

POLICY AND SERVICES COMMITTEE

Tuesday, October 11, 2022 Regular Meeting Council Chamber & Virtual 7:00 PM

Supplemental Reports Added

Pursuant to <u>AB 361</u> Palo Alto City Council and Committee meetings will be held as "hybrid" meetings with the option to attend by teleconference/video conference or in person. To maximize public safety while still maintaining transparency and public access, members of the public can choose to participate from home or attend in person. Information on how the public may observe and participate in the meeting is located at the end of the agenda.

HOW TO PARTICIPATE

VIRTUAL PARTICIPATION

CLICK HERE TO JOIN (https://cityofpaloalto.zoom.us/j/94618744621)

Meeting ID: 946 1874 4621 Phone:1(669)900-6833

The meeting will be broadcast on Cable TV Channel 26, live on YouTube at https://www.youtube.com/c/cityofpaloalto, and streamed to Midpen Media Center at https://midpenmedia.org.

PUBLIC COMMENTS

Public Comments will be accepted both in person and via Zoom meeting. All requests to speak will be taken until 5 minutes after the staff's presentation. Written public comments can be submitted in advance to city.council@cityofpaloalto.org and will be provided to the Committee 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. Receive Update from the City's Federal and State Legislative Advocates and Discussion and Recommendation on the 2023 Citywide Legislative Guidelines Late Packet Report
 - 2. Race and Equity Quarterly Update Late Packet Report

Future Meetings and Agendas

<u>Adjournment</u>

PUBLIC COMMENT INSTRUCTIONS

Members of the Public may provide public comments to hybrid meetings via email, in person, teleconference, or by phone.

- 1. **Written public comments** may be submitted by email to city.council@cityofpaloalto.org.
- 2. **In person public comments** please complete a speaker request card located on the table at the entrance to the Council Chambers, and deliver it to the City Clerk prior to discussion of the item.
- 3. **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.
- 4. **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: 946 1874 4621 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.



City of Palo Alto

(ID # 14827)

Policy and Services Committee Staff Report

Meeting Date: 10/11/2022 Report Type: Action Items

Title: Receive Update from the City's Federal and State Legislative Advocates and Discussion and Recommendation on the 2023 Citywide Legislative Guidelines

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the Policy & Services Committee (a) receive a legislative update from the City's state and federal advocates, and (b) subject to the Committee's discussion, recommend that City Council approve the 2023 Federal and State Legislative Guidelines (Attachment A).

Background

As part of the City's legislative program, staff and the City's contracted federal and state advocates work to identify and analyze potentially impactful legislation and communicate the City's public advocacy positions to legislators. The program is guided by the Advocacy Process Manual, last approved by City Council on January 13, 2020 (CMR #10772). In addition to the Manual, the City maintains a City Council-approved set of legislative guidelines that provide additional City Council policy direction to staff and the City's state and federal legislative advocates.

The guidelines were last discussed at the Policy & Services Committee on December 14, 2021 (CMR #13850) and approved by the City Council on February 7, 2022 (at the same meeting City Council approved the legislative guidelines for the Utilities Department; CMR 13904; Minutes). Staff will coordinate with Utilities staff to bring both 2023 legislative guidelines to the City Council for adoption. The City Council, in June 2021, also reaffirmed the strategy desired for the City's legislative actions. That reaffirmation is shown in the staff report (CMR #12344; Minutes) from June 22, 2021. The overall decision was to continue the strategy of Strategically Weighing in on Issues of Interest to the City in the legislative approach taken by the consultant advocates and City staff.

Also, staff and the legislative advocates often come to Policy and Services Committee and the full City Council to discuss updates. The last legislative update to the Policy and Services Committee was on May 10, 2022 (CMR 14379; Minutes).

Discussion

Legislative Guidelines

The Legislative Guidelines enhance and add content to the City Council's overarching priorities; they do not supplant them. The guidelines provide direction to staff and the City's legislative advocates on issues that are both (a) important to the City Council, and (b) likely to become a legislative issue in 2023. The guidelines are not rank ordered and are intentionally reasonably broad rather than specifically narrow to allow for a flexible and quick response.

Further, the guidelines are not proactive instructions; they act as a means by which staff and advocates can respond to federal and state government action, without returning to the City Council each time a bill is introduced or amended. The draft 2023 guidelines are a compilation of the current, approved guidelines, City Council's 2022 priorities, and policy issues staff and the City's legislative advocates have heard interest in. There are no major changes in the draft 2023 guidelines.

Legislative Update

The City's legislative advocates in Sacramento (Townsend Public Affairs) and legislative advocates in Washington, D.C. (Van Scoyoc Associates) will be present to discuss updates on legislation, the budget, and the coming weeks and months in Sacramento and D.C.

State Update

Attachment B contains the Sacramento update from Townsend Public Affairs. The State legislative session recently ended, and the Governor signed over a thousand bills into law. The memo provides an overview of bills passed and signed by the Governor that are relevant to Palo Alto. It also includes information about state funding advocacy done in this legislative session. This was a very successful legislative session regarding funding with the City securing \$7.2 million in state budget earmark requests through Senator Becker and Assembly Member Berman for the Newell Road Bridge project and the Fire Station 4 Replacement project in addition to a \$26.6 million Homekey award for an interim supportive housing shelter to be built in Palo Alto.

Federal Update

Congressional Update

Congress passed a continuing resolution to keep the government funded until December 16, 2022. President Biden quickly signed the continuing resolution into law preventing the federal government from shutting down hours before the end of the current fiscal year.

In addition to keeping the federal government operating at fiscal year (FY) 2022 funding levels, the bill also provides \$12.4 billion in military and diplomatic spending to help Ukraine in its war against Russia and \$18.8 billion for domestic disaster recovery efforts, including recent floods, wildfires, and hurricanes.

The House and the Senate are now in recess until after the midterm elections and will return the week of November 14.

