Pursuant to the provisions of California Governor’s Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of Covid-19, this meeting will be held by virtual teleconference only, with no physical location. The meeting will be broadcast on Midpen Media Center at https://midpenmedia.org. Members of the public who wish to participate by computer or phone can find the instructions at the end of this agenda. Members of the public may speak to agendized items; up to three minutes per speaker, to be determined by the presiding officer. All requests to speak will be taken until 5 minutes after the staff’s presentation. Public comment may be addressed to the full Policy and Services Committee via email at City.Council@cityofpaloalto.org and available for inspection on the City’s website. Please clearly indicate which agenda item you are referencing in your email subject line.

Call to Order

Oral Communications
Members of the public may speak to any item NOT on the agenda.

Action Items

1. Update on State and Federal Policy and Legislation

2. Office of the City Auditor Presentation of the IT Risk Management Audit Activity Report

3. Receive an Update on Recent Race and Equity Work Since June Including an Update on a Records Management System (RMS) Contract for Police Data Collection and Provide any Recommendations on the City's Race and Equity Work
Future Meetings and Agendas

Adjournment

PUBLIC COMMENT INSTRUCTIONS
Members of the Public may provide public comments to virtual meetings via email, teleconference, or by phone.

1. **Written public comments** may be submitted by email to city.council@cityofpaloalto.org.

2. **Spoken public comments using a computer or smart phone** will be accepted through the teleconference meeting. To address the Council, click on the link below to access a Zoom-based meeting. Please read the following instructions carefully.
   - You may download the Zoom client or connect to the meeting in browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Or download the Zoom application onto your phone from the Apple App Store or Google Play Store and enter the Meeting ID below.
   - You may be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
   - When you wish to speak on an Agenda Item, click on “raise hand.” The Clerk will activate and unmute speakers in turn. Speakers will be notified shortly before they are called to speak.
   - When called, please limit your remarks to the time limit allotted.
   - A timer will be shown on the computer to help keep track of your comments.

3. **Spoken public comments using a phone** use the telephone number listed below. When you wish to speak on an agenda item hit *9 on your phone so we know that you wish to speak. You will be asked to provide your first and last name before addressing the Council. You will be advised how long you have to speak. When called please limit your remarks to the agenda item and time limit allotted.

**Click to Join**  Zoom Meeting ID: 992-2730-7235  Phone: 1(669)900-6833

AMERICANS WITH DISABILITY ACT (ADA)
Persons with disabilities who require auxiliary aids or services in using City facilities, services or programs or who would like information on the City’s compliance with the Americans with Disabilities Act (ADA) of 1990, may contact (650) 329-2550 (Voice) 48 hours or more in advance.
Summary Title: Legislative Recap 2021 Session

Title: Update on State and Federal Policy and Legislation

From: City Manager

Lead Department: City Manager

Recommendation
Staff recommends that the Policy and Services Committee receive a legislative update on State and Federal bills or policy.

Background
In February 2021, the City Council adopted the 2021 Legislative Guidelines (CMR 11968) which are on the Intergovernmental Affairs webpage on the City’s website. The guidelines provided a baseline for the City’s legislative advocates at the state and federal level to advocate on the City’s behalf in relation to proposed legislation.

In June 2021, the City Council reaffirmed the type of legislative program and advocacy preferred for Palo Alto. The discussion also included direction to staff on some additional legislation to support in Sacramento.

Discussion
The City’s legislative advocates in Sacramento, Townsend Public Affairs, will be present to discuss specific pieces of legislation with the committee in addition to providing an update on the coming weeks and on the session as a whole in Sacramento. The City’s legislative advocates in Washington, D.C., Van Scoyoc Associates, will also be present to update the Policy and Services Committee on programs, efforts, and legislation currently taking place in Washington. Below is a high-level summary of activity at both the federal and state level.

Federal Update:
The following federal updates are relevant to the City:

Congress is in recess until mid-September. When they return to legislative session, Senators and Members of Congress will need to immediately address a number of critical issues, including 1) passing the bipartisan infrastructure bill before the end of September; 2) funding...
the government beyond September 30; 3) increasing the federal debt limit by the end of September; 4) begin hearings on the military’s withdrawal from Afghanistan; and 5) beginning debate on the President’s proposed “human infrastructure bill.”

The information below addresses current efforts and upcoming actions in the Congress and the Biden administration (“administration”) of interest to the City of Palo Alto on infrastructure, housing, appropriations, public safety, and the environment.

