

# C/CAG

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

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## MEETING AGENDA

### C/CAG Legislative Committee

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

<b>Date:</b> Thursday, April 13, 2023	<b>Join by Webinar:</b> <a href="https://us02web.zoom.us/j/85329342039?pwd=RXVyWXVhWVk2bVFMZUR6cEdzVFJqQT09">https://us02web.zoom.us/j/85329342039?pwd=RXVyWXVhWVk2bVFMZUR6cEdzVFJqQT09</a>
<b>Time:</b> 5:30 p.m.	<b>Webinar ID:</b> 853 2934 2039
<b>Primary Location:</b> San Mateo County Transit District Office 1250 San Carlos Ave, 2 <sup>nd</sup> Fl. Auditorium, San Carlos, CA	<b>Password:</b> 041323
<b>Publicly-Accessible Teleconference Location:</b>	<b>Join by Phone:</b> (669) 900-6833

**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

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.

## Meeting Agenda

1.	Call to Order	Rak	
2.	Brief overview of Hybrid teleconference meeting procedures	Springer	
3.	Roll call	Springer	
4.	Public comment on related items not on the agenda.	Rak	
5.	Review and approve the Legislative Committee meeting minutes from the meeting held on March 9, 2023.	Action Rak	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 Rak	Pages 8-14
7.	Adjournment	Rak	

**Next Meeting: May 11, 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](mailto: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](mailto: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 2<sup>nd</sup> 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](mailto:scharpentier@smcgov.org)

**Transportation Systems Coordinator:** Kim Springer at [kspringer@smcgov.org](mailto:kspringer@smcgov.org)

**Administrative Assistant:** Mima Guilles (650) 599-1406

## C/CAG AGENDA REPORT

Date: April 13, 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 March 9, 2023.

(For further information, contact Kim Springer at [kspringer@smcgov.org](mailto:kspringer@smcgov.org))

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### RECOMMENDATION

That the Legislative Committee review and approve the Legislative Committee meeting minutes from the meeting held on March 9, 2023.

### ATTACHMENTS

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

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

**Draft Meeting Minutes  
March 9, 2023 Meeting**

**Staff and Guests Attending:**C/CAG Staff:

Sean Charpentier, Kim Springer, Kaki Cheung, Mima Crume

Legislative Consultant:

Matt Robinson, Andrew Antwih, Silvia Solis Shaw

Others Attending:

Drew – Public

**1. Call to Order.**

Chair Rak called the meeting to order at approximately 5:35 p.m.

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

C/CAG staff referred to the in.

**3. Roll call.**

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

<b>Agency</b>	<b>Name</b>	<b>In Person</b>	<b>Remote -2449</b>
Atherton	Elizabeth Lewis	X	
Belmont	Davina Hurt	X	
Brisbane	Karen Cunningham		
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)	X	

**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 February 9, 2022.**

The Committee approved the meeting minutes from the February 9, 2023 C/CAG Legislative Committee Meeting. Member Hurt motioned approval, seconded by Member Salazar. Roll call vote was taken. Motion passed (8,0,0).

**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.)**

C/CAG legislative consultant staff from Show Yoder Antwih Schmeltzer & Lange reviewed bills and other items included in their monthly report, attached to staff report for this item. Robinson shared the eligibility of ballot measure Taxpayer Protection and Government Accountability Act for the November 5, 2024 ballot. The ballot measure could have a significant adverse effect on local government's ability to raise revenues. After discussion, and with a motion by Member Papan, seconded by Member Ortiz, the Committee members present voted unanimously to oppose the measure.

Next Robinson reviewed the ballot measure to repeal the majority voter approval requirement for Low-Rent Housing. After discussion, and with a motion by Member Ortiz, seconded by Member Luis, the Committee members present voted unanimously to support the measure.

Next Robinson reviewed items from the attached SYASL update document, starting with ACA 1 (Aguiar-Curry) which would lower the vote threshold for sales or use taxes supporting various infrastructure projects. After discussion, and with a motion by Member Lewis, seconded by Board Chair Hurt, the Committee members present voted unanimously to support the measure.

Next Robinson moved to Brown Act-related bills include in the attached SYASL update. Starting with AB 557 (Hart) Brown Act, which would extend the existing teleconferencing/remote-meeting authority that can be used when a declared state of emergency is in effect and the term of findings to hold meetings remotely. After discussion, and with a motion by Member Ortiz, seconded by Member Vaterlaus, the Committee members present voted unanimously to support the measure.