Upon return from the recess, the Congress will continue work to pass the FY 2023 appropriations bills, likely through an omnibus bill where all the funding bills are passed as one larger bill. If an agreement is made on FY 2023 appropriations, other issues could be included in a larger omnibus bill such as policies on pandemic preparedness, mental health, and immigration. If an agreement on FY 2023 appropriations is not made by December 16, another continuing resolution will be needed to be passed in the lame duck session to keep the federal government open past December 16.

Transportation Update

EV Charging Plans Approved: On September 27, FHWA announced that it had approved the state charging plans for all 50 states. As such, federal funds for electric vehicle charging facilities will soon be available to every state to implement the plan that each state has submitted to USDOT. The state plans are here.

Vertiport Design Standards: On September 26, FAA released new design guidelines for vertiports, infrastructure that will support Advanced Air Mobility (AAM) aircraft. The design standards will serve as the initial step to provide key information for airport owners, operators and infrastructure developers to begin development of facilities that will support operations of AAM aircraft that are electrically powered and take-off and land vertically.

Housing Update

HUD Opens Choice Neighborhoods Implementation Grant Program: The Department of Housing and Urban Development today began accepting applications for its FY 2022 Choice Neighborhoods Implementation Grant Program. HUD anticipates making almost \$380,000,000 in awards.

Choice Neighborhoods Implementation Grants support the implementation of comprehensive neighborhood revitalization plans that are expected to achieve the following three core goals:

- Housing: Replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood;
- 2. **People:** Improve outcomes of households living in the target housing related to employment and income, health, and children's education; and
- 3. **Neighborhood:** Create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families' choices about their community.

More information on the implementation grant program can be found <u>here</u> on HUD's website. The application and supporting documents can be found <u>here</u> on grants.gov.

Climate and Energy Update

Grid Deployment Office Releases New Grid Transmission Programs Funding Website: The Grid Deployment Office has launched the Grid and Transmission Programs Conductor, an online clearinghouse and resource repository to point stakeholders to information on financing opportunities through DOE for grid and transmission projects. The new online clearinghouse for grid and transmission funding provided through the U.S. Department of Energy can be viewed here.

Economic Development Update

FEMA and EDA Release Joint Economic Development and Hazard Mitigation Guide: The Federal Emergency Management Agency (FEMA) and the Economic Development Administration (EDA) have published a new resource intended to help both economic development and hazard mitigation planners achieve mutually beneficial outcomes.

The Comprehensive Economic Development Strategy and Hazard Mitigation Plan Alignment Guide connects economic development and hazard mitigation plans so communities can be more resilient from natural hazards.

Local and state officials can use the guide when preparing or reviewing FEMA Hazard Mitigation Plans and EDA Comprehensive Economic Development Strategies (CEDS). Included in the guide are approaches to help align strategies with approved local plans.

According to the agencies, when communities align their CEDS and hazard mitigation plans, benefits can include:

- Businesses and business districts are built in safer areas with a lower risk of hazard impacts.
- Private investment is directed to safer areas. It is also developed to be more resilient to hazards.
- Businesses can reopen more quickly after disaster events.
- Critical facilities and infrastructure keep working during and after disaster events.
- Regional marketability improves as businesses and investors see the community as safe and well prepared.

Hazard mitigation plans and CEDS are key plans to improve resilience. A CEDS must include economic resilience in its strategy while a hazard mitigation plan identifies and plans for natural hazard risks to key sectors, including the economy.

The guide includes economic development concepts to add to hazard mitigation plans. It also encourages integration of information from risk assessments and hazard mitigation ideas to use in a CEDS.

The Comprehensive Economic Development Strategy and Hazard Mitigation Plan Alignment Guide can be downloaded online from the <u>disaster recovery page</u> on the EDA's website.

<u>Upcoming Discretionary Funding Opportunities: Bipartisan Infrastructure Law</u>

National Culvert Removal, Replacement, and Restoration Grant Program: The new Federal Highway Administration program will provide funding for projects that would replace, remove, or repair culverts and weirs that meaningfully improve or restore passage for anadromous fish. The Bipartisan Infrastructure Law provided \$1 billion for the new competitive program that will be spread across the next five years.

Charging and Fueling Infrastructure Grants: The new Federal Highway Administration program will provide discretionary grant funding to install electric vehicle charging and alternative fuel in locations on public roads, schools, parks, and in publicly accessible parking facilities. The Bipartisan Infrastructure Law provided \$1.25 billion for the discretionary community charging funding.

Resource Impact

There is no resource impact associated with adopting legislative guidelines and hearing from the City's state and federal advocates. Staff has started the procurement process (request for proposals) for the state and federal legislative advocacy work. At the appropriate time staff will bring the contracts to City Council for review and approval. The City Council has already allocated funds for these contracts and services.

Stakeholder Engagement

Staff from multiple departments are involved in the legislative process in helping to review the impacts of bills as well as discussing grant oportunities linked to state and federal programs.

Environmental Review

This legislative update is presented for informational purposes only with no action required by the Committee.

The Committee's recommendation to Council is not a project as defined by CEQA because Approval of the 2023 Federal and State Legislative Guidelines is a general policy making activity. CEQA Guidelines section 15378(b)(2)."

Attachments:

- Attachment A: 2023 Draft legislative guidelines-Oct 2023.docx
- Attachment B: 2022 Legislative Session Wrap Up City of Palo Alto October2022

The City of Palo Alto's 20232 Federal and State Legislative

These Guidelines reflect and activate the City Council's priorities; they do not supplant them. They work to guide staff and the City's legislative advocates on issues that are important to the City Council, and fairly-likely to become a legislative issue. These Guidelines are not rank-ordered and are meant to allow for a flexible and quick response by staff and advocates, without the need to return to the City Council to seek guidance. The Guidelines work in conjunction with the City Council-approved Advocacy Process Manual and the City Council action to do "Strategic Weighing in on Issues of Interest" (June 22, 2021 CMR 12344; Minutes).

The below **Foundational Principles** represent the ideals that form the core of the City's policy agenda. The Legislative Guidelines all rise from and strengthen four foundational principles:

- 1. Protect local revenue sources and prevent unfunded mandates.
- 2. Protect, seek, and increase funding for programs, projects, and services; pursue grants.
- 3. Protect and increase local government discretion. Oppose items that preempt or reduce the authority or ability of local government to determine how to effectively operate local programs, services, activities, and governance.
- 4. Protect the health and safety of the community.

