



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE **FROM:** Betsy Shotwell

SUBJECT: SEE BELOW

DATE: 8-28-08

Approved *Christine J. Shippey* Date *8/28/08*

SUBJECT: CITY SPONSORED LEGISLATION FOR THE FIRST YEAR OF THE TWO-YEAR 2009-10 SESSION

RECOMMENDATION

That the Rules and Open Government Committee accept the staff report describing the criteria and time frame for the introduction of City sponsored legislation and adoption of legislative priorities for 2009.

BACKGROUND

Each year, the City of San José sponsors legislation introduced at the State level that supports and/or establishes critical programs and policies to benefit the City and in many cases, the State and local government. In 2008, the City sponsored five State bills including:

AB 2097 (Coto) – Supportive Services Funding: Permanent Housing for Homeless: Santa Clara County. Status: To Enrollment, then Governor’s Desk.

AB 2466 (Laird) – Local Government Renewable Energy: Self-Generation Program. Status: To Enrollment, then Governor’s Desk.

AB 2513 (Caballero) – Housing and Emergency Shelter Trust Fund Act of 2006: Allocation of Housing Funds/ Prop. 1C. Status: Held in Assembly Appropriations Committee Suspense File.

SB 1226 (Alquist) – CalHome Program: Mobilehome Parks. Status: Held in Senate Appropriations Committee Suspense File.

SB 1357 (Padilla) – Beverage Containers: Processing Payments: Grants. Status: To the Senate Floor for concurrence in Assembly amendments.

Additionally, the City has played an active role in influencing the outcome of numerous legislative items and continues to play a leadership role in State budget issues impacting local government.

OUTCOME

The purpose of this memorandum is to solicit proposals for potential City sponsored State legislation for the first year of the two-year 2009-10 legislative session and detail the time frame for this process.

ANALYSIS

In an effort to outline the process that will be used this year to establish legislative priorities for the organization, the following section outlines the information needed when submitting a proposed legislative priority and associated timeline. Solicitation of proposals is for both City departments and Council Offices. The City's 2008 Legislative Priorities document is attached which reflects many of the legislative, fiscal, and policy issues that the City has been engaged in this year in Sacramento and Washington, D.C.

Information Needed When Submitted

In order to facilitate quick review of proposed legislative priorities, to the greatest extent possible, proposals should describe the need for the legislation, the problem to be addressed, status of existing relevant law, if applicable (staff can help Council Offices with research), and the proposed solution. Additionally, the submitted legislative priority should demonstrate alignment with the City's Legislative Guiding Principles. Lastly, a description of the public benefit of the bill is needed as well as a list of interested parties that would be impacted by the proposed legislation. When submitting a legislative proposal, the proposal should identify if the subject concerns a revenue enhancement, and/or a public policy change. Also, please identify City Departments that have been contacted regarding the proposal, including the contact in the City Attorney's Office.

Recognizing that initial thoughts or ideas may not easily lend themselves to this requested information, Intergovernmental Relations staff will be pleased to be available to meet with Council and City staff to review interests and help shape the proposed legislation.

Proposed Timeline

The proposed timeline for the introduction of proposed City sponsored State legislation in 2009 is as follows:

- **September 25, 2008** -- Deadline for submission of State legislative proposals to the Intergovernmental Relations Office in the City Manager's Office. All submissions will be reviewed in consultation with the relevant City Department(s), the City Attorney's Office and the City's Sacramento Legislative Office.
- **October, 2008** -- Council Committees to review proposed 2009 Legislative Guiding Principles.

- **November, 2008** -- Submission of proposed City sponsored legislation and legislative priorities to the Rules and Open Government Committee with the 2009 Legislative Guiding Principles. Council review of the City's proposed 2009 Legislative Guiding Principles and legislative priorities.
- **November – December, 2009** -- City Attorney's Office working with IGR and Departments to draft language for City Council approved City sponsored bill(s).
- **December - January** -- City's Sacramento lobbyist to identify a State legislator to author the legislation.
- **January 23, 2009** --Last day to submit bill requests to Legislative Counsel in Sacramento.
- **February 20, 2009** --Last day for a bill to be introduced in the State Legislature for 2009.

PUBLIC OUTREACH

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This document will be posted on the City's website for the September 3, Rules and Open Government Committee where Council and the public will have the opportunity to comment.

