



# Memorandum

**TO:** TRANSPORTATION AND ENVIRONMENT COMMITTEE

**FROM:** Betsy Shotwell

**SUBJECT:** SEE BELOW

**DATE:** September 19, 2007

Approved 

Date 9/21/07

**SUBJECT: REVIEW OF RELEVANT LEGISLATIVE GUIDING PRINCIPLES FOR 2008**

## RECOMMENDATION

Review and discussion of the draft 2008 Legislative Guiding Principles with focus on the Transportation and Aviation, and Environmental and Utility City Service Areas.

## OUTCOME

Input from the Transportation and Environment Committee will be incorporated into the 2008 Legislative Guiding Principles and after additional Committees' review in October, the document will be forwarded to the Rules Committee and the City Council for adoption in November/December. The 2007 Legislative Guiding Principles represented a new framework for organizing the City's legislative interests and the 2008 document will continue to reflect the approach approved by the City Council in January of 2007. Key to the foundation of our legislative strategy are the City Council's five priorities including:

- Maintain our status as the safest big city in America;
- Eliminate the structural budget deficit;
- Reduce deferred maintenance and the infrastructure backlog and develop a strategy to improve the infrastructure;
- Increase economic vitality;
- Provide full funding for parks, pools, community centers and libraries.

In addition, advocacy for those measures that support the City's efforts to thrive as an environmentally sustainable city is critical.

## BACKGROUND

The Transportation and Environment Committee work plan for August-December 2007 included the scheduling of relevant Legislative Guiding Principles for 2008 for review and comment.

## **Transportation and Environment Committee**

**Re:** Review of Relevant Legislative Guiding Principles for 2008

September 19, 2007

Page 2

This review allows for a more thorough discussion of legislative principles by Council Committees to advance City policies.

City Service Areas (CSAs) developed legislative principles that have been consolidated into the City's Legislative Guiding Principles. The attached 2007 document has served as the City's legislative values statement and has provided a framework for formulating City-sponsored legislation and directing the City's support, opposition, or co-sponsoring of state and federal legislation. Relevant principles that have been edited or added are summarized in the Analysis section of this report.

The significance of developing each year citywide legislative guiding principles is that the City clearly articulates values with respect to legislative activities. In the past, CSAs developed independent priorities and those priorities were consolidated into one document. While the process yielded CSA priorities, the priorities did not roll up to a Citywide statement of legislative interests and/or priorities and there was no clear connection between all of the CSAs priorities. The 2007 Guiding Legislative Principles document began to address this concern and categorize the City's legislative interests into broader, citywide themes that CSAs' interest can fall under. The result is a document that attempts to minimize conflicts between CSA legislative interests and a true City statement of legislative values.

Concurrent to the development of 2008 Legislative Guiding Principles, staff has also been developing priorities for 2008. Following the outcome of the Congressional appropriations cycle for this session, and the end of the first year of the two-year legislative session in Sacramento, CSAs will be reporting out a set of 2008 Legislative Priorities consisting of perhaps a dozen actionable issues of high priority for the City. The 2008 Legislative Guiding Principles and Priorities will be forwarded to the Rules Committee and the City Council for adoption in 2007 with additional Appropriation priorities forwarded to the Rules and Open Government Committee and City Council in early 2008.

The establishment of Legislative Priorities will result in actionable items that are clearly defined and measurable, with performance outcomes reported to Council. The result of this effort is to produce quantifiable progress in the City's legislative performance and to establish clear areas where performance can be evaluated and/or adjusted.

As an example, Proposition 1B, the Transportation Bond Act, and Proposition 84, the "Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative", both passed by the voters in November of 2006, provide for ongoing funding opportunities to build critical infrastructure statewide. Staff will continue to place at a very high priority the implementation of these bond measures when the State Legislature reconvenes in January 2008 and the funding from these measures is addressed through the State legislative and budgetary process for FY 08-09.

### **Overview of the City's Legislative Process**

During the session, after bills are introduced, and as amendments are added, legislation of interest to the City is continually monitored and analyzed by Intergovernmental Relations (IGR) and City staff to determine the measure's potential impacts to San José and local government. Following analysis, major State or Federal legislation that is supportive or detrimental to the City's Legislative Guidelines and Priorities are brought forward to the Rules and Open Government Committee with staff recommendations for official City positions. Rules and Open Government Committee recommended City positions are then forwarded to the City Council for final action.