The **Legislative Guidelines** create the framework for organizing the City's policy interests, while guiding staff and contracted lobbyists in their advocacy efforts on behalf of the City. The items below provide direction for the City's efforts when addressing reasonable government actions.

Transportation

The City supports government action that:

- Deters single occupancy drivers and alleviates local traffic congestion
- Supports local and regional public transportation
- Regulates technology that diverts traffic into residential neighborhoods
- Provides funding for rail grade separations, rail efficiency improvements, and other means
 of reducing the local impacts of regional transportation systems

Environmental

The City supports government action that:

- Reduces GHG emissions
- Reduces airplane noise, health impacts, and/or airplane emissions
- Promotes residential and vehicle electrification programs

- Promotes the use of renewable resources, water conservation, and the flexible use of existing resources
- Supports a statewide ban on polystyrene containers and packaging materials
- Provides opportunities for staff to work with the San Francisquito Creek Joint Powers
 Authority and other regional stakeholders in efforts to improve the creek's watershed and
 floodplain
- Supports efforts to protect local communities from sea level rise and other impacts of climate change
- Supports proper disposal of recyclables once removed from Palo Alto

Financial

The City supports government action that:

- Supports the long-term stability of CalPERS and the ability of local governments to mitigate and manage with flexibility its pension obligations
- Protects the funding sources and levels of City services
- Provides for COVID-19 related expenses and revenue losses
- Supports the continued deductibility of tax-exempt municipal bonds and the restoration of Advance Refunding of Tax-Exempt Municipal Bonds

Public Employment

The City supports government action that:

 Preserves local government's ability to manage its own employment issues, including, but not limited to hiring, evaluating, disciplining, and/or terminating and negotiating collective bargaining agreements with employees' representatives

Technology

The City supports government action that:

 Supports reasonable regulatory efforts surrounding policies regarding cybersecurity, drones, shared mobility services, returning to Obama-era net neutrality regulations, and smart city initiatives

Housing

The City supports government action that:

 Supports reasonable housing policies that recognize local autonomy to maintain the local public process and preserve local government's ability to determine land use policies and development standards

- Provides funding for (a) affordable housing, (b) homelessness, and (c) infrastructure (such as parks, utilities, roads, and transit) required to support the increased housing production
- Fosters reasonable ratios between jobs and housing
- Supports the development and implementation of efficient and environmentally sustainable land use and building practices

Police

The City supports government action that:

Supports efforts which seek to modify policing services, including but not limited to
alternative public safety models and funding to address community mental health issues,
expansion of requirements regarding police data and rules regarding prior employment
information transparency, and expansion of data and communications including radio
encryption.

Other

The City supports government action that:

- Updates, implements, and refines processes, services, and programs affecting the City. This
 includes, but is not limited to, public safety reform efforts and streamlining reporting
 mandates
- Protects individual privacy and allows the City to safeguard customer information
- Provides for the equal treatment of all individuals
- Allows the City to support the collaborative work of regional partners, trade associations, other local governments and organizations, and Joint Powers Authorities



MEMORANDUM

To: The City of Palo Alto

Ed Shikada, City Manager

Chantal Cotton Gaines, Deputy City Manager

From: Townsend Public Affairs

Christopher Townsend, President Niccolo De Luca, Vice President Andres Ramirez, Senior Associate Carly Shelby, Legislative Associate

Date: October 2, 2022

Subject: Summary of the 2022 Legislative Session

STATE LEGISLATIVE WRAP UP: 2021-22 SESSION OVERVIEW

August 31 marked the final night of the 2021-2022 Legislative Session. The night ended at two o'clock in the morning, which can be attributed to numerous last minute legislative pushes for new climate regulations, disputes over a bill that would have allowed legislative staffers to unionize, and the fate of California's last-standing nuclear power plant. In a stark contrast to last years' calm and quick final night of session, many major issues had not been decided and passed with the incremental waves of budget bills and budget trailer bills over the summer and in the month since summer recess.

Nevertheless, the Legislature decided the fate of a number of bills important to local governments in its final days of session. Of the 2,350 bills introduced this year, the Legislature passed a total of 1,166.

Following the Legislature's adjournment, per the state Constitution, September 30 was the last day for Governor Gavin Newsom to act on the 1,166 bills sent to his Desk during the Session. Governor Newsom concluded his work in the late afternoon on September 30. Of the 1,166 bills, the Governor signed 997 bills and vetoed 169 bills, which was a 14.5% veto rate.

Below is an overview of a few of the bills the Legislature worked on this Session, organized by issue area:

Housing and Land Use

Throughout the 2022 Legislative Session, lawmakers were once again keenly focused on land use and zoning reform. These efforts build upon the passage of major land use reform bills from 2021, including SB 9 (Atkins), which requires the ministerial approval of urban lot splits and two-unit developments on single-family zoned parcels.

This year's Session ended with the passage of several notable land use reform measures, including **AB 2011 (Wicks) and SB 6 (Caballero)**, both of which authorize housing development projects in sites zoned for retail, office, parking, or along transit-rich corridors, so long as

developers utilize stricter labor standards or adhere to stricter affordability requirements. Despite their similarities, both bills passed into law – a strategy that legislative leadership has touted as a method to give developers the choice to decide which strategy to use when approaching a housing development project in a non-residential zone: comply with stricter labor standards or stricter affordability standards. The Governor signed both bills into law.

Another major land use reform measure that passed this year was **AB 2097 (Friedman)**, which prohibits public agencies from imposing minimum automobile parking requirements on specified residential, commercial and other developments located within one-half mile of public transit. Notably, this bill is the second iteration of the legislation, which failed in the Appropriations Committee during the 2021 Legislative Session. The Governor also signed this bill into law.

