



## CITIES ASSOCIATION MEETING SUMMARY SEPTEMBER 6, 2018

### LEGISLATIVE ACTION COMMITTEE

Rod Sinks, Cupertino, called the meeting to order at 6:45 PM.

Peter Leroe-Muñoz motioned to approve the consent agenda consisting of the August 2018 Legislative Action Committee Meeting Minutes: August 2018. Second from Steve Tate and the motioned carried unanimously.

Rod Sinks led a discussion of state wide ballot measures 1, 2, 3, 5, 10.

Proposition 5 – California Proposition 5, the Property Tax Transfer Initiative, is on the ballot in California as a combined initiated constitutional amendment and state statute on November 6, 2018.

A "yes" vote supports amending Proposition 13 (1978) to allow homebuyers who are age 55 or older or severely disabled to transfer their tax assessments, with a possible adjustment, from their prior home to their new home, no matter (a) the new home's market value; (b) the new home's location in the state; or (c) the buyer's number of moves.

A "no" vote opposes amending Proposition 13 (1978) to change how tax assessments are transferred between properties for homebuyers who are age 55 or older or severely disabled.

Peter Leroe-Muñoz, Gilroy, motioned to support Proposition 5, with a second from Burton Craig, Monte Sereno. Motion failed 1 ayes, 7 Nos, 7 absent.

AYES: Leroe-Muñoz, Gilroy

NOS: Cristina, Campbell; Sinks, Cupertino; Waldeck, Los Altos Hills; Grilli, Milpitas; Craig, Monte Sereno; Tate, Morgan Hill; Klein, Sunnyvale

ABSENT: Los Altos, Los Gatos, Mountain View, Palo Alto, San José, Santa Clara, Saratoga

No other action or vote was taken.

### BOARD OF DIRECTORS MEETING

Steve Tate motioned to approve the Consent Agenda containing the Board Meeting Minutes from August 2018. Gary Waldeck seconded the motion and the motioned passed unanimously.

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**Accessory Dwelling Units** On behalf of the ADU Committee (Pat Showalter, Larry Klein, Marsha Grilli), Rod Sinks introduced and welcomed guests:

- **Senator Bob Wieckowski** (Fremont) author of SB 1069 (2016) and SB 831, a bill on ADUs.
- **Representing Santa Clara Association of Planning Officials (SCCAPO):**
  - City of Cupertino staff: Aarti Shrivastava, Gian Martine

- City of Milpitas staff: Steven McHarris, Ned Thomas.
- **Tom Avvakumovits**, Asst. Superintendent, Fremont Union High School

Senator Wieckowski discussed SB 1069 and the impact on ADU production since 2017. He will be reintroducing SB 831 next year and would like input.

Gian Martine presented short presentation on ADUs including benefits, recent legislation and the effects on local jurisdictions, issues impeding ADU development, incentives beyond state law, and resources. ([presentation found on webpage under presentations](#))

SCCAPO and Board members suggested changes to increase production:

1. Floor Area Ratio (FAR)
2. eliminate minimum lot size
3. Impact Fees
4. Amnesty program (safety)
5. Give an incentive for ADU production (10% bonus for FAR if the unit is rented as BMR/city gets RHNA credit, deed restriction)
6. Partner with someone that does modular design
7. One size doesn't fit all.

Senator Wieckowski is looking for how to improve SB 831 and welcomes feedback.

Rod Sinks proposed that the Cities Association committee on ADUs reconvene to discuss possible next steps for the Cities Association and bring back suggestions. Rod invited others interested to join the committee. Suggestions included sending letter to Senator Wieckowski, engaging in similar effort that San Mateo County "A Home for All" (website, promoting effort).

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**Census 2020 – David Campos**, Deputy County Executive, Santa Clara County provided a report and strategic plan for the **2020 Census Project**.

If the count isn't done correctly, the state could lose one congressional seat and federal dollars that are allocated funding based on census numbers. California receives \$1950/person or \$76 Billion per year.

Issues: Federal government is underfunding the effort and 80% of the effort is being done online.

*What Cities Can Do*

- Continue partnering with the County to conduct public outreach and education about the importance of achieving a full census count
  - Participate in the complete count committee to create a complete census count plan appropriate to your city and its at-risk residents
  - Identify your city's points of contact with the public, how they can help promote a complete census count, and how to resource them.
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**District Elections – Donald Larkin**, City Attorney, City of Morgan Hill gave an overview of the California Voting Rights Act (CVRA) and the Impact on Local Elections. Under the Voting Rights Act of 1965, the method for electing local officials can be challenged if:

- There was a discriminatory intent in creating the election system
- The election system has a disparate effect on a protected class of voters
- One type of disparate effect is vote dilution
  - At-large elections dilute the vote of minorities, by limiting their electoral influence
  - But, a plaintiff needs to show that it is possible to create a geographically compact majority-minority district.

The CVRA is modelled after the Voting Rights Act of 1965 but makes it easier for anyone to challenge at-large elections for local agencies

- There is no requirement to show that there was a discriminatory intent
- There is no requirement to show that a change to district elections will result in a majority-minority district
- A proponent of district elections only has to show that there is a “difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.” Elections Code § 14026 (e)

There is Safe Harbor Legislation, Cities that voluntarily change to district elections cannot be sued.

If city receives demand for district elections, this is the calendar:

- Within 45 days of receiving a demand for district elections, the City Council must adopt a resolution of intent
- 90 days after adopting the resolution, the City must adopt an ordinance establishing the districts.
- 4 public hearings
- Publish proposed maps 1 week in advance of Council discussion
- If an ordinance is adopted, the proponents may recover up to
- \$30,000 from the agency for the work spent preparing the demand

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### **New Business**

- **Nominating Committee:** The nominating committee will be Larry Klein (Sunnyvale), Rod Sinks (Cupertino), Pat Showalter (Mountain View). If you are interested in serving on the Executive Board, please contact one of them.
- **Audit:** The Board received the Audit which was completed by City of San José’s Auditor’s Office. All funds accounted for, however issues software. Discussion by Rod Sinks and Larry Klein about challenges and efforts of improving the administrative functions of the organization.

**Executive Director Report** – Andi Jordan gave an update to the Roundtable discussions and votes.

JURISDICTION	Date	Action
Campbell	18-Sep	
Cupertino	21-Aug	passed unanimously
Gilroy		not agendized
Los Altos	28-Aug	passed unanimously
Los Altos Hills		passed unanimously
Los Gatos	18-Sep	
Milpitas	4-Sep	voted on by-laws changes Milpitas needs before joining. Mirrors San José's action
Monte Sereno	7-Aug	passed unanimously
Morgan Hill	5-Sep	NO
Mountain View	25-Sep	
Palo Alto	13-Aug	passed unanimously
San Jose	1-Aug	rules committee 1-Aug Council Agenda - voted on changes needed for SJ to participate
Santa Clara	17-Jul	approved unanimously
Saratoga	15-Aug	passed unanimously
Sunnyvale	14-Aug	passed unanimously
Santa Clara County		
Santa Cruz County	18-Sep	
Capitola		
Santa Cruz		
Watsonville		
Scotts Valley		

The Board adjourned at 9:10 PM until October 11, 2018, 7PM, Sunnyvale City Hall