



March 8, 2018 Meeting Summary

Legislative Action Committee Meeting

Marico Sayoc called the meeting to order and introduced Patrick Ehrens of Assembly Member Evan Low's office.

Per Chair Marico Sayoc's request, Patrick Ehrens discussed **Firearm Safety**.

- **Santa Clara County** is proposing a Gun Show Ban at Fairgrounds. In the county, the age to purchase a gun is 21.
- **AD 3 (Bonta) (Senate version by Skinner)** a bill that would raise the age limit for purchasing rifles and shotguns from 18 to 21, the same as for handguns.
- **Presented Fact Sheet:** Firearm Safety in California
- **AB 1968 (Low):** Mental Health and Firearms: AB 1968 restrict firearm possession for individuals at risk of harming themselves or others. Permanently removes the firearms of an individual who has been placed on a 5150 hold twice in one year, with the option to petition the court for a hearing to have them returned. (see handout for complete info)
- **In Sunnyvale:** Mayor Glenn Hendricks proposed an ordinance would restrict gun shops and other retailers in Sunnyvale from selling semiautomatic centerfire rifles to anyone younger than 21.

SB 100 (de León): puts the state on the path to 100 percent clean, renewable energy by 2045. Bill summary:

1. Establishes an overall state target of 100% clean energy for California by 2045 by directing the CA Public Utilities Commission, CA Energy Commission, and Air Resources Board to adopt policies and requirements to achieve total reliance on renewable energy and zero carbon resources by that date.
2. Accelerates SB 350's 50% mandate for clean renewable energy from 2030 to 2026 and establishes a new RPS benchmark of 60% by 2030 to ensure more clean energy in the California grid sooner.
3. Establishes new policies for energy companies to capture uncontrolled methane emissions from dairies, landfills and waste water treatment plants and use these clean renewable fuels to replace natural gas.
4. Authorizes investor owned utilities to invest in cleaner transportation fuels such as hydrogen or waste methane gas from dairies for heavy duty trucks to replace dirty diesel fuels, provided there are no other cleaner options such as zero emission vehicles available

***There is an amendment that would eliminate competitive local clean energy and create arbitrary roadblocks to grid modernization, reliability and safety. The proposed amendment would prohibit the CPUC from authorizing the procurement of distributed energy resources (DERs) – including solar, storage, demand response and energy efficiency – unless strict prohibitive conditions are met. The amendments could effectively block customers from installing solar, battery storage, and demand response technologies, possibly even in their own home. (see handout)



SB 827 (Weiner) Planning and zoning: transit-rich housing bonus. Amended March 1, 2018. Shortened mileage component to ½ mile. Motivation environment.

- Compare versions here:
http://leginfo.legislature.ca.gov/faces/billVersionsCompareClient.xhtml?bill_id=201720180SB827
- Read Senator Weiner comments on amendments here: https://medium.com/@Scott_Wiener/sb-827-amendments-strengthening-demolition-displacement-protections-4ced4c942ac9
- Full list of amendments:
http://sd11.senate.ca.gov/sites/sd11.senate.ca.gov/files/sb_827_amendments_022718.pdf
- Status: in Committee

Ehrens also distributed info on several of Assembly Member Low’s bills:

- AB 2352 (Low) County elections Offices: Reportable Errors improves the Registrar of Voters’ administration of elections by providing the Registrar of voters with the guidance and tools necessary to curb and correct any potential errors.
- AB 1947 (Low): Prohibiting Payment per Signature on Petitions prohibits payment on a per signature basis for initiatives, referendums, or recall petitions.

The Legislative Committee passed unanimously the minutes and Legislative Guiding Principles.

Board of Directors Meeting Summary

The **Consent Agenda** (February 2018 Board of Directors Meeting Minutes, Legislative Guiding Principles, 2018 Workplan) was approved with a motion from Greg Scharff, second from Debbie Davis. The motion was approved unanimously.

Greg Scharff and Andi Jordan gave an update on the issue of the Association’s **organizational status**.

