



TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE HIGHLIGHTS

Thursday, January 23, 2010
Hyatt Regency, 1209 L Street, Regency D, Sacramento

ATTENDANCE

Members: Newell Arnerich (Chair); Jennifer Mendoza (V.Chair); Sean Ashton; Girum Awoke; Eli Beckman; Priya Bhat-Patel; Bret Black; Russ Brown; Ross Chun; Keith Cooke; Laurie Davies; Fernando Dutra; Bob Engler; Paul Fadelli; Dominic Farinha; Ben Fine; Thom Fowler; Rene Guerrero; Christian Horvath; Mike Johnson; Lynne Kennedy; Shawn Kumagai; Jeff Lee; Chin Ho Liao; Jesse Loren; Lori Luhnaw; Gordon MacKay; Hernan Molina; Linda Molina; Trish Munro; Jenelle Osborne; Dan Parra; Jerry Pentin; Ron Rowlett; Steve Sanchez; George Spurr; John Tulloch; Veronica Vargas; Steven Vargas; Mark Waronek; Dennis Wilberg; Bryce Wilson; Rita Xavier

League Partners: Scott Campbell; Michael Kraman

Staff: Rony Berdugo, Legislative Analyst

I. State Budget and General Briefing

On Thursday, Olivia Valentine, Chair, League Revenue and Taxation Policy Committee gave a brief introduction at the General Briefing Session. After her welcome, she introduced League President John Dunbar, Mayor, Yountville, who welcomed everyone and thanked them for their commitment to the policy committee process. President Dunbar then recognized his fellow officers in the room, and shared that they had met with legislators and the Governor's staff earlier that week. He emphasized the importance of League members contacting legislators when in Sacramento to make the most of everyone's time during their visit. President Dunbar explained that there is a lot of value in building relationships and advocating on legislation that could affect cities.

Turning to the budget, President Dunbar stated that he was excited to see money heading to cities. He is encouraged by the relationship between the League and the Governor and the open lines of communication that they share. President Dunbar closed by reiterating the importance of sharing the message of protecting local authority in meetings with legislators and continued participation in policy committees.

President Dunbar introduced Carolyn Coleman, League Executive Director. Ms. Coleman thanked President Dunbar for all of his hard work, and welcomed everyone to Sacramento. Ms. Coleman thanked everyone in attendance for their time engaging and building a strong voice for the League. She explained that the League would not be as effective if it were not for the collective efforts of the policy committee members. Ms. Coleman also acknowledged the League partners present and thanked League staff for all of their hard work. She concluded by introducing everyone to Melanie Perron, League Deputy Executive Director, Advocacy and Public Affairs.

The League's Fiscal Policy Advisor, Michael Coleman, walked everyone through the State Budget update, which included how the State plans to spend the \$5.9 billion surplus and

pay down debts while growing its reserves. He further explained how there is substantial funding in the budget to address housing and homelessness, natural resources and the environment, and fire protection. Mr. Coleman reminded everyone that this is only a budget proposal and is not final. There will be a May revision to this proposal, but this proposal is a good indication of where the Governor's budget is headed. The finalized budget will be voted on by the Legislature and signed by the Governor by the end of June.

Jason Rhine, Assistant Legislative Director, kicked off the legislative update by discussing issues related to housing, community, and economic development. Mr. Rhine emphasized that it is currently the second year of a two-year legislative session, and in addition to the two-year bills, there likely will be over a thousand new bills introduced this year. He emphasized that SB 50 is one of the biggest bills this year for housing, and despite recent amendments, the League remains oppose unless amended on this measure (this measure failed passage by the legislative deadline of January 31). Mr. Rhine then spoke about homelessness. He explained that this is the third year with significant money in the budget to address homelessness, with about \$1 billion in investment. Mr. Rhine explained that the League will continue to work with the Governor's office to address issues related to homelessness.

Bijan Mehryar, Legislative Representative, highlighted issues related to governance, transparency, and labor relations. He began by explaining that this year there will be a large focus on pensions as a component of cities overall fiscal sustainability. In relation to pensions, Mr. Mehryar highlighted SB 266, a two-year bill that may be acted upon this year to require cities to directly pay retirees disallowed retirement benefits using general fund dollars. Mr. Mehryar then discussed labor and workers compensation noting AB 418, which seeks to extend evidentiary privileges between union agents and a represented employee (this measure is a two-year bill currently on the Senate floor). He finished his update emphasizing he will continue to monitor issues related to elections and redistricting into 2020.

