

C/CAG

City/County Association of Governments of San Mateo County

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Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

SPECIAL MEETING AGENDA

C/CAG Legislative Committee

Chair: Gina Papan **Vice Chair:** Adam Rak

Members: Davina Hurt (C/CAG Chair), Ricardo Ortiz (C/CAG Vice-Chair)
Elizabeth Lewis, Karen Cunningham, Lisa Gauthier,
Anders Fung, Sue Vaterlaus, Michael Salazar

September 15, 2022 - 5:15 P.M.

On September 16, 2021, the Governor signed AB 361, which amended certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings remotely via telephonically or by other electronic means under specified circumstances. Thus, pursuant to Government Code section 54953(e), C/CAG Committee 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 Webinar:

<https://us02web.zoom.us/j/88423741173?pwd=Nnp3djJzN1NiNjFyVDBzWjhURk1lZz09>

Webinar ID: 884 2374 1173

Password: 091522

Join by Phone: (669) 900-6833

Persons who wish to address the C/CAG Legislative Committee on an item to be considered at this meeting, or on items not on this agenda, are asked to submit written comments to Kim Springer at kspringer@smcgov.org. Please see below for instructions. Spoken public comments will also be accepted during the meeting through Zoom. Please see instructions for written and spoken public comments at the end of this agenda.

1.	Call to Order	Papan	
2.	COVID-19 announcement and brief overview of teleconference meeting procedures	Springer	
3.	Roll call	Springer	
4.	By motion, find that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.	Action Charpentier	Pages 4-6
5.	Public comment on related items not on the agenda.	Papan	
6.	Review and approve the Legislative Committee meeting minutes from the meeting held on July 14, 2022.	Action Papan	Pages 7-10
7.	Review and approval of modifications to the C/CAG Legislative Committee Calendar	Action Springer	Pages 11-12
8.	Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)	Possible Action Robinson/Antwih Papan	Pages 13-22
9.	Adjournment	Papan	

Next Meeting: To Be Determined in Item 7

PUBLIC NOTICING: All notices of C/CAG regular Board meetings, standing committee meetings, and special meetings will be posted at the San Mateo County Courtyard, 555 County Center, Redwood City, 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 Board or 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 kspringer@smcgov.org with the Subject line: C/CAG Leg. Written Comments.”
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.

Spoken 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:

Executive Director: Sean Charpentier: scharpentier@smcgov.org

Transportation Systems Coordinator: Kim Springer at kspringer@smcgov.org

Administrative Assistant: Mima Guilles (650) 599-1406

C/CAG AGENDA REPORT

Date: September 15, 2022

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

From: Sean Charpentier, Executive Director

Subject: By motion, find that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

(For further information contact Sean Charpentier at scharpentier@smcgov.org)

RECOMMENDATION

That the C/CAG Legislative Committee find, by motion, that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

FISCAL IMPACT

There is no fiscal impact.

SOURCE OF FUNDS

Not applicable

BACKGROUND

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021 for public agencies to transition back to public meetings held in full compliance with the Brown Act. The original Executive Order provided that all provisions of the Brown Act that required the physical presence of members or other personnel as a condition of participation or as a quorum for a public meeting were waived for public health reasons. If these waivers fully sunset on October 1, 2021, legislative bodies subject to the Brown Act would have to contend with a sudden return to full compliance with in-person meeting requirements as they existed prior to March 2020, including the requirement for full physical public access to all teleconference locations from which board members were participating.

On September 16, 2021, the Governor signed AB 361, a bill that formalizes and modifies the teleconference procedures implemented by California public agencies in response to the Governor's Executive Orders addressing Brown Act compliance during the COVID-19 emergency. AB 361 allows a local agency legislative body to continue to use teleconferencing under the same basic rules as provided in the Executive Orders when certain circumstances occur or when certain findings have been

made and adopted by the legislative body.