Jenny Weiss with Silicon Valley Joint Venture – Talent Partnership presented a general overview of the program. Silicon Valley Talent Partnership is one of Joint Venture’s newest initiatives – with the goal to leverage the abundance of human capital in Silicon Valley’s private sector to help tackle the region’s most pressing challenges. (Pressing challenges include housing, transportation, education, environment, homelessness, etc.). SVJV works with public sector leaders to scope high impact projects and then match them to highly skilled pro bono teams from distinguished Silicon Valley corporations. Skill sets of teams in our partner network include strategy, long range planning, marketing, communications/PR, UX/UI, law, design thinking, and many others. One example of the project is the Marketing Strategy for San Mateo County’s Second Unit program, which aims to tackle the 19:1 jobs to housing gap in San Mateo County by encouraging homeowners to build second units on their property. The Board was encouraged to consider participation in a future project.

Regional Housing Needs Allocation Sub-region Task Force Update: Laurel Prevetti, Los Gatos Town Manager and Duane Bay, ABAG/MTC, provided an update on behalf of the Cities Association Sub Region Task Force. State law allows for a sub-region within a county be created to control the allocation.

Criteria to form a Sub-region:

- Each jurisdiction must Adopt Resolution



- Each jurisdiction must adopt rules
- New Sub Region must create an entity (could be a subcommittee of the Cities Association and include the County)
- Entity must enter into agreement with ABAG/MTC

Process:

- Create methodology
- Allow for public comment
- ABAG/MTC distributes number to County
- Sub-region then distributes to cities/county based on methodology created and adopted

Lowest cost way to establish a Sub-region

- Administration of Committee (agendas/minutes/public engagement)
- Utilize Planning Directors as technical staff

Clarifications:

- ABAG/MTC is not a referee and only acknowledges the obligations have or have not been met.
- State law allows for bi-lateral trading, can't trade low income housing and keep high income housing.
- No one will be expected to pass a resolution without knowing what the rules of engagement are.
- Regional process is still 2 years in the future/2020.

Greg Scharff motioned, Rob Rennie seconded, moving forward with the goal of providing a plan to create a sub region.

Discussion:

- Rich Constantine asked that a clear pro/con list be included in supporting documentation.
- Chappie Jones asked for a values statement prior to the rules of engagement.
- Jan Pepper would like to confirm that the worst case is that each city keeps their allocation.
- Marico Sayoc asked How much work do we put in to stay with the status quo,
- If we don't create a sub region, can we still trade?
- With or without a sub region, everyone still has an allocation.
- Sample resolution with rules, guiding principles, (limit don't derail sb350)
- Larry Klein asked for information on bilateral trading

Vote: Motion passes 13-1-0 (ayes-nos-abstentions) (Campbell/Jeff Cristina voting no, Milpitas absent)

Measure A Update - Sunnyvale Mayor Glenn Hendricks, appointed by the Cities Selection Committee as a member of the Measure A Oversight Board, provided an update. The Oversight Committee:

- Selected the Auditor
- Presented sample dashboard to provide transparent information to the public
- 6 projects have received Measure A money
- Committee has asked what is in the pipeline to receive these funds



MTC Report by Los Altos Council Member and MTC Member Jeannie Bruins :

- **SB 1** will boost the states economy by \$183 billion over the coming decade and create 680,000 jobs/year.
- **RM3 :**
 - 15% of revenue is coming to Santa Clara County, 2% of residents use bridges.
 - project list was predetermined from the legislation.
 - Handouts:
 - [RM3 Ballot Measure Informational Guide](#)
- https://mtc.ca.gov/sites/default/files/RM_3_Ballot_Description.pdf
 - [RM3 FAQs](#) - https://mtc.ca.gov/sites/default/files/RM_3_FAQ_3-1-18.pdf
 - [RM3 Expenditure Plan](#)
- https://mtc.ca.gov/sites/default/files/Final_RM3_Expenditure_Plan.pdf

EMS Committee: Chappie Jones presented on behalf of the EMS Committee. Santa Clara County issued an RFP for emergency ambulance services. There was a desire for some cities/agencies to bid on the RFP which has proven to be a problematic due to the tight timeline and some vagueness of the RFP. Concerns of the RFP:

- First responder fee isn't included
- Support for clinical education and training currently supported but not in RFP
- RFP is vague – response times are vague

Chappie Jones is recommending the drafted letter be sent to the County.

