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**AGENDA
LEGISLATIVE POLICY COMMITTEE
JANUARY 26, 2016**

MEMBERS

Terry Tornek, Mayor
Steve Madison, District 6

STAFF

Julie A. Gutierrez, Assistant City Manager
Valerie Flores, Recording Secretary

MISSION STATEMENT

The City of Pasadena is dedicated to delivering exemplary municipal services, responsive to our entire community and consistent with our history, culture and unique character.

In compliance with the Americans with Disabilities Act of 1990, listening assistive devices are available from the City Clerk's Office with a 24-hour advance notice. Please call (626) 744-4124 to request use of a listening device.

*Language translation services are available for this meeting by calling (626) 744-4124 at least 24 hours in advance.
Habrá servicio de interpretación disponible para éstas juntas llamando al (626) 744-4124 por lo menos con 24 horas de anticipación.*

*Public meeting begins at 6:00 p.m.
Items on the agenda may not be called in order listed.*

*Agendas and supporting documents are available on the Internet at
<http://www.cityofpasadena.net/commissions>*

*Materials related to an item on this Agenda submitted to the Legislative Policy Committee **after** distribution of the agenda packet are available for public inspection in the City Clerk's Office at 100 N. Garfield Avenue, Room S-228, during normal business hours.*



OFFICE OF THE MAYOR

AGENDA

**CITY OF PASADENA
NOTICE OF REGULAR MEETING
OF THE
LEGISLATIVE POLICY COMMITTEE
Tuesday, January 26, 2016 – 6:00 p.m.
100 N. Garfield Ave. – Council Conference Room S246**

NOTICE IS HEREBY GIVEN that a regular meeting of the Legislative Policy Committee will be held on Tuesday, January 26, 2016 at 6:00 p.m. in the Council Conference Room located at 100 N. Garfield Ave., Room S246, Pasadena, California, for the purpose of considering the agenda items listed below:

1. CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA – Please limit comments to 3 minutes each.

3. APPROVAL OF MINUTES

July 22, 2015 – Regular Meeting*
October 27, 2015 – Special Meeting*
October 28, 2015 – Regular Meeting Cancellation*
November 24, 2015 – Regular Meeting Cancellation*
December 22, 2015 – Regular Meeting Cancellation*

4. NEW BUSINESS

A. Report on Senate Bill (SB) 415 (Hueso) and Assembly Bill (AB) 952 (Garcia), and Request for Direction Regarding the Formation of a Charter Reform Task Force*

5. INFORMATION ITEMS

A. 2016 State Legislative Platform: Water & Power Updates*

- B. Briefing by David Jones on State Legislative Matters (Oral)
- C. Briefing by Chris Giglio on Federal Legislative Matters (Oral)

6. ADJOURNMENT


*Attachment

NEXT REGULAR MEETING

February 23, 2016 – 6:00 p.m.


TERRY TORNEK, Chair
Legislative Policy Committee

I HEREBY CERTIFY that this notice, in its entirety, was posted on the City of Pasadena Council Chamber Building bulletin boards located outside of Room S249 of City Hall, and at the Bulletin Board in the rotunda area of City Hall, the City Clerk's Office and a copy was distributed to Central Library for posting this 21st day of January 2016, by 5:30 p.m.


DEBRA D'AGOSTINO
City Manager's Office

DISTRIBUTION:

Terry Tornek, Mayor
Steve Madison, Councilmember
Michael J. Beck, City Manager
Julie A. Gutierrez, Assistant City Manager
Steve Mermell, Assistant City Manager
Mark Jomsky, City Clerk
Michele Bagneris, City Attorney
William Boyer, Public Information Officer
Jana Stewart, Management Analyst III to Mayor/Council
Chris Giglio, Legislative Advocate
David Jones, Legislative Advocate
Valerie Flores, Recording Secretary
City Hall Information Kiosk
Pasadena Central Library
Neighborhood Connections

Barbara Boxer, U.S. Senator
Dianne Feinstein, U.S. Senator
Adam Schiff, U.S. Congressman
Judy Chu, U.S. Congresswoman
Carol Liu, State Senator
Chris Holden, State Assembly Member
La Opinion
Los Angeles Times
Pasadena Independent
Pasadena Journal
Pasadena NOW
Pasadena Star-News
Pasadena Weekly
Website: <http://www.ci.pasadena.ca.us>

MINUTES

July 22, 2015 – Regular Meeting*

October 27, 2015 – Special Meeting*

October 28, 2015 – Regular Meeting Cancellation*

November 24, 2015 – Regular Meeting Cancellation*

December, 22, 2015 – Regular Meeting Cancellation*

CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE
MINUTES
PASADENA CITY HALL
100 NORTH GARFIELD AVENUE
CITY HALL, FAIR OAKS CONFERENCE ROOM – S246
JULY 22, 2015
REGULAR MEETING

OPENING The Chair called the regular meeting of the Legislative Policy Committee to order at 5:35 p.m.

ROLL CALL: Mayor Tornek, Chair
Councilmember Steve Madison

Staff: Julie Gutierrez, Assistant City Manager
Javan Rad, Assistant Chief Assistant City Attorney
Mark Jomsky, City Clerk
Angela Kimmey, Legislative and Regulatory Affairs Manager, Water and Power
Valerie Flores, Recording Secretary

PUBLIC COMMENT No one appeared for public comment.

APPROVAL OF MINUTES It was moved by Councilmember Madison, seconded by Mayor Tornek, to approve the minutes of April 22, 2015 (cancellation), May 27, 2015 (cancellation), and June 24, 2015 (cancellation) as submitted. Motion unanimously carried (Absent: None)

INFORMATION ITEMS **SENATE BILL 415 (HUESO) VOTER PARTICIPATION AND ASSEMBLY BILL 254 (HERNANDEZ) ELECTION DATES (ORAL)**

Mark Jomsky, City Clerk, summarized the agenda item as part of a PowerPoint presentation, and responded to questions.

The Committee briefly discussed SB 415 and AB 254, and the City Clerk noted that the upcoming bills could potentially impact the issues studied in the City Charter review, and stated that he will return to the Committee with additional information on the outcome of the pending legislation for further discussion.

Following discussion, on the order of the Chair, and by consensus of the Committee, the information was received and filed.

BURBANK BOB HOPE AIRPORT CURFEW DISCUSSION (ORAL)

The Mayor introduced the agenda item, and following discussion requested assistance from Chris Giglio, Legislative advocate, to contact Adam Schiff's Office to offer Pasadena's assistance and support for the Burbank Bob Hope Airport Curfew, noting the delicate nature of this matter.

BRIEFING BY CHRIS GIGLIO ON FEDERAL LEGISLATIVE MATTERS

A telephone conference call was conducted with Chris Giglio, Federal Legislative advocate for the City, who reported on the status of the items listed below, and responded to questions:

- Update on the Federal Highway and Transit Program Funding including deadlines for a long-term bill or temporary extension
- Update on the Federal budget bills and related issues, including the possibility of a government shut down
- Update on the Internet Tax Freedom Act
- Update on the Marketplace Fairness Act
- Information on Fair Housing Act and related impacts to local government

On the order of the Chair, and by consensus of the Committee, the information was received and filed.

BRIEFING BY DAVID JONES ON STATE LEGISLATIVE MATTERS

A telephone conference call was conducted with David Jones and Kyra Ross, State Legislative advocates for the City, who reported on the status of the items listed below, and responded to questions:

- Report on the State's legislative recess
- Update on the Governor's call for Special Session on transportation and health care
- Update on a potential gas tax increase
- Update on affordable housing related to Low-Income Housing Tax Credit and the Document Transfer Bill
- Update on potential regulations related to police worn body cameras
- Update on the Redevelopment Trailer Bill
- Update on Cap and Trade Program, in relation to Assembly Bill 32

Councilmember Madison requested information on Assembly Bill 953 (Weber), Law Enforcement: Racial Profiling.

Following discussion, on the order of the Chair, and by consensus of the Committee, the information was received and filed.

ADJOURNMENT:

On the order of the Chair, the regular meeting of the Legislative Policy Committee was adjourned at 6:16 p.m.

Terry Tornek, Chair
Legislative Policy Committee

ATTEST:

Valerie Flores
Recording Secretary

**CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE
MINUTES
PASADENA CITY HALL
100 NORTH GARFIELD AVENUE
CITY HALL, FAIR OAKS CONFERENCE ROOM – S246
OCTOBER 27, 2015
SPECIAL MEETING**

OPENING The Chair called the special meeting of the Legislative Policy Committee to order at 6:35 p.m.