AB 361 provides that Brown Act legislative bodies must return to in-person meetings on October 1, 2021, unless they choose to continue with fully teleconferenced meetings because a specific declaration of a state or local health emergency is appropriately made. AB 361 allows legislative bodies to continue to conduct virtual meetings as long as there is a gubernatorially-proclaimed public emergency in combination with (1) local health official recommendations for social distancing or (2) adopted findings that meeting in person would present an imminent risk to health or safety. AB 361 is effective immediately as urgency legislation and will sunset on January 1, 2024.

AB 361 also requires that, if the state of emergency remains active for more than 30 days, the legislative body must make findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. Specifically, the legislative body must find that the need for teleconferencing persists due to risks posed by the ongoing state of emergency. Effectively, this means that local agencies must either agendaize a Brown Act meeting once every thirty days to make these findings, or, **if a local agency has not made such findings within the prior 30 days, the local agency must re-adopt the initial findings if it wishes to conduct a remote meeting.**

Cities throughout San Mateo County and San Mateo County have made the findings required to continue remote meetings. On July 14, 2022, the C/CAG Board of Directors approved Resolution 22-59, which made the findings necessary for remote meetings for both the Board of Directors and its standing Committees, including the Legislative Committee.

Unfortunately, and with no C/CAG Board meeting in the month of August, September 15, 2022 is 63 days after the C/CAG Board of Directors approved Resolution 22-59.

The September 15, 2022 C/CAG Board meeting includes a resolution similar to 22-59 that would make the findings necessary to continue with remote meetings for both the C/CAG Board and standing C/CAG Committees for another 30 days.

DISCUSSION

The County's high vaccination rate, successfully-implemented local health measures (such as indoor masking), and best practices by the public (such as voluntary social distancing) have proven effective, in combination, at controlling the local spread of COVID-19.

However, reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. While local agency public meetings are an essential government function, past months have demonstrated that conducting such meetings virtually is feasible.

Public meetings pose high risks for COVID-19 spread for several reasons. These meetings bring together people from throughout a geographic region, increasing the opportunity for COVID-19 transmission. Further, the open nature of public meetings makes it difficult to enforce compliance with vaccination, physical distancing, masking, cough and sneeze etiquette, or other safety measures. Moreover, some of the safety measures used by private businesses to control these risks may be less

effective for public agencies.

These factors combine to make in-person public meetings imminently risky to health and safety.

Even though local rates of transmission of COVID-19 are in the “low” tier as measured by the Centers for Disease Control as of the date of this report, we recommend that the Board avail itself of the provisions of AB 361 allowing continuation of remote meetings by adopting findings to the effect that conducting in-person meetings would present an imminent risk to the health and safety of attendees.

Given that the Legislative Committee meeting is occurring 63 days after the approval of C/CAG Resolution 22-59, staff recommend that in order to continue to have remote meetings, the Legislative Committee find, by motion, that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: September 15, 2022

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

From: Sean Charpentier, Executive Director

Subject: Review and approve the Legislative Committee meeting minutes from the meeting held on July 14, 2022.

(For further information, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the Legislative Committee review and approve the Legislative Committee meeting minutes from the meeting held on July 14, 2022.

ATTACHMENTS

1. Draft C/CAG Legislative Committee Meeting Minutes, July 14, 2022

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

**Draft Meeting Minutes
July 14, 2022 Meeting**

Staff and Guests Attending:C/CAG Staff:

Sean Charpentier, Kim Springer, Reid Bogert, Jeffrey Lacap, Kaki Cheung, Susy Kalkin, Eva Gaye, Audrey Shiramizu

Legislative Consultant:

Not present due to legislative recess.

Others Attending:

Marc Hershman - PCE, Drew – Public

1. Call to Order.

Chair Papan called the meeting to order at approximately 5:21 p.m.

2. COVID-19 announcement and brief overview of Zoom teleconference meeting procedures.

C/CAG staff read the COVID-19 announcement and teleconference meeting procedures.

3. Roll call.

C/CAG staff conducted roll call, and a quorum of seven was present at roll call as shown below.

