

AGENDA

Legislative Committee

The next meeting of the Legislative Committee will be as follows.

PLEASE NOTE THAT WE WILL BE MEETING AT 5:30 P.M.

in the 2nd Floor Auditorium

Date: Thursday, December 11, 2014 - 5:30 p.m. to 6:30 p.m.
 Place: San Mateo County Transit District Office¹
 1250 San Carlos Avenue
2nd Floor Auditorium
 San Carlos, California

PLEASE CALL Jean Higaki (599-1462) IF YOU ARE UNABLE TO ATTEND.

1	Public comment on related items not on the agenda.	Presentations are limited to 3 Minutes	
2	Approval of Minutes from September 11, 2014.	Action (Gordon)	Pages 1-3
3	Update from Advocation & Shaw/Yoder/Antwih	(Advocation & Shaw/Yoder/Antwih)	Pages 4-7
4	Review and recommend approval of the C/CAG Legislative Policies for 2015	Action (Gordon)	Pages 8-12
5	Approval of the 2015 Legislative Committee Calendar	Action (Higaki)	Pages 13-14
6	Adjournment	Action (Gordon)	

NOTE: All items appearing on the agenda are subject to action by the Committee. Actions recommended by staff are subject to change by the Committee.

¹From Route 101 take the Holly Street (west) exit. Two blocks past El Camino Real go left on Walnut. The entrance to the parking lot is at the end of the block on the left, immediately before the ramp that goes under the building. Enter the parking lot by driving between the buildings and making a left into the elevated lot. Follow the signs up to the levels for public parking.

For public transit access use SamTrans Bus lines 390, 391, 292, KX, PX, RX, or take CalTrain to the San Carlos Station and walk two blocks up San Carlos Avenue.

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
LEGISLATIVE COMMITTEE**

**MEETING MINUTES
September 11, 2014**

At 5:35 P.M. Chair Gordon called the Legislative Committee meeting to order in the Second Floor Auditorium at the San Mateo Transit District Office.

Committee Members Attending:

Art Kiesel (City of Foster City)
Deborah Gordon (Town of Woodside)
Richard Garbarino (City of South San Francisco)
Mary Ann Nihart (City of Pacifica)
Karen Ervin (City of Pacifica)
Catherine Carlton (City of Menlo Park)

Guests or Staff Attending:

Matt Robinson, Shaw/ Yoder/ Antwih Inc.
Sandy Wong, Jean Higaki, Matt Fabry, Ellen Barton, C/CAG Staff

1. Public comment on related items not on the agenda.

None

2. Approval of Minutes from August 14, 2014.

Member Garbarino moved and Member Ervin seconded approval of the August 14, 2014 minutes. Motion passed unanimously.

3. Stormwater legislative activities update.

Matt Fabry deferred to Matt Robinson with the update of AB 2170 and AB 418.

4. Update from Advocation & Shaw/ Yoder/ Antwih

Matt Robinson from Shaw/ Yoder/ Antwih presented the legislative update.

AB 418 was held on the Senate floor locked in party politics. AB 2170 however, was sent to the Governor's office and was enrolled on August 18. The Governor's staff does not foresee any issues and there are support letters from both the League of Cities and the California Special Districts Association. If no action is taken, the bill becomes law automatically on September 30.

AB 2403 was signed into law on June 28, 2014. It clarifies the definition of water to include “water from any source,” associated with Proposition 218. Prop 218 still requires a protest process but not a voter approval process.

CalEPA and California Air Resources Board (CARB) have adopted using the CalEnviroScreen as a criterion in identifying “disadvantaged communities” for Cap and Trade funding. CalEnviroScreen is based on 19 factors divided into environmental factors and demographic factors. The Bay Area, as a whole, is much less competitive under CalEnviroScreen. MTC and CMA staffs are working on comment letters requesting that the disadvantage community criteria be broadened. The comment period deadline is September 15, 2014, 5:00pm. CARB is expected adopt this criterion on September 18, 2014. The legislative committee was concerned that the concentration of funding in disadvantaged communities may prevent the implementation of worthwhile and cost effective GHG reducing projects and other projects that would more effectively serve disadvantaged communities. Draft program guidelines are anticipated in October and there will be another round of workshops and opportunities for comment.

