

BELVEDERE · CORTE MADERA · FAIRFAX  
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LARKSPUR · MILL VALLEY · NOVATO  
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**MCCMC LEGISLATIVE COMMITTEE MEETING  
MONDAY, FEBRUARY 26, 2018, 8:00 A.M. – 9:00 A.M.  
SAN RAFAEL CITY HALL – 3RD FLOOR CONFERENCE ROOM  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901**

**AGENDA**

**A. WELCOME/INTRODUCTIONS**

**B. UPDATES**

Status of Updated MCCMC Legislative Committee Draft Report: Increasing Housing Availability and Second Meeting with Senator McGuire

**C. REPORTS**

David Jones/Kyra Ross – Emanuels Jones, Sacramento  
Carole Mills, District Representative – report from Senator Mike McGuire  
Nancy Hall Bennett - League of California Cities

**D. COMMITTEE BUSINESS**

**1. Action Items**

- a. Prop 68 (Previously SB 5)
- b. Prop 69 (Previously ACA 5)

**2. Watch Items**

- a. SB 946 (Lara)
- b. AB 1775 (Muratsuchi) and SB 834 (Jackson)
- c. AB 2132 (Levine)
- d. SB 828 (Wiener) (Continued from the January 22, 2018, Legislative Committee meeting)
- e. AB 1759 (McCarty) (Continued from the January 22, 2018, Legislative Committee meeting)

**E. CHAIRS REPORT**

General Committee Update: Chair

**F. CALENDAR**

Upcoming General MCCMC Meetings:

- Wednesday, February 28, 2018, at 6 P.M. - Hosted by Corte Madera
- Wednesday, March 28, 2018, at 6 P.M. – Hosted by Fairfax

Upcoming MCCMC Legislative Committee Meetings:

- Monday, March 26, 2018, at 8 A.M.
- Monday, April 23, 2018, at 8 A.M.

**G. ADJOURN**

## ACTION ITEMS

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### **Proposition 68 – (SB 5, De León. California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018).** (June 5, 2018 Election).

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities. Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. Existing law, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative measure approved by the voters as Proposition 84 at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements. Existing law, the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, approved by the voters as Proposition 40 at the March 5, 2002, statewide primary election, authorizes the issuance of bonds in the amount of \$2,600,000,000, for the purpose of financing a program for the acquisition, development, restoration, protection, rehabilitation, stabilization, reconstruction, preservation, and interpretation of park, coastal, agricultural land, air, and historical resources.

This bill would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. The bill, upon voter approval, would reallocate \$100,000,000 of the unissued bonds authorized for the purposes of Propositions 1, 40, and 84 to finance the purposes of a drought, water, parks, climate, coastal protection, and outdoor access for all program.

#### [Secretary of State information on Prop 68](#)

### **Proposition 69 – (ACA 5, Frazier. Motor vehicle fees and taxes: restriction on expenditures: appropriations limit).**(June 5, 2018 Election).

(1) Article XIX of the California Constitution restricts the expenditure of revenues from taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes, and restricts the expenditure of revenues from fees and taxes imposed by the state upon vehicles or their use or operation to state administration and enforcement of laws regulating the use, operation, or registration of vehicles used upon the public streets and highways, as well as to street and highway and certain mass transit purposes. These restrictions do not apply to revenues from taxes or fees imposed under the Sales and Use Tax Law or the Vehicle License Fee Law.

This measure would add Article XIX D to the California Constitution to require revenues derived from vehicle fees imposed under a specified chapter of the Vehicle License Fee Law to be used solely for transportation purposes, as defined. The measure would prohibit these revenues from being used for the payment of principal and interest on state transportation general obligation bonds that were authorized by the voters on or before November 8, 2016. The measure would prohibit the revenues from being used for the payment of principal and interest on state transportation general obligation bonds issued after that date unless the bond act submitted to the voters expressly authorizes that use. The measure would also prohibit the Legislature from borrowing these revenues, except as specified, or using them for purposes other than transportation purposes.

(2) Article XIII B of the California Constitution prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of the government for the prior year, as adjusted.

This measure would exclude appropriations of certain revenues associated with the Road Repair and Accountability Act of 2017 from the appropriations subject to constitutional limitation.

(3) Article XIX A of the California Constitution requires the deposit of a specified portion of the sales and use tax on diesel fuel in the Public Transportation Account in the State Transportation Fund, and restricts the expenditure of those revenues to certain transportation planning and mass transportation purposes. Article XIX A prohibits the Legislature from borrowing these revenues and from using these revenues other than as specifically permitted by Article XIX A.

