



Memorandum

TO: TRANSPORTATION AND ENVIRONMENT COMMITTEE

FROM: Betsy Shotwell

SUBJECT: SEE BELOW

DATE: September 22, 2008

Approved

Date

9/29/08

SUBJECT: REVIEW OF LEGISLATIVE GUIDING PRINCIPLES FOR 2009

RECOMMENDATION

Review and discussion of the draft 2009 relevant Legislative Guiding Principles with focus on transportation, aviation, and the environment.

OUTCOME

Input from the Transportation and Environment Committee will be incorporated into the 2009 Legislative Guiding Principles and after additional Committees' review in October, the document will be forwarded to the Rules and Open Government Committee and the City Council for adoption in November. The 2007 Legislative Guiding Principles represented a new framework for organizing the City's legislative interests and the 2009 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:

- Regain 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 2008 included the scheduling of relevant Legislative Guiding Principles for 2009 for review and comment.

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 draft 2009 document will continue to serve as the City's legislative values statement and provide a framework for formulating City-sponsored legislation and directing the City's support, opposition, or co-sponsoring of state and federal legislation.

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.

Concurrent to the development of 2009 Legislative Guiding Principles, staff has also been developing legislative and appropriation priorities for 2009. Following the outcome of the Congressional appropriations cycle for this session, and the end of the second year of the two-year legislative session in Sacramento, staff will be reporting out a set of 2009 Legislative Priorities consisting of perhaps a dozen actionable issues of high priority for the City. The 2009 Legislative Guiding Principles and Priorities will be forwarded to the Rules and Open Government Committee and the City Council for adoption in 2008 with additional Appropriation priorities forwarded to the Rules and Open Government Committee and City Council in early 2009.

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 2009 and the funding from these measures is addressed through the State legislative and budgetary process for FY 09-10.

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 guiding principles that have been edited and/or added to the draft 2009 Legislative Guiding Principles to advance these interests are indicated in the attached document with tracked changes.

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)**

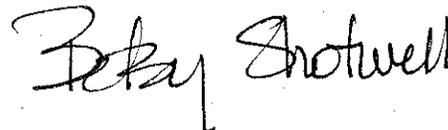
By providing this document to the Transportation and Environment Committee in October, prior to review by the Rules and Open Government Committee and adoption by the City Council, this document will be posted on the City's website with the Transportation and Environment Committee's October 6, 2008 meeting agenda and interested public will have additional time to review the draft 2009 Legislative Guiding Principles as proposed.

COORDINATION

This memo was coordinated with the Airport, the Environmental Services Department, Department of Transportation, the Transportation and Aviation Services CSA, the City Attorney's Office, the City's Legislative Representative in Sacramento, and our federal lobbyist in Washington, D.C.

POLICY ALIGNMENT

The 2009 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.



BETSY SHOTWELL
Director, Intergovernmental Relations

Attachment: City of San Jose draft 2009 Legislative Guiding Principles document

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

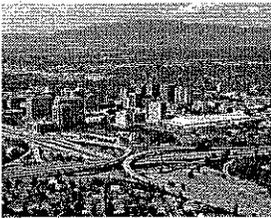


City of San José

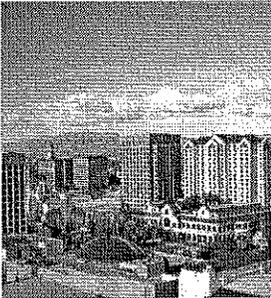
2009 Legislative Guiding Principles

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 974,000 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 and a thriving clean technology sector. 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.

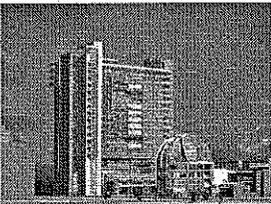
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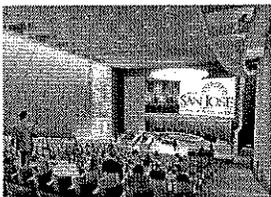
The City of San José is often recognized as a leader in municipal services, economic prosperity, and for its quality of life. This reputation is an outgrowth of City government's ability to influence regional, state and national policies that impact service delivery.



Over the past years, the City of San José has experienced a tremendous amount of growth. 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 and the change in the Federal Administration. 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 and 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



A. 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.
7. Protect local decision making in relation to transportation and land-use decisions. Maintain local land-use authority.
8. Promote a regulatory environment that allows and encourages cities to implement innovative programs to achieve local, state, and national environmental goals.
9. Oppose legislation that reduces the authority and/or ability of local government to determine how best to effectively operate local programs, services and activities.

B. Ensure Region's Competitiveness and Protect City Revenue Base

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

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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, especially for green jobs.
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. Encourage innovation and employment in the development of new and sustainable products, technology, and services.
5. Improve methods 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.
7. Support legislation that allows for the flexible use of repayment of local agency funds to advance key infrastructure issues.

