



CITY OF CUPERTINO

DRAFT MINUTES

LEGISLATIVE REVIEW COMMITTEE

Thursday, February 17, 2022

11:00 AM

SPECIAL MEETING

ROLL CALL

The meeting was called to order at 11:00 a.m.

Present: Vice Mayor Chao, Councilmember Moore, Deputy City Manager Katy Nomura, Gonsalves & Son (G&S)

AGENDA REVIEW/ORDERS OF THE DAY

There were no changes to the Orders of the Day.

APPROVAL OF MINUTES

- Subject: Consider approving the January 21, 2022 Legislative Review Committee minutes

Recommended Action: Approve the January 21, 2022 Legislative Review Committee minutes

Vice Mayor Chao motioned to approve the January 21, 2022 Legislative Review Committee minutes. Councilmember Moore seconded. The motion carried unanimously.

ORAL COMMUNICATIONS

Jennifer Griffin is concerned about the housing bills.

PUBLIC COMMENTS (Including comments on all agenda items)

This item was not conducted as the Chair decided to take public comments on agenda items when the agenda items were discussed.

ACTION ITEMS

- Subject: Legislative Update

Recommended Action: Receive legislative update and provide any input

Joe A. Gonsalves & Son (G&S) were introduced as the City's new legislative support firm. They are a third-generation lobbyist firm with experience representing many small

and medium-sized cities in California since 1975.

G&S are not entirely new to Cupertino as the firm successfully sponsored legislation (AB117, Chapter 342, statutes of 2006) for Cupertino and Santa Clara County's other 3 TEA (Tax Equity Allocation) cities to increase the TEA property tax share from 4% to 7%. They were selected to represent Cupertino through a Request for Proposal process and are excited to represent the City once again.

G&S explained that the deadline to introduce all bills is Friday, February 18. About 1,000 bills have already been introduced and the number is expected to double by the deadline. Most of the bills are spot bills, which means they only state the intent of the legislature to address an issue. Constitutionally the bill has to be in print for 30 days before it can be considered. Over the next 30 days, the intent stated in the spot bill will morph into legislative language and more specific statutory direction.

The Governor and the legislative leaders passed a number of trailer bills to implement an additional \$1.9 billion in COVID relief that will go towards paid sick leave and tax breaks and incentives for small businesses. G&S expects this to be an ongoing priority for the Governor and the Legislature.

Housing and affordable housing continues to be a priority for the Governor and the Legislature. The Governor commented that he hopes to work more collaboratively with local governments on housing. Last year when G&S fought SB 9, it revealed that our traditional allies (builders, realtors, local government groups) supported the bill, while some atypical allies joined us in the opposition.

The Legislature is also prioritizing public safety related bills in order to combat smash-and-grabs and retail theft. Bills that typically wouldn't have a strong chance of passage to enhance penalties are being introduced. G&S expects the revival of bills to combat retail theft and proposals to amend propositions for misdemeanors versus felonies.

Year 2022 is an election year and a reapportionment year. Five Democrat legislators resigned, and special elections have begun. Before, Democrats had a 60-20 majority, now it's down to 55. Also 20 legislators won't be seeking reelection. After the November 2022 election, there will be over 27 new legislators.

Councilmember Moore is interested in AB 1603, the misuse of Density Bonus Law and SB 35, the California Plastic Waste Reduction Initiative for 2022, and is concerned about spot bills being gut and amended. G&S explained that more and more legislation is now done through Budget Trailer Bills. They have to be in print for 72 hours before they can be acted upon, but they take effect immediately upon the Governor's signature.

Councilmember Moore asked about AB 1091, which impacts VTA Board composition. G&S explained that AB 1091 failed to pass in two years so it's now dead. Assemblymember Berman has now introduced AB 2181, which is the same as AB 1091.

Vice Mayor Chao asked about most effective way is to communicate with all legislators and their teams. G&S said any time the City takes a position on any bill, G&S represents that position throughout the process. She also asked about the City's need for state funding for affordable housing. G&S explained that they can work with City management to communicate these priorities to the Governor's office.

Councilmember Moore is interested in establishing legislative priorities (like housing, transit, environment, recycling, safety) to provide direction to G&S.

Councilmember Moore is also interested in funding for affordable housing and ACA 7. She mentioned that the Cal Cities subcommittee working group adopted a No position on ACA 7. She also asked about the Local Land Use Initiative and G&S explained that the deadline to submit signatures for the initiative is May 2, but signature-gathering seems to have halted. Similarly, ACA 7 has been in print since the start of 2021 and hasn't moved.

G&S explained that the Taxpayer Protection Act initiative that limits the local government's ability to adopt and propose fees. It's very contentious with opposition from local governments and labor unions. This past week, a complaint was filed with FPPC (Fair Political Practices Commission) that proponents may be laundering government funds through their organization. Currently, there are now 37 (thirty-seven) initiatives proposed or pending.

Public Comment

Jennifer Griffin is concerned with the state legislature and the amount of housing bills that are being signed into law. She is also concerned about getting a new Senator.

3. Subject: Update on positions taken by the League of California Cities (League), the American Planning Association (APA), and the Cities Association of Santa Clara County (CASCC)
Recommended Action: Receive update on positions taken by the League, APA, and CASCC and provide any input

G&S explained that 90% of the bills in the attachment have either been chaptered, vetoed, or failed passage by the January 31 deadline. With the new upcoming bills, this list will change considerably, and many may get reintroduced.

Councilmember Moore asked about ACA 1. G&S explained that ACA 1 was introduced in late 2020 and has not moved. They ceased signature-gathering because it was too costly to continue pursuing it. However, the clock has not officially run out yet.

Based on the previous LRC meetings, G&S added the priorities of the League of Women Voters but after the bills moved out of the house of origin on January 31, a lot of those bills failed passage. The list will change and will be updated as the bill introduction deadline passes.

Vice Mayor Chao asked about SB 82, which downgrades some crimes to a misdemeanor. G&S explained that the bill failed to pass and could be reintroduced. G&S mentioned that Governor Newsom's approval rating and voters' confidence dropped by 19% since September, with public safety being a leading factor.

Public Comment

Jennifer is interested in following bills supported by SPUR (non-profit think tank focused on regional planning and public policy based in San Francisco). She also raised concerns about ADU height and distance from property line.

Councilmember Moore agrees with looking into SPUR sponsored bills. Last year they supported AB 1174, SB 9, and SB 10. She would also want to follow the Association of Environmental Professionals and the Sierra Club.

4. Subject: Discuss Special City Council Meeting with Local Legislators
Recommended Action: Discuss and provide input on Special City Council Meeting with Local Legislators.

Deputy City Manager, Katy Nomura, explained that this meeting is scheduled for February 23 at 6:30 pm with Assemblymember Low and Senator Cortese. Assemblymember Berman also received an invitation to attend. The purpose of the meeting is for the full Council and the state legislators to discuss their respective legislative priorities.

Public Comment

Jennifer Griffin asked if Senator Becker can attend to talk about reapportionment.

FUTURE AGENDA SETTING

The next LRC meeting is set for March 24 at 11 a.m. The public legislative process 101 will be held on March 29 at 6 p.m.

ADJOURNMENT

The meeting was adjourned at 12:52 pm.