



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Positions on State and Local Ballot Measures for the May 6, 2014 and June 3, 2014 Elections

BACKGROUND

This report provides an opportunity for the Sunnyvale City Council to take positions on state and local measures on the May 6, 2014 and June 3, 2014 Ballots. The report summarizes each measure, provides the City's adopted policy on the measure (if any), and a staff recommendation when appropriate. Per Council Policy 7. 3.13 *Support for Councilmembers; Staff-Council Communications*, staff provides analysis and a position recommendation on only those ballot measures that directly impact *City business*. *City business* is defined as all matters directly related to service delivery, or otherwise contributing to the City's operational success (Per Council Policy 7.3.2 *Legislative Advocacy Positions*). **Consistent with other ballot measures, no public funds have been or will be used to campaign for or against these measures.**

Staff's recommendations are generally based on existing City policies from documents such as the General Plan, Legislative Advocacy Positions, and impact on City services and/or operations. Staff has deemed the following measures as *City business* and is recommending the following positions:

State Ballot Measures (June 3, 2014 election)

Proposition 41 (Support)

Veterans Housing and Homeless Prevention Bond Act of 2014.

Proposition 42 (Oppose)

Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment.

Local Ballot Measure (June 3, 2014 election)

Measure AA (Support)

Midpeninsula Regional Open Space District

In addition, the following measure has been deemed not *City business* and does not include staff analysis or recommendation; it is presented for potential Council Action.

Local Ballot Measure (May 6, 2014 election)

Measure A (No Staff Recommendation)

Cupertino Union School District

EXISTING POLICY

Council Policy 7.3.13 *Support for Councilmembers; Staff-Council Communications*: As soon as possible following the release of the Secretary of State's *Official Voter Information Guide* or the Santa

Clara County Registrar of Voter's *Voter Information Pamphlet*, staff will present to Council a report reviewing proposed ballot measures.

ENVIRONMENTAL REVIEW

N/A

DISCUSSION

A brief analysis of each measure follows including a measure summary and, for statewide measures only, the California Legislative Analyst's estimate of state and local government fiscal impact; for those measures deemed *City business*, City staff analysis by the appropriate department, existing City policy citation (if any), and, as appropriate, a staff recommendation are also identified.

Staff recommendation options are: Support, Oppose, No Staff Recommendation, or Take No Position. While the meaning of Support and Oppose recommendations are clear, "No Staff Recommendation" and "Take No Position" are clarified as follows:

No Staff Recommendation - Consistent with City policy, staff does not provide analysis or make recommendations on measures that do not impact *City business* as defined in Council Policy 7.3.2, *Legislative Advocacy Positions*.

Take No Position - Despite a measure's ability to impact *City business*, Staff may recommend that Council abstain from taking a position. This recommendation to remain neutral on an issue may be made for a variety of reasons (e.g., ballot language is not clear; the pros and cons of the business impact cancel each other out; etc.). The reason for recommending this position will be explained as part of the staff analysis.

Measures Deemed *City Business*

Proposition 41: Veterans Housing and Homeless Prevention Bond Act of 2014.

Summary:

- Authorizes \$600 million in general obligation bonds for affordable multifamily supportive housing to relieve homelessness, affordable transitional housing, affordable rental housing, or related facilities for veterans and their families.
- Provides funding for programs to address homeless veterans and those at risk of becoming homeless and annual evaluations of the effectiveness of housing programs funded by the bonds.
- Appropriates money from General Fund to pay off bonds.

California Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Increased state bond repayment costs averaging about \$50 million annually over 15 years.

City of Sunnyvale Staff Analysis: The 2008 Veterans' Housing Bond only provided home buyer opportunities, not rental opportunities, for homeless or at-risk veterans. It is not realistic in this day and age, given prevailing market conditions in most California markets, and current mortgage underwriting standards, to expect homeless people to transition directly from homelessness into homeownership. This is why much of the bond authority from that bond measure has yet to be

utilized. Prop 41 proposes to allow slightly over half of the bond authority that was created by the 2008 bond measure to be used instead to provide affordable rental housing options for homeless veterans. This is a much more realistic and feasible way to provide housing for vets and get them back on the road to self-sufficiency. In addition, cities and non-profit housing providers will be eligible to apply for these funds to finance new affordable housing units for veterans. Any new source of state funding for local affordable housing development would be a good thing for the City and local residents struggling to afford current rents, including homeless vets and others.

Existing City Policy: *General Plan, Housing Element Policy A.7:* Support collaborative partnerships with non-profit organizations, affordable housing builders, and for-profit developers to gain greater access to various sources of affordable housing funds.

2010-2015 Consolidated Plan, Goal B: Alleviation of Homelessness, Objective 1: Help people who are currently homeless or at imminent risk of homelessness to obtain housing, employment or other sources of income, and adequate support services/ networks to achieve stability.

Staff Recommendation: **SUPPORT**

Proposition 42: Public Records. Open Meetings. State Reimbursement to Local Agencies. Legislative Constitutional Amendment.