ROLL CALL: Mayor Tornek, Chair
Councilmember Steve Madison

Staff: Julie Gutierrez, Assistant City Manager
Javan Rad, Assistant Chief Assistant City Attorney
Mark Jomsky, City Clerk
William Huang, Director of Housing,
Angela Kimmey, Legislative & Regulatory Affairs Manager, Water and Power
Joe Awad, Assistant General Manager, Water & Power
Valerie Flores, Recording Secretary

PUBLIC COMMENT No one appeared for public comment.

APPROVAL OF MINUTES It was moved by Councilmember Madison, seconded by Mayor Tornek, to approve the minutes of December 10, 2014 (special meeting), December 24, 2014 (cancelled meeting), February 25, 2015 (regular meeting) and March 25, 2015 (regular meeting), as submitted. Motion unanimously carried (Absent: None)

INFORMATION ITEMS **SENATE BILL 608, (LIU) – HOMELESSNESS**

Julie Gutierrez, Assistant City Manager, introduced the agenda item and responded to questions.

David Jones, State Legislative advocates for the City, provided a brief update on Senate Bill 608, and responded to questions.

Councilmember Madison expressed his concerns regarding the issue of homelessness, specifically as it relates to aggressive panhandlers. He stated the need for the City to maintain compassion for chronically homeless individuals and reported that the matter was discussed at the October 19, 2015 Public Safety Committee (PSC), with direction to staff to return to PSC with recommendations addressing homelessness and aggressive panhandling in Pasadena. Mr. Madison stated his support for adding a fourth Hope team.

Mayor Tornek expressed his concerns regarding the issues of homelessness, briefly discussed the proposed bill, concerns with the potential criminalization of homelessness, and the push back from the citizens and businesses in addressing this matter. Mr. Tornek also expressed his compassion for chronically homeless individuals.

William Huang, Director of Housing, discussed the proposed bill, possible impacts on housing and matters related to chronically homeless individuals, and briefly described his recent appointment to the Homeless Alliance League Task Force.

Following discussion, on the order of the Chair, and by consensus of the Committee, the information was received and filed.

**BRIEFING BY DAVID JONES ON STATE LEGISLATIVE MATTERS
(ORAL)**

A telephone conference call was conducted with David Jones and Kyra Ross, State Legislative advocates for the City, who reported on the status of the items listed below, and responded to questions:

- Update on the Governor's call for Special Session on transportation and health care
- Update on Affordable Housing related to the Low-Income Housing Tax Credit and the Document Transfer Bill
- Update on Senate Bill (SB) 350 (De León), Clean Energy and Pollution Reduction Act
- Update on SB 107 (Local Government) related to the proposed legislation for Municipal Parking Garage Lot revenues
- Update on SB 243 (Brown), SB 593 (McGuire), AB 356 (Williams), AB 1490 (Rendon), SB 3 (Leno), SB 32 (Pavley), and AB 952 (Garcia)
- Update on statewide emergency water regulations

Councilmember Madison requested that additional information on SB 107 for possible impacts on the Del Mar Garage and requested a report from the City Clerk on the impacts of SB 952 on Pasadena Council elections.

The Chair briefly spoke about the recent discussion of a local minimum wage ordinance and the impacts on nonprofit organizations and requested information on whether there is anticipated or possible pending legislation to address the concerns of the nonprofit organizations, including their ability to receive state funding. Mr. Tornek also requested information on SB 163 (Hertzberg) Wastewater treatment: recycled water.

Following discussion, on the order of the Chair, and by consensus of the Committee, the information was received and filed.

**BRIEFING BY DAVID JONES ON STATE LEGISLATIVE MATTERS
(ORAL)**

Chris Giglio, Federal Legislative advocate for the City, who reported on the status of the items listed below, and responded to questions:

- Update on Fiscal Year 2016 - 2017 Federal Budget
- Update on the Home Program
- Update on the Reauthorization of the Federal Highway and Transit Program Funding

- Update on the new Speaker of the House
- Update on the proposed mandatory curfew for the Burbank Airport
- Briefly discussed the probability for federal funding for the High Speed Rail project
- Update on proposed House bill that would strip federal law enforcement grants from "sanctuary cities."
- Update on the Federal Budget related to large water projects

On the order of the Chair, and by consensus of the Committee, the information was received and filed.

RECEIVE AND FILE ANNUAL REPORTS AND WORK PLANS:

1. ACCESSIBILITY AND DISABILITY COMMISSION ANNUAL REPORT – JULY 2014 THROUGH JUNE 2015 AND WORK PLAN FOR FISCAL YEAR 2015-2106
2. ARTS AND CULTURE COMMISSION ANNUAL REPORT – JULY 2014 THROUGH JUNE 2015 AND WORK PLAN FOR FISCAL YEAR 2015 - 2016
3. COMMISSION ON THE STATUS OF WOMEN ANNUAL REPORT – JULY 2014 THROUGH JUNE 2015 AND WORK PLAN FOR FISCAL YEAR 2015–2016
4. ENVIRONMENTAL ADVISORY COMMISSION ANNUAL REPORT – JULY 1, 2014 THROUGH JUNE 30, 2015 AND WORK PLAN FOR JULY 1, 2015 THROUGH JUNE 30, 2016
5. HUMAN RELATIONS COMMISSION ANNUAL REPORT – JULY 2014 THROUGH JUNE 2015 AND WORK PLAN FOR FISCAL YEAR 2015 - 2016

Following a brief discussion, on the order of the Chair, and by consensus of the Committee, the information was received and filed.

Following brief discussion, on the order of the Chair, and by consensus of the Committee, the Legislative Policy Committee will meet the fourth Tuesday of each month at 6:00 p.m., Pasadena City Hall, 100 N. Garfield Avenue, Room S245/S246 (Council Conference Room, 2nd Floor).

ADJOURNMENT:

On the order of the Chair, the special meeting of the Legislative Policy Committee was adjourned at 7:50 p.m.

Terry Tornek, Chair
Legislative Policy Committee

ATTEST:

Valerie Flores
Recording Secretary

**CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE MINUTES
CITY HALL
100 NORTH GARFIELD AVENUE
FAIR OAKS CONFERENCE ROOM – S039
OCTOBER 28, 2015
REGULAR MEETING**

The regular meeting of the Legislative Policy Committee, scheduled for Wednesday, October 28, 2015 at 5:30 p.m., was cancelled as ordered on October 22, 2015 and posted as required by law.

Terry Tornek, Chair
Legislative Policy Committee

ATTEST:

Valerie Flores
Recording Secretary

**CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE MINUTES
CITY HALL
100 NORTH GARFIELD AVENUE
FAIR OAKS CONFERENCE ROOM – S039
NOVEMBER 24, 2015
REGULAR MEETING**

The regular meeting of the Legislative Policy Committee, scheduled for Tuesday, November 24, 2015 at 6:00 p.m., was cancelled as ordered on November 19, 2015 and posted as required by law.

Terry Tornek, Chair
Legislative Policy Committee

ATTEST:

Valerie Flores
Recording Secretary

**CITY OF PASADENA
LEGISLATIVE POLICY COMMITTEE MINUTES
CITY HALL
100 NORTH GARFIELD AVENUE
FAIR OAKS CONFERENCE ROOM – S039
DECEMBER 22, 2015
REGULAR MEETING**

The regular meeting of the Legislative Policy Committee, scheduled for Tuesday, December 22, 2015 at 6:00 p.m., was cancelled as ordered on December 17, 2015 and posted as required by law.

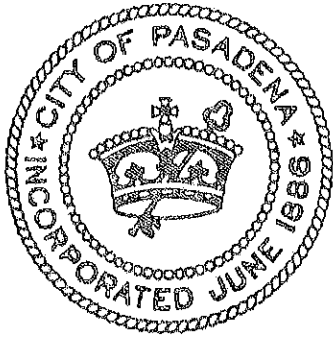
Terry Tornek, Chair
Legislative Policy Committee

ATTEST:

Valerie Flores
Recording Secretary

NEW BUSINESS

- A. Report on Senate Bill (SB) 415 (Hueso) and Assembly Bill (AB) 952 (Garcia), and Request for Direction Regarding the Formation of a Charter Reform Task Force*



Agenda Report

January 26, 2016

TO: Legislative Policy Committee

FROM: City Clerk

SUBJECT: REPORT ON SENATE BILL (SB) 415 (HUESO) AND ASSEMBLY BILL (AB) 952 (GARCIA), AND REQUEST FOR DIRECTION REGARDING THE FORMATION OF A CHARTER REFORM TASK FORCE

RECOMMENDATION:

It is recommended that the Legislative Policy Committee receive a report on SB 415 (Hueso), and AB 952 (Garcia), and provide direction to staff regarding the formation of a Charter Reform Task Force to review the City's Charter for possible amendments.