Agency	Name	June 9, 2022
Atherton	Elizabeth Lewis	X
Belmont	Davina Hurt	X
Brisbane	Karen Cunningham	X
Burlingame	Ricardo Ortiz	X
East Palo Alto	Lisa Gauthier	X
Millbrae	Gina Papan (Chair)	X
Millbrae	Anders Fung	
Pacifica	Sue Vaterlaus	X
San Bruno	Michael Salazar	
San Carlos	Adam Rak (Vice Chair)	

4. By motion, find that, as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees.

The Committee approved a motion finding that, as a result of the continuing COVID-19

pandemic state of emergency declared by Governor Newsom, meeting in person would present imminent risks to the health or safety of attendees Member Hurt motioned approval, seconded by Member Vaterlaus. Roll call vote was taken. Motion passed (7,0,0).

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

There were no written or public comments.

Member Cunningham noted that, after travels to other countries and noting the distress of other communities trying to recover from the pandemic, how important it is to keep virtual meeting protocols as possible.

6. Review and approve the Legislative Committee meeting minutes from the meeting held on June 9, 2022.

The Committee approved the meeting minutes from the June 9, 2022 C/CAG Legislative Committee Meeting. Member Vaterlaus motioned approval, seconded by Member Cunningham. Roll call vote was taken. Motion passed (7,0,0).

7. Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

In the absence of C/CAG legislative consultants due to vacations during the legislative summer break, Kim Springer and Sean Charpentier provided a report to the Committee. The legislature is on summer break and fiscal committees will end their session on August 14th, with the legislative session ending on August 31st, and with bills moving to the Governor's desk for signature.

Funding requests to legislators for the Hwy 92/101 interchange and the two stormwater projects did not receive funding during the current session. However, there is still significant budget to be appropriated, so there may be updates on requests. The current state budget does already include significant potential funding for projects in San Mateo County. Member Papan suggested C/CAG work more closely with legislative bodies towards MTC and other funding opportunities.

The Committee reviewed multiple bills contained in the monthly report from the consultant team. One bill, SB 917 (Becker), staff and the consultant recommended a change in position from Support in Concept to Support. The Committee discussed the bill and a motion was made to change the position to Support. A motion was made by Member Lewis and seconded by Member Cunningham. A roll call vote was taken and the motion passed (7,0,0).

The Committee requested a matrix of bills with an update of where the bills are in committees or on the Governor's desk.

The Committee had additional discussion on climate risk, transportation, and housing. The Committee requested that an infrastructure grant announcement be share by staff with the

committee, as a possible means to resolve future water supplies for future housing. The Committee also discussed commenting on High-speed Rail, and Member Papan suggested that cities pursue large project but communicate with other cities what projects they are working on funding.

8. Adjournment.

The meeting adjourned at approximately 5:58 P.M.

Next meeting is in the month of September.

C/CAG AGENDA REPORT

Date: September 15, 2022
To: C/CAG Legislative Committee
From: Sean Charpentier, Executive Director
Subject: Review and approval of modifications to the C/CAG Legislative Committee Calendar
(For further information, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Legislative Committee review and approve modifications to the C/CAG Legislative Committee Calendar.

FISCAL IMPACT

N/A

SOURCE OF FUNDS

N/A

BACKGROUND

The current C/CAG Legislative Committee meeting calendar does not include meetings for the months of October and November. Typically, because of the end of the legislative committee process on August 31 and the end of the legislative session on September 30, the Committee does not meet until December to begin discussion of C/CAG policies for the following calendar year and legislative session.

This year, C/CAG is in a procurement process for State legislative consultant services. The current contract with the current consultant for over three year, expires on December 31, 2022. Staff is recommending the Committee meet on the same day as the C/CAG Board in November, November 10, 2022, to review and approve a new agreement and to consider any other legislative issues before December.