In addition to land use reform measures, the Legislature passed a handful of bills relating to Accessory Dwelling Unit (ADU) requirements. These include **SB 897 (Wieckowski)**, which makes various changes to existing ADU laws, including adjustments to the minimum height limitations that a local agency may impose. Another ADU reform measure is **AB 916 (Salas)**, which prohibits a city or county from requiring a public hearing as a condition of reconfiguring existing space to add up to two bedrooms within an existing dwelling unit. Both bills were signed by the Governor.

Additional housing bills signed by the Governor include:

AB 2006 (Berman) – Requires the Department of Housing and Community Development, the California Housing Finance Agency, and the California Tax Credit Allocation Committee to enter into a Memorandum of Understanding by July 1, 2024, to streamline the compliance monitoring of affordable multifamily rental housing developments that are subject to a regulatory agreement with more than one of these entities.

AB 2094 (Rivas) – Requires cities to include progress towards meeting their share of regional housing needs for extremely low-income households in their annual progress report.

AB 2334 (Wicks) – Allows a housing development project to receive added height and unlimited density if the project is located in an urbanized very low vehicle travel area in specified counties, at least 80% of the units are restricted to lower income households, and no more than 20% are for moderate-income households.

SB 649 (Cortese) – Creates a state policy supporting local tenant preferences for lower income households, which are subject to displacement risk. In addition, the bill authorizes local governments and developers in receipt of the low-income housing tax credit program and tax-exempt bonds for rental housing developments to restrict occupancy to those at risk of displacement. This legislation has a sunset of January 1, 2033.

SB 948 (Becker) – Replaces individual project transition reserves for the development of affordable housing to a pooled reserve model, as specified, operated by the Department of Housing and Community Development.

Brown Act Reform

The COVID-19 pandemic necessitated reforms to the Brown Act to provide remote flexibilities to adhere to social distancing orders. During the 2021 Legislative Session, the Legislature passed, and the Governor signed, AB 361 (Rivas) into law, which allows local agencies to use teleconferencing without complying with specified Ralph. M Brown Act restrictions in certain state emergencies. Following the passage of AB 361, it was thought there would be no appetite to modify its provisions for additional Brown Act modernization requirements. However, this Session, three measures addressing public meetings requirements were passed by the legislature.

These include **AB 2449 (Rubio)**, which allows members of a legislative body of a local agency to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting, and without making each teleconference location accessible to the public. **AB 2647 (Levine)** allows writings that have been distributed to members of a legislative body of a local agency less than 72 hours before an open, regular meeting to be exempt from specified requirements of the Ralph M. Brown Act (Brown Act), if the agency meets certain requirements. Both measures were signed by the Governor.

An additional measure, **SB 1100 (Cortese)**, was also signed into law. This bill authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual for disrupting the meeting, and defines "disrupting" for these purposes.

Each of these three measures reflect modest changes to the Brown Act to allow for additional flexibilities for local agencies. Continued remote teleconferencing for *all members* of a legislative body is currently provided via the provisions established under AB 361, which are set to expire January 1, 2024, or when the COVID-19 state of emergency is lifted – whichever comes first.

Behavioral Health Reform

This Session, Governor Newsom and Legislative Leaders made it clear that overhauling the State's existing behavioral healthcare infrastructure was a top priority. On March 3, 2022, Governor Newsom unveiled his CARE (Community Assistance, Recovery, and Empowerment) Court proposal framework, which was later packaged into **SB 1338 (Umberg).** This bill would offer court-ordered individualized interventions and services, stabilization medication, advanced mental health directives, and housing assistance to individuals struggling with behavioral health crises. Plans would last anywhere up to 12-24 months. In addition to their full clinical team, the client-centered approach also includes a public defender and a supporter to help individuals make self-directed care decisions.

County behavioral health departments would be responsible for carrying out the care plans. Those who don't comply with their plans could be subject to California's existing system of involuntary hospital stays and conservatorships. Such programs have been in place since the 1960s, following the state's shift away from mental health hospitals and toward community-oriented care. Since California dismantled the hospital system, the state has primarily made use of the Lanterman-Petris-Short Act and Laura's Law to care for people who suffer from severe mental illnesses. According to an October 2021 Department of Health Care Services report, only 218 people received treatment through Laura's Law during the 2018-19 fiscal year – a statistic that many supporters of the program have referenced as an example for new programming.

After numerous iterations of amendments, SB 1338 was passed by the Legislature on the final night of Session. Notably, the bill includes staggered implementation and additional funding resources to allow counties and other local agencies time to implement the program.

Other bills seeking to add reforms to behavioral healthcare were part of a bill package introduced by Senator Eggman. This included bills **SB 929**, **SB 1035**, **SB 1227**, **and SB 1338** – each of which adds modernizations to California's behavioral health continuum, including increased data collection among agencies and stakeholders to better understand the outcomes of involuntary holds, services provided, waiting periods to receive care, current and projected behavioral health care infrastructure, service needs, and more. Each of these bills were signed into law.

Climate and Energy

In mid-August, reports began swirling about the Governor convening meetings with Legislative leaders and the Democratic Caucus to push forward last-minute legislation to address the climate

crisis. These priorities materialized into a memo presented to the Legislature, outlining climate change mitigation tactics the Governor wanted to see pushed forward in legislation before the end of Session. These included: setting interim targets for 100 percent clean energy, regulating projects to remove carbon from the atmosphere and smokestacks, and ending new oil drilling near communities.

These efforts resulted in six legislative proposals, five of which passed the Legislature and were signed by the Governor. These five measures include the following:

Greenhouse Gas Emission Reductions

Measures contained within the package relating to greenhouse gas emissions include AB 1279 (Muratsuchi), which codifies the State's existing goal of carbon neutrality by 2045. For context, the State enacted another greenhouse gas bill, AB 32, in 2006, requiring the State to set a target for emissions to drop to 1990 levels by 2020. While AB 1279 passed, another, more aggressive measure that would have set California's target at 55% below the state's 1990 emissions up from the current 40% target, failed in the Assembly on the final night of session.