EVALUATION AND FOLLOW-UP

The City Council will be informed of the status of this matter at follow-up Rules and Open Government Committee meetings in November, December and January as the 2009 Legislative Priorities and Guiding Principles documents are being drafted and finalized.

8/28/08

Subject: City Sponsored Legislation for the First Year of the Two-Year Session

Page 4

COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City's Legislative Representative in Sacramento and Patton Boggs, LLP, in Washington, D.C.



BETSY SHOTWELL

Director, Intergovernmental Relations

For more information contact: Betsy Shotwell, Director of IGR at 408-535-8270

Attachment: City of San Jose 2008 Legislative Priorities

C: Council Appointees

Senior Staff



LEGISLATIVE PRIORITIES

Tier 1: State Infrastructure Bond Measures and Potential State Funding

Proposition 1B- Provides new funding for transportation needs statewide over a ten-year period.

Proposition 1C- On November 7, 2006, the voters of California approved a \$2.85 billion housing bond. Of this amount, \$1.45 billion will be allocated to programs that have yet to be created by the State of California.

Proposition 1D- The Mayor's 2007 June Budget message included directive to seek funding for the Edenvale Community Center Phase I including the pursuit of State grant opportunities.

Proposition 1E – Disaster Preparedness and Flood Prevention Bond.

Proposition 84 - The Safe Drinking Water, Water Quality and Supply, Food Control, River and Coastal Protection Bond Act of 2006 – This bond provides \$5.4 billion in funding for all of the major natural resource protection and water programs at the state level. The legislature will appropriate the funds to the Department of Water Resources and the Department and/or Legislature will define additional criteria for allocating the various funds. ESD staff will be meeting in January of 2008 to determine projects to pursue through the legislature.

City Sponsored Legislation

Create State Funding Sources to End Chronic Homeless - In San Jose there are nearly 5,000 individuals and family's homeless on any given night. In the County of Santa Clara, over 20,000 people experience homelessness each year.

Providing Funding Priority to Growth Communities - In 2007, the City of San Jose was given its new Regional Housing Need Allocation (RHNA) number. The City went from a 26,000 allocation in the last cycle to a 34,000 allocation for the next seven-year period (2007-2014).

Providing Needed Infrastructure Improvements to San Jose's Mobilehome Parks – San Jose is home to over 10,000 mobilehome units: While mobilehomes provide many affordable units to our City's residents, some of the mobilehome parks, built several decades ago, are becoming run down and have failing infrastructure, bordering on health and safety concerns.

Increased Department of Conservation grants for recycling and litter abatement - Costs to local governments for beverage container recycling and litter control have increased substantially over the last 20 years.

Support efforts to increase state funding to create adequate infrastructure for organics and inerts- There is insufficient processing capacity for organic wastes (food, yard trimmings, low-grade and contaminated paper) and hard-to-recycle wastes (demolition debris, tires, electronics, mattresses, carpet). The lack of capacity results in higher costs, unnecessary disposal of recyclable materials, and difficulty meeting diversion requirements.

Transfer of Solar Energy- In California, municipalities are currently not allowed to transfer excess electricity produced on facility to another.

Tier 2: State Policy Issues

Eminent Domain- In 2005, the US Supreme Court ruled in *Kelo v. City of New London* that it was constitutional to acquire property through eminent domain for the purpose of economic development. Should the LOCC measure and the Jarvis Measure both qualify for the June 2008 ballot, the City should consider taking positions to protect its ability to provide essential planning and development of its community for the public's benefit.

LEGISLATIVE PRIORITIES

Tier 1: Appropriations/Funding requests

Airport Baggage System- As the City proceeds with its design-build of the Airport, a substantial federal funding investment is needed to build a state-of-the-art baggage screening system.

Funding for the Airport Rescue and Fire Fighting Facility Upgrade (ARFF) - The City wants to replace the current ARFF facility, which is now more than 40 years old.

Funding for Automated People Mover (APM) – In 2000, the voters of Santa Clara County approved a sales tax measure (Measure A) for transit projects that included an Automated People Mover (APM) connection from Mineta San Jose International Airport to BART, Caltrain and light rail.

Healthy Families- Healthy Families will provide programs and materials at the San Jose Public Library to help families select healthy lifestyles.

