



City Council
Legislative Subcommittee Agenda
70 N. First Street, Campbell CA
Monday, October 24, 2022, 3:00 pm

NOTE: To protect our constituents, City officials, and City staff, the City requests all members of the public follow the guidance of the California Department of Health Services', and the County of Santa Clara Health Officer Order, to help control the spread of COVID-19. Additional information regarding COVID-19 is available on the City's website at www.campbellca.gov.

This Special Meeting of the Legislative Subcommittee will be conducted in person as well as telecommunication and is compliant with provisions of the Brown Act.

Those members of the public wishing to participate virtually can access the meeting at: <https://campbellca-gov.zoom.us/j/83235973640?pwd=UGVKL2s5ODVaNGtRV2g1UFpoUDVrdz09>

Meeting ID: 832 3597 3640 **Passcode:** 874103 **Dial by your location:** 669 900 6833

Members of the public may attend this meeting in person at Campbell City Hall.

Public comment will also be accepted via email at ClerksOffice@campbellca.gov prior to the meeting. Please indicate in the subject line "FOR PUBLIC COMMENT." Written comments received by 12:00 p.m. on the day of the meeting will be posted on the website and distributed to the Legislative Subcommittee before the meeting.

A video recording will be available on the City YouTube Channel at: <https://www.youtube.com/user/CityofCampbell> following the meeting.

SPECIAL MEETING OF THE LEGISLATIVE SUBCOMMITTEE

Monday, October 24, 2022, 3:00 p.m.
Ralph Doetsch Conference Room – 70 N. First Street

CALL TO ORDER

PUBLIC COMMENT

NEW BUSINESS

Legislative Subcommittee Policy Updates

OLD BUSINESS

Update on Bills Signed by Governor

ADJOURN

Attachments:

Section 1.31 - Legislative Advocacy Principles (Policy)
2022 Legislation - Bills to Watch (Updated Matrix)



SECTION 1.31 LEGISLATIVE ADVOCACY PRINCIPLES

I. PURPOSE

The purpose of establishing legislative advocacy principles is to authorize a City's position on a legislative bill in a timely manner. These principles will allow the Legislative Subcommittee to consider pending legislation to determine if it falls within the Council's adopted principles, thereby allowing the City to issue a position statement without taking the pending legislation to the City Council. If the legislation does not fall within the guidelines, it will be taken to Council for discussion and direction.

II. ROLE OF THE COMMITTEE

The Legislative Subcommittee (Subcommittee) shall meet during the active legislative year (January through August) or as needed review State legislation, ballot measures, and positions to take on specific bills. The Subcommittee can recommend to the City Council a legislative and policy platform that establishes the City's legislative priorities for that calendar year.

The two members of the Subcommittee are appointed by the Mayor each calendar year. It is recommended that the Councilmember appointed to represent the City of Campbell on the Cities Association of Santa Clara County Legislative Action Committee is also appointed as one member of the Subcommittee in order to provide continuity of information and knowledge of legislation advocacy.

III. POLICY SCOPE

The Subcommittee may take a position on proposed legislation if such legislation is consistent with the following guiding principles:

- a. Directly impacts the City's finances, responsibilities, legal authority, public safety or operations;
- b. Increases or decreases local revenues;
- c. Protects or reduces local control;
- d. Is consistent with existing City policy or current City Council strategic priorities; or
- e. Creates an unfunded mandate.

The City Manager shall recommend City Council review and action if the City Manager determines the legislation is not consistent with the guiding principles above, in accordance with Council Policy 1.10 -- Legislation.

IV. OBJECTIVES

- a. Advocate the City's legislative position at the federal, state, regional and county levels.
- b. Inform and provide information to legislators of the potential impacts that key legislation would have on the City of Campbell.
- c. Work cooperatively with other local governments, the League of California Cities, the Cities Association of Santa Clara County, and other professional organizations on legislative issues that may impact the City and region.
- d. Actively track bills through the legislative process.
- e. Proactively meet with legislators and their representatives to discuss local government issues, proposed legislation, and potential funding requests for City of Campbell programs and services.
- f. To inform the public of the City of Campbell's position on proposed legislation.

V. PROCESS

Staff will prepare position letters for the Mayor's signature on a legislative proposal that may impact the City of Campbell based on the guiding principles in Section III. The letter shall outline the City's position and shall identify the potential impacts the legislation will have to the City of Campbell.

The position letters shall be submitted via the established process of the federal, state, or regional body that is receiving the letter. Additionally, members of the City Council shall receive a copy of the letter and a copy letter posted to the City of Campbell's website. At the conclusion of the legislative calendar year, staff will inform the City Council of any legislation that will impact City operations.

