

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*

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

January 12, 2023 - 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/85410123338?pwd=SWJlOFIsWVYxL3lKR3dHNWZSFARdz09>

Webinar ID: 854 1012 3338

Password: 120822

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.	Public comment on related items not on the agenda.	Papan	
5.	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	Page 4-6
6.	Review and approve the Legislative Committee meeting minutes from the meeting held on December 8, 2022.	Action Papan	Pages 7-9
7.	Nominate and elect a Chairperson and a Vice Chairperson for the C/CAG Legislative Committee for 2023.	Action Springer	Pages 10-11
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 12-16
9.	Second review of proposed list of focus areas for the 2023 legislative session.	Possible Action Charpentier	Pages 17-22
10.	Review and approval of updated C/CAG Legislative Policies for 2023	Action Springer	Pages 23-30
11.	Adjournment	Papan	

Next Meeting: February 9, 2023

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 upon to speak.
5. When called upon, 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: January 12, 2023

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 December 8, 2022, the C/CAG Board of Directors approved Resolution 22-105, which made the findings necessary for remote meetings for both the Board of Directors and its standing Committees, including the Legislative Committee. Unfortunately, January 12, 2022 is 35 days after the C/CAG Board of Directors approved Resolution 22-105.

The January 12, 2022 C/CAG Board meeting includes a resolution similar to 22-105 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.

However, Governor Newsom has declared that the current state of emergency will end on February 28, 2023, requiring the C/CAG Board and C/CAG committees to transition back to in person meetings starting March 1, 2023.

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, the last 22 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.

Because local rates of transmission of COVID-19 are in the “high” 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 35 days after the approval of C/CAG Resolution 22-105, 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: January 12, 2023

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 December 8, 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 December 8, 2022.

ATTACHMENTS

1. Draft C/CAG Legislative Committee Meeting Minutes, December 8, 2022

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

**Draft Meeting Minutes
December 8, 2022 Meeting**

Staff and Guests Attending:C/CAG Staff:

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

Legislative Consultant:

Matt Robinson

Others Attending:

Marc Hershman - PCE, Drew – Public

1. Call to Order.

Chair Papan called the meeting to order at approximately 5:18 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 eight was present at roll call as shown below.

Agency	Name	11/10/2022
Atherton	Elizabeth Lewis	X
Belmont	Davina Hurt	X
Brisbane	Karen Cunningham	X
Burlingame	Ricardo Ortiz	X
East Palo Alto	Lisa Gauthier	
Millbrae	Gina Papan (Chair)	X
Millbrae	Anders Fung	X
Pacifica	Sue Vaterlaus	X
San Bruno	Michael Salazar	X
San Carlos	Adam Rak (Vice Chair)	

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

There were no written or public comments.

5. Review and approve the Legislative Committee meeting minutes from the meeting held on November 10, 2022.

The Committee approved the meeting minutes from the November 10, 2022 C/CAG Legislative Committee Meeting. Member Vaterlaus motioned approval, seconded by Member Salazar. Roll call vote was taken. Motion passed (6,0,0). Members Cunningham and Fung were not present at the time of the roll call vote.

6. Review and approval of C/CAG Legislative Committee meeting calendar for 2023.

The C/CAG Legislative Committee reviewed the dates proposed by staff for the 2023 calendar year. Member Hurt motioned approval, seconded by Member Lewis.

Discussion about the start time of the meetings was discussed, since it is anticipated that meetings will return to in person. Initial motion was amended to move meeting start time to 5:30 starting with the March meeting.

Roll call vote was taken. Motion passed (7,0,0). Member Cunningham was not present at the time of the roll call vote.

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.)

Matt Robinson, C/CAG's legislative consultant, gave a short update on activities related to the new session in Sacramento, including: the swearing in of new members, introduction of new bills, speakership and chairmanship, and the expected budget deficit and timing for the governor's budget.

No action was taken.

8. Second review of proposed list of focus areas for the 2023 legislative session.

Chair Papan moved to continue this item to the next meeting. Member Salazar mentioned that he had some suggestions for reorganizing the Legislative Priorities document and would follow up. Member Salazar seconded the motion. A roll call vote was taken. Motion passed (8,0,0).

9. Adjournment.

The meeting adjourned at approximately 5:34 P.M.

Next meeting is January 12, 2023.

C/CAG AGENDA REPORT

Date: January 12, 2023

To: C/CAG Legislative Committee

From: Sean Charpentier, Executive Director

Subject: Nominate and elect a Chairperson and a Vice Chairperson for the C/CAG Legislative Committee for 2023.

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

RECOMMENDATION

That the C/CAG Legislative Committee nominate and elect a Chairperson and a Vice Chairperson for the C/CAG Legislative Committee for 2023.

