



## CITY MANAGER'S OFFICE

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### CITY COUNCIL INFORMATIONAL MEMORANDUM

Meeting: January 17, 2024

To: Cupertino City Council  
From: Pamela Wu, City Manager

Re: 2023 legislative activity and priorities update.

#### Reasons for Recommendation

The legislative Advocacy Policy (Resolution No. 23-026, Attachment A) sets forth a process for the City to engage in legislative activities and advocacy, rely on staff knowledge on the applicability of prospective legislation, and reflect the voice of entire Council in taking positions on legislation. Since the policy was adopted in February 2023, the City Manager's Office (CMO) has monitored and researched pending legislation to identify bills that could significantly impact Cupertino. Staff has maintained a list of these bills, which is posted on the City's website at [cupertino.org/legislation](https://cupertino.org/legislation). Staff will bring these identified bills forward for Council consideration in spring and facilitate letters to the legislature outlining the City's position.

#### *2023 Legislative Activity and Advocacy Update*

In 2023, the City monitored 15 bills, which can be found at [cupertino.org/legislation](https://cupertino.org/legislation). Of these 15 bills, the City took positions and sent letters to the state Legislature regarding three bills:

1. ACA 5 (support) – Enacted into law in 2023.
2. AB 1469 (support) – Signed into law in 2023.
3. The Taxpayer Protection and Accountability Act (oppose) – Though opposed by various cities and legislative organizations, this initiative has qualified for the November 2024 general election.

Many of the other bills on the City's watch list are two-year bills and may be considered again during the 2024 Legislative Session. Staff will continue to monitor these bills along with other new bills introduced in early 2024.

This past year, staff spent considerable time and effort advocating around the California Department of Tax and Fee Administration (CDTFA) matters. This work has included participation in stakeholder meetings with CDTFA, the Governor's office, our legislators, and other pertinent state agencies. This is an ongoing effort that staff will continue to actively engage in.

#### *Other 2023 State Legislation Highlights*

Broadly speaking CalCities adopted positions on 66 measures/bills that made it to Governor Newsom's desk. The Governor signed 82% of the bills CalCities supported and vetoed 42% of the bills opposed by CalCities (compared to the Governor's overall average 14% veto rate).

#### *Collaborations and Partnerships*

CMO staff and the City Attorney's Office, in collaboration with the City Council, are the core team and are primarily responsible for all legislative activity and bill tracking within Cupertino. CMO staff also works with all City Departments to gather input on bills related to specific focus areas to determine potential impacts of legislation on Cupertino. The City remains under contract with Gonsalves and Son, a state lobbyist, to maintain a presence in Sacramento and to remain apprised of key legislative activity.

To track and drive legislation, staff also participates with a number of coalitions and tries to find alignment with different groups such as Cal Cities, SCC legislative coordinators, MTC, ABAG, Valley Water, Mid Pen Housing, and others.

The City's lobbyist, Joe A. Gonsalves & Son, actively tracked and advocated on behalf of the City on all bills where the City adopted a position. This includes private meetings with legislators, staff and pertinent committee consultants, as well as any necessary state agency and/or Administration related advocacy.

#### *Looking Ahead to 2024 Legislative Priorities and Program*

The legislative advocacy work is guided by the Council adopted goals of Public Engagement and Transparency, Transportation, Housing, Sustainability & Fiscal Strategy, and Quality of Life (Attachment C).

Staff recommends the following Strategic Legislative Priorities for 2024 that align with the Council adopted goals to direct the City's advocacy efforts and resources. These legislative priorities will focus on supporting legislation that:

1. Helps Cupertino build a fiscally sustainable and resilient community.
2. Furthers the health and wellbeing of Cupertino community members and enhances public engagement and transparency.
3. Promotes Cupertino's infrastructure needs, especially as they relate to transportation and housing.

In 2024, staff will continue to monitor and research bills using the above mentioned Strategic Legislative Priorities as guiding principles and oppose legislation that affects the City's ability to accomplish them. Should the Council adopted goals change at the next Council priority setting session, staff will follow the new goals as guiding principles for the City's advocacy work.

Staff will also continue to focus on regional coordination with our legislative teams, raising the profile of Cupertino, as well as making a pointed effort to expand our alliances and our work with coalitions. Considerable effort will be spent to protect the City's tax revenue and watch bills that might affect our ability to operate and provide services.

#### Next Steps

Staff will bring updates to Council based on the legislative cycle. Staff reports will be strategically timed to coincide with key milestones in the legislative process as follows:

- January/ February – provide an overview of upcoming legislation and potential activities as they align with Council priorities.
- April/ May - Gather council input on pending legislation that have the potential to impact Cupertino based on the priorities above.
- September/October - Present a legislative overview when the legislative session has ended.

#### Sustainability Impact

No sustainability impact.

