

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

1250 San Carlos Avenue - 2nd Floor Auditorium

San Carlos, CA 94070

*****HYBRID MEETING - IN-PERSON AND BY VIDEOCONFERENCE*****

Chair: Adam Rak

Vice Chair: Gina Papan

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

March 9, 2023 - 5:30 P.M.

This meeting of the C/CAG Legislative Committee will be held in person and by teleconference pursuant to Government Code Section 54953(e). Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person at the location above. For information regarding how to participate in the meeting, either in person or remotely, please refer to the instructions at the end of the agenda.

Join by Webinar:

<https://us02web.zoom.us/j/88107124747?pwd=ZGdDS0tWcU1XOVBoZTI5V1RMOEs2dz09>

Webinar ID: 881 0712 4747

Password: 030923

Join by Phone: (669) 900-6833

Meeting Agenda

| | | | |
|----|---|--|------------|
| 1. | Call to Order | Papan | |
| 2. | Brief overview of Hybrid teleconference meeting procedures | Springer | |
| 3. | Roll call | Springer | |
| 4. | Public comment on related items not on the agenda. | Papan | |
| 5. | Review and approve the Legislative Committee meeting minutes from the meeting held on January 12, 2023. | Action Papan | Pages 4-7 |
| 6. | 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/ Shaw Papan | Pages 8-12 |
| 7. | Adjournment | Papan | |

Next Meeting: April 13, 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 Court Yard, 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 Legislative Committee meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members, of the Legislative 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 Crume at (650) 599-1406 to arrange for inspection of public records.

ADA REQUESTS: Persons with disabilities who require auxiliary aids or services to participate in this meeting should contact Mima Crume at (650) 599-1406 or mcrume@smcgov.org by 10:00 a.m. prior to the meeting date.

PUBLIC PARTICIPATION DURING HYBRID MEETINGS: During hybrid meetings of the C/CAG Board, members of the public may address the Board as follows:

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.

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. The subject line of the email should be: "Legislative Committee Comment"
3. Members of the public are limited to one comment per agenda item.
4. If your emailed comment is received at least 2 hours prior to the meeting, it will be provided to the C/CAG Legislative Committee members, made publicly available on the C/CAG website along with the agenda. Emails received less than 2 hours before the meeting will be provided to the C/CAG Legislative Committee members and included in the administrative record of the meeting as soon as practicable.

Spoken comments will be accepted during the meeting in person and through Zoom. Public comments will be taken first by speakers in person followed by via Zoom. Please read the following instructions carefully:

***In-person participation:**

1. If you wish to speak to the Legislative Committee, please fill out a speaker's slip located on the 2nd floor auditorium side table against the wall. If you have anything that you wish distributed to the Legislative Committee and included in the official record, please hand it to the Legislative Committee Staff who will distribute the information to the Legislative Committee members and other appropriate staff.

***Remote participation:**

1. The C/CAG 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 the C/CAG Legislative Committee staff or Chair call for the item on which you wish to speak, click on "raise hand", or use *9 to raise or lower your hand and *6 to unmute or mute when attending by phone. 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: March 9, 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 February 9, 2023.

(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 February 9, 2023.

ATTACHMENTS

1. Draft C/CAG Legislative Committee Meeting Minutes, February 9, 2023

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

**Draft Meeting Minutes
February 9, 2023 Meeting**

Staff and Guests Attending:

C/CAG Staff:

Sean Charpentier, Kim Springer, Jeffrey Lacap, Kaki Cheung, Susy Kalkin, Reid Bogert, Audrey Shiramizu, Mima Crume

Legislative Consultant:

Matt Robinson, Andrew Antwih, Silvia Solis Shaw

Others Attending:

Marc Hershman – PCE

Drew – Public

1. Call to Order.

Chair Papan called the meeting to order at approximately 5:20 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 | Present |
|----------------|-----------------------|----------------|
| 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 | |
| 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 January 12, 2022.

The Committee approved the meeting minutes from the January 12, 2023 C/CAG Legislative Committee Meeting. Member Hurt motioned approval, seconded by Member Salazar. Roll call vote was taken. Motion passed (6,1,0). Member Cunningham abstained. Members Lewis and Rak were not present at the time of the roll call vote.

6. 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 brief update on activities related to the new session in Sacramento. The session is about a week away from the end date for new bills to be introduced. Most bills introduced are spot bills and they are coming more slowly than normal. A flurry of bills is expected on the final days.

