

April 9, 2024

City Council Meeting

Written Public Comments

General Public Comment

Jennifer Connally

From: Janice Brownfield
Sent: Monday, April 8, 2024 8:30 PM
To: City Council Public Comment
Subject: Public Comment Non-Agenda Item

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As Mayor Slater's ad says, "Make every day Earth Day!" Make it like it was last year and previous years when the City and CR&R provided two free bags of compost to customers in support of Earth Day. Organic waste that residents and businesses place in bins from CR&R is recycled into compost and was distributed each year at the City Hall parking lot. The City's amended and restated agreement with CR&R states that it provides "an additional second compost giveaway annually."

Earth Day's theme this year is Planet vs. Plastics, highlighting a commitment to end plastics for the sake of human and planetary health. More than 99% of plastic is made from chemicals sourced from fossil fuels, which account for more than 75% of all greenhouse gas emissions, which trap heat and contribute to respiratory disease from smog and air pollution. Strikes to end the era of fossil fuels will be held around the world on April 19 and global protests will continue through April 22, Earth Day.

Burning fossil fuels is the main reason that the past 10 months have been the hottest on record. Switching from fossil fuels to renewable energy such as solar greatly reduces air temperature and pollution as well as costing much less. Our City's budget deficit could be decreased by converting more City facilities, including park swimming pools, from reliance on electricity from fossil fuels to renewable energy.

Our City's water department revenue seems to include overcharges for water leaks not reported to customers. One local resident who recently received an \$800.00 water bill due to an unknown leak believes the City should have informed her of the leak. The City's budget deficit could increase with an electronic alert system she suggested, but it would serve what she described as the City's professed concern for the environment by saving water.

Our environment will be cleaner and cooler with the planting of donated trees for the City's April 27 observance of Arbor Day, to be designated April 26. While participation in an Arbor Day event is required as part of the annual certification for Tree City USA, the trees will benefit our health by helping to decrease hot temperatures and air pollution.

Item 7.2

2024 APR -8 AM 7:39

2.10.050 – Contribution Limitations

- Raising the limit from \$1000 to \$2500 will cause the primary source of funding to come from PACs and business entities (who have large sources of money) instead of from local Orange residents who cannot afford the higher contributions.
- Furthermore, councilmembers are now elected by district instead of city-wide. This means fewer campaign mailers and fewer voters to reach, thus reducing the cost of campaigning.
- In the past 3 elections, incumbent candidates (who usually raise more funds than challengers) have received only 12% to 35% of their campaign funds from \$1000 contributions. Challengers have raised only 10% to 15% of their funds in \$1000 contributions.
- If the percentage of \$1000 contributions was in the 80%-90% range, then it would be obvious the limit should be increased. This is not the case in Orange.

2.10.090 – Contributions from Committees

Section A deals specifically with transfers from Candidate A to Candidate B (referred to as “inter-candidate transfers”). Section A prohibits acceptance of a contribution from a committee controlled by another candidate. This issue has been reviewed by the Atty. General (in 1995 and again in 2002) and is based on their reading of Buckley v Valeo and other subsequent court cases. The AG’s office therefore considers the inter-candidate transfer to be constitutional. Below are excerpts from the 2002 AG opinion in response to a request from the Orange County District Attorney in 2001.

- Atty. General Opinions concluded that:
“A county ordinance may prohibit the transfer of funds into a county candidate’s committee controlled by a candidate but only with respect to transfers from one candidate to another and only in order to avoid “funneling” where a valid contribution limit is in place.”
- “. . . the Court recognized that where valid contribution limits are in place, a ban against inter-candidate transfers might be ‘necessary to prevent contributors from circumventing the contribution limits by funneling contributions through one candidate to another’. (*Id* , at p. 1322.) We may assume that this contribution limit is constitutional.”

Section B prohibits Orange Candidate A’s committee from transferring a contribution to Orange Candidate B. (AKA inter-Candidate Transfers)

- The reasoning behind this is the same as **Section A** above as it allows a contributor to funnel a contribution through Orange Candidate A’s committee to Orange Candidate B and thereby evade the contribution limit.
- This restriction conforms to the Atty. General opinions discussed above with regard to “transfers between inter-candidate committees”.

It should be noted that in both scenarios above, no candidate is prevented from making a contribution to any other candidate as long as he uses his personal funds and not funds given to him by others. There has been no valid reason provided by the proponents to justify permitting these transfers. For over 20 years inter-candidate transfers have been disallowed by the county and Anaheim and Orange.

To permit inter-candidate transfers opens the door to the funneling of contributions and seriously weakens the Orange Campaign ordinance!