Summary:

- Requires local government agencies, including cities, counties, and school districts, to comply with specified state laws providing for public access to meetings of local government bodies and records of government officials.
- Eliminates requirement that the State reimburse local government agencies for compliance with these specified laws.

California Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Reduced state payments to local governments in the tens of millions of dollars annually.
- Potential increased local government costs of tens of millions of dollars annually from possible additional state requirements on local governments to make information available to the public.

City of Sunnyvale Staff Analysis: The California Public Record Act (Public Record Act) and the Ralph M. Brown Act (Brown Act) are two state laws which established the rules that local governments must follow to provide public access to local government information and meetings. Over the years, the Legislature has modified the public access laws and the state is typically required to pay local governments for any costs of mandates that increase local government responsibilities. Accordingly, state officials must take repayment requirements into consideration when developing new mandates that increase local government costs.

Proponents of Proposition 42 claim that the measure is about transparency. However for local governments, transparency is not the issue. The City of Sunnyvale complies with the public access laws regardless of whether the City is reimbursed by the state or not. This measure merely shifts the cost of implementing state legislation to local governments.

Proposition 42 would amend the California Constitution to impose the cost of complying with the Public Records Act and Brown Act laws on local governments. The state would not be required to pay

local governments for the costs of following state laws that give the public access to local government information. The measure could also change the future behavior of state officials. The state could make additional changes to the public access laws and it would not have to pay local governments for their costs. Thus, state officials might make changes that they may not have otherwise made.

Existing City Policy: *Long-term Advocacy Position 7.0, Fiscal Management (B)(3)* Oppose any legislation that reduces or erodes local revenues or local control.

Staff Recommendation: **OPPOSE**

Measure AA: Midpeninsula Regional Open Space District

Summary:

To:

- Expand public access to protected land.
- Save local redwood forests.
- Provide clean air and water by restoring land that feeds our lakes, streams, ponds and waterways.
- Preserve agriculture along the San Mateo Coast.
- Restore native vegetation to create a healthy habitat for wildlife and preserve biodiversity.

To improve access to hiking and biking opportunities, protect and preserve redwood forests, natural open spaces, the scenic beauty of our region and coastline, critical wildlife habitat, restore creeks to protect water quality, and reduce forest fire risk; shall Midpeninsula Regional Open Space District be authorized to issue up to \$300 million in bonds, at a tax rate not to exceed \$3.18 per \$100,000 of assessed value of property owned, with expenditures verified by an independent citizen oversight committee?

City of Sunnyvale Staff Analysis: The overall goals of improving access to natural open spaces, protecting critical habitat, and protecting water quality are very much aligned with the City's commitment to clean water, clean air, and a clean Bay. Though most of the measure's proposed projects are outside of the City's jurisdiction, the goal of preserving more of the upstream watershed from development might very well improve the quality (less sediment and litter in storm water) and decrease the quantity of storm water runoff as experienced by the City, which is downstream of many of the proposed projects.

Existing City Policy: *General Plan Goal LT-8 - Adequate and Balanced Open Space:* Provide and maintain adequate and balanced open space and recreation facilities for the benefit maintaining a healthy community based on community needs and the ability of the City to finance, construct, maintain and operate these facilities now and in the future.

General Plan Goal LT-9 - Regional Approach to Open Space: A regional approach to preserving open space and providing open space and recreational services, facilities and amenities for the broader community.

General Plan Goal EM-8 - Protection of Creeks and Bay: Assure the reasonable protection of beneficial uses of creeks and San Francisco Bay, established in the Regional Board's Basin Plan,

and protect environmentally sensitive areas.

Staff Recommendation: **SUPPORT**

Measures Deemed Not *City Business*

All measures deemed not *City business* are presented for potential Council action; however, do not include staff analysis or recommendation.

Measure A: Cupertino Union School District

Summary:

Without increasing the current tax rates, to protect outstanding core academic programs in reading, writing, math and science, retain highly qualified teachers, provide updated classroom technology for a 21st Century education, keep libraries up-to-date, and retain music and art programs, shall Cupertino Union School District consolidate/renew its existing \$250 education parcel tax, without increase, for eight years with citizen oversight, no funds for administrators' salaries, exempt senior citizens, and all funds staying in local schools?

FISCAL IMPACT

There is no fiscal impact to this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Adopt the following positions on the ballot measures: a) **Support Proposition 41**, the Veterans Housing and Homeless Prevention Bond Act of 2014; b) **Oppose Proposition 42** regarding Public Records, Open Meetings, and State Reimbursement to Local Agencies; and c) **Support Local Ballot Measure AA**, a measure by the Midpeninsula Regional Open Space District.
2. Adopt alternative positions on the ballot measures.
3. Take no action at this time.
4. Other action as directed by Council.

STAFF RECOMMENDATION

Alternative 1: Adopt the following positions on the ballot measures: a) **Support Proposition 41**, the Veterans Housing and Homeless Prevention Bond Act of 2014; b) **Oppose Proposition 42** regarding Public Records, Open Meetings, and State Reimbursement to Local Agencies; and c) **Support Local Ballot Measure AA**, a measure by the Midpeninsula Regional Open Space District.

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