The Legislative Committee recommended sending a letter to CalEPA and CARB, commenting on the use of CalEnviroScreen, based on the letter being developed by MTC.

High Speed Rail (HSR) was also discussed. In future years, HSR is expected to receive 25% of annual Cap and Trade funds. It is expected that these funds will be used to build the system south to north. HSR anticipates using their Federal dollars to complete the construction of the central valley portion between Fresno and Bakersfield. In the Bay Area, Caltrain is starting the electrification project. No one is able to say that Cap and Trade can fully fill the construction funding gap at this time.

Member Nihart asked about general funding for failing infrastructure. The Secretary of California State Transportation Agency (CalSTA) convened a working group to look at solutions to pay for transportation infrastructure improvements, in light of the decrease in gas tax. Discussions included expanding the implementation of express lanes and a consideration of implementing a road user fee. It is expected that CalSTA will reinstate a bill similar to SB 983 which would specify agencies allowed to apply to the California Transportation Commission (CTC) to convert High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes. It is also anticipated that CalSTA will look at a pilot program to test road user fees. It is anticipated that the revenues generated from a road user fee may be distributed similarly to the current gas tax distribution formula.

Member Nihart expressed concern about using vehicle miles traveled as a basis for a road user fee as most of the service sector workforce is forced to commute long distances because they cannot afford to live near the areas where they work.

Member Carlton asked about how HOT Lane would work in figuring out if vehicles are high occupancy or not. It is proposed that a FastTrack device would allow to drivers to declare how many people are in their vehicles at a given time.

5. Review and recommend approval of the C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified).

Per the discussion under Item 4, the Legislative Committee recommends sending a letter to CalEPA and CARB, commenting on the use of CalEnviroScreen, based on the letter being developed by MTC and based on a review by members of the Legislative Committee.

6. Adjournment

The meeting adjourned at approximately 6:23 P.M.



ADVOCATION



SHAW/YODER/ANTWIH, *inc.*
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

DATE: November 25, 2014
TO: Board Members, City/County Association of Governments, San Mateo County
FROM: Andrew Antwih and Matt Robinson, Shaw / Yoder / Antwih, Inc.
Chuck Cole, Advocation, Inc.
RE: ELECTION UPDATE – December 2014

The November 4th statewide election is expected to result in Democrats holding all statewide offices and a loss of the Democratic supermajorities in the State Legislature.

These election results can be attributed to the reforms to the state's electoral process with the change to the "top two" primary and low voter turnout. These changes are particularly noticeable in the state legislative races.

According to the Secretary of State's office, there remain over 125,000 ballots left to sort and count throughout California. State law requires county elections officials to report their final results to the Secretary of State by December 5th. The Secretary of State then has until December 12th to certify the results of the election.

CONSTITUTIONAL OFFICERS

There were no major surprises nor changes in these races as Democrats continue to hold all statewide constitutional offices.

Governor: Jerry Brown (D) vs. Neal Kashkari (R)

Jerry Brown was re-elected to his final term allowable under Term Limits.

Lt. Governor: Gavin Newsom (D) vs. Ron Nehring (R)

Gavin Newsom was re-elected to his second term as Lieutenant Governor.

Secretary of State: Alex Padilla (D) vs. Pete Peterson (R)

State Senator Alex Padilla elected defeated Republican Pete Peterson to become the state's first Latino Secretary of State.

Controller: Betty Yee (D) vs. Ashley Swearengin (R)

Current state Board of Equalization Member Betty Yee was elected controller defeating Ashley Swearengin, Mayor of the City of Fresno.

