



## Agenda Report

20-770

Agenda Date: 11/10/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on 2020 Q3 Legislative Update

#### COUNCIL PILLAR

Enhance Community Engagement and Transparency

#### BACKGROUND

On October 9, 2018, the City Council adopted Resolution No. 18-8611 to approve a Legislative Advocacy Position (LAP) Policy (Attachment 1). The LAP Policy establishes clear guidelines for advancing City goals and positions through legislative review and advocacy at the regional, state, and federal levels of government. The policy also provides 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.

In January 2020, the City entered into an agreement with Townsend Public Affairs to provide legislative advocacy services, which includes tracking and monitoring legislation and advocating the City's position on various legislation at the State and federal levels of government.

On April 7, 2020, the City Council adopted thirteen (13) LAPs for 2020 on the following key issues:

- Affordable Housing and Homelessness
- COVID-19 Legislation
- Energy Legislation, Regulations 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
- Sustainability and Environmental Legislation, Regulations and Issues

The most current versions of the adopted LAPs can be found under the 2020 Legislative Advocacy Positions document (Attachment 2).

In addition to requiring the City Council to adopt or update LAPs annually to identify specific

legislative priorities, the LAP Policy also requires staff to provide quarterly legislative updates on public policy items of interest to the Council and provide Council copies of letters or summary of actions on legislative items.

## **DISCUSSION**

Since the adoption of the 2020 LAPs, staff and Townsend Public Affairs have been tracking and monitoring various legislative items, which are highlighted and summarized in the 2020 Q3 Legislation document (Attachment 3). The legislative items are grouped by their aligned LAP, guiding principle for legislative advocacy, or approved City policy (e.g. City Council Goals and Priorities). A summary and status have been provided for each bill.

The City has taken action on some of the bills that are included in the 2020 Q3 Legislation document (e.g. submitted a letter of support or opposition). Those actions are documented in the 2020 Q3 Legislative Action attachment (Attachment 4).

The 2020 Legislative Session will long be remembered, not for the legislation that was approved, but for the impact that the coronavirus pandemic had upon the session. While the Legislature began the year in a normal fashion, considering bills that were remaining from 2019 and introducing new legislation to be considered in 2020, the legislative session came to a halt in March with the outbreak of the coronavirus and the resulting impact on state and local economies.

By time the Legislature returned to session, there was no longer time to consider all of the bills that had been introduced in January and February; instead, the Legislature largely focused their efforts on issues of immediate concern: the state budget, COVID-19 response, police reform and social justice issues, housing, and wildfires. The Legislature was able to consider bills in other policy areas during 2020; however, these areas only saw a fraction of the legislative action that would otherwise be expected in a normal legislative session.

Ultimately, the Legislature approved 428 bills in 2020. This represents the fewest number of bills approved by the Legislature in over 50 years and is less than half the average number of bills that the Legislature typically passes in any given year. Of the bills sent to him by the Legislature, Governor Newsom signed 372 bills into law, while vetoing 56 measures. The rate at which Governor Newsom vetoed bills, 13.1%, was generally in line with the veto rate since Governor Brown took office in 2011.

A majority of the bills that were tracked on behalf of the City did not advance through the Legislature, in part due to the impact that the coronavirus had on the legislative calendar. It is likely that many of these bills will be re-introduced in the 2021-22 Regular Legislative Session when the new Legislature convenes in January 2021.

In Washington DC, Congress began the year with plans to address key expiring legislation and consider key policy subjects. Early in the year, Congress was able to fulfill its responsibilities to establish a budget funding the federal government for the remainder of the year. However, plans to consider other legislative priorities were put on hold as Congress quickly had to pivot to dealing with the unanticipated impacts of the coronavirus pandemic.

The first coronavirus funding bill approved by Congress, the "Coronavirus Preparedness and Response Supplemental Appropriations Act" (H.R. 6074), was signed into law by the President on March 6<sup>th</sup>. The focus of that legislation was to increase funding to treat and prevent the spread of COVID-19. The \$8.3 billion package focused primarily on funding for emergency response and

health. The second funding bill, the “Families First Coronavirus Response Act” (H.R. 6201), was signed into law by the President less than two weeks later, on March 18<sup>th</sup>. That was the first of the efforts that targeted financial relief for individuals, including paid family leave. The third bill, the CARES Act (H.R. 748), was signed into law by the President on March 27<sup>th</sup>. Funding for the bill cost \$2.2 trillion, and it was the largest economic stimulus package ever undertaken by the federal government. Similar to the second package, the CARES Act focused on providing relief to individuals, businesses, and industries as well.

Despite the pandemic, Congress managed to fit some critical legislation into its schedule for consideration. Most notably, the House passed legislation to reauthorize surface and water infrastructure via the Moving Forward Act (H.R. 2) and the Water Resources Development Act of 2020. Meanwhile, the Senate introduced but did not pass the America's Water Infrastructure Act of 2020. Additionally, the House also passed all its FY 2021 Appropriations bills. The Senate has yet to take up any similar legislation, but both chambers agreed to extend FY 2020 Appropriations funding until December 11<sup>th</sup> to allow more time for negotiations. The Continuing Resolution that was approved by Congress also included a one-year extension of the current surface transportation reauthorization, the “FAST Act.”

### **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**

The City’s adopted FY 2019/20 and FY 2020/21 Operating Budget included \$300,000 (\$150,000 in each fiscal year) in the City Manager’s Office for legislative advocacy consultant services to support the City’s legislative advocacy efforts as outlined in the Legislative Advocacy Position Policy.

The City of Santa Clara conducted a Statement of Qualifications process in Fall 2019 and Townsend Public Affairs was selected from that process. In January 2020, the City entered into an agreement with Townsend Public Affairs to provide legislative advocacy services, which includes tracking and monitoring legislation and advocating the City’s position on various legislation at the State and federal levels of government. The one-year agreement is for an amount not-to-exceed \$90,000 and allows for four additional one-year extensions, which will require Council approval.

### **COORDINATION**

This report has been coordinated with Townsend Public Affairs and the City Attorney’s Office.

### **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) <<mailto:clerk@santaclaraca.gov>>.

### **RECOMMENDATION**

Note and file the 2020 Q3 Legislative Update.

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
3. 2020 Q3 Legislation
4. 2020 Q3 Legislative Action