Clean Energy and Grid Reliability

Another measure relating to the Governor's climate proposals is SB 1020 (Laird), which sets interim targets for generating clean energy. A current law already requires 100% of retail electricity to be fueled by renewables such as wind and solar by 2045. The new law would add 90% by 2035 and 95% by 2040. In addition, all State agencies must source their energy from 100% renewable sources by 2035, ten years sooner than law now requires.

The question remains, however, if California's electrical grid can handle the surge in energy demand. The State is expected to see a 68% increase in energy consumption by 2045, according to the California Air Resources Board. To handle that increase, the Agency estimates that the state needs to expedite renewable energy projects.

The issue of grid reliability was addressed in SB 846 (Dodd) which aims to keep the state's last remaining nuclear power plant in Diablo Canyon operating until 2030 and gives its operator, Pacific Gas & Electric, a \$1.4 billion loan to do so. This bill was viewed as one of the most contentious bills of the final night of session – with proponents arguing the need to keep the power plant functioning in the face of increase grid demand, and opponents concerned about accidents, nuclear waste issues, and a perceived "PG&E bailout."

Carbon Sequestration

SB 905 (Caballero) directs the California Air Resources Board to develop a program and set regulations for carbon capture, utilization and storage projects at polluting industries, such as oil refineries. The practice is supported by the oil industry, but environmentalists say it has the potential to do more harm than good and prolongs the lives of fossil fuels. The State has yet to see a large-scale carbon capture and storage development seen to fruition.

Another bill approved by the Legislature, AB 1757 (C. Garcia), would require the State to set targets for removing planet-warming carbon from the atmosphere with nature-based methods, such as planting trees, restoring wetlands and scaling up public landscaping and urban forestry projects. The bill received widespread support from environmentalists, who say nature-based solutions to combating the existing amount of greenhouse gas emissions in the air is a better approach than relying on engineered technologies.

Oil Well Setbacks

The 2022 Legislative Session saw several attempts to establish buffer zones around oil and gas wells and other large-scale industrial equipment, to prevent their encroachment on "sensitive receptors" like residential zones and schools.

SB 1137 (Gonzalez), which requires 3,200-foot setbacks between new oil and gas wells and sensitive receptors, narrowly passed the Legislature on the final night of session. The bill also requires operators to take certain steps at the thousands of existing wells within that buffer zone. Included is a plan to monitor toxic leaks and emissions and install alarm systems. In addition, new requirements would include limits on noise, light, dust and vapors.

LEGISLATIVE OUTCOMES: CITY OF PALO ALTO FUNDING AND PRIORITY BILLS

The 2022 Legislative Session was highly successful for the City/TPA partnership especially with the focus on funding. This includes securing \$7.2 million in state budget earmark request funding through continuous advocacy with the City's legislative delegation, state budget committee leadership, and staff relationships. In addition, it includes advocating on behalf of the City's successful Homekey Program funding, totaling over \$26 million.

In early 2022, the City/TPA team sprang into action supporting the Homekey Application in partnership with LifeMoves. The Homekey funding was oversubscribed throughout the Bay Area and this application was on the fence. The TPA team utilized their contacts in the California Business, Consumer Services and Housing Agency to help elevate this application, coordinated advocacy calls from our state delegation, provided them running updates, expressed the need and strength of the application to the Office of the Governor, and utilized other advocacy methods.

This effort continued for multiple months and culminated with the announcement of a full funding award totaling over \$26 million to help address the unhoused in the region.

Towards the end of 2021, the City/TPA team began the efforts of securing state budget funding. During this nearly yearlong process, TPA compiled and submitted multiple robust applications to Senator Becker and Assembly Member Berman inclusive of comprehensive documentation and project component summaries, garnered key supporters and letters, worked in lock-step with senior capitol staff to address concerns and answer questions, walked the halls of the Capitol to ensure stakeholders were informed of the project, and worked with Legislative Leadership to advocate for the final successful passage of both budget items.

The result was the announcement from Assembly Member Berman of funding for Fire Station #4 Replacement in the amount of \$5.2 million dollars and the announcement from Senator Becker of funding for the Newell Bridge in the amount of \$2 million dollars.

The City/TPA team was also very engaged and successful in fighting to keep funding from being taken from the City. The team joined the opposition effort to a revised proposed trailer bill that would permanently "cap" the Education Revenue Augmentation Fund (ERAF) after schools have been fully funded. More specifically, this proposed trailer bill would change current law in a way that would significantly harm counties and cities by permanently "capping" the ERAF funds that would be returned to them (after schools have been fully funded) and, instead, use such local tax revenues to pay the State's in-lieu Vehicle License Fee (VLF) obligation. Palo Alto was one of those cities.

The TPA team, working with the City and cities throughout Santa Clara and San Mateo counties, pushed back against the Department of Finance on their proposed trailer bill language and supported the compromise language from Assembly Member Mullin. These efforts included briefing Senate and Assembly Budget committee staff, staff in the Governor's office, staff in the Pro Tem and Speaker's Office, and others.

The compromise language was part of the adopted state budget.

Dating back to the past legislative session, and after discussions with the Policy and Services Committee and the full City Council, the legislative strategy of the City has been to focus on a handful of bills and serve as a strategic voice in Sacramento as opposed to taking positions on a wide range of bills. There has also been a focus of collaborating with various authors to help expand the City's relationships.

The City has taken a formal position on the bills listed below:

SB 960 (Skinner) Public employment: peace officers: citizenship

City position: Support

This bill would eliminate the requirement that a person be a United States citizen or a permanent resident in order to become a peace officer and instead requires that the person be legally authorized to work in the United States per federal law.

Status: Signed into law.

SB 1000 (Becker) Law enforcement agencies: radio communications

City position: Support

This bill requires, no later than January 1, 2024, a law enforcement agency (LEA) to ensure any non-confidential radio communications are accessible to the public.

The City was very active on this legislation dating back to the beginning of the year. At the P and S Committee hearing support was expressed and the direction was to work with the authors office. This included numerous discussions with the authors office, providing subject matter feedback, recommending draft language, and expressing support through the various committee hearings. Status: Did not progress out of the Legislature. Held in the Assembly Appropriations Committee.

