



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 08/01/2023

ITEM NO: 16

DATE: July 25, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Provide Direction on Legislative Priorities with Regard to State, Federal, and Regional Legislation and Town Council Policy #2-18: Legislative Policy

RECOMMENDATION:

Provide direction on legislative priorities with regard to State, Federal, and regional legislation and Town Council Policy #2-18: Legislative Policy.

BACKGROUND:

In 2016, the Town Council adopted Council Policy #2-18: Legislative Policy (Attachment 1). This Policy sets forth the procedures for engagement in the legislative process and the types of issues that are appropriate for the Town to state a position.

On March 28, 2023, the Policy Committee discussed a list of potential legislative priorities. These priorities are intended to be helpful to Town Council members as they engage in discussions with State legislators and as the Town considers which bills it chooses to endorse, oppose, or recommend amendments.

DISCUSSION:

Prior to the March 28, 2023 Policy Committee meeting, Committee Chair/Council Member Rob Moore compiled legislative priorities for Los Gatos's State and Federal Representatives (Attachment 2).

At the March 28, 2023 Policy Committee meeting, the Committee unanimously voted to bring these legislative priorities to the full Council.

PREPARED BY: Holly Young
Senior Management Analyst

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Finance Director

DISCUSSION (continued):

Consistent with the Legislative Policy, the following draft legislative priorities were brought to the Policy Committee for consideration because they align with proposals that impact Los Gatos and funding resources:

- Concealed Weapons: In light of the recent Supreme Court ruling, the Town should advocate for legislation that clarifies the concealed carry weapons process and protects sensitive places from the presence of concealed weapons. Senate Bill (SB) 2 is an example of a such a bill. On June 20, 2023, the Council voted to introduce an ordinance to update the Town's Concealed Carry Firearm Licensing Ordinance and prohibit the carry of firearms in sensitive places.
- Clarifications regarding SB 9: The Town may want to advocate for legislation that clarifies SB 9 lot splits and developments in Very High Fire Hazard Severity Zones, affordability requirements, and the attestation of intent to occupy.
- Reform of Proposition 47 and 57: Several bills are expected to address the unintended consequences of these ballot measures. For example, AB 1708 would increase accountability for repeat theft offenders and offer pathways for pre-plea diversion programming.
- Protect Vehicle License Fee (VLF) and Educational Revenue Augmentation Fund (ERAF): As the State may consider how it will address future budget shortfalls, it is critical that the State not take funding from local government. In the past, these two funding sources have been redirected to the State for its own budgeting purposes.
- Internet Sales Tax: With the exception of our Measure G district sales tax, internet sales tax goes into a pool and is distributed based on a jurisdiction's share of the overall sales tax collected in the respective County. In contrast, the Town's Measure G district sales tax is distributed based on the buyer's location, yielding higher revenue for the Town. Changes to the general distribution of sales tax would benefit Los Gatos.

Based on the discussion at the Policy Committee meeting, the proposed legislative priorities are being brought to the full Council for discussion and direction. Council may also wish to provide direction on the Legislative Policy. For example, the Legislative Policy does not outline a process for Council to set legislative priorities and it could be amended to include such a process. Specifically, the Council may direct a draft update to the Legislative Policy to:

DISCUSSION (continued):

- Add language to recognize that the Council may wish to consider its potential legislative priorities on an annual or periodic basis. The priorities themselves would likely change over time and would not be added to the Legislative Policy. With this option, Council may also direct specific legislative priorities for 2023 and 2024; or
- Refine the list of categories for legislative engagement (Legislative Strategies, page two of Attachment 1). With this option, specific priorities would not be required; however, the Council may wish to provide specific guidance on an annual or periodic basis; or
- Address other options.

In addition, the Town Attorney has identified that the “Legislative Position Process” section of the Policy (Attachment 1) may need to be updated to meet the Brown Act and/or other State laws. If so directed, these proposed modifications could return with the draft update of the Policy to address legislative priorities.

CONCLUSION AND NEXT STEPS:

Staff looks forward to the Council’s direction and will return with revised documents based on this direction.

COORDINATION:

This report was coordinated with the Town Manager’s Office and Town Attorney.

FISCAL IMPACT:

There is no associated fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Council Policy #2-18: Legislative Policy
2. Council Member Moore’s Memorandum regarding Los Gatos State and Federal Legislative Priorities