2022 Legislation - Bills to Watch

Bill	Sponsor(s)	Summary	League Position	City Position
CITY LEGISLATIVE SUB-COMMITTEE PRIORITIES				
AB 1740 Catalytic Converters <i>(Signed into law 9/25/22)</i>	Muratsuchi	Existing law requires a core recycler who accepts a catalytic converter for recycling to maintain a written record of specified information regarding the transaction, including the item type and quantity, amount paid for the catalytic converter, and identification number, and the vehicle identification number, for not less than 2 years. It is also a crime to violate these requirements. This bill goes further to require a written record of the year, make, and model of the vehicle from which the catalytic converter was removed and a copy of the title of the vehicle. This bill also prohibits a core recycler from entering into a transaction to purchase or receive a catalytic converter from any person that is not a commercial enterprise or a verifiable owner of the vehicle.	Support – Letter Sent	
AB 2011 Affordable Housing & High Road Jobs Act of 2022 <i>(Signed into law 9/28/22)</i>	Wicks; Bloom; Grayson; Quirk-Silva; Villapudua	This bill creates the <i>Affordable Housing and High Road Jobs Act of 2022</i> , makes certain housing developments that meet specified objective development standards, and affordability and site criteria (including being located within a zone where office, retail, or parking are a principally permitted use), a use by right, and provides for one of 2 streamlined, ministerial review processes. This bill also defines “use by right” as a development project that is not a project for purposes of CEQA. This bill further requires, in contracts with construction contractors, certain wage and labor standards be met and that all construction workers be paid at least the general prevailing rate of wages; and requires the developer to certify to the local government that those standards will be met in project construction. This bill also requires a developer for a development of 50 or more housing units to require construction contractors to participate in an apprenticeship program or request dispatch of apprentices from a state-approved apprenticeship program, and to make health care expenditures for construction craft employees. The bill further requires the developer	Oppose – Letter Sent	Oppose

2022 Legislation - Bills to Watch

		<p>to certify compliance to the local government. Developers, construction contractors, and subcontractors are subject to civil penalties for failing to comply with these requirements.</p> <p>The Planning and Zoning Law requires a city to adopt a general plan for land use development within its boundaries that includes a housing element and requires an agency to provide a specified annual report after the legislative body has adopted all or part of a general plan.</p> <p>This bill requires the annual report to include specified information about applications for housing development submitted pursuant to this bill.</p> <p>The Planning and Zoning Law also requires the Department of Housing and Community Development (DHCD) to notify the city that the city is in violation of state law if the DHCD finds the housing element does not substantially comply with the law as it pertains to housing elements or that the city has taken an action in violation of the Affordable Housing and High Road Jobs Act of 2022. <i>This bill repeals the provisions of the Affordable Housing and High Road Jobs Act of 2022 on January 1, 2033.</i></p>		
<p>AB 2234</p> <p>Planning. Housing. Post-entitlement Phase Permit</p> <p><i>(Signed into law 9/28/22)</i></p>	<p>R. Rivas</p>	<p><i>The Permit Streamlining Act</i> requires public agencies to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project, to approve or disapprove of a development project within certain specified timeframes, and to provide specified information (including a current schedule of fees, exactions, and affordability requirements applicable to a proposed housing development project, and an archive of impact fee nexus studies, cost of service studies, or equivalent studies, conducted by the agency) on its website. <i>The Housing Accountability Act</i> prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, specified housing development projects (including projects for very low, low, or moderate-income households and projects for emergency shelters) that comply with applicable, objective general plan, zoning, and subdivision standards and criteria in effect at the time the application for the project is deemed complete.</p> <p>This bill requires a local agency to compile a list of information needed to approve or deny a post-entitlement phase permit, to post an example of a</p>	<p>Oppose – Letter sent from the California State Association of Counties (CSAC), the League of California Cities (Cal Cities), the Urban Counties of California (UCC), the Rural County</p>	<p>Concerns</p>

2022 Legislation - Bills to Watch

		<p>complete, approved application and an example of a complete set of post-entitlement phase permits <i>for at least 5 types of housing development projects</i>, and to make those items available to all applicants for these permits <u>no later than January 1, 2024</u>.</p> <p>The bill also requires a local agency to provide an option for post-entitlement phase permits to be applied for, completed, and retrieved by the application on its website; and, to accept applications for post-entitlement phase permits and any related documentation by electronic mail until that process has been established. The local agency must also list on its website or provide by electronic mail upon request, the current processing status of the applicant’s permit.</p> <p>This bill establishes time limits for completing reviews regarding whether an application for a post-entitlement phase permit is complete (15 business days) and whether to approve or deny an application (30 business days for projects with 25 or fewer units; 60 business days for projects with 26 or more units); and, makes any failure to meet these time limits a disapproval of the housing development project AND <u>a violation of the Housing Accountability Act</u>. <i>The Housing Accountability Act</i> requires a housing development project to be subject only to ordinances, policies, and standards adopted and in effect when a preliminary application is submitted—except that the act does not prohibit a housing development project that is an affordable housing project from being subject to ordinances, policies, and standards adopted after the preliminary application was submitted if the project has NOT commenced construction within 3.5 years. “Affordable housing project” means a development in which units within the development are subject to a recorded affordability restriction for at least 55 years.</p> <p>This bill amends that section to require that either the units within the development be subject to a recorded affordability restriction for at least 55 years for rental housing and 45 years for owner-occupied housing, OR that the first purchaser of each unit participate in an equity sharing agreement.</p>	<p>Representatives of California (RCRC), and the California Building Officials (CALBO)</p>	
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2022 Legislation - Bills to Watch

