

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

**Monday, November 19, 2018  
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 not in session this week due to the Thanksgiving holiday. Congress will return next week to finish legislative items to include, FY19 appropriations, the farm bill, and potentially criminal justice reform.

**Midterm Election**

Over the weekend, Senator Bill Nelson conceded to Governor Rick Scott in Florida's Senate race after a recount. As of right now, Republicans will control the Senate 52-47. The only outstanding Senate race is Mississippi's as they will hold a run-off election between Democrat Mike Espy and Republican Senator Cindy Hyde-Smith on November 27, 2018.

In the House, the Democrats have expanded their lead to 233-200 seats, with 2 races still undecided in GA-07 and UT-04. The high profile, toss-up races in California were called over the weekend with Democrat Gil Cisneros besting Republican Young Kim in CA-39, Democrat Katie Porter beating Republican Representative Mimi Walters in CA-45, and both Democrats Josh Harder and Harley Rouda defeating incumbents Jeff Denham and Dana Rohrabacher, respectively.

**House and Senate Leadership Elections**

House and Senate Republicans and Senate Democrats held leadership elections last Wednesday. House Democrats will hold their elections on November 28. Rep. Kevin McCarthy (R-CA) won the position of minority leader against his opponent Rep. Jim Jordan (R-OH) on a vote of 159-43.

It appears Leader Pelosi will have a tougher time regaining her Speakership as a group of younger Democratic members are trying to form a coalition to oust her from leadership. Even though there has been opposition, there hasn't been anyone willing to formally challenge Leader Pelosi to this point. A member from Ohio and former head of the Congressional Black Caucus, Marcia Fudge, could potentially challenge Pelosi. Fudge has said she will take the Thanksgiving holiday to decide whether to seek the Speaker's gavel. Rep. Fudge has been in office since 2008, the 116th Congress will be her sixth term. At the same time, 16 House Democrats sent a letter earlier today in opposition to Leader Pelosi being Speaker, and there are rumors of other possible candidates being floated. Over the next week and absent of a formal challenger, Leader Pelosi is expected to round up the votes necessary to become Speaker.

**House Republicans:**

- Rep. Kevin McCarthy (CA) as Minority Leader
- Rep. Steve Scalise as Minority Whip
- Rep. Liz Cheney (WY) as House Republican Conference Chairwoman

## Senate Republicans:

- Sen. Mitch McConnell (KY) as Senate Republican Leader
- Sen. Chuck Grassley (IA) as Senate President Pro Tempore
- Sen. John Thune (SD) as Senate Republican Whip
- Sen. John Barrasso (WY) as Senate Republican Conference Chairman
- Sen. Roy Blunt (MO) as Senate Republican Policy Committee Chairman
- Sen. Joni Ernst (IA) as Senate Republican Conference Vice Chairman, and
- Sen. Todd Young (IN) as National Republican Senatorial Committee (NRSC) Chairman

## Senate Democrats:

- Sen. Charles Schumer (NY) as Senate Democratic Leader and Chair of the Conference
- Sen. Dick Durbin (IL) as Democratic Whip
- Sen. Patty Murray (WA) as Assistant Democratic Leader
- Sen. Debbie Stabenow (MI) as Chair of the Democratic Policy and Communications Committee
- Sen. Elizabeth Warren (MA) as Vice Chair of the Conference
- Sen. Mark Warner (VA) as Vice Chair of the Conference
- Sen. Amy Klobuchar (MN) as Chair of Steering Committee
- Sen. Bernie Sanders (VT) as Chair of Outreach
- Sen. Joe Manchin (WV) as Vice Chair of the Democratic Policy and Communications Committee
- Sen. Tammy Baldwin (WI) as Senate Democratic Conference Secretary

## Lame Duck

### *Appropriations*

There are seven appropriations bill currently under a CR that will expire December 7, accounting for roughly 30% of the total government. Four of those bills (T-HUD, Agriculture, Financial Services, Interior-Environment) have been packaged into a minibus (H.R. 6147). Congress will either move this minibus and another consisting of State-Foreign Ops, CJS and Homeland Security, and move all seven bills together in one package, or pass another CR that will extend into the 116th Congress to avoid a shutdown, the final option. If appropriators can hammer out all the disagreements, they will most likely choose to move all seven bills together. We believe a partial shutdown (the four appropriations bills already signed into law have funded Defense, Military Construction, Veterans Affairs, Labor, HHS, Education and Energy through FY19) over the border wall dispute is still possible. The President met last week with Republican Congressional leadership to discuss strategy, and they may try to force Democrats' hand with a single package that includes the remaining seven bills, the higher level of wall funding, and relief funds for California fires and hurricane recovery.

### *Farm Bill*

A final deal on the farm bill could come as early as today that does not include the House Republican proposal to increase work requirements for SNAP recipients. Ranking Member Colin Petersen (D-MN) reiterated that work training components have been part of the farm bill since 1996. We expect Republicans to accept a deal in the lame duck session rather than allow the incoming Democratic House majority to write its own bill in the new Congress.

### *Criminal Justice Reform*

President Trump announced his support last week for the bipartisan legislation, the First Step Act (S 3649), aimed at reforming the criminal justice system. Majority Leader McConnell remains cautious as his conference is not in total support of the bipartisan package (i.e. - Senator Cotton (R-AR)). Originally, McConnell said he was willing to bring the bill to the floor if negotiators (Sens. Grassley (R-IA), Durbin (D-IL), and Lee (R-UT)) showed evidence that there are 60 or more votes in support of the legislation. However, McConnell told President Trump in a private meeting on Thursday that there likely is not enough time to bring a bipartisan criminal justice bill up for a vote this year, regardless of the support it has in the Senate and the White House.