On occasion, members of the Council also bring forward pending bills for City positions. It has been the custom of the Rules Committee to refer measures then to the appropriate City staff for review and return to the Rules and Open Government Committee with a recommended City position. When the Legislature is in session, IGR prepares updates on priority legislation. The status of legislation, including City-sponsored bills are brought forward to the Rules and Open Government Committee and posted frequently in the City Manager's Weekly Report.

### **ANALYSIS**

To assist the City in improving and enhancing the quality of urban life for our residents, the Transportation and Aviation CSA, and the Environmental and Utility Services CSA aligns to the Transportation and Environment Committee's mission and the following guiding principles have been edited and/or added to the 2008 Legislative Guiding Principles to advance these interests. (Numbered items reflect 2007 document attached. Note, that a redlined version is not provided because it is too confusing to follow therefore, the additions, revisions, etc., are presented in this format):

#### **From the Transportation and Aviation CSA:**

##### **Protect Local Control**

- (Add) Protect local decision making in relation to transportation and land-use decisions.

##### **Ensure Region's Competitiveness/Protect City Revenue Base**

- (Add) Support legislation that allows for the flexible use of and repayment of local agency funds to advance key infrastructure projects.

##### **Protect and Increase Local Funding. No Unfunded Mandates**

- 6). (Revised) Support State and Federal transportation funding mechanisms and support legislation to reduce the approval of taxes for transportation and infrastructure funding measures to less than two-thirds majority.(Took out airport language. See next bullet)

## **Transportation and Environment Committee**

**Re:** Review of Relevant Legislative Guiding Principles for 2008

September 19, 2007

Page 4

- (Revised/expanded) Support State and federal aviation legislation, policies, funding mechanisms and activities that focus on: a) securing funding that will support the Terminal Area Improvement Program and/or will improve airport safety, security, and convenience; b) increasing the Passenger Facility Charges (PFC) ceiling rate; c) allowing airports greater flexibility in the use of local sources of revenue; d) maintaining and increasing funding for the Airport Improvement Program; and e) ensuring federal capital and operating programs are funded by stable and predictable revenue streams.

### **Pursue Federal and State Funding for Key Efforts**

- (Add) Provides rewards in the form of funding for transportation and affordable housing to communities that have the largest share of Regional Housing Need Allocations (RHNA).
- (Add) Support efforts that promote BART, Airport transit access, roadway/interchange improvements, bikeways, and pedestrian enhancements.
- (Add) Promote California's High-Speed Rail project including a southern gateway through the Pacheco Pass into San José and continue to support funding of the project through a High-Speed Train Bond Act on the statewide ballot.

### **Promote Livability/Sustainable Development Protection**

- 5) (Delete) Promote the successful delivery of transportation projects that include delivery and environmental streamlining.
- (Add) –Support efforts that provide greater flexibility for the successful delivery of transportation projects including innovative project management tools, as well as environmental streamlining.
- (Add) Promote legislation that provides funding for transportation infrastructure that supports infill and higher density housing, as well as Transit-Oriented Development (TOD).

### **Support Efforts to Keep San José Safe**

- (Add) Promote technologies that provide for the increased safety of road users including, pedestrians, bicyclists and drivers.

**Transportation and Environment Committee**

**Re: Review of Relevant Legislative Guiding Principles for 2008**

September 19, 2007

Page 5

- (Add) Support legislation that provides innovative funding sources to increase enforcement, and safety measures on local streets as well as provides funding to provide transportation safety education.

From the Environmental and Utility Services CSA:

**Ensure Region's Competitiveness/Protect City Revenue Base**

- (Header revised) The City embraces efforts to obtain funding for economic development and environmental initiatives, including planning and implantation of regional transportation and traffic congestion relief projects and creation of affordable housing.
- 4). (Revised) Encourage innovation and employment in the development of new and sustainable products, technology, and services.

**Protect and Increase Local Funding. No Unfunded Mandates.**

- 7). (Revised) Support policies that incorporate the costs of recycling and disposal of products and materials to producers and users.

**Pursue Federal and State Funding For Key Efforts**

- 9).(Revised) Seek funding to ensure sustainable long-term water supplies.
- (New) Ensure funding for Recycled water projects.
- 10.) (Revised) Improve the health of local watersheds.
- (New) Provide funding to support alternative energy production such as solar power and waste energy.
- (New) Ensure adequate funding of Water Pollution Control Plant infrastructure needs.