FISCAL IMPACT

None

SOURCE OF FUNDS

N/A

BACKGROUND

Each year, the C/CAG Legislative Committee (Committee) nominates and elects a Chairperson and Vice Chairperson of the Committee for the calendar year.

Staff recommends the Committee to elect a Chairperson and a Vice Chairperson to serve the 2023calendar year.

Staff proposes the following process, which would start with the nomination and election of a Chair first and then the Vice-Chair second.

1. Committee members nominate candidates for the Chair.
2. Staff add names to voting table. See Attachment 1.
3. Staff call for a roll call where each committee member would identify a choice for Chair.
4. Staff will add votes to Vote Table (a yes vote equals "1"), tally the votes, and the top vote recipient would be the next Chair. If there is a tie, a tie breaker vote would be held among the tied top scoring candidates.
5. Repeat process for Vice Chair.

ATTACHMENTS

1. Voting Table

Legislative Committee – 2023

Chair and Vice Chair Voting Table

	Atherton	Belmont	Brisbane	Burlingame	East Palo Alto	Millbrae	Millbrae	Pacifica	San Bruno	San Carlos	
	Lewis	Hurt	Cunningham	Ortiz	Gauthier	Papan	Fung	Vaterlaus	Salazar	Rak	Totals
Chair Nominations											
											0
											0
											0
											0
Vice-Chair Nominations											
											0
											0
											0
											0

C/CAG AGENDA REPORT

Date: January 12, 2023

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 various 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 new session began on December 5, 2022 and new bills for the 2023-24 Legislative Session may be introduced through February 17, 2023.

The Legislative Committee may also discuss current or past bills, those already voted on by the Committee, funding requests, sponsorship of legislation, preparing for meetings with delegation, or providing letters supporting or opposing bills already on the Governor's desk.

In the 2022 session, 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. Assemblymember Mullin added a San Bruno/Millbrae bike lane request for \$760,000 into the budget “true up” bill at the end of the committee session and C/CAG staff received notice from federal legislative consultant, Ken Brown, that the San Bruno Multi Benefit Stormwater Project will likely be funded in FY 2024.

At this Committee meeting, the Committee will mainly receive updates on the legislative calendar for 2023, State budget updates, and any additional information from Sacramento on initial bills discussed in the attached C/CAG Legislative Update. The Legislative Committee may want to take positions on initial bills, which will then be presented to the C/CAG Board for a vote.

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, January 3, 2023 from Shaw Yoder Antwih Schmelzer & Lange

Below are informational links:

2. [Recent Joint ABAG MTC Legislation Committee Agendas](#)
3. [California State Association of Counties \(CSAC\) bill positions and tracking](#)
4. [California Associations of Councils of Government \(CALCOG\) bill tracking](#)
5. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>
6. [2023 California State Calendar of Legislative Deadlines](#)
7. San Mateo County Delegation Sponsored Legislation 2021
 - [Legislation from Assemblymember Marc Berman](#)
 - [Assemblymember Diane Papan](#)
 - [Legislation from Assemblymember Phil Ting](#)
 - [Legislation from Senator Josh Becker](#)
 - [Legislation Senator Scott Wiener](#)
8. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaspartners.com/clients/>



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916-446-4656

January 3, 2023

To: Board of Directors
City/County Association of Governments of San Mateo County

From: Matt Robinson, Andrew Antwih and Silvia Solis Shaw
Shaw Yoder Antwih Schmelzer & Lange

Re: **STATE LEGISLATIVE UPDATE – January 2023**

Legislative Update

The California Legislature met briefly in the State Capitol on Monday, December 5th to conduct formal swearing-in ceremonies for the new class of state legislators. They also adopted operating rules and elected leaders for the 2023 -2024 Regular Session. The Legislature also responded to a recent call from Governor Gavin Newsom for lawmakers to form a special session for the purpose of reviewing a proposal from Governor Newsom's Office to establish more regulatory oversight and a proposed penalty on oil companies when their profits exceed a certain threshold.

The Legislature reconvened on January 4 in Sacramento to begin the work in earnest of the first year of the 2023-24 Legislative Session. Of note, the Governor's inauguration will take place on January 6, with the Governor set to release his proposed FY 2023-24 Budget shortly thereafter on January 10. The Legislative Calendar, which sets the deadlines for the year, has been released and can be viewed [here](#). Please note: February 17 marks the last day to introduce bills in the Regular Session.

In mid-December, Assembly Speaker Rendon [released](#) an updated list of committee chair and leadership posts. While not much changed, it is worth noting that Assembly Member Berman retained his role as Chair of the Assembly Business and Professions Committee, and Assembly Member Papan was named to the Assembly Rules Committee. Additional committee posts will be announced in the weeks ahead and we are still waiting for the Senate to announce its committee chairs for the session.