SCCCMA Representative/Cupertino City Manager David Brandt shared that at the previous SCCCMA meeting, the Fire Chiefs Association presented information on the RFP. The short timeline didn't allow for a joint submittal from the fire departments. SCCCMA concerns are similar to those concerns outlined by Council Member Jones. SCCCMA agreed to send a letter to the County requesting the RFP be amended or rescinded.

Greg Scharff motioned that the Cities Association send the letter presented by Chappie Jones. Jan Pepper seconded the motion and the motion passed unanimously.

Public Comment: Steve Preminger, Santa Clara County is willing to provide an update from Supportive Housing Department to respond to legitimate questions and concerns.

Adjourned at 8:55 PM until April 12, 2018.

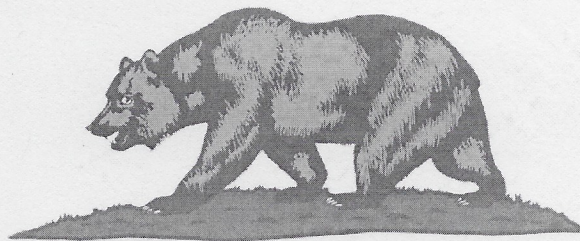
Fact Sheet: Firearm Safety in California

California's Current Firearm Laws

- All firearm sales require a firearms eligibility background check by the Department of Justice.¹
- Only licensed California firearms dealers are authorized to sell firearms. Firearm dealers are required to keep a record of all transactions for the California Department of Justice.¹
- To acquire a firearm, individuals must obtain a Firearm Safety Certificate by scoring at least 75% on a written test.¹
- Individuals cannot purchase more than one handgun within any 30-day period.¹
- Handguns, rifles, and shotguns may be transported by motor vehicle provided they are unloaded. Handguns must also be stored in a locked container.
- It is illegal for an individual to carry a concealed handgun without a license.¹
- It is illegal to carry a loaded firearm in any public place or in any place where it is unlawful to discharge a firearm.¹
- It is illegal to bring a firearm onto any school or university, including the campuses of the University of California, California State University, and California community colleges.¹
- All firearm transfers at gun shows must be processed through a licensed firearms dealer and must still comply with all applicable laws.²
- California prohibits the sale of "unsafe handguns" which do not meet the state's design safety standards.²
- California bans most assault weapons and .50 caliber rifles, and prohibits the sale, transfer, manufacture, and possession of large capacity ammunition magazines.²

California's Safe Storage Laws

- California requires firearm owners to keep their firearms out of the reach of children or others prohibited from owning a firearm.²
- All firearm sales in California must include a firearm safety device approved by the state Department of Justice.²
- California has the most comprehensive standards for locking devices in the nation: California requires testing of locking devices by certified laboratories and only those found to meet standards may be sold in the state.²



California Compared to Other States

- California was ranked #1 by the Law Center to Prevent Gun Violence as the state with the strictest firearm laws. Only 7 states, including California, received A-range grades.³
- In 2016, California had the 8th lowest firearm death rate among the nation's 50 states.³
- In 2016, California strengthened its otherwise comprehensive firearm laws by enacting the "Safety for All" ballot initiative.³
- Only six states, including California, have all the combined regulations of an assault weapons ban, a high-capacity magazine ban, prohibitions for high-risk individuals, prohibitions for individuals with domestic violence convictions, and mandatory universal background checks.⁴

¹ <https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/pdf/cfl2016.pdf>

² <http://lawcenter.giffords.org/gun-laws/state-law/california/>

³ <http://gunlawscorecard.org/>

⁴ <https://www.washingtonpost.com/graphics/2017/national/assault-weapons-laws/>



OFFICE OF ASSEMBLYMEMBER

Evan Low

TWENTY-EIGHTH ASSEMBLY DISTRICT

Assembly Bill 1968: Mental Health and Firearms

SUMMARY

AB 1968 restricts firearm possession for individuals at risk of harming themselves or others.

BACKGROUND

In California, people who are deemed to be an immediate danger to themselves or others are placed on an involuntary psychiatric hold for 72 hours. This 72 hour hold is commonly referred to as a 5150, which gets its name after the California Welfare and Institutions code section.

Under current law, people who are admitted under a 5150 hold have their firearms taken away for five years but the law allows for individual to petition the court for a hearing to have their guns returned. Hearings must take place within 30 days of the petition's submission, which is often not enough time to obtain the necessary medical and psychiatric records needed to prepare for the hearing.

