

C O U N T Y A D M I N I S T R A T O R



SUSAN S. MURANISHI
COUNTY ADMINISTRATOR

September 25, 2019

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

SUBJECT: ADOPT POSITIONS ON STATE LEGISLATION: OPPOSE: AB 1486; ADOPT A RESOLUTION IN SUPPORT OF FULL PARITY FOR MENTAL HEALTH PATIENTS AND CLINICIANS AT KAISER PERMANENTE

RECOMMENDATION

Adopt, in accordance with the County's 2019-2020 Legislative Platform and the recommendations of your Personnel, Administration, and Legislation (PAL) Committee from its September 23, 2019 meeting, the following recommendations:

- A. **Oppose** Assembly Bill 1486 (Ting) Surplus Land
- B. **Adopt** Resolution of County of Alameda Board of Supervisors in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente

DISCUSSION

A. Oppose Assembly Bill 1486 (Ting) Surplus Land

Existing law, the Surplus Lands Act, sets forth requirements for the disposal of surplus land by a local agency. The law:

- defines the terms local agency, surplus land, and exempt surplus land;
- requires sending a written offer to sell or lease the property to specified agencies and to those housing sponsors who have submitted written requests for notifications;
- gives priority to the development of affordable housing for low income elderly or disabled persons/households;
- upon receipt of an offer to buy or lease the property, requires the parties to enter into good faith negotiations;
- in the event of multiple offers, requires priority for the proposal for the greatest number of affordable units;
- sets forth a required percentage of affordable units if the local agency can't agree to terms with noticed entity and disposes of the property to a residential developer;
- does not invalidate a transfer of property for value in the event of a local agencies failure to comply with these requirements;

- requires annual updates on actions to meet the local general plan housing element provisions;
- requires the State Department of Housing and Community Development to monitor and notify the city/county and the Attorney General of violations of the Housing Accountability Act.

Alameda County shares the author's desire to increase the number of affordable housing units. Voter passage of the Measure A-1 Housing Bond has allowed the County to fund 35 affordable housing projects supporting over 2,400 new affordable units, with a commitment to date of \$246.9 million. AB 1486, although well intentioned, fails to recognize local jurisdictions that building affordable housing and creates unnecessary administrative burdens and increased penalties.

AB 1486, which was substantially amended on August 30, 2019, expands the types of agencies subject to the Surplus Land Act (SLA) by adding special districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions, and imposes significant additional and/or changed requirements which further restrict public agencies disposal of land declared surplus. The proposes more stringent standards:

- sets a September 30, 2019 deadline for a local agency to enter into an exclusive negotiating agreement or legally binding agreement to dispose of property or be subject to the extensive changes made by the bill;
- imposes an onerous penalty of 50 percent of the final value of the land disposed where a public agency does not comply with the requirements of the SLA. A 50 percent penalty could substantially harm an agency's finances, and by extension the residents and customers they serve;
- creates a new right of action for specified entities and persons to bring actions against the "disposing" agency;
- creates costly reporting requirements and puts the Department of Housing and Community Development in the new role of oversight and enforcement of the SLA and surplus lands
- does not differential properties that have not been designated as suitable for residential housing pursuant to housing elements;
- applies all requirements to public land no longer necessary for the agency's "use," though the term "use" is not clearly defined;
- requires a local agency to send out a written notice the availability of the property prior to participating in any negotiations to dispose of the land including informal or exploratory negotiations;
- precludes disallowing residential use as a condition of disposal;
- creates different low-income housing unit requirements for exemption from SLA;
- gives priority to deepest average level of affordability for the affordable unit if they are multiple interested entities; and
- extends the application of the percentage of affordable unit requirements.

These more restrictive requirements add significant time and costs and will halt or cause significant delays in completing on-going property sales negotiations for several County properties that would otherwise be under contract by the end of this year, causing significant financial harm to the County. The exceptions for "participating in negotiations" fail to address the scope of informal negotiations sometimes necessary to analyze the unique potential, condition, and use of surplus property, which can go beyond simple appraisal or value study. Moreover, because "negotiation" is undefined, it could open an agency to unnecessary liability for actions that may not even be initiated by elected leaders or staff of a local agency.