BACKGROUND:

During the Fiscal Year 2016 Budget Process, the City Council expressed interest in convening a Charter Reform Task Force to review the City's Charter for possible amendments, with specific interest expressed regarding a number of election-related issues. As part of the Fiscal Year 2016 budget adoption, the City Council allocated \$150,000 in the City Clerk's budget for this purpose.

During the past year, the State's legislature has been considering a number of election related bills with potentially significant direct and indirect impacts to Pasadena. In July 2015, the Committee received a report and directed staff to monitor the outcomes of the pending legislation and report back once a final determination was reached by Governor Brown to sign or veto these bills under consideration, including information regarding the applicability of the adopted legislation on charter cities such as Pasadena.

SB 415: (HUESO) VOTER PARTICIPATION

SB 415 (Hueso), codified as the California Voter Participation Rights Act (Elections Code Sections 14050-14057), is a voter participation bill signed by Governor Brown designed to increase local election turnout by eliminating local election dates and causing all local elections to be held on statewide election dates. The bill prohibits any "political subdivision" from holding local elections on any other date than statewide

election dates when local voter turnout rates average 25% less than statewide voter turnout rates within the same political subdivision.

Following is a summary of SB 415 provided by the Los Angeles County Registrar's Office (the full text of SB 415 is provided as Attachment A):

"Commencing January 1, 2018, a political subdivision is prohibited from holding an election other than on a statewide election date if holding an election on a non-current date has previously resulted in voter turnout for a regularly-scheduled election in that political subdivision being at least 25 percent less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified. Requires a court to implement appropriate remedies upon a violation of this prohibition. Permits a voter who resides in a political subdivision where a violation is alleged to file an action in Superior Court to enforce this prohibition, and allows a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided."

Issue of Applicability

In terms of applicability to the City of Pasadena, staff has discussed the potential impacts of SB 415 with the City Attorney's Office, Scott Martin (City's Election Consultant), and David Jones (City's State Legislative Advocate). Mr. Jones also conferred with the League of California Cities on the issue of applicability of SB 415 to charter cities. The conclusion reached by staff is that the language contained in Pasadena City Charter Sections 1202 and 1205 (Attachment B) defines the timing of elections for the Mayor and City Council, and the California Constitution states that properly adopted charter language would supersede state law (Cal Const. Article XI, Sec 5: "City charters adopted pursuant to this Constitution...with respect to municipal affairs shall supersede all laws inconsistent therewith"). Further, the text of the bill does not contain the usual language asserting "statewide significance", which would have clarified what the legislature intended with Charter City applicability.

However, State Senator Hueso's Office has informed staff that the intent of the legislation was that SB 415 would in fact apply to charter cities and that those municipalities that fail to comply with the law (effective January 1, 2018) do so at their own risk and may be subject to litigation under the new law.

For example, recent case law applied the California Voting Rights Act to charter cities despite the similar lack of "statewide significance" language, where the definition of "political subdivision" (in the California Voting Rights Act) was the same as in the new Voter Participation Rights Act and not by coincidence. Subsequently as part of recently signed legislation contained in AB 277 (Hernandez), the definition of "political subdivision" in the California Voting Rights Act was amended to clearly apply to charter cities. As a result of the arguable legislative intent present in the Voter Participations

Rights Act and recent case law applying the definition of “political subdivision” to charter cities, there appears to be a substantial risk that litigation regarding the application of the Voter Participations Rights Act would require charter cities to comply with its requirements. This conflict of understanding and applicability may also be resolved through future amendments to the law.

Other Issues to Consider

The timing/implementation of SB 415 is detailed within the text of the bill and contains a provision that allows political subdivisions to delay compliance until the 2022 election cycle. This time allowance was added to provide flexibility to cities located in Los Angeles County in an effort to address the uncertainties and/or shortcomings associated with Los Angeles County Registrar of Voters' current voting system (Ink-A-Vote) and the completion of the LA County's new Voting System Assessment Project (VSAP). For many years, the County has denied consolidation requests from cities within LA County to move local election dates to statewide election dates and have the County run these elections, citing capacity limitations with Ink-A-Vote. VSAP's goal is to replace the antiquated Ink-A-Vote system with a modernized voting system that will not only increase ballot capacity to accommodate the 50+ local jurisdiction elections located in the County but also enhance the voting experience for all LA County voters (with special focus on those voters with special voting needs). VSAP is scheduled for completion in time for the 2022 election cycle, which (as was stated) is the reason for the built-in flexibility contained in the California Voter Participations Rights Act.

In the event that the City chooses not to change the timing of City Council elections in the Charter in time for the 2022 election cycle, Pasadena would be one of just a few surrounding cities able to conduct local elections on “off-year” dates from the regular statewide election dates. As a consequence, Pasadena voters would be asked to vote more frequently than other voters in surrounding cities. In addition, the City would be utilizing the Opto-Mark Voting System, and would not be able to leverage the enhancements gained as part of the modernized voting system to come from VSAP. Ultimately, this could lead to criticism from Pasadena residents having to vote more often and to use antiquated voting methods on off-year elections.

Following is a preliminary list of issues that should be discussed by the City when considering a change to statewide election dates in order to comply with the California Voter Participations Rights Act:

- 1) Accountability, cost, and benefits of City v. County election administration
- 2) Enhancements by County's VSAP to City's current voting system
- 3) Increased length of ballot and voter fatigue
- 4) Relegation of local issues appearing below federal, state, and county ballot issues
- 5) Increased length of time between primary and general elections (longer periods of campaigning, increased campaign costs, etc.)

- 6) Local issues overshadowed by state and national issues
- 7) Additional voting dates required for Pasadena voters

AB 952: (GARCIA) LOCAL GOVERNMENT VACANCIES

At the October 26, 2015 Legislative Policy Committee meeting, Councilmember Madison requested information on a recent bill signed by Governor Brown, AB 952 (Garcia) regarding the filling of vacancies for an unexpired term of an elected City Council office and whether this change in the law will apply to charter cities.

Following is a summary of AB 952 (full text is provided as Attachment C):

“Existing law requires a city council, within 60 days of a vacancy in an elective office, to fill that vacancy by appointment or call a special election to fill the vacancy, and provides that a person elected or appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

This bill would instead provide that if the council fills a vacancy in an elective office by appointment, and that vacancy occurred in the first half of the term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy holds office until the next general municipal election at which a person is elected to fill that vacancy, and thereafter, until the person elected is qualified. The bill would additionally provide that if the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of the term of office, the person appointed to fill the vacancy holds office for the unexpired term of the former incumbent.”

Pasadena City Charter Section 404 states, “If a vacancy occurs among any other members of the City Council, the remaining members shall within 75 days after such occurrence appoint a qualified resident voter of the unrepresented district who shall hold office until the office is filled at the next general municipal election. If the City Council cannot agree on one person to fill the vacancy, the replacement shall be chosen by lot.”

In comparing the provisions contained in AB 952 and City Charter Section 404, both are similar in that any appointment made by a City Council to fill a vacancy for an elective office would not be for the remainder of the unexpired term, but rather until the next general municipal election. This ensures that the length of the time for an individual to serve as an appointed Councilmember would be limited to no more than two and half years. In contrast, AB 952 also includes the existing language contained in California Government Code Section 36512(b) that provides authority to a City Council to call a special election within 60 days. Pasadena City Charter does not provide such authority (“shall within 75 days after such occurrence appoint a qualified voter”), but rather requires the City Council to make an appointment. In the event that the Pasadena City Council could not agree on an appointee, the City Charter would still not allow for an

election to be held but would instead require that the individual be chosen by lot, presumably to make effective use of public funds and not conduct additional elections for the purpose of filling vacancies on the City Council.