Robinson continued with details on Brown Act bills. A new bill has been introduced by Assemblymember Hart from southern California. That bill would take affect in 2026 and applies still to states of emergency. For 2024 through 2026, the AB 2449 rules would still apply. This is the only Brown Act bill in print. There are two other Brown act bills in the works that SYASL is aware of currently. Committee members commented on the overwhelming interest in sticking with remote meetings, especially for committees making non-binding decisions. The C/CAG letter to the delegation, which has been transmitted, will be shared with all C/CAG committees along with information on AB 2449.

Regional Measure 3 was funded, which includes funding for the Hwy 92/101 interchange project, Dumbarton Corridor improvements, express bus funding, and managed lanes. Additional clearance is required through the appellate courts. Robinson also included an update on the "fiscal cliff" for transit and the need for all transit agencies to come together with a single voice to the legislature. It's just a matter of time before agencies start to run out of federal funding.

Matt Robinson also shared a budget measure headed for the ballot that will make is challenging for public agencies to pass funding initiatives locally. More will be provided on this item in future meetings.

Vice Chair Papan mentioned that ridership in the region is not what it was, but that it is still in the 55% range, so significant, but that funding is still definitely needed. Robinson shared that SamTrans has a good story to tell, of all agencies in the region in terms of recovery. Both agreed that rider experience would be a requirement or any future funding. SamTrans is the highest equity service in the region.

7. Review of proposed funding focus areas for the 2023 legislative session.

Executive Director, Sean Charpentier opened the discussion about focus areas. Which was discussed at the January 2022 meeting. Charpentier pointed out funding requests included in the

packet, which includes asks for the Laundry to Landscape project, funding for creation of a Countywide Carbon Neutrality Plan, funding for stormwater-related work at Red Morton Park in Redwood City, funding for Multi-Agency Adaptive Signal Timing, and an e-Bike Strategic Plan. For all these project, C/CAG is seeking earmarks.

Member Cunningham mentioned Heirloom Carbon, a well-funded carbon sequestration company in Brisbane. Staff mentioned that a presentation at the C/CAG RMCP Committee might be appropriate. Member Papan asked about funding from RM 3 and how that fits with the intended earmark request.

8. Review and approval of updated C/CAG Legislative Priorities for 2023.

Staff gave an overview of the redlined modifications suggested by Member Salazar to the Legislative Priorities document. The Committee discussed the changes and voted to approve the update Legislative Priorities 2023 document. Member Luis moved to approve, seconded by Member Ortiz. A roll call vote was taken, (7,0,0). Motion passed.

9. Adjournment.

The meeting adjourned at approximately 6:13 P.M.

Next meeting is March 9, 2023.

C/CAG AGENDA REPORT

Date: March 9, 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 were introduced through February 17, 2023. There were approximately 2500+ bills, many of which were "spot" bills.

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.

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 by roll call vote on initial bills, which will then be presented to the C/CAG Board for their consideration and action.

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, March 1, 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. Bill Tracker for C/CAG by SYASL: [C/CAG Bill Tracking](#)
9. Current client roster for Shaw Yoder Antwih Schmelzer & Lange - <https://syaslparkers.com/clients/>



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

March 1, 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 – March 2023**

Legislative Update

February 17 marked the bill introduction deadline for the first year of the 2023-24 Regular Session. This year, more than 2,500 bills were introduced by state legislators. In the coming weeks, many of the bills that were introduced to meet this legislative deadline will be significantly amended to meet the legislative deadline for amending “spot bills” of March 13. The Legislature will adjourn for Spring Recess on March 30, and reconvene on April 10. As we have previously reported, the Legislative Calendar, which sets the deadlines for the year, was released and can be viewed [here](#).

Taxpayer Protection and Government Accountability Act Qualifies

On February 2, Secretary of State Shirley Weber announced the proposed Initiative Constitutional Amendment, known as [the Taxpayer Protection and Government Accountability Act](#), is eligible for the November 5, 2024 ballot. This is significant to state and local governments due to its broad implications for raising local revenues. The proposal would adversely limit the ability of voters and state and local governments to raise revenues for government services. The Taxpayer Protection and Government Accountability Act states, “for new or increased state taxes currently enacted by a two-thirds vote of the Legislature, they will also require a statewide election and majority voter approval. This proposal limits voters’ ability to pass voter-proposed local special taxes by raising the vote requirement to two-thirds. It also eliminates voters’ ability to advise how to spend revenues from a proposed general tax on the same ballot as the proposed tax. Furthermore, this proposal expands the definition of “taxes” to include certain regulatory fees, broadening the application of tax approval requirements. Lastly, the proposal also would require the Legislature or a local governing body set certain other fees.

The summary of the estimate by the Legislative Analyst’s Offices Fiscal Impact on the State and Local Governments finds the initiative would lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts. To see the full LAO fiscal impact report, please see [here](#). To view a summary of the proposal done by the CA Association of Local Economic Development, please see [here](#).