This measure would restrict additional portions of the sales and use tax on diesel fuel to expenditure on certain transportation planning and mass transportation purposes and require those revenues to be deposited in the Public Transportation Account. The measure would prohibit the Legislature from temporarily or permanently diverting or appropriating these additional revenues for other than certain transportation planning and mass transportation purposes, or from borrowing, except as specified, these additional revenues.

[Secretary of State information on Prop 69](#)

## WATCH ITEMS

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### [SB 946 \(Lara\) Sidewalk vendors.](#)

Existing law authorizes a local authority, by ordinance or resolution, to adopt requirements for the public safety regulating any type of vending from a vehicle upon a street. Existing law additionally authorizes a local authority, by ordinance or resolution, to adopt requirements regulating the time, place, and manner of vending from a vehicle upon a street.

This bill would prohibit a local authority from adopting rules or regulations, by ordinance or resolution, that regulate or prohibit sidewalk vendors, as defined, unless it first adopts a sidewalk vending licensing program that requires a sidewalk vendor to obtain a license from the local authority before selling food or merchandise. The bill would require a local authority that elects to adopt a sidewalk vending licensing program to, among other things, not restrict the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns, and not unreasonably restrict sidewalk vendors to operate only in a designated neighborhood or area. The bill would authorize a local authority that elects to adopt a sidewalk vending licensing program to, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending. The bill would prohibit a sidewalk vendor from violating the terms of a local authority's sidewalk vending licensing program or operating without a license, as specified. A violation would be punishable by an administrative fine, as specified, and proceeds would be deposited in the treasury of the local authority.

- **League Position:** Watch

### [AB 1775 \(Muratsuchi\) and SB 834 \(Jackson\) State lands: leasing: oil and gas.](#)

Existing law vests exclusive jurisdiction over ungranted tidelands and submerged lands owned by the state to the State Lands Commission. Existing law confers the powers of the commission as to leasing or granting of rights or privileges to lands owned by the state upon a local trustee of granted public trust lands to which those lands have been granted. Existing law authorizes the commission to let leases for the extraction of oil and gas from coastal tidelands or submerged lands in state waters and beds of navigable rivers and lakes within the state in accordance with specified provisions of law.

Existing law, notwithstanding those provisions or any other provision of law, prohibits a state agency or state officer from entering into any new lease for the extraction of oil or gas from the California Coastal Sanctuary, which includes certain state waters subject to tidal influence, unless either (1) the President of the United States has found a severe energy supply interruption and has ordered distribution of the Strategic Petroleum Reserve, the Governor finds that the energy resources of the sanctuary will contribute significantly to the alleviation of that interruption, and the Legislature subsequently acts to amend the law to allow the extraction, or (2) the commission determines that the oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interest of the state.

This bill would prohibit the commission and the local trustees of granted public trust lands from entering into any new lease or other conveyance or from entering into any lease renewal, extension, or modification that authorizes a lessee to engage in new or additional exploration, development, or production of oil or natural gas upon lands owned by the state and under the jurisdiction of the commission that are located seaward of the ordinary high water mark for tidal waterways and the ordinary low water mark for navigable nontidal waterways that would result in the increase of oil or natural gas production from federal waters. The bill would apply the exceptions applicable to the California Coastal Sanctuary to these provisions. The bill would authorize the commission to establish guidelines for the implementation of these provisions.

- **League Position:** Watch

### [AB 2132 \(Levine\) Building permit fees: waiver.](#)

The State Housing Law authorizes cities and counties to prescribe fees for permits required or authorized pursuant to the State Housing Law.

This bill would authorize these entities to waive or reduce all building permit fees for improvements to the home of a person at least 60 years of age with a qualifying disability that are made to accommodate that disability.

- **League Position:** Watch

### [SB 828 \(Wiener\) Land use: housing element.](#)

The Planning and Zoning Law requires a city or county to adopt a comprehensive, long-term general plan for the physical development of the city or county and of any land outside its boundaries that bears relation to its planning. That law also requires the general plan to include a housing element and requires a planning agency to submit a draft of the housing element to the Department of Housing and Community Development for review, as specified.

This bill would state the intent of the Legislature to enact legislation that would, among other things, require the department to take certain actions relating to unmet housing needs, including completing a comprehensive assessment on unmet need for each region and including the results of the assessment in regional allocations for the next housing element cycle.