Applicability to Charter Cities

Given that the Pasadena City Charter defines how a vacancy on the City Council shall be filled by appointment, and given that the California Constitution states that properly adopted charter language would supersede inconsistent state law (Cal Const. Article XI, Sec 5: "City charters adopted pursuant to this Constitution...with respect to municipal affairs shall supersede all laws inconsistent therewith"), AB 952 would not apply to the City of Pasadena. In the event the City Council wishes to change the method of filling a vacancy for an unexpired term on the City Council, such an amendment to Charter Section 404 would require a vote of the people.

CHARTER REFORM TASK FORCE CONSIDERATION

As was noted in the FY 2016 Budget discussion, there were a number of issues raised by members of the City Council and the community regarding the need to review the City Charter, prompting the City Council to add \$150,000 to the City Clerk's budget to support a citizen-based Charter Reform Task Force. A preliminary list of issues for a Task Force to consider could include:

- 1) Should the City consolidate election dates with statewide election dates?
- 2) Should the City Council continue to have appointment authority to fill unscheduled vacancies on the City Council?
- 3) Should the timing of the Mayor's election be adjusted to avoid having only some Councilmembers forgo the ability to run for their current elected seat in order to run for Mayor while others do not have to forgo due to the staggered election cycle?
- 4) Should the Mayor and Councilmembers continue to serve part-time or should Councilmembers be employed as full-time members and receive compensation?
- 5) Should there be a limit on the number of terms that a Councilmember/Mayor can serve?
- 6) Is there a need to revisit the City Manager/City Council form of government, by increasing the authority of the Mayor?

Staff is requesting direction on whether to proceed with the coordination of a Charter Reform effort. Once direction is received, work will be completed on a Request for Qualifications for consultant services, as well as a staff report to the full City Council with information on the formation of the Task Force including a proposed charge and timeline. The City Council will need to consider an application and/or appointment process for those interested in serving, with appointments recommended to occur in February or March 2016.

Once formed, the Task Force can assist staff in selecting the consultant, setting a schedule for public meetings, finalizing a list of issues to be considered, and approving the timeline for the final report and preparation of ballot measures.

FISCAL IMPACT

The City Council allocated \$150,000 in the City Clerk's FY 2016 Operating Budget towards the formation and support of a citizen-based Charter Reform Task to review the various potential charter amendment issues, with a recommendation to the City Council on what topics to pursue and put forward to a vote of the residents.

Respectfully submitted,



Mark Jomsky, CMC
City Clerk

INFORMATION ITEMS

- A. 2016 State Legislative Platform: Water & Power Updates*



PASADENA WATER AND POWER

MEMORANDUM

January 26, 2015

To: Legislative Committee
From: Eric R. Klinkner
Interim General Manager

Subject: 2016 State Legislative Platform: Water and Power Updates

This item is for information only.

EXECUTIVE SUMMARY

As a result of recent trends and legislative and regulatory activity during 2015, Pasadena Water and Power ("PWP") will recommend a substantial update to the City's 2016 State Legislative Platform at a forthcoming Legislative Committee meeting. Adopting nine new issues will be recommended, and additional detail will be proposed for several existing platform policies to improve clarity and transparency of PWP's legislative advocacy. The proposed updates will also provide additional policy direction for staff and lobbyists to better facilitate the Mayor's informed and efficient evaluation of advocacy letters. This informational report provides background information and discussion of key developments driving the need to update the platform.

BACKGROUND

The high-profile and heavily regulated utility industry is subject to continuous legislative and regulatory action with impacts which include the reliability and security of the supply and distribution infrastructure, commodity procurement practices, customer service and billing, program design, rate design, and activities and costs associated with climate protection. This all translates to significant financial impacts to our community-ratepayers.

At the state level, hundreds of utility industry-related bills are introduced each year and PWP has been tracking more than 200 such bills annually since 2011. This trend is expected to continue with the increased attention on climate protections, general water awareness, and conservation.

In addition to the new platform issues, PWP's edits to the overall platform language represent a general restructuring similar to the City's Federal platform where the issues are grouped by department, and sub-grouped into related categories. As a result of this reorganization, new headings do not necessarily represent new issues or new policy language.

Environment

The policy language in this section is essentially unchanged. A minor statement has been added to qualify the City's support for renewable energy derived from sustainable sources to those that can be cost-effectively procured.

- **Hydraulic Fracturing.** This issue, which formerly appeared in the Greenhouse Gas Reduction section, has been appropriately relocated to the Environment section. No changes have been made to the policy statement.

Greenhouse Gas Reductions

This section contains significant edits that promote greenhouse gas ("GHG") reduction policies focusing on reduction goals in lieu of the current "piecemeal" approach of individual resource-specific mandates. This is consistent with the Federal Clean Power Plan approach which allows states to determine how best to reach the federally-mandated goals. California should take a similar approach and allow state utilities the same flexibility.

This change is driven by SB 350 (de Leon, 2015) Clean Energy and Pollution Reduction Act of 2015 which was signed into law in 2015, and regulatory proceedings at the California Energy Commission ("CEC") where processes to implement and enforce SB 350 are being developed.

- **Cap and Trade.** This is an existing issue with new language addressing the following:
 - The State's development and implementation of the 2030 Climate Change Scoping Plan Update.
 - The statutory extension of the AB 32 (Pavley, 2006) Cap-and-Trade Program beyond 2020 through passage of SB 32 (Pavley) the California Global Warming Solutions Act of 2006 as re-introduced in 2015.
 - Expand stated support for specific market designs and emissions allocation methodologies in response to the California Air Resources Board ("CARB") development of the post 2020 Cap-and-Trade Regulations.
 - Acknowledge the potential impacts to utilities from transportation electrification initiatives, as proposed in early versions of SB 350 (de Leon, 2015) Clean Energy and Pollution Reduction Act of 2015.

- **Renewable Portfolio Standard (“RPS”).** This is an existing issue with new language which has been relocated to the GHG section as a standalone issue. The language has been updated to reflect concerns over the impact that SB 350’s aggressive RPS target would have to “fully-resourced” utilities like PWP, and also opposition to regulatory oversight that impinges on local control over publicly-owned utilities (“POU”).
- **Distributed Generation.** Existing issue with new language to clarify and qualify conditions needed to continue fostering the growth of distributed generation, and solar in particular. These changes are in response to on-going regulatory activity and several bills, including:
 - SB 550 (Hertzberg); Net Energy Metering (“NEM”), which intends to expand distributed generation by changing the methodology for the purpose of increasing the NEM caps of POUs.
- **Energy Efficiency and Demand Response.** No changes were made to this policy statement.

Operations

- **Cyber and Physical Security.** This is a new issue with new language stating support for development of standard guidance and best business practices and opposition to mandatory compliance with “one size fits all” security regulations. The primary drivers for this change include the California Public Utilities Commission (“CPUC”) Order Instituting Rulemaking for Regulation of Physical Security; which establishes policies, procedures, and rules for the regulation of security risks to electric supply facilities; forthcoming state cyber security legislation; which is expected to be similar to existing federal legislation; and AB 1172 (Chau) California Cyber-Security, which increases the policy-making authority of the California Cyber Security task force.
- **Duplicative Regulatory Reporting.** This is an existing issue with new language in response to AB 802 (Williams, 2015) Energy Efficiency and SB 350 (de Leon, 2015), which both increase energy efficiency reporting. SB 350 gives the CEC the authority to review and approve the Integrated Resources Plans (“IRP”) of POUs. As part of the CEC’s “general rulemaking,” adopted on January 13, 2016, both the IRP and energy efficiency reporting process are expected to be addressed through sub-dockets of the RPS Enforcement Procedures for POUs. In addition, AB 1110 (Ting D) Greenhouse gases emissions intensity reporting, would add greenhouse gases emissions reporting to utility Power Content Label Disclosure reports.
- **Green Job Training.** No changes were made to this policy statement.

Water Financing

This section represents a new heading to reorganize existing language related to Public Goods Charge, and Proposition 218. It also includes new language in support of conservation based rates and Low-Income Water Rate Assistance.

