MEMORANDUM

To: Mayor Kevin Wilk and Members of the Walnut Creek City Council
CC: Dan Buckshi, City Manager
     Carla Hansen, Deputy City Manager
From: Christopher Townsend, President
       Casey Elliot, State Director
Date: February 2, 2021
Subject: Proposed 2021 State Legislative Agenda

Townsend Public Affairs, Inc. (TPA) has prepared this report for the City of Walnut Creek outlining areas of state and federal legislative interest for 2021. The report outlines the City’s legislative principles and policy topics of interest to the City for the upcoming legislative year.

The strategic agenda includes advocating for legislation, regulations, and funding that is consistent with the City’s adopted goals. If the Council is supportive of the proposals listed below, TPA will continue to research what can be accomplished through legislation, regulations, or direct advocacy with State agencies and other organizations to help address Walnut Creek’s needs.

League of California Cities
The City will support positions taken by the League of California Cities on various topics unless those positions are in direct conflict with the 2021 State Legislative Agenda.

General Legislative Principles

The General Legislative Principles for the City of Walnut Creek are:

Ensure Walnut Creek Can Appropriately Serve the Needs of Residents

- The City values its ability and authority to respond to the unique needs and conditions in the community, provide excellent public services, and protect and enhance the quality of life for Walnut Creek residents and businesses.

Ensure the City’s Competitiveness Through Strategic Economic Development

- Walnut Creek embraces efforts to support legislation or obtain funding for economic development and environmental initiatives.
Promote Safety, Livability, Sustainable Development and Environmental Protection

• Walnut Creek values a safe, inclusive, equitable and sustainable quality of life in an urban environment, including providing high quality police and emergency management services, aging and youth services, urban parks and open space, recreation facilities, environmental and climate protection, resource conservation, vibrant libraries, arts and culture.

Public Policy Positions

1. Public Safety

a. Over the past decade, California Peace Officer Standards and Training (POST) Commission has not been properly funded leading to fewer reimbursements for training of police officers and dispatchers. With increasing levels of mandated training (e.g. Data Collection on Citizen Contacts, Crisis Intervention Training, Principled Policing Training), the need to provide ongoing training is vital. Proper funding leads to more options for training. The City supports adequate funding for the POST Commission and continued reimbursement of training funds for local law enforcement.

b. The City supports a strong focus on local control and oversight over cannabis industry, including inspections, banking, transportation, security, and delivery services as well as reasonable regulations on personal use and cultivation.

c. The City supports actively working with state cannabis licensing entities to streamline the enforcement relationship between state and locals. This includes creating a better system to share information, additional funding for local law enforcement, and strengthening enforcement capabilities within the Bureau of Cannabis Control.

d. States that have legalized cannabis have experienced an increase in drugged driving collisions. California does not have an agreed upon standard for testing or a level of intoxication that should be tested for. The City supports funding and legislation related to combating Drugged Driving (DUID).

e. Peace officers are increasingly being called to handle safety issues related to individuals with mental health disorders. Unfortunately, our system of care for those suffering from these afflictions are imperfect at best. The City of Walnut Creek, along with the California Police Chiefs Association (CPCA), supports efforts to increase outreach and services identifying and triaging those with severe mental health issues and providing them access to care. Additionally, the City and CPCA will continue to partner with behavioral health experts to address issues arising from California conservatorship and 5150 statutes.

f. Walnut Creek is leading the effort to pilot a more comprehensive, 24x7, social service crisis response from Contra Costa County’s Behavioral Health Division, and has budgeted funds to support the concept. Individual cities in Contra Costa County, including Walnut Creek, do not have the call volume or departmental infrastructure to justify a city-only approach, and crisis situations often cross city borders. The expertise, funding and staffing already exists at the county level The City supports and requests additional funding from the State and Contra Costa County, to expand and enhance non-law enforcement responses to people experiencing mental health
or other non-violent crisis situations and make residents more aware of options available to them. Additionally, the City supports efforts to provide funding for regional collaborations between local governments, school districts, and other stakeholders to help improve youth mental health and wellness.

g. Recent changes in the criminal justice system have had unintended consequences of increasing theft and violent crimes. The City supports the following:

   i. Reversing prior proposition language that lowered penalties for some property crimes
   ii. Adding the ability to collect DNA samples for crimes that were previously felonies
   iii. Readjusting portions of the early release program under Proposition 57 and AB 109
   iv. Ensuring local law enforcement receives adequate funding under prison realignment (AB 109).

