



ADMINISTRATIVE POLICIES

Office of the City Manager

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Responsible Department City Manager

TITLE: Legislative Guiding Principles and Priorities

- New
 Supersedes AP Number 13-05, Version 1, effective 1/21/2014

APPROVAL

City Manager Signature

10/19/2021

Date Approved

1. **PURPOSE.** The purpose of this policy is to include a framework for organizing the City's legislative interests at the federal, State, and regional levels.
2. **TOP LEGISLATIVE GUIDING PRINCIPLES.** The following key legislative guiding principles form the foundation of the City's advocacy efforts.
 - 2.1. **Protect Local Control.** The City values its ability and authority to exercise local control, enable excellent public services and protect and enhance the quality of life for Tulare residents and businesses, and supports efforts to streamline regulations that simplify the job of running the City and opposes efforts that erode the City's authority to control its own affairs.
 - 2.2. **Ensure Competitiveness through Strategic Economic Development.** Consistent with adopted Council policies, principles, activities and methods, the City embraces efforts to obtain funding for economic development, including planning and implementation of regional transportation; economic stimulus programs; jobs legislation; and small business entrepreneurship training and assistance.
 - 2.3. **Promote Investment in Transportation, and Infrastructure Maintenance and Rehabilitation.** The City supports legislation and policies that promote investing in the maintenance and rehabilitation of all infrastructure and building new system capacity to support manageable growth principles.
 - 2.4. **Keep Tulare Safe.** The City supports legislation and policies that enable local officials to access resources to provide quality police, fire, emergency management, emergency medical services, youth violence prevention initiatives, and community efforts. The City also supports State and federal funding,

equipment and other resources to prepare for, respond to, and recover from natural disasters and other emergencies, including pandemics.

- 2.5. Protect and Increase Local Funding; No Unfunded Mandates. The City supports legislation that aids recovery of City costs stemming from State and/or federal mandates and opposes legislation that seeks to impose any requirement upon City that is not fully funded.
- 2.6. Pursue or Retain Federal and State Funding for Key Efforts. The City continues to vigorously pursue federal and State funding for key efforts and activities, and actively seeks to retain any such funding previously allocated for those purposes.
- 2.7. Pursue Efforts to Create New Financing Tools to Support and Build Affordable Housing and Addressing Homelessness. The City remains firmly committed to the production of high quality, affordable housing for a range of income levels and target populations such as families, seniors and those with special needs. The City is also focused on addressing the homelessness crisis facing the State and identifying resources to support temporary and permanent housing solutions, including related services.
- 2.8. Promote Environmental Sustainability and Development via Manageable Growth. The City values policies that promote sustainable development; improve environmental standards and the regulatory process; provide incentives and financial support for preservation of natural resources; expand sustainable energy policies; and are consistent with the City's Climate Action Plan.

3. LEGISLATIVE PRIORITIES.

3.1. Community and Economic Development.

- 3.1.1. Economic Stimulus Program: Support State and federal efforts and legislation that fund economic stimulus programs; jobs legislation; and financially supports small business entrepreneurship training and assistance. Support legislation that replaces redevelopment with policies to stimulate economic development, which might include lower thresholds for bonds and other incentives.
- 3.1.2. New Business Attraction: Support efforts to attract new business to the State that is revenue neutral to local governments and does not impact the limited revenues cities receive.
- 3.1.3. Proposition 39 Funding: Support broadening the implementation of Proposition 39 to direct funding towards an array of diverse projects, including energy efficiency projects for cities, for maximum impact to the State and the clean tech industry.
- 3.1.4. Preservation of Local Land Use Authority: Oppose legislation that would remove or limit local government land use authority.