Treasurer: John Chiang (D) vs. Greg Conlon (R)

Current state Controller John Chiang was elected state Treasurer

Attorney General: Kamala Harris (D) vs. Ronald Gold (R)

Incumbent Kamala Harris wins re-election.

Insurance Commissioner: Dave Jones (D) vs. Ted Gaines (R)

Incumbent Dave Jones wins re-election.

Superintendent of Public Instruction: Tom Torlakson (D) vs. Marshall Tuck (D)

In the most contested and closely watched statewide race, incumbent Tom Torlakson edged out a victory over school reform candidate Marshall Tuck.

STATEWIDE BALLOT MEASURES

With the current drought and recent state budget cuts in mind, California’s voters passed two measures championed by Governor Brown: Prop 1, a \$7.1 billion water bond for water quality, supply, treatment and storage projects; and Prop 2, which establishes a budget stabilization account measure or “rainy day fund” to require the state to save money and pay down its debts faster.

Proposition 1: Water Bond: PASS: 67.1% Yes to 32.9% No

Proposition 2: Budget Stabilization Account: PASS: 69.2% Yes to 30.8% No

Proposition 45: Healthcare Insurance Rate Changes: FAIL: 40.7% Yes to 59.3% No

Proposition 46: Doctor Drug Testing, Lifting of cap on medical malpractice damages: FAIL 32.8% Yes to 67.2% No

Proposition 47: Criminal Sentence Reductions: PASS 59.0% Yes to 41.0% No

Proposition 48: Referendum to repeal Indian Gaming Compacts: FAIL 39.0% Yes to 61.0% No

STATE LEGISLATURE

Democrats continue to hold dominant majorities in each house of the Legislature, although this election stymied each house’s effort to secure a supermajority (2/3), which is required to enact taxes and certain fees. We expect both houses of the Legislature to start appointing committee chairs later this month in to early January.

State Assembly:

In the 2013-2014, legislative session the Assembly Democratic Caucus had enjoyed a supermajority. The Assembly was composed of 55 Democrats, 24 Republicans and there was one vacancy due to the

election of Assembly Member Mike Morrell to the State Senate. Going into the election this Fall, all 80 Assembly seats were up for re-election, with a handful that were vulnerable. Assembly Democrats picked up one open seat in the 44th Assembly District (won by Democrat Jacqui Irwin, this seat was most recently held by outgoing Republican Assembly Member Jeff Gorrell), but they lost another open seat in the San Francisco Bay Area, the 16th Assembly District (formerly held by Democratic Assembly Member Joan Buchanan, this seat was picked up by Republican Catherine Baker).

Unfortunately for the Democratic leadership, 3 Democratic incumbents lost their seats to Republican challengers:

- AD 36 (Northern Los Angeles County): Incumbent Steve Fox lost to Republican challenger Tom Lackey
- AD 65 (Orange County): Incumbent Sharon Quirk-Silva lost to Republican Challenger Young Kim
- AD 66 (South Bay region of Los Angeles): Incumbent Al Muratsuchi lost to Republican challenger David Hadley

The incumbents who lost these seats were all elected in the presidential election of 2012, when there was a higher turnout amongst Democratic voters. Low turnout in this election seems to have been detrimental to the re-election of these incumbents.

When the Assembly convenes for the 2014-2015 legislative session in December, 52 Democratic members and 28 Republican members will be sworn in. Democrats will retain control of the house, but not with the supermajority they enjoyed in the last session.

State Senate:

The 2013-2014 was not an easy one for the Democratic caucus of the State Senate. Three of its members were suspended. Two senators, Ron Calderon and Leland Yee saw Federal indictments on a number of charges including public corruption and, Rod Wright, was convicted on felony counts of perjury and voting fraud. Wright eventually resigned once he was found guilty and sentenced. These suspensions reduced the initial supermajority of 27 Democratic active and voting Senators down to 24 for most of the legislative session, hindering the passage of several bills that required a 2/3 vote.

