SUBJECT:

Legislative Position Letters.

RECOMMENDED ACTION:

Approve the legislative position letters for the Mayor’s signature.

STRATEGIC PLAN:

Organizational effectiveness and efficiency.

FISCAL CONSIDERATIONS:

No fiscal impact.

BACKGROUND:

On December 17, 2014 City Council approved revised Policy C024, City Council Legislative Program that includes the Council’s 2015 Legislative Priorities. The policy requires prepared legislative position letters be placed on Council’s consent agenda prior to being sent for potential Council comment. Time-sensitive letters will be included in Council's consent agenda packet for potential Council comment after-the-fact.

ANALYSIS:

The adopted 2015 Legislative Priorities (Attachment 1) provide guidelines for the City’s legislative advocacy and the attached position letters (Attachments 2) are consistent with the priorities.

ENVIRONMENTAL CONSIDERATIONS:

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

ATTACHMENTS:

1. 2015 Legislative Priorities
2. Legislative position letters:
   AB 57 (Quirk) Wireless telecommunication facilities (oppose)
   AB 718 (Chu) Vehicle habitation (oppose)
2015 Legislative Priorities

Purpose
Throughout each year, the State Legislature and the United States Congress propose and enact legislation, some of which affects local municipal government. At times, it is in the interests of the City to take a position on proposed legislation. The process for addressing proposed legislation is detailed in City Council Policy C024. The priorities for addressing the legislation are shown below.

Priorities
The Legislative Program would provide guidelines for the City of Encinitas legislative advocacy. The primary priority areas include:

- Protect funding for vital community services
- Protect local control of land-use decision-making
- Support environmentally sustainable cities
- Expand infrastructure investment
- Public Safety
- Coastal protection and enhancement

More specific City interests include:

PROTECT FUNDING FOR VITAL COMMUNITY SERVICES

- Support full reimbursement to cities for all State and federal mandates.
- Protect or enhance local government revenue resources.
- Oppose State budget cuts targeting critical local programs and services.
- Enhance Community Development Block Grant and other federal funding.
- Pursue a range of diverse housing opportunities balanced throughout the community.
PROTECT LOCAL CONTROL OF LAND-USE DECISION-MAKING

- Protect local control of land use decision-making and oppose legislation that would hinder or threaten local control.

- Seek opportunities to regain local control over state-imposed density bonus law.

SUPPORT ENVIRONMENTALLY SUSTAINABLE CITIES

- Support legislation protecting existing water supply, and facilitating development of future water sources in Southern California.

- Support legislation providing funding for the acquisition and restoration of wildlife habitat.

- Support legislation that expands, promotes and/or incentivizes water conservation practices and programs.

- Support legislation that facilitates and/or promotes the expanded use of local water resources including recycled water, graywater and rainwater harvesting.

- Support legislation that promotes the development of potable water reuse.

- Support incentives for utilizing renewable energy resources.

- Support state-wide plastic bag ban legislation.

- Support state-wide expanded polystyrene foam (EPS) ban.

EXPAND INFRASTRUCTURE INVESTMENT

- Support equitable long-range, statewide infrastructure investment.

- Support State/federal facilitation of timely construction of local transportation projects.

- Oppose the use of gasoline sales tax revenues for other than state and local transportation purposes.

- Support local rail infrastructure investment.

PUBLIC SAFETY

- Support funding bills for local law enforcement equipment, services, or personnel.
• Ensure local discretion in the adoption and implementation of health and safety standards contained in the building and fire codes.

• Support funding bills for local emergency operations including equipment, services, and personnel.

COASTAL PROTECTION AND ENHANCEMENT

• Support legislation providing funding and other means for beach replenishment.

• Additional mandated storm water pollution prevention measures must be accompanied by funding or a mechanism to provide for funding.

• Support ecosystem enhancing legislation.

• Support regional and statewide sea level rise initiatives.

Apart from the above listed specific interests, City Council shall be apprised of legislative actions of the County of San Diego.

Support legislation introduced by local legislators unless contrary to City priorities.
City of Encinitas

July 15, 2015

The Honorable Bill Quirk
California State Assembly
State Capitol, Room 2163
Sacramento, CA 95814
FAX: (916) 319-2120

RE: AB 57 (Quirk) Telecommunications: Wireless telecommunications facilities
NOTICE OF OPPOSITION

Dear Assembly Member Quirk:

The City of Encinitas opposes AB 57 (Quirk), which would unnecessarily impact our city’s authority to regulate the placement of certain wireless telecommunications facilities. AB 57 goes beyond the requirements of federal law and regulations by deeming approved any application for collocation or siting of new wireless facilities if our city does not approve or disapprove the application within the timelines required by the Federal Communications Commission.

In 2009, the Federal Communications Commission (FCC) adopted rules that require local governments to review and act on applications for the establishment of wireless communications structures. Under that ruling, cities have 90 days to review collocation applications, and 150 days for other siting applications. If cities do not act in this timeframe, an applicant can bring action in court. During the rulemaking, wireless carriers requested that the FCC adopt the deemed approved requirements but the FCC rightly refused. The issue was raised again in 2014 when the FCC reviewed requirements under a new federal rule, known as the 6409 rule, regarding what is considered a “substantial modification”. Again, the FCC refused to issue a deemed approved rule. We see no reason the California legislature should add a “deemed approved” clause considering the federal regulating authority thinks it not necessary. This is an attempt to wrest land use control from local jurisdictions.

For the above reasons, the City of Encinitas is opposed to AB 57 (Quirk) Telecommunications.

Sincerely,

Kristin Gaspar
Mayor

cc:
Senator Patricia Bates, Fax: (916) 651-4936
Assembly Member Rocky Chavez, Fax: (916) 319-2176
JGC Consulting
Jennifer Whiting, League of California Cities
City Council
Planning & Building Department
June 23, 2015

The Honorable Kansen Chu
California State Assembly
State Capitol, Room 2179
Sacramento, CA 95814
Via FAX: (916) 319-2125

AB 718 (Chu) – Removal of Regulatory Authority: Vehicles Used For Human Habitation
Notice of Opposition

Dear Assembly Member Chu,

On behalf of the City of Encinitas, I write to inform of our opposition to AB 718, which would prohibit local agencies from enforcing laws and ordinances, or otherwise subject to civil or criminal penalties, the act of people sleeping or resting in a lawfully parked motor vehicle.

While a vehicle may be “lawfully parked” in a residential neighborhood or in the parking lot of a business, that does not mean that it is acceptable to have people live there. The issues raised by AB 718 are less about parking, and more about the use of vehicles for human habitation, including sleeping and “resting” in front of existing homes and businesses.

City parking locations whether on public or private property—other than campgrounds—were never intended or designed for residential occupancy. Such uses raise major issues of sanitation as well as the ability of residents to feel secure in their homes and enable the conduct of business activity.

This measure should be rejected. Cities work hard to balance all of the needs of their communities. It is simply not appropriate for the Legislature to attempt to remove local government authority to appropriately protect the public health, safety and welfare of their residents from issues that arise when people live outside of campgrounds in cars and trucks parked on public and private property. These are not easy issues to deal with, but they cannot responsibly be ignored.

Because this measure would undermine local authority to appropriately protect the public health, safety and welfare of our residents, we must oppose AB 718.

Sincerely,

Kristin Gaspar
Mayor

cc: Senator Patricia Bates
Assembly Member Rocky Chavez
City Council
Meg Desmond, League of California Cities, mdesmond@cacities.org
JGC Consulting, egilbert@jgcconsulting.com
Catherine Hill, League of California Cities, chill@cacities.org
Planning & Building Department