The proposal would generally allow for shorter prison terms and more judicial discretion in sentencing. The legislation differs from the Senate's previous bill, the Sentencing Reform and Corrections Act (S. 2123), as it would not offer retroactivity in the reduction of mandatory minimums for nonviolent offenders.

### **Informational item**

#### [Attachment](#)

#### **i. Comment submission activity for several Notice of Proposed Rulemaking actions**

*Comments submitted by:* Lori A. Cox, Director, Social Services Agency and Collen Chawla, Director, Health Care Services Agency

#### **Purpose:**

- Report progress
- Advocacy or Education
- Request PAL\_Committee Recommendation or Position
- Other: Federal Update**

## **II. State Legislative Update – Brownstein Hyatt Farber Schreck**

The November 6, 2018 General Election has ended. In addition to the Gubernatorial race, voters decided on key Senate and Assembly races and some high-profile ballot initiatives. Though county officials plan to complete their work by December 7, 2018, below are the preliminary results on several key items.

After actively working to secure vulnerable Democratic seats and target vulnerable Republican seats, the Assembly Democrats will have at least 59 seats, possibly 60, heading into the 2019-2020 Legislative Session – growing their two-thirds supermajority by an additional 4 to 5 seats. Heading into the election, Senate Democrats were one seat shy of a supermajority following the recall of Senator Josh Newman. Following the election, Senate Democrats secured a two-thirds supermajority heading into the 2019-2020 Legislative Session, holding 28 seats, a pick-up of 2 seats that were previously held by Republicans.

Some races are still considered too close to call, but the late votes that are currently being counted favor Democrats. Below are other significant outcomes of the November 6, 2018 General Election:

- Gavin Newsom will be California's next Governor.
- Dianne Feinstein remains California's representative in the U.S. Senate.
- Proposition 1 – the \$4 billion Veterans and Affordable Housing Bond Act of 2018, was approved by 55.1% of voters. The County supported this measure.
- Proposition 2 – which authorizes the use of \$2 billion in Mental Health Services Act funds for supportive housing for the homeless mentally ill, was approved by 62.3% of voters. The County supported this measure.
- Proposition 6 – which would have repealed California's gas taxes and funding for road repair, was rejected by 56.5% of voters. The County opposed this measure.
- Proposition 10 – which would have enabled local jurisdictions to enact rent control measures, was rejected by 60.7% of voters.
- Assembly District 15 – Buffy Wicks will represent Alameda County's 15th Assembly District.
- Assembly District 16 – Rebecca Bauer-Kahan (D) officially won a very close race for AD 16, unseating incumbent Republican Catharine Baker.
- Incumbent races all won – AD 18 (Bonta), AD 20 (Quirk), AD 25 (Chu), SD 10 (Wieckowski).
- All statewide offices have been won by Democrats.

The Legislature recently published the long awaited legislative calendar for 2019. Below you will find important upcoming legislative deadlines:

- December 3, 2018 – Organizational Session of the 2019-20 Regular Session.
- January 7 – Legislature reconvenes, and Governor Newsom is sworn in.
- January 10 – Governor's Budget must be submitted.

- February 22 – Last day for bills to be introduced.
- April 11-22 – Spring Recess.
- April 26 – Last day for policy committee hearings on fiscal bills in the first house.

## 2020 Census Funding

On November 9, 2018, the California Complete Count – Census 2020 Committee released its plan for \$90.3 million dedicated to strategies and activities that will help ensure an accurate and successful count in California. A little over two-thirds of the funding is allocated for outreach in communities, including sizeable distributions to counties, Tribal Governments and community-based organizations, and for associated programmatic costs. Approximately 20% of the funding will supplement this outreach by using local ethnic media to target specific communities and to cover gaps identified in the federal media campaign within California.

County allocations are based on the California Hard-to-Count Index created by the California Department of Finance, Demographic Research Unit and modeled on the U.S. Census Bureau’s Hard-to Count Score of past censuses. Of the \$26.7 million allocated specifically for County and Tribal Outreach (“County Contracts”), Alameda County has been allocated \$843,249.

## Initiative Update

It was recently reported that the proponents of the SB 10 Referendum have collected well over the signatures required to place the measure on the November 2020 ballot and will soon submit their signatures to the Secretary of State. If proponents submit at least 366,000 valid signatures by November 26, 2018, the new laws enacted by SB10, set to go into effect in October 2019, will be put on hold until the voters decide on the referendum.

Additionally, a new initiative was submitted for title and summary that may be of interest to the county titled “Jury Entitlement in Matters Related to Legal Rights to Children.” The proposed summary states that the measure provides that findings in dependent-child proceedings and in child-custody proceedings may be made by a jury, as a matter of right and prohibits a judge from rejecting a jury’s findings.

## State Controller’s October Cash Report

The State Controller reports state revenue of \$6.57 billion in October, which falls short of projections in the 2018/19 budget by 5.9%, or \$412.2 million. Total revenues in the first four months of fiscal year 2018-19, \$35.28 billion total, are 8.1% higher than the first four months of fiscal year 2017-18.

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## PUBLIC COMMENT

None.

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