Assembly Leadership Change Official

As we previously reported, the Assembly Democrats met informally in Sacramento shortly after election day to discuss Caucus leadership moving forward. After the Caucus meeting, it was announced that an agreement had been reached which would allow Speaker Rendon to maintain his role until June 30, 2023, at which point "Speaker-designate" Rivas would assume the leadership post. The agreement was officially ratified with the adoption of [HR 1](#) on December 5.

Governor Newsom Convenes Special Session

On November 30, Governor Newsom signed a [proclamation](#) to convene a special session on December 5 to "pass a price gouging penalty on oil companies that will keep money in Californians' pockets." Governor Newsom has called on the Legislature to also consider during the special session efforts to empower state agencies to more closely review gas costs, profits and pricing as well provide the state with greater regulatory oversight of the refining, distribution and retailing segments of the gasoline market in California. On December 5, the special session – formally, the First Extraordinary Session of 2023-24 – officially convened. In this special session, several bills by Democratic and Republican legislators have already been introduced that seek to address the high cost of gasoline in California. The Governor’s proposal is reflected in [SBX1-2 \(Skinner\)](#).

Bills of Interest

SB 4 (Wiener) Housing Development on Higher Education and Religious Institution Properties

This bill would require that a housing development be a use by right eligible for streamlined approval on any land owned by an institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria (including that the development is not adjoined to any site where more than one-third of the site is dedicated to industrial use). The bill would require that 100 percent of these units be affordable to lower income households, except that 20% of the units may be for moderate-income households, and projects are also eligible for density bonuses. The bill would authorize the development to include ancillary uses on the ground floor of the development. The bill would require a development subject to these provisions to provide off-street parking of up to one space per unit, unless a local ordinance provides for a lower standard of parking, in which case the ordinance applies. However, the bill would prohibit a local government from imposing any parking requirement if the development is located within one-half mile walking distance of a high-quality transit corridor or major transit stop, and within one block of a car share vehicle. Finally, the bill would require a local government that determines a proposed development is in conflict with any objective planning standards to provide the developer with written documentation explaining those conflicts under a specified timeframe (90-180 days depending on the development size) and would require a local government to approve a development if the local government fails to provide the requisite documentation explaining any conflicts.

AB 6 (Friedman) Transportation Project Funding

Existing law requires each regional transportation plan to include a sustainable communities strategy prepared by each metropolitan planning organization to achieve certain targets established by the California Air Resources Board for the reduction of greenhouse gas emissions. This bill would state the intent of the Legislature to require regional transportation agencies to prioritize and fund transportation projects, including those funded by a local sales tax measure, that significantly contribute towards the goals outlined in a region’s sustainable communities strategy and the state’s climate goals.

AB 7 (Friedman) Transportation Funding for Capacity Projects

Existing law requires Caltrans to improve and maintain the state’s highways, and establishes various programs to fund the development, construction, and repair of local roads, bridges, and other critical transportation infrastructure in the state. This bill would state the intent of the Legislature to eliminate single occupancy vehicle freeway capacity projects, and allow capacity projects only for bus rapid

transit, rail, active transportation purposes, projects that significantly add safety, and projects that significantly reduce congestion, without interfering with existing maintenance and rehabilitation needs.

For a full list of the bills we are tracking for C/CAG, please click [here](#).

C/CAG AGENDA REPORT

Date: January 12, 2023
To: C/CAG Legislative Committee
From: Sean Charpentier, Executive Director
Subject: Second review of proposed list of focus areas for the 2023 legislative session.

(For further information or response to questions, contact Kim Springer kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Legislative Committee complete a second discussion of proposed focus areas for the 2023 legislative session and provide possible action.

FISCAL IMPACT

None

BACKGROUND

Staff, the Legislative Committee, and C/CAG's legislative consultant have agreed that it makes sense for the C/CAG Legislative Committee and the C/CAG Board to consider initiatives to focus on the upcoming legislative sessions. The 2022 legislative session ended on November 30, 2022, and the 2023 session began on December 5. The 2023 [Legislative Calendar](#) was released in early-November and contains the legislative deadlines for the first year of the 2023-24 Legislative Session. The last day to introduce new bills is February 17, 2023. Establishing C/CAG's focus areas and appropriately communicating those to both C/CAG's legislative consultant, Shaw Yoder Antwih Schmeltzer & Lange, and the Delegation is important.

The adopted 2022 Legislative Policies are included as Attachment 1. The Legislative Policies are comprehensive and reflect significant modifications in 2020 and 2021. Accordingly, staff do not recommend changes at this time. However, Committee member Ortiz recommended some change to "clean up" the Legislative Policies document, for review by the Committee.