2. **Housing/Homelessness & Land Use**

   a. The City supports housing development and local land use policies that allows for local control and the ability to maintain the character and make-up of their neighborhoods, while still promoting smart growth and transit in the Bay Area.

   b. The City supports state funding to increase homeless shelter capacity and permanent supportive housing for the homeless.

   c. The City supports state and federal programs that provide mental health and substance abuse services for the homeless.

   d. The City supports expanding funding options for local governments to address regional homelessness and affordable housing needs at local and regional levels.

   e. The City supports new state and federal programs that provide financing for affordable housing at all income levels, including lower-income, moderate-income and middle-income.

   f. The City supports state and federal funding that leverages local affordable housing resources.

   g. See Housing Policy Framework Addendum for additional housing policy statements.

3. **Transportation and Infrastructure**

   a. The City allocates approximately 30% of its road funds to provide curb cuts to satisfy ADA requirements. The definition of a capital project requiring upgrades to current infrastructure was recently expanded to include “cape seals.” However, Cape seals are maintenance and are not a capital improvement to the roadway. The City supports legislation that would re-define capital road construction projects to be limited to overlay or reconstruction.

   b. The City supports legislation and policies that promote investing in the maintenance and rehabilitation of aging infrastructure as well as build system capacity expansion to support smart growth principles.

   c. Among its priorities, the City supports state and federal efforts to provide funding
to rehabilitate routes of regional significance and major arterials, create new Cap and Trade funding, and protect any local funding created through comprehensive transportation funding programs.

d. The Federal Clean Water Act, administered by the State Regional Water Quality Control Board, requires 0% trash in the storm drain. This requirement is unachievable and requires extensive city resources. The City supports amending legislation (SB 231) to provide funding for the programs necessary to meet the mandates of the Clean Water Act. It also supports amending the requirement to a more attainable goal and allowing retention of existing credit for offsets such as creek and shoreline cleanups and source control programs such as bag bans.

e. The State Regional Water Quality Control Board is proposing to mandate local governments to mitigate the impact of homelessness on water quality. The City would support legislation to ensure that any new requirement would not be in conflict with or duplicative of other State and local policies around homelessness. If a new mandate were to be promulgated, the City would also request funding to meet any new requirements for local governments.

f. The Heather Farm Community Center, Clarke Swim Center, Civic Park Community Center, and the Shadelands Art Center are in dire need of an upgrade or complete reconstruction. These facilities serve both Walnut Creek residents and regional visitors. The City supports regional, state and federal policies, programs and funding opportunities that will make these projects more financially feasible.

g. The City would support legislation or policy that would return control and authority over implementation of 5G micro-cell infrastructure to local jurisdictions, with emphasis placed on ensuring full cost recovery for municipalities, and ensuring that service is accessible to all communities within the City.

h. Through the City’s transportation strategic plan, Rethinking Mobility, the City aims to reduce vehicle miles traveled, improve mobility and access for walking, bicycling, and other shared mobility services, and to improve public transit service. As the transportation and mobility industries continue to change rapidly, the City advocates for legislation that supports the reduction of vehicle miles traveled through these and other strategies to reduce automobile trips, while maintaining the ability to establish local rules relating to mobility providers.

i. The City supports legislation that requires more safety and detection monitoring of fuel/gasoline transmission pipelines that travel through multiple jurisdictions. The City also supports improved reporting and communication to local agencies that have these types of pipelines running through their jurisdictions.