ATTACHMENTS

1. Updated C/CAG Legislative Committee Calendar

Attachment 1

Updated C/CAG Legislative Calendar:

2022 Legislative Committee Meetings:

January 13th

February 10th

March 10th

April 14th

May 12th

June 9th

July 14th

August – no Legislative Committee or C/CAG Board meeting

September 15th

November 10th (added)

December 8th

C/CAG AGENDA REPORT

Date: September 15, 2022

To: C/CAG Legislative Committee

From: Sean Charpentier, Executive Director

Subject: Review legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

(For further information, contact Kim Springer at kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Legislative Committee review the legislative update and, if appropriate, recommend approval of C/CAG legislative policies, priorities, or positions. (A position may be taken on any legislation, including legislation not previously identified in the legislative update. Action is only necessary if recommending approval of a policy, priority, or position.)

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 and votes on positions taken by the Committee, or that arise out of the committee meetings, are reported to the full C/CAG Board.

The attached report may include updates from Sacramento with respect to the State Budget process, State grant programs, recent committee hearings, and bill progress of interest to C/CAG since the Committee last met. The Legislature is at the end of the 2021-22 legislative session, into which approximately 2100 new bills were originally introduced. Committee sessions finished on August 31, 2022, and all bills headed for signature are either signed, vetoed, or awaiting decision by the Governor as of the date of this meeting.

The Legislative Committee may also discuss the need, based on current or past bills voted on by the Committee, current funding requests, or sponsorship of legislation, for meetings with delegation or letter supporting or opposing bills on the Governor's desk.

Though C/CAG pursued budget funding requests with members of the delegation for two projects benefitting San Mateo County, requests for \$10 million for the construction phase of the US 101/SR 92 Interchange Area Improvements project, and a dual-purpose request for \$10 million for a stormwater project at Red Morton Community Park in Redwood City and completion of design work with Caltrans on a stormwater project in San Bruno near the Hwy 380-280 interchange, did not receive funding. However, Assemblymember Mullin did add a San Bruno/Millbrae bike lane request for \$760,000 into the budget “true up” bill at the end of the committee session.

At this Committee meeting, the Committee will mainly receive updates on the State budget and any additional information from Sacramento on the final stages of bills still being considered by the governor. Bill positions discussed are provided in Attachment 1 to this staff report. In addition, Attachment 2, a memo on Proposition 30, the Clean Cars and Clean Air Act is provided for discussion the September meeting.

For additional information with respect to what the Metropolitan Transportation Commission/Association of Bay Area Governments Joint Legislative Committee, California League of Cities, California State Association of Counties (CSAC), and California Association of Councils of Government (CALCOG) are tracking, staff has included informational links to the relevant bill tracking websites, as well as the full legislative information for the State Legislature and the 2021 calendar of legislative deadlines. Lastly, staff have also included links to the 2022 legislation websites for the San Mateo County delegates for information only.

ATTACHMENTS

1. C/CAG Legislative Update, September 2, 2022 from Shaw Yoder Antwih Schmelzer & Lange
2. Memo – Proposition 30 - Clean Cars and Clean Air Act

Below are informational links:

3. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
4. [California State Association of Counties \(CSAC\) 2021 bill positions and tracking](#)
5. [California Associations of Councils of Government \(CALCOG\) 2021 bill tracking](#)
6. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>
7. [2022 California State Calendar of Legislative Deadlines](#)
8. San Mateo County Delegation Sponsored Legislation 2021
 - [2022 Legislation from Assemblymember Marc Berman](#)
 - [2021 Legislation from Assemblymember Kevin Mullin](#)
 - [2022 Legislation from Assemblymember Phil Ting](#)
 - [2021 Legislation from Senator Josh Becker](#)
 - [2022 Legislation Senator Scott Wiener](#)
9. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



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September 2, 2022

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 – September 2022**

Legislative Update

In the early morning hours of September 1, the Legislature adjourned the second year of the 2021-22 Legislative Session. There was a flurry of action in the final days of session, with the Legislature approving a sweeping climate & energy bill package, passing legislation that will make it easier to build housing in commercial zones, and putting the finishing touches on the Fiscal Year 2022-23 State Budget. The current session will formally close on November 30, with the 2023-24 Legislative Session beginning December 5. When the new session begins, there will be a lot of new faces in Sacramento due to legislator retirements, term limits, and redistricting. San Mateo County will see a new Assembly Member and a new Congressional Member. The official 2023-24 legislative calendar will be released this fall.

