



## CEAC Infrastructure & Development Policy Committee Meeting

16<sup>th</sup> Annual CEAC Policy Conference

Wednesday, September 15, 2021|10:45 am – 12:00 pm

Join Zoom Meeting:

<https://us02web.zoom.us/j/87057858484?pwd=eG9GY29YY09ydHVienRSZWNB21oZz09>

Meeting ID: 870 5785 8484

Passcode: CEAC2021

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### AGENDA

Chair, Trisha Tillotson, Nevada County  
Vice Chair, Rebecca Taber, Placer County  
Vice Chair, Warren Lai, Contra Costa County

- 10:45 am I. **Welcome and Opening Remarks**  
*Trisha Tillotson, Chair, Nevada County*
- 10:55 am II. **Legislative Update**  
*Chris Lee, CSAC Legislative Representative*  
*Marina Espinoza, CSAC Senior Legislative Analyst*  
Attachment One: AB 602 (Grayson, 2021)  
[CEAC Infrastructure and Development Legislative Tracking](#)
- 11:15 am III. **2022 CEAC Legislative Priorities & Policy Guidelines - Action Item**  
*Chris Lee, CSAC Legislative Representative*  
*Marina Espinoza, CSAC Senior Legislative Analyst*  
Attachment Two: CEAC 2021-2022 Legislative Priorities  
Attachment Three: CEAC 2021-2022 Policy Guidelines
- 11:30 am IV. **Rule 20 – Electric Rule Guidebooks – Roundtable Discussion**
- 12:00 pm V. **Adjournment**

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#### Zoom call-in instructions:

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Meeting ID: 870 5785 8484

Passcode: CEAC2021

One tap mobile

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## **LIST OF ATTACHMENTS**

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### **Legislative Update**

Attachment One.....AB 602 (Grayson, 2021)

### **2022 CEAC Legislative Priorities & Policy Guidelines - Action Item**

Attachment Two.....CEAC 2021-2022 Legislative Priorities

Attachment Three.....CEAC 2021-2022 Policy Guidelines

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**Attachment One**  
AB 602 (Grayson, 2021)

AMENDED IN SENATE AUGUST 26, 2021

AMENDED IN SENATE JULY 5, 2021

AMENDED IN ASSEMBLY MAY 4, 2021

AMENDED IN ASSEMBLY APRIL 19, 2021

AMENDED IN ASSEMBLY APRIL 6, 2021

AMENDED IN ASSEMBLY MARCH 18, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 602**

**Introduced by Assembly Member Grayson  
(Coauthors: Assembly Members Chiu and Gabriel)**

February 11, 2021

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An act to amend Sections 65940.1 and 66019 of, and to add Section 66016.5 to, the Government Code, and to add Section 50466.5 to the Health and Safety Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 602, as amended, Grayson. Development fees: impact fee nexus study.

(1) Existing law, the Permit Streamlining Act, which is part of the Planning and Zoning Law, requires each public agency to provide a development project applicant with a list that specifies the information that will be required from any applicant for a development project. The Mitigation Fee Act requires a local agency that establishes, increases, or imposes a fee as a condition of approval of a development project to, among other things, determine a reasonable relationship between the fee's use and the type of development project on which the fee is

imposed. Existing law requires a city, county, or special district that has an internet website to make available on its internet website certain information, as applicable, including its current schedule of fees and exactions.

This bill, among other things, would require, on and after January 1, 2022, a ~~city, county, or special district~~ *local agency* that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to, (1) that prior to the adoption of an associated development fee, an impact fee nexus study be adopted, (2) that the study identify the existing level of service for each public facility, identify the proposed new level of service, and include an explanation of why the new level of service is necessary, and (3) if the study is adopted after July 1, 2022, either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees. ~~The~~

*This bill would require that a local agency that calculates fees proportionately to the square footage of the proposed units be deemed to have used a valid method to establish a reasonable relationship between the fee charged and the burden posed by the development. The bill would declare that its provisions shall not be construed to relieve a local agency from the requirements of the Mitigation Fee Act, the California Constitution, or applicable case law when calculating the amount of a fee.*

This bill would also require a city, county, or special district to post a written fee schedule or a link directly to the written fee schedule on its internet website. The bill would require a city or county to request the total amount of fees and exactions associated with a project upon the issuance of a certificate of occupancy or the final inspection, whichever occurs last, and to post this information on its internet website, as specified. By requiring a city or county to include certain information in, and follow certain standards with regard to, its impact fee nexus studies and to include certain information on its internet website, the bill would impose a state-mandated local program.

(2) Existing law requires the Department of Housing and Community Development to develop specifications for the structure, functions, and organization of a housing and community development information system for this state. Existing law requires the system to include statistical, demographic, and community development data that will be

of assistance to local public entities in the planning and implementation of housing and community development programs.

This bill would require the department, on or before January 1, 2024, to create an impact fee nexus study template that may be used by local jurisdictions. The bill would require that the template include a method of calculating the feasibility of housing being built with a given fee level.

(3) The Mitigation Fee Act requires notice of the time and place of a meeting regarding any fee, that includes a general explanation of the matter to be considered, be mailed at least 14 days before the first meeting to an interested party who files a written request with the city or county for mailed notice of a meeting on a new or increased fee.