AB 817 (Pacheco) was discussed next. A "spot" bill would likely provide an 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. After discussion, and with a motion by Board Chair Hurt, seconded by Member Papan, the Committee members present voted unanimously to support the measure.

Robinson also reviewed what is known about the Portantino and Becker Brown Act bills. The Becker bill is still in spot form.

AB 761 was reviewed; a bill focused generally on transit recovery. The Senate Select Committee on Bay Area Public Transit was also discussed. The Committee, set up by Senator Wiener, generally supports a pathway to educate the legislature on the transit situation as possible reforms are discussed. Approaches have been made to have Senator Becker join the Committee.

Member Papan mentioned SB 35 and the Committee member discussed the provisions and how it impacts the number of affordable units. Board Chair Hurt suggested the consultant track the bill on Climate Accountability, and Member Fung mentioned a Wiener spot bill SB 83 on utility entitlement of energy for new construction, that it also be tracked.

There were no public comments on the Legislative Update item.

### **7. Adjournment.**

The meeting adjourned at approximately 6:20 P.M.

**Next meeting is April 13, 2023.**

**C/CAG AGENDA REPORT**

Date: April 13, 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](mailto:kspringer@smcgov.org))

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**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.

The Legislative Committee approved sending a letter to the legislature requesting additional flexibility in the Brown Act, at the January 12, 2023 meeting. The letter was drafted, reviewed, signed, and delivered through SYASL at the end of January.

At the March 9, 2023 meeting, the Committee voted to support ACA-1 (Aguiar-Curry). In addition, the Legislative Committee took position on two ballot measures: Taxpayer Protection and Government Accountability Act – Oppose, and a ballot measure to repeal the majority voter approval requirement for Low-Rent Housing – Support. The C/CAG Board approved of these positions.

### **Brown Act Legislation:**

There are currently five bills related to the Brown Act for this session and SYASL is tracking their value to C/CAG's goals as expressed in the letter. They are listed below. Two of those bills were acted upon by the Legislative Committee at the March 9, 2023 meeting. AB 1379 (Papan), previously a spot, bill has been written and, though not included in the Consultant's report this month, should be considered for Support. Brown Act-related bills:

- AB 557 (Hart) – Support position taken
- AB 817 (Pacheco) – Support position taken
- AB 1379 (Papan) no position taken
- SB 411 (Portantino) – no position taken
- SB 537 (Becker) – no position taken

The SYASL monthly Legislative Update is attached to this staff report for review. The Legislative Committee will review and possibly vote on some bills, including those listed. There are five bills for the Legislative Committee to review and possibly take positions on at its 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.

Committee members may view the bills being tracked at the following link provided by SYASL:  
[C/CAG Bill Tracking](#)

### **ATTACHMENTS**

1. C/CAG Legislative Update, March 30, 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/>



March 30, 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 – April 2023**

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***Legislative Update***

The Legislature is currently in the thick of policy and budget committee hearings, with hundreds of bills slated for action in the months ahead. In the coming weeks, many of the bills that were introduced as “spot bills” will be significantly amended. 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](#).

***Governor Signs Oil Company Oversight Bill***

SBx1-2 (Skinner) creates a dedicated independent oversight body at the California Energy Commission (CEC) and mandates extensive data reporting to the CEC from various specified entities along California's oil and gasoline supply chain. The law authorizes the CEC to establish a maximum gross gasoline refining margin (max margin) and penalty on gasoline sold by refiners in the state if certain findings are made. The law requires various reports and assessments by the CEC to be submitted to the Legislature regarding the current status and future managed decline of transportation fuels. The bill was co-sponsored by Attorney General Rob Bonta and approved by a supermajority in both the Senate and Assembly. The law will go into effect on June 26, the 91st day after the end of the special session. In his [press release](#) around the bill's signing, the Governor stated, “With this legislation, we're ending the oil industry's days of operating in the shadows. California took on Big Oil and won. We're not only protecting families, we're also loosening the vice grip Big Oil has had on our politics for the last 100 years.”

***City Leaders Summit***

The League of Cities is hosting their City Leaders Summit from April 12-14<sup>th</sup>. They will spend one of those days meeting with legislators and discussion the League's advocacy priorities which include homelessness, housing, public safety, and fiscal sustainability. They will also be advocating the League's budget two budget asks: \$3 billion for housing and homelessness and \$1 billion to repay cities for unfunded state mandates.

