

Council Questions

February 13, 2024 - City Council Meeting

ITEM 6.1 Legislative Program Priorities for 2024

1. Why isn't there a "Support If Amended" advocacy position?

The City's legislative advocate has advised staff that "support if amended" positions are not effective positions to take when advocating for the City's interests. A "support if amended" position indicates to the Legislature, regulatory agency, or other stakeholders that the City is in favor of the spirit of the proposed law, as well as the technical approach the law seeks to address, even if there were specific provisions of the law the City had substantive concerns about and would like to see amended. It should also be noted that there are policy committees in both houses that do not recognize "support if amended" as an official position. A "support if amended" position would not guarantee that any amendments proposed would be taken into consideration and therefore, could dilute the City's advocacy efforts on important policy issues. The City is likely more effective in a specific advocacy effort by taking an "oppose unless amended position"—once securing said amendments, and then moving to a support position.

2. Several statements include this caveat: "Support only if legislation does not include an unfunded mandate and does not erode local control." Can staff define "unfunded mandate" and "erode local control"? How does staff and/or the legislative advocate make this determination?

An unfunded mandate is any State or Federal government action that cause local governments (e.g., cities and counties) increased costs or loss of revenues. Local control is a term to describe the legal powers of local governments to create regulations or codes within their jurisdictions (e.g., user fees, zoning codes or land use regulations). Therefore, supporting legislation that does not include an unfunded mandate and does not erode local control would mean *opposing* legislation that would increase the City's costs, decrease the City's revenues, or diminish the City's legal powers to create and implement regulations or codes. Staff and the legislative advocate would make this determination by reviewing and analyzing the proposed legislation to understand the potential impacts of the bill on the City's local control or revenues as well as consulting with legal counsel, the League of California Cities and other regional local government agencies and regulatory bodies.

Additionally, *Council Policy A-16 – Positions on Ballot Measures and Legislative Advocacy, Section 2. State and Federal Legislative Advocacy* provides guidance for taking actions of support or opposition to State or Federal legislation by the Mayor or staff without City Council approval, if the position is consistent with one of the following guiding principles:

The legislation:

- a. Would directly impact the City's finances, responsibilities, legal authority, or operations, or a significant portion of the residential or business community in Mountain View that could, in turn, impact City government finances, responsibilities, legal authority, or operations; AND
- b. Is intended to protect or increase local revenues; OR
- c. Is intended to protect or increase local control; OR

- d. Is intended to protect or increase funding or otherwise benefit specific programs or services utilized in Mountain View; OR
- e. Is opposing an unfunded mandate; OR
- f. Is consistent with existing City Policy, past action, or current City Council major goals; AND
- g. Has been reviewed by the City Manager or his/her designee.

Council Policy A-16 is included as Attachment 2 to the Study Session Memorandum.

- 3. Another caveat is: “Support only if the City Council determines this is feasible within the Tenant Displacement Response Strategy.” What does this mean? When would Council make this determination?

This footnote was added to the 2023 Legislative Platform for the following item:

C.6. Support antidisplacement legislation that promotes and protects the ability of residents to remain and stay in the community, including tenant protection, 100% replacement requirements, funding, and support to realize true first right-of-return for displaced tenants in newly developed replacement units, and antiprice-gouging policies.

The 2024 Legislative Platform includes the same language as above. Since policy statement C.6. was already adopted last year and staff is not proposing any changes to this policy statement for 2024, if the Council chooses, they can direct staff to remove the footnote upon adoption of the 2024 Legislative Platform.

- 4. Is increasing tax credits for affordable housing explicitly listed? It seems to be a possibility in a number of the policies, but not explicitly listed. Why not?

The legislative platform statements were written more broadly to provide flexibility to increase a wide range of funding sources, including increasing affordable housing tax credits. If the Council chooses, they could provide direction to staff to specifically include increasing tax credits for affordable housing within the 2024 Legislative platform while still maintaining flexibility.

- 5. What is ADA Safe Harbor Reform? Does it include physical issues as well as website ones? Where is it in these policies?

The American with Disabilities Act (ADA) was passed in 1991, any revisions thereafter, including the ADA Safe Harbor Reform regulations which went into effect in 2011, are regulatory revisions administered by the Department of Justice. Staff is not aware of any current or pending rulemaking related to ADA at this time. If there are proposed changes in the Federal Register, staff will monitor and assess the rulemaking and provide an update to the City Council.

6. Has the "stop as yield" concept been discussed by our BPAC? It was recently submitted as AB 1713 in 2022 but vetoed by the Governor. The National Highway and Traffic Safety Administration published a summary of research showing that there are many fewer crashes with bicycle riders after laws like this are passed. For example, Delaware adopted a stop-as-yield law in 2017 and saw a 23% decrease in crashes involving bicycles at stop sign intersections.

City staff provides annual updates to BPAC on new adopted state legislation related to transportation. The "stop on yield" concept has not been discussed by BPAC. As part of the development of the Active Transportation Plan, support for state legislation on this and other items can be considered and brought to BPAC for consideration by the end of 2024.