



# City of Santa Clara

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## Agenda Report

18-1147

Agenda Date: 8/28/2018

### REPORT TO COUNCIL

#### SUBJECT

Approve City Position on Proposed League of California Cities' 2018 Annual Conference Resolutions

#### BACKGROUND

The League of California Cities (League) *2018 Annual Conference Resolutions Packet* (Attachment 1) has two resolutions presented for consideration by the League Policy Committee and membership. As part of the August 21, 2018 Council Meeting, the Council designated Council Member Teresa O'Neill as the voting delegate and Walter C. Rossmann, Chief Operating Officer, as alternate voting delegate.

#### DISCUSSION

This report transmits the League's *2018 Annual Conference Resolutions Packet* which contains the proposed resolutions that will be considered at the League's Annual Conference in Long Beach from September 12-14, 2018. As recommended by the League, staff requests Council approval of the position the voting delegate should take regarding the resolutions discussed in this report. Below are descriptions of the resolutions followed by staff analysis and recommendation.

Any resolution submitted to the General Assembly must be concurred by five cities or by city officials from at least five or more cities; the concurring cities are noted for each resolution.

#### ***Resolution #1 - Respond to the Increasing Vulnerabilities to Local Municipal Authority, Control and Revenue and Explore the Preparation of a Ballot Measure and/or Constitutional Amendment that would Further Strengthen Local Democracy and Authority***

This Resolution seeks to support local authority in the wake of proposed legislation that aimed to undermine the authority, control and revenue options for local governments and their residents. Examples include SB 649 (2017), which would have removed the ability for cities to regulate "small cell" wireless equipment and obtain compensation for certain telecommunications equipment on public property and rights of way; AB 252 (2017), which would have prohibited a tax on video streaming services; and SB 827 (2018), which would have overridden local control on housing developments within certain distances from transit stops or bus corridors.

This Resolution would direct League staff to assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

Concurrence: Arcadia, Burbank, Cupertino; Duarte; Oceanside; Ontario; Palo Alto; Redondo Beach; Santa Cruz; Sunnyvale; Torrance; and West Hollywood

Related City Policy:

- City Council Strategic Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure.
- Budget Principles for 2018/19: Explore expanding existing revenue sources and/or adding new revenue sources.

Analysis: As described in the City's Ten-Year Financial Forecast and 2018/19 Operating Budget, the revenues forecasted from the recent economic boom are outstripped by even faster growing expenditures, resulting in a long-term structural deficit. Staff recommends supporting this resolution to protect existing revenue sources and preserve the City's ability to expand its revenue base.

Recommended Position: Support the Resolution

***Resolution #2 - Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides***

This Resolution seeks to repeal the preemption in California Food and Agriculture Code § 11501.1 that prevents local governments from regulating or prohibiting pesticide use. Anticoagulant rodenticides are poisonous baits that are used to control rodent populations, but are also being accidentally ingested by wildlife, pets, and children. These poisons cause painful, internal hemorrhaging in non-target animals, including pets. The State currently allows first-generation anticoagulant rodenticides to be available to the public and second generation anticoagulant rodenticides for agricultural purposes and by certified applicators. While cities can regulate the use of pesticides on city property, State law preempts cities from regulating pesticides within their jurisdictions.

This Resolution would direct the League to encourage the State of California to fund and sponsor further research into the negative impacts of anticoagulant rodenticides to determine whether the use of these products should be further restricted or banned statewide; consider creating a task force with other organizations and jointly commission a report on the unintended negative impact of anticoagulant rodenticides; encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in their maintenance program; encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties; encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides; endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating pesticides; and call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.

Concurrence: Agoura Hills; Calabasas; Davis; Menlo Park; Moorpark; Ojai; Oxnard; Richmond; and West Hollywood

Related City Policy:

- Policy Requiring an Integrated Pest Management Approach to Pest Management at All City Owned Properties (Resolution No. 12-7953)

Analysis: City Departments responsible for facility and landscape maintenance already have a policy in place that requires them to give preference to reasonably available non-pesticides alternatives and reduced-risk pesticides when performing pest control activities so they will not be significantly impacted by stricter regulations on anticoagulant rodenticides. Additionally, the proposed Resolution will allow for more local authority should the City choose to take future regulatory action on pesticides.

Recommended Position: Support the Resolution

As stated, the staff recommended positions are consistent with City Policy and provides Councilmembers who serve on policy committees, on the resolutions committee, or as the City's voting delegate/alternates, guidance on how to vote on the issues as they pertain to City business.

### **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 impact other than staff time.

### **COORDINATION**

This report has been coordinated with the Finance, Parks & Recreation, and Public Works Departments as well as 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>> or at the public information desk at any City of Santa Clara public library.

### **RECOMMENDATION**

Approve support positions for the proposed Resolution #1, Respond to the Increasing Vulnerabilities to Local Municipal Authority, Control and Revenue and Explore the Preparation of a Ballot Measure and/or Constitutional Amendment that would further Strengthen Local Democracy and Authority, and Resolution #2, Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides, and authorize the City's voting delegate/alternate to cast votes consistent with the City Council's adopted positions.

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. League of California Cities 2018 Annual Conference Resolutions Packet