**(Revised) Promote Livability and Sustainability**

(Revised) The City supports legislation that promotes livability, sustainable development, and environmental protection.

- 1). (Revised) Protect the environment through conservation and preservation of natural resources and habitat.
- 2). (Revised) Support implementation of City adopted regional, state and global initiatives (e.g. Urban Environmental Accords).

## Transportation and Environment Committee

Re: Review of Relevant Legislative Guiding Principles for 2008

September 19, 2007

Page 6

- 7.)(Revised) Promote research, development, production and procurement of environmentally preferable goods, services, and transportation.
- 11.)(Revised) Encourage public utility companies to prioritize and efficiently maintain and construct underground projects.
- 12). (Revised) Promotes and secure funding for Green Building initiatives.
- 13). (Delete) Promotes funding for long-term habitat and watershed restoration efforts.
- 14) (Delete).Provide for funding for development and replacement of utility infrastructure such as water, waste water, recycled water, levees, and flood control.
- 15).(Delete)Promote sustainable development, and improved environmental and conservation standards.
- 16). (Delete)Promote regulatory processes that encourage collaboration and provide incentives for sustainable development.
- (Add) Promote pollution prevention practices.
- (Add) Support San José's efforts to become a Sustainable City.
- (Add) Support moving towards achieving Zero Waste.

### Support Efforts to Keep San José Safe

- 5). (Revised and will be moved to section regarding livability and sustainability) Promote user pays policies as they relate to costs associated with handling, recycling, and disposal of hazardous or universal waste materials.

### 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)**

**Transportation and Environment Committee**

**Re:** Review of Relevant Legislative Guiding Principles for 2008

September 19, 2007

Page 7

By providing this document to the Transportation and Environment Committee in October, prior to review by the Rules and Open Government Committee and adoption by the City Council, this document will be posted on the City's website with the Transportation and Environment Committee meeting agenda and interested public will have additional time to review the 2008 Legislative Guiding Principles as proposed by the CSA's.

**COORDINATION**

This memo was coordinated with the above referenced City Service Areas, City Attorney's Office, the City's Legislative Representative in Sacramento, and federal lobbyist in Washington, D.C.

**POLICY ALIGNMENT**

The 2008 Legislative Guiding Principles will further the City's legislative policy goals and form the foundation of the City's efforts to work with our federal and State partners on issues of concern and interest to the City.

**COST IMPLICATIONS**

Not applicable.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

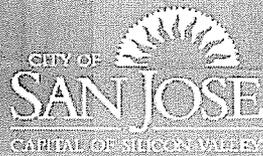
Not a project.



BETSY SHOTWELL  
Director, Intergovernmental Relations

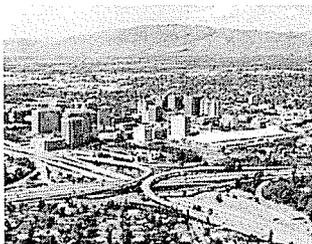
Attachment: City of San Jose 2007 Legislative Guiding Principles

For more information contact: Betsy Shotwell, Director of Intergovernmental Relations at  
(408) 535-8270.

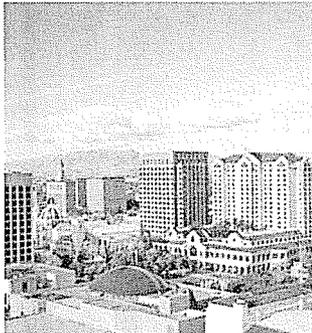


City of San José

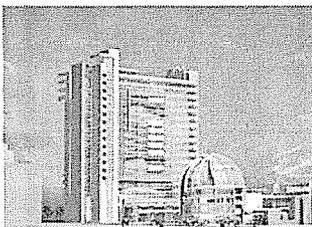
# 2007 Legislative Guiding Principles



San José, the "Capital of Silicon Valley" and county seat of Santa Clara County, is the third largest city in California, tenth largest in the nation and home to a population of 945,000 residents. While San José and Silicon Valley are largely associated with the technology industry, the City's business profile is diverse and healthy with the presence of robust commercial, retail, industrial, professional and service businesses. San José is the Safest Big City in America, with the best public safety record of any metropolitan area in the country. The City is proud of the cultural and ethnic diversity of its population and workforce and the rich cultural identity of its many neighborhoods. The City is one of the cleanest cities in the United States and was voted America's most livable city. City residents speak more than 52 different languages. San José ranks first in the nation in terms of the number of college graduates per capita.