**Infrastructure**
- **Infrastructure Investment and Jobs Act**
  - The Senate passed the Infrastructure Investment and Jobs Act (IIJA), a $1.2 trillion bipartisan infrastructure [bill](#) that includes $550 billion in new federal spending.
  - The bill provides increased funding for roads/bridges, transit, rail grade separations, active transportation, broadband, airport, wildfire mitigation, and electric grid and other energy improvements. The bill does not include congressional earmarks.
  - The House is scheduled to vote on the IIJA by September 27.
- **Human Infrastructure Proposal (Budget Reconciliation)**
  - The House and Senate are drafting a $3.5 trillion “human infrastructure” [package](#) that will fund health care, child care, education, and climate initiatives with a goal of having a bill ready by September 15.
  - By using the budget reconciliation process, the Senate is able to pass certain budget bills with a simple 51-vote majority, rather than the 60-vote threshold (e.g., Affordable Care Act).
  - Despite this lower vote threshold, it is uncertain that all 50 Senate Democrats will vote for a $3.5 trillion bill.

**Housing**
- **Eviction Moratorium**
  - The Supreme Court lifted the administration’s current Centers for Disease Control and Prevention (CDC) eviction moratorium.
  - The Supreme Court ruled that the CDC did not have the authority to implement an eviction moratorium.
- **Emergency Rental Assistance Program (ERAP)**
  - To help prevent evictions, the administration is promoting funding that is being allocated from the Emergency Rental Assistance Program.
  - The program helps families make rental and utility payments.
  - ERAP funding is allocated through state governments for cities with populations under 200,000 residents.

**Appropriations**
- **FY 2022 Appropriations**
Government funding runs out September 30, 2021. Congress must pass fiscal year 2022 appropriations bills by October 1 or pass a short-term extension through a Continuing Resolution to avoid a government shutdown.

Debt Limit
- The debt ceiling expired at the end of July 2021; since then the Treasury Department is using “extraordinary measures” to provide cash for the government to function.
- The debt ceiling must be raised in order to increase the federal government’s borrowing limit and avoid a default on its debt.
- If nothing is done, default would occur in October or November.
- Democratic leadership is hoping to increase the debt limit by attaching it to a must-pass bill; Republican leaders have said they do not intend to vote to increase the debt limit.

Public Safety
- Police Reform
  - Democrats and Republicans continue to seek agreement on broad policing reform through the George Floyd Justice in Policing Act.
  - As discussion between Members of the House and Senate continue, negotiators have dropped efforts to reform qualified immunity that is applied during lawsuits against law enforcement and local governments.

Environment
- Climate Change
  - Democratic leadership and the White House are seeking policies to address climate change, including President Biden’s proposals to make significant reductions to greenhouse gas emissions.
  - Democrats are developing proposals in areas such as clean energy, electric vehicles, environmental justice, climate resiliency, and coastal/ocean resiliency and hope to include in the next budget reconciliation bill.
- Waters of the United States (WOTUS)
  - Earlier this week, a federal district court judge in Arizona threw out the Trump administration’s re-write of the Clean Water Act, which was an attempt to overturn the Obama administration’s Waters of the U.S. regulation.
  - WOTUS establishes the scope of federal jurisdiction under the Clean Water Act, including defining “navigable waters.”
  - The Environmental Protection Agency and the U.S Army Corps of Engineers are currently working to create an "enduring" definition of which waterways and wetlands are subject to the Clean Water Act’s requirements.

Voting Rights
Recently, the House passed the John R. Lewis Voting Rights Advancement Act of 2021 (HR 4)
which seeks to overhaul voting laws in the United States. Specifically, the legislation would require federal approval before changes to voting practices could be implemented in states and localities with a recent history of voter discrimination. While the measure only required a simple majority to pass the House, it would need up 60 votes to clear the Senate.

**COVID Vaccine**
The FDA recently granted full approval to the Pfizer COVID-19 vaccine for people 16 and older. This is the first vaccine to earn full approval in the U.S. Pfizer and BioNTech are studying the shot's safety and efficacy in younger children and infants. They are expected to seek emergency authorization for 5-to-11-year-olds this fall.

**State Update:**
Note, this is an update as of the end of August 2021. By the time of the Policy and Services Committee September 14 meeting, the legislation described below will have additional updates.

Update as of the end of August 2021: The Legislature continued its quick pace of progressing bills in order to meet its fiscal deadline of August 27. On Thursday, August 26, there were suspense file hearings for both the Assembly and Senate, wherein bills determined to have a significant fiscal impact either progress, become 2-year bills, or are held under suspense and are no longer active. As of now, a total of 740 bills await action for the final weeks of session, with 245 awaiting consideration in the Assembly and 495 awaiting consideration in the Senate.

