

# C/CAG

## City/County Association of Governments of San Mateo County

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### C/CAG LEGISLATIVE COMMITTEE

### MEETING AGENDA

**Date: March 11, 2021**

**Time: 5:30 p.m.**

On March 17, 2020, the Governor issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the Shelter-in-Place Orders issued by the San Mateo County Health Officer and the Governor, and the CDC's social distancing guidelines, which discourage large public gatherings, C/CAG meetings will be conducted via remote conferencing. Members of the public may observe or participate in the meeting remotely via one of the options below.

Join by Zoom:

<https://us02web.zoom.us/j/84223229389?pwd=U3Jud3UybzNPVkJwNEd0d2VNRUZiQT09>

Meeting ID: 842 2322 9389

Passcode: 106135

Join by Phone:

(669) 900-6833

Meeting ID: 842 2322 9389

Passcode: 106135

**PUBLIC NOTICING:** All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA, and on C/CAG's website at: <http://www.ccag.ca.gov>.

**PUBLIC RECORDS:** Public records that relate to any item on the open session agenda for a regular Board meeting, standing committee meeting, or special meeting are available for public inspection. Those public records that are distributed less than 72 hours prior to a regular meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Committee. The Board has designated the City/County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making public records available for inspection. Such public records are also available on C/CAG's website at: <http://www.ccag.ca.gov>. Please note that C/CAG's office is temporarily closed to the public; please contact Mima Guilles at (650) 599-1406 to arrange for inspection of public records.

**PUBLIC PARTICIPATION DURING VIDEOCONFERENCE MEETINGS:** Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Guilles at (650) 599-1406, five working days prior to the meeting date.

Written comments should be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to [rbogert@smcgov.org](mailto:rbogert@smcgov.org).
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the C/CAG Committee members and made publicly available on the C/CAG website along with the agenda. We cannot guarantee that emails received less than 2 hours before the meeting will be able to be posted or provided to Committee members prior to the meeting, but such emails will be included in the administrative record of the meeting.

Oral comments will be accepted during the meeting through Zoom. Please read the following instructions carefully:

1. The Legislative Committee meeting may be accessed through Zoom at the online location indicated at the top of this agenda.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by your name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When C/CAG Staff or the Committee Chair/Vice-Chair call for the item on which you wish to speak, click on "raise hand." C/CAG staff will activate and unmute speakers in turn. Speakers will be notified shortly before they are called on to speak.
5. When called, please limit your remarks to the time allotted.

If you have any questions about this agenda, please contact C/CAG staff:  
Program Specialist: Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org) or 650-599-1433)

Administrative Assistant: Mima Guilles (650) 599-1406

1	Call to Order	Papan	
2	Brief overview of teleconference meeting procedures	Bogert	
3	Public comment on related items not on the agenda	Papan	
4	Approval of Minutes from February 11, 2021	Action Papan	Pages 1-5
5	Review and receive information on C/CAG legislative policies, priorities, and legislative update	Action Papan	Pages 6-10
6	Discuss scheduling virtual meetings with the San Mateo County Delegation	Information Papan	Pages 11-12
7	Adjournment	Papan	

Next Meeting: April 8, 2021

## C/CAG AGENDA REPORT

Date: March 11, 2021

To: City/County Association of Governments of San Mateo County Legislative Committee

From: Sandy Wong, Executive Director

Subject: Review and approve the Legislative Committee meeting minutes from the meeting held on February 11, 2021.

(For further information, contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### RECOMMENDATION

That the Legislative Committee review and approve the Legislative Committee meeting minutes from the meeting held on February 11, 2021.

### ATTACHMENTS

1. Draft C/CAG Legislative Committee Meeting Minutes, February 11, 2021

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

**Draft Meeting Minutes  
February 11, 2021 Meeting**

At 5:30 P.M. the Legislative Committee meeting was called to order via Zoom remote conferencing by C/CAG staff, Reid Bogert.

**Attendance sheet is attached.**

**Guests or Staff Attending:**

Matt Robinson – Shaw / Yoder / Antwih / Schmelzer and Lange, Inc.  
Sandy Wong, Matt Fabry, Sean Charpentier, Reid Bogert, Kaki Cheung - C/CAG Staff

**1. Call to Order.**

Chair Papan called the meeting to order at 5:30 p.m.