This bill would authorize any member of the public, including an applicant for a development project, to submit evidence that the city, county, or other local agency has failed to comply with the Mitigation Fee Act. The bill would require the legislative body of the city, county, or other local agency to consider any timely submitted evidence and authorize the legislative body to change or adjust the proposed fee or fee increase, as specified.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65940.1 of the Government Code is  
2 amended to read:  
3 65940.1. (a) (1) A city, county, or special district that has an  
4 internet website shall make all of the following available on its  
5 internet website, as applicable:  
6 (A) (i) A current schedule of fees, exactions, and affordability  
7 requirements imposed by that city, county, or special district,  
8 including any dependent special districts, as defined in Section  
9 56032.5, of the city or county applicable to a proposed housing  
10 development project.

1 (ii) The city, county, or special district shall present the  
2 information described in clause (i) in a manner that clearly  
3 identifies the fees, exactions, and affordability requirements that  
4 apply to each parcel and the fees that apply to each new water and  
5 sewer utility connection.

6 (iii) The city, county, or special district shall post a written fee  
7 schedule or a link directly to the written fee schedule on its internet  
8 website.

9 (B) All zoning ordinances and development standards adopted  
10 by the city or county presenting the information, which shall  
11 specify the zoning, design, and development standards that apply  
12 to each parcel.

13 (C) The list required to be compiled pursuant to Section 65940  
14 by the city or county presenting the information.

15 (D) The current and five previous annual fee reports or the  
16 current and five previous annual financial reports, that were  
17 required pursuant to subdivision (b) of Section 66006 and  
18 subdivision (d) of Section 66013.

19 (E) An archive of impact fee nexus studies, cost of service  
20 studies, or equivalent, conducted by that city, county, or special  
21 district on or after January 1, 2018. For purposes of this  
22 subparagraph, “cost of service study” means the data provided to  
23 the public pursuant to subdivision (a) of Section 66016.

24 (2) A city, county, or special district shall update the information  
25 made available under this subdivision within 30 days of any  
26 changes.

27 (3) (A) A city or county shall request from a development  
28 proponent, upon issuance of a certificate of occupancy or the final  
29 inspection, whichever occurs last, the total amount of fees and  
30 exactions associated with the project for which the certificate was  
31 issued. The city or county shall post this information on its internet  
32 website, and update it at least twice per year.

33 (B) A city or county shall not be responsible for the accuracy  
34 for the information received and posted pursuant to subparagraph  
35 (A). A city or county may include a disclaimer regarding the  
36 accuracy of the information posted on its internet website under  
37 this paragraph.

38 (b) For purposes of this section:

39 (1) “Affordability requirement” means a requirement imposed  
40 as a condition of a development of residential units, that the

1 development include a certain percentage of the units affordable  
2 for rent or sale to households with incomes that do not exceed the  
3 limits for moderate-income, lower income, very low income, or  
4 extremely low income households specified in Sections 50079.5,  
5 50093, 50105, and 50106 of the Health and Safety Code, or an  
6 alternative means of compliance with that requirement including,  
7 but not limited to, in-lieu fees, land dedication, off-site  
8 construction, or acquisition and rehabilitation of existing units.

9 (2) (A) “Exaction” means any of the following:

10 (i) A construction excise tax.

11 (ii) A requirement that the housing development project provide  
12 public art or an in-lieu payment.

13 (iii) Dedications of parkland or in-lieu fees imposed pursuant  
14 to Section 66477.

15 (iv) A special tax levied on new housing units pursuant to the  
16 Mello-Roos Community Facilities Act of 1982 (Chapter 2.5  
17 (commencing with Section 53311) of Part 1 of Division 2 of Title  
18 5).

19 (B) “Exaction” does not include fees or charges pursuant to  
20 Section 66013 that are not imposed (i) in connection with issuing  
21 or approving a permit for development or (ii) as a condition of  
22 approval of a proposed development, as held in *Capistrano Beach*  
23 *Water Dist. v. Taj Development Corp.* (1999) 72 Cal.App.4th 524.

24 (3) “Fee” means a fee or charge described in the Mitigation Fee  
25 Act (Chapter 5 (commencing with Section 66000), Chapter 6  
26 (commencing with Section 66010), Chapter 7 (commencing with  
27 Section 66012), Chapter 8 (commencing with Section 66016), and  
28 Chapter 9 (commencing with Section 66020)).

29 (4) “Housing development project” means a use consisting of  
30 any of the following:

31 (A) Residential units only.

32 (B) Mixed-use developments consisting of residential and  
33 nonresidential uses with at least two-thirds of the square footage  
34 designated for residential use.

35 (C) Transitional housing or supportive housing.

36 (c) This section shall not be construed to alter the existing  
37 authority of a city, county, or special district to adopt or impose  
38 an exaction or fee.

39 SEC. 2. Section 66016.5 is added to the Government Code, to  
40 read:



1 66016.5. (a) On and after January 1, 2022, a ~~city, county, or~~  
 2 ~~special district~~ *local agency* that conducts an impact fee nexus  
 3 study shall follow all of the following standards and practices:

4 (1) Before the adoption of an associated development fee, an  
 5 impact fee nexus study shall be adopted.

6 (2) When applicable, the nexus study shall identify the existing  
 7 level of service for each public facility, identify the proposed new  
 8 level of service, and include an explanation of why the new level  
 9 of service is appropriate.

10 (3) A nexus study shall include information that supports the  
 11 local agency’s actions, as required by subdivision (a) of Section  
 12 66001.

