

# City of Brea

## 2021 Legislative Platform

### Guiding Principles

**Preserve Local Control:** Preserve and protect the City's powers, duties and prerogatives to enact local legislation and policy direction concerning local affairs and oppose legislation that preempts local authority. Local agencies should preserve authority and accountability for revenues raised and services provided.

**Support Funding Opportunities:** Support opportunities that allow the City to compete and receive its fair share of regional, state, and federal funding for City projects and priorities. Opportunities include, not are not limited to, state and federal stimulus funding for state and local governments, economic development, transportation, parks and recreation, public safety, and public health.

### 1. City Finances

- A. Support stability, predictability and independence in local government budgeting.
- B. Oppose imposition of state, federal and regional mandates upon local governments, as well as federal mandates on the state, especially those for which no funding exists.
- C. Support increases in local flexibility for use of state, federal and regional funding opportunities.
- D. Support the continuation of the tax-free status of municipal bonds.
- E. Encourage the County of Orange to make available more detailed auditing and reporting information regarding property tax and assessment appeals filed on property within our city limits.
- F. Support modification of the tax system to reflect the change in the State's economy from a manufacturing base to a service and information base.
- G. Support the preservation and enhancement of the City's ability to generate revenues from all types of sales.
- H. Support supplements to local funds to comply with mandates created by the National Pollutant Discharge Elimination System (NPDES) provisions of the Federal Clean Water Act.
- I. Support generation, protection and timely allocation of local funding distributed by the state and federal government (e.g. SB 1 funds, 1A funds, stimulus monies).
- J. Support local government share of any Internet sales tax revenues.
- K. Support local sales and use tax reform to create an equitable distribution structure that appropriately captures and allocates online sales tax.
- L. Monitor COVID-19 response at the state and federal level, including new regulations, stimulus packages, relief funding, and any actions that impact our operating budget.

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2. **Economic Development /Successor Agency to the Redevelopment Agency/  
Redevelopment Dissolution Process**
  - A. Support new legislation that provides financial incentives (state grants or tax incentives) for mixed-use or “smart growth” principles.
  - B. Support efforts to facilitate the production of workforce housing, including infill housing incentives, grants to local agencies and private developer partnerships.
  - C. Support legislation that clarifies and narrows the prevailing wage standard for economic development, public works, and affordable housing projects.
  - D. Support increasing the State’s minimum threshold for public works projects that require prevailing wage.
  - E. Support efforts to assist local business growth and economic development post Redevelopment.
  - F. Oppose efforts to cut funding from Community Development Block Grant and other federal grant programs.
  - G. Support state legislation to bring back economic incentives for cities to use post redevelopment.
  - H. Support legislation that allows the City to access the full amount of paramedic tax for funding purposes originally approved by voters so long as tax revenues are not needed to pay debt service on outstanding redevelopment obligations.

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### 3. Land-Use Decisions

- A. Support efforts to protect local land-use authority, recognizing that potential regional impacts imply responsible local action.
- B. Oppose legislation which weakens the City's position for land use controls due to potential claims of partial takings and any requirements for compensation of such claims.
- C. Oppose actions that redefine the annexation process to require so-called "revenue neutral" annexations.
- D. Oppose County of Orange processing of development projects within Brea's Sphere of Influence and any development agreements or other entitlements in sphere of influence areas that do not conform to City standards. Promote County of Orange compliance with existing Memorandum of Understanding regarding development within the Sphere of Influence.
- E. Support housing element reform that provides local government the greatest flexibility to achieve realistic goals and support funding of mandated General Plan Housing Element Updates and related processes (i.e. RHNA).
- F. Support efforts to reduce the role of the State's Housing and Community Development Department in City affairs.
- G. Support the definition of reasonable housing occupancy standards.
- H. Support actions that enable cities to play a substantive role in the licensing of group homes.
- I. Support State funding proposals that provide incentives for affordable housing production, healthy community actions (e.g. Tracks at Brea project), and Sustainability Plans for energy efficiency and/or Green House Gas reductions.
- J. Support State funding proposals that provide incentives for smart growth goals and policies and sustainable development practices within General Plans.
- K. Support efforts to fund essential public facilities.
- L. Support methods to enhance goods movement that do not further impact traffic or air quality.
- M. Support legislation that preserves local control and oversight over the establishment and operation of group homes and sober living homes.