- 3.1.5. Housing Element: Oppose legislation that penalizes local governments for noncompliance with their housing element requirements, since compliance is based on several factors, such as the economy, that are not within the control of local government.
- 3.1.6. Flexibility in Meeting the Regional Housing Needs Assessment: Support legislation that provides flexibility and gives City greater authority in meeting the Regional Housing Needs Assessment (RHNA) requirements that are mandated by State Housing Law as part of the periodic process of updating the housing element in the General Plan.
- 3.1.7. Affordable Housing: Support new financing tools for local government to support and build affordable housing and legislation that provides for the creation of a long-term funding source dedicated to financing affordable housing.
- 3.1.8. Sustainable Development: Support legislation that provides financial and technical support to local government in implementing sustainable development practices such as transit-friendly development, green building, consideration of existing and future development impacted by sea level rise, and other sustainable practices such as greening the code and support for the Climate Action Plan.
- 3.1.9. Sustainable Communities: Support legislation that provides communities with financial support to promote “active living” and a healthier lifestyle, which may involve repurposing existing land, developing new infrastructure and streets featuring sidewalks, bike routes, safe crossings, and utilizing design features that invite activity and creating targeted community education campaigns.
- 3.1.10. CEQA Reform: Support legislation which streamlines California Environmental Quality Act (CEQA) review and requirements.
- 3.1.11. Environmental Issues: The City supports legislation and policies to maintain and enhance the agricultural economy that is central to the City’s economic base, including legislation and policies that provide for water storage and delivery geared toward providing or protecting local water supplies needed for the agricultural industry to flourish in and around the City of Tulare. The City opposes legislation and policies that are contrary to these interests.

3.2. Transportation and Infrastructure

- 3.2.1. Lower Threshold for Approval of Transportation Sales Taxes: Support a constitutional amendment to lower the threshold for approval of sales and use taxes for transportation purposes. Currently, such taxes must be approved by two-thirds of the voters. The City supports lowering the

requirement to either 55 percent (the same requirement for schools) or to a simple majority.

- 3.2.2. Economic Stimulus for Infrastructure Projects: Support State and federal legislation to provide funds for local government infrastructure projects.
- 3.2.3. Fuel Tax Increase: Support fuel tax indexing or an increase to provide additional funding for local street projects, especially maintenance.
- 3.2.4. NEPA Streamlining: Support legislation that would streamline the National Environmental Policy Act (NEPA) process for federally funded local bridge and road projects to avoid having Caltrans and the Federal Highways Administration (FHWA) revalidate the project's NEPA document at each major federal approval.
- 3.2.5. Peak Congestion: Support legislation to provide funding to help mitigate the traffic impacts of projects that create peak period congestion.
- 3.2.6. Preservation of Eminent Domain for Infrastructure: Oppose legislation that reduces the City's condemnation authority regarding acquisition of properties required for public projects.
- 3.2.7. State Funding for Grade Separations: Support legislation and efforts to increase the amount of funding available for railroad grade separations and to clarify that the railroads' required contribution shall be a minimum of 10 percent of the estimated project cost.
- 3.2.8. Quiet Zone: Support legislation that provides funding for quiet zone improvements or allows existing funding sources that pay for other transportation improvements to also be used for quiet zones.
- 3.2.9. Preservation of Charter City Authority: Oppose legislation that would remove or limit local authority related to provisions in City charter regarding required use of prevailing wage on all construction projects, process changes to voting on Charter amendments and/or other City administrative tasks related to the Charter.
- 3.2.10. Metal Theft: In partnership with other local agencies, continue to support legislation that strengthens penalties against: 1) offenders who steal metal; and 2) scrap metal dealers that purchase stolen material.

3.3. Public Safety

- 3.3.1. Realignment Resources: Support efforts to provide funding to cities to mitigate the policing impacts of realignment.
- 3.3.2. Emergency Preparedness Resources: Support legislation to provide resources for emergency planning, training, exercises, and equipment for emergency workers.