SB 1100 (Cortese) Open Meetings; orderly conduct

City Position: Support

This bill would authorize the presiding member of the legislative body conducting a meeting to remove an individual for disrupting the meeting. The legislation requires removal to be preceded by a warning to the individual by the presiding member of the legislative body or their designee that the individual's behavior is disrupting the meeting and that the individual's failure to cease their behavior may result in their removal. The bill would authorize the presiding member or their designee to then remove the individual if the individual does not promptly cease their disruptive behavior.

Status: Signed into law.

AB 1737 (Holden) Children's camps: local registration and inspections

City Position: Support with comments

This bill requires, on or before January 1, 2024, CDSS, in consultation other departments and stakeholders, to provide a report to the Legislature that includes information regarding topics related to the health and safety of children attending children's camps and recommendations for developing and issuing requirements for the regulatory oversight of children's camps

Status: This bill went through numerous iterations of amendments. Ultimately, the Author decided to place the bill on the inactive file. It did not progress out of the Legislature.

AB 1944 (Lee) Local government: open and public meetings

City Position: Support

Allows, until January 1, 2030, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions.

Status: This bill did not progress out of the Legislature. This bill was held in the Senate Governance and Finance Committee.

AB 2181 (Berman) Santa Clara Valley Transportation Authority: board of directors

City Position: Oppose unless amended (amendments suggested)

Makes changes to the Board of the Santa Clara Valley Transportation Authority (VTA). The major provisions include

- 1) Revising the membership of the VTA board to consist of the following:
 - a) Two county representatives who are community members and appointed by the president of the board of supervisors of Santa Clara County.
 - b) Five representatives of the City of San Jose, including at least two city council members or the mayor and two community members, appointed by the mayor with city council approval.
 - c) Five representatives of the other cities in the county, including at least two community members and two city council members or mayors of those cities, elected through a ranked choice voting process by the city councils of those cities, as specified.
- 2) Authorizes the VTA board to include ex officio nonvoting members from regional transportation or governmental bodies and increases the terms of the board members to four years.

Status: This bill did not progress out of the Legislature. It was held in the Senate Transportation Committee.

AB 2259 (Berman) Foster youth: substance use disorders

City Position: Support

Focus of the legislation: This bill would require the California Department of Social Services (CDSS), in collaboration with the Department of Health Care Services (DHCS), and upon appropriation by the Legislature, to establish a grant program to fund the development and implementation of evidence-based models and promising practices to serve foster youth with substance use disorders who are residing in family-based settings.

Status: This bill did not progress out of the Legislature. It was held in the Appropriations Committee.

AB 2449 (Rubio) Open meetings: local agencies: teleconferences

City Position: Support with comments

This bill allows, until January 1, 2026, members of a legislative body of a local agency to use teleconferencing without noticing their teleconference locations and making them publicly accessible under certain conditions. Senate Floor Amendments of 8/8/22 clarify the process for members of legislative bodies to participate via teleconference in cases of emergency circumstances and refine provisions regarding compliance with applicable civil rights and nondiscrimination laws.

Status: Signed into law

AB 2647 (Levine) Local government: open meetings

City Position: Support

This bill exempts local agencies from making materials available for public inspection at the time they distribute them to members of the legislative body less than 72 hours before the meeting, if the agency meets certain requirements. Senate Floor Amendments of 8/4/22 clarify that public meeting agendas are disclosable public records that must be made available without delay and in compliance with the Brown Act.

Status: Signed into law.

Looking ahead

In addition to the onset of new laws, next year will mark massive changes in the State Legislature.

The decennial redistricting process caused numerous lawmakers to move, battle for new district spots, or retire. This, coupled with the onset of another graduating class of legislators under the new term limit requirements established by Prop. 140 (1990), has prompted many legislators to not seek reelection.

As such, 2023 will bring forward a new class of freshman legislators – specifically, 10 new Senators and 19 new Assembly Members.

This is likely to spark new leadership changes, bill ideas, and shift the makeup of factions within the Democratic Caucus. For instance, Assembly Member Robert Rivas has already signaled his intentions of battling Incumbent Speaker Anthony Rendon for the coveted Assembly Speakership. If he succeeds, it is likely he will appoint new committee chairs and internal leadership positions.

What does this mean for the City of Palo Alto? We will continue to remain focused on our legislative strategies and will need to brief new Senators, new Assembly Members, and staff on our priorities, our hallmark projects, our areas of expertise, and to help support some of the new legislative proposals introduced in 2023.



City of Palo Alto

(ID # 14863)

Policy and Services Committee Staff Report

Meeting Date: 10/11/2022 Report Type: Action Items

Title: Race and Equity Quarterly Update

From: City Manager

Lead Department: City Manager

Recommendation

Staff recommends that the Policy and Services Committee receive this informational update on the City's Recent Race and Equity Work.

Background

As part of the City's ongoing Race and Equity work, the City Council adopted a list of directives in November 2020 (link to <u>Action Minutes</u> (pages 4 and 5); Report <u>CMR #11754</u>). Progress on each of the November 2020 directives, as well as other efforts since June 2022, are shared in this report.

Additionally, the City Council took action in September 2022 to rename the second Monday of October from "Columbus Day" to "Indigenous People's Day and Italian Americans Heritage Day."

Previous quarterly updates to the Policy and Services Committee include:

- June 14, 2022 Update (<u>CMR #14497</u>)
- February 8, 2022 Update (CMR #13997)
- September 2021 Update (<u>CMR #13568</u>)
- June 2021 Update (CMR #12342)
- March 2021 Update (CMR #12053)

Discussion

In addition to the City Council actions in November 2020, the City has been actively engaged in many community initiatives, conversations, and events related to race, equity, and culture. These updates are provided at the end of this memo. The City issued a blog update in July to share information about updates included in the June 2022 update report. Staff will continue to share information about race and equity efforts through the City's communications channels and will continue to maintain a Race and Equity webpage at www.cityofpaloalto.org/raceandequity.

