



CITY OF CUPERTINO

DRAFT MINUTES

LEGISLATIVE REVIEW COMMITTEE

Friday, September 17, 2021

11:00 AM

SPECIAL MEETING

ROLL CALL

The meeting was called to order at 11:04 p.m.

Present: Vice Mayor Chao, Councilmember Moore, Deputy City Manager Katy Nomura, Townsend Public Affairs (TPA)

APPROVAL OF MINUTES

1. Subject: Consider approving the July 23, 2021 Legislative Review Committee minutes.
Recommended Action: Approve the July 23, 2021 Legislative Review Committee minutes

Vice Mayor Chao motioned to approve the July 23, 2021 Legislative Review Committee minutes. Councilmember Moore seconded. The motion carried unanimously.

2. Subject: Consider approving the September 13, 2021 Legislative Review Committee minutes
Recommended Action: Approve the September 13, 2021 Legislative Review Committee minutes

Vice Mayor Chao motioned to approve the September 13, 2021 Legislative Review Committee minutes. Councilmember Moore seconded. The motion carried unanimously.

POSTPONEMENTS

This item was not conducted.

ORAL COMMUNICATIONS

Jennifer Griffin is concerned about the signing of SB 9 and SB 10.

PUBLIC COMMENT (including comments on all agenda items)

Jennifer Griffin is thankful to have the opportunity to speak on these issues.

AGENDA REVIEW

This item was not conducted.

ACTION ITEMS**3. Subject: Legislative Update**

Recommended Action: Receive legislative update and provide any input

TPA explained that the legislative session ended on Friday, September 10. There was lots of legislative activity during the two weeks prior to the end of session, and ultimately there were about 700 bills sent to the Governor for his consideration. The Governor has until October 10 to take action on those measure. He has acted on some bills already and we anticipate that over the next two weeks he will consider a handful of bills each day and in the last two weeks there will be about 50-70 bills that he considers each day. Any bill that did not make it through the legislative session will be eligible for consideration next year. The legislature will convene on January 3 and some of the bills will need to move out of their house of origin by the end of January.

AB 361 was signed by the Governor on September 15 with an urgency clause, which means that the provisions in this bill became effective immediately. This bill will essentially take the place of the previous executive orders related to the Brown Act that allow public agencies to hold public meetings with teleconference options. AB 361 provisions will sunset in 2024, and are also dependent on a statewide declaration of emergency being in place.

SB 792, related to sales tax reporting for companies that make more than \$50 million in online sales, has moved through the legislation and is now in the Governor's Office for his consideration. The City opposed this measure at the June 1 Council meeting.

There were bills related to police reform that also moved forward to the Governor's Office, particularly SB 2, which creates a process for decertification of law enforcement officers for certain crimes or forms of misconduct. It also sets up a state review committee to review those officers that would be potentially reviewed for suspension. This bill was amended at the end of session to address some concerns from law enforcement and is now awaiting the Governors consideration.

AB 988, would have established a 988 mental health crisis hotline phone number. This bill did not move forward, but the Governor made an announcement that he will shift funding around to provide \$20 million to establish the 988 hotlines by July 1, 2022.

On September 16, the Governor announced that he signed the following housing bills into law: SB 8, SB 9, SB 10, and AB 1174. TPA, along with City staff, drafted a veto letter

for AB 1174 and spoke with the Governor's Office about the affordability impacts that this bill would have on Cupertino.

Another housing bill that has passed to the Governor's Office, but has not been considered yet, is AB 215. This bill was amended towards the end of session, most notably it removed the midcycle RHNA evaluation, which is a positive change, but there are still a number of provisions that the LRC opposes related to statute of limitations and outside counsel. These changes will be reflected in the letter to the Governor requesting a veto.

AB 1401, which would have prevented local governments from imposing parking requirements, and AB 989, which would have established the office of housing appeals in HCD, have not moved forward this year, but could be considered next year.

Tuesday, September 14, was the recall election and the numbers have indicated that the recall attempt has failed. The election will be certified at the end of October by the Secretary of State. The primary election will be in 2022 so we can expect to see campaigning begin in early next year.

The California State Auditor released a report in August that shows the impact of revenues in California cities due to COVID-19. Interestingly, the findings show that of all California cities only the City of Yountville was predicted to have a budget deficit due to COVID-19.

The LRC asked about environmental bills that have passed on to the Governor's Office. TPA explained that AB 619, which relates to the SB 1383 implementation process, did pass on for the Governor's consideration.

Public Comment:

Jennifer Griffin is very concerned about the bills that have moved forward for the Governor's consideration.

4. 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

The bill positions for all organizations are included in the attached Matrix.

Public Comment:

Jennifer Griffin expresses that this is a regional issue.

5. Subject: Debrief on the Legislative Day on August 18, 2021

Recommended Action: Provide a debrief on the Legislative Day on August 18, 2021

Councilmember Moore explains that on August 18, she met with Assemblymember Berman's office, Assemblymember Aguiar-Curry's office, and Assemblymember Low's office. Throughout her meetings she discussed SB 792, SB 9, and SB 10 and the potential impacts they could have on Cupertino. She also mentioned that she was asked about SB 35 and what she would change about it. She explained that in her opinion there are issues in peoples understanding of California government code 65962.5, the 2/3 requirements, and environmental issues. Vice Mayor Chao met with Senator McGuire's Office and Senator Cortese's Office. She also discussed possible improvements to SB 35, as well as SB 792, SB 9, and SB 10.

Public Comment:

Jennifer Griffin is pleased with the City's efforts to meet with state legislators.

6. 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, explains that this meeting will provide an opportunity for Council to directly interface with our legislators to talk about the end of the legislative session, to discuss the City's legislative priorities, and to hear from the legislators about their priorities and ideas for next year.

The LRC discussed various ideas and plans to strategize a positive outcome from this meeting. This meeting is scheduled to be around the end of October.

Public Comment:

Jennifer Griffin would like to ask the legislators about how they plan to deal with the consequences of SB 9 and SB 10.

7. Subject: Discuss Town Hall on Legislative Process

Recommended Action: Discuss and provide input on Town Hall on Legislative Process

Deputy City Manager, Katy Nomura, explains that this meeting will provide an interactive and informative opportunity for residents to learn more about the legislative process. This meeting will be an LRC special meeting in order to allow both LRC members to attend and participate in the meeting. The meeting will provide an in-depth

review of the legislative process, information about where and how residents can engage, information about how the City engages, and the legislative priorities.

Councilmember Moore would like this meeting to include information on the different types of positions that can be taken on a bill and the nuances between each of them. Vice Mayor Chao would like this meeting to include information on the role of the League and on using an example of how a bill becomes a bill.

Public Comment:

Jennifer Griffin believes this event is a good idea in order to educate the public.

FUTURE AGENDA SETTING

The upcoming special City Council meeting with legislators and the townhall will be discussed further at the next meeting. The next LRC meeting is scheduled for October 8th at 11:00 a.m.

ADJOURNMENT

The meeting was adjourned at 1:14 p.m.