

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

**Monday, November 24, 2014
1:30 p.m.**

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

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

Summary/Action Minutes

I. Federal Legislative Update

The House and Senate came back to Washington on November 12, 2014 to begin the lame duck session. Both chambers recessed last Thursday for Thanksgiving and will return on December 1, 2014. The lame duck session is expected to run through December 12, 2014. Both the House and Senate used the first two weeks to organize for the 114th Congress. These last two weeks will be more focused on legislation.

Last week the Senate approved the Child Care Development Block Grant (CCDBG) program authorization and President Obama signed it into law. The House and Senate reached a bipartisan deal on the program, which has not been authorized since 1996. The House passed the legislation by suspension in September.

Lame Duck Session

FY15 Appropriations

The Continuing Resolution (CR) is the one “Must Pass” piece of legislation that needs to be addressed in the Lame Duck session. It currently is funding most federal agencies at FY14 levels and expires on December 11, 2014. Congress must either extend the current law or pass an FY15 omnibus appropriations bill in order to avoid a government shutdown. Appropriations Committee staff has been tasked by House and Senate leadership to conference FY15 bills so that an omnibus bill can go to the House floor the week of December 8, 2014. In general, leadership of both parties wants to finish up the FY15 bills in December in order to start with a clean slate in 2015. However, some rank and file Republican members have not supported this plan and President Obama’s announcement last week regarding executive action on immigration has made things more complicated.

Authorization of Military Force

Prior to the midterms, President Obama said he would begin engaging with Members of Congress over a new authorization to use military force against ISIS. He has also requested \$5.6 billion in funds as the effort to defeat ISIS moves into the next phase. The emergency funding request would likely be combined with a CR or omnibus. A debate is expected on the Authorization of Military Use of Force to occur in the 114th Congress.

Executive Nominations

The Administration currently has over 150 nominations on the Senate calendar. The Senate reached agreement in the last weeks to move several federal judges and ambassadors, but there are still a number of nominations that must be cleared.

Attorney General

On November 8, President Obama formally nominated Loretta Lynch to become the next Attorney General of the United States. The Senate leadership has stated the Senate will not take up the nomination until the 114th Congress. Ms. Lynch currently serves as the United States Attorney for the Eastern District of New York and previously served in the same role from 1999-2001 under President Clinton. Ms. Lynch would be the nation’s first African-American woman to serve as Attorney General if confirmed by the Senate.

The Senate overwhelmingly confirmed both of her nominations for US Attorney. The incoming Senate Majority Leader, Mitch McConnell, has stated that Ms. Lynch will receive fair consideration from the Senate, but her nomination should be considered in the new Congress, rather than during the lame duck session.

Defense Secretary

Today, President Obama announced the resignation of Secretary Chuck Hagel. Secretary Hagel has said he will stay on until his replacement is confirmed. There is no anticipation that the Senate will take up a nomination until the 114th Congress.

Executive Action on Immigration

Last Thursday, November 20, 2014, President Obama announced that the Administration would take Executive Action on immigration, based on Congress' inability to pass a comprehensive immigration reform bill. All told, the 2014 Executive Action and the 2012 Deferred Action for Childhood Arrivals (DACA) could benefit as many as 5.2 million people – nearly half of the estimated 11.4 million unauthorized immigrants living in the United States. Most of the people affected by the 2012 DACA and 2014 Executive Action will receive a temporary reprieve from removal or deportation proceedings and will not receive citizenship or legal status.

There will be an expansion of the 2012 DACA program, making more people eligible for that relief. To date, around 580,000 young people have received deferred action from removal under the program, and the Executive Action could expand that number by an additional 290,000. As many as 1.5 million people could be eligible under the expanded DACA, including an estimated 456,000 people in California. The expansion includes removing the age limit on applicants (currently age 31), and pushing back the date on which the applicant entered the United States from June 15, 2007 to January 1, 2010. The current two-year increments for DACA status and work authorization will be expanded to three-year increments. This expansion should take effect approximately 90 days after the November 20, 2014 announcement.

The largest expansion of deferred action, however, involves the parents of U.S. citizens and lawful permanent residents (LPRs). Applications under this program would begin in Spring 2015 (approximately 180 days after November 20, 2014). This program could benefit as many as 3.7 million people in the U.S., almost a third of whom live in California. These parents would need to have resided in the United States since at least January 1, 2010; they must pass criminal background checks; and they must not be considered a national security or public safety threat.

There had been discussions about giving deferred action status to the parents of DACA recipients or “Dreamer” children. That was not included in the final Executive Action. Other provisions related to families include “unlawful presence” waivers for spouses and minor children of LPRs or the minor children of U.S. citizens – waiving the bar on re-admission to the United States that results from having entered the country without authorization in the past.