13 (4) If a nexus study supports the increase of an existing fee, the  
 14 ~~city, county, or special district~~ *local agency* shall review the  
 15 assumptions of the nexus study supporting the original fee and  
 16 evaluate the amount of fees collected under the original fee.

17 (5) (A) A nexus study adopted after July 1, 2022, shall calculate  
 18 a fee imposed on a housing development project proportionately  
 19 to the square footage of proposed units of the development. ~~A fee~~  
 20 ~~imposed proportionately to the square footage of the proposed~~  
 21 ~~units of the development shall be deemed to bear a reasonable~~  
 22 ~~relationship between the need for the public facility and the type~~  
 23 ~~of development project on which the fee is imposed. A local agency~~  
 24 ~~that imposes a fee proportionately to the square footage of the~~  
 25 ~~proposed units of the development shall be deemed to have used~~  
 26 ~~a valid method to establish a reasonable relationship between the~~  
 27 ~~fee charged and the burden posed by the development.~~

28 (B) A nexus study is not required to comply with subparagraph  
 29 (A) if the ~~city, county, or special district~~ *local agency* makes a  
 30 finding that includes all of the following:

31 (i) An explanation as to why square footage is not appropriate  
 32 metric to calculate fees imposed on housing development project.

33 (ii) An explanation that an alternative basis of calculating the  
 34 fee bears a reasonable relationship between ~~the need for the public~~  
 35 ~~facility and the type of development project on which the fee is~~  
 36 ~~imposed. fee charged and the burden posed by the development.~~

37 (iii) That other policies in the fee structure support smaller  
 38 developments, or otherwise ensure that smaller developments are  
 39 not charged disproportionate fees.

1 (C) This paragraph does not prohibit an agency from establishing  
2 different fees for different types of developments.

3 (6) Large jurisdictions shall adopt a capital improvement plan  
4 as a part of the nexus study.

5 (7) All studies shall be adopted at a public hearing with at least  
6 30 days' notice, and the local agency shall notify any member of  
7 the public that requests notice of intent to begin an impact fee  
8 nexus study of the date of the hearing.

9 (8) Studies shall be updated at least every eight years, from the  
10 period beginning on January 1, 2022.

11 (9) The local agency may use the impact fee nexus study  
12 template developed by the Department of Housing and Community  
13 Development pursuant to Section 50466.5 of the Health and Safety  
14 Code.

15 (b) This section does not apply to any fees or charges pursuant  
16 to Section 66013.

17 (c) For purposes of this section:

18 (1) "Development fee"~~shall have~~ *has* the same meaning as  
19 *defined in* subdivision (b) of Section 66000.

20 (2) "Large jurisdiction"~~shall have~~ *has* the same meaning as  
21 *defined in* subdivision (d) of Section 53559.1 of the Health and  
22 Safety Code.

23 (3) "Public facility" has the same meaning as defined in  
24 subdivision (d) of Section 66000.

25 (4) "Local Agency" *has the same meaning as defined in*  
26 *subdivision (c) of Section 66000.*

27 (d) *Nothing in this section shall be construed to relieve a local*  
28 *agency of the requirement that it comply with Chapter 5*  
29 *(commencing with Section 66000), the California Constitution, or*  
30 *applicable case law when calculating the amount of a fee.*

31 SEC. 3. Section 66019 of the Government Code is amended  
32 to read:

33 66019. (a) As used in this section:

34 (1) "Fee" means a fee as defined in Section 66000, but does not  
35 include any of the following:

36 (A) A fee authorized pursuant to Section 66013.

37 (B) A fee authorized pursuant to Section 17620 of the Education  
38 Code, or Sections 65995.5 and 65995.7.

39 (C) Rates or charges for water, sewer, or electrical services.

40 (D) Fees subject to Section 66016.

1 (2) “Party” means a person, entity, or organization representing  
2 a group of people or entities.

3 (3) “Public facility” means a public facility as defined in Section  
4 66000.

5 (b) For any fee, notice of the time and place of the meeting,  
6 including a general explanation of the matter to be considered, and  
7 a statement that the data required by this subdivision is available  
8 shall be mailed at least 14 days prior to the first meeting to an  
9 interested party who files a written request with the city, county,  
10 or city and county for mailed notice of a meeting on a new or  
11 increased fee to be enacted by the city, county, or city and county.  
12 Any written request for mailed notices shall be valid for one year  
13 from the date on which it is filed unless a renewal request is filed.  
14 Renewal requests for mailed notices shall be filed on or before  
15 April 1 of each year. The legislative body of the city, county, or  
16 city and county may establish a reasonable annual charge for  
17 sending notices based on the estimated cost of providing the  
18 service. The legislative body may send the notice electronically.  
19 At least 10 days prior to the meeting, the city, county, or city and  
20 county shall make available to the public the data indicating the  
21 amount of cost, or the estimated cost, required to provide the public  
22 facilities and the revenue sources anticipated to fund those public  
23 facilities, including general fund revenues. The new or increased  
24 fee shall be effective no earlier than 60 days following the final  
25 action on the adoption or increase of the fee, unless the city, county,  
26 or city and county follows the procedures set forth in subdivision  
27 (b) of Section 66017.

