

Midpeninsula Regional Open Space District

LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-21-35 March 9, 2021

AGENDA ITEM

AGENDA ITEM 2

Legislative Positions for Consideration by the Midpeninsula Regional Open Space District

GENERAL MANAGER'S RECOMMENDATIONS:

Receive Legislative Positions Report and provide feedback on bill selections for priority action.

SUMMARY

The Legislative, Funding, and Public Affairs Committee (LFPAC, Committee) will review and provide feedback on a list of state legislation and bills for priority action that are of high interest to the Midpeninsula Regional Open Space District (District) (Attachment 1).

DISCUSSION

The 2021 Legislative Program, which the Board approved at its February 10, 2021 meeting, reflects Board policy positions on issues affecting the District, its mission, and annual strategic goals. The 2021 Legislative Matrix identifies priority legislation to track this year. Staff and the District's legislative consultants actively use the Board-approved Legislative Program to communicate District positions on bills, budget recommendations, and other legislative items to the respective authors and/or legislative committees, as appropriate. Throughout the session, staff fields time-sensitive requests from partners and monitors evolving pieces of legislation based on Board Policy 1.11 (Attachment 2). Legislation deemed a priority by the Board, pursuant to Board Policy 1.11, are tracked and, when appropriate, either supported or opposed. The General Manager keeps the Board notified of actions taken via separate memo. Please refer to Attachment 1 for an overview of the initial list of bills for proposed District priority action in the 2021-21 legislative session.

February 19, 2021 was the submittal deadline for new bills by State Assemblymembers and Senators. District Legislative Consultants, Public Policy Advocates (PPA) and Environmental and Energy Consulting (EEC), reviewed every bill submitted to determine whether it had the potential to affect District interests, recommending a position and priority.

Priority definitions:

• **Priority 1:** Bills with major importance and direct impact to the District, and/or have the potential to set a critical precedent. These bills receive active attention by the Public Affairs Department and the affected department(s), which may include extensive

testimony in committee, meetings with the Legislature, discussions with partner organizations and public/media education, as appropriate.

- **Priority 2:** Bills with significant impact on the District and/or have the potential to set a critical, relevant precedent. The District sends a position letter or signs on to a coalition letter, and may discuss the item with the Legislature and provide testimony in committee, as time permits.
- **Priority 3:** Bills with a potential notable effect on the District, and/or that may set a meaningful precedent, but are determined to be of lower priority for District resources. Public Affairs Department staff, in collaboration with the appropriate department(s), may sign on to a coalition letter. Committee testimony or discussions with the Legislature may also be conducted.

Appropriate department managers have assisted with a review of all the potential bills of interest and provided a recommended position and priority for each bill (Attachment 3). Approximately 140 bills are currently tracked, though only bills that would initiate action by the District at this time – priorities 1 and 2 – are presented. At this time, four bills are deemed priority 1 and 22 are priority 2. As the legislative session progresses, each bill may change (sometimes substantially), warranting further consideration and disposition concurrent with Board Policy 1.11.

FISCAL IMPACT

There is no fiscal impact associated with this briefing.

BOARD COMMITTEE REVIEW

The overall Legislative Program was reviewed by the Legislative, Funding, and Public Affairs Committee on February 2, 2021 and by the full Board of Directors on February 10, 2021. This is the first review of Legislative Positions for the 2021-22 Legislative session.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

These recommended 2021-22 Legislative Positions, with Legislative, Funding, and Public Affairs Committee feedback incorporated, will be forwarded to the full Board of Directors at its March 24, 2021 regular meeting.

