

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

**Monday, March 2, 2015
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 – CJ Lake

DHS Appropriations

On February 27, 2015, the House and Senate passed a 7-day extension to fund the Department of Homeland Security (DHS). The Senate originally passed a clean bill that would fund DHS through September 30, 2014. Dissension remains in the Republican Party as more conservative members were attempting to shutdown DHS as a way to retaliate against and defund President Obama's Administrative Action on Immigration. There is talk that the House Republican leadership could bring up the clean bill the Senate passed that would fund DHS through the remainder of the fiscal year. If so, the Republicans would need to find at least 30 of its Members to support the legislation if all Democrats support.

Immigration Markup

The House Judiciary Committee will hold a two-day markup related to immigration on Tuesday and Wednesday. The bills being considered are the "Legal Workforce Act" (HR 1147), the "Protection of Children Act of 2015" (HR 1149), the "Asylum Reform and Border Protection Act of 2015" (HR 1153), and the "Michael Davis, Jr. in Honor of State and Local Law Enforcement Act" (HR 1148). The Legal Workforce Act would make electronic employment verification or "E-Verify" mandatory for all employers within a certain period of time.

The Protection of Children Act is targeted at the unaccompanied alien minors' situation on the U.S.-Mexico border, providing for hearings to send the minors back to their home country within 14 days. The Asylum Reform bill seeks to tighten the process by which the Administration approves asylum and parole claims by aliens. The Michael Davis, Jr. Act is named for a Placer County Sheriff's Deputy killed in the line of duty in 2014 and addresses the issue of criminal aliens by: (1) expressly authorizing state and local governments to assist in the enforcement of federal immigration law, including authorizing them to enact and enforce their own immigration laws (reversing Supreme Court precedent in a case involving Arizona's immigration laws) and providing grants for local law enforcement; (2) expediting the deportation of criminal aliens, including those convicted of DUI offenses; (3) improving visa security; (4) increasing the ability of ICE officers to make arrests; (5) requiring the Administration to report to Congress each year on the use of prosecutorial discretion; (6) barring the Administration from modifying enforcement priorities; and (7) defunding President Obama's administrative actions on immigration – whether through appropriations or agency-collected fees.

Netanyahu Speech

On Tuesday, March 3, 2015 Benjamin Netanyahu, Prime Minister of Israel will deliver a joint-address to Congress on the impacts of Iran obtaining a nuclear weapon and the ongoing negotiations with the United

States. Many prominent Democrats are in opposition to Mr. Netanyahu's visit because Speaker John Boehner invited the Prime Minister to address Congress without consent from the White House. There are numerous Democrats that will miss the speech including, President Obama, Vice President Biden, and various members of Congress as they believe the speech is both a political stunt that is being given two weeks prior to the Israeli elections and meant to derail negotiations with Iran.

Keystone override vote

On Wednesday, March 4, 2015, the Senate will hold a procedural vote to override President Obama's veto of the Keystone XL Pipeline. The actual override vote is expected to occur on Thursday. Senate Republicans are likely to win more than the 60 votes needed for cloture, but they are unlikely to win the 67 votes necessary to override the president's veto. As of Friday, supporters appear to have 63 votes. Senator John Hoeven stated that Republicans are considering another options including, attaching the Keystone bill to another bill, likely the surface transportation authorization bill.

ESEA Vote

The vote to reauthorize the Elementary and Secondary Education Act is currently on hold as the House prepares to address the Department of Homeland Security funding issue first. The Student Success Act authored by Chair of the House Education and Workforce Committee, John Kline (R-MN), passed the Committee by a 12-8 vote along party line on Friday and will be scheduled for a House vote sometime in March.

EPW MAP-21 Reauthorization

Senate EPW Chairman Jim Inhofe is ready to move on a transportation bill and has stated that there will be no more hearings on the issue. The Majority staff is now meeting regularly with Ranking Democrat Barbara Boxer's staff as they work to draft a long-term bill before the May deadline. Senator Inhofe has said there will be a lot of similarities to the bill from last year and he is committed to getting the bill completed without any further extensions.

Upcoming Hearings

House Transportation and Infrastructure

On Tuesday, March 3, 2015 the House Transportation and Infrastructure Committee will hold a hearing on the Federal Aviation Administration Reauthorization. The Administrator of the FAA, Michael Huerta, will be the only witness and he will discuss enabling a 21st Century Aviation System.

Senate Commerce, Science, and Transportation

The Senate Committee on Commerce, Science and Transportation will hold a hearing on the FY16 Budget Requests for both the Department of Transportation and the Department of Commerce. The witnesses include, Secretary of Transportation Anthony Foxx and Secretary of Commerce Penny Pritzker.

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

Friday, February, 27, 2015 was the bill introduction deadline, with approximately 1,000 new bills introduced; although many of them are still spot bills without any substance.

Prop 47

Legislation that would unravel parts of Proposition 47, the Safe Neighborhoods and Schools Act approved by the voters last November, has been introduced by members from both parties and both houses of the Legislature. No doubt some of the bills are in direct response to complaints from law enforcement officials regarding the impact of Prop 47 in their particular communities. A common theme among many of the bills: guns.

The California Constitution authorizes the Legislature to amend or repeal an initiative statute by another statute that becomes effective when approved by the voters. Presumably, any of the proposed measures that are approved by the Legislature and signed by the Governor would be submitted to the voters for approval at the next statewide election. The proposed changes to Prop 47 are reflected in the bills below:

AB 46 (Lackey) This bill would provide, without regard for a person's prior convictions, that possession of Ketamine and flunitrazepam is either a misdemeanor, punishable by imprisonment in a county jail for not more than one year, or a felony, punishable by imprisonment in a county jail for 16 months, or two or three years. The bill would also provide that the possession of GHB by a person who does not have a prior conviction for specified crimes is either a misdemeanor, punishable by imprisonment in a county jail for not more than one year, or a felony, punishable by imprisonment in a county jail for 16 months, or two or three years.