Update on Work Assignments

The table below provides the remaining three assignments from the original 17 assignments given by the City Council in November 2020 pertaining to the City's Race and Equity efforts. The status updates included outline the most recent action as staff continues to work on these three assignments. The assignments already completed are listed with detail in the <u>June 2022 report</u> in Attachment A (PDF page 47). There are further updates below the table for Assignment C and Completed Assignment D (related to mental health response programs).

Updates on Remaining Assignments

Assignment	Work Assignment	Status
С	Starting after the full implementation of the Records Management System (RMS) and the first data collection period, direct Staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports;	Partially completed as this item requires a full year of data which won't be complete until the end of December 2022. Small update provided below this table .
К	Return in the fall of 2021 with parameters, proposals, and strategies prior to engaging in Palo Alto Peace Officers' Association (PAPOA) negotiations;	The City's negotiators have received initial bargaining authority in closed session and are ready to begin the bargaining process, throughout the process the City's team and department will continue to review and evaluate any provision which needs revision to align with the City's overall goals.
L	Direct Staff, in coordination with the City's overall diversity and inclusion efforts, to conduct a workforce demographic assessment as baseline information and to pursue an employee assessment to measure City workforce culture;	Staff is working on updated employee demographic information and will report back when this is completed. Staff completed the Board/Commission demographic survey in 2021 and will the align survey period with the Board/Commission annual recruitment cycle so new members can more easily be accounted for. The survey is anonymous and not linked to specific Board/Commission members. Staff continues to work on a citywide climate survey anticipated to be distributed this year. Staff contracted with Ivy Planning Group to help with an organizational assessment. Ivy has started this work. CircleUp Education also started conducting the implicit bias and microaggression trainings with Board/Commission members, the City Council, and

Assignment	Work Assignment	Status
		staff liaisons. Staff is working to offer a similar
		training on Conscious Conversations available in early
		2023 through this vendor for other staff including the
		Police Department's command staff and supervisors.
		Lastly, staff started developing the recruitment materials for the Equity and Inclusion Official who will help move this work forward. Staff is gathering insight from other cities with similar positions and
		anticipates posting the recruitment this Fall.

Further Details

Assignment C: Starting after the full implementation of the RMS and the first data collection period, direct Staff to resume annual data collection and analysis of police contact data similar to the previous Stop Data reports

The Police Chief and select staff will be attending a local November 1, 2022, RIPA (Racial and Identity Profiling Act) Summit, sponsored by the California Police Chief's Association to gain information on how the RIPA Board interprets that data. This summit will also provide suggestions on how agencies can prepare for the release of their data and how to apply for reimbursement under SB 90 for the expenses associated with RIPA.

The Police Department continues to report all stop data directly to the California Department of Justice (Cal DOJ) through the Cal DOJ web portal. The first year of stop data collection ends at midnight on December 31, 2022. The final completed and approved 2022 data submissions must be sent to the Cal DOJ by April 1, 2023. PD staff are continuing to work with the City's Information Technology Department to develop methods to report out the 2022 collected data in advance of the annual DOJ comprehensive report.

Update on Alternative Response Mental Health Programs (linked to Completed Assignment D):

1. Santa Clara County's new Community Mobile Response Program (branded the Trusted Response Urgent Support Team (TRUST) Program): Santa Clara County's Behavioral Health Department made a presentation to the Policy and Services Committee in March 2021 (CMR #12051) about their new alternative response program. As discussed then, the TRUST program is a non-law enforcement response resource for lower-level mental health crises based on Eugene, Oregon's CAHOOTS program and other alternative response programs. Following that presentation, Palo Alto successfully advocated for inclusion of a third site to serve north county in addition to the two originally proposed in East San Jose and Gilroy.

City of Palo Alto

The overview for the program can be found here: https://mhsoac.ca.gov/sites/default/files/MHSOAC Materials 05272021 0.pdf beginning on page 101.

Update: The County has awarded a contract to Momentum for Health to be the TRUST service provider in north county. Momentum is very eager to do the work and to develop relationships in north county. City Staff is tracking the program implementation and looking for ways to help promote it in Palo Alto.

2. Federal funds for an alternative mental health response program: In order to ensure adequate coverage of a mental health alternative response program for Palo Alto, the City in 2021 submitted for federal Community Project Funding (earmark) for financial support for this type of program in partnership with the Cities of Mountain View and Los Altos. With the leadership of Congresswoman Eshoo, the City received notification that the funding would be awarded to the City.

Update: The City just received the formal award notification from the federal agency assigned to administer these funds to the City (the City completed a formal application process in June and the award notice arrived in September). Staff continues to move this effort forward with the goal of linking the funding to a sustainable program.

3. The Psychiatric Emergency Response Team (PERT) program also continues to be successful in Palo Alto as another resource, in addition to the Mobile Crisis Response Team (MCRT).

Other Citywide Race and Equity/Diversity Updates

- Based on the demand for Children's Theatre Magical Series Spectrum and Sensory
 Friendly Program offerings (classes and camps which are enrolled based on
 developmental age, rather than chronological ages like most City programs) developed
 in collaboration with the Magical Bridge Foundation in summer 2022 the theatre
 expanded the series to include Free Magical Series Music Therapy classes. These classes
 focus on accessibility for neurodivergent participants, as well as host a Magical Day
 Program for differently abled young adults who have aged out of most available day
 programs. In Fall 2022, the Magical Series programming will also include dance classes
 focused on participants with different learning needs.
- With support from the Friends of the Palo Alto Children's Theatre, Children's Theatre staff work with PAUSD family services specialists to identify students who will benefit from full scholarships for Summer Camps and Classes. In Summer 2022, the theatre had more students participating in programs on full scholarships than any previous year.