ATTACHMENTS

Attachment 1 – Legislative Position Recommendations Attachment 2 – Board Policy 1.11 - Positions on Ballot Measures and Legislative Advocacy Attachment 3 – Bill Disposition Process Responsible Department Head: Korrine Skinner, Public Affairs Manager

Prepared by: Joshua Hugg, Governmental Affairs Specialist

Attachment 1

Midpeninsula Regional Open Space District

Legislative Positions Recommendations

Measure	Author	Issue Area	Торіс	Brief Summary	Position	Priority
<u>AB 11</u>	<u>Ward D</u>	Climate	Climate change: regional climate change authorities.	Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation autorities, state agencies, and other relevant stakeholders.	Recommend Support	2
<u>AB 1384</u>	<u>Gabriel D</u>	Climate	Resiliency Through Adaptation, Economic Vitality, and Equity Act of 2022.	Would require the Strategic Growth Council to develop and coordinate a strategic resiliency framework that makes recommendations and identifies actions that are necessary to prepare the state for the most significant climate change impacts modeled for 2025, 2050, and beyond, among other goals. The bill would require state agencies identified in the strategic resiliency framework to collaboratively engage with regional entities to enhance policy and funding coordination and promote regional solutions and implementation and to proactively engage vulnerable communities whose planning and project development efforts have been disproportionately impacted by climate change, as provided. The bill would authorize the Treasurer, and the financing authorities that the Treasurer chairs, to assist state agencies by leveraging public and private capital investment to help with loans and other incentives to attain the goals identified in the strategic resiliency framework.	Recommend Support	2
<u>AB 1500</u>	<u>Garcia, Eduardo D</u>	Climate	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,700,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Recommend Support If Amended	1
<u>AB 284</u>	<u>Rivas, Robert D</u>	Climate	Sour natura ana	internit inflestories, for the state s natural and working lands, as defined, and identifying practices,	Recommend Support	2

<u>AB 51</u>	<u>Quirk D</u>	Climate	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.	Recommend Support	2
<u>AB 897</u>	<u>Mullin D</u>	Climate	Office of Planning and Research: regional climate networks: climate adaptation action plans.	Current law requires, by July 1, 2017, and every 3 years thereafter, the Natural Resources Agency to update, as prescribed, the state's climate adaptation strategy, known as the Safeguarding California Plan. Current law establishes the Office of Planning and Research in state government in the Governor's office. Current law establishes the Integrated Climate Adaptation and Resiliency Program to be administered by the office to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as prescribed. This bill would authorize eligible entities, as defined, to establish and participate in a regional climate network, as defined. The bill would require the office to encourage the inclusion of agencies with land use planning authority into regional climate networks.	Recommend Support	2
<u>SB 1</u>	<u>Atkins D</u>	Climate	Coastal resources: sea level rise.	Thee California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.	Recommend Support	2
<u>SB 45</u>	<u>Portantino D</u>	Climate	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.		Recommend Support If Amended	1

<u>SB 624</u>	<u>Hueso D</u>	Equity	Environmental Equity and Outdoor Access Act.	Would establish the Environmental Equity and Outdoor Access Act, which sets forth the state's commitment to ensuring all Californians can benefit from, and have meaningful access to, the state's rich cultural and natural resources. The bill would make related findings and declarations regarding the importance of the state's natural resources and ensuring equal access to those resources. The bill would provide that the Legislature finds and declares that it is the policy of the state to, among other things, promote representation and ensure cultural competency among staff of the agency and each department, board, conservancy, and commission within the agency, to ensure all Californians and visitors of the state feel safe and welcome in the outdoors.	Recommend Support	2
<u>AB 271</u>	<u>Rivas, Robert D</u>	Governance	Santa Clara Valley Water District: contracts: best value procurement.	Current law authorizes certain local entities to select a bidder for a contract on the basis of "best value," as defined. Existing law governs various types of contract procedures applicable to the Santa Clara Valley Water District and prescribes competitive bidding procedures for any improvement or unit of work over \$50,000. This bill would authorize the district, upon approval by the board of directors of the district, to award contracts on a best value basis for any work of the Anderson Dam project, defined to include prescribed activities and works of construction with regard to the Leroy Anderson Dam and Reservoir and certain fish and aquatic habitat measures described in a federal-state settlement agreement. The bill would require the district, if the board elects to award contracts on a best value basis, to comply with specified requirements governing the documents prepared setting forth the scope and estimated price of the project and the request for qualifications.	Recommend Support	2
<u>AB 361</u>	<u>Rivas, Robert D</u>	Governance	Open meetings: local agencies: teleconferences.	Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote.	Recommend Support	2
<u>ACA 1</u>	<u>Aguiar-Curry D</u>	Governance	Local government financing: affordable housing and public infrastructure: voter approval.	The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.	Recommend Support	2
<u>ACR 17</u>	<u>Voepel R</u>	Governance	Special Districts Week.	This measure proclaims the week of May 16, 2021, to May 22, 2021, to be Special Districts Week.	Recommend Support	2