28 (c) If a city, county, or city and county receives a request for  
29 mailed notice pursuant to this section, or a local agency receives  
30 a request for mailed notice pursuant to Section 66016, the city,  
31 county, or city and county or other local agency may provide the  
32 notice via electronic mail for those who specifically request  
33 electronic mail notification. A city, county, city or county, or other  
34 local agency that provides electronic mail notification pursuant to  
35 this subdivision shall send the electronic mail notification to the  
36 electronic mail address indicated in the request. The electronic  
37 mail notification authorized by this subdivision shall operate as  
38 an alternative to the mailed notice required by this section.

39 (d) (1) Any member of the public, including an applicant for a  
40 development project, may submit evidence that the city, county,

1 or other local agency's determinations and findings required  
2 pursuant to subdivision (a) of Section 66001 are insufficient or  
3 that the local agency otherwise failed to comply with this chapter.  
4 Evidence submitted pursuant to this subdivision may include, but  
5 is not limited to, information regarding the proposed fee  
6 calculation, assumptions, or methodology or the calculation,  
7 assumptions, or methodology for an existing fee upon which the  
8 proposed fee or fee increase is based.

9 (2) The legislative body of the city, county, or other local agency  
10 shall consider any evidence submitted pursuant to paragraph (1)  
11 that is timely submitted under this chapter. After consideration of  
12 the evidence, the legislative body of the city, county, or other local  
13 agency may change or adjust the proposed fee or fee increase if  
14 deemed necessary by the legislative body.

15 SEC. 4. Section 50466.5 is added to the Health and Safety  
16 Code, to read:

17 50466.5. (a) On or before January 1, 2024, the department  
18 shall create an impact fee nexus study template that may be used  
19 by local jurisdictions. The template shall include a method of  
20 calculating the feasibility of housing being built with a given fee  
21 level.

22 (b) The department may contract with nonprofit or academic  
23 institutions to complete the template.

24 SEC. 5. No reimbursement is required by this act pursuant to  
25 Section 6 of Article XIII B of the California Constitution because  
26 a local agency or school district has the authority to levy service  
27 charges, fees, or assessments sufficient to pay for the program or  
28 level of service mandated by this act, within the meaning of Section  
29 17556 of the Government Code.

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**Attachment Two**  
CEAC 2021-2022 Legislative Priorities



## 2021-22 CEAC Policy and Legislative Priorities

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

### STATE PRIORITIES

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#### Transportation

1. California Implementation of Federal Transportation Reauthorization. CSAC will advocate for county priorities in California's implementation of any new federal transportation bill, including maximizing and protecting dedicated funding for local bridges, prioritizing fix-it-first investments, infrastructure hardening, and maximizing funding for local safety and active transportation projects.
2. Protect State Transportation Funding and Promote Streamlining. CSAC staff will continue to monitor the allocation of state transportation revenues to counties and oppose any effort to use transportation revenues outside their intended purposes. Moreover, CSAC staff will continue to proactively seek additional flexibility for counties and streamline project delivery and environmental review processes.
- ~~3. Recycled Materials Standards for Local Roadways. Support efforts that promote adoption of specifications allowing the use of recycled material when sufficient local flexibility is provided. CSAC staff will identify opportunities to support the use of recycled materials for maintaining and rehabilitating streets and highways with appropriate exceptions based on local conditions. CSAC staff will oppose policies that impose overly prescriptive requirements related to the use of recycled materials.~~
- 4.3. Traffic Safety and Collision Reduction. CEAC will identify opportunities to support policies intended to reduce traffic-related fatalities and injuries by promoting vehicle, pedestrian, and bicycle safety. CSAC staff will support legislative efforts to reduce speeds on local streets and roads and efforts to improve roadway infrastructure, enhance traffic safety enforcement, support public education and traffic safety campaigns, and improve safety data.
- 5.4. City and County Pavement Improvement Center. Participate in and support the work of the City and County Pavement Improvement Center (CCPIC). Work with CEAC's governing board members to ensure CCPIC does not duplicate efforts of other academic institutions and that the technical trainings, research, etc. are focused on the priorities identified by the CEAC and League of California Cities membership. CSAC staff will

focus on partnering with other agencies and educational institutions to provide ongoing funding for the CCPIC and contribute to the growth of the CCPIC program.

6-5. Develop CSAC Policy on Autonomous Vehicles and Emerging Technology.

Technological advancements, including autonomous vehicles and associated infrastructure, are rapidly changing. Counties may already be responding to, and deploying, new technology. As technology continues to change, CSAC must be poised to respond and ensure, at minimum, any new mandates are funded. CSAC staff will work with the CEAC Transportation Policy Committee to develop and recommend to CSAC new policy.

7-6. Explore Road User Charge Policy Options. Work with CSAC to reexamine the association's position on mileage-based user charges as an eventual replacement for the gasoline excise tax. As improvements in the fuel efficiency of vehicles reduces gas tax revenue per mile travelled, alternatives to the gas tax are being seriously considered by transportation stakeholders. CEAC will study the policy implications of mileage based user fees and work with CSAC to develop positions on this method of taxation, which will be the focus of extensive study and a state pilot project over the next several years.