- **Public Goods Charge.** This is a new issue utilizing existing language opposing efforts to mandate a state water public goods charge unless funds remain within the community. Also known as a public benefit charge or water tax, this statement was previously under the heading of Bay Delta Conservation Plan. As this issue has become more prevalent, and in response to a 2015 budget trailer bill attempt to institute a state water tax, PWP's platform update places this policy statement under its own heading.
- **Proposition 218 Reform.** This is an existing issue with new language supporting the joint efforts of the League of California Cities and the Association of California Water Agencies to reform Prop 218 through a constitutional amendment. The measure would create a new, optional funding method local agencies can use to finance stormwater management and flood control projects, set rates for customers to encourage conservation and reduce water and sewer bills for low-income customers.
- **Low Income Water Rate Assistance.** This is a new issue that expands on language from the original Proposition 218 policy statement reflecting support for flexibility for local water agencies to establish low-income water user rates. In October 2015, Governor Brown signed AB 401 (Dodd, 2015) paving the way for this issue but since POUs are bound by Prop 218 the bill only applies to Investor Owned Water Agencies. In the Governor's signing message, he states his administration will work with the legislature to address a number of limitations Prop 218 puts on public water agencies, including the restriction on Low-Income Water Rate Assistance. In response, the policy statement has been updated to include language specifying support for locally developed and administered low-income water rate programs.

Water Infrastructure

This section represents a new heading to reorganize existing language related to State Water Project, Bay Delta Conservation Plan, and Reservoir Rehabilitation.

- **Protection of the State Water Project.** No changes were made to this policy statement.
 - **California WaterFix** (formerly Bay Delta Conservation Plan). This is an existing issue with new language. The state has re-branded the Bay Delta Conservation Plan ("BDCP") Alternative 4A, as the "California WaterFix." The platform has been updated to reflect support for the California Environmental Quality Act ("CEQA")-preferred option as the best alternative to meet California's co-equal goals of water supply reliability and Delta ecosystem restoration.

- **Reservoir Rehabilitation.** No changes were made to this policy statement.

Water Resources

- **Drought.** This is a new issue with new language. In March 2015, Governor Brown signed the Legislative Drought Package. AB 91 and AB 92 provided over \$1 billion in funding for drought relief and critical water infrastructure projects.
- **Water-Energy Nexus.** This is a new issue with new language detailing support for water-energy initiatives and associated policies and funding sources available through GHG Reduction funding and state emergency drought funding specific to water-energy nexus projects.
- **Recycled Water.** This is an existing issue with new language supporting regulatory policy and funding to significantly increase the use of recycled water for non-potable purposes.
- **Recycled Water for Direct Potable Reuse.** No changes were made to this policy statement.
 - **Groundwater.** This is a new issue with new policy language expressing support for responsible groundwater management and the need for recognition of existing and historical local extraction practices. This statement is intended to support California's recent suite of groundwater management legislation and acknowledge that provisions need to be made for Pasadena and other participants in historically adjudicated groundwater basins.
 - **Greywater.** This is a new issue with new language. As a result of the drought there has been a significant increase in water related legislation. Specifically, AB 91 and AB 92 of 2015 provided over \$1 billion in funding for drought relief, water conservation programs and critical water infrastructure projects. PWP is soliciting support for its grant application to the Bureau of Reclamation Water Conservation for our greywater "Laundry to Landscape" program.
- **Safe Drinking Water.** This is an existing issue with new language to support legislative and regulatory activities that ensure a fair and balanced compliance and enforcement structure for potable and related water discharges. This is in response to changes in regulations enforcing the Clean Water Act that conflict with the ability of drinking water suppliers to adequately comply with the requirements of the Safe Drinking Water Act.
- **Integrated Regional Water Management Plan.** This is an existing policy statement and only non-substantive changes were made to the language.
 - **Environmental Planning - CEQA.** This is a new issue with new language intended to support non-controversial improvements to the CEQA reporting and filing processes.

CITY OF PASADENA, CALIFORNIA

2016 State Priorities – Part I

Guiding Principles

1) **Preserve Local Funding**

The City supports the protection of existing state and local funding sources and the authorities that provide revenues to the City of Pasadena. Such areas include the protection of state-shared revenues, assets of the former redevelopment agency, and the ability to collect compensation for the use of the public right-of-way or city-owned facilities. The City opposes any new mandates that are unfunded and/or inadequately funded.

2) **Preserve Local Authority**

The City supports local decision-making authority and opposes preemption of local control. Cities are voluntarily created by residents of the community to provide local self-government and make decisions at a local level to best meet the needs of that community. Each community has unique needs and characteristics that are best met by policies set by its local governing body. Recently, various high-profile legislation has been introduced which intends to supersede local discretion and land use controls generally established to maintain the community's immediate quality of life standards. Statewide efforts to remove the ability to set policy at the local level should be opposed, while legislation that allows flexibility in the City's effort to cost-effectively meet energy goals and mandates should be promoted.

CITY OF PASADENA, CALIFORNIA

2016 State Priorities – Part II

Legislative Priorities

ENVIRONMENT

The City of Pasadena seeks to increase its role in promoting environmental stewardship and urban sustainability through activities such as the endorsement of the United Nations Green Cities Declaration, the U.S. Conference of Mayors Climate Protection Agreement, and the adoption of the Urban Environmental Accords Action Plan.

The City supports legislation that: 1) improves the availability of renewable energy; 2) increases energy efficiency; 3) reduces greenhouse gas emissions; 4) reduces waste to landfills; 5) reduces the use of non-renewable resources in the manufacture of products; 6) supports green buildings and advances urban planning while protecting wildlife

habitats; 7) improves opportunities for environmentally beneficial jobs; 8) enhances parks and recreational opportunities; 9) increases the urban forest canopy; 10) increases affordable public transit; 11) supports cleaner emissions from vehicles; 12) improves air quality; 13) ensures and conserves safe drinking water, and 14) supports sustainable urban watershed and wastewater planning and implementation. The City also supports renewable energy derived from sustainable resources such as wind, geothermal (steam), landfill gas (methane produced from decomposing waste), solar, and hydroelectric facilities *that can be cost-effectively procured for residents and businesses.*

The City supports air quality legislation that may include strategies to mitigate emissions. The City also supports port operations which reduce air pollution as well as relieve traffic congestion. This is best demonstrated through Pasadena's use of alternative fuel vehicles for the city transit service and the recognition that more State attention should be focused on the ports and the movement of goods.

As a founding member of Green Cities California, Pasadena, in collaboration with the other member agencies, also supports legislation that: reduces or eliminates single use bags and promotes reusable bags statewide; proposes or supports funding to local governments to assist in implementation of Assembly Bill (AB) 32 - 2006 Global Warming Solution Act; preserves funding for transit; and establishes extended producer responsibility for waste reduction.

Hydraulic Fracturing

Pasadena supports responsible and transparent requirements for hydraulic fracturing to ensure that such processes continue in a safe and environmentally-responsible manner that considers public health, water supply, and the environment. Pasadena supports and acknowledges the critical role that oil and natural gas fracking plays in the economic and reliable integration of renewable energy generation and the displacement of higher-emitting generation resources.

GREENHOUSE GAS REDUCTION

The City fully embraces greenhouse gas ("GHG") reduction and has adopted an aggressive 60% greenhouse gas reduction goal for its municipal electric utility, Pasadena Water and Power. Achieving this goal through a combination of aggressive energy efficiency, decreasing use of existing coal commitments while increasing renewable resources, and retrofitting aging resources with modern technology will impose a considerable burden on the City's electric ratepayers.

Pasadena believes that statewide policy should take a holistic/integrated approach to achieving GHG reductions and focus on overall GHG reduction goals in lieu of the current "piecemeal" approach of individual resource specific mandates like the current Renewable Portfolio Standard ("RPS") targets. Consistent with the Federal Clean Power Plan, an integrated approach to achieving GHG reductions is the most direct way to impact climate change. Goals include:

- *Investment in energy efficiency to reduce energy use and consequently reduce GHG emissions*

- *Adoption of electric vehicles and supporting infrastructure to reduce vehicle emissions, which continue to be the largest contributor to GHG emissions*
- *Modernizing the existing generation fleet which will reduce fuel use and emissions, while improving reliability*

This integrated approach to GHG reductions would result in a more cost-effective path to a low carbon electric energy sector that maintains reliability, integrates renewable resources, and provides economic and air quality benefits in communities across the State of California.

Pasadena opposes GHG emissions reduction legislation that would add financial risk, create regulatory uncertainty, impact participation in the Cap and Trade program, or that penalizes early voluntary action.