**2. Brief overview of teleconference meeting procedures.**

C/CAG staff, Reid Bogert, read the teleconference meeting procedures.

**3. Public Comment.**

None.

**4. Nominated and elected C/CAG Legislative Committee Chairperson and Vice Chairperson for 2021.**

Chair Papan requested nominees for the C/CAG Legislative Committee Chairperson and Vice Chairperson for 2021. Member Lewis motioned to nominate Gina Papan for Chairperson, which was seconded by Member Cunningham. Member Hurt then motioned to nominate Adam Rak for Chairperson, seconded by Member Gauthier. The Committee conducted a roll-call vote for the initial motion, as follows.

Motion to elect Gina Papan as C/CAG Legislative Committee Chairperson for 2021. Motion: Member Lewis; second: Member Cunningham. Motion passed (6:4:0). Yes votes were provided by Members Lewis, Cunningham, Papan, Fung, Vaterlaus, Salazar. No votes were provided by Members Hurt, Gauthier, Chuang, Rak.

Chair Papan motioned to nominate Member Rak for Vice Chairperson of the Committee for 2021. Member Lewis seconded. The Committee conducted a roll-call vote for the following motion.

Motion to elect Adam Rak as the C/CAG Legislative Committee Vice Chairperson for 2021. Motion: Chair Papan; second: Member Lewis. Motion passed unanimously (10:0:0).

## **5. Approval of Minutes from January 27, 2021.**

Committee approved the meeting minutes from the January 27, 2021 C/CAG Legislative Committee Special Meeting.

Motion to approve the meeting minutes from the January 27, 2021 Special Meeting. Motion: Member Vaterlaus; second: Member Chuang. Motion passed (9:0:1). Member Rak abstained.

## **6. Recommended approval of amendment to Policy #8 of the adopted C/CAG 2021 Legislative Policies.**

Members discussed the term “bold” as the proposed amendment to language in Policy #8 of the adopted C/CAG 2021 Legislative Policies, regarding climate protection action and related greenhouse gas reduction policies. Member Hurt motioned approval of the recommendation to the C/CAG Board of Directors to amend Policy #8 accordingly, seconded by Member Chuang.

Motion: Recommend approval of amendment to Policy #8 of the adopted C/CAG 2021 Legislative Policies. Motion: Member Hurt; second: Member Chuang. Motion passed unanimously (10:0:0).

## **7. Received information on C/CAG legislative policies, priorities, and legislative update.**

C/CAG legislative consultant, Matt Robinson, provided a summary of the Governor’s proposed draft state budget for FY2021-22, focusing on the newly projected budget resiliency currently estimated at \$34 billion for FY2021-22. Other budget related updates included a summary of the proposed expenditure plans for transportation funding programs and Cap & Trade funds, with significant investments proposed for electric vehicle infrastructure. Robinson also noted SB 1 funds are contributing in important ways to rebounding from the economic impacts of COVID-19 with trickle-down effects for local infrastructure projects. Other state budget updates include the proposal for an infill and housing program to support efforts to increase housing for homeless populations and the establishment of a housing accountability unit operated by the Department of Housing and Community Development to support compliance with the Regional Housing Needs Allocation and housing production targets. Robinson summarized the legislative topics in the February bill report, reminding committee members that new legislation may be introduced through February 19. The primary bills of interest to C/CAG to-date include a suite of housing production related bills (including SB 7 (Atkins – expedited judicial review), SB 9 (Atkins – ministerial review of projects including duplexes) and SB 10 (Weiner – density in urban infill areas), as well as SB 44 (Allen), pertaining to CEQA streamlining for “Environmental Leadership” transit projects and a new bill proposed by Assembly Member Rivas (AB 377), which proposes new regulations for National Pollutant Discharge Elimination System (NPDES) permitting. As currently drafted, this bill would significantly alter the current permitting framework for municipalities currently regulated by the San Francisco Regional Water Quality Control Board under the Municipal Regional Stormwater Permit by making preventing

municipalities from successfully applying for coverage under NPDES permits if they discharge stormwater that causes or contributes to exceedances of water quality standards. C/CAG staff will work with the consultant and the C/CAG Stormwater Committee (as well as other regional stormwater program representatives) to monitor this bill. Lastly, Robinson presented the proposed SUPPORT position for ACA-1 (Aguiar-Curry), which proposes a reduced voting threshold for general obligation bonds and special taxes for housing and infrastructure projects. Member Lewis motioned approval of a recommended SUPPORT position, seconded by Member Chuang.