In response, several local governments and impacted associations have formed a [coalition](#) in opposition. So far, the coalition includes the League of California Cities, California State Association of Counties, California Special Districts Association, California Professional Firefighters, California Alliance for Jobs, AFSCME, SEIU California, the CA State Association of Laborers, as well as over 150 local agencies, including over 50 special districts.

The [sponsors and supporters](#) of this measure, which include the California Business Roundtable, California Business Properties Association, and the Howard Jarvis Taxpayers Association, are pushing this effort largely in response to [recent court decisions](#) (beginning with Upland), which allow local tax measures placed on the ballot through the initiative (signature gathering) process to pass with a majority vote (Note: Sacramento endeavored to pass their recent transportation sales tax measure (Measure A) using this process, but the measure ultimately failed). ***The C/CAG Board should consider OPPOSING this potential ballot measure.***

Ballot Measure to Repeal Voter Approval Requirement for Affordable Housing

The California Constitution prohibits the development, construction, or acquisition of a low-rent housing project by any state public body until approved by a majority of the qualified electors of the city, town, or county in which the development, construction, or acquisition of the low-rent housing project is proposed. Placed on the March 5 Primary Election ballot by the Legislature through [SCA 2 \(Allen\)](#), this measure would repeal the above provisions by removing Article XXXIV of the California Constitution. SCA 2 did not receive a single “no” vote in the Legislature. ***The C/CAG Board should consider SUPPORTING this ballot measure.***

Establishment of Senate Select Committee on Bay Area Public Transit

On February 14, the Senate Rules Committee voted to establish the Senate Select Committee on Bay Area Public Transit. The committee will be comprised of Senators Scott Wiener (serving as Chair), Dodd, McGuire, Skinner, and Wahab. While the committee has not formalized its agenda, Senate staff have highlighted that the committee will highlight challenges and opportunities facing Bay Area transit agencies, including, but not limited to, decarbonization, regional coordination, and homelessness.

Brown Act and Remote Participation

On January 31, C/CAG sent a letter to the San Mateo County legislative delegation requesting they consider and/or support legislation that would maintain remote participation for meetings held by appointed boards and non-decision-making bodies beyond the [expiration](#) of the state of emergency on February 28, 2023. As of this writing, multiple bills have emerged dealing with the expiration of the state of emergency and the extending the remote participation provisions currently included in the Brown Act. We discuss the various Brown Act Bills below.

Bills of Interest

ACA 1 (Aguiar-Curry) Lower-Vote Threshold

This measure would authorize a local government, including a special district, to impose, extend, or increase a sales and use tax or transactions and use tax imposed, or a parcel tax, for the purpose of funding the construction, rehabilitation, or replacement of public infrastructure, defined to include projects for the reduction of pollution from stormwater runoff, improvements to transit and streets and highways and projects for the protection of property from the impacts of sea level rise, as well as for

affordable housing, if the proposition proposing that tax is approved by 55% of its voters. ***Recommend: SUPPORT.***

AB 761 (Friedman) Transit Transformation Task Force

This bill would require the Secretary of the California State Transportation Agency, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. The bill would require the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience for all users of those services. The bill would require the secretary, in consultation with the task force, to prepare and submit a report of findings based on the task force's efforts to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2025.

Brown Act Legislation

SB 411 (Portantino) Brown Act – Advisory Bodies in Large Cities

This bill creates a new section of law for legislative bodies to use teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location. However, the bill defines legislative body to mean an appointed board, commission, or advisory body and further defines advisory body established pursuant to the charter of a city with a population of more than 3,000,000 people.

SB 537 (Becker) Brown Act – Spot Bill

This bill states that it is the intent of the Legislature to enact subsequent legislation that expands local government's access to hold public meetings through teleconferencing and remote access. We have heard this bill may ultimately focused on multi-jurisdictional appointed boards.

AB 557 (Hart) Brown Act – Extension of Existing Authority

Beginning on January 1, 2024, this bill would extend the existing teleconferencing/remote-meeting authority that can be used when a declared state of emergency is in effect and would also extend the period for a legislative body to make the required findings related to the continuing state of emergency and social distancing from 30 days to 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet. ***Recommend: SUPPORT.***

AB 817 (Pacheco) Brown Act – Advisory Bodies

This bill is currently a "spot" bill. However, this bill will likely be amended in the weeks ahead to provide a narrow exemption under the Brown Act for non-decision-making legislative bodies to participate in meetings via teleconferencing outside of a declared state of emergency without posting the physical location of members or requiring a quorum to be present at a meeting location.

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