#### Fiscal Impact

No fiscal impact.

#### California Environmental Quality Act

Not Applicable.

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Prepared by: Astrid Robles, Senior Management Analyst  
Tina Kapoor, Deputy City Manager

Reviewed by: Matt Morley, Assistant City Manager  
Chris Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

#### Attachments:

A – Resolution No. 23-026 Legislative Advocacy Policy

B – 2023 Council Adopted Goals

## RESOLUTION NO. 23-026

### A RESOLUTION OF THE CUPERTINO CITY COUNCIL REVISITING THE CITY OF CUPERTINO LEGISLATIVE ADVOCACY POLICY

WHEREAS, the City Council has an interest in weighing in on state, federal, and regional legislative issues that impact the City and its residents; and

WHEREAS, the City receives legislative action alerts sent by various city associations that need to be reviewed on a case by case basis; and

WHEREAS, the City Council has historically approved City positions on proposed legislation by majority vote of the City Council; and

WHEREAS, in addition to allowing for City Council action, Cupertino City Council Resolution No. 18-010 established a Legislative Advocacy Policy that delegated Council power to the Legislative Review Committee to take positions on proposed legislation where the position was within the judgment of the Committee consistent with the City's adopted Legislative Advocacy Policy; and

WHEREAS, the City Council finds that this delegation of authority is inconsistent with Municipal Code section 2.17.031, which provides that the authority of the City Council "cannot be delegated to individual Council members, nor to committees composed of council members consisting of less than a quorum of the City Council"; and

WHEREAS, the City Council wishes to revise the Legislative Advocacy Policy to ensure consistency with the Municipal Code and to allow the City Manager to take direction from the full Council, consistent with the requirements of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED:



1. The City Council hereby adopts the Legislative Advocacy Policy attached hereto as Exhibit A.

2. Resolution No. 18-010 and any other procedures, policies, or rules adopted by the Council that are inconsistent with this Resolution are hereby repealed and rescinded.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21<sup>st</sup> day of February, 2023, by the following vote:

Members of the City Council

AYES: Wei, Mohan, Fruen  
NOES: Chao, Moore  
ABSENT: None  
ABSTAIN: None

SIGNED:  _____ Hung Wei, Mayor City of Cupertino	<u>2/24/2023</u> _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	<u>2/28/23</u> _____ Date

## LEGISLATIVE ADVOCACY POLICY

### I. PURPOSE

The purpose of this policy is to establish guidelines regarding City legislative advocacy by the City Council.

### II. BACKGROUND

The City has actively taken positions on legislation for many years through direction of the full Council and the Legislative Review Committee. On January 25, 2023, the City Council voted to dissolve the Legislative Review Committee and consider taking positions on pending legislation as a full Council.

### III. POLICY STATEMENT

1. Each year staff will monitor and research pending legislation to identify bills that could significantly impact Cupertino. Staff will bring these identified bills to Council for consideration at a City Council meeting. With authorization from the full Council, City staff shall prepare position letters for the Mayor's signature. This work can be additionally supported by a contracted lobbyist, as needed.
2. In circumstances where Council review is impracticable, the City Manager can authorize staff to prepare position letters for the Mayor's signature on urgent matters. Positions must align with a policy adopted by the City Council or other clear direction provided by vote of the full Council that supports the position taken on legislation.
3. Legislative advocacy should focus on issues directly relevant to or impacting the provision of municipal services. Generally, the City will not address matters that are not pertinent to the City's local government services, such as international issues.

### IV. IMPLEMENTATION

The City Manager shall monitor the provisions of this policy. City departments are encouraged to monitor and be knowledgeable of any legislative issues related to their discipline. However, any requests for the City to take positions on a legislative matter must be directed to the City Attorney's Office. City

departments may not take positions on legislative issues without City Manager's Office review, and approval from the full Council when required by this policy.

## Established Council Priorities

In February 2020, the City Council adopted a number of goals to provide a framework for City priorities and to guide annual development of the Work Program. City Council reaffirmed their goals in March 2023 to include:

- **Public Engagement and Transparency**
  - Creating and maintaining key conversations and interactions with the Cupertino Community.
- **Transportation**
  - Providing access to an efficient, safe multi-modal transportation system for our community, and advocating for effective, equitable mass transit in the greater region.
    - Improving Traffic Flow and Alleviating Congestion
- **Housing**
  - Contributing meaningfully and in a balanced manner to the housing inventory in support of our community needs, including affordable housing (from extremely low-income to moderate-income level housing) and addressing homelessness.
- **Sustainability & Fiscal Strategy**
  - Continuing Cupertino's commitment to building a sustainable and resilient community for future generations.
- **Quality of Life**
  - Furthering the health and well-being of all Cupertino community members.
    - Air Quality and Noise
    - Public Safety
    - Recreation
    - Access to Goods and Services