**Priority Housing and Land Use Legislation Update**
The Assembly passed SB 9 (Atkins), which would require the ministerial approval of a housing development of up to two units, or the subdivision of a parcel into two equal parcels, by a 45-19 vote. The bill will now go to the Senate for a concurrence vote before making its way to the Governor’s office for a signature or veto. As of August 27, the Governor has not made any public statements on whether he would sign it.

SB 9 is one of two high-profile bills that passed the Assembly before final concurrence. SB 10 (Wiener), which would permit a local government to pass an ordinance to rezone any parcel up to 10 units of residential density per parcel, passed with many Democrats abstaining over concerns with the bill’s potential impact on gentrification. Below is a brief overview of a few housing and land use bills and their outcomes:

**AB 989** (Gabriel), which would create an Office of Housing Appeals within the California Department of Housing and Community Development to review alleged violations of the Housing Accountability Act for specified housing development projects, **passed out of committee** and will move to the Senate for consideration.

- **AB 1401** (Friedman), which would prohibit local governments from imposing or enforcing a minimum parking requirement on developments near public transit, **was held under suspense and is no longer active.**
• **AB 215** (Chiu), which would provide the Department of Housing and Community Development (HCD) with additional enforcement authority for local agency violations of specified housing laws, *passed out of committee and will move to the Senate for consideration.*

*Legislature Considered a Statewide Vaccination Requirement*
The legislature considered a gut and amended transportation bill as a possibility to become a bill requiring employees and patrons of certain industries to be vaccinated. AB 455 by Assembly Member Wicks was going to be amended to include bill language regarding statewide vaccinations. Though still committed to the effort, Assembly Member Wicks decided to put the legislation on hold given the short time remaining in session and the various concerns raised by stakeholders. The bill would have required that employees and patrons of restaurants, bars, cafeterias, gyms, hotels, indoor sports arenas, and movie theaters either be fully vaccinated or submit to weekly testing and show proof of a negative COVID-19 test before entering the workplace/establishment. Exemptions to the requirement would have been intended for those who are ineligible to receive the vaccine due to age or for those who have a verifiable medical issue or disability. The vaccination requirement would not have applied to employees working remotely and not physically entering their workplace. This gut and amend bill is not moving forward this session.

*Brown Act Flexibility Legislation Update*
In response to the pandemic and social distancing requirements, local agency meetings have been conducted virtually and sustained under Governor Newsom’s [Executive Order N-08-21](https://www.govexec.com), which is set to expire September 30, 2021. The surge in cases resulting from the Delta Variant highlights the need for the continuation of Brown Act Flexibility. As of now, there are two avenues to pursue an extension, which include another gubernatorial executive order or the passage legislation such as **AB 361** (R. Rivas), which would grant local agencies approval to transition to remote meetings if there is a local declared emergency without having to rely on an executive order. However, capitol staff have stated that AB 361 is set to be amended to allow local agencies to continue with virtual meetings only if there is a state declared emergency. Additional amendments will add an urgency clause, meaning its provisions would take effect as soon as the Governor signs it. The new amendments were not available as of the publishing of this report.

*Golden State Stimulus Payments*
Friday, August 27 marks the day for when eligible Californians began receiving the second round of Golden State Stimulus payments as part of the $12 billion state tax rebate program enacted by the Governor. The Program serves as a key element to the State’s goal of helping vulnerable residents offset economic impacts brought on by the pandemic. The second round of payments has been expanded to reach Californians making $75,000 or less.

*CPUC Extends Comment Deadline for Broadband Infrastructure Deployment*
The California Public Utilities Commission (CPUC) issued a [ruling requesting public comment](https://www.cpuc.ca.gov) to
collect recommendations for the development of middle-mile broadband network infrastructure. While the CPUC has already drafted preliminary maps for where middle-mile network fiber will be laid, the agency seeks stakeholder input before the plan’s finalization. The agency extended its deadline for formal parties to submit opening comments on the statewide middle-mile broadband network to Friday, September 3. The ruling was issued in response to a request from the California Cable & Telecommunication Association. The ruling also extends the deadline for reply comments to Tuesday, September 21. Individual members of the public are still encouraged to file informal comments using the [public comment portal] at any time, with no deadline. Instructions for submitting public comments and learning more about how to participate can be found at the [CPUC’s website].

Session Timeline
Friday, September 3 is the last day to amend bills on the floor and September 10 is the last day of the 2021 Legislative Session.