## Land Use

1. Ensure Adequate Funding for Infrastructure Impacted by Development. ~~AB 879 (Grayson, 2017) requires the Department of Housing and Community to study how to reduce fees imposed on new development pursuant to the Mitigation Fee Act and publish a report in 2019.~~ Support proposals which promote housing development by adequately funding infrastructure, but oppose measures that arbitrarily limit fees or other exactions necessary to support county infrastructure, or facilities, required by new development. ~~Legislative action on Mitigation Fee Act was delayed in 2020 due to the COVID-19 crisis and requests from CSAC and other local government groups. In 2021, this issue is likely to be at the forefront once again.~~
2. Fund Infill Infrastructure. Support funding sources for infrastructure related to infill projects that fall under applicable streamlining, including the Affordable Housing and Sustainable Communities grant program, as well as other proposals to fund infill infrastructure in tandem with affordable housing development, including proposals for a bond measure.
3. Subdivision Map Act. Oppose legislation to reform the California Subdivision Map Act that removes or decreases local control and conditional use requirements.
4. Protect Rule 20A. Oppose legislation or Public Utilities Commission (PUC) action that threatens Rule 20A for overhead/underground conversion project funding. Engage in Phase 2 of the PUC proceeding to advocate for continued availability of ratepayer funding for Rule 20A projects, expansion of the public interest criteria, and changes to make the program more accessible to disadvantaged unincorporated communities.

## **Resource Recovery and Waste Management**

1. AB 1826 and SB 1383 Implementation. Engage in CalRecycle and the Air Resources Board's process for implementing AB 1826 and SB 1383 which creates an organic management program in California. Continue to advocate for resources for local governments to develop the necessary infrastructure to implement organics diversion programs.
2. Conversion Technology. Support legislative efforts to advance the development, design and implementation of conversion technologies.
3. Funding for Resource Recovery infrastructure. Advocate for sustainable and diverse funding streams to develop and manage the infrastructure necessary to manage California's waste and recycling needs.
4. Market Development. Support legislative efforts to expand local markets for recyclable materials, to support limits on single use plastics, to support producer responsibility, to support bottle bill reform for CRV buyback programs and support efforts to increase requirements for recyclable contents in products.

## **Flood Control & Water Resources**

1. Stormwater Funding Outreach and Engagement Effort. Increase public awareness and countywide support for stormwater programs by providing education and information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state.
2. Stormwater Funding. Continue to support the development of a funding mechanism that would allow cities and counties to finance compliance with Clean Water Act permit requirements, stormwater capture and flood protection services.
3. Waters of the State Dredge and Fill Rulemaking Implementation. Develop reliable and comprehensive data regarding the implementation of the State Water Board's new dredge and fill regulations to advocate and inform the Water Board and stakeholder about the real impacts of the regulation.
4. Resiliency. Support for resources to make flood control and county infrastructure resilient to climate change and natural disasters.

## **Surveyor**

1. Surveyor Recorder Relationship Clean-up. Support coordinated effort with the County Recorders Association to update outdated language in the Government Code relating to transfer and sharing of documents, through Senate Committee on Governance and Finance Omnibus bill.



2. Surveyor Monument Preservation. Support legislation that would simplify the collection of the Monument Preservation Fund Fee.

## FEDERAL PRIORITIES

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### Transportation

1. Federal Transportation Reauthorization and Emergency Aid. Support reauthorization of a federal transportation bill consistent with the priorities adopted by CEAC and CSAC. CSAC staff will advocate for backfilling lost local transportation fuel tax revenues due to the COVID-19 crisis in federal emergency aid legislation, as well as funding for local bridge, safety, and active transportation projects. Finally, CSAC will request direct subventions to counties for transportation infrastructure in any federal infrastructure package outside of the traditional highway funding bill process.
2. CEQA-NEPA Reciprocity. ~~Now that CSAC/CEAC successfully advocated for a reduction to the Statute of Limitations under the FAST Act's program allowing states to meet federal National Environmental Policy Act (NEPA) requirements with state environmental review, build and work with a coalition of transportation stakeholders to ensure California applies to participate and if approved, that Caltrans and FHWA implement a California reciprocity program in a manner that reduces duplication and is not equally or more burdensome. CEAC s~~Supports delegation of NEPA authority to the local/regional level so that counties can participate directly in the CEQA-for-NEPA the program. Such a change would allow California to implement a California reciprocity program in a manner that reduces duplication and is not equally or more burdensome than the current process.
3. Offset Impacts from Federal Lands. Support continued federal funding to offset impacts to counties from federal lands, such as the Secure Rural Schools program.

### Flood Control

1. Clean Water Act. Support legislation that would amend Section 404 of the Clean Water Act to provide a narrow exemption for maintenance activities involving the removal of sediment, debris and vegetation from flood control channels and basins.

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**Attachment Three**  
CEAC 2021-2022 Policy Guidelines



## 2021-22 CEAC Legislative & Administrative Policy Guidelines

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

### TRANSPORTATION

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1. Continue to support and leverage resources for the California Statewide Local Streets and Roads Needs Assessment efforts. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract. Continue working with the California Local Highway Bridge Program Advisory Committee to enhance the bridge needs analysis of the report by adding a new, standalone section to it that focuses specifically on local bridge needs. Consider enhancing future reports by including an analysis of the need of funding for active transportation infrastructure and other capital improvements and explore potential funding opportunities to cover the cost of completing such an analysis.

2. Continue to monitor state transportation funding to ensure the funding commitment pursuant to the base gas tax, fuel tax swap, and SB 1 - the Road Repair and Accountability Act of 2017 is met. Work with the Legislature, Administration, California Department of Tax and Fee Authority, State Controller's Office, the Department of Finance, and transportation stakeholders to explore ways to improve the administration of the transportation tax swap.

