



City of Palo Alto

City Council Staff Report

(ID # 8058)

Report Type: Action Items

Meeting Date: 5/8/2017

Summary Title: Action for position on state legislation

Title: Adoption of Formal Positions Supporting Four State Bills

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that Council formally support SB 22 (Hill), ACA 4 (Aguiar-Curry), SB 5 (De Leon), and AB 18 (Eduardo Garcia).

Staff further recommends that Council direct staff and the City's lobbyists to advocate for these bills, including submitting letters to legislators, participating in stakeholder meetings, meeting with legislative staff, and testifying before committees.

Background

The City's Legislative Program Manual (Manual), last revised and adopted on January 9, 2017, states that the City Council is the official voice of the City and the final authority for determining legislative positions. While the Manual gives the City Manager the ability to advocate on most items without going to Council, staff may bring to the Policy and Services Committee and/or the Council items of controversy or particular importance. If timeliness is an issue, the Manual allows staff the ability to recommend action to the full Council without first appearing before the Policy and Services Committee. In this case, the bills mentioned here are moving swiftly through the legislative process, creating a timeliness issue.

In addition to the recommended support positions, staff brings forward SB 649 (Huseo) as an informational item.

Discussion

I. Bills suggested for a support position

SB 22 (Hill). Firearms: law enforcement agencies: agency firearm accounting.

This bill requires law enforcement agencies to adopt a written procedure accounting for

firearms owned by the agency or an employee if carried in the course of official duties. Any firearms that are lost or stolen must be entered into the State's Automated Firearms System.

Senator Hill introduced this bill after learning of three news reports which found that hundreds, if not thousands, of guns owned by California law enforcement agencies and their officers have been stolen or lost and were largely unaccounted. As of March 21, the California Chapters of the Brady Campaign to Prevent Gun Violence and the Firearms Policy Coalition support the bill; there is no registered opposition.

ACA 4 (Aguilar-Curry). Local government financing: affordable housing and public infrastructure: voter approval.

To fund affordable housing and infrastructure projects, this potential constitutional amendment reduces the local vote threshold from two-thirds to 55 percent for bond and special tax measures. The League supports this bill.

SB 5 (De Leon). California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.

This bill would place on the June 2018 ballot a measure for a \$3 billion General Obligation bond to fund parks, rivers, lakes, and streams; coast and ocean protection; climate preparedness, and water and flood protection and repair. As of March 16, supporters include the American Heart Association, Sierra Club California, and a large number of other environmental groups. There is no registered opposition.

AB 18 (Eduardo Garcia). California Clean Water, Climate, Coastal Protection and Outdoor Access For All Act of 2018.

Similar to but competing with SB 5, this bill also places on the June 2018 ballot a measure to spend \$3 billion in General Obligation bonds to finance parks, water, climate adaptation, coastal protection, and outdoor access programs. Many environmental groups and the League support this bill. While there is no public opposition, staff understands there are groups opposed who raise concerns with the number of bonds that should be authorized for future state ballots given the state's debt service ratio, and the investment period of local parks.

As noted, AB 18 and SB 5 are currently competing with each other for space on the June 2018 ballot. As written now, SB 5 focuses more on climate change while AB 18 focuses on open spaces. Our lobbyist foresees these bills eventually merging into one bill, with elements of each found in a single bill. So as to ensure the City is supportive of the eventual single bill and to encourage elements of each bill, staff recommends supporting both. Alternatively, Council could direct staff to wait, continue monitoring each bill, and take a support position on the merged bill, if and when it appears.

II. Information item

SB 649 (Hueso). Small cell fixtures on poles.

Supported by large telecommunications companies such as Verizon and Sprint, this bill attempts to ease and standardize local government permitting requirements for “small cell” wireless equipment. Small cells are infrastructure attached to poles to strengthen the signal of mobile networks. (See examples pictured below). Prior to May 1, SB 649 would have eliminated localities’ ability to regulate the placement of these wireless devices on its “vertical infrastructure,” as long as the small cells met certain requirements. Vertical infrastructure means all poles owned or controlled by a city that are in the public right-of-way or public utility easements and meant or used for communications service, electric service, lighting, traffic control, or similar functions. In effect, almost all poles in city limits.

This bill was substantially amended on May 1. As modified, cities have more flexibility in permitting this infrastructure and can rescind a permit under certain circumstances. The amended bill also allows cities to impose certain permitting conditions. However, while portions of this bill were amended favorably, language remains regarding the mandatory placement of small cells onto “property” owned by localities that are not in the public right-of-way.

Staff is currently reviewing the latest amendments and working with our affected departments and associations to develop a thorough impact analysis. We will continue to closely monitor this bill and work through our Sacramento representative to communicate with the author any concerns.

Examples of small cells and associated equipment, such as a power amplifier box



Timeline

These bills are moving through the legislative process now, and must pass out of their houses of origin by June 2 if they are to pass this year.