PROBLEM

Welfare and Institutions Code 5150 deals particularly with people having acute mental health episodes and allows the state to evaluate the individual in question.

People at risk of hurting themselves or others should not have easy access to firearms. Under the existing process, an individual is allowed to petition to get their firearm back upon discharge from the facility. In fact, anecdotal evidence indicates that some mental health institutions even go so far as to fill out the Relief from Firearms Prohibition form on behalf of the individual upon release. This is after only 72 hours of supervision. Frequently, since the individual is not the person who filed the form, they aren't aware of the court date or time and sometimes don't even receive the notice. In several instances, District Attorney's (DAs) have encountered individuals who

weren't even interested in having a hearing or owning a firearm.

Existing law also mandates that the hearing for Relief from Firearms Prohibition occur within 30 days of being filed. The District Attorney is charged with showing by a preponderance of evidence that the person would not be likely to use firearms in a safe and lawful manner – this is frequently without full information from the admitting facility or knowledge of the individual's mental health records. Due to the nature and potential tragic consequences related to this type of event, full information and an extended time period should be required.

SOLUTION

It is important that California has clear procedures in place to help keep firearms out of the hands of mentally ill individuals found to be at risk of harming themselves or others.

AB 1968 accomplishes this goal. Specifically, AB 1968:

1. Permanently removes the firearms of an individual who has been placed on a 5150 hold twice in one year, with the option to petition the court for a hearing to have them returned.
2. Prohibits the admitting facility from filling out the petition form on the individual's behalf, and the petition would include an authorization for the release of the person's medical and mental health records to the appropriate district attorney.
3. Extends the length of time for a hearing to take place from 30 days to 60 days from receipt of petition.

All too often, we're seeing in the news a different story of a mentally unstable individual having access to firearms and the tragic outcome that occurs. AB 1968 helps protect not only the individual, but all members of our community.



**OPPOSITION TO PROPOSED
DISTRIBUTION GRID AMENDMENT TO SB 100**

We, a coalition of clean energy businesses and environmental organizations, strongly oppose the proposed amendment to SB 100 (de León) that would eliminate competitive local clean energy and create arbitrary roadblocks to grid modernization, reliability and safety. The proposed amendment would prohibit the CPUC from authorizing the procurement of distributed energy resources (DERs) – including solar, storage, demand response and energy efficiency – unless strict, prohibitive conditions are met. The amendments could effectively block customers from installing solar, battery storage, and demand response technologies, possibly even in their own home.

These proposed amendments would stifle innovation and advancement of clean energy technologies, prevent the growth of a broad green-collared workforce, and dampen investment in clean tech businesses in California. These proposed amendments should be rejected for the following reasons:

- **DERs improve safety and reliability** – increasingly important with a more volatile climate.
- **Overly broad** – the proposed amendments would erect significant roadblocks for rooftop solar, battery storage, smart EV charging, smart appliances and possibly even a smart thermostat like a Nest, to provide grid services
- **DERs save ratepayers money** – DERs can offset the need for expensive utility infrastructure.
- **Customer Empowerment** – everyday Californians should experience and participate in the state’s path to 100 clean energy.
- **In search of a problem** – the proposed amendments wrongly imply that private companies are trying to take over the utility role in managing the grid, when in reality DERs rely on a well-functioning utility grid and a well orchestrated partnership with the utility.



OFFICE OF ASSEMBLYMEMBER
Evan Low
TWENTY-EIGHTH ASSEMBLY DISTRICT

ASSEMBLY BILL 1947: Prohibiting Payment per Signature on Petitions

SUMMARY

Assembly Bill 1947 prohibits payment on a per signature basis for initiatives, referendums, or recall petitions.

BACKGROUND

Existing law permits any person who is a voter, or who is qualified to register to vote in California, to circulate an initiative or referendum petition.

To qualify an initiative for the statewide ballot, proponents must get signatures from 5% of votes cast in the previous gubernatorial election for an *initiative statute* and 8% of votes cast in the previous gubernatorial election for an *initiative constitutional amendment*. In 2018, that translates to:

- 365,880 signatures for an initiative statute
- 585,407 signatures for an initiative constitutional amendment

In 1988, the United States Supreme Court determined that signature gatherers can be paid for their work in *Meyer v. Grant*. However, it did not prohibit states from regulating how signature gatherers are paid.