Continue to protect the allocation of SB 1 transportation revenues to counties so that these funds are used for their intended purpose and advocate against efforts that would require counties to consult with other local governments prior to spending these funds.

3. Continue to support the current formula for allocation of Proposition 42 replacement revenues (Highway User Tax Account, Section 2103) and in particular the local streets and roads monies.
4. Continue to work with the California congressional delegation to achieve a long-term reauthorization of the Secure Rural Schools Act (SRS) to off-set the impacts of removing the National Forest System lands from economic development.
5. Continue to support lowering the voting threshold below the current two-thirds requirement for the imposition of sales taxes for infrastructure. Furthermore, support efforts to allow unincorporated areas to pursue local sales tax measures solely for services in the unincorporated area of the county.

6. Monitor Caltrans's efforts to propose regulations or efforts that exceed their statutory authority regarding implementation of Transportation Development Act (TDA) law to prohibit those actions from infringing upon statutory authority of local agencies.
7. Support restoration of the fuel tax to the State's Aeronautics Fund for General Aviation airports.
8. Monitor any potential changes by the California Transportation Commission (CTC) to change the STIP Guidelines in relation to flexibility to utilize STIP monies for local rehabilitation. Pursue statutory clarification of this eligibility if necessary.
9. Support efforts to identify safety and other critical needs for the rural transportation system and support additional funding for such purposes.
10. Strengthen policy and legislative development for statewide transportation issues with the transportation planning agencies, including the California Councils of Government (CALCOG) and Rural Counties Task Force to ensure local governments are united in their advocacy efforts.
11. Support the distribution of any future statewide transportation dollars amongst counties based on 75 percent registered vehicles and 25 percent maintained miles.
12. Support legislation to amend the Vehicle Code Section 34501.2 to exempt drivers' hours of service for road maintenance agency personnel during emergencies from the 80 hours in any 8 consecutive days requirement.
13. Support legislation that categorically exempts road safety projects from CEQA and state and federal permitting requirements (i.e. 404 permits, 1601 agreements).
14. Support legislation at both the state and federal level on telecommunications and electrical restructuring policy to ensure that local governments; are adequately compensated for use of public rights-of-way, 2) control access of such rights-of-way, and 3) retain zoning authority over placement of satellite dishes, cellular towers and antennas.
15. Continue to monitor Metropolitan Planning Organizations (MPOs) to ensure that their authority in the transportation area is restricted to planning and programming.
16. Continue CEAC participation at various forums (i.e. RTPA & Caltrans monthly meetings, California Transportation Commission, etc.)
17. Support legislation to require a County Franchise and encroachment permit control of all water and electric distribution facilities in order to restore lost revenues to counties and to regain control of right-of-ways.
18. Monitor legislation that mandates a certain percentage of county fleets to be of a specific nature, including but not limited to: zero emissions vehicles, alternative fuel vehicles, and dual fuel vehicles.
19. Support legislative efforts to allow pre-qualification of contractors on public works projects and seek amendments to that legislation to increase enforcement and oversight of the Contractor's State License Board, including more exhaustive background and criminal investigation during the initial licensing of contractors.

20. Support legislative efforts to regain local authority in determining the financial viability of sureties involved in public works contracts.
21. Conduct as needed meetings between AGC/CEAC/League/ACEC and other groups on issues of mutual interest.
22. Continue to represent county interests on legislation relating to force account limits and mandatory participation within the California Uniform Construction Cost Accounting Act.
23. Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.
24. Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.
25. Support policies that reduce traffic-related fatalities and injuries by promoting vehicle, pedestrian, and bicycle safety.
26. Monitor the California State Transportation Agency's implementation of the Climate Action Plan for Transportation Infrastructure.
- 25-27. Support efforts to promote use of recycled material when sufficient local flexibility is provided. Oppose policies creating overly-prescriptive requirements related to the use of recycled materials.

## **TRANSPORTATION & FLOOD CONTROL**

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1. Support legislation amending the Clean Water Act to include the definition of a transportation structure that was presented in the Guidance for the Uniform Application of the Regulations throughout the South Pacific Division (PGL 0-98-02 issued on May 29, 1998). Specifically section 5.a which exempts serviceable transportation structures, including roads, whether constructed on embankments or not, road embankments, culverted road crossings, and bridge piers, bridge columns, bridge piles, and pile caps.
2. Support legislation that requires all changes to Endangered Species Act to address the impact of the proposed legislation on service delivery and as necessary augment staffing levels to the level of no impact.
3. Facilitate better communication between State and Federal regulatory agencies in order to expedite the delivery of public works projects (i.e. direct City/County/State/Federal Cooperative Committee to pursue this objective).

4. Support legislation that exempts the maintenance of existing public works facilities/infrastructure from permit requirements under the Endangered Species Act.
5. Support reform of the Federal and State Endangered Species Acts based on adopted CSAC policy which supports the Act, being more responsive to local concerns (i.e. better science on which to base decision, a plan for recovery of the species, a definition of other impacts related to the protection of the species, and broader public review forums prior to the designation of an endangered species), and taking into account socioeconomic impacts of Endangered Species Act programs.
6. Monitor actions that require any state fee or charge to be directly related to cost of review (i.e. California State Water Resources Control Board, Regional Water Quality Control Board permits for roadway and bridge construction projects).