There two categories of "focus areas" that staff are in discussion with the Legislative Committee: Legislative ideas, and funding requests.

#1. Legislative ideas are potential areas for C/CAG to sponsor legislation or work closely with others to sponsor legislation. Sponsoring legislation can be very resource intensive, and staff need to focus its efforts on issues that are central to C/CAG's mission, actionable, and have a reasonable chance of success. In addition, C/CAG does not have dedicated Government Affairs staff, and have to be judicious in our resources in pursuing legislative change.

C/CAG staff have suggested focus areas and have met with C/CAG’s legislative consultant to review and consider. After consultant input, a proposed list was presented to the C/CAG Legislative Committee at the November 10, 2022 meeting as initial starting points for discussion. Each include a reminder of feedback on Legislative Ideas from the Legislative Committee at the November 10, 2022 meeting. The C/CAG Legislative Committee continued this item in December to this Committee meeting in January.

- a. Brown Act Reform – The original discussion was focused on allowing 100% remote meetings for agency advisory committees making non-binding decisions. This would not apply to the C/CAG Board. In December, this idea was strongly supported by the Committee, and it was suggested that staff and the consultant reach out to MTC and other agencies with a recommendation supporting a strategy to facilitate remote participation in certain situations for legislative body meetings (C/CAG Committees). Legislative Committee Vice Chair Adam Rak has provided a sample letter, included as Attachment 1, from the City of San Carlos for discussion. The letter from San Carlos supports 100% remote meetings for regional bodies such as C/CAG. **The suggested Legislative Committee action is to recommend a position to the C/CAG Board of Directors and that C/CAG send a letter to the State Delegation supporting a strategy for more flexibility for remote meetings.** The following table includes the two options for discussion:

C/CAG Body	Types of Decisions	Existing Conditions: As of March 2023 (after CA State of Emergency Expires)	Option 1: 100% Remote for Board and Committees	Option 2: In Person for Board Meetings (binding actions), Remote for C/CAG Committees (advisory positions)
C/CAG Board of Directors Meetings (23 Members)	Binding policy, programmatic, budgetary, contractual, and personnel decisions.	In person, pursuant to Brown Act and limited remote participation authorized by AB 2449	100% remote participation for Board Members	In person, pursuant to Brown Act and limited remote participation authorized by AB 2449
C/CAG Standing Committee Meetings (9 Standing Committees with 123 “Seats”)	Advisory policy, programmatic, budgetary, and contractual recommendations to C/CAG Board.	In person, pursuant to Brown Act and limited remote participation authorized by AB 2449	100% remote participation for Committee Members	100% remote participation for Committee Members

- b) CARB – GHG Emission Inventories – work to support legislation or budget actions that would provide funding for CARB to produce GHG emission inventories for every city and county in California.

The Committee understood the potential value of this idea and that there have been regional/State discussions with CARB staff on this.

- c) Multi-Family Dwelling Incentives – effort to establish State incentive program to initiate projects at multi-family dwellings in California, for electrification, EVSE, and rainwater capture.

The Committee understood the value and need for this for consideration.

- d) Researching green investment requirements for CALPERS real estate portfolio.

The Committee strongly supported this idea, especially based on the experience of the City of Burlingame on this issue.

- e) Recommended for future Legislative Sessions:

- Updating State Statute to increase the maximum potential VLF, which is currently established at \$10. C/CAG raises \$10 VLF as part of its Measure M program.
- Updating Congestion Management Program (CMP) statute to include metrics for VMT as well as LOS.

#2. C/CAG submits specific funding requests to our State and Federal Delegation. The funding requests are generally for regional projects that C/CAG has been investing in, projects that span multiple jurisdictions and require regional support, as well as innovative topics such as a laundry to landscape pilot.

In 2022, C/CAG directly submitted 5 funding requests for up to \$21 million in funding. C/CAG has been successful in securing approximately \$3.1 million for requests “a” and “b” below. The opportunity to submit specific budget requests in the upcoming year is not clear because of the impact of a potential recession, potential changes in political leadership in Congress, and whether we are successful in applying for SB1 funding for 92/101 Area Improvements. At the November 10, 2022 meeting, staff recommended that, if the opportunity to apply for member directed funding exists, we continue to seek funding for requests “c through e” below.

- a) **\$760k for bike lane on El Camino Real in Millbrae and San Bruno (Assembly Member Mullin included in State Budget).**
- b) **\$2.4m for San Bruno Multi Benefit Regional Stormwater Project, San Bruno (Congresswoman Speier) included in the House approved Budget.**
- c) \$480k for Laundry to Landscape pilot.
- d) \$5m-\$10m for 92/101 Area Improvements and Multi Modal Project.
- e) \$8m for Red Morton Multi Benefit Regional Stormwater Project, Redwood City.