- In Summer 2022, the Children's Theatre participated in an annual collaboration with the Stanford University Compression Forum (the theatre's 4th year in the program), offering paid internships to rising high school seniors and incoming college freshman. The participants, almost all of whom come from under-represented/under-served backgrounds, take part in a research project that explores the use of advanced technology in theatre.
- Also over the summer, the Children's Theatre development of the Reparations Project, a
 national collaboration with The Breath Project and the Friends of Palo Alto Children's
 Theatre, to encourage conversations around the topic of slavery reparations in
 educational and performing arts institutions, with the goal of developing an original
 theatrical work in Fiscal Year 2024 2025.
- The Art Center and Palo Alto Junior Museum & Zoo will conclude their last year of collaboration on "Working Together" in this current fiscal year (FY 2023). This program provides paid teen opportunities, paid undergraduate internships, and paid graduate fellowships to diversify the museum field. The Art Center Foundation received an IMLS American Rescue Fund grant in 2022 to support a project "Centering Accessibility" intended to continue the Art Center's focus on inclusion. This grant provided training for Art Center staff and will help to purchase accessible artmaking equipment for our studio programs. The Art Center continues to provide QR codes with visual descriptions and large-print labels for constituents in exhibitions.
- The Art Center continues its Project Look school tour scholarships for East Palo Alto classrooms this fiscal year. The Cultural Kaleidoscope arts integration program continues in underserved school sites in East Palo Alto as well. The Art Center continues its Dreamcatchers partnership in offering scholarships to Art Center classes to their low-income constituents. Last fiscal year (FY 2022), as part of the *Creative Attention* initiative, the Art Center started a program of scholarships for art classes for low-income seniors. In addition, the Art Center offered onsite art therapy sessions for low-income seniors at Stevenson House and Palo Alto Housing. This year, the Art Center continues to offer scholarships for low-income seniors and will offer monthly artmaking sessions at both Stevenson House and Palo Alto Housing. These programs referenced above are funded by the Palo Alto Art Center Foundation.
- In FY 2023, the Palo Alto Junior Museum & Zoo will deliver in-person and virtual science lessons to children and adults from First 5 Family Resource Centers. These families represent multiple ethnicities and languages.
- King Artist Residency: Artist-in-Residence Rayos Magos led six community engagement workshops (in English and Spanish) as part of his King Artist Residency outreach. Overall, between February and August, the artist led over 35 art workshops and engagements

about culture, identity, belonging, and resilience in Palo Alto, with the special focus on amplifying voices of Latinx and BIPOC community members and mental health service providers. These conversations informed Magos' temporary artwork that will be displayed in King Plaza later in Fall 2022. (The artwork is in fabrication now).

- ArtLift Microgrant projects: Aug Sep: New media artist and film maker Miguel Novelo Cruz let 10 pop-up events as part of his project called *Cinetero* across various parks in Palo Alto to engage park goers in candid conversations about equity and belonging in Palo Alto. Interviews with project participants (in English and Spanish) can be viewed here: https://cinetero.org/. In addition, *Mapping Palo Alto Together* by artist Perry Meigs. Between June September Perry Meigs led a series of free public workshops for youth, adults, and seniors of diverse backgrounds to engage participants in conversations about their daily travel paths across Palo Alto. Participants were invited to create neighborhood maps visualizing how their daily patterns have changed during the pandemic. The project will conclude with a temporary mural displayed at the Rinconada Library.
- Public Art Commission Workplan: The Public Art Commission held its Annual Retreat on September 17. Commissioners reviewed and outlined its 2022/2023 work plan guided by the PAC fundamental priorities including the Social Justice Priority: Develop public art projects that will continue to advance cultural inclusion and social, racial, and gender equity.

<u>Library Updates from October 22 – November 19</u>

The following list provides programming that the Library has accomplished from June-August:

- Summer Reading Program 2022: All Together Now! This summer's theme allowed the Library to provide a unique opportunity read for a cause. "All Together Now!" and perfectly captured our desire to support our community in any way we could. We selected the Palo Alto Community Fund (PACF), an organization which provides grants to non-profits that improve the quality of life for everyone in Palo Alto, East Palo Alto and Menlo Park. For every participant who completed the program, the Library would donate \$1 to PACF. In 2021 PACF distributed annual grants to 70 local nonprofit that help families, uplift the vulnerable, improve education opportunities, and enhance community life. We were excited to see our participants give toward these important causes, by doing something they enjoy—reading! In total, 777 participants completed the program, and the Library (with support of the Friends of the Palo Alto Library) will donate a check to PACF for that amount.
- Reboot Room Launch: This new space at the Mitchell Park Library provides access to and training of various technical equipment for AV filming and recording; gaming; and

digitizing old formats. Classes, eHelp and other learning services will be provided to all community members of all ages.

Library efforts in June 2022:

- Pride Storytimes
- SRP Events (introduced art and activities from other cultures):
 - "Colors of India" Dholrhythms Dance Company Performance
 - Mexican Tin Art Craft
 - Solving Fun Sodoku & More!
- Web Content: Booklists, blogposts, social media posts on Pride Month & Juneteenth

Library efforts in July 2022:

- SRP Events (introduced art and activities from other cultures):
 - Village Rhythms with Onye Oneymaechi Performance
 - TaiChi Workshop
 - Make a Zine Workshop (taught all ages the art of zine making and personal expression)
 - Mapping Palo Alto (worked with PA Public Artist on workshop for mapping your travel patterns through your community before, during and after the pandemic)

• Library efforts in August 2022:

 Author Visit: Joanna Ho discussed writing children's books about the Asian American experience

Ongoing Library programming:

- o Bi-Monthly Sensory Storytime
- Monthly ESL Book Club
- Monthly Stay Woke Book Club
- Weekly ESL Conversation Group

Timeline, Resource Impact, Policy Implications

The work described within this report is being accomplished within current budgets unless otherwise noted.

Stakeholder Engagement

Community engagement is an integral part of Palo Alto's race and equity work. Engaging the community at large to provide feedback for the City's Race and Equity strategy has been a priority throughout this process as shown in the Framework. The City continues to engage the community through a series of Race and Equity conversations. Updates on the City's ongoing efforts can be found on the Race and Equity webpage on the City website (www.cityofpaloalto.org/raceandequity). Staff is also planning an updated Community blog

with the information contained within this report. The blog will be posted on the City's Medium page at: https://medium.com/paloaltoconnect.