Charles Harvey, Legislative Representative, explained several evolving public safety issues. Mr. Harvey expressed that one of the big issues this year will be cannabis. He was happy to report that AB 1356 will not pass off the Assembly floor. Instead, a new bill related to model retail ordinances will be introduced. Mr. Harvey does expect to see a cannabis enforcement bill later this year, extending to cities the authority to impose civil fines and penalties against illicit cannabis operations. He is continuing to monitor issues related to cannabis taxation, including a recently introduced bill to lower excise taxes. Lastly, Mr. Harvey highlighted AB 1190, which the League supported regarding a framework for drone regulation. He explained this bill will be referred to three policy committees in the Senate, and he will continue working with cities in shaping drone policy this year.

Derek Dolfie, Legislative Representative, began his presentation by discussing environmental quality. He highlighted the League is working on issues related to utility initiated power shutoffs, grid hardening, and electrical undergrounding in conjunction with the Transportation, Communications, and Public Works, and Public Safety Policy Committees. Mr. Dolfie then turned to solid waste and recycling, thanking the cities in attendance who weighed in on SB 54 and AB 1080 related to the reduction of single-use plastic waste. He emphasized these bills are still moving through the legislative process, and there will be an updated action alert issued soon.

Mr. Dolfie then discussed community services. He mentioned the Governor issued an executive order last year creating a Master Plan for Aging and a stakeholder advisory committee. Mr. Dolfie highlighted Immediate Past President, Jan Arbuckle, Council Member, Grass Valley currently serves on this committee representing the local government perspective. Mr. Dolfie also added the Governor's budget proposal includes \$65.1 million for the creation of a "Parks for All Initiative," which seeks to expand access to parks, open spaces, and natural lands for all Californians.

Rony Berdugo, Legislative Representative and Federal Policy Liaison, gave a legislative update on transportation, communications, public works and federal issues. He began by reviewing the scooter legislation carried over from last year, AB 1286, which the League co-sponsored, and AB 1112, which the League opposes. Mr. Berdugo then turned to the active litigation that the League is in with the Federal Communications Commission. He explained the Transportation, Communications, and Public Works Policy Committee would get an update on this case later in the day. Mr. Berdugo also mentioned he has been working with the California Public Utilities Commission on closing the digital divide through broadband deployment. Mr. Berdugo finished his update by reviewing federal issues of importance to the League, including remote identification for drones, streamlining of the National Environmental Policy Act, and the recently approved federal budget.

Lastly, Nick Romo, Senior Fiscal Policy Analyst, highlighted issues related to revenue and taxation. He explained the Revenue and Taxation Policy Committee will continue to work with and monitor the activities of the California Department of Tax and Fee Administration as they have begun collecting sales and use taxes from out of state retailers following the passage of AB 147, regarding Wayfair v. South Dakota. In regards to annexation, Mr. Romo highlighted a two-year bill that the League supports, AB 213, currently in the Senate Appropriations Committee. He reiterated the League will continue to support annexations and incorporations into 2020. Mr. Romo closed his update by addressing the Governor's recent streamlining of Enhanced Infrastructure Financing Districts (EIFDs) by removing the 55 percent vote requirement. While helpful, EIFDs remain difficult for cities to initiate.

II. Welcome and Introductions

Members of the committee introduced themselves. Newell Arnerich, Chair, Transportation, Communications, and Public Works Policy Committee thanked the members and League partners in the room for their time and contributions.

III. Public Comment

Emily Ramey from Ygrene Energy (League Partner), a Property Assessed Clean Energy provider, made an announcement to the policy committee. In addition to providing an overview of the Property Assessed Clean Energy program, and the work that Ygrene does, she explained that electric vehicle charging is an eligible project for Property Assessed Clean Energy financing.

IV. Overview of Parliamentary Procedures and Robert's Rules

Chair Arnerich gave a brief overview of the League's Parliamentary Procedures and Robert's Rules. He explained that in addition to following these rules and procedures, it is important to be respectful to one and other and any guest speakers that may come before the committee. Mr. Arnerich reminded everyone that the committee only meets three times a year. To ensure everything on the agenda is discussed, the chair and vice-chair may need to limit discussion. In closing his overview, Mr. Arnerich applauded the first year council members in the room for spending their first-year in office on this committee.