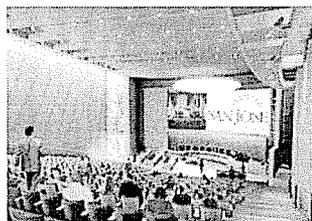


The City of San José is often recognized as a leader in municipal services, economic prosperity, and for its quality of life. This reputation is an outgrowth of City government's ability to make informed public policy decisions and influence the direction in which the City is headed at a regional, State, and national level.



Over the past years, the City of San José has experienced a tremendous amount of growth and prosperity. This has presented significant public policy challenges related to the municipal services that the City provides and the ability to respond effectively to changing needs. The challenge of effectively responding to emerging trends with informed policy and legislative initiatives will continue to increase, along with the complexity of the issues and diverse expectations from residents. This document highlights the City's legislative guiding principles; together with the City's legislative priorities, they form the basis of the City's efforts to work with our federal and State partners. This document is organized by the following legislative guiding principles:

- Protect Local Control
- Ensure Region's Competitiveness/Protect City Revenue Base
- Protect/Increase Local Funding/No Unfunded Mandates
- Pursue Federal and State Funding for Key Efforts
- Preserve Redevelopment as a Tool for Revitalization
- Promote Livability/Sustainable Development and Environmental Protection
- Support Efforts to Keep San José Safe



## Protect Local Control

The City values its ability to exercise local control, enable excellent public services and protect and enhance the quality of life for San José residents. The City supports local control efforts to streamline regulations that simplify the job of running the City.

Specifically, the City supports efforts, legislation, and policies that:

1. Protect local government revenues by maintaining local authority over the collection of fees and generation of revenues.
2. Reward cities that routinely provide their fair share of housing, while relieving them of slow, unnecessary, or unproductive regulatory review.
3. Allow greater local control regarding the location and permitting of group homes, while ensuring reasonable accommodations to the disabled.
4. Protect the rights of cities to manage local integrated waste management facilities, programs, and materials.
5. Promote legislation and policies that increase local control of utility infrastructure.
6. Promote the ability of cities, in the area of telecommunications, to have control over the collection of fees and raising of revenues through franchise agreements.

## Ensure Region's Competitiveness/Protect City Revenue Base

The City embraces efforts to obtain funding for economic development initiatives, including planning and implementation of regional transportation and traffic congestion relief projects and creation of affordable housing.

The City supports efforts, legislation, and policies that:

1. Provide resources and incentives for workforce training, job creation, small business development, and research and development.

2. Give more flexibility to Workforce Investment Boards and enable WIBs to target services according to local needs.
3. Oppose policies that undermine San José's competitiveness and the City's revenue base, or that adversely impact San José-based businesses.
4. Fuel innovation and employment, that results in the development of new products, technology, and services (e.g., bioscience incubators, solar technology, nanotechnology, informatics and alternative fuel technology).
5. Improve the method of assessment, collection and allocation of local revenues, and oppose efforts that threaten the sources and flexibility of existing revenues.
6. Support the implementation of the San José International Airport Terminal Area Improvement Program, a \$1.5 billion capital development program to improve airport facilities in two phases.

## Protect/Increase Local Funding/No Unfunded Mandates

Legislation and policies that reduce any negative impacts to City services, revenues or costs resulting from state and federal legislation or budgets are high priorities.

The City supports efforts, legislation, and policies that:

1. Provide funding to offset the local costs of managing environmental programs, including water quality protection, energy efficiency and water supply protection.
2. Support the cost of public safety overtime associated with federal actions and mandates, including changes in alert color codes.
3. Promotes policies that provide a more sustainable and cost-effective delivery of workers' compensation benefits for injured City employees.
4. Provides State funding and efforts that strengthen the monitoring of sex offenders.
5. Ensure sufficient funding for security efforts, including funding for staffing, facilities, training and equipment
6. Support innovative State and federal transportation funding mechanisms that focus on aviation issues such as greater

flexibility in airport Passenger Facility Charges and surface transportation needs such as vehicle license surcharges, indexing of gas tax, and approval of local transportation and infrastructure funding measures by less than a 2/3 majority.

7. Support policies that incorporate the costs of handling, recycling, and disposal to the users/generators of hazardous materials.