In 2002, Oregon passed a citizens' initiative that banned payment per signature on petitions with over 75% of the vote. The measure was challenged in court, but a federal judge ruled it constitutional and the Ninth Circuit Court of Appeals upheld the decision.

PROBLEM

The last time an initiative qualified for the ballot with all signatures collected by volunteers was in the 1990's. Over the last two decades, the need to collect hundreds of thousands of signatures within a limited timeframe has resulted in the creation of petition management firms who pay signature gatherers based on the number of signatures they collect. These people are commonly referred to as "bounty hunters."

In recent years, it has become a common experience to get approached outside a local grocery or retail store by signature gatherers. Many individuals have been approached by aggressive signature gatherers that mislead residents into signing petitions they otherwise would not endorse. This practice degrades the integrity of direct democracy and our initiative process.

From 1994 to 2010, the Secretary of State's Election Fraud Investigation Unit opened 240 cases for falsifying petitions, which resulted in 33 convictions. These convictions have been for violations such as:

- Misinforming voters
- Forging signatures
- Placing carbon copies under signatures to use one person's signature for multiple petitions
- Copying names from phonebooks

SOLUTION

The ability for signature gatherers to be paid per signature jeopardizes the integrity of the initiative process. The process is currently susceptible to fraud due to signature gatherers using aggressive techniques and misleading individuals for their signature. Under the provisions of AB 1947, signature gatherers will still be paid hourly or by a stipend.

AB 1947 helps maintain the integrity of the initiative process by eliminating the incentive for paid signature gatherers to approach individuals aggressively and spread misinformation.

SUPPORT

California Professional Firefighters



OFFICE OF ASSEMBLYMEMBER

Evan Low

TWENTY-EIGHTH ASSEMBLY DISTRICT

Assembly Bill 2352: County Elections Offices: Reportable Errors

SUMMARY

Assembly Bill 2352 improves the Registrar of Voters' administration of elections. Errors may occur during the management of an election, but AB 2352 will provide the Registrar of Voters with the guidance and tools necessary to curb and correct any potential errors.

BACKGROUND

A fair, accessible, and equitable electoral process is central to our democracy. Each County's Registrar of Voters administers federal, state, and local elections. Errors related to the elections process can be detrimental to our democracy and each Registrar of Voters should be accountable for their policies and procedures.

From 2010 to 2016, the County of Santa Clara's Registrar of Voters administered nearly 30 elections and reported 26 errors in its election-related materials. The errors varied, but included:

- Mailing ballots to individuals who were ineligible to vote
- Sending ballots that were missing information
- Counting vote-by-mail ballots that should have been disqualified
- Grammatical/typographical errors

For example, the Santa Clara County Registrar of Voters had to re-print and re-mail 100,000 sample ballots in a local School District Board of Directors' race because eligible candidates were missing from the ballot. In 2017, the Joint Legislative Audit Committee (JLAC) requested the California State

Auditor to audit the Santa Clara County Registrar of Voters' policies and procedures.

PROBLEM

Errors in the administration of elections jeopardize the integrity of the electoral process. The 2017 State Audit of the Santa Clara County Registrar of Voters found that inadequate policies and procedures had led to errors in election materials and that the county failed to consistently and effectively notify voters when mistakes were made. While the errors uncovered in the Santa Clara County audit did not influence the outcome of an election, they have undermined voter confidence in the electoral process.

SOLUTION

AB 2352 would require the Secretary of State (SOS) to establish regulations to determine which election administration errors are "reportable," and require those errors to be submitted to the SOS for review and guidance.

AB 2352 also requires a local jurisdiction to provide district boundaries to the county in a format specified by the county. The recommendations implemented in Assembly Bill 2352 are intended to reduce administrative errors and enhance the Secretary of State's oversight of county elections offices. Maintaining the public's faith in a fair, accessible, and equitable electoral process is of utmost importance.