- 3.3.3. Safe Schools: Support legislation that provides funding for school safety programs.
- 3.3.4. COPS Funding: Support funding for the Community Oriented Policing Services (COPS) funding programs, including the COPS Hiring Program (CHP) which helps pay for police officer salaries and benefits.
- 3.3.5. Fire Protection in Schools: Support requiring the installation of automatic fire sprinkler systems in new and remodeled schools.
- 3.3.6. Fire Service Funding: Support funding for disaster preparedness and training, including the Assistance for Firefighters Grant (AFG) and Staffing for Adequate Fire and Emergency Response (SAFER) programs, which helps pay for equipment, training, and firefighter salaries and benefits, and funding for the Metropolitan Medical Response System (MMRS).
- 3.3.7. Interoperability: Support funding for interoperability initiatives to better facilitate coordinated and effective emergency response by police, fire, EMS, and non-public safety departments in cities and across regional jurisdictions.
- 3.4. Community and Human Services
 - 3.4.1. Playground Safety Guidelines: Support legislation that protects cities from liability for use of playgrounds and supports ensuring that all new safety mandates come with associated funding to help cities comply with the guidelines.
 - 3.4.2. Community Development Block Grant (CDBG) Funding: Oppose any reductions to formula funding for the Community Development Block Grant Program.
- 3.5. Environment
 - 3.5.1. Climate Protection: Support legislation and policies that assist local government in meeting or exceeding locally established goals of reducing global warming pollution levels to 25 percent below the 2005 levels by 2020, provided that cities maintain autonomy and discretion over whether to implement, including reducing dependence on fossil fuels, developing alternative energy resources, and developing fuel-efficient technologies.
 - 3.5.2. Landfill: Support legislation that supports the development of alternative technologies such as anaerobic digestion or mixed waste processing that result in waste diversion from landfills.
 - 3.5.3. Litter Control and Abatement: Support legislation to address litter control and abatement problems in California.

- 3.5.4. Recycling: Support continuation of the existing California Integrated Waste Management Act (AB 939) waste diversion requirements and the new state goal of 75 percent diversion by 2020 (AB 341) as well as programs that help cities go beyond the 75 percent diversion goal. The City supports efforts to provide funding and flexibility for local governments to comply with organics recycling (SB 1383) to avoid impacts to other public services. The City also supports diversion measurement and reporting improvements that do not adversely impact the assessment of compliance efforts made by local jurisdictions.
- 3.5.5. Producer Responsibility: Support State and federal legislation that encourages manufacturers to assume responsibility for the costs of collecting, processing, recycling, or disposing of products at end-of-life.
- 3.5.6. Recycled Product Market Development: The City supports legislation that encourages manufacturers to include post-consumer recycled material in their products and encourages state and local government agencies and school districts to use less toxic and recycled content products.
- 3.5.7. Solid Waste: Oppose legislation that preempts local planning decisions regarding solid waste facility sites, preempts local solid waste and AB 939 fee setting authority, or imposes taxes or fees on local solid waste programs to fund State programs not directly related to solid waste management.
- 3.5.8. Stormwater Program Funding: Support legislation that would make it easier for cities to fund and comply with new and increasingly stringent storm water quality permit requirements.
- 3.6. Revenue, Taxation and Telecommunications
 - 3.6.1. Lower Threshold for Local Taxes: Support a constitutional amendment to lower the threshold for approval of local taxes to either 55 percent (the same requirement schools now face) or to a simple majority, especially to encourage economic and local development as well as to meet public safety needs.
 - 3.6.2. Tax Exempt Status of Municipal Bonds: Oppose legislation that eliminates or places a cap on tax-exempt municipal bonds (National League of Cities Priority).
 - 3.6.3. Online Sales Tax (Marketplace Fairness Act): Support legislation that would allow states the flexibility to collect taxes already owed to them (National League of Cities Priority).