<p>AB 2449 Open Meetings: Local Agencies. Teleconference</p> <p><i>(Signed into law 9/13/22)</i></p>	<p>B. Rubio</p>	<p>The Ralph M. Brown Act allows for meetings to occur via teleconferencing if the local agency notices each teleconference location of each legislative body member that will be participating in the public meeting, provides each teleconference location to be accessible to the public, allows members of the public to address the legislative body at each teleconference location, posts an agenda at each teleconference location, and requires at least a quorum of the legislative body to participate from locations within the boundaries of the local agency’s jurisdiction. The act further provides that, until January 1, 2024, a local agency may use teleconferencing without complying with these teleconferencing requirements during a declared state of emergency.</p> <p>This bill authorizes, <i>until January 1, 2026</i>, a local agency to use teleconferencing without complying with the teleconferencing requirements if at least a quorum of the members of the legislative body participates in person from a singular location clearly identified on the agenda, the location is open to the public and situated within the local agency’s jurisdiction, AND:</p> <ol style="list-style-type: none"> 1) A two-way audiovisual platform or two-way telephone service and a live webcasting of the meeting are available to the public 2) The legislative body gives notice of how members of the public may access the meeting and offer public comment 3) The agenda identifies and includes an opportunity for all persons to attend and address the legislative body directly via a call-in option, an internet-based services option, and at the in-person location of the meeting 4) The legislative body ceases to act on any item if the call-in option or internet-based service become unavailable 5) The public is afforded the opportunity to provide comments in real time <p>The bill further authorizes a member to participate remotely for just cause or due to emergency circumstances provided:</p> <ol style="list-style-type: none"> 1) The member gives a general description of the need to participate remotely 	<p>Support in Concept – Letter Sent</p>	<p>Support in Concept</p>
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2022 Legislation - Bills to Watch

		<ol style="list-style-type: none"> 2) The member does not participate remotely for more than two (2) meetings per calendar year 3) The legislative body has considered and acted on the request 4) The member discloses whether any individual 18 years or older is present in the room at the remote location and the general nature of the member’s relationship with any such individuals 5) The member participates through both audio and visual technology 		
<p>AB 2693 COVID-19: Exposure</p> <p><i>(Signed into law 9/29/22)</i></p>	Reyes	<p>Current law requires an employer who receives notice of a potential exposure to COVID-19 to post a notice of prohibition in a conspicuous location at the place of employment, provide notice to employees and the local health agency, and provide a link to the local health agency tracking the number and frequency of COVID-19 outbreaks and cases by agency. This bill revises the notice requirements to authorize, <i>until January 1, 2024</i>, an employer to satisfy the notification requirements by prominently displaying, for 15 days, a notice in all places where notices to employees concerning workplace rules or regulations are customarily posted with such notice to include the dates on which an employee with a confirmed case of COVID-19 was on the worksite premises and the location of the exposure. This bill also requires the employer to keep a log of the dates the notice was posted. This bill also removes the requirement that the employer needs to notify the local public health agency within 48 hours of the employer being notified of the number of cases that meets the definition of a COVID-19 outbreak.</p>	Oppose – Letter Sent	
<p>AB 2887 Public Resources: Sales & Use Tax Law: Exclusions</p> <p><i>(Signed into law 8/29/22)</i></p>	Garcia, Eduardo	<p>The Sales and Use Tax Law imposes taxes on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act also authorizes, until January 1, 2026, the authority to provide financial assistance to a participating party in the form of specified sales and use tax</p>	Oppose Unless Amended – Letter Sent	

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		<p>exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding \$100,000,000 for each calendar year.</p> <p>This bill increases the limit on sales and use tax exclusions to \$150,000,000 for each calendar year <i>until January 1, 2026</i>.</p> <p>This bill provides that the state shall not reimburse any local agencies for sales and use tax revenues lost by them pursuant to this bill.</p> <p><i>This bill takes effect immediately as a tax levy.</i></p>		
<p>SB 1100 Open Meetings: Orderly Conduct</p> <p><i>(Signed into law 8/22/22)</i></p>	<p>Cortese</p>	<p>The Ralph M. Brown Act requires every legislative meeting to provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item.</p> <p>This bill authorizes the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting. This bill also requires removal to be preceded by a warning to the individual by the presiding member of the legislative body that the individual’s behavior is disrupting the meeting and that the individual’s failure to cease their behavior may result in their removal. The bill further authorizes the presiding member to remove the individual if the individual does not promptly cease their disruptive behavior. This bill defines “disrupting” as “engaging in behavior during a meeting of a legislative body that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:</p> <ul style="list-style-type: none"> A. A failure to comply with reasonable and lawful regulations adopted by a legislative body B. Engaging in behavior that constitutes use of force or a true threat of force (i.e., a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat) 	<p>Neutral</p>	<p>Support in Concept</p>