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### 4. Human Resources

- A. Oppose legislation that expands or extends any public safety presumptions of occupational injury or illness and support legislation that repeals the presumption that the findings of a treating physician are correct.
- B. Oppose legislation that increases workers' compensation benefits without providing for concurrent cost controls.
- C. Support workers' compensation reform that requires formulas to rely on more evidence of work-related causation to determine compensability.
- D. Oppose the imposition of compulsory and binding arbitration with respect to public employees upon local government.
- E. Oppose the imposition of mandated employee benefits that are more properly negotiated at the bargaining table upon local government.
- F. Oppose efforts to include City employees in the Social Security system or to accelerate the rate at which City employees are included in Medicare.
- G. Support reform to the CalPERS medical insurance program to address the City's future liability for retiree medical insurance.
- H. Support responsible changes to the CalPERS Public Employees' Medical and Hospital Care Program (PEMCHA) to address the rising costs of medical premiums.
- I. Oppose eroding City authority to appropriately discipline public employees.
- J. Support proposals that create dual retirement programs for public sector employees and reduce the unfunded liability without threatening the viability of the CalPERS retirement system.
- K. Encourage the CalPERS retirement system to provide member agencies with enhanced data that accounts for true retirement costs.
- L. Oppose the imposition of Federal or State mandates on the collective bargaining process.
- M. Support easing applicability of the Fair Labor Standards Act (FLSA) on public agencies.
- N. Oppose efforts reducing local control over public employee disputes and impose regulations of an outside agency.
- O. Oppose granting public employees the right to strike.
- P. Oppose making disciplinary proceedings for public safety employees similar to criminal proceedings thus rendering it impossible for employers to prove an administrative violation.
- Q. Support major reform of current workers compensation formulas to rely on higher thresholds for compensation or a proportionate exposure formula.

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### 4. Human Resources (continued)

- R. Support legislation that limits the ability of employees to receive workers' compensation benefits for occupational injuries/illnesses that result from stress, disciplinary action, or performance evaluations or consultations.
- S. Support reforms to CalPERS that promote Investment Restrictions that are similar or the same as those adopted by Public Agency Retirement Services (PARS).
- T. Support legislative proposals that establish Defined Contribution Retirement Plans for new hires within CalPERS retirement programs.
- U. Support fiscally responsible changes to CalPERS Projected Investment Returns based upon Historical Returns and Conservative Market Projections.
- V. Encourage CalPERS to provide timely Member Agency Reports (less than 6 months from period closing) to allow for improved budgeting practices.
- W. Support legislative reforms to CalPERS' Board Composition to allow the State Treasurer & State Controller (currently Ex-Officio Members) all rights granted to CalPERS regular board members.
- X. Monitor legislation related to the notification of employees for COVID-19 exposure or a health-related exposure.

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### 5. Public Safety

- A. Support measures that encourage community safety and well-being.
- B. Support measures that encourage disaster preparedness and emergency planning.
- C. Oppose legislation that serves to impact eligibility for local jurisdictions in regard to disaster response and recovery assistance.
- D. Oppose unfunded mandates related to EOC and staff training, specifically those implied through a required State EOC credentialing program.
- E. Oppose imposition of unfunded mandates on local government in relation to tracking of paroled sexual predators.
- F. Oppose reductions in Citizen's Option for Public Safety (COPS) funding.
- G. Oppose non-supervised parole or other further reductions in supervised release.
- H. Support the state adoption of building, development and fuel modification requirements that provide for fire safety in the Wildland Urban Interface and Intermix.
- I. Oppose further imposition of unfunded mandates on local government in relation to the tracking of Post Release Community Supervision (PRCS) probationers.
- J. Oppose restrictions on access to social media material for the purposes of law enforcement personnel background investigations.
- K. Support increased funding for local governments to monitor PRCS probationers in accordance with the State mandates.
- L. Support City's right to provide or contract for Ambulance services pursuant to Government Code Section 1797.201.
- M. Support legislation or a voter initiative which would amend Proposition 47 and restore felony status to certain crimes which were reduced to misdemeanors and/or require the completion of drug rehabilitation by violators of drug related misdemeanor crimes.
- N. Support clarifying legislation related to recreational marijuana, including DUI Drugs presumed intoxication and state funding for research and identification of intoxication measurement devices.
- O. Oppose any reduction in State mitigation funds for prison realignment.
- P. Oppose legislatively mandated police training which does not also provide funding for said training.