Santa Clara County Regional Housing Needs Allocation (RHNA) Subregion Overview

What is a RHNA subregion? (Government Code Section 65584.03)

In recognition of the common interests and mutual challenges and opportunities associated with providing housing, **two or more contiguous cities and a county** may form a **subregional entity** for the purpose of **allocation** of the subregion's existing and projected need for **housing among its members** in accordance with the allocation methodology established pursuant to Government Code Section 65584.04.

All decisions of the subregion shall be approved by vote as provided for in the rules adopted by the local governments comprising the subregion, or shall be approved by vote of the county and the majority of the cities with the majority of population within the county.

What are the steps to create a Subregion, following the prescribed timelines in State law?

1. Each participating jurisdiction adopts a resolution indicating its commitment to participating in the subregional entity.
2. For Santa Clara County, the subregional entity could be a committee of the Cities Association with participating cities and the County.
3. The Cities Association (or other entity) would enter into an agreement with the Council of Governments (COG, in our case ABAG/MTC) that sets forth the process, timing, and other terms and conditions of the delegation of responsibility by the COG to the subregion.

What does the Subregion do, following the prescribe timelines in State law?

1. The subregion determines the methodology for allocating housing need to its participating jurisdictions according to State law (or accepts the methodology factors from the COG as a starting point for further distribution), providing opportunity for public comment and modification prior to adoption of the methodology.
2. The COG allocates a share to the subregion based on a proportion consistent with the distribution of households assumed for the comparable time period of the applicable regional transportation plan.
3. The subregion allocates the distribution of the RHNA to the participating jurisdictions according to the adopted methodology, providing an opportunity for public comment and modification prior to finalizing the distribution.

What is the estimated cost of a subregion versus typical participation in the RHNA process?

Assuming that the subregion does not hire a consultant to create a separate methodology, the costs would be:

1. Administrating and documenting the subregion meetings and decisions;
2. Conducting the required outreach prior to the subregion making its decisions;
3. Communicating with ABAG/MTC as needed; and
4. Publishing the required notices.

The Planning Departments of the participating jurisdictions typically absorb the RHNA evaluation without additional staffing or consultant assistance.

Santa Clara County Regional Housing Needs Allocation (RHNA) Subregion Overview

What are other activities that the subregion could assume outside of the RHNA process and State Law?

- Foster collaboration between cities within Santa Clara County
 - Focus on Measure A implementation
 - Facilitate an open dialogue between the jurisdictions, public, and interested organizations on housing issues and opportunities
 - Share best practices regarding rehabilitating existing housing stock, addressing gentrification/displacement, and related issues

- Work together to obtain and commit more financial resources to affordable housing production
 - Support for 2018 ballot measure for affordable housing funding
 - Consider potential legislative efforts to seek meaningful tax credits and other mechanisms



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March 15, 2018

Jeffrey V. Smith, M.D, J.D.
Santa Clara County Executive
70 West Hedding Street, 11th Floor
San José, CA 95110

RE: EMERGENCY AMBULANCE RFP-HHS-FY18-0069

Dear Dr. Smith:

The Cities Association of Santa Clara County would like to express concern regarding the Request for Proposal (RFP) for Emergency Ambulance Services released by the County of Santa Clara on February 12, 2018. Generally, the Association is concerned that the RFP development process lacked sufficient stakeholder input and that First Responder Agency interests are marginalized.

As you are aware, the County is currently under agreement with nine agencies (cities and fire districts) which provide Advanced Life Support (ALS) First Response Services. These nine First Responder Agencies are under contract to support and/or augment services provided by the exclusive private (for-profit) ambulance provider (currently Rural/Metro). The lack of stakeholder input appears to have resulted in critical omissions that will have direct adverse service impacts and/or create new costs to First Responder Agencies. Additionally, it appears that an award under this RFP would result in new dictated terms for First Responder Agencies regardless of existing First Responder Agreements.

As Emergency Ambulance Services are a critical countywide service, the Association urges that taxpayer dollars get reinvested back into the system to continue important medical services rather than continuing the current model.

It is the position of the Cities Association of Santa Clara County to rescind or amend the Request for Proposals for Emergency Ambulance Services (RFP-HHS-FY18-0069) initiated on February 12, 2018 and to direct the Santa Clara County EMS Agency to identify a process to effectively address concerns expressed herein.

We look forward to working with you toward building an EMS system that serves the needs of all our communities.

Thank you,

Andi Jordan
Executive Director