<u>AB 1189</u>	<u>Bloom D</u>	Stewardship	Transportation: indirect cost recovery: wildlife crossing projects.	Would, on and before June 30, 2024, prohibit the Department of Transportation from charging for administration indirect cost recovery, as outlined in the department's Indirect Cost Recovery Proposal, for any wildlife crossing project that receives private funding for more than 50% of the project cost, and would require the department to charge these projects for functional overhead. The bill would require the department to report, on or before July 1, 2024, to the Legislature on the amount of private funding invested in wildlife crossing projects for the 2020–21, 2021–22, 2022–23, and 2023–24 fiscal years.	Recommend Support	2
<u>AB 315</u>	<u>Stone D</u>	Stewardship	Voluntary stream restoration landowner liability: indemnification.	Current law authorizes a habitat restoration or enhancement project proponent to submit a written request for approval of the project to the Director of Fish and Wildlife. Current law requires the director to approve the project if the written request includes certain information, as specified, and provides for an alternate authorization process by the State Water Resources Control Board. This bill would require the state to indemnify and hold harmless a landowner who voluntarily allows land to be used for such a project to restore fish and wildlife habitat from civil liability for property damage or personal injury resulting from the project if the project meets specified requirements, including that the project is funded, at least in part, by a state or federal agency, and the liability arises from the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project to restore fish and wildlife habitat.	Recommend Support	2
<u>AB 379</u>	<u>Gallagher R</u>	Stewardship	Wildlife conservation: conservation lands.	The Wildlife Conservation Law of 1947 establishes the Wildlife Conservation Board in the Department of Fish and Wildlife. Current law authorizes the department, with the approval of the board, to enter into agreements with any other department or agency of this state, any local agency, or nonprofit organization, to provide for the construction, management, or maintenance of the facilities authorized by the board, and authorizes such other department or agency of this state, local agency, or nonprofit organization, and each of them to construct, manage, or maintain those facilities pursuant to the agreement. Existing law authorizes the board to make grants or loans to nonprofit organizations, local governmental agencies, federal agencies, and state agencies for various purposes in connection with fish and wildlife habitats. This bill would authorize the department to also enter into that type of agreement with a California Native American tribe. The bill would also authorize the board to make grants or loans to California Native American tribes for various purposes in connection with fish and wildlife habitats.	Recommend Support	2
<u>AB 564</u>	<u>Gonzalez, Lorena D</u>	Stewardship	Biodiversity Protection and Restoration Act.	Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.	Recommend Support	2

<u>AB 567</u>	<u>Bauer-Kahan D</u>	Stewardship	Pesticides: neonicotinoids: prohibited use.	Current law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use any pesticide that endangers the agricultural or nonagricultural environment. A violation of those provisions and regulations adopted pursuant to those provisions is generally a misdemeanor. Current law requires the department, on or before July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids, and to adopt control measures necessary to protect pollinator health within 2 years, as specified. This bill would prohibit the use a of neonicotinoid on a seed, as specified.	Recommend Support	2
<u>AB 908</u>	<u>Frazier D</u>	Stewardship	Natural Resources Agency: statewide natural resources inventory.	Would require the Natural Resources Agency, to the extent a specified appropriation is made, to prepare a comprehensive, statewide inventory of the natural resources of the state and establish treatment measures necessary to protect those resources, and to post its initial inventory on its internet website on or before January 1, 2023, with annual updates on or before January 1 of each year thereafter.	Recommend Support	2
<u>SB 790</u>	<u>Stern D</u>	Stewardshin	Advance Mitigation Program: wildlife connectivity barriers.	Current law creates the Advance Mitigation Program in the Department of Transportation to enhance communications between the department and stakeholders to, among other things, protect natural resources through project mitigation and accelerate project delivery. Current law authorizes the department, for the purpose of implementing the program, to develop a programmatic mitigation plan to address the potential environmental impacts of future transportation projects for the purpose of required mitigation approved by federal, state, and local agencies. Current law creates the Advance Mitigation Account and continuously appropriates moneys in the account for purposes of the program, and specifies what those funds can be used for. This bill would additionally authorize those funds to be used to modify or remove wildlife connectivity barriers not covered by existing regulatory programs.	Recommend Support	1
<u>AB 1255</u>	<u>Bloom D</u>	Wildfire	Fire prevention: Department of Forestry and Fire Protection: grant programs.	Would require the Department of Forestry and Fire Protection, in coordination with the Secretary of the Natural Resources Agency, to facilitate regional, habitat-specific, and area-specific approaches to fire risk reduction, prevention, and restoration of projects that improve community safety, protect sites and structures, restore burned habitat, reduce catastrophic wildfires, and protect natural resources. The bill would require the department to develop policies, funding programs for which the funding shall be contingent upon subsequent appropriation in the annual Budget Act or a similar statute for this purpose, and relevant program guidelines that promote specified objectives. The bill would require various state entities, as specified, to establish grant programs, for which funding shall be contingent appropriation, to fulfill the specified objectives.	Recommend Support	1