## **FLOOD CONTROL**

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1. Support funding of the State Flood Control Subvention Program. Support the development of bond program guidelines that help provide more resources to counties and public works programs.
2. Support legislation that would provide local jurisdictions with more flexibility and options to fund storm water programs.
3. Continue to support legislation that would amend the California Constitution to exempt fees and charges for flood control, storm water, street lighting and urban runoff management from Proposition 218.
4. Support additional statutory changes to address outstanding SB 5 (Chapter 364, Statutes of 2007) implementation issues.
5. Support streamlining of FEMA's administrative processes under the public assistance program.
6. Support changes to the State Water Resources Control Board's proposed Wetland and Riparian Protection Policy that results in a reasonable requirement that will have the least impact on the development, operation, and maintenance of essential public works projects and facilities.
7. Oppose federal cost-cutting endeavors made at the expense of state and local governments.
8. Support an exemption for routine maintenance of flood control facilities from the Clean Water Act's Section 404 permit requirements.
9. Support an amendment to Section 1601 of the State Fish and Game Code that exempts from the Streambed Alteration Agreement process: routine maintenance and preventative repair of existing flood control facilities; reconstruction of damaged flood control facilities; and, any activity which would impact up to three acres of jurisdictional area.
10. Oppose any attempts to impose requirements of the Surface Mining and Reclamation Act (SMARA) on county flood control and water conservation district activities.
11. Monitor implementation of Federal NPDES Storm water Regulation Phase II.

12. Support legislation, which exempts the act of Section 401 Clean Water Act certification by the State Water Resources Control Board (SWRCB) from review under the California Environmental Quality Act (CEQA).
13. Encourage the development of a statewide baseline Phase I NPDES permit which would include a definition of maximum extent practicable (MEP), safe harbor provisions, and state funding of inspections of state permitted facilities.
14. Participate in discussions with the State Water Resources Control Board regarding water quality violations by small sewer treatment plants.
15. Support efforts to reduce liability for public agencies to perform “Good Samaritan” cleanup of abandoned mines and concentrated environmental hazardous waste on private property.
16. Support efforts to develop new, or expand existing, storage capacity for flood control, water supply and environmental use.
17. Support legislation that authorizes/requires the Department of Water Resources to enter into funding partnerships with local agencies to study the adequacy of complete local flood control systems.
18. Support legislation that promotes a comprehensive plan for increased flood protection statewide.
19. Support legislation that promotes coordination of DWR, FEMA, and ACOE flood protection and flood plain management regulations.
20. Oppose legislation that shifts state or federal flood control liability or obligations to local agencies.
21. Support increased funding for integrated regional water management implementation.
22. Continue to work with the Department of Water Resources during the implementation phases of the Statewide Flood Control Needs Assessment as encapsulated in DWR’s Flood Futures Report.
23. Support Delta solutions that are implemented in a manner that protects existing water rights, water quality, agriculture viability, Delta governance and flood management.
24. Support efforts to better coordinate agencies responsible for addressing illegal homeless encampment issues on public property.
25. Encourage regulatory agencies responsible for protection of habitat and wildlife to enforce protection regulations on private properties.
26. Support bill proposals to improve water quality by regulating and controlling source contaminants.
27. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.

28. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large-volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.



## **LAND USE**

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1. Expand current SB 375 CEQA streamlining for specified infill projects to all infrastructure necessary to support that development.
2. Support funding sources for infrastructure related to infill projects that fall under the CEQA streamlining in SB 375.
3. Support CEQA streamlining for infrastructure necessary to support infill development.
4. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities
5. Support proposals which promote housing development by adequately funding infrastructure, but oppose measures that arbitrarily limit fees or other exactions necessary to support county infrastructure, facilities, or services required by new development.

## **SURVEYOR**

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1. Include funding for horizontal and vertical control surveying networks to support transportation infrastructure construction in future infrastructure funding legislation.
2. Support legislation that would allow use of no more than 25% of the Survey Monument Preservation Fund for examining of records of survey and corner records so that the cost of service is covered.
3. Participate in the California Geographic Information Association and the California Geographic Information Coordinating Council.
4. Support funding for Counties' Geographic Information Systems (e.g. authorize local agencies to recover full costs of creating and maintaining automated records).
5. Support legislation which will allow use of a non-conditional lot line adjustment map to replace the lot line adjustment process.

## **RESOURCE RECOVERY & WASTE MANAGEMENT**

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1. Support legislation that requires state, federal, and other public agencies to comply with diversion mandates set forth by AB 939. If for some reason these agencies are unable to comply, their waste shall be excluded from local jurisdiction's base and reporting years - "total waste generated". Therefore, local jurisdictions shall not be required to divert waste that is generated by state, federal facilities or other public agencies, such as school districts.
2. Oppose legislation that would allow low-level radiation disposal at Class III municipal landfills.
3. Support legislation to incorporate more recycled materials (especially waste tires) into Caltrans road construction/rehabilitation projects.

