

**ALAMEDA COUNTY  
BOARD OF SUPERVISORS'  
PERSONNEL/ADMINISTRATION/LEGISLATION  
COMMITTEE**

**Monday, October 5, 2015  
1:30 p.m.**

**Supervisor Keith Carson, Chair  
Supervisor Wilma Chan**

Location: *Board of Supervisors Chambers – Room 512 5<sup>th</sup> floor*  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

**Summary/Action Minutes**

**I. Federal Legislative Update – CJ Lake**

The House and Senate are both in session this week. The Senate plans to consider the conference report on the FY16 defense authorization, which has drawn a veto threat from President Obama. The House has scheduled votes on measures to lift the 40-year embargo on crude-oil exports. House Republicans will also hold their internal conference elections for Speaker on Thursday while scheduling a full House vote on October 29, 2015.

**Appropriations**

On September 30, 2015, Congress sent President Obama a clean continuing resolution (CR) to fund most federal agencies at current FY15 levels through December 11, 2015. A CR was needed since the FY16 appropriations process stalled in both the House and Senate earlier this summer. In order to avoid a federal government shutdown in December, Congress and the Administration will need to reach a budget deal to raise the spending caps set in place by the Budget Control Act of 2011. The 2011 Budget Control Act (BCA) imposed limits or “caps” on the level of discretionary appropriations for defense and for non-defense programs in each year through 2021. Congress reached deals to raise the caps for FY13-FY15. However, the caps are in place for FY16 and have made drafting FY16 appropriations bills very difficult for both the House and Senate Appropriations Committees. The bills that have been reported out of both Committees generally include funding reductions for most domestic programs.

The Administration has stated President Obama will veto every FY16 appropriations bill sent to his desk under the current caps and has called on Congress to do away with sequestration and raise the budget caps for both defense and domestic programs.

The big challenge will continue to be the House Freedom Caucus who object to raising the budget caps but also any appropriations bills that include funding for Planned Parenthood. These two issues will make it difficult for any new Speaker to negotiate with the Administration. Congress avoided a shutdown on October 1, 2015, because of Speaker John Boehner’s resignation announcement, but the chances of a shutdown when the current CR expires in December are significant.

**Surface Transportation Negotiations**

Congress is not expected to pass another short-term extension of policy on or before the current expiration of October 29, 2015.

In the last week, there has been increased chatter from House leadership that the Transportation & Infrastructure Committee could be close to reaching a deal.

On October 1, 2015 Majority Leader McCarthy stated an announcement from the Committee would come shortly. The House Transportation & Infrastructure Committee will move a bill without any financing measures.

The Ways and Means Committee continues to look for financing options. A long-shot bid to combine international tax reform with highway funding appears all but dead after Senator Chuck Schumer and Representative Paul Ryan acknowledged that negotiations were deadlocked over funding levels for the roads and transit program.

### **Affordable Care Act**

This week, House Republicans take the next step in using reconciliation instructions to repeal key elements of the Affordable Care Act and block federal funding of Planned Parenthood.

The Ways and Means Committee recommended that the budget panel repeal the healthcare law's individual and employer mandates along with taxes on medical devices and high-cost insurance plans. Another recommendation would do away with the Independent Payments Advisory Board created to limit the growth of spending for Medicare. The Congressional Budget Office estimated the changes would reduce budget deficits by a net \$37.1 billion through fiscal 2025.

The Energy and Commerce Committee recommendations would repeal the Prevention and Public Health Fund and prohibit Medicaid reimbursements to abortion providers, with exceptions for terminations of pregnancies that result from rape or incest or when a woman's life is endangered; and increase funding for community health centers. That provision is aimed at defunding Planned Parenthood. The Congressional Budget Office estimated the panel's work would reduce deficits by \$12.4 billion through fiscal 2025.

Education and the Workforce Committee recommendations would repeal an automatic enrollment requirement of the ACA. The Congressional Budget Office wrote that the change would reduce deficits by \$7.9 billion through fiscal 2025.

The full House is expected to take up the bills in the next few weeks. Action will then turn to the Senate, where Majority Leader Mitch McConnell has not yet said if he will bring the bills to the floor. The bills would not be subject to a filibuster in the Senate, so could pass with a simple majority. However, President Obama is expected to veto any bills that are sent to his desk for signature.

### **California Water Bills**

The Senate Energy and Natural Resources Committee will hold a hearing on western water legislation on October 8, 2015. The hearing will address five bills (two regarding California) to frame the discussion for comprehensive western water legislation that the Committee is expected to produce in the weeks following the hearing.

The two bills focused on California's water shortage are below:

- H.R. 2898 (Valadao), the Western Water and American Food Security Act of 2015
- S. 1894 (Feinstein), the California Emergency Drought Relief Act of 2015

### **Criminal Justice Reform Legislation**

Last week, a bipartisan group of Senators, including the Chair and Ranking Member of the Senate Judiciary Committee, announced the introduction of the bipartisan Sentencing Reform and Corrections Act. The legislation aims at recalibrating prison sentences for certain drug offenders, targeting violent criminals, granting judges greater discretion at sentencing for lower-level drug crimes, and helping prisoners successfully re-enter society.

The bipartisan group suggests the bill will get a full Senate vote, possibly by the end of the year. However, finding the time necessary to debate and vote on the measure will be difficult due to Congress' busy fall schedule, as they must act on raising the budget caps and debt ceiling as well as the extension of the highway bill.