## Pursue Federal and State Funding For Key Efforts

The City supports legislation that increases federal and State funding for efforts that:

1. Fund affordable housing (Low Income Housing Tax Credits, Mortgage Revenue Bonds, HOME Investment Partnership, HOPWA), including the creation of permanent dedicated revenue sources at the federal, State and local levels.
2. End chronic homelessness in 10 years.
3. Fully fund the CDBG Program and the HUD Section 108 Program and ensure that the City gets its fair share.
4. Support workforce training, job creation and research and development efforts.
5. Fund traditional infrastructure repair and replacement, including redevelopment areas (e.g., flood control, storm damage, retention basins, water systems, sanitary sewers, storm drainage systems and recycled water systems).
6. Preserve and pursue California's and San José's share of federal and State transportation funding, for planning and implementation of State and regional transportation and traffic congestion relief projects.
7. Enable the development and protection of transportation funding for the maintenance and operations of local streets and roads.
8. Provide transportation investment to preserve existing facilities, support multimodal travel and enhance community livability.
9. Pursue funding to create sustainable long-term water supplies.
10. Improve the conditions of local waterways and facilitate watershed restoration.
11. Provide funding for library construction activities and enhanced library services.

12. Ensure adequate funding and continuation of programs that support programming and operating costs and provide equitable reimbursement for the library's inter-system handling costs.

13. Enable the construction of high quality child care centers and improve professional development and training of child care.

## Preserve Redevelopment as a Tool for City Revitalization

The City supports legislation and policies that maintain the local autonomy of the Redevelopment Agency and supports efforts to protect the Agency's flexibility to use redevelopment funds, while opposing efforts to limit or divert the use of redevelopment funds (including 20% funds).

1. Oppose efforts to limit the reasonable use of eminent domain in the implementation of the City's redevelopment and neighborhood revitalization efforts.
2. Oppose efforts to reduce the powers of redevelopment agencies to continue efforts to reduce blight and improve our neighborhoods.

## Promote Livability/Sustainable Developmental Protection

The City values a sustainable quality of life in an urban environment, including: child care, aging and youth services, urban parks and open space, recreation facilities, environmental protection and arts and culture. The City supports legislation and policies that emphasize sustainable development; improve environmental standards and the regulatory process; provide incentives and financial measures for preservation of natural resources and promote sustainable energy policies.

The City supports legislation that promotes livability, sustainable development, and environmental protection that:

1. Protects the environment and emphasize conservation and renewable energy sources.
2. Support implementation of the 2005 United Nations Accords 21 Actions.
3. Promotes water efficient practices and ensure a clean, affordable water supply.
4. Expand and maintain the City's system of trails and recreational facilities.
5. Promotes the successful delivery of transportation projects Promotes the successful delivery of transportation projects that include delivery and environmental streamlining.
6. Streamline the CEQA process, particularly for infill housing and high-density housing near public transportation or corridors.
7. Promotes research, development, production and purchase of alternative fuel and hybrid vehicles as well as the conservation and preservation of natural resources.
8. Enables the Airport to be a good neighbor by limiting excessive noise and reducing negative environmental impacts.
9. Maintains the effectiveness of housing and community development efforts, including the administration of the City's Housing Authority. Support efforts to make the City Housing Authority a Moving to Work jurisdiction.
10. Continues to promote education attainment and literacy and learning programs.
11. Ensure that public utility companies prioritize and efficiently deliver utility under grounding projects.
12. Promotes research into effectiveness of green building and economic incentives for builders who build sustainable and green buildings.
13. Promotes funding for long-term habitat and watershed restoration efforts.
14. Provide for funding for development and replacement of utility infrastructure such as water, waste water, recycled water levees, and flood control.
15. Promote sustainable development, and improved environmental and conservation standards.
16. Promote regulatory processes that encourage collaboration and provide incentives for sustainable development.

## Support Efforts to Keep San José Safe

The City supports legislation and policies that enable local officials to access resources to provide quality police, fire, emergency management, and emergency medical services to the community.

Support legislation and policies that:

1. Provide opportunities for community policing and public safety education programs.
2. Secure or protect ongoing funding for Homeland Security efforts to enable the City, as a local first responder, to effectively respond to all forms of emergencies.
3. Ensure that San José receives a proportionate share of funding for public safety/security initiatives.
4. Provide ongoing support for proposals related to interoperability of communications systems for Police and Fire.
5. Promote user pays policies as they relate to costs associated with handling, recycling, and disposal of hazardous materials.
6. Promote transportation safety and security for all modes including traffic calming within neighborhoods, safe routes to school for children, and increase local authority to set effective traffic control practices on local streets.
- 7.