Staff recommends the C/CAG Legislative Committee have a second discussion of the proposed focus areas and provide final feedback during the January meeting. It is further recommended that these items be finalized at this Legislative Committee meeting to share the January C/CAG Board meeting, allowing time for discussion with the California delegation, early in the 2023 Legislative Session.

ATTACHMENT

1. Sample Letter from City of San Carlos

Dear Assemblymember Rubio:

Thank you for your leadership in the State Assembly on critical issues ranging from pre-school education and safe drinking water, to continuous medical care for children under the age of five and transparency and flexibility in public meetings. We appreciate your inclusive approach to addressing the needs of all Californians and empowering communities to come together to create positive change for all.

We are writing to request that Assembly Bill (“AB”) 2449 be amended to allow city councils, their standing committees, and regional boards more flexibility to establish their own teleconference requirements related to quorums, just cause and emergency requirements, and limitations on the number of remote meetings members may attend.

In March 2020, the Governor issued Executive Order N-29-20, giving local agencies more flexibility to deploy teleconferencing, and it was a monumental success. It protected the health and safety of civil servants and the public, while effectively and efficiently conducting the public’s business.

Teleconferencing during the pandemic increased public participation, reduced single occupancy vehicle trips and travel costs, and decreased greenhouse gas (GHG) emissions.

We believe there are several unintended consequences of AB 2449 and respectfully request that the following requirements be considered for amendment:

1. **Just cause travel.** Local city councils and their standing committees are often comprised of individuals with full-time occupations. AB 2449’s “just cause” requirement unfairly allows travel while on business “of the legislative body or another state or local agency,” but not travel related to an individual’s occupation. This raises an equity concern that participation in local and regional government would be limited to officials at a certain socioeconomic level. Travel for a member’s occupation should be allowed under “just cause.”
2. **Cap on number of remote meetings allowed.** The limitation on the number of meetings that may be attended remotely appears arbitrary. The State could consider mandating a “floor” for in-person meetings, i.e. at least two meetings per year must be in person, and allow regional boards and standing committees maximum flexibility in determining the “ceiling” or “cap” on the number of remote meetings permissible. To contrast, local officials serve in the communities in which they live and the return to in-person meetings for local jurisdictions is not an issue. Nonetheless, local jurisdictions and their constituents are best suited to decide whether to host in-person or virtual meetings and to decide the limitations of those meetings.
3. **Quorum.** Requiring a quorum at a single physical location for regional boards and their subcommittees, and mandating that members of these bodies travel long distances to attend in-person meetings, contradicts the State’s efforts to curb GHG emissions and seems arbitrary and particularly burdensome when regional boards are comprised of a geographically diverse membership of cities and counties. Regional boards, as well as standing committees of a city council should be allowed to stay 100% remote, with the option of deciding as a body, how many meetings should be attended in-person versus remote.

4. **Webcasting technology.** Unlike local city councils, regional boards meet in a variety of locations that often are not equipped with webcasting technology to enable hybrid meetings. Under AB 2449 regional boards will need to pivot from online meetings to in-person meetings.

5. **Disclosure.** The requirement to publicly disclose any individual in the room over the age of 18 is a privacy violation. For example, if a member is under the care of an at-home nurse, this should not need to be shared publicly.

We have serious concerns regarding AB 2449's measures to limit remote teleconferencing to a handful of emergency or restrictive just cause approvals. Without amendment, these measures will result in unnecessarily long travel times to meetings, suppressed attendance, and difficulty reaching quorum, which will in turn negatively impact the governing body's productive work.

We respectfully request that AB 2449 be amended to provide more flexibility to regional agencies and local governing bodies. The Brown Act ensures that officials and their constituents can have open and transparent meetings, which we now know can occur using modern technology. As representatives of local governments and regional boards, we believe in the benefit of increased access in our communities. We look forward to collaborating with you to promote greater flexibility and participation in the decision making process by incorporating the changes we have proposed. Thank you for your time and consideration of this important matter that impacts all of us.

Sincerely,

Adam Rak, Mayor, City of San Carlos
Sara McDowell, Councilmember, City of San Carlos

cc: Senator Josh Becker
Assemblymember Diane Papan

C/CAG AGENDA REPORT

Date: January 12, 2023
To: C/CAG Legislative Committee
From: Sean Charpentier, Executive Director
Subject: Review and approval of updated C/CAG Legislative Policies for 2023

(For further information or response to questions, contact Kim Springer kspringer@smcgov.org)

RECOMMENDATION

That the C/CAG Legislative Committee review and approve the updated C/CAG Legislative Policies for 2023.