This year, the C/CAG Board took positions on several bills of importance, while monitoring many others. Below, we provide an update on the final legislative action of several high priority bills. For any bills sent to the Governor after August 20, the Governor has until September 30 to act.

Special Funding for Priority Project

In the final days of the Session, we saw several budget bills come into print, including AB 179 (Ting), which amended earlier budget bills. AB 179 is known as a Budget Bill Jr. because it amends the main budget bill that was passed back in June. There were concerns that, as the state’s fiscal picture showed some signs of a recession, some of the funding for special projects that legislators were able to secure for their districts might be in jeopardy. However, AB 179 included \$760,000 for the San Bruno-Millbrae bike lane secured by Assembly Member Mullin. The bill also includes special language that will help Caltrans distribute the funding to C/CAG.

Bills of Interest

SB 6 (Caballero) Housing in Commercial Zones

Existing law requires local governments to adopt a general plan for development, including a housing element. Current law requires that the housing element include an inventory of land suitable and available for residential development. If there is not adequate land identified to accommodate the need for all types of households, the local government must rezone sites. [This bill](#) - the Middle Class Housing Act - would deem a housing development project an allowable use on a parcel that is within a zone

where office, retail, or parking are a principally permitted use, if specified conditions are met, including requirements relating to density, public notice, comment, hearing, or other procedures, site location and size, consistency with sustainable community strategy or alternative plans, prevailing wage, and a skilled and trained workforce. ***This bill is on the Governor's Desk awaiting action.***

SB 54 (Allen) Solid Waste Reporting and Packaging

[This bill](#) would establish the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act), which would impose minimum content requirements and source reduction requirements for single-use packaging and food ware and to be achieved through an expanded producer responsibility program. By January 1, 2024, the bill would require producers of covered material to form and join a producer responsibility organization, subject to certain requirements and CalRecycle approval, to carry out the requirements of the Act by and would a producer of covered material from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the organization. The bill defines "covered material" to mean Covered material" as single-use packaging that is routinely recycled, disposed of, or discarded after its contents have been used and plastic single-use food service ware, but excludes packaging used for medical products, devices, and prescription drugs, animal medicines and drugs, infant formula, medical food, fortified nutritional supplements, insecticides, rodenticides, fungicides, hazardous materials, hazardous or flammable products, and certain beverage containers. ***This bill was signed by the Governor on June 30.***

SB 932 (Portantino) General Plan Circulation Elements

[This bill](#) would require a local agency, when revising its the circulation element after January 1, 2025 to incorporate the principles of FHWA's Safe System Approach and to develop bicycle plans, pedestrian plans, and traffic calming plans based on the policies and goals in the circulation element that, among other things, sets goals for initiation and completion of all actions identified in the plans within 25 years of the date of adoption of the modified circulation element, as specified. By adding to the duties of county and city officials in the administration of their land use planning duties, this bill would impose a state-mandated local program. This bill would require a county or city to begin implementation of the plan within 2 years of the date of adoption of the plan, to regularly review its progress towards completing implementation of the modified circulation element, and to consider revising the circulation element if it determines it will not reach the goals of the bicycle, pedestrian, or traffic calming plans within 25 years of the date of adoption of the modified circulation element. ***This bill is on the Governor's Desk awaiting action.***

AB 2449 (Rubio) Brown Act Changes

Until January 1, 2024, existing law authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect or to protect public health. [This bill](#) would, until January 1, 2026, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location identified in the agenda that is open to the public and situated within the local agency's jurisdiction. ***This bill is on the Governor's Desk awaiting action.***