AB 150 (Melendez) This bill would make the theft of a firearm grand theft in all cases, punishable by imprisonment in state prison for 16 months, or two or three years. The bill would also make buying or receiving a stolen firearm a misdemeanor or a felony.

AB 390 (Cooper) This bill would apply provisions of the DNA Act to persons convicted of specified misdemeanors (felonies reduced to misdemeanors under Prop 47). Specifically, the bill would require such persons to provide buccal swab samples, a right thumb print, and a full palm print impression of each hand, and any blood specimens or other biological samples required for law enforcement identification analysis.

AB 1415 (Steinorth) This bill would make it a felony for a person who has had his or her felony conviction recalled and has been resentenced to a misdemeanor, or who has had a felony designated as a misdemeanor, pursuant to the provisions of Prop 47, to own, purchase, receive, or have in possession or under custody or control any firearm.

SB 333 (Galgiani) This bill would provide, without regard for a person's prior convictions, that possession of Ketamine and flunitrazepam is either a misdemeanor, punishable by imprisonment in a county jail for not more than one year, or a felony, punishable by imprisonment in a county jail for 16 months, or two or three years. The bill would also provide that the possession of GHB by a person who does not have a prior conviction for certain crimes is either a misdemeanor, punishable by imprisonment in a county jail for not more than one year, or a felony, punishable by imprisonment in a county jail for 16 months, or two or three years.

SB 452 (Galgiani) This bill would, upon approval by the voters, make the theft of a firearm grand theft in all cases, punishable by imprisonment in the state prison for 16 months, or two or three years. The bill would, upon approval by the voters, make the theft of property taken from the person of another grand theft in all cases, punishable by imprisonment in a county jail not to exceed one year or by imprisonment in a county jail

for 16 months, or two or three years. The bill would also, upon approval by the voters, make buying or receiving a stolen firearm a misdemeanor or a felony.

Cap & Trade Auction Update

On February 18th the first Cap & Trade auction was held that included fuels. The Air Board posted the results last week which found that all credits were sold at an average price of \$12.21 per credit. Total proceeds reached \$1 billion.

The results are in line with the LAO's mid-range estimate, which forecasts total auction proceeds from this fiscal year and the budget year totaling \$3.7 billion – over twice the Governor's estimate. If these benchmarks are matched at the May auction then potentially \$2 billion in extra Cap & Trade revenue could be available in 2015-16.

Gas Tax v. the BOE

Last week the BOE compromised on adopting an excise tax that will take effect on July 1st. The new rate reduces the existing excise tax by 6 cents per gallon, for a new tax rate of 30 cents per gallon. This is less than the 7.5 cent drop recommended by BOE staff, but is a half-cent more than the Governor's estimated drop of 5.5 cents. While the BOE's action will soften the blow to transportation accounts next year, highway funds will still be significantly impacted with the 6 cent drop, which will result in a reduction of a little over \$800 million in 2015-16.

Housing

Speaker Atkins unveiled her legislative package aimed at financing affordable housing in California. This package includes an increase in the amount of tax incentives available for low-income housing projects, as well as new revenue for low-income housing. The Affordable Housing Package includes the following proposals:

AB 1335 enacts the Building Homes & Jobs Act, which would establish a permanent source of funding for affordable housing by placing a fee on real estate transaction documents, excluding home sales. This proposal is similar to SB 391 (DeSaulnier), which the County supported last year.

AB 1056 proposes to use a portion of the Proposition 47 funds to reduce recidivism through investment in rapid rehousing and housing support for formerly incarcerated Californians.

Assembly Health and Human Services Budget Subcommittee

The Committee, chaired by Assemblyman Tony Thurmond, has begun convening twice a week to explore the Governor's Budget proposal as well as proposals coming from advocates primarily addressing issues of poverty in California. As in most years, the budget subcommittee is delaying action until after the May Revision, however advocates spoke favorably about several proposals to improve the lives of California's poorest families. The combined implementation of a state EITC and increases in the minimum wage were described as complementary boosts to financial security.

Several proposals centered around changes to the CalWORKs program – repealing the maximum family grant rule; increasing grant amounts which, as of April 1, will be 43% of the federal poverty level; increasing the length of time recipients receive welfare to work services (currently 24 months); and increasing the earned income disregard. One idea, from the County Welfare Director's Association, for increasing the number of CalFresh recipients was to implement a reverse express lane.

Last year, enrollment into Medi-Cal was expedited for Californians already enrolled in CalFresh under the Express Lane Enrollment Project. As of February 27, 2015, more than 200,000 people were enrolled into Medi-Cal without an application and without determination for 12 months by using CalFresh income eligibility information. Doing the reverse, enrolling Medi-Cal recipients automatically into CalFresh, could drastically increase the number of beneficiaries, but requires federal approval

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.

Request for Legislation Position – Action Items

i. [SB 124](#) (Leno) Juveniles: Solitary confinement

*Recommendation: **Support:** Brendon D. Woods, Public Defender, Alameda County*

Recommendation from PAL Committee: Approve. Move to the full Board of Supervisors.

ii. [SB 128](#) (Wolk, Monning) End of Life Option Act – continued from PAL meeting February 23, 2015

*Recommendation: **Support:** Richard Valle, District 2, Board of Supervisors*

Move to the full Board of Supervisors with No Recommendation

iii. [AB 201](#) (Brough) Registered sex offenders: Local ordinances – This item is continued to March 9, 2015

Recommendation: *Oppose:* Brendon D. Woods, Public Defender, Alameda County

Purpose:

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

PUBLIC COMMENT

None.

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