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Item	Name	Comment	Position	Received
3.17. Authorize purchase of nine vehicles from the National Auto Fleet Group for the Orange Police, Public Works, and Community Services Departments using a Cooperative Purchasing Agreement.	Guest User	<p>I did not see any mention in the staff report of evaluating switching to EV vehicles. Given the city's goals to have a safe and fiscally healthy community, assessing the overall cost of EV to the community in terms of cleaner air and zero emissions and also the overall cost of ownership of EV versus gas powered vehicles. If this assessment has not already done, I strongly urge the city to take the step to analyze the EV option. Given the expenditure and the length of the commitment, it seems right to do this analysis now.</p> <p>CERT put out an article "Are municipal electric vehicle fleets a worthwhile investment?" - https://www.cleanenergyresourceteams.org/story/are-municipal-electric-vehicle-fleets-worthwhile-investment that highlighted four cities that made the switch. Their conclusion was "Connexus Energy found that incorporating EVs would decrease Total Cost of Ownership (TCO) and reduce COâ,, emissions and overall petroleum fuel use, providing strong evidence to support EV inclusion in city fleets!"</p> <p>I suspect there will be resources from the Orange Sustainability Group that would be willing to assist or even own the analysis so the busy staff doesn't need to do the heavy lifting.</p> <p>Please take the time to do this for the health of our community and planet.</p> <p>I will close with a quote from the Albuquerque NM Mayor Tim Keller while announcing his city's first purchase of EVs for the municipal fleet. "We can't afford to wait for someone else to take the kind of bold action on climate change we need to protect our community, Any realistic effort to fight climate change has to include steps to reduce the impact of vehicles on our air quality and public health, and the time has come to turn the page on gas-powered cars and trucks."</p> <p>Regards, Suzanne Tani,</p>	Oppose	4/9/2024 16:20

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Item	Name	Comment	Position	Received
7.2. Introduction and First Reading of Ordinance Nos. 08-24 and 09-24 amending Chapter 2.10 of Title 2 of the Orange Municipal Code relating to campaign contribution limits and contributions from committees.	Guest User	I am opposed to both amendments proposed in this agenda item. Increasing the limit to \$2500.00 campaign donations will only bring in PAC/s and businesses to donate in hopes to have votes and decisions be favorable to the business, not the people who voted for our councilmembers. Also the districts are not large so large funding is not necessary it's the voice of the people that should take priority. This was also evident in our last election where PAC & Businesses were used in slam campaigns to elect the mayor of choice. Accountability of money is a priority and amendments to the current wording would make it easier to use campaign contributions other then intended.	Oppose	4/9/2024 15:26

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Item	Name	Comment	Position	Received
9.1. Public Hearing to consider introduction and First Reading of Ordinance No. 05-24 amending Chapter 17.15 of the Orange Municipal Code relating to Density Bonus Law to establish consistency with state density bonus law; and finding of CEQA exemption.	Guest User	<p>Dear Honorable Mayor Slater and Members of the Orange City Council</p> <p>The Kennedy Commission (the Commission) is a broad coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$30,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create effective policies that have led to the production of new homes affordable to low income working families.</p> <p>Thank you for the opportunity to comment on Orange’s proposal to update the City’s Density Bonus Ordinance to be consistent with State Density Bonus law.</p> <p>As the city updates its density bonus ordinance, we encourage the city to take additional steps to evaluate the existing city’s density bonus and how the proposed changes will incentivize low and very low income housing opportunities. This is especially important as the current density bonus has not been effective at producing affordable housing units at low and very low income in the city.</p> <p>Many of the affordable housing sites identified in the Housing Element are identified at the higher density of 60 du/ac (see Table 3-15). At these higher densities and the generous development incentives offered in the Urban Mixed Use zone, it is unlikely that developers will request an additional density bonus. It is imperative that the city takes advantage of the update of the density bonus law to identify incentives and concessions beyond the minimum state law to incentivize affordable housing on these sites for lower income. The analysis should include how effective the use of a density bonus has been in the city and what incentives and programs are needed to facilitate affordable housing on the higher density sites. In addition, the city needs to include how it will monitor affordable unit production progress under density bonus to ensure it is effective in creating affordable housing for low, very low, and extremely low income households.</p> <p>Thank you for your consideration.</p> <p>Very truly yours, Cesar Covarrubias Executive Director</p>	Neutral	4/9/2024 17:02

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9.1. Public Hearing to consider introduction and First Reading of Ordinance No. 05-24 amending Chapter 17.15 of the Orange Municipal Code relating to Density Bonus Law to establish consistency with state density bonus law; and finding of CEQA exemption.	Paul Kim	I support this action to comply with state law and the housing element.	Support	4/8/2024 14:48