Bills With Positions

SB 852 (Dodd) Climate Resilience Districts – *SUPPORT IF AMENDED*

Existing law authorizes certain local agencies to form a community revitalization authority (authority) within a community revitalization and investment area to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. [This bill](#) would authorize a city, county, city and county, special district, or a combination of any of those entities to form a climate resilience district for the purposes of raising and allocating funding for eligible projects and would define “eligible project” as projects that address sea level rise, extreme heat, extreme cold, the risk of wildfire, drought, and the risk of flooding. The bill would authorize the district to provide property tax increment revenues to the district, and/or other tax revenues, levying a benefit assessment, special tax, property-related fee, or other service charge or fee consistent with the requirements of the California Constitution. ***This bill is on the Governor’s Desk awaiting action.***

SB 917 (Becker) Seamless Bay Area – *SUPPORT IN CONCEPT*

[This bill](#) would require the Metropolitan Transportation Commission (MTC) to develop and adopt a Connected Network Plan, adopt an integrated transit fare structure, develop a comprehensive, standardized regional transit mapping and wayfinding system, develop an implementation and maintenance strategy and funding plan, and establish open data standards to support a more integrated public transportation network in the nine-county San Francisco Bay Area. This bill would also require the region’s transit agencies to comply with those established integrated fare structure, regional transit mapping and wayfinding system, implementation and maintenance strategy and funding plan, and open data standards. ***This bill was held in the Assembly Appropriations Committee.***

SB 922 (Wiener) CEQA Exemptions for Transit – *SUPPORT IF AMENDED*

[This bill](#) would extend, until January 1, 2030, statutory exemptions from the requirement of the California Environmental Quality Act for clean transportation projects that make streets safer for walking and biking; speed up bus service on streets and improve its on-time performance; support faster bus service on state highways; expand carpooling; and improve wayfinding for people using transit, biking, or walking. This bill would also extend exemptions for the construction of infrastructure of facilities to charge or refuel zero-emission transit vehicles; active transportation and roadway improvements; and the building of new bus and light rail stations or terminals until January 1, 2030. C/CAG is requesting an amendment to prohibit any loss of housing from a project constructed under this bill’s provisions. ***This bill is on the Governor’s Desk awaiting action.***

SB 1067 (Portantino) Parking Requirements – *OPPOSE*

[This bill](#) would prohibit a city, county, or city and county from imposing minimum automobile parking requirements on a housing development located within one-half mile of public transit and either dedicates 25 percent of the total units to very low, low-, and moderate-income households, students, the elderly, or persons with disabilities, or the developer demonstrates that the development would not have a negative impact on the local agency’s ability to meet specified housing needs and would not have a negative impact on existing residential or commercial parking within one-half mile of the project. ***This bill was held in the Assembly Appropriations Committee.***

AB 1817 (Ting) PFAS Ban in Textiles – SUPPORT

Beginning January 1, 2023, existing law prohibits any food packaging that contains regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in food packaging. Existing law will also prohibit the sale and distribution of any new juvenile product that contains regulated PFAS chemicals. [This bill](#) would prohibit, beginning January 1, 2024, any person from selling or distributing any textile articles that contain regulated PFAS, and requires a manufacturer to use the least toxic alternative when replacing regulated PFAS in textile articles to comply with these provisions. ***This bill is on the Governor's Desk awaiting action.***

AB 1944 (Lee) Brown Act Changes – SUPPORT IF AMENDED

[This bill](#) would make changes to the Brown Act to clarify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public. This bill would also require all public meetings of a legislative body using teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option. We suggested the author amend this bill to include an urgency clause so that it would take effect immediately. ***This bill was never set for a hearing in the Senate Governance and Finance Committee.***