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C. Protect and Increase Local Funding. No Unfunded Mandates

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Oppose legislation, policies, or budgets that have negative impacts on City services, revenues or costs. The City supports efforts, legislation, and policies that:

1. Ensure that mandated programs are linked to funding to offset the local costs.
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 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.
- 7. ~~Support policies that incorporate the costs of recycling, and disposal of products and materials to producers and users, and encourage re-design of products to be less toxic, more easily recycled, and more durable/repairable."~~
- 8. 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.
- 9. Pursue and support legislative efforts that curb and/or control the escalating cost of employer provided healthcare.

D. Pursue Federal and State Funding For Key Efforts

The City supports legislation that increases Federal and State funding for City and regional efforts.

- 1. Protect and enhance current sources of federal programs including the Low-Income Housing Tax Credits, HOME, ESG and HOPWA.
- 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 infrastructure, construction, repair and replacement of flood control and storm drainage systems, potable and recycled water systems, sanitary sewer systems, and wastewater treatment facilities in all areas of San Jose including redevelopment areas."~~
- 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. Seek funding to ensure sustainable long-term water supplies, including recycled water projects.
- 10. Provide funding for library construction activities and enhanced library services.
- 11. Enable the construction of high quality child care centers and improve the professional development and training of early childhood educators.
- 12. ~~Support reauthorization efforts of the Federal Transportation bill that includes flexibility for local agencies, and key themes from the Transportation for Tomorrow report including: maintaining the current transportation system, metropolitan mobility, highway safety, energy security, and investments in intercity and High-Speed Rail.~~
- 13. ~~Support efforts to maintain and increase transportation investment through activities such as, increasing the gas tax, expanding user pricing, VMT fees, and Public Private Partnerships.~~
- 14. 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)
- 15. ~~Promote California's High-Speed Rail project, which includes an approved southern gateway alignment through the Pacheco Pass into San Jose and support federal and state activities that will advance California's project.~~
- 16. Support efforts that promote BART, Airport transit access, roadway/interchange

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improvements, bikeways and pedestrian enhancements.

17. Promote California's High-Speed Rail project including a southern gateway through the Pacheco Pass into San Jose and continue to support funding of the project through a High-Speed Train Bond Act on the statewide ballot.
18. Ensure adequate funding of Water Pollution Control Plant infrastructure needs.
19. Create new permanent sources of funding for affordable housing at both the State and Federal level including the funding for a National Housing Trust Fund and legislation that encourages the fair, equitable and timely dispersal of Statewide Housing Bond monies that maximizes San Jose's ability to compete (pursuant to the City's adopted Proposition 1C Guiding Principles).
20. Increase California's conforming loans and FHA multifamily loan limits and regain San Jose's designation as a Difficult Development Area (DDA) in order to provide maximum funding and housing opportunities for San Jose residents and other high-cost areas.

E. 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.

F. Promote Livability, Sustainable

Development, and Environmental 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, climate protection, vibrant libraries, 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, and are consistent with the Green Vision.

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

1. Promote initiatives and secure funding that address climate change, and supports San Jose's Green Vision efforts to become a Sustainable City, through Green building initiatives, pollution prevention practices, water, waste, and energy efficiency, and regional, state and global initiatives (e.g. Urban Environmental Accords.
2. Protect the environment through conservation and, preservation of natural resources, habitat, and improving the health of local watersheds.
3. Expand and maintain the City's system of trails and recreational facilities.
4. Streamline the CEQA process, to promote infill and high-density housing near public transportation or corridors.
5. Promote research, development, production and procurement of environmentally preferable goods, services, and transportation.
6. Maintain 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.
7. Encourage public utility companies to prioritize and efficiently maintain and construct underground projects.
8. Support Source Reduction and increased recycling and composting in order to achieve Zero Waste.
9. Support efforts that provide greater flexibility for the successful delivery of transportation projects including innovative

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- project management tools, as well as environmental streamlining.
- 10. Promote legislation that provides funding for transportation infrastructure that supports infill and higher density housing, as well as Transit-Oriented Development (TOD).
- 11. Provides funding for programs that promote health and wellness, increase access to local organic foods, increase physical activity and ensure proper nutrition and nutrition services to improve seniors' and children's individual health.
- 12. Provides funding for the preservation of open space and the acquisition of parkland in park deficient and low-income communities.
- 13. Facilitates collaboration between cities and schools to increase community use of facilities.
- 14. Promotes access to affordable health care for seniors and youth.
- 15. Promote user pays policies as they relate to costs associated with handling, recycling, and disposal of hazardous and/or universal waste materials.
- 16. Support state and federal incentives that foster energy innovations including energy efficiency, smart grid, clean renewable energy, energy conversion and storage technological development.

- 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 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.
- 6. 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.
- 7. Promote technologies that provide for the increased safety of road users including, pedestrians, bicyclists and drivers.
- 8. Increases resources to deter gang involvement and involve youth in positive alternatives.

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G. 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.