The Executive Action also includes changes to certain high-skilled visa programs, allowing the spouses of H-1B visa holders to receive work authorization, allowing PERM visa holders to change jobs while their application was pending, allowing certain investors to enter the U.S. with authorization, and expanding the definition of “STEM” and allowing foreign STEM graduates more time to find work in the U.S. after graduation.

The November 20, 2014 announcement also included a repeal of the Secure Communities Program, by which USCIS worked with local law enforcement to identify and deport criminal aliens in custody. Secure Communities will be replaced by the Priority Enforcement Program or “PEP” – which will handle only those undocumented immigrants who (1) pose a threat to national security; or (2) have been convicted of a specifically enumerated crime.

Congressional Republicans had warned the President that taking action like this could “poison the well” for future dealings between Congress and the White House. Some members have threatened to block votes on future nominations – including for Attorney General and Defense Secretary. Others have explored de-funding the program through appropriations language next month. Much of the immigration program is funded through user fees, however; so blocking the entire Executive Action program may be problematic for Congress. President Obama has stated that the long-term goal still needs to be passing comprehensive immigration reform legislation, but the outlook for doing so is not promising in 2015 or 2016.

Department of Energy Workplace Charging Summit

Last week, the County was recognized as a Workplace Charging Partner at the Department of Energy (DOE) Workplace Charging Summit in Washington, DC. The DOE recognized employers who demonstrated leadership in supporting the development of the national plug-electric vehicle charging infrastructure. Alameda County was one of

fewer than 20% of all challenge partners who received this recognition presented by Deputy Assistant Secretary for Transportation Reuben Sarkar. The Department of Energy launched the Workplace Charging Challenge in 2013 with the goal of achieving a tenfold increase in the number of U.S. employers offering workplace charging by 2018. Lynn Jacquez accepted the “Leading the Charge” award on behalf of the County.

Purpose:

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

II. State Legislative Update

Legislators will return for swearing in on December 1st, but won't stick around beyond a couple of days. The Legislature is scheduled to commence the 2015-16 session on January 5th, with the Governor releasing his proposed 2015-16 Budget by January 10, 2015.

LAO Report

The Legislative Analyst released “California’s Fiscal Outlook,” on Wednesday, outlining what he views as the most likely financial scenario for California provided continuation of existing laws. The view is generally positive, with a likelihood of a \$2 billion surplus at the end of the 2014-15 fiscal year. The additional \$2 billion is expected to be completely eaten up in the Prop 98 guarantee for school funding. The LAO believes that mandate reimbursement funding for local governments will be triggered in May 2015, which will result in \$170 million in reimbursements to cities, counties, and special districts. These reimbursements are in addition to the \$100 million appropriated in the current fiscal year. At the end of 2015-16, the LAO expects a reserve of \$4.2 billion.

Medi-Cal for Undocumented Immigrants

Although the Department of Health Care Services (DHCS) has yet to release information about how President Obama’s Executive Order will affect Medi-Cal eligibility, advocates are feeling positive about the possible outcome. The Executive Order will allow individuals who have resided in the United States for at least five years and who do not have a history of felonies or serious misdemeanors to apply for a program to remain in the U.S. Currently, even in families with both citizens and non-citizens there is a hesitancy to apply for Medi-Cal and risk deportation. It will be more likely now that those families will seek coverage for citizen members of the family, but there may also be an opportunity for coverage for the undocumented.

In California, immigrants qualifying for the Deferred Action for Childhood Arrivals (DACA) Initiative are also allowed Medi-Cal benefits. Under DACA, beginning in 2012, undocumented children are granted legal status to work in the U.S. for two-year periods. About one million Californians are expected to be affected by the recent Executive Order, but only some of those will meet the financial eligibility requirements for Medi-Cal should the State grant the benefit.

Medi-Cal Renewals

On November 17th, advocacy groups including the Western Center on Law and Poverty filed a lawsuit against DHCS aiming to delay Medi-Cal beneficiaries from losing coverage. Since implementation of the Affordable Care Act, those previously enrolled in Medi-Cal are being asked to fill out new paperwork with requests for information not previously required. The advocates noted that up to one million of the 11.3 million Medi-Cal beneficiaries could be cut without understanding why. Some beneficiaries also have language barriers that prevent them from reading the renewal forms. Although a judge declined to grant the temporary restraining order preventing DHCS from dropping people from the rolls, they will have 90 days from the time they are dropped to provide the State with the requested paperwork. In previous years, about 30% of people on Medi-Cal haven’t responded to the requested renewal paperwork. This year the number has been closer to 50%.

Covered California

Despite experiencing computer and telephonic issues, Covered California managed to enroll 11,000 new people into health plans in the first four days of open enrollment. 70,000 people submitted applications which are pending. About half of those individuals look to be Medi-Cal eligible while the other half would be enrolled in private coverage. Open enrollment into Covered California ends February 15, 2015.

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PUBLIC COMMENT: None.

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