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### 5. Public Safety (continued)

- Q. Oppose any further legislative attempts at early release of incarcerated prisoners and further de-criminalization of 'non-violent' offenses.
- R. Support clarifying legislation to further define 'non-violent' offenses.
- S. Support State funding for impact mitigation related to Prop 57.
- T. Oppose any State or local fire related tax or fee increase that do not go back to local agencies.
- U. Support increased funding and State reimbursements for law enforcement training costs related to homelessness, mental illness, de-escalation and use of force.
- V. Support increased State funding for the treatment of persons with mental illness, including the funding for additional hospitals for the purpose of treating mental illness.
- W. Support increased State funding for local services related to the issues of homelessness.
- X. Oppose legislation that places burdensome restrictions on law enforcement and limits their ability to protect public safety.
- Y. Support funding for homeless prevention and youth gang prevention including additional funding for the North Orange County Public Safety Task Force.
- Z. Support funding for law enforcement body worn cameras and in-car camera video systems.
- AA. Support funding for costs related to law enforcement public record act requests.
- BB. Support legislation that increases the minimum hiring and training standards for law enforcement officers.
- CC. Support legislation that provides resources and funding for law enforcement officer wellness programs.
- DD. Oppose legislation that would support creating a politically-appointed police oversight committee.

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### 6. Environment

- A. Support flexibility to increase and stabilize local water supplies.
- B. Support increasing the availability of alternative sources of water, including desalinization and water reuse.
- C. Oppose efforts that provide only minimal improvements in air and water quality while incurring excessive public and private costs associated with their implementation.
- D. Support efforts designed to reduce or eliminate the spread of graffiti.
- E. Support more streamlined compliance and implementation of AB 939, AB 1826 and SB 1383.
- F. Oppose efforts by other governmental agencies to enlist cities as implementers of their environmental mandates.
- G. Support limiting local government liability as a third party to superfund cleanup litigation. The standard for responsibility should depend on "Degree of Toxicity" rather than mere "Volume" of waste.
- H. Oppose imposition of unreasonable and/or unfunded water testing and treatment requirements.
- I. Support Federal, State and County efforts to encourage and fund acquisition, preservation, and management of open space.
- J. Oppose actions that weaken the City's ability to enforce environmental impact report (EIR) mitigation measures now defined as "takings."
- K. Support efforts that maintain and enhance local decision-making authority in the development and implementation of air quality attainment strategies.
- L. Support incentives and pricing strategies as a preferred alternative to traditional command and control regulations for meeting state and local emission reduction objectives for all sources.
- M. Support strategies that clearly demonstrate and provide for the most cost-effective means for meeting air quality goals.
- N. Support expansion of the market for recyclable materials as well as support the reuse of recyclable materials.
- O. Support Federal, State, and local partnerships to fund regional transportation projects.
- P. Support efforts to maintain and enhance local authority and flexibility to regulate solid waste and recyclables.
- Q. Support "green" projects and regulations that do not place an undue burden on local government and offer financial incentives for reductions in Greenhouse Gases.



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### 6. Environment (continued)

- R. Support measures to increase waste diversion rates that do not place an undue burden on local government. Support legislation delegating to the local authority the development of regulatory measures to ensure compliance with AB 341.
- S. Encourage Federal, State and County agencies to focus on regional environmental mitigation programs including acquisition of regionally important undeveloped lands.
- T. Support efforts to mitigate traffic congestion, leading to improved mobility and air quality.
- U. Support incentives for energy efficiency upgrades to City facilities.
- V. Support legislation that rewards cities for adopting Sustainability Plans and Energy Action Plans that map a course to reductions in Green House Gas emissions and reduction in energy use.
- W. Oppose any new or more restrictive water reduction measures by the state that do not take into account new development and regulatory water requirements.
- X. Support financial incentive mechanisms to cities and businesses to fund public and private capital for organic waste diversion and recycling infrastructure in order to comply with the Organic Waste Recycling mandate (AB 1826 and SB 1383).
- Y. Support measures that provide incentives for installing and maintaining solar infrastructure.
- Z. Support measures that provide rebates and other incentives for the installation of Electric Vehicle Charging Stations.