Motion to recommend a SUPPORT position for ACA-1 (Aguiar-Curry). Motion: Member Lewis; second: Member Chuang. Motion passed unanimously (10:0:0).

#### **8. Discussed scheduling virtual meetings with the San Mateo County Delegation.**

C/CAG staff, Reid Bogert, summarized the status of scheduling meetings with San Mateo County delegates, with a reminder about plans to have Senator Becker attend the March 11 Board of Directors meeting. Bogert also summarized staff's intent to coordinate with San Mateo representatives and their staff to engage on the developments around a climate resiliency bond and working through the Green Streets for Sustainable Communities Consortium with Senator Becker on the evolving discussion focused on the Complete Streets legislation and how to potentially amend the existing policies to better address the additional benefits of green infrastructure in Complete Streets programs and funding to allow for green infrastructure elements as eligible components. Chair Papan, addressed a need to set up calls with Senator Weiner and the Governor's staff to begin providing input on housing legislation that could be of importance to C/CAG member agencies. No action was taken, and C/CAG staff were directed to work with the legislative consultant and Committee Chairs to evaluate potential meeting opportunities.

#### **9. Adjournment.**

The meeting adjourned at approximately 6:32 P.M.

**Legislative Committee 2021 Attendance Record**

Agency	Name	Jan 14	Jan 27	Feb 11	Mar 11	Apr 8	May 13	Jun 10	Jul 8	Aug	Sep 9	Oct 14	Nov 11	Dec 9
Atherton	Elizabeth Lewis		X	X										
Belmont	Davina Hurt (C/CAG Vice Chair starting April 2020)		X	X										
Brisbane	Karen Cunningham		X	X										
East Palo Alto	Lisa Gauthier		X	X										
Hillsborough	Marie Chuang (C/CAG Vice Chair through April 2020 and C/CAG Chair starting April 2020)		X	X										
Millbrae	Gina Papan (Chair from December 2020)		X	X										
Millbrae	Anders Fung		X	X										
Pacifica	Sue Vaterlaus		X	X										
San Bruno	Michael Salazar		X	X										
San Carlos	Adam Rak (Vice Chair from February 2021)			X										

 no meeting

## C/CAG AGENDA REPORT

Date: March 11, 2021

To: C/CAG Legislative Committee

From: Sandy Wong, Executive Director

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

(For further information, contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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### RECOMMENDATION

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

### FISCAL IMPACT

N/A

### SOURCE OF FUNDS

N/A

### BACKGROUND

The C/CAG Legislative Committee receives monthly written reports and oral briefings from C/CAG's State legislative advocates. Important or interesting issues that arise out of the committee meeting are reported to the Board.

The attached report includes updates from Sacramento with respect to recent committee hearings and bill progress of interest to C/CAG during the month of February, focusing on relevant housing, transportation infrastructure and stormwater quality legislation,

There are two bills in the report for which staff and C/CAG's legislative consultant recommend taking action on for position letters. Staff recommend a SUPPORT position for SB 339 (Weiner), which would extend the sunset date for the Road User Charge pilot program through January 1, 2027. Staff recommend an OPPOSE position on AB 377 (Rivas), which proposes significant changes to the existing guidelines and requirements under the National Pollutant Discharge Elimination System (NPDES) permits for stormwater dischargers, including municipalities in San Mateo County. Due to the significant regulatory implications of this bill, staff recommend approval of an ongoing OPPOSE position throughout the course of Legislative Session, in the case that future opposition letters are warranted.

## **ATTACHMENTS**

1. C/CAG Legislative Update, March 1, 2021 from Shaw Yoder Antwih Schmelzer & Lange
2. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>
3. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>

March 1, 2021

TO: Board of Directors, City/County Association of Governments of San Mateo County

FM: Matt Robinson & Andrew Antwih, Shaw Yoder Antwih Schmelzer & Lange

RE: **STATE LEGISLATIVE UPDATE – March 2021**

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***Legislative Update***

February 18 marked the Legislature’s deadline to introduce bills for consideration in the first year of the 2021-22 Legislative Session. Altogether, more than 2,500 bills were introduced between the Senate and Assembly. Policy committee hearings have begun for some bills, but we expect the committees to ramp up the hearings in late-March. The budget committees continue to hear the Governor’s budget proposals and have worked in recent weeks to pass pandemic response trailer bills. The Legislature will break for Spring Recess on March 25.