V. Committee Orientation

Chair Arnerich began committee orientation. He explained going forward, policy committees will meet for General Session in the morning from 10:00 am to 11:00 am, and individual committees will meet from 11:00 am until 3:00 pm. He reminded the committee that if anyone would like to propose ideas for future agendas, they must inform Rony Berdugo, Legislative Representative and Federal Liaison, as early as possible so that he can try to include those topics and coordinate appropriate speakers. In addition, members were reminded that their preparation, participation, and expertise are needed for the committee to operate at its best.

Mr. Arnerich proceeded to give an overview of how the rest of the meeting would go. He explained there are going to be several speakers, which will help create a baseline of knowledge for those who do not have backgrounds in the subject matter at hand. The committee will then have the opportunity to ask speakers questions and have a discussion. In addition to the speakers, Mr. Arnerich explained there are also three action items that the committee will need to vote on. Lastly, Mr. Arnerich encouraged committee members to review all of the information that the League creates, and to use the Transportation, Communications, and Public Works Policy Committee [webpage](#) as a resource.

VI. League Strategic Priorities for 2020

The committee reviewed the League's [2020 Strategic Goals](#). This year, there are five main strategic goals:

1. Improve the supply and affordability of housing. Provide cities with financial tools to increase construction of housing, particularly for vulnerable populations, reform state regulatory barriers, and ensure cities retain flexibility based on the size, geography, demographics, impact mitigation and land use needs of each community.
2. Advocate for increased funding and resources to prevent homelessness and assist individuals experiencing homelessness. Secure additional resources and flexibility to provide navigation assistance, emergency shelters and permanent supportive housing and strengthen partnerships with stakeholders to ensure mental health, substance abuse treatment, and wraparound services are available for adults and youth at risk of – or already experiencing – homelessness in our communities.
3. Address cities' fiscal sustainability to deliver essential services and meet pension obligations. Raise awareness among stakeholders about the fiscal challenges cities face and work collaboratively to secure new revenue tools and flexible prudent policies to ensure cities are able to provide essential services to their residents while maintaining their ability to meet pension obligations.
4. Strengthen community and disaster preparedness, public safety, and resiliency. Improve community resiliency to disasters and environmental threats, and strengthen infrastructure stability and control, through expanding partnerships, including state and federal agencies, and securing additional resources and support for climate change adaptation, planning, preparedness, response, recovery, and sustainability in our cities.
5. Address public safety concerns of California cities.
 - Reform recently enacted criminal justice laws — enacted by both statute and initiative — that have eroded public safety protections of California residents through the passage of the Police Chiefs/Grocer's-sponsored criminal justice reform measure eligible for the November 2020 state ballot, or by equivalent reforms achieved through legislative action.
 - Protect public safety by reducing access to firearms by the mentally ill.

- Support additional tools and resources to address critical community challenges such as homelessness, mental health, domestic violence, drug rehabilitation, human trafficking, and workforce development for ex-offender reentry.

VII. Update of Existing Policy & Guiding Principles

Chair Arnerich referred the committee members to the League's updated Existing Policy & Guiding Principles document, and encouraged them to familiarize themselves with the policies. He explained the importance of the guiding principles document as the foundation for League advocacy positions. This document is updated and published every two years to reflect significant policies adopted by policy committees and approved by the Board. Committee members reviewed the proposed update and considered whether it accurately reflects the actions taken by the policy committee (and League Board) over the last two years, and whether there were any missing policy items or errors in describing policy.

MOTION: To adopt the proposed Existing Policy & Guiding Principles. Unanimous Support.

VIII. California's Transportation Infrastructure

Chair Arnerich introduced Elissa Konove, Undersecretary, California State Transportation Agency (Agency). Ms. Konove began her presentation by explaining the Agency's vision is to transform the lives of all Californians through a safe, low carbon, multi-model transportation system. She explained there are challenges in reaching these goals such as heavy congestion throughout the state, which has contributed to increased greenhouse gas emissions. Additionally, transportation-related injuries continue to rise. Ms. Konove emphasized that city officials can play an important role in addressing some of these challenges.

Ms. Konove explained the most significant source of carbon emissions is from transportation and that reaching carbon neutrality will require investment in all aspects of the transportation sector. She then highlighted several components of the Governor's proposed budget that make such investments, including funding for high-speed rail, addressing climate change, and low-carbon transportation in disadvantaged communities.