- 3.6.4. Equitable Allocation: Support legislation that provides stable dedicated revenue to support all City responsibilities, and establishes a more equitable distribution of locally generated taxes (property, sales, etc.).
- 3.6.5. Fiscal Reform: Oppose continued State efforts to find ways to divert local revenues and encourages the State to find other ways to balance its budget. Oppose legislation that would limit the City's ability to rearrange finances based on the need at hand.
- 3.6.6. Flexibility in Use of Funds: Support legislation that lifts restrictions on restricted funds to provide the highest levels of discretion to elected representatives to manage the financial affairs of their jurisdictions.
- 3.6.7. Community Access Preservation Act. Support legislation that preserves public, educational and governmental (PEG) channels and funding for PEG channels from cable and video providers and that changes the existing law to remove the distinction between "capital" and "operating" for use of PEG fees.

3.7. Administration and Employee Relations

- 3.7.1. All-mail Ballot Elections: Allow cities to conduct all-mail ballot elections, particularly for stand-alone local elections. Such elections will help local governments save dwindling financial resources.
- 3.7.2. Mandated Employee Benefits: Oppose legislation mandating local employee benefits as such benefits can impose financial costs and administrative burdens on local governments. Decisions about employees' health and retirement benefits should be made at the local level, through the collective bargaining process, not mandated by the State.
- 3.7.3. Retiree Medical Benefits: Oppose any legislation that would make participation in any program to pre-fund other post-employment benefit (OPEB) obligations mandatory. However, the City does support legislation that expands the universe of employee self-funded medical benefits on a tax-advantaged basis under State law in coordination with programs and funding mechanisms developed under federal law.
- 3.7.4. Mandatory Social Security Coverage: Oppose mandatory Social Security coverage.
- 3.7.5. Social Security and Local Government Pensions: Support modifying legislation so that City employees are not penalized for work performed in addition to their local government service.
- 3.7.6. Workers' Compensation: Oppose any new or additional workers' compensation benefits and supports legislation to further reform the

system and lower employer costs. As one example, the City opposes legislation to extend the leave of absence at full salary, tax free, from the current one year to which public safety employees who are totally temporarily disabled by injury or illness on the job are entitled (Labor Code Section 4850).

- 3.7.7. Build-out of Facilities: Support legislation that provides a reasonable timeframe for deployment of telecommunications services by providers that includes a clear plan for sequencing of the build-out of facilities within an entire franchise area.
- 3.7.8. Municipal Broadband Network: Preserve local authority to deploy and operate municipal broadband networks, through either public-private partnerships or systems wholly owned by the municipality.
- 3.7.9. Use of Public Rights-of-way: Support local ability to regulate use of public rights-of-way.

4. MAJOR FUNDING PRIORITIES – INFRASTRUCTURE NEEDS

- 4.1. Paige Avenue @ UPRR: Construction of a grade separation crossing of the Union Pacific Railroad tracks on Paige Avenue. The project will construct an underpass that takes Paige under the UPRR tracks and eliminate existing at-grade crossing. **Estimated shortfall: \$30 million.**
- 4.2. State Route 99 @ Commercial Avenue Interchange Project: A new interchange to encourage commercial and industrial development south of Paige Avenue and north of Avenue 200. The addition of an interchange at this location would significantly improve traffic circulation in this area of the City. **Estimated shortfall: \$13 million.**
- 4.3. State Route 99 @ Paige Avenue Interchange Project: Replacement of the existing two-lane interchange to accommodate six lanes of traffic, including bikes, pedestrians, and transit. The current interchange was built over 50 years ago and is a constraint to multi-modal use and an impediment to south Tulare industrial development. The new interchange design is also necessary for the future widening of SR 99. **Estimated shortfall: \$12.5 million.**

5. OTHER FUNDING PRIORITIES – INFRASTRUCTURE NEEDS

- 5.1. Street/Pavement Rehabilitation: The City's streets are its highest valued capital asset, with an investment of over \$400 million. As any street system ages and traffic loading increases (caused by increasing traffic, changes in bus routes and the use of heavier waste hauling and delivery trucks, including milk tankers), the long-term maintenance needs increase. The City's Pavement Management System (PMS) has identified approximately \$22.5 million in needed pavement maintenance over the next five years. That level of funding would bring the entire street system up to a Pavement Condition Index (PCI) of 70 (good condition).