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### 7. Community / Recreational and Social Issues

- A. Support Federal and State funding opportunities for cultural arts programs, libraries, parks, recreation and human services, trails, open space, and facility development/renewal.
- B. Support Federal and State funding for local job-training programs, especially for youth and young adults.
- C. Support efforts that facilitate the provision of quality, affordable "dependent care" for both children and seniors.
- D. Support measures that promote volunteerism.
- E. Encourage Federal and State financial support for affordable housing for low-income elderly and disabled individuals.
- F. Support in-home programs such as homemaker and personal care services that allow seniors to continue to age in place in their own home.
- G. Support Federal and State funding opportunities and/or legislation that provides for senior citizen nutrition programs, prescription drug benefits, transportation, adult day care, technology improvements, education, and emergency education for seniors.
- H. Support Federal and State funding opportunities that promote health and wellness services and education offered to the youth, low income and senior communities.
- I. Support measures that "invest" in Brea's youth. Specifically, early childhood care and education programming, tutoring, job readiness, mentoring, diversity training, conflict resolution, youth volunteer service, family counseling, parenting classes, youth employment, after school programming, recreation programming, combating youth obesity, teen services programs, transportation for youth and teen programming, etc.
- J. Support Federal and State funding opportunities that promote our ability to provide public access to technology at community facilities.
- K. Oppose any measures which reduce medical and mental health services offered to the low income and senior communities.
- L. Oppose legislation limiting Brea's ability to address homeless issues.
- M. Support the County of Orange response to homeless issues, such as shelters and housing programs.
- N. Support State and Federal funding to enhance mental health services for those living in homelessness.
- O. Oppose any reduction or cuts to senior services or to Older Americans Act funding.
- P. Support State and Federal funding incentives and grants for "rails to trails" type projects.

## 2021 Legislative Platform

### 8. General Issues

- A. Legislative Communications at the request of City-Affiliated Organizations. From time to time, the City is asked by the League of California Cities and other City-affiliated organizations to take a support and/or oppose position on a particular piece of legislation and/or proposal. Lately, these requests have increased because of the increasingly common use of the “gut and amend” strategy where an unrelated bill already in the legislative process is completely amended to change the topic and meaning of the bill. When such a request is received and is not already covered in the adopted legislative platform, the City Manager or his/her designee, on behalf of the City, may sign and submit the requested communication so long as the position is consistent with the position taken by the League and/or other City affiliated organizations and previous positions, if any, taken by the City. A copy of the communication shall be promptly shared with the City Council.
- B. Oppose measures that deteriorate traditional “home rule” authority by allowing additional Federal, State, or regional review of projects and programs better determined at the local level.
- C. Oppose measures that create or grant powers to sub-regional or regional bodies, which may result in infringement on clearly local concerns, unless all affected local entities agreement to do so.
- D. Oppose burdensome amendments to the Brown Act. However, in recognition that many open meeting laws have benefited at the local level, support similar application to the State Legislature.
- E. Support measures that create or expand home rule authority as it applies to the cable, video and telecommunications industry and franchising processes.
- F. Oppose measures that impose taxes for access to (not purchases via) the Internet.
- G. Support extending sales tax to E-Commerce as a means of fairness to “main street” retailers.
- H. Support measures that recognize, strengthen and protect local control over the public right-of-way.
- I. Support measures that require the acquisition of a franchise agreement by all companies from the appropriate public agency before granting access to the public right-of-way.
- J. Support measures that require companies providing communication services to a local community to provide or support Public, Educational and Governmental (PEG) access to new networks, including PEG equipment, funding and support.
- K. Support measures that apply general communications taxes, such as UUT, to all communications providers across including, but not limited to, providers of cable, video services, wireless, wire line (telephone lines), and satellite.

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### 8. General Issues (continued)

- L. Support measures to reform California’s tort system to curtail unreasonable liability exposure for public agencies and restore the ability of public agencies to obtain affordable insurance.
- M. Support legislation to extend the protections of Section 337.15 of the Civil Code limiting local government liability for property damage caused by hillsides and mudslides.
- N. Support legislation that preserves the ability of local governments to determine the appropriate type of election for their jurisdiction.
- O. Support measures that encourage business continuity planning and preparedness.
- P. Support affordable education through the Community College, Cal State, UC systems.
- Q. Support efforts to provide Federal, State, and/or County funds to address aging infrastructure, including funding for street pavement maintenance.
- R. Oppose any state or federal effort by the wireless industry that would force local governments to lease out publicly owned infrastructure, eliminate reasonable local environmental and design review, and eliminate the ability for local governments to negotiate fair leases or public benefits for the installation of “small cell” wireless equipment on taxpayer-funded property.
- S. Oppose legislation that imposes a mandate on local governments or private industry on how to achieve energy efficiencies.