Cap and Trade

As the State considers development and implementation of the 2030 Climate Change Scoping Plan Update - statutorily extending the AB 32 (Pavley, 2006) Cap-and-Trade Program beyond 2020, the City urges that a sufficient amount of emission allowances be allocated to retail electric utilities, such as Pasadena Water and Power. This allocation should be based on the historic allocation methodology to offset the added burden of emissions costs under a cap and trade system. The City also supports the policy of administratively providing free emission allowances to retail electric utilities in proportion to their expected future emissions and to recognize potential impacts to the utility sector from transportation electrification initiatives. Pasadena advocates for legislation that decreases the burden of cap and trade regulations, with meaningful cost containment strategies, or minimizes the duplicative burden of state and federal (e.g. Environmental Protection Agency ("EPA") Clean Power Plan implementation) on California consumers. Pasadena further advocates for efforts to consolidate, coordinate, and streamline associated data reporting.

Pasadena supports cap-and-trade market designs that:

- *Acknowledge renewable resources as zero- carbon resources that should not bear any greenhouse gas compliance burden;*
- *Allocate allowances that help mitigate impacts to Pasadena's community-ratepayers while providing incentives for utilities to move to lower GHG emission portfolios;*
- *Provide flexible compliance mechanisms such as banking and borrowing of allowances; and*
- *Allocate funds generated from cap-and-trade markets to GHG reduction related activities, and do not treat them as a revenue source for the state's General Fund.*

Renewable Portfolio Standard

As RPS legislation is being considered and SB 350 (de Leon, 2015) is being implemented, Pasadena strongly supports legislation that improves procurement flexibility. RPS procurement requirements should not limit procurement choices and

must consider each utility's unique circumstances, existing commitments, and customer needs.

Through long-standing strategic integrated planning processes, Pasadena Water and Power has maintained sufficient long-term energy supply resources that meet forecast retail energy demands and reserve obligations through the year 2027. As the requirement for renewables increases, fully-resourced utilities like Pasadena Water and Power could be forced to "dump" energy purchased or generated from resources financed with tax-exempt municipal bonds or strand publicly-financed assets.

The City supports broader strategies for compliance and considerations for market and operational challenges so that RPS legislation can meet intended environmental goals, protect ratepayers from unnecessary economic impacts, and provide fully-resourced utilities an alternative to opting out of RPS compliance.

Pasadena opposes RPS legislation that extends California Energy Commission ("CEC") jurisdiction over Publicly Owned Utilities ("POU"). Local elected governing bodies, such as the City Council, are best positioned to determine the appropriate means for local utilities to achieve GHG reductions.

Distributed Generation

Pasadena believes that Distributed Generation ("DG") can and should play an important role in its renewable portfolio. In order to continue fostering the growth of DG, and solar in particular, it is important that DG customers share in the costs of keeping the grid operating safely and reliably. Net Energy Metering policies and Feed-In Tariffs need to be designed to reflect costs and assure that those who benefit from the grid contribute to its buildout and maintenance.

The City supports legislation and regulations that provide local control and support for:

- *equitable rate design and tariffs;*
- *balancing state and local policy implementation and ratepayer equity;*
- *cost-effective storage integration;*
- *cost-effective clean distributed generation and cogeneration projects, standards, and permitting requirements for connecting resources to the local distribution system; and*
- *ratepayer protections from deceptive or misleading sales practices by third-party leasing companies.*

Pasadena strongly encourages allowing all renewable distributed generation to count as Portfolio Content Category ("PCC")-1 resources, particularly given the State's requirement of 50% renewables by 2030. The current PCC-3 RPS categorization undervalues such resources. In addition, California's local renewable resources should be valued above out-of-state renewables under California's RPS laws. Accessing a broader renewables market is the best and most cost-effective way for California's utilities to meet the ambitious 50% RPS mandate.

Energy Efficiency and Demand Reduction

The City believes that energy efficiency and demand reduction programs provide significant energy savings and peak demand reduction. The City supports funding opportunities and incentives for the evaluation and initiation of new cost-effective demand reduction programs to offset residential and commercial energy use and costs.

OPERATIONS

Cyber and Physical Security

Pasadena supports the development of standard guidance and best business practices for consistent and ongoing actions to reduce vulnerabilities in physical security and process control systems for utilities. The city opposes mandatory compliance with "one size fits all" security regulations that circumvent local control of city assets.

Duplicative Regulatory Reporting

Pasadena has a history of conservation efforts through the use of electronic correspondence and regulatory reporting. Pasadena supports efforts to eliminate unnecessary and duplicative reporting requirements, and streamline regulatory reporting and data submittals to multiple state regulatory agencies, including the CEC, California Air Resources Board ("ARB"), and the California Independent System Operator ("CAISO"), while still ensuring public transparency of records and data.

Green Job Training

In conjunction with Pasadena Water and Power and in support of the City's commitment toward energy efficiency and environmental quality, opportunities that integrate green skills and certifications into existing traditional utility jobs are always being explored. The City enthusiastically promotes career pathway programs and job training for green industries, including smart grid and solar industries.

WATER FINANCING

The City supports greater flexibility for local water agencies in establishing rates for water usage such as providing low-income water user rates, conservation based rates, or funding for recycled water infrastructure development.

Public Goods Charge/Water Tax

The City opposes efforts to mandate a state water public goods charge unless funds remain within the local community. The City supports the creation of an appropriate source of State funding (e.g. the General Fund) for sensible and long-term solutions to address statewide water needs.

Pasadena supports beneficiary pays methodologies- to prevent taxes or fees, in particular those imposed on Pasadena's community-ratepayers, to fund infrastructure improvements, or the cost of other water- related issues.

Proposition 218 Reform

Pasadena supports Proposition 218 reform efforts to enhance *the ability of public water agencies to finance storm water and recycled water infrastructure; provide flexibility for the establishment of conservation-based tiered rate structures; and allow public agencies - at their discretion, to implement lifeline water rates for low-income households.*

In 1996, California voters approved Proposition 218, which added Article XIII D to the California Constitution. Section 6 of this article requires that water rates for any class of water users be proportionate to the costs of providing that service. While the City of Pasadena believes public water agencies should be accountable for the revenues they generate through rate setting and that those revenues should be commensurate with the costs of providing service, the strict proportionality and other provisions of Proposition 218 have had some undesirable consequences for many public water agencies. One concern is the difficulty of financing recycled water and storm water infrastructure. Environmental regulations under the Clean Water Act are making it increasingly necessary to capture and manage storm water, and California's historic drought necessitates the utilization of all available water sources. However, Article XIII D makes it difficult to finance the necessary infrastructure, limiting the efforts of local public agencies. The strict proportionality requirements of Article XIII D also constrain the ability of local water agencies to establish conservation-based tiered rate structures, or to implement lifeline water rates to make water service more affordable for low-income households.

Low- Income Water Rate Assistance

Water service is a critical "lifeline" service. Water affordability is a central element to water access. When costs make water unaffordable, it can pose serious health and safety issues. Pasadena supports locally administered low-income water rate assistance programs and legislation that would enable public agencies, at their discretion, to develop and implement lifeline water rates for low-income households.

WATER INFRASTRUCTURE

The City supports the use of statewide bonds as a sustainable option to manage California water resources that support regional and local priorities.

Protection of the State Water Project

The State Water Project is the primary drinking water source for more than 18 million Southern Californians. Sixty-one percent of Pasadena's water supply is imported from the Metropolitan Water District of Southern California ("MWD"), whose primary water source comes from the State Water Project. The City supports funding opportunities and legislation that will improve the State Water Project in areas of water quality, water supply, water conveyance and facilities, and storm water.

California Water Fix

Pasadena supports the state, federal and California Environmental Quality Act ("CEQA")-preferred option to implement the Bay Delta Conservation Plan. The Plan provides for three new intakes on the Sacramento River in the northern Delta and a

9,000 cubic foot per second tunnel system under the Delta to convey that water to the existing aqueduct system. This conveyance alternative, coupled with a comprehensive habitat conservation plan for the Delta, is the best alternative to meet California's co-equal goals of water supply reliability and Delta ecosystem restoration.

The City supports state and federal funding for water ecosystem projects that are cost-effective. Direct beneficiaries and cost causers should share in the funding of infrastructure projects that provide long-term benefits to the state and its inhabitants.

Reservoir Rehabilitation

The City's 2002 Water System Master Plan has identified the City's reservoir facilities as being vulnerable to seismic damage from an earthquake occurring in the Sierra Madre fault system. Rehabilitation of the City's reservoir facilities will increase the water system's reliability and water quality and the City will seek state funding assistance for these projects.

WATER RESOURCES

Long term water resources management planning is a major concern for California. The City supports grant funding for *water resources planning*, programs, projects and implementation.