The optimal PCI is 83 (good to very good condition). The current PCI is 63 (fair condition). The City only has funding for approximately \$2.5 million annually for pavement rehabilitation projects and some of that funding will be used to supplement general funds in the Public Works Street Maintenance budget. **Estimated shortfall: \$22.5 million over the next 5 years.**

- 5.2. ADA Compliance for Intersections: The City desires to upgrade or install intersection ramps to comply with the latest Americans with Disabilities Act (ADA) standards within the public right-of-way. The new ramps will meet the ADA requirements for slopes, landings, and detectable warning surfaces. The ramps will improve the accessibility of public sidewalks, and the detectable warning surfaces will alert visually impaired pedestrians to the presence of an intersection. **Estimated shortfall: \$10 million.**
- 5.3. Sidewalk Construction: Sidewalks were never constructed in older areas of the city and in county annexed areas. Many of these locations are in relative close proximity to schools and public facilities resulting in substandard pedestrian walkways. Property owners are required to construct sidewalks as a condition of building permits, however, it will take many years for a continuous sidewalk pattern to be constructed. The cost to construct sidewalks in these areas exceeds available city resources. **Estimated shortfall: \$12 million.**
- 5.4. Storm Drain Repair: The City's storm drain infrastructure in many areas is over fifty years old. Additionally, much of the existing storm drain system is undersized or incomplete. A Storm Drain Master Plan was completed in 2009; however, the needs exceed the City's available resources. As the City ages, this problem will grow unless funds can be secured to increase capacity and to replace or improve this important piece of our infrastructure. **Estimated shortfall: up to \$43 million.**
- 5.5. Water Main Repair: The City's water main infrastructure in many areas is well over fifty years old. Additionally, much of the existing system is undersized and deteriorated. The Water Main Master Plan that was completed in 2009 shows that the needs exceed the City's available resources. As the City ages, this problem will grow unless funds can be secured to replace this important piece of our infrastructure. **Estimated shortfall: up to \$27 million.**
- 5.6. Sewer Main Repair: The City's sewer infrastructure in many areas is well over fifty years old. Additionally, much of the existing system is undersized and deteriorated. A Sewer Main Master Plan was completed in 2009; however, the need to upgrade this system also exceeds the City's available resources. As the City ages, this problem will grow unless funds can be secured to upgrade this important piece of our infrastructure. **Estimated shortfall: up to \$26.5 million.**
- 5.7. Water Storage Improvements: The City's adopted Urban Water Management Plan and Water System Master Plan recommends that the City have water storage capacity of 10 million gallons. Current storage capacity is only 125,000 gallons. The benefits to be realized by increased storage capacity include: decreased need for additional wells, better control and regulation of water

pressure, and decreased costs associated with running pumps during peak demand times. **Estimated shortfall: up to \$3.2 million.**

6. PROCESSING REQUESTS FOR OPPOSITION/SUPPORT LETTERS

- 6.1. Requests for Letters of Opposition or Support shall be prepared on “generic” City Council letterhead, the introduction of the letter is to be prefaced with, “On behalf of the City of Tulare...” and the signature of the Mayor will be affixed as the author of the letter on behalf of the City.
- 6.2. Staff will copy the Council with any such letter of support or opposition.
- 6.3. Pending Legislation or Regulatory Issues that DO NOT clearly fall within the approved Legislative Polices or are deemed controversial by the City Manager will be brought before the Council for formal consideration and action before any letter is sent.

7. LEGISLATIVE RESOURCES/ADVOCACY

- 7.1. The City of Tulare, as a member of the League of California Cities supports their efforts in “*Strengthening California Cities through Advocacy & Education*”. The City may utilize various sources, such as the League, lobbyist firms, and consultants in an effort to protect local control.

8. REVISION HISTORY

<u>Version #</u>	<u>Date</u>	<u>Approved By</u>
2	10/19/2021	Marc Mondell, City Manager; City Council
1	1/21/2014	Don Dorman, City Manager; City Council