- **League Position:** Watch

### [AB 1759, as introduced, McCarty. General plans: housing element: production report: withholding of transportation funds.](#)

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development within its boundaries that includes, among other things, a housing element. The Planning and Zoning Law requires a planning agency, after a legislative body has adopted all or part of a general plan, to provide an annual report to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on the status of the general plan and progress in meeting the community's share of regional housing needs. Existing law requires a planning agency to include in its annual report specified information, known as a production report, regarding units of net new housing, including rental housing and for-sale housing that have been issued a completed entitlement, building permit, or certificate of occupancy.

This bill would require the department, on or before June 30, 2022, and on or before June 30 every year thereafter and until June 30, 2051, to review each production report submitted by a city or county in accordance with the provisions described above to determine whether that city or county has met the applicable minimum production goal for that reporting period. The bill would provide that, if the department determines that a city or county has met its applicable minimum production goal for that reporting period, the department shall, no later than June 30 of that year, submit a certification of that result to the Controller.

Existing law creates the Road Maintenance and Rehabilitation Program and, after certain allocations for the program are made, requires the remaining funds available for the program to be allocated 50% for maintenance of the state highway system or to the state highway operation and protection program and 50% for apportionment to cities and counties by the Controller pursuant to a specified formula. Prior to receiving an apportionment of funds under the program from the Controller in a fiscal year, existing law requires an eligible city or county to submit to the California Transportation Commission a list of projects proposed to be funded with these funds. Existing law requires the commission to report to the Controller the cities and counties that have submitted a list of projects and requires the Controller, upon receipt of the report, to apportion funds to eligible cities and counties included in the report, as specified. Existing law requires cities and counties to maintain their existing commitment of local funds for street, road, and highway purposes in order to remain eligible for an allocation or apportionment of these funds.

This bill would, commencing with the 2022–23 fiscal year and through and including the 2051–52 fiscal year, also require cities and counties to be certified in the prior fiscal year by the Department of Housing and Community Development, as described above, in order to remain eligible for an apportionment of these funds. For each city and county that is not in compliance with this requirement, the bill would require the Controller withhold the apportionment of funds that would otherwise be apportioned and distributed to the city or county for the fiscal year and deposit those funds in a separate escrow account for each city or county that is not in compliance. The bill would require the Controller to distribute the

funds in the escrow account to the applicable city or county after the city or county is certified to be in compliance and meets other specified requirements. The bill would make other technical and conforming changes.

- **League Position:** Watch

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## **LEGISLATIVE CALENDAR**

- March 22, 2018 – Spring Recess begins upon adjournment of this day’s session
- March 30, 2018 – Cesar Chavez Day observed
- April 2, 2018 – Legislature reconvenes from Spring Recess
- April 27, 2018 – Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house (J.R. 61(b)(5))
- May 11, 2018 – Last Day for policy committees to hear and report to the floor nonfiscal bills introduced in their house (J.R. 61(b)(6))
- May 18, 2018 – Last day for policy committees to meet prior to June 4 (J.R. 61(b)(7))
- May 25, 2018 – Last day for fiscal committees to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for fiscal committees to meet prior to June 4 (J.R. 61(b)(9))
- May 28, 2018 - Memorial Day
- May 29, 2018 – June 1 Floor Session only. No committees, other than conference or Rules committee, may meet for any purpose (J.R. 61 (b)(10))
- June 1, 2018 – Last day for each house to pass bills introduced in that house (J.R. 61(b)(11))
- June 4, 2018 – Committee meetings may resume (J.R. 61(b)(12))
- June 15, 2018 – Budget Bill must be passed by midnight (Art. IV, Sec. 12©(3))
- June 28, 2018 – Last day for a legislative measure to qualify for the November 6, 2018 General Election Ballot (Elections Code Sec. 9040)
- June 29, 2018 – Last day for policy committees to hear and report fiscal bills to fiscal committees (J.R. 61(b)(13)).
- July 4, 2018 – Independence Day

## **LEAGUE OF CALIFORNIA CITIES CALENDAR**

- March 1, 2018 - City in Napa County on the topic of Disaster Preparation: What Elected Officials Need to Know.
- April 18, 2018 - Legislative Action Day, Sacramento
- May 16, 2018 - City of Vacaville: Topic TBD
- June 27 & 28, 2018 - Mayors and Council Members Executive Forum, Monterey
- June 29, 2018 - Mayors and Council Members Advanced Leadership Workshop, Monterey
- August 19, 2018 - Bocce in Yountville!
- September 12-14, 2018 - Annual Conference, Long Beach