Workplace Literacy- The Library, through its adult literacy program will offer workplace literacy programs, at the work site.

Special Collections Digitization Project-This project, in collaboration with San Jose State University, will create the infrastructure for the special collections digital collection encompassing the Public Library's California Room, San Jose State University's Special Collections, The Martha Heasley Cox Center for Steinbeck Studies and the Ira F. Brilliant Center for Beethoven Studies

San Jose Public Library As a Community Resource for Increasing High School Graduation Rates- Teens in San Jose are not passing the CAHSEE and are dropping out of school at dangerously high rates. This project can best serve students at-risk of dropping out of school, and those who need additional support to pass the CAHSEE.

Community Development Block Grant (CDBG) - The Community Development Block Grant program has been a vital tool in cities' toolboxes for improving lower-income communities.

Support and Funding for energy efficiency, carbon reduction, and other activities that support implementation of the City's Green Vision."- Support legislation that is consistent with the City's current and new Environmental policies and practices and provide funding to further these policies and practices

FOG (fats, oil and grease) Receiving and Pretreatment Pilot Facilities – The purpose of this request is to perform design and construction of restaurant fats, oil and grease (FOG) reception and pre-treatment and equalization systems.

The SJPD Bureau of Field Operations -Special Operations -require ongoing upgrades and enhancements to specialized equipment utilized during critical incidents, possible terrorist threat situations and other special call-out events

Police Helicopter- The San Jose Police Department currently has one helicopter to provide service to Fire and Police departments, and is approximately six-years old.

Expand Gang Intervention Services-The City should pursue more funding for gang intervention services such as the San Jose BEST Program.

Technology Initiatives- The San Jose Police Department has a number of ongoing and critical-need technology initiatives in process.

Federal Courthouse- Support for construction of a new federal courthouse in downtown San Jose.

The City of San Jose has launched a new small business initiative, BusinessOwnerSpace.com (BOS),

City Sponsored/Supported Legislation/Regulations

Increase in Passenger Facility Charge- As part of the federal reauthorization legislation for the Federal Aviation Administration, the City actively supports an increase in the ceiling of \$4.50 for the passenger facility charge (PFC).

Create Federal Funding Sources to End Chronic Homeless - In San Jose there are nearly 5,000 individuals and family's homeless on any given night. In the County of Santa Clara, over 20,000 people experience homelessness each year.

Changing the federal poverty line to a standard that recognizes high-cost areas - Eligibility for many assistance programs, including federal entitlement funding, is at least partially based on the Federal Poverty Levels, which measures only the cost of food multiplied by three.

Solar and Private Activity- Pursue possible amendments to Federal Tax Code and/or revisions to IRS regulations in order to provide an exception for Power Purchase Agreements for the installation of solar and other alternative electrical power generation at tax-exempt debt financed facilities.

CITY OF SAN JOSE-STATE/FEDERAL

2008 LEGISLATIVE PRIORITIES

LEGISLATIVE PRIORITIES

Tier 1: Appropriations/Funding Requests

BART To Silicon Valley – The Santa Clara Valley Transportation Authority (VTA) is developing the project to extend BART service to Silicon Valley. The estimated cost of the project is \$4.7B (2005 \$) and funding for 80 percent of the project cost is currently identified from local, state and federal sources.

Funding for Regional Transportation Priorities- The City has several priority transportation projects requiring funding.

Funding for Local Transportation Infrastructure Maintenance- A recently produced DOT Transportation Maintenance Master Plan (TMMP) identified the City's backlog of one-time rehabilitation and capital costs at \$453.9M.

Grants and bonding authorities that make additional resources available for local water and wastewater utilities to undertake infrastructure improvements, including water reclamation- The distribution of existing approved bond funding in a timely, efficient and effective method would significantly aid in updating and repairing the infrastructure within the City of San Jose and the South Bay.

Ongoing Funding/Grant Support- Continued grant funding support for enhancements/upgrades/augmentations to current/ongoing grant supported projects.

Maximize Gang Intervention Prevention- The City should pursue additional funding for gang intervention services.

In-Kind Cash Match- Support the allowance of "in-kind" cash matches (versus cash match only) when applying for Federal/State grants.

Tier 2: Policy/Regulatory Issue

Green Technologies – The City of San José is dedicated to improving the environment through the use of existing and future technologies.