AB 2011 (Wicks) Ministerial Housing Approvals in Commercial Zones – OPPOSE

[This bill](#) would create the Affordable Housing and High Road Jobs Act of 2022, which would authorize a development proponent to apply for a housing development that meets specified objective standards and affordability and site criteria, including being located within a zone where office, retail, or parking are a principally permitted use, and would make the development a use by right and subject to streamlined, ministerial review processes. The bill would require a development proponent for a housing development project approved pursuant to the streamlined, ministerial review process to require, in contracts with construction contractors, that certain wage and labor standards will be met, including a requirement that all construction workers be paid at least the general prevailing rate of wages, as specified. The bill would require a development proponent to certify to the local government that those standards will be met in project construction. ***This bill is on the Governor's Desk awaiting action.***

AB 2097 (Friedman) Parking Minimums – OPPOSE

[This bill](#) would prohibit a public agency from imposing any minimum automobile parking requirement on any residential, commercial, or other development project located within one-half mile of public transit. However, the bill would authorize a city, county, or city and county to impose or enforce minimum automobile parking requirements on a housing development project if the public agency makes written findings that not imposing or enforcing minimum automobile parking requirements on the development would have a substantially negative impact on the public agency's ability to meet its share of specified housing needs or existing residential or commercial parking within one-half mile of the housing development. However, a public agency may not seek an exemption if the housing development project (1) dedicates a minimum of 20% of the total number of housing units to very low, low-, or moderate-income households, students, the elderly, or persons with disabilities, (2) contains fewer than 20 housing units, or (3) is subject to parking reductions based on any other applicable law. The bill would

prohibit these provisions from reducing, eliminating, or precluding the enforcement of any requirement imposed on a housing development project that is located within one-half mile of public transit to provide electric vehicle supply equipment installed parking spaces or parking spaces that are accessible to persons with disabilities. ***This bill is on the Governor's Desk awaiting action.***

AB 2622 (Mullin) Sales Tax Exemption for Transit Buses – SUPPORT

[This bill](#) would extend the sunset date from January 1, 2024 to January 1, 2026 on the state sales and use tax exemption for zero-emission buses (ZEBs) purchased by California public transit agencies. This bill is likely to be amended to shorten the sunset. ***This bill is on the Governor's Desk awaiting action.***

ACA 1 (Aguiar-Curry) Local Government Financing: Affordable Housing and Public Infrastructure: Voter Approval – SUPPORT

[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. ***This measure was never heard in the Assembly Local Government Committee.***



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September 7, 2022

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

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

RE: **PROPOSITION 30 - Clean Cars and Clean Air Act**

Purpose

The Clean Cars and Clean Air Act (CCCA) would provide \$100 billion in new revenue over the next 20 years to address several of California’s most pressing issues: climate change, wildfire, and transportation. The new revenue would be generated by imposing a 1.75% personal income tax increase on income of \$2 million or more. The tax is proposed to sunset after California reaches 80% below 1990 greenhouse gas (GHG) emission levels, or in 20 years, whichever occurs first.

Background

The CCCA is sponsored by Lyft and was introduced to help mitigate the effects of climate change as they continue to have impacts on California – record-setting temperatures, wildfires, and droughts – creating devastating effects on California’s health, economy, and natural resources. To mitigate these effects, it is important that the state prioritize reducing GHG emissions. To that end, the CCCA proposes new funding to fulfill that objective, by providing an estimated \$100 billion in new revenue to focus on transportation and wildfires, the two largest GHG emitters statewide.

The transportation sector accounts for nearly 50% of California’s GHG emissions, and though difficult to quantify the exact percentage of wildfire emissions, California’s 2020 wildfire season burned 4.2 million acres and emitted 112 million metric tons of carbon dioxide – the equivalent of approximately 24 million cars. The CCCA provides funding to increase access to clean and equitable transportation and charging infrastructure; increase community education about preventing, and resilience against, wildfires; provide subsidies to help consumers and organizations afford clean vehicles; and cover the cost of regular audits by the State Auditor to ensure transparency and accountability of funds spent.