Drought

The City believes it is important to encourage customer participation in drought relief efforts. Through Pasadena Water and Power, the City promotes the use of drought-tolerant landscaping and supports state and federal tax incentives designed to further engage customers in water conservation. The City also supports State funding for turf replacement and other water use efficiency programs.

Water-Energy Nexus

Pasadena recognizes the interdependence of water and power – that water deliveries depend on sustainable electric power and power assets rely on sustainable water deliveries.

The City encourages development of water-energy initiatives, and supports:

- *Policies that recognize and support the significant impact that water conservation, water use efficiency, and water recycling can have in reducing greenhouse gas emissions;*
- *Federal and state funding for water-energy conservation projects and programs including greenhouse gas reductions (e.g., the Governor's drought package and cap and trade funds);*
- *Policies that recognize hydropower as a domestic source of climate-friendly renewable energy that also benefits flood control, water supply, air quality and the economy;*
- *Energy intensity policies and programs that recognize the need for water utilities to have flexibility in defining supply portfolios that both address local and regional needs and reliance on diverse water sources to help ensure long-term sustainability.*

Pasadena opposes efforts to institute a "loading order" for water resources, which would limit the decision-making options of water utilities critical to the future of water supply reliability.

Recycled Water

The City supports legislation, *regulatory policy, and funding to significantly increase the use of recycled water in California as an alternative water supply for irrigation, landscape, and industrial purposes.* The City promotes recycled water as a resource rather than a waste and supports funding opportunities for the implementation and construction of a recycled water distribution system.

Recycled Water for Direct Potable Reuse

Pasadena promotes consolidation and simplification of water recycling statutes and supports the development of uniform water recycling criteria for direct potable reuse.

Groundwater

Pasadena supports legislation and regulation that promote responsible groundwater management while recognizing existing and historical local extraction practices. The City also supports:

- *Land use policies that preserve and protect groundwater recharge basins.*
- *Increased use of storm water and recycled water for the recharge of groundwater basins in a manner that does not degrade groundwater quality.*
- *Science-based policies that protect groundwater basins from contamination.*

Greywater

Pasadena supports expanding the utilization of greywater as an alternative to potable water for irrigation and landscaping purposes. Fundamental to this expansion are standards for commercial and residential greywater systems developed with the concurrent goals of protecting public health and water quality.

Safe Drinking Water

Regulations on safe drinking water are becoming increasingly stringent on local jurisdictions associated with water departments and local and regional water districts. The City supports funding opportunities for contaminated groundwater treatment facilities in order to comply with new water quality regulations. The City also supports legislation that revises water quality testing standards based on scientific data as well as *legislative and regulatory activities that will help ensure a fair and balanced compliance and enforcement structure for potable and related water discharges.*

Integrated Regional Water Management Plan ("IRWMP")

Pasadena supports the IRWMP as a regional planning effort that will address water supply and water quality needs and objectives by integrating strategies and projects that may include water conservation and recycling, desalination, conjunctive use, flood management, storm water and urban runoff quality, wastewater quality, habitat

restoration and protection, wetland enhancement and creation, recreation, open space, sustainable urban watershed and other water resources management initiatives.

Environmental Planning

The City supports administrative or legislative action to improve clarity and workability of the California Environmental Quality Act. Specifically, efforts to streamline CEQA provisions that would result in meaningful reform to reduce obsolete noticing provisions, allow CEQA documentation to be filed electronically with the Office of Planning and Research, and permit the online payment of fees.

Abatement of Nuisance Liquor Stores

Several nuisance liquor stores in the City have been cited for illegal ACTIVITIES including selling to minors. With the passage of SB 148 (See) a process exists to commence the elimination of nuisance liquor stores and the associated impacts from the affected communities. The City continues to request our legislators to create legislation that would provide local government with more control over the abatement of nuisance liquor stores.

California Vehicle Code

The City seeks legislative amendment to the language in the California Vehicle Code (CVC) related to the definition of local streets in the section pertaining to speed traps and setting speed limits. These changes are sought to provide greater flexibility in setting speed limits on residential collector and arterial streets with older street systems. Modifying the CVC to make the language more definitive with regard to how a local street is defined would provide more assurance to local communities. If a city had the option to use the criteria in paragraphs A-C of CVC 40600.2 (b) (1) rather than being forced to use functional classification, streets that are local in design would be considered "local" regardless of functional classification and would be exempt from having to comply with the requirement to conduct an engineering and traffic survey to set the speed limit.

Density Bonus

The City supports changes to the current State Density Bonus law that will restore local control. These changes should allow cities to maximize their ability to protect local quality of life and retain the unique character of their communities. The City supports special consideration in meeting the State Density Bonus law for cities like Pasadena that have consistently invested in affordable housing projects/programs. Cities that have achieved appropriate housing goals, demonstrated commitments to affordable housing, complied with zoning requirements, etc. should not be penalized by the imposition of State law which diminishes local authority. The City supports compliant cities being granted relief and/or flexibility in response to the State Density Bonus law with greater

CITY OF PASADENA, CALIFORNIA
2016 State Platform

regulatory attention focused on non-compliant jurisdictions to address their affordable housing needs.

Telecommunications

In 2006, California enacted legislation that shifted franchising of video service providers from the local to the state level. While the legislation largely preserved local governments' ability to regulate placement of telecommunications infrastructure in the public rights-of-way, cities lost control in several other areas of telecommunications regulation. Clean-up legislation may be necessary at the upcoming legislative session. In addition, states other than California have adopted legislation that prohibits cities from providing telecommunications services, as well as legislation to limit regulation of private-sector telecommunications facilities use of the public rights-of-way.

The City supports legislation clarifying regulation of video service providers to preserve: Public Educational & Government (PEG) funding and channels; cities' rights to collect and audit franchise fee payments; local regulation of placement of telecommunications infrastructure in the public rights-of-way; and local government input in the state franchising process.

The City opposes any legislation that would further diminish the City's ability to make future decisions to offer telecommunications services directly or to control the use of the public rights-of-way for telecommunications infrastructure.

Workers Compensation

Recent improvements in the workers' compensation system were the result of many individuals seeking to resolve specific issues. The system needs additional work to continue to move toward fair and equitable programs.

The City supports legislation that would control medical and legal costs. The City opposes legislation that would repeal the recent workers compensation reforms, or that would exempt public safety employees from those reforms.

Employee Compensation and Terms of Employment

The City supports local control over employment decisions not already preempted by State law. Each year the legislature introduces numerous bills which have the effect of eroding local control over employment, including such things as compensation and benefits, collective bargaining agreements, and employee rights and privileges. Inasmuch as each city is unique, it is important to maintain local control over the discretionary nuances of employment that are not already regulated by State or federal law or regulation. The City opposes legislation that would preempt local control over employment, compensation and benefits, collective bargaining and employee rights and privileges. More specifically, the City opposes any bill to establish citizen compensation commissions or committees, or such compensation commissions or

CITY OF PASADENA, CALIFORNIA
2016 State Platform

committees of combined membership with private citizens and any other persons or entities, when said commission or committee is charged with regulating local decision making with regard to compensation of local officials or employees.

The City also opposes any bill that would limit local control over determining its own pension plans, pension financing, or the right to contract with the State Public Employment Retirement System for appropriate pension formulae and benefits available under State law. The city will continue to be proactive in tracking changes to the recently passed pension reform bill to protect and enhance the positive aspects of the recent changes and to ensure the maximum flexibility in local decision making for the city and its employees.

Support for Affordable Housing

The City has implemented an aggressive and innovative program to maximize the use of resources for the creation of housing for low and moderate-income individuals and families, including the implementation of an effective citywide inclusionary housing ordinance.

The City supports legislation that would provide additional resources for the development of affordable housing programs, the enforcement programs to protect existing housing stock. The City supports legislation that would require municipalities to provide assistance to homeless individuals that reside within their jurisdictions either directly or through the financial support of homeless service agencies that provide services within or directly adjacent to the jurisdictions. The City opposes new regulations that would create cumbersome processes or other obstacles to the development of affordable housing and/or the provision of homeless services, as well as any new legislation that would prohibit or limit local regulatory mechanisms designed to increase affordable housing production (e.g., inclusionary housing programs).