FISCAL IMPACT

None

BACKGROUND

At the November Legislative Committee meeting, staff shared that they were not recommending an update to the C/CAG Legislative Priorities document; using the existing document as adopted by the Board in February 2022, for 2023. The Committee ask for additional time to review the 2022 document and staff included review of the document at the December Committee meeting. At the December meeting, the Legislative Priorities item was continued to this January meeting.

In the process of continuing the item, Member Salazar mentioned interest in sharing suggested edits with C/CAG staff, which staff received and have incorporated into the attached Legislative Priorities document.

Staff recommends the C/CAG Legislative Committee review and approve the attached Legislative Priorities document for 2023, with final formatting by staff, for presentation and approval by the C/CAG Board at its February meeting.

ATTACHMENT

1. Draft Legislative Priorities document

C/CAG LEGISLATIVE POLICIES FOR 2022

(Draft: January 12, 2023 C/CAG Legislative Meeting)

Policy #1 - Protect against the diversion of local revenues, promote equitable distribution of state/regional resources and revenues, and protect against increased local cost resulting from State actions local revenue.

- 1.1 Support ~~League of California Cities, California State Association of Counties, and other stakeholders, as well as initiatives, and initiatives that~~ protect and/or increase local revenues~~s~~.
- 1.2 Provide incentives and tools to local government to promote economic vitality.
- 1.3 ~~Work toward improving the State's disadvantaged community screening tools with a focus on San Mateo County's community's needs. Support efforts to improve the disadvantaged community screening tools used by the state on the allocation of "cap and trade" and other state funding programs to ensure that San Mateo County community needs are addressed.~~
- 1.4 Support appropriate new State and local funding ~~or the reinstatement of state funding~~ for economic development and affordable housing, ~~including the use of tax increment financing or "Redevelopment 2.0."~~
- 1.5 Pursue and support efforts that direct state and regional funds equitably to ensure a return to source.
- ~~1.6 Support State actions that ensure adequate funding is made available by the State for delegated re-alignment responsibilities and e~~Ensure that all State mandates and delegated responsibilities are 100% reimbursed. ~~Oppose State actions that delegate responsibilities to local jurisdictions without full reimbursement for resulting costs.~~
- ~~1.7~~1.6
- ~~1.8 Oppose State actions that delegate responsibilities to local jurisdictions without full reimbursement for resulting costs.~~
- ~~1.9 Support funding efforts for the COVID-19 public health emergency that are responsive to equity, transportation, housing, and environmental needs in San Mateo County.~~

Policy #2 - Protect against loss of local land use authority from State action. Strengthen local government

- 2.1 Support State actions that provide funding for local agencies to plan, incentivize, and mitigate for future housing development.
- 2.2 Support State actions that allow flexibility for local agencies to pool resources and share credit on their housing production reports.
- 2.3 Oppose State actions that would inhibit local agencies' ability to make decisions that address the specific needs of that community.

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- 2.4 Oppose State actions that would withhold funding (including transportation) from jurisdictions based on housing production performance outcomes.
- 2.5 Monitor legislation and ballot initiatives that impact local housing and land-use authority and oppose and legislation that would usurp a local government's authority regarding land-use decisions.
- 2.6 Support legislation that identifies revenue to fund airport/land use compatibility plans.

Policy #3 - Protect water quality and support sustainable stormwater management. ~~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 and achieving cost effectiveness for both C/CAG and its member agencies for funding state and federally mandated stormwater compliance efforts.
 - a. Advocate for funding for implementing the San Mateo County Stormwater Resource Plan, San Mateo County Sustainable Streets Master Plan, San Mateo County Regional Collaborative Program, and local Green Infrastructure Plans, ~~and advocate to support long-term reductions in harmful bacteria, trash, plastics, mercury, PCBs, and other pollutants discharging to the Bay and Ocean and to reduce flooding, recharge groundwater, adapt to a changing climate, and enhance communities.~~
 - b. Advocate for inclusion of water quality and stormwater management as a priority for funding in new sources of revenues (e.g. water bonds) and protect against a statewide geographically unbalanced North-South allocation of resources.
 - c. Track and advocate for resources for stormwater management in State and Federal grant and loan programs.
 - d. Support efforts to identify regulatory requirements that are unfunded state mandates and ensure provision of state funding for such requirements.
 - e. Pursue and support efforts that address stormwater issues at statewide or regional levels and thereby reduce the cost share for C/CAG and its member agencies and limit the need to implement such efforts locally.
 - f. Advocate for regulatory streamlining and better integration between parallel statewide efforts to manage stormwater for water quality improvement, long-term climate change adaptation, and groundwater recharge.
 - g. ~~Support legislative efforts~~Work with legislators to ~~provide~~pursue additional funding for stormwater projects in San Mateo County, including funding for regional stormwater management efforts through the San Mateo County Flood and Sea Level Rise Resiliency District, and advancing schoolyard greening initiatives in partnership with school districts, regional-scale multi-benefit stormwater capture projects, and programmatic implementation of regional-scale distributed green stormwater infrastructure.
 - h. Support mechanisms that allow credit trading approaches for stormwater management

and water quality improvement.