### **Sanctuary Cities Update**

The Senate Judiciary Committee continues to delay the markup of the Stop Sanctuary Cities Act (S. 1814). The Committee has rescheduled the markup for this Thursday, October 8th. The legislation would require the Department of Justice to withhold State Criminal Alien Assistance Program and Edward Byrne Memorial Justice Grant Program funding for cities and other local governments that defy federal detainer requests.

**Purpose:**

- Report progress
- Advocacy or Education
- Request PAL Committee Recommendation or Position
- Other: Federal legislative update**

This item was informational only and required no Committee action.

## **II. State Legislative Update –Platinum Advisors**

The Governor still has more than 350 bills before him to be acted upon, with the deadline for signature or veto being October 11, 2015.

### **End of Life Option Act**

The Governor signed ABx2 15 into law. The bill will allow a terminal patient under specified circumstances to obtain a prescription to end their own life. An adult must orally request a prescription for an aid-in-dying drug at least fifteen days apart, have a written request signed by two witnesses and the patient's attending physician must refer them to another physician to confirm diagnosis and capacity to make medical decisions. The measure will sunset on January 1, 2026, which was added to allow the Legislature to review outcomes after implementation.

### **California Air Resources Board**

The California Air Resources Board (CARB) is moving forward on implementing the Governor's Executive Order to reduced 50% of petroleum use. CARB, the California State Transportation Agency and several other agencies held a kick-off workshop to update the AB 32 Scoping Plan in Sacramento on October 1, 2015. Additional workshops are planned for the Bay Area, Central Valley and Southern California. The workshops will focus on updating the Scoping Plan to meet the Executive Order's call to reduce greenhouse gas emissions by 40% below 1990 levels by the year 2030.

### **The Board of State and Community Corrections Regional Hearings on Proposition 47**

The Board of State and Community Corrections (BSCC) announced that it has scheduled the first of seven regional meetings on the implementation of Proposition 47. The hearing will be a part of a statewide tour to explain the agency's duties and gather public input on potential funding priorities. The initial meeting will be held on October 28, 2015 at the Alameda County Board of Supervisors' chambers, other hearings will be scheduled after the first of the year.

The BSCC plans to appoint a limited-term Executive Steering Committee, which will be charged with developing grant program criteria for final board approval.

The BSCC plans to begin accepting statements of interest for committee membership in early 2016. The statements will be accepted via the BSCC's website.

### **New Public Policy Institute of California Report on Impacts of Public Safety Realignment**

The Public Policy Institute of California (PPIC) released a new report titled "Public Safety Realignment: Impacts So Far". This report is the latest in a series of reports the PPIC released regarding public safety realignment. Some of the findings in the report include:

- Realignment significantly reduced the state prison population but the state did not reach federal court-mandated population target until after the passage of Proposition 47.
- The reforms associated with public safety realignment challenged county jails and probation departments by making them responsible for a greater number of offenders with a broader range of backgrounds and needs.
- The county jail population did not rise nearly as much as the state prison population fell, effectively reducing the total number of individuals incarcerated in California.
- Public safety realignment did not increase crime although auto thefts have risen.
- Research to date shows no dramatic change in recidivism rates.

### **Governor Signs Law Enforcement Legislation**

Governor Brown signed legislation geared to provide accountability, transparency and training regarding the activities of law enforcement personnel. The bills are in part, the Legislature's response to events that have occurred across the country involving law enforcement officers and minority communities.

AB 69 – Requires law enforcement agencies to consider specified best practices when establishing policies and procedures for downloading and storing data from body-worn cameras.

AB 71 – Requires law enforcement agencies to annually furnish to the Department of Justice a report of specified incidents when a peace officer is involved in the use of force.

AB 953 – Enacts the Racial and Identity Profiling Act of 2015. The bill requires, beginning July 1, 2016, the Attorney General to establish the Racial and Identity Profiling Advisory Board to eliminate racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement.

SB 11 – Requires the Commission on Peace Officer Standards and Training (POST) to review the training module relating to persons with mental illness, intellectual disability or substance abuse disorder in its basic training course.

SB 29 – Requires POST to require field training officers who are instructors for the field training program to have at least eight hours of crisis intervention behavioral health training.

### **California School Boards Association Education Legal Alliance Lawsuit Against Proposition 98**

The California School Boards Association's (CSBA) Education and Legal Alliance filed a lawsuit on September 22, 2015, arguing that the current budget did not adjust Proposition 98 to reflect additional spending on childcare within the voter-approved constitutional guarantee for K-12 schools and community college spending.

In the current 2015-16 budget, the State added some childcare spending (\$145 million) back into Proposition 98 but did not re-bench the minimum guarantee calculation from \$150 million to \$180 million. The lawsuit alleges that the State's failure to re-bench funds is unconstitutional.

### **SB 277 Referendum Fails**

Opponents of the law eliminating the personal belief exemption for vaccinations failed to submit enough signatures last week to qualify for the November 2016 ballot. Approximately 228,000 signatures were collected however 365,880 were needed.

#### **Purpose:**

- Report progress
- Advocacy or Education
- Request PAL Committee Recommendation or Position
- Other: State legislative update**

This item was informational only and required no Committee action.

### **PUBLIC COMMENT**

None.

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