### ***Statewide Effort on Transit Operations Funding***

The California Transit Association, in partnership with regional partners and local transit agencies, has been leading a statewide effort to secure transit operations funding in the Fiscal Year 2023-24 state budget. In February, the Association adopted a set of principles that will serve as the basis of the transit industry's forthcoming budget request. The principles commit to a two-track process, focused on addressing the industry's short- and long-term operations funding needs. Under the principles, any short-term transit operations funding the industry secures must be available to address budget shortfalls that would lead to service cuts and/or layoffs as well as to address ridership retention and growth strategies. Any long-term transit operations funding the industry secures must be flexible and available to address a broad range of service needs and will come with a broader set of transit reforms.

### ***Bills with Positions***

#### **ACA 1 (Aguiar-Curry) Lower-Vote Threshold – C/CAG SUPPORT**

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.

#### **AB 557 (Hart) Brown Act – Extension of Existing Authority – C/CAG SUPPORT**

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.

#### **AB 817 (Pacheco) Brown Act – Advisory Bodies – C/CAG SUPPORT**

This bill provides 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.

### ***Bills of Interest***

#### **SB 423 (Wiener) SB 35 Extension**

This bill permanently extends the provisions of SB 35 (Wiener) and expands them to cover mixed-income housing developments. SB 35 is scheduled to sunset in 2026. SB 423 will require that cities, including charter cities, approve a housing development application if the project is located on an urban infill site & 75% of the lot borders other developed parcels of land, the site is zoned for residential or mixed uses in the general plan & is consistent with objective design standards, developers pay prevailing wage on all projects with more than 10 units & healthcare benefits to projects with more than 50 units, the project site is not located in farmland, wetlands, a very-high fire risk zone, a hazardous waste site, floodplains and floodways, a habitat for protected species, or land under a conservation plan or easement, and the project follows all other applicable objective laws and ordinances, such as zoning rules & environmental safety rules. SB 423 would also apply in the coastal zone (unlike SB 35).

### **SB 511 (Blakespear) Local Emissions Inventories**

Before January 1, 2028, this bill would require the California Air Resources Board (CARB) to develop and publish a report on greenhouse gas emission inventories for calendar year 2025 for each city, county, city and county, and special district and to periodically update the report consistent with updates to CARB's scoping plan. The bill would require CARB to establish a local government advisory committee to inform the development of the inventories. The bill would appropriate \$2,500,000 in the Fiscal Year 2024–25 budget for the bill's purposes. **Recommend: SUPPORT.**

### **SB 537 (Becker) Brown Act – Multijurisdictional Legislative Bodies**

This bill also provides a narrow exemption under the Brown Act for certain 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. The bill would define "legislative body" to mean a board, commission, or advisory body of an appointed multijurisdictional cross county agency and defines "multijurisdictional" to mean a legislative body that includes representatives from more than one county, city, city and county, special district, or a joint powers entity. The bill would also expand the circumstances of "just cause" under the AB 2449 (Rubio) authorization to apply to the situation in which an immunocompromised child, parent, grandparent, or other relative requires the member to participate remotely. **Recommend: SUPPORT.**

### **AB 84 (Ward) Welfare Tax Exemption**

The California Constitution exempts from local property taxes properties that supports non-profit affordable housing through a deed restriction, known as the "welfare tax exemption." However, if a nonprofit housing developer's application for an exemption isn't quickly approved by the Board of Equalization and the county assessor, the developer pays the taxes upfront and must seek reimbursement, requiring developers to remit significant tax payments while waiting for an exemption to be approved. This bill would update various elements of the exemption, including allowing developers to claim continue to claim the exemption as income grows, clarifying that land restricted for use as affordable housing qualifies for the welfare exemption from the date the restrictions are placed on the property (versus when construction starts), and requiring the county assessor to conditionally grant a welfare exemption within 30 days of application without payment of taxes, subject to retroactive tax payments if the owner or any units are ultimately deemed ineligible. **Recommend: SUPPORT.**

### **AB 1532 (Haney) Office to Housing Conversion Projects**

This bill would allow an office conversion project - the conversion of a building used for office purposes or a vacant office building into residential dwelling units - that meets certain requirements as a use "by right" in all zones subject to ministerial review by a local agency. The project must dedicate at least 10 percent of the housing units to low or moderate income individuals and must commit to a land use restriction providing that any lower or moderate income housing units remain available as affordable housing for 55 years for units that are rented and 45 years for units that are owned. The project must use a skilled and trained workforce. If a local government determines that an office conversion project is consistent with the above it shall approve the project. If the project is in conflict, a local government shall provide the project proponent written documentation of which standard or standards the project conflicts with, and an explanation for the reason or reasons the project conflicts. Finally, (d) A local

government shall not impose new parking or open space requirements that were not imposed on the original office use and a project is exempt from all impact fees not directly related to the conversion.

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