3.2 Advocate to support legislative strategies towards achieving long-term reductions in harmful bacteria, trash, plastics, mercury, PCBs, and other pollutants discharging to the Bay and Ocean and to reduce flooding, recharge groundwater, adapt to a changing climate, and enhance local communities.

- a. Support efforts to secure statewide legislation mandating abatement of polychlorinated biphenyls (PCBs) in building materials prior to demolition of relevant structures, in accordance with requirements in the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit.
- b. Pursue and support efforts that control pollutants at the source and extend producer responsibility, especially regarding trash and litter control, including but not limited to microplastics, tire wear byproducts and other vehicle related pollutants, and emerging contaminants of concern.
- c. 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.
- d. Advocate for integrated, prioritized, and achievable stormwater regulations that protect water quality and beneficial uses and account for limitations on municipal funding.
- e. Pursue and support pesticide and rodenticide regulations that protect water quality and reduce pesticide toxicity.

Policy #4 - Advocate and support an integrated and flexible approach to funding.

4.1 Advocate for appropriate and effective integrated and flexible approaches to both funding and project types for statewide and regional infrastructure efforts including stormwater management, transportation, affordable housing, and both climate action and adaptation (resiliency).

~~Advocate for efforts that provide flexibility in funding sources as well as integrated approaches to funding and project types, and to enable a holistic approach to deliver fund programs and projects.~~

4.2

Policy #5 - Support lowering the 2/3rd super majority vote for local special purpose taxes and fees.

- 5.1 Support constitutional amendments that reduce the vote requirements for special taxes and fees.
- 5.2 Oppose bills that impose restrictions on the expenditures, thereby reducing flexibility, for special tax category.

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Policy #6 - Protect and support transportation funding and policies aligned with C/CAG's priorities.

- 6.1 Maximize the Bay Area's and San Mateo County's share of any State General Fund surplus revenue invested in local/regional transportation.
- 6.2 Support efforts that protect transportation revenues from being pledged, transferred, or used for non-transportation purposes.
- 6.3 Support the implementation of SB 1 (Road Repair and Accountability Act of 2017) programs and monitor the implementation of Executive Order N-19-19, N-79-20, and the Climate Action Plan for Transportation Infrastructure (CAPTI), which call for aligning transportation spending with the state's climate goals.
- 6.4 Monitor and engage in the planning for and potential implementation of new transportation funding sources, including identifying viable alternatives to the gas tax; and regional proposals to study congestion pricing.
- 6.5 Monitor legislation related to the California high-speed rail project as it affects our San Mateo County region.
- 6.6 Support legislation that identifies funding for active transportation, complete streets, and bike/pedestrian infrastructure projects, including multi-benefit projects that integrate transportation improvements with green stormwater infrastructure.
- 6.7 Support efforts to secure the appropriation and allocation of "cap and trade" revenues to support San Mateo County needs.
- 6.8 Support or sponsor efforts that finance and/ or facilitate operational improvements on the State Highway system and highway corridors in San Mateo County, including the 101 Express Lanes project.
- 6.9 Support alternative contracting and project delivery methods, such as Public Private Partnerships, that could result in project cost savings, such as accelerated deployment of technology including fiber optic cable for connected vehicle deployment, access to broadband capabilities, and more cost effective distributed green infrastructure for stormwater management.
- 6.10 Monitor the implementation of the new bridge toll program (Regional Measure 3) and advocate for an appropriate share of new revenues for projects in San Mateo County.
- 6.11 Monitor and engage in the effort to seek voter approval for a regional funding measure for transportation ~~in 2024~~.
- 6.12 Support efforts that incentivize ridership and improve integration & connectivity among Bay Area transit systems. Monitor legislation that promotes transit-oriented development.
- 6.13 Support policies, including expanding community broadband access and technological

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advancements to encourage telecommuting, and others aimed at reducing vehicle miles traveled and associated traffic congestion by reducing the share of commuting by single-occupant vehicles.

6.14 Support efforts to improve the performance of high-occupancy vehicle (HOV) and express lanes.

6.15 Monitor or support legislation improving bicycle and pedestrian safety. In particular, support the implementation of AB 43 and authorization of automated speed enforcement technology to enforce speed limits and other elements of Vision Zero.

