



December 14, 2021

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Honorable Board of Supervisors
Marin County Civic Center
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Re: 2022 LEGISLATIVE PLAN AND GUIDELINES

Dear Supervisors:

RECOMMENDATION: Approve, with any Board modifications, the proposed:

- 2022 Federal Legislative Plan,
- 2022 State Legislative Plan, and
- 2022 Legislative Policy Guidelines contained in Attachment A

BACKGROUND

We bring to your Board the proposed Legislative Plan for 2022. As always, your Board retains the opportunity to amend the plan at any time during the coming year to reflect new or emerging priorities. Based on input from staff, our federal and state lobbyists, partners like the Transportation Authority of Marin (TAM), Marin Transit District, Sonoma-Marín Area Rail Transit (SMART), Marin Clean Emergency (MCE) and of course your Board, this legislative plan will give staff the opportunity to react quickly to legislative issues consistent with your Board's priorities and policy guidelines throughout the coming year.

Key overall legislative Board priorities heading into 2022 include homelessness; drought relief; emergency/disaster preparedness; climate change and resilience; and internet broadband, all with a lens on equity.

FEDERAL OUTLOOK

While the Biden-Harris Administration clearly brings more alignment with your Board's policies and priorities, a small Democratic House majority with a 50/50 Senate has limited the Administration's ambitions this year. Much uncertainty remains going into 2022, including mid-term elections and a bipartisan agreement that punted the government funding deadline to February 2022, with parties far apart on a broader deal beyond that. Federal vaccine mandates, defense policy, abortion, and border security stand out as key pressure points with respect to a broader 2022 funding deal. Finally, COVID-19 packages that included several tax relief measures for businesses and families are also slated to end later this month.

There have been notable successes, however, as the Administration attempts to steer the country toward a post-pandemic rebound. The [\\$1.9 trillion American Rescue Plan of 2021](#) (ARPA) brought [\\$50.2 million in direct stimulus](#) to the County and an additional \$36 million to Marin's cities and towns. Your Board has begun allocating some of the County funding toward critical priority areas, including racial equity initiatives; climate change and sea level rise projects; permanent supportive housing; fire facility improvements; city/town partnerships

to address homelessness; childcare and early education initiatives; enhanced funding for non-profit partners; and emergency preparedness.

Last month's bipartisan \$1.2 trillion [Infrastructure Investment and Jobs Act of 2021](#) will bring sorely needed investment to America's infrastructure. Over the next five years, California is expected to receive at least \$25.3 billion for federal-aid highway programs and \$4.2 billion for bridge replacement; \$9.45 billion to improve public transportation options; \$384 million to support EV charging – with the opportunity to apply for \$2.5 billion more in grants; \$100 million for broadband coverage; \$84 million to protect against wildfires; and \$3.5 billion to improve water infrastructure. While the local Marin impact remains uncertain; we are working with departments to develop estimates.

Finally, the \$1.75 trillion [Build Back Better](#) social infrastructure package remains pending with expanded child tax credits; universal pre-K; climate investments; additional health care investments; and affordable housing funding. Deal points that could be compromised to obtain majority support include paid family and medical leave; immigration; clean energy; climate; drug pricing; the State and Local Tax Deduction (SALT); and Tax Reform.

Federal Highlights

In addition to being proactive with respect to the issues noted above, at the federal level we anticipate significant local focus in the following areas:

- **Climate change and resilience** – to focus on efforts to ensure the Army Corps of Engineers is more responsive to sea level rise, including flood protection and mitigation in the San Francisco Bay; protection against tidal flooding and sea level rise adaptation; and projects which support habitat restoration, stormwater runoff capacity, and address beach and coastal erosion.
- **Internet broadband**, to fund and provide high-speed internet for seniors, rural communities, schools and other underserved communities of Marin.
- **Disaster/emergency preparedness**, including fire prevention and suppression, wildfire protection on federal lands, and funding for vegetation management and tree mortality.

STATE OUTLOOK

In its [FY 2022-23 California Fiscal Outlook](#), released November 17, the California Legislative Analyst's Office (LAO) projects an estimated \$31 billion budget surplus, potentially exceeding the constitutional limit on state spending by \$26 billion this fiscal year and next. This could require the state to cut taxes, spend more money on infrastructure, or give rebates to taxpayers and spend more on public schools. In a departure from recent memory, the LAO also finds that operating surpluses range from \$3-\$8 billion through 2025-26, allowing room for potential increased ongoing funding.

While the economy has clearly rebounded from the COVID-19 pandemic, the recovery has been uneven and inequitable. It's impossible to know just how sustained this rebound will be, or what effects rising inflation may bring. But we'll likely see significant one-time funding included in the Governor's January Proposed Budget, particularly for infrastructure. We'll update your Board after the Governor releases the Proposed FY 2022-23 Budget in early January.

State Highlights

At the state level, we anticipate significant local focus in the following areas:

- **Preserving and expanding affordable housing** – with a new 3,569 units assigned to unincorporated Marin, state funding for development costs remains a critical concern for local governments statewide. While regional housing need allocations (RHNA) are intended to facilitate planning and zoning for affordable housing, local governments should not be mandated by the state with actual production of housing absent new funding.
- **Homelessness** – seek ongoing state funding for wrap-around services and 'housing first' initiatives to support the most vulnerable to stay housed. While counties appreciate recent one-time state funding, programs like Homekey and Whole Person Care leave an ongoing fiscal cliff for counties after five years for the case management and supports necessary to keep people housed. Staff will also explore potential new "bridge" funding necessary to sustain safe, supportive encampments until permanent supportive options can be made available in communities with residents experiencing homelessness and living in encampments.
- **Drought relief** – explore efforts to increase water supply; reduce non-essential drinking water use; and expand the availability and affordability of recycled water – often referred to as funding “purple pipes” initiatives. More aggressive residential water reuse has the added benefit of mitigating water supply concerns that Marin's RHNA mandates are likely to bring in coming years.
- **Climate change and resilience** – support clean/renewable energy alternatives, for example efforts to electrify more transportation infrastructure and to fund adaptation efforts, such as microgrids.
- **Internet broadband** – utility preference for wireless solutions is less effective in rural areas like West Marin with its hills and valleys, leading to the need for "middle mile" subsidies to incentivize alternatives.

Staff will also explore a state-funded pilot so Marin County could potentially reimburse smaller landscape companies to retrofit or replace their gas-powered equipment with cleaner battery-powered alternatives. [AB 1346](#) (Berman and Lorena Gonzalez; 2021), will require the Air Resources Board to adopt regulations to prohibit engine exhaust and evaporative emissions from new "small off-road engines" produced on or after January 1, 2024. While the public health and environmental benefits of clean alternatives are clear, your Board has an interest in ensuring equitable outcomes among those less able to afford the infrastructure and equipment investments necessary to comply.

With your Board’s approval, including any amendments, we will work with our state and federal delegations to ensure they are aware of your Board’s priorities and concerns going into 2022. While our plan includes initiatives that may not be achievable in the short-term, as opportunities arise the plan provides policy direction to guide our legislative program in a manner consistent with your Board’s long-term vision for the County.

Please feel free to contact us should you have any questions or concerns.

Submitted by:



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