



Monterey Peninsula Chamber of Commerce
Government Affairs Committee Meeting
March 12, 2008
Community Hospital Properties
787 Munras Avenue, Suite C, Monterey

No items require
Board action

“Support the Issues and People that Support the Monterey Peninsula Economy”

MINUTES

- I. Call to Order – 3:40 pm**
Present: Limesand, Bachman (for Hale), Cohn, Wyatt, Saxon, Mulford, Sessums, Buhl, Rowley
Staff: Coleman, McKenzie
- II. Consent Calendar**
M/S/P: Approved minutes of February 13, 2008 meeting.
- III. Board Actions or Other Actions on Prior GAC Motions** – Limesand reported a letter was sent to the Monterey City Council asking for a delay in adopting the proposed city implementation of the Digital Infrastructure and Video Competition Act of 2006 (DIVCA); the City Council declined and approved the implementing ordinance on first reading. See below for special discussion of this issue.
- IV. Reports from local government and legislative representatives**
TAMC – Bachman reported the language for the investment plan (the proposed transportation funding self-help sales tax measure on the November ballot is set and that the nexus study to support regional transportation impact fees is completed. TAMC has received little feedback on the issue of whether the regional impact fee should be linked to the success of the sales tax measure but the issue should be settled at the next TAMC Board meeting; staff's recommendation is that cities should do what they want to do (that is linking or not linking) but regardless each city would support creating a joint powers authority to handle regional fees.
- V. Special action items: Discussion on City of Monterey implementation of DIVCA.**
McKenzie gave the committee a brief overview of DIVCA and the extended discussions at Government Affairs Committee in 2006 as the legislation was crafted and re-crafted and the policy statement adopted by the chamber as a result of those deliberations.

AT&T regional public affairs manager Saxon told the committee AT&T has a number of issues with how Monterey proposes to implement DIVCA but has narrowed those to two things AT&T would like the city to change; all the other issues AT&T has will be determined in another arena. Saxon indicated AT&T is ready to roll out a major upgrade in Monterey to provide enhanced digital and video services and has filed the required applications with the city.

Limesand asked if the two issues could be discussed one at a time. Saxon agreed. The first AT&T issue is language in the implementing ordinance requiring that construction notices be issued 'in the predominant language of the neighborhood.' Saxon explained AT&T's view is that this is an unnecessary and unwarranted interference with normal AT&T business practices and conduct, and is not an issue in Monterey, where the predominant language in all neighborhoods is English. Assistant City Manager Cohn explained that the city's implementation of DIVCA is not a negotiation, so this is rather a discussion of the city's legislative authority under DIVCA. Part of the legislative authority allowed cities under DIVCA is the cities right to adopt or enforce standards for use of the public streets and rights-of-way. Cohn indicated that the second reading and final adoption of the DIVCA implementation ordinance has been delayed to May to allow staff time to write a companion ordinance making it clear that the city's standards and requirements for use of public streets and rights-of-way are applicable across-the-board to any entity using seeking to use them. Cohn further explained Monterey at one time had several neighborhoods with predominant languages other than English and that situation could return in the future.

Saxon indicated that the second issue for AT&T is a requirement for AT&T to share detailed mapping of the new system; AT&T's position is that this impinges on proprietary information and is duplicative of information that must be shared with Homeland Security (which the city has access to). Saxon further indicated that AT&T had filed engineering maps with the city as part of its application to upgrade its system to provide the new services and asked why anything beyond that is necessary. Cohn explained the city just wants to know where things are so as to avoid accidental disruptions in the event of unrelated construction activity in streets and public rights-of-way such as a near-severing of cables in a recent sewer system break repairs project. Cohn further explained the city does not ask to know what's in 'the boxes' but rather just wants to know where 'the boxes' are. Mulford told the committee that recent work at his home involved trying to figure out the nature and content of six boxes on his property; he concludes that mapping is important. Limesand asked if the information is filed with Homeland Security and the city has access to that information what the issue is. Saxon indicated she would ask AT&T legal staff to summarize AT&T's legal position and bring that to the committee for its next meeting. She indicated that if the city wants a collaborative approach as Cohn indicated, AT&T is happy to cooperate. Saxon suggested the committee wait until its April meeting to complete its discussion; the committee agreed.

VI. Current/carryover items:

Proposed ban of polystyrene food packaging products

Wyatt indicated the Monterey Regional Waste Management District is close to approving a model ordinance (see discussion in February minutes). After brief discussion the committee agreed that the outreach effort on this issue was not very good and to write MRWMD a letter asking that it do a more comprehensive outreach to the business community before promoting a ban of these products and indicating the Chamber's willingness to help with that outreach effort.

2008 Government Affairs Committee Goals

Limesand asked if anyone had comments or changes to the 2008 Government Affairs Committee Goals distributed to the committee in February and again in March. After brief comments, the 2008 Goals were adopted unanimously and will be forwarded to the Board of Directors for its information.

VII. Standing Issues

Water

Rowley indicated he secured a briefing for the April meeting on the proposed regional water supply solutions projects developed by the group organized by the Division of ratepayer Advocates of the Public Utilities Commission. The briefing will be by Lyndel Melton, who is the consulting engineer to the group.

VIII. Next Meeting – Wednesday, April 9, 2008 at 3:30 pm at Community Hospital Properties offices at 787 Munras in Monterey.

IX. Adjournment – 5:25 pm.

Prepared by Bob McKenzie