Lastly, Ms. Konove highlighted some of the projects that the Agency will be working on in the future. She explained that the Agency is currently working to develop its long-range [California Transportation Plan](#), which will extend through 2050 and will track the course of transportation evolution into the future. Ms. Konove also explained that the draft [California Freight Mobility Plan](#) is currently under review and that comments are still being accepted. She then took several questions from the committee.

IX. FCC "Small Cell" Order Litigation Update

Chair Arnerich introduced guest speaker Tripp May, a shareholder with Telecom Law Firm who is representing the League of California Cities in ongoing litigation against the Federal Communications Commission's (Commission) Order related to the oversight authority over small and macro wireless facilities. Mr. May explained how the Commission's Order impacts cities, including restricting a city's fee authority, design standards moving from subjective to objective standards, and the time to review and approve wireless facilities.

Mr. May highlighted that oral arguments for this case will begin on February 10 since the motion for expedited track was approved. Mr. May also discussed [H.R. 530](#) (Eshoo) and [S. 2012](#) (Feinstein), which would overturn the Commission's Order. He explained that while it is unlikely that these bills will pass out of Congress, it is important for cities to continue to

support these bills and encourage their representatives to take action. Mr. May added the passage of legislation would be a much easier path to overturning the Commission's Order than litigation or additional Commission rulemaking would be.

Mr. May then touched on how cities can help in the litigation effort. He suggested calling congressional representatives to garner more support for the repeal legislation, compiling and sharing data about what is happening in individual cities and continuing lobbying efforts. Mr. May then took questions from the committee.

X. Legislative Update

Mr. Berdugo gave an overview of the bills currently introduced in the State Legislature and opined on what the big committee related issues would be in 2020. Among them, Mr. Berdugo mentioned possible legislation related to linking transportation dollars to housing, and electric vehicle charging permits regarding compliance with [AB 1236](#). Mr. Berdugo also highlighted that he had been approached by the California Public Utilities Commission to try to find solutions to closing the digital divide through broadband deployment. He also reviewed the scooter legislation that carried over from last year, [AB 1286](#), which the League co-sponsored, and [AB 1112](#), which the League opposed. He assured the committee that scooter legislation would continue to be a priority this year. Mr. Berdugo also emphasized the importance of the City County Pavement Improvement Center ([CCPIC](#)) and the value of their classes to city public works employees.

Lastly, Mr. Berdugo directed everyone to the Transportation, Communications, and Public Works Policy Committee [webpage](#), and highlighted some of the important information that can be found there. He then took questions from the committee.

XI. Rule 20 Draft League Policy

Caroline Cirrincione, Legislative Policy Analyst, gave an overview of the Rule 20 draft League policy for the committee's consideration. She explained the City of Rancho Palos Verdes submitted a resolution to the League for consideration at annual conference in October of last year. Their resolution sought to amend Rule 20A by expanding the criteria for undergrounding to include fire mitigation projects in Very High Fire Hazard Severity Zones. This resolution also proposed the League call upon the California Public Utilities Commission to increase funding allocations for Rule 20A.

Ms. Cirrincione explained that this resolution was heard in two of the League's policy committees at annual conference, Transportation, Communications, and Public Works and Environmental Quality, both of which passed the resolution with amendments to the General Resolutions Committee. The General Resolutions Committee took action to table the resolution at the Annual Conference and to defer drafting a new policy on this issue to the appropriate policy committees in January. She explained League staff had drafted the following policy for the policy committee's consideration:

“The League supports the inclusion of wildfire mitigation as an eligible project to receive the California Public Utilities’ Rule 20 funds and efforts to expand funding for Rule 20.”

Ms. Cirrincione then took questions from the policy committee.

STAFF RECOMMENDATION: League staff recommends the committee APPROVE the proposed changes to League existing policy.

MOTION: To approve proposed changes to League existing policy. Unanimous Support.

XII. 2020 Draft Work Program

Mr. Berdugo presented and explained the 2020 Transportation, Communications, and Public Works work program to the committee highlighting this work program will help guide him in selecting guest speakers and content for the committee. The committee had a robust discussion on what items they would like to add to this year's work program. The committee ultimately voted for the following work program:

- Mass Transportation;
- Rural Broadband Deployment;
- Infrastructure Access During Power Shutoffs; and
- Electric Vehicle Charging & Transportation Greenhouse Gas Reduction Goals

MOTION: To approve proposed work program for 2020. Unanimous Support

Next Meeting: Thursday, April 2, Sheraton Park Hotel, 1855 S Harbor Blvd, Anaheim