***Federal CRRSAA Funding***

The most recent round of federal stimulus funding, H. R. 133 - the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA), passed in December 2020, provided California with approximately \$900 million in emergency relief funding for highways. The CTC held workshops on February 9 and February 26 to hear from stakeholders on how to distribute the funds amongst the state and local agencies and reviewed two possible distribution scenarios – the STIP and the Surface Transportation Block Grant Program. A decision has not been made on how these funds will be distributed.

***Bills of Interest***

**SB 7 (Atkins) Jobs and Economic Improvement Through Environmental Leadership Act**

The Jobs and Economic Improvement Through Environmental Leadership Act of 2011 authorizes the Governor, until January 1, 2020, to certify projects that meet certain requirements for CEQA streamlining. The existing authority expired at the end of 2020 and [this bill](#) would reestablish the authority of the Governor to certify a project to January 1, 2024 and would more specifically include housing development projects meeting certain conditions to the list of projects eligible for certification. MTC took a SUPPORT position on this bill. ***We are WATCHING this bill for C/CAG.***

**SB 9 (Atkins) Ministerial Approval of Housing Developments**

[This bill](#) would require a proposed housing development containing 2 residential units (duplexes) to be considered ministerially, without discretionary review or hearing, in areas zoned as single-family if the proposed housing development meets certain requirements. CEQA requires a lead agency to prepare, or

cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects. By establishing the ministerial review process described above, the bill would exempt these projects from CEQA. The League of Cities took an OPPOSE UNLESS AMENDED position on this bill (letter [here](#)). ***We are WATCHING this bill for C/CAG.***

#### **SB 10 (Wiener) Housing Production**

[This bill](#) would authorize local governments to rezone neighborhoods for increased housing density, up to ten homes per parcel and would require a legislative body pass a resolution to adopt the plan and exempts that zoning action from being considered a project under the California Environmental Quality Act. To be eligible, an area must be urban infill, or be near high quality public transportation or a job-rich area. The local government can determine whether the individual projects will be ministerial/by right or subject to discretionary approval. MTC took a SUPPORT position on this bill. ***We are WATCHING this bill for C/CAG.***

#### **SB 44 (Allen) CEQA: Streamlined Judicial Review: Environmental Leadership Transit Projects.**

[This bill](#) would establish procedures for the expedited administrative and judicial review of environmental leadership transit project undertaken by a public agency. More specifically, the bill would require the Judicial Council, on or before April 1, 2022, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. ***We are WATCHING this bill for C/CAG.***

#### **SB 339 (Wiener) Road User Charge**

Existing law requires the CTC to create a Road Usage Charge (RUC) Technical Advisory Committee to guide the development and evaluation of a pilot program to assess the potential for mileage-based revenue collection as an alternative to the gas tax system and report its work to the Legislature. The existing authorization sunsets on January 1, 2023. [This bill](#) would extend the sunset date to January 1, 2027 because the CTC requested an extension to run another pilot with actual fee collection. ***We recommend the C/CAG Board SUPPORT this bill.***

#### **AB 377 (Rivas) Water Quality**

[This bill](#) would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050 and prohibit the State Water Resources Control Board and Regional Water Quality Control Boards from authorizing any discharges (including stormwater) that causes or contributes to an exceedance of a water quality standard in receiving waters. The bill would prohibit a regional water quality control plan from including a schedule for achieving a water quality standard adopted as of January 1, 2021. The bill would require the state board and regional boards to develop by 2030 an Impaired Waterways Enforcement Program to enforce all remaining water quality standard violations and a Waterway Attainment Penalty Subaccount, composed of penalties obtained pursuant to the Impaired Waterways Enforcement Program, and would make moneys in the subaccount available for the state board to expend, upon appropriation by the Legislature, for purposes of the program. ***We recommend the C/CAG Board OPPOSE this bill.***