The election saw the twenty even-numbered Senate Districts up for election. The Senate Democrats saw the loss of one seat, the 34th Senate District in Orange County. That seat had been held by outgoing Democratic Senator Lou Correa. Former democratic Assembly Member Jose Solorio ran against Republican challenger Orange County Supervisor Janet Nguyen. Nguyen picked up that seat handily, besting Solorio by 17% percentage points.

When the State Senate convenes in December for the 2014-2015 legislative session, there will be 25 Democratic Senators (including 8 who are newly elected to the Senate), 14 Republican Senators (including 2 newly elected) and 1 vacancy. The vacancy is due to the resignation of Senator Rod Wright. Governor Brown has called a special election to fill that vacancy for December 9th of this year and the leading candidate (and likely winner) is outgoing Assembly Member Isadore Hall. That election should bring the Democrats up to 26 members when the legislature begins its real work in 2015.

Results from Bay Area Races:

State Senate District 10: Bob Wieckowski (D) defeated Peter Kuo (R) 68% to 32% to replace outgoing senator Ellen Corbett

Assembly District 10: Incumbent Marc Levine (D) defeated Gregory Allen (R) 73.5% to 26.5%

Assembly District 11: Incumbent Jim Frazier (D) defeated Alex Henthorn (R) 59.5% to 40.5%

Assembly District 15: Tony Thurmond (D) defeated Elizabeth Echols (D) 53.9% to 46.1% to replace outgoing Assembly Member Nancy Skinner

Assembly District 16: Catharine Baker (R) defeated Tim Sbranti (D) 51.5% to 48.5% in this seat to replace outgoing Assembly Member Joan Buchanan

Assembly District 17: David Chiu (D) defeated David Campos (D) 51.1% to 48.9% to replace outgoing Assembly Member Tom Ammiano

Assembly District 18: Incumbent Rob Bonta (D) defeated David Erlich (R) 86.7% to 13.3%

Assembly District 19: Incumbent Phil Ting (D) defeated Rene Pineda (R) 77.1% to 22.9%

Assembly District 20: Incumbent Bill Quirk (D) defeated Jaime Patino (R) 71.8% to 28.2%

Assembly District 22: Incumbent Kevin Mullin (D) defeated Mark Gilham (R) 70.3% to 29.7%

Assembly District 24: Incumbent Rich Gordon (D) defeated Diane Gabl (R) 69.9% to 30.1%

Assembly District 25: Kansen Chu (D) defeated Bob Burnton (R) 69.4% to 30.6% to replace outgoing Assembly Member Bob Wieckowski

Assembly District 27: Incumbent Nora Campos (D) defeated G. Burt Lancaster (R) 69.4% to 30.6%

Assembly District 28: Evan Low (D) defeated Chuck Page (R) to replace outgoing Assembly Member Paul Fong

C/CAG AGENDA REPORT

Date: December 11, 2014
To: C/CAG Legislative Committee
From: Sandy Wong, Executive Director
Subject: Review and recommend approval of the C/CAG Legislative Policies for 2015

(For further information or response to questions, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the Legislative Committee review and recommend approval of C/CAG Legislative Policies for 2015.

FISCAL IMPACT

Many of the policies listed in the attached document have the potential to increase or decrease the fiscal resources available to C/CAG member agencies.

SOURCE OF FUNDS

New legislation

BACKGROUND

Each year, the C/CAG Board adopts a set of legislative policies to provide direction to its Legislative Committee, staff, and legislative advocates. In the past, the C/CAG Board established policies that:

- Clearly defined a policy framework at the beginning of the Legislative Session.
- Identified specific policies to be accomplished during this session by C/CAG's legislative advocates.
- Limited the activities of C/CAG to areas where we can have the greatest impact.

The adoption of a list of policies will hopefully maximize the impact of having legislative advocates represent C/CAG in Sacramento and will also significantly reduce the amount of C/CAG staff time needed to support the program.

Staff has revised the Board adopted 2014 policies, shown in track changes. Further changes recommended by the legislative committee will be presented to the C/CAG Board.