4. Support legislation and collaborate with other organizations that would increase manufacturer responsibility and product stewardship.
5. Support legislation that enables local agencies to enter into waste hauling contracts that provides for cost-effective implementation of AB 939.
6. Support policies and legislation that aims to promote improved markets for recyclable materials, and encourages: the use of recycled content in products sold in California; the creation of economic incentives for the use of recycled materials; and the expansion of the Beverage Container Recycling Grant Program.
7. Support legislation that provides funding for local organics infrastructure development.
8. Oppose legislation that increases or creates surcharges on local landfills to fund State programs having limited benefit to local jurisdiction's solid waste programs.
9. Support legislation that would promote development of conversion technologies, with full diversion credit, as an alternative to land filling, and provide state funding to local jurisdictions for such projects.
10. Support administrative and/or legislative changes that would, for the purpose of measuring compliance with requirements of the California Integrated Waste Management Act of 1989, focus on diversion programs rather than diversion or per capita disposal rates.
11. Support administrative and legislative changes to impose penalties on haulers and solid waste facilities for misrepresenting the origin of waste disposal data.
12. Support legislation that ensures local government's authority to direct the flow of waste.
13. Monitor all legislative, regulatory and administrative (i.e., rules, policies, guidelines, and procedures) proposals, including those from regulatory agencies relating to solid waste management (i.e., double liner requirements).
14. Support administrative and legislative efforts to eliminate overlap and enhance coordination between the Department of Resources, Recycling and Recovery, air districts and other Cal EPA agencies and oppose contradictory goals and missions among state agencies.
15. Support administrative and legislative changes that would enhance coordination of programs and regulations between the Department of Resources, Recycling and Recovery and the State Water Resources and Regional Water Quality Control Boards regarding collection of trash/debris before it enters the waters of the state and its effects on waste diversion activities.
16. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by private companies.

17. Support legislation requiring manufacturer responsibility and/or point-of-sale surcharges for universal, special and hazardous wastes.
18. Support legislation that encourages and provides economic incentives for the conversion of landfill gas as a renewable energy resource and its role in meeting California's Renewable Portfolio Standard.
19. Support reliable funding, meaningful market development, solid waste siting reform and additional tools, including conversion technology, as necessary components to any new solid waste diversion requirement.

## **TRANSPORTATION, RESOURCE RECOVERY AND WASTE MANAGEMENT & FLOOD CONTROL**

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1. Monitor and respond to legislative and regulatory activities of the State Water Resources Control Board (SWRCB).
2. Support legislation that places on regulatory agencies provisions similar in nature to those in Fish and Game Code Section 1600 regarding application processing deadlines for publicly-owned infrastructure projects.
3. Support legislation that would reduce State staffing redundancies and streamline State permit processes by directing State regulatory agencies to defer fish and wildlife and habitat mitigation requirements to the State Department of Fish and Wildlife.

## **DESIGN IMMUNITY**

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1. Consistent with CSAC policy related to tort reform – that government should not be more liable than private parties and in some cases there is reason for government to be less liable than private parties:
  - a. Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion of damages.
  - b. Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq.
  - c. Support proposals that limit post judgment interest and/or that provide public entities with the flexibility in paying judgments over time.
  - d. Support proposals to mitigate the effects of liability upon public entities by applying the Doctrine of Comparative Fault to inverse condemnation actions.

## **MISCELLANEOUS**

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1. Sponsor resolution that encourages the California State University System to provide additional educational opportunities for potential engineering, technical, and surveying students.

## **ADMINISTRATIVE RESPONSIBILITIES**

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1. Coordinate, design, format and assist in the preparation of the CEAC Annual Report.
2. Coordinate, develop and format CEAC Policy and Legislative Priorities on an annual basis.
3. Coordinate, develop and format CEAC Legislative and Administrative Policy Guidelines on an annual basis.
4. Attend, prepare agendas, secure speakers and provide presentations at CEAC policy committee meetings (at a minimum of three meetings a year per committee)
  - a. Transportation
  - b. Land Use
  - c. Flood Control and Water Resources
  - d. Resource Recovery and Waste Management
  - e. Surveyor
5. Attend and provide presentations, as available, at CEAC regional meetings (they meet at a minimum of two to three times a year each)
  - a. Northern California Region
  - b. Bay Area Region
  - c. Central Coast Region
  - d. Sacramento Mother-Lode Region
  - e. San Joaquin Valley Region
  - f. Southern California Region
6. Attend and provide presentations at CEAC Board of Director meetings (at a minimum of three times a year).
7. Assist in preparation and organization of the CEAC spring and fall conferences, as well as the CEAC policy conference. Coordination includes development and organization of the CEAC guest program, annual NACE president's dinner, recruiting and coordinating conference speakers and sponsors, reserving adequate meeting rooms, catering, audio-visual, transportation, registration, etc.
8. Coordinate & monitor the CEAC Hospitality Suite: appropriate room, site visits, cleanup, etc.
9. Reconcile the financial accounting for the spring & annual conferences between CEAC, the League and CSAC working as the liaison between the CSAC director of finance and CEAC treasurer.
10. Update and maintain accurate CEAC databases.
11. Coordinate and publish CEAC documentation:
  - a. designing announcements
  - b. programs
  - c. agendas
  - d. postcards
  - e. invitations
  - f. notices
  - g. flyers

12. Prepare and publish CEAC Roster annually.
13. Prepare and publish CEAC Stationary.
14. Publish CEAC Newsletter four times a year.
15. Prepare and notice legislative reports for the five CEAC policy committees as needed.
16. Update and maintain CEAC website.
17. Track and prepare financial analysis for CEAC budget.
18. Coordinate, review and share administration of the CEAC/League of California Cities contract for the spring meeting, and various RFP's for CEAC consultants.
19. Participate in and support CSAC in legislative, budget, and administrative efforts and other special projects as needed, i.e. local streets and roads needs assessment, local streets and roads awards program, CCIPC, etc.