Recap of Bills
A quick recap on the specific bills on which the City has taken positions, what they do, and current status:

<table>
<thead>
<tr>
<th>Bill</th>
<th>Topic</th>
<th>Position</th>
<th>Status</th>
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<tbody>
<tr>
<td>AB 26</td>
<td>This bill specifies that law enforcement agency policies must: (1) mandate the reporting potential excessive force by officers; (2) prohibit retaliation against officers that report violations; (3) require that an officer who fails to intercede be disciplined up to and including the same manner as the officer who used excessive force; (4) prevent an officer who has had a finding of misconduct for use of excessive force from training other officers for three-years as specified; and (5) clarify the reporting requirements for uses of force and intervention on another officer who uses excessive force.</td>
<td>Support</td>
<td>Moving forward, on the Senate floor.</td>
</tr>
<tr>
<td>AB 703</td>
<td>This bill is focused on open meetings for local agencies and the requirements for teleconferences.</td>
<td>Support</td>
<td>This bill is on hold until next legislative session.</td>
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<tr>
<td>AB 718</td>
<td>This bill would require law enforcement agencies, or an oversight agency, to complete initiated administrative investigations of officer misconduct related to specified uses of force, sexual assault, and dishonesty allegations regardless of whether an officer leaves the employment of the agency.</td>
<td>Support</td>
<td>This bill is being held in the Senate Appropriations committee and is not moving for the remainder of this session.</td>
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<tr>
<td>Bill</td>
<td>Description</td>
<td>Support</td>
<td>Notes</td>
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<td>AB 1346</td>
<td>This bill would the California Air Resources Board (ARB) to adopt regulations to prohibit emissions from new “small off-road engines” (SORE)—such as those in lawn care equipment or portable generators—to apply to engines produced on or after January 1, 2024, or as soon as ARB determines is feasible, whichever is later.</td>
<td>Support</td>
<td>Moving forward on the Senate floor.</td>
</tr>
<tr>
<td>SB 2</td>
<td>This bill creates a statewide de-certification process for peace officers.</td>
<td>Support</td>
<td>Moving forward with some recent amendments, it’s on the Assembly Floor.</td>
</tr>
<tr>
<td>SB 9</td>
<td>This bill requires ministerial approval of a housing development of no more than two units in a single-family zone (duplex), the subdivision of a parcel zoned for residential use into two parcels (lot split), or both.</td>
<td>Oppose</td>
<td>Currently on the Senate floor for a final concurrence vote, the team worked on some of the recent amendments.</td>
</tr>
<tr>
<td>SB 10</td>
<td>This bill authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as specified.</td>
<td>Oppose</td>
<td>Currently on the Senate floor for a final concurrence vote, the team worked on some of the recent amendments.</td>
</tr>
<tr>
<td>SB 16</td>
<td>This bill expands categories of police and custodial personnel records subject to disclosure pursuant to the California Public Records Act (CPRA).</td>
<td>Support</td>
<td>Moving forward with some recent amendments, it’s on the Assembly Floor.</td>
</tr>
<tr>
<td>SB 556</td>
<td>This bill requires street light poles and traffic signal poles owned by a local government or local publicly owned electric utility (POU) to be made available for the placement of small wireless facilities, outlines the rates and fees that may be imposed for such use of these poles, and establishes the processes for reviewing and responding to requests for placing these facilities on these poles.</td>
<td>Oppose</td>
<td>Moving forward with some recent amendments, it’s on the Assembly Floor.</td>
</tr>
<tr>
<td>SB 591</td>
<td>This bill authorizes the establishment of an intergenerational housing development for senior citizens, caregivers, or transition age youths.</td>
<td>Support</td>
<td>Currently on the Senate floor for a final concurrence vote, and working on Governor’s signature strategy.</td>
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<tr>
<td>SB 765</td>
<td>This bill repeals the existing prohibition on a city or county imposing a requirement of a setback for an accessory dwelling unit (ADU) of more than four feet from the rear and side lot lines.</td>
<td>Support</td>
<td>This bill is on hold until next legislative session.</td>
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</tbody>
</table>

**Timeline and Resource Impact**
The timeline was discussed above. No resource impacts for this particular report.

**Stakeholder Engagement**
Staff connects with relevant stakeholders as needed throughout the legislative session.
Report Type: Action Items  
Meeting Date: 9/14/2021  

Summary Title: LATE PACKET: Information Technology Risk Management Audit Activity Report  
Title: Office of the City Auditor Presentation of the IT Risk Management Audit Activity Report  

From: City Manager  

Lead Department: City Auditor  

This report will be distributed in late packet on September 9, 2021.
Summary Title: LATE PACKET: Update on Recent Race and Equity Work

Title: Receive an Update on Recent Race and Equity Work Since June
Including an Update on a Records Management System (RMS) Contract for
Police Data Collection and Provide any Recommendations on the City's Race
and Equity Work

From: City Manager

Lead Department: City Manager

This report will be distributed in late packet on September 9, 2021.