ATTACHMENTS

1. Attachment A: Draft C/CAG Legislative Policies for 2015

Attachment A

DRAFT C/CAG LEGISLATIVE POLICIES FOR 20142015

***Policy #1 -
Protect against the diversion of local revenues.***

- 1.1 Support League and CSAC Initiatives to protect local revenues.
- 1.2 Provide incentives to local government to promote economic vitality and to alleviate blighted conditions.
- 1.3 Support the reinstatement of state funding for economic development and affordable housing.

***Policy #2 -
Protect against increased local costs resulting from State action without 100% State reimbursement for the resulting costs.***

- 2.1 Oppose any State action that restricts local human resource (HR) decisions.
- 2.2 Oppose State action to restrict the ability of local jurisdictions to contract for services.
- 2.3 Require all State actions to take into consideration the fiscal impact to local jurisdictions, by ensuring that adequate funding is made available by the State, for delegated re-alignment responsibilities and by ensuring that all State mandates are 100% reimbursed.

***Policy #3 -
Support actions that help to meet municipal stormwater permit requirements and secure stable funding to pay for current and future regulatory mandates.***

- 3.1 Primary focus on securing additional revenue sources for both C/CAG and its member agencies for funding state and federally mandated stormwater compliance efforts.
 - a. Support additional efforts to exempt storm sewers from the voting requirements imposed by Proposition 218, similar to water, sewer, and refuse services, or efforts to reduce the voter approval threshold for special taxes related to stormwater management.
 - ~~b. Support legislation that provides C/CAG, as a Joint Powers Authority, the flexibility to levy taxes, assessments, or fees upon voters or property owners approval consistent with Proposition 218 requirements~~
 - e.b. Include water quality and stormwater management as a priority for funding in new sources of revenues (e.g. water bonds) and protect against a geographically unbalanced North-South allocation of resources.

- ~~d.c.~~ Support efforts to coordinate stormwater quality concerns with other statewide and regional efforts to achieve greenhouse gas reductions and climate change adaptation strategies.
- ~~e.d.~~ Track and advocate for resources for stormwater quality in State and Federal grant and loan programs.
- ~~f.e.~~ Support stormwater fee reform to 1) ensure regulatory permit fees are used to -support Regional Water Quality Control Board staff resources, 2) eliminate fee setting under emergency regulations and coordinate process with local budgeting procedures, and 3) ensure fees are consistent with level of service provided by state agencies.
- ~~g.f.~~ Support efforts to identify regulatory requirements that are unfunded state mandates and ensure provision of state funding for such requirements.
- ~~h.g.~~ Pursue and support efforts that provide additional funding from Federal, State, or local governments outside the ~~Bay Area~~ San Mateo County to regional or statewide associations of stormwater quality agencies (i.e., BASMAA – regional and CASQA – statewide) for programs and projects that reduce or eliminate the need for C/CAG and its member agencies to fund and implement similar programs and projects locally.

- 3.2 Pursue and support efforts that control pollutants at the source and extend producer responsibility, especially in regard to trash and litter control.
- 3.3 Support efforts to place the burden/ accountability of reporting, managing, and meeting municipal stormwater requirements on the responsible source rather than the cities or county, such as properties that are known pollutant hot spots and third party utility purveyors.
- 3.4 Advocate for the development of statewide stormwater policies that establish consistent and practical approaches for stormwater regulatory and management programs that help protect water quality and beneficial uses.
- 3.5 Pursue and support pesticide regulations that protect water quality and reduce pesticide toxicity.
- 3.6 Track stormwater-related regulatory initiatives that may impact member agencies, such as the proposed statewide trash policy, Caltrans stormwater permits, special exceptions for Areas of Special Biological Significance, and the Phase II Municipal Stormwater Permit for smaller rural municipalities.