4. Environmental Sustainability

a. The City supports legislation and policies that emphasize sustainable development, improve environmental standards and the regulatory process, provide incentives and financial support for preservation of natural resources, promote sustainable energy policies, support open space and land conservation.
b. California is a leader in enacting policies to combat climate change. Many of these policies are implemented at the local level through Climate Action Plans (CAPs). The City supports legislation that provides a funding source to update, expand and implement CAPs, as well as fund development of Adaptation Plans to help the City prepare for the local impacts of climate change.

c. The City supports the California Public Utilities Commission decisions, the California Energy Commission decisions and state legislation that increase the funding for energy saving programs and funding for programs that reduce greenhouse gas emissions. The City joined Marin Clean Energy (MCE) to offer residents and businesses additional, cleaner and greener electric energy choices. As a member of MCE, the City opposes restrictive legislation and regulations targeting community choice energy programs.

d. The City supports the California Public Utilities Commission decisions, the California Energy Commission decisions, and state legislation that remove barriers to utility energy data access for local jurisdictions and ensure utilities respond to local government’s unique data needs.

e. The City supports funding for vegetation management programs to enhance, protect and preserve open space and natural resources as well as mitigate the risk of wildfires and other related natural disasters such as erosion and mudslides.

f. The City supports legislation that would provide funding to local governments for emergency preparedness and response with regard to Public Safety Power Shutoffs.

g. The City supports the re-evaluation of the State’s solid waste diversion rates to accommodate changes in the recycling market. Additionally the City supports efforts and incentives by the State to develop and expand domestic markets for recycled materials, especially for paper and plastics.

5. Finance & Human Resources

a. Rising pension costs will have a direct effect on the City’s ability to provide and maintain services delivered to the public. The City is interested in solutions at the local level to provide flexibility and address rising costs and will monitor legislation and litigation that could impact the pension system of California.

b. The City supports federal and state legislation that continues to provide temporary relief efforts for local governments related to COVID-19.

c. The City supports federal and state legislation that provides an equitable distribution of resources related to COVID-19 to all jurisdictions within the State.

6. Community & Economic Development

a. In response to the COVID-19 pandemic, the City supports flexible federal and state assistance to local governments of all sizes to sustain core services for our residents, businesses, the local economy and public health.

b. Walnut Creek embraces efforts to support legislation or obtain funding for
economic development and environmental initiatives, including:

i. Planning and implementation of regional transportation and traffic congestion relief projects

ii. Supporting the sharing economy, particularly the direct economic benefits at the local level and the City’s ability to regulate the shared economy, and

iii. Economic development funding opportunities that would support local businesses and attract clean tech, communication technology, artificial intelligence and biomedical research businesses.

iv. Economic development and funding opportunities that would support local arts and cultural infrastructure and programs.

c. While housing is a pressing need statewide, the City supports preserving commercial zoning districts to help ensure an ongoing jobs to housing balance. Any changes to commercial zoning should be a local determination based on the unique factors of each community.

d. The City has a vibrant arts community which contributes over $40 million to the local economy. The City receives grants from both the National Endowment for the Arts (NEA) and the California Arts Council (CAC) that supplement General Fund support for city arts programs. The City supports sustained funding for the NEA at the federal level and the CAC at the state level.

e. Brick and mortar retailers and restaurateurs make up most of the City of Walnut Creek’s vibrant Downtown. The City supports programs and direct funding that will help this sector thrive.

f. The City supports modernizing the collection and distribution of sales tax to reflect the changing nature of retail sales.

g. The City supports the establishment of a uniform statewide system that would allow for the collection and remittance of transit occupancy taxes by community-based online platforms that provide access to short-term rental properties.

h. The City supports efforts to maintain local revenue sources, at least at the existing level, so as to provide an appropriate level of service for residents.

Advocacy Trips

The City Council recognizes the importance of relationship building with elected officials, staff and agency personnel at the state and local levels. City staff and council members will plan to travel to Sacramento, meet in District and participate in League of California Cities legislative advocacy efforts regarding legislation or policies that could potentially impact the City or residents.

TPA will, whenever possible, provide support and talking points for council members, as well as lead any follow up discussions with legislators and staff.