6.15.16 Support legislation that would amend Government Code Section 65089.20 to increase the maximum voter-approved vehicle license fee from its existing \$10.

6.16.17 Support efforts to create local VMT/GHG mitigation programs to assist in reaching SB 375 GHG reduction goals.

6.17.18 Monitor legislation and funding opportunities for integration of autonomous vehicles and infrastructure.

6.18.19 Support and monitor efforts to facilitate the deployment of transformative transportation technologies with the goal of accelerating safety, mobility, environmental, equity and economic benefits associated with new mobility technologies. Additionally, ensure strong federal vehicle safety standards while also preserving the ability of state and local agencies to continue to set policies governing the operation of vehicles on highways and local roads, regardless of whether they are driven autonomously or manually.

6.19.20

6.20.21 Support legislation that streamlines project delivery, including simplifying grant applications, streamlining CEQA, and accelerating project permit approvals.

6.21.22

Policy #7 - Advocate for revenue solutions to address State budget issues that are also beneficial to Cities/Counties

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

7.2 Support measures and policies that encourage and facilitate public private partnerships.

Commented [KS1]: Combined with 1.5

Commented [KS2]: Same as 6.9

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

8.1 Support incentive approaches toward implementing AB 32 (California Global Warming Solutions Act of 2006), SB 32 (extension of the target date and goals), and AB 398 (Cap and Trade), and legislation that supports electrification of infrastructure and the adoption of alternative fuel technologies.

8.2 Monitor climate legislation that would conflict with or override projects approved by the voters.

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- 8.3 Support funding for both transportation and housing investments, which support the implementation of SB 375 (Sustainable Communities and Climate Protection Act of 2008), so that housing funds are not competing with transportation funds.
- ~~8.4~~ Monitor the regulatory process for implementing SB 743 (Evaluation of Transportation Impacts in CEQA) and impacts the new regulations may have on congestion management plans.
- ~~8.48.5~~ Support legislation that would require recording of vehicle miles of travel (VMT) as part of vehicle registration and initiatives to provide VMT and vehicle data from the DMV to evaluate trends in community greenhouse gas emissions and transit project outcomes.
- ~~8.58.6~~ Support efforts that ensure continued funding for ratepayer-funded local government partnerships to foster energy efficiency, electrification, and resilience, or expand funding for generation and use of renewable and/ or clean energy sources (wind, solar, etc.).
- ~~8.68.7~~ Work to initiate legislation that provides new funding and incentives for building energy electrification, transition to electric vehicles, or other greenhouse gas reducing initiatives, in support of local government climate action plans and the Governor's Executive Orders N-19-19 and N-79-20.
- ~~8.78.8~~ Support funding for electric vehicle and bike charging infrastructure, electric power storage capacity, and rebates for electric vehicle purchase.
- ~~8.88.9~~ Support legislation that supports Peninsula Clean Energy (PCE) objectives and oppose proposed legislation that impairs that effort.
- ~~8.98.10~~ Support legislation that provides local government access to data necessary for completing greenhouse gas emission inventories, or legislation that requires the State to provide emissions data and develop community-scale greenhouse gas emission inventories and make them publicly available.
- ~~8.108.11~~ Support efforts that will engage the business community in making contributions to community improvements associated with stormwater, transportation congestion relief and mobility options, affordable housing, greenhouse gas emissions reductions, electrification, and energy resilience.
- ~~8.118.12~~ Support legislative efforts to create a unified voice in San Mateo County and to manage integrated water issues including sea level rise, flooding, coastal erosion, and stormwater vulnerabilities.
- ~~8.128.13~~ Support legislation to provide funding and policy guidance on wildfire preparedness and emergency response to local jurisdictions.
- ~~8.14~~ Monitor efforts to address emergency preparedness and response activities by PG&E.
- ~~8.15~~ Support efforts to make State, Regional, and local grid reliability plans and efforts; and expanded communication with ~~transparent~~ to utility customers.

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Policy #89 - Protection of water user rights and access to sustainable water supply

- 9.1 Support the Bay Area Water Supply and Conservation Association (BAWSCA) efforts in the protection of water user rights for San Mateo County users.
- 9.2 Support legislation that provides funding for development of alternative sources of water supply, resources for municipal water supply conservation, and water capture initiatives.

Policy #109 - Other/Miscellaneous

- 10.1 Monitor and Support Brown Act reforms that provide flexibility, facilitate public engagement, and allow for transparent, accessible, and participatory remote public meetings; with the goals of increasing participation from board members, committee members, and the public; and reducing vehicle miles traveled.