<p><i>Policy #4 - Support lowering the 2/3rd super majority vote for local special purpose taxes and fees.</i></p>

- 4.1 Support bills that reduce the vote requirements for special taxes and fees.
- 4.2 Oppose bills that impose restrictions on the expenditures, thereby reducing flexibility, for special tax category.
- 4.3 Support modification or elimination of the Proposition 26 two-thirds requirements.

***Policy #5-
Protect and support transportation funding.***

- 5.1 Oppose the transfer of additional State transportation funds to the State General Fund and support the redirection of truck weight fees to the State Highway Account-
- 5.2 Support additional revenues for transportation funding.
- 5.3 Protect existing funding and support additional funding for maintenance of streets and roads.
- 5.4 Monitor recommendations of implementing “Road User Charges”.
- 5.45 Protect existing funding and support new funding for the State of California SHOPP program, which provides resources for maintenance of State highways.
- 5.5-6 Support revisions in the Peninsula Joint Powers Agreement that provide equitable funding among the Caltrain partners.
- 5.67 Support a dedicated funding source for the operation of Caltrain.
- 5.78 Support efforts to secure the appropriation and allocation of “cap and trade” revenues towards transportation to support San Mateo County needs.

***Policy #6 -
Advocate for revenue solutions to address State budget issues that are also beneficial to Cities/
Counties***

- 6.1 Support measures to ensure that local governments receive appropriate revenues to service local communities.

***Policy #7 -
Support reasonable climate protection action, Greenhouse Gas reduction, and energy conservation
legislation***

- 7.1 Support incentive approaches toward implementing AB32.
- 7.2 Oppose climate legislation that would conflict with or override projects approved by the voters.
- 7.3 Support funding for both transportation and housing investments, which support the implementation of SB 375, so that housing funds are not competing with transportation funds.
- 7.4 Alert the Board on legislation that would require recording of vehicle miles of travel (VMT) as part of vehicle registration.
- 7.5 Support local government partnerships to foster energy conservation, as well as the generation and use of renewable and/ or clean energy sources (wind, solar, etc.)

***Policy #8 -
Protection of water user rights***

- 8.1 Support the Bay Area Water Supply and Conservation Association (BAWSCA) efforts in the protection of water user rights for San Mateo County users.

***Policy #9 –
Other***

- 9.1 Support/sponsor legislation to allow transportation planning funds to be used to fund airport/land use compatibility plans.
- 9.2 Support efforts that will engage the business community in mitigating industry impacts associated with stormwater, transportation congestion, greenhouse gas emissions, and energy consumption.

C/CAG AGENDA REPORT

Date: December 11, 2014
To: C/CAG Legislative Committee
From: Sandy Wong, Executive Director - C/CAG
Subject: Review and approval of the 2015 C/CAG Legislative Committee calendar.

(For further information or response to questions, contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the C/CAG Legislative Committee review and approve the 2015 C/CAG Legislative Committee calendar.

FISCAL IMPACT

None

SOURCE OF FUNDS

N/A

BACKGROUND

The C/CAG Legislative Committee generally meets just before the C/CAG Board meeting. The C/CAG Board does not meet in July and the State Legislature begins summer recess (July 17-August 17) therefore no meeting is planned for July. The 2015 proposed Legislative session is scheduled to end on September 11, 2015 so it is proposed to hold no Legislative Committee meetings in October and November.

ATTACHMENTS

1. Proposed 2015 Legislative meeting calendar

**C/CAG Legislative Committee
2015 Calendar**

**City / County Association of Governments
of San Mateo County (C/CAG)**

Time: 5:30 p. m. to 6:30 p.m.

Location: 2nd Floor Auditorium
San Mateo County Transit District
1250 San Carlos Avenue
San Carlos

January 8 (Will be located in 4th Floor “Dining Room”)

February 12

March 12

April 9

May 14

June 11

July - No meeting scheduled

August 13

September 10

October - No meeting scheduled

November - No meeting scheduled

December 10

NOTE: This schedule is subject to change should significant issues arise or develop over the course of the year.