<u>AB 223</u>	<u>Ward D</u>	Wildfire	Wildlife: dudleya: taking and possession.	Would make it unlawful to uproot, remove, harvest, or cut dudleya, as defined, from land owned by the state or a local government or from property not their own without written permission from the landowner in their immediate possession, except as provided, and would make it unlawful to sell, offer for sale, possess with intent to sell, transport for sale, export for sale, or purchase dudleya uprooted, removed, harvested, or cut in violation of that provision. The bill would require a violation of those provisions, or any rule, regulation, or order adopted pursuant to those provisions, to be a misdemeanor punishable by a specified fine, imprisonment in a county jail for not more than a year, or both the fine and imprisonment.	Recommend Support	2
<u>AB 297</u>	<u>Gallagher R</u>	Wildfire	Fire prevention.		Recommend Support	2
<u>AB 697</u>	<u>Chau D</u>	Wildfire	Forest resources: national forest lands: Good Neighbor Authority Fund: ecological restoration and fire resiliency projects.	Would reorganize the law relating to the State Treasury the Good Neighbor Authority Fund. The bill would require the Department of Forestry and Fire Protection, under an agreement between the state and the federal government, to establish a program for purposes of conducting ecological restoration and fire resiliency projects on national forest lands, with priority given to forest restoration and fuels reduction projects that are landscape scale, focused on ecological restoration and based on the best available science, emphasize the use of prescribed fire, and include community fire protection and protection of water infrastructure and other infrastructure as important goals, as provided.	Recommend Support	2
<u>AB 926</u>	<u>Mathis R</u>	Wildfire	Fire prevention: local assistance grant program: roadside vegetation management and defensible space.	Current law requires the Department of Forestry and Fire Protection to establish a local assistance grant program for fire prevention activities in the state. Current law requires that the eligible activities include, among other things, fire prevention activities, as provided. This bill would add roadside vegetation management and projects to create and increase defensible space for critical infrastructure, as provided, to the eligible activities.	Recommend Support	2
<u>ACR 33</u>	<u>Friedman D</u>	Wildfire	Wildfire mitigation.	This measure would state the Legislature's commitment to improving wildfire outcomes in the State of California by investing in science-based wildfire mitigation strategies that will benefit the health of California forests and communities. The measure would also state that the Legislature calls upon public and private stakeholders to work jointly to identify, discuss, and refine, as necessary, procedures concerning treatment of forested lands for the purpose of, among other things, wildfire risk mitigation.	Recommend Support	2

<u>SB 12</u>	<u>McGuire D</u>	Wildfire	Local government: planning and zoning: wildfires.	Current law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided. This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse.	Recommend Support	2
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Board Policy Manual

Positions on Ballot Measures and Legislative Advocacy	Policy 1.11 Chapter 1 – Administration and Government
Effective Date: 4/13/16	Revised Date: N/A
Prior Versions: N/A	·

Purpose

To establish a policy governing positions on local and state ballot measures/propositions and state and federal legislative advocacy. It is intended to cover all matters before the Legislature and the voters.