In furtherance of the County's shared vision of a Prosperous and Vibrant Economy, operating principles of Fiscal Stewardship and Equity, and for all the reasons stated, Willie Hopkins, Jr., Director, General Services Agency, and Chris Bazar, Director, Community Development Agency, recommended that the PAL Committee adopt an OPPOSE position for AB 1486.

B. Adopt Resolution of County of Alameda Board of Supervisors in Support of Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente

In support of the County's shared vision of a Thriving and Resilient Population, and 10X goals of Healthcare and Employment for All, this Resolution encourages efforts to increase the availability of, and access to, quality mental health services through the Kaiser Permanente healthcare system. The efforts seek to address staffing levels, caseloads, and appointment availability necessary to meet the current demands for clinical mental health services.

For these reasons, Richard Valle, District 2, Board of Supervisors, recommended that the PAL Committee ADOPT this Resolution.

VISION 2026 GOAL

These recommendations are in support of our shared visions of a **Prosperous and Vibrant Economy**, a **Thriving and Resilient Population**, and our **Fiscal Stewardship and Equity** operating principles. By working with our legislative delegation and our associations, departments, and advocates, we ensure a legislative agenda that addresses the County's mission, vision, and values.

Very truly yours,



Susan S. Muranishi
County Administrator

SSM:AC:TSR:JS:sg

cc: Chris Bazar, Director, Alameda County Community Development Agency
Willie Hopkins, Jr., Director, Alameda County General Services Agency
CAO Analysts
Federal and State Legislative Advocates

**Resolution of the County of Alameda Board of Supervisors in Support of
Full Parity for Mental Health Patients and Clinicians at Kaiser Permanente**

WHEREAS, mental illness is among the most common health problems faced by Californians, with nearly 1 in 6 California adults experiencing a mental illness of some kind, 1 in 24 adults having a serious mental illness that makes it difficult to carry out major life activities, and 1 in 13 children having an emotional disturbance that limits their participation in daily activities; and

WHEREAS, more than half of Californians believe that most people suffering with mental health conditions do not get the help they need, and believe that their communities do not have enough mental health providers, with Black, Latino, and low-income residents most likely to say so; and

WHEREAS, the Kennedy Forum, a leading mental health watchdog, has given California's mental health parity statutes an "F" grade, and Milliman, a leading actuarial firm, has found that California patients seeking mental health and addiction services are more than seven times as likely to get treatment out-of-network than patients seeking medical or surgical care; and

WHEREAS, according to a recent California Health Care Foundation / Kaiser Family Foundation Poll, Californians' top health policy priority is to make sure people with mental health problems can get treatment, with 88 percent of respondents saying it is extremely or very important; and

WHEREAS, Kaiser Permanente (Kaiser) is California's largest health insurer and provider of health care services, with more than 8.8 million covered lives statewide, and plays a leading role in driving standards of health care for California patients and caregivers; and

WHEREAS, Kaiser is currently under a state-ordered outside monitoring program of its mental health services until 2020; and

WHEREAS, Kaiser has barely increased its ratio of 1 full-time mental health clinician to every 3,000 plan members, and understaffing remains so severe that more than 60,000 California Kaiser patients annually are being referred to outside therapists who often cannot adequately coordinate their care with other Kaiser health professionals, thereby denying patients the integration of health care services that Kaiser promises;

NOW, THEREFORE BE IT RESOLVED that the County of Alameda Board of Supervisors strongly supports the establishment of full parity for mental health patients and clinicians at Kaiser Permanente; and

BE IT FURTHER RESOLVED that the County of Alameda Board of Supervisors stands in solidarity with the mental health clinicians at Kaiser represented by the National Union of Healthcare Workers in their fight to settle a fair contract.

THE FOREGOING was PASSED and ADOPTED by a majority of the Board of Supervisors of the County of Alameda, State of California at the meeting of the said Board held on this _____ day of _____ 2019 by the following vote:

AYES:

NOES:

ABSTAIN:


EXCUSED:

President, Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

By: _____
CLERK OF THE BOARD

By: 
ASSISTANT COUNTY COUNSEL