Expand Health Coverage

In Pasadena, an estimated one out of every four residents does not have adequate health coverage. Some are uninsured children who are eligible, but not enrolled in available programs. Many are working poor whose employers do not provide insurance or have reduced their coverage due to increasing health care costs. People who are uninsured and underinsured face significant barriers in obtaining needed health services, often leading to needless death, disability, and increased costs of care. Social, economic, racial and ethnic factors also contribute to significant health disparities. To address these issues, the City supports legislation to improve health coverage in a comprehensive manner provided adequate funding and cost controls are in place. Expansion in health insurance programs would also help to reduce the burden of unreimbursed care provided by local emergency services, which has led to a crisis in the emergency medical system in Los Angeles County.

CITY OF PASADENA, CALIFORNIA
2016 State Platform

The City recognizes that several health care reform mechanisms have been introduced by the Governor and in the Legislature. The City supports enhancement to state sponsored health care mechanisms consistent with the set of principles approved in October 2009 by the Pasadena City Council to guide comprehensive health care reform:

- Reduce long-term growth of health care costs for families, individuals, businesses and government;
- Protect families from bankruptcy or debt because of health care costs;
- Guarantee choice of doctors, hospitals and health plans and the choice of a private or public health care plan;
- Invest in prevention and wellness;
- Improve patient safety and quality of care for all Americans;
- Maintain coverage when someone changes jobs or loses a job;
- Assure affordable, quality health coverage for all Americans;
- End barriers to coverage for people with pre-existing medical conditions;
- Eliminate fraud, waste, and abuse in government health programs;
- Hold insurance and drug companies accountable by ensuring that people are not overcharged for prescription drugs, not discriminated against for pre-existing conditions;
- Support public hospitals, other providers, and the health care safety net so that those who fall through the cracks of expanded health coverage may still receive care, and so that surge capacity is available in cases of public health emergencies; and so that the cultural competencies achieved by providers serving diverse populations are preserved and enhanced in the reformed health care system.

The City also encourages the state government to provide resources to strengthen the existing public health infrastructure by: 1) helping to address the growing number of uninsured individuals who are unable to access care; 2) developing effective and coordinated communication, preparedness, and response systems for bioterrorism, emergence of new infectious disease threats and other public health emergencies, and 3) assisting with the reduction of health disparities, examination of environmental influences on health and wellness, and expansion of substance abuse recovery programs.

Protection of Children against Sexual Predators

Although the Police Department continues to monitor registered sex offenders, not all released offenders comply with registration requirements. The failure of offenders to register, places an additional strain on Police Department resources due to the resultant need for investigations and the issuance of warrants.

The City supports legislation to increase periods of incarceration for people who commit sex crimes against children, as well as additional law enforcement tools to track sex registrants after they are released from prison.

Incorporate the Region's Needs in Emerging Climate Change and Sustainability Programs

CITY OF PASADENA, CALIFORNIA
2016 State Platform

As Climate Change legislation is being developed and implemented the City of Pasadena supports legislation that provides funding for infrastructure needed to support Transit Oriented Development (TOD). Support efforts to encourage smart growth and TOD that preserve the authority of local agencies. Support initiatives that promote demand management and other greenhouse gas reduction strategies. Support legislative efforts which advocate for the connection between sustainable community strategies and funding for the projects and programs needed to support increased non-auto travel.

Group Homes

The City supports legislation that would provide increased oversight by the State and/or reduce the potential for over-concentration of group homes within a defined geographic area. The City also supports neighborhoods' concerns regarding residential care facilities that serve as "sober living" homes. Since federal law classifies recovering drug and substance abusers as handicapped and allows unrestricted location of group homes for the handicapped, local governments have little control over the placement of these sober living facilities in their communities. While the City does not oppose the presence of residential group homes in Pasadena, we believe, like any other home or business, we should have some say over their placement within a community.

CITY OF PASADENA, CALIFORNIA
2014 State Platform -- Part III

Funding Priorities

Metro Gold Line Foothill Extension Phase 2B

The second phase of the Gold Line is a much-anticipated addition to the transportation system throughout the San Gabriel Valley and beyond. Phase 2B of the Gold Line Foothill Extension will extend the light rail line from Azusa to Montclair. This extension will relieve congestion in the area and provide a greater modal choice for residents of the San Gabriel Valley. The City also supports funding and/or legislation that would expedite the completion of Phase 2B of the Metro Gold Line Foothill Extension. The City advocates that San Gabriel Valley cities continue to have a role in the administration of the construction of the Gold Line.

Completion of the 110 Freeway

Many of the major north/south arterial streets in the southwest portion of the City are operating at capacity during peak hours with overflow traffic spilling onto residential

streets. In March 2001, Pasadena voters passed an uncodified initiative known as Measure A. This measure resulted in an ordinance passed by the Pasadena City Council which in parts indicates that (1) The policy of the City of Pasadena favors completion of the 710 Freeway between the I-210 and Freeway and the I-10 Freeway, and (2) This ordinance shall not be repealed or amended except by a vote of the people. The California Department of Transportation's (Caltrans) Notice of Determination for the previous Environmental Impact Report (EIR) associated with the originally contemplated surface transportation project to complete the 710 freeway was withdrawn by a vote of the California Transportation Commission on April 8, 2004.

The Metropolitan Transportation Authority (Metro) and Caltrans are the lead agencies responsible for preparation of all environmental documents related to the current proposals for the SR710 Extension project. Metro is completing an Alternatives Analysis prior to preparing an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that will ultimately result in the selection of a locally preferred alternative that will attain the project goal of reducing traffic congestion in the study area for the project, which is generally bordered by State Route 2 and Interstates 10, 210 and 605. Metro's current plans anticipate completing the Final Environmental Document in April 2015 with Metro adopting a Record of Decision (ROD) by July 2015. City staff continues to represent Pasadena as a Participating Agency for the SR710 EIS, and continues to represent Pasadena on the Technical Advisory Committee for the SR710 EIR and will return to City Council with further recommendations as information becomes available.

In August 2012, City Council supported Senate Bill 204 and its associated amendments which would authorize the development of a Local Alternative Transportation Improvement Program (LATIP) to facilitate the sale of excess property owned by Caltrans for the Santa Anita 710 Study Area in Los Angeles County.

Public Health Services

As one of the cities in the state with its own public health department, the City provides infectious disease surveillance and control, community health assessment and planning, health promotion and policy development, direct clinical services, and environmental health protection and enforcement activities. The Public Health Department plays a critical role in identifying and responding to outbreaks of disease and other threats to the public's health, including threats from a bioterrorist incident or other emergency.

The City supports any funding that strengthens core public health capacities in all relevant areas and opposes any cuts to funding. The City also supports the practice of designating the award of specific funds directly to local health jurisdictions, rather than through county distribution processes. The City supports continued state funding to local health department jurisdictions in support of preparedness, response, and recovery activities in the event of an infectious disease occurrence such as a pandemic influenza.

Soundwalls

The process for prioritizing soundwall projects needs to be changed to allow the flexibility to address areas of greatest community concern and highest decibel reading. In 1998, the responsibility for soundwall projects was transferred from Caltrans to the Metropolitan Transportation Authority (MTA). The MTA changed the prioritization criteria to focus on high occupancy vehicle (HOV) related projects first, which exhausted all available funding. Projects of community concern, frequently with higher decibel readings, will not qualify for funding for an unknown number of years. The City would like to see legislation to amend the priority criteria for soundwalls to address areas of community concern.

City Parks

Pasadena recently adopted a citywide Park Master Plan that identified a need for park land across the city as well as acquiring open space. There are 24 parks in the City of Pasadena. Presently, there are approximately \$10 million in unfunded park projects in the City's Capital Improvement Budget. These projects include implementing park master plans for our regional, community and neighborhood parks. In addition, the City is also home to the Arroyo Seco. The Arroyo Seco is one of the western edge of the City of Pasadena and extends 8 miles through the city. This segment is a part of a longer 22 mile corridor that makes up the entire Arroyo Seco, a major tributary of the Los Angeles River. It is the City's natural open space, geographically described as a deeply cut canyon linking the San Gabriel Mountains to the Los Angeles River. Pasadena supports legislation that directs state bond funds to assist with the completion of park projects and the acquisition of additional park land and open space.

Public Libraries

The City of Pasadena supports continued funding for California's public libraries. The program delineated in Governor Brown's budget for 2013 included only \$4.7 million to support adult literacy and public library consortia located throughout the state which provide low-cost regional continuing education, materials delivery to borrowing libraries, and negotiated vendor rates. Maintaining funding at this very basic level ensure no further reduction in IMLE's federal funding, but does not provide adequate support levels for either the California State Library or public libraries. Municipal and other local funding entities are called upon to make up the losses incurred by this budget reduction.