Definitions

For the purposes of the *Positions on Ballot Measures and Legislative Advocacy* policy, the following terms and definitions shall be used:

Measure – may be included on a municipal, county, or district ballot and includes ordinances, initiatives, referenda, advisory measures, issuance or refunding of bonds, city or county charter amendments, or any other measure or proposition a legislative body may submit to the voters within the body's jurisdiction.

Ballot Proposition – can be a referendum or an initiative measure that is submitted to the electorate for a direct decision or direct vote. Propositions may be placed on the ballot by the California State Legislature or by a qualifying petition signed by registered voters.

Initiative – power of the electors to propose legislation, and to adopt or reject them. Any proposed ordinance may be submitted to the legislative body by means of a petition.

Referendum – applies to the process for repealing newly enacted legislation. Within specified time limits, the electors may file a petition protesting the adoption of that legislation.

Local Legislation – typically ordinances, which are the laws of a city, charter, or district, often having the force of law, but only within the local jurisdiction.

State or Federal Legislation – bills or proposed legislation under consideration by the legislature at the state or federal level.

Policy

- 1. Positions on Matters Before the Voters
 - a. From time to time the Board of Directors may be asked or may desire to take a position on local or state measures. The Board may consider taking a position on the measure/proposition if the measure/proposition:
 - i. Would directly impact the District's finances, responsibilities, legal authority, or operations; AND
 - ii. Is in line with or inconsistent with the District's mission and/or commitment to preserve open space within its boundaries and sphere of influence.

The Board, by majority vote, may direct the General Manager to research the measure/proposition and return to the Board at a future meeting with information and a General Manager recommendation. At that time, the Board may vote to take a position on a measure/proposition.

- b. Measures/propositions determined to not impact District business may nonetheless be analyzed by the General Manager when directed by a majority vote of the Board, of which the analysis report would include possible alternatives for Board action, but no position recommendation.
- 2. Local, State, and Federal Legislative Advocacy
 - a. The Legislative, Funding, and Public Affairs Committee (LFPAC) receives periodic updates regarding the District's legislative program. When LFPAC determines that proposed legislation may affect District business, it may direct the General Manager to prepare a recommendation for consideration by the full Board or where there is not adequate time to convene the full Board, may direct the General Manager to take action to support or oppose the legislation without full Board approval. In such cases, the General Manager or designee shall report to the Board any actions taken to support or oppose legislation at or before the next Board meeting.
 - b. When time is so short that neither the full Board nor LFPAC can be convened to consider positions to support or oppose local, state or federal legislation, the General Manager is authorized to take a position on behalf of the District if the legislation:
 - i. Is related to the District's mission; AND
 - ii. Would directly impact the District's business, such as project delivery, operations, finances, legal authority, or other District responsibilities; AND
 - iii. The position being taken is consistent/inconsistent with existing District policy, past action, or District Strategic Plan; OR
 - iv. The legislation carries other considerations that make it contrary to the District's interests.

In such instances, the General Manager or designee shall report to the Board any actions taken to support or oppose the legislation at or before the next Board meeting.

c. Full Board action is required regarding legislation that is not clearly within the criteria listed above under Section 2.b. or guided by direction previously given by LFPAC.

- 3. Full Board action is required to support or oppose any type of grassroots advocacy action, such as social, political, or economic movements, that are not legislation.
- 4. Board members representing the District in their official capacity on regional or other bodies may, at his or her discretion, take actions based on the principles above consistent with previously approved Board positions and policies.
- 5. This policy is not intended to limit the prerogative of individual Board members from expressing their individual support for or opposition to any local ballot measure, State proposition, State or Federal legislation, or grassroots advocacy actions. However, in doing so, the member should clearly state they are speaking for themselves, and not in an official capacity on behalf of the Board or the District. Individual Board Members who take a position in support or opposition to ballot measure or legislation for which the Board has not previously taken a position are encouraged as a professional courtesy to include the language *for identification purposes only* parenthetically following their signature referencing their position on the Board.

MROSD Legislative Bill Disposition Process Board Policy 1.11

Attachment 3

