues and Collaboration; Regional Transportation Issues; Santa Clara Federal Legislative Priorities; School Mitigation Fees; and Sustainability and Environmental Legislation, Regulations and Issues.

Reviewed by: Nadine Nader, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Legislative Advocacy Position Policy
2. 2020 Legislative Advocacy Positions