### **AB 455 (Bonta) Bay Bridge Fast Forward Program**

[This bill](#) would require the Bay Area Toll Authority, the CTC, Caltrans, and specified transit agencies (including STA), to plan and deliver a comprehensive set of operational, transit, and infrastructure investments for the San Francisco-Oakland Bay Bridge corridor (Corridor). The bill would require the entities to submit a comprehensive plan to improve bus and very high occupancy vehicle (5 persons or more) speed and travel time reliability along the Corridor in a manner that maximizes the number of people that can cross the bridge during congested periods by January 1, 2023. If, by January 1, 2025, a travel speed reliability performance target for the Corridor has not been met for a consecutive 6-month period, the bill would authorize BATA, in consultation with the Caltrans, to designate a lane on the San Francisco-Oakland Bay Bridge exclusively for use by buses and very high occupancy vehicles during congested periods as a pilot program and report the results to the Legislature. The bill would require Caltrans to pursue federal approval or waivers to implement the bill's provisions.

### **AB 1499 (Daly) Design-Build**

Existing law authorizes Caltrans to utilize design-build procurement for up to 10 projects on the state highway system, based on either best value or lowest responsible bid. Existing law authorizes regional transportation agencies, as defined, to utilize design-build procurement for projects on or adjacent to the state highway system. Existing law also authorizes those regional transportation agencies to utilize design-build procurement for projects on expressways that are not on the state highway system. Existing law repeals these provisions on January 1, 2024. [This bill](#) would delete the January 1, 2024, repeal date, thus extending the design-build authority indefinitely. ***We recommend the C/CAG Board SUPPORT this bill.***

### **ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval.**

[This constitutional amendment](#) would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation bonds and special taxes for affordable housing and public infrastructure projects, including public transit. The C/CAG Board supported a nearly identical measure, also ACA 1 (Aguiar-Curry), in 2019. **C/CAG SUPPORTS this measure.**

**C/CAG AGENDA REPORT**

Date: March 11, 2021

To: City/County Association of Governments of San Mateo County Legislative Committee

From: Sandy Wong, Executive Director

Subject: Discuss scheduling virtual meetings with the San Mateo County Delegation.

(For further information, contact Reid Bogert at [rbogert@smcgov.org](mailto:rbogert@smcgov.org))

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**RECOMMENDATION**

That the C/CAG Legislative Committee discuss scheduling virtual meetings with the San Mateo County Delegation.

**FISCAL IMPACT**

N/A

**SOURCE OF FUNDS**

N/A

**BACKGROUND**

As the 2021 legislative calendar proceeds, and bills move through committee hearings in both houses, a few opportunities for the Legislative Committee (Committee) to engage with the San Mateo County delegation have surfaced for discussion.

First, Senator Becker will be attending the Board of Directors meeting on March 11, following the Committee meeting. The intent of this introduction is to welcome Senator Becker to C/CAG and to provide an opportunity for the Senator to share his legislative priorities and find alignment with C/CAG's legislative policies and priorities in hope of finding ways to work collaboratively this year and in future.

The development of climate resilience bond measures for the 2022 ballot in both houses and in the Governor's administration also presents a timely opportunity for C/CAG to provide input on the frameworks and proposed statute language in the associated bills as they develop and are heard in committees. As in past years the proposal for a resilience bond measure aligns with C/CAG's support for securing much needed funding for climate change adaptation, particularly with respect to the potential impacts of projected increases in stormwater runoff, as well as the need to better adapt to periodic extreme heat, risk of wildfire, and drought. C/CAG staff and consultant have reviewed the language in AB 1500 (Garcia and Mullin) and plan to engage Assembly Member Mullin's office to provide input from C/CAG's stormwater program perspective and in relation to the approach in San Mateo County to manage stormwater at multiple scales and with integrated, multi-benefit projects at

the parcel, street level and watershed scale.

Lastly, given the focused interest among Committee members on the suite of housing legislation in the current bill list, particularly on SB 10 (Weiner) with respect to options for upzoning for increased density to work towards attaining Regional Housing Needs Allocation numbers, staff recommend the Committee consider scheduling a meeting to address specific questions on the proposed legislation and provide additional input from C/CAG's housing policy perspective. Staff also recommend agendaizing at an upcoming meeting a presentation from C/CAG's consultant working with 21 Elements to provide additional perspective on housing legislation of interest and ensure consistency with the countywide housing initiatives.

**ATTACHMENTS**

None