The CCCA includes a 50% investment requirement in low-income and disadvantaged communities and extends this requirement so that it applies to the California Energy Commission’s (CEC) infrastructure programs and the California Air Resources Board’s (CARB) vehicle and clean mobility programs proposed to be funded by the CCCA. These funds are intended for a variety of projects and programs designed to

benefit low-income and disadvantaged communities, including incentives and financial assistance acquiring clean vehicles, helping community members retire old, high-pollution vehicles, and increasing access to other clean mobility alternatives.

Impact

The CCCA focuses on the central issue of climate change by prioritizing sustained investments to accelerate the transition to accessible and equitable clean transportation services, mitigate and prevent wildfires, and increase community resilience to wildfires. The Legislative Analyst's Office (LAO) estimates that the new personal income tax would create an annual revenue stream range of between \$3 billion and \$4.5 billion. Accounting for increases in the state's GDP, the LAO estimates that the new personal income tax would generate about \$100 billion over the course of 20 years.

The \$100 billion would be allocated as described below with half of the funding dedicated to ZEVs and ZEV infrastructure (approximately \$40 billion in total) that benefit low-income and disadvantaged communities. Funds used to ensure equity will be eligible for use in new or existing programs, including Reliable, Equitable, and Accessible Charging for Multi-Family Housing (REACH) and the Hybrid and Zero-Emission Truck and Bus Vehicle Incentive Program (HVIP). Below, we outline the proposed purpose of the generated revenue:

- 20% of the total revenue is proposed to fight and prevent catastrophic wildfires.
 - CalFire and the Office of the State Fire Marshall would utilize these funds for the hiring and training of firefighters; purchasing wildfire detection and monitoring systems; improving fire suppression in fire-prone communities; improving defensible spaces around homes and communities; awarding grants for retrofitting homes in low-income communities; and supporting forest resilience programs and other forestry management.
- 35% of total revenue to expand ZEV charging and fueling infrastructure.
 - The CEC would utilize these funds to make refueling or recharging ZEVs as accessible and convenient as refueling a diesel or gas-powered vehicle, particularly for disadvantaged, low-income, and moderate-income communities and consumers.
- 45% of total revenue for subsidies to help consumers and organizations afford ZEVs.
 - CARB would utilize these funds to increase ZEV accessibility and affordability to Californians; convert medium-, heavy-duty, and off-road vehicles to ZEVs; and provide access and financial assistance to moderate-income, low-income, and disadvantaged communities and consumers to purchase or lease ZEVs.

Other Considerations

The measure would likely remain in effect for 20 years. At some point in that period, the State of California is likely to experience a recession that could erode the revenue generated by the measure.

The measure establishes a high $\frac{3}{4}$ -vote threshold for amendment by the Legislature. While this supermajority vote threshold can establish a degree of funding certainty for the uses outline in the

measure, it also severely limits the flexibility of the new revenue generated by the measure, particularly in the near-term when specific funding requirements are in place.

The measure has the staunch opposition of Governor Newsom. In his public opposition Governor Newsom called the measure “...a special interest carve-out — a cynical scheme devised by a single corporation to funnel state income tax revenue to their company...” and noted that “Californians should know that just this year our state committed \$10 billion for electric vehicles and their infrastructure, part of a \$54 billion nation-leading package to fight climate change and build a zero-emission future.”

Again, the measure is chiefly backed by Lyft. Lyft is newly subject to the California Air Resources Board’s Clean Miles Standard.

Notable Proponents

California Electric Transportation Coalition
California Environmental Voters
The Climate Center
Coalition for Clean Air
Lime Micromobility
Lyft
Natural Resources Defense Council
Move LA
Plug In America
SPUR
TransForm
U.S. Rep. Ro Khanna
U.S. Rep. Barbara Lee
CAL FIRE Local 2881
California State Association of Electrical Workers
Unite HERE
California Environmental Voters
California Democratic Party

Notable Opponents

California Teachers Association
Howard Jarvis Taxpayers
Governor Gavin Newsom
California Republican Party

The following the CA Legislative Analyst's site for Proposition 30:
<https://us02web.zoom.us/j/82233225893?pwd=eDMwWktoS0VKNWZQS2NwcFZCTWZVZz09>