

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

**Monday, March 5, 2018
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

The House and Senate are in session this week. The Senate plans to debate legislation to give small and medium-sized banks relief from Dodd-Frank regulations issued after the 2008 financial crisis. The House is set to consider bills related to current air pollution regulations.

Appropriations

The House and Senate are continuing negotiations on the FY18 appropriations bills. Some subcommittees have finalized their bills while some are still negotiating specific funding levels for each agency. Since the omnibus package is one of the only must-pass bills for months, Members are trying to attach various pieces of legislation to the package. The current continuing resolution (CR) runs through March 23rd 2018. There should be an increase of \$63 billion in discretionary domestic spending above the current caps.

Immigration/DACA

In September 2017, President Trump announced that the Deferred Action for Childhood Arrivals (DACA) program would end on March 5th if Congress did not take action. The March 5th deadline did not ultimately force a solution because a federal judge in San Francisco ordered the Department of Homeland Security (DHS) to resume accepting renewal applications in January, which were halted since early October. A second federal judge in Brooklyn issued a similar order in mid-February. The Justice Department petitioned the Supreme Court to overturn the San Francisco judge's order, but the court declined to address the DACA issue until it works its way through the lower courts. As a result, DACA renewals will likely continue for months, if not longer.

Despite President Trump's original plan to end DACA, the court injunctions mean people whose DACA enrollment expires after today can still apply to renew. However, some DREAMers will likely lose DACA protection because DHS won't have moved fast enough to process renewals. In the meantime, DREAMers could lose DACA's work protections and will face some threat of deportation until their renewals are approved.

Gun Control

Last week, President Trump said legislation introduced by Senators Pat Toomey and Joe Manchin could serve as the backbone for comprehensive gun reform legislation during a roundtable meeting with several Members of Congress. The reforms would include the expansion of background checks and raising the minimum age for purchasing a gun, among other issues. However, he later met with representatives of the National Rifle Association (NRA) and walked back most of his earlier suggestions.

In Congress, several pieces of bipartisan legislation have been introduced or are under discussion including, the Fix NICS Act (S. 2135) introduced by Senators John Cornyn and Chris Murphy that would enhance

state and federal record sharing with the FBI National Instant Criminal Background Check system. Similar language in the Fix NICS bill has already passed the House as part of another gun-package that also requires states to honor concealed-carry firearms permits issued in other states. Additionally, H.R. 4240 introduced by Reps. Mike Thompson and Peter King would provide resources to help states strengthen and expand the background checks system and close a number of gun sale loopholes. As of today, House and Senate leadership have yet to schedule votes on gun control legislation despite pleas from students impacted by the Parkland High School shooting in Florida.

Anti-Trafficking Legislation

Senate Majority Leader Mitch McConnell said he plans to bring to the floor next week H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA). The bill passed the House on February 27 and would amend Section 230 of the Communications Decency Act to allow criminal and civil actions against websites that facilitate sex trafficking. As previously discussed with the District Attorney's office, a handful of tech groups have thrown their support behind the bill, but others say passage would expose companies like Google and Twitter to lawsuits and potential criminal liability for user-posted content. Additionally, Senator Ron Wyden (D-OR) has raised concerns about the legislation, saying it could disproportionately burden startups. Despite these concerns, the bill has strong bipartisan support as the Senate companion bill (S. 1693) had 67 cosponsors even before the House passed its bill on a vote of 388-25.

Purpose:

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

II. State Legislative Update – Brownstein Hyatt Farber Schreck

February 16 was the deadline to introduce bills for the 2018 legislative session. This deadline does not apply to committee bill introductions, resolutions, tax levies, urgency bills or constitutional amendments – these can be introduced at any time during session. As of the February 16 deadline, the Legislature introduced a total of 2,177 bills in 2018 – the Assembly introduced 1,505 bills and the Senate introduced 672 bills. In comparison to prior years, the following are the bill introduction totals from the past five years:

- Total **2017** bill introductions as of the deadline: 2,495
- Total **2016** bill introductions as of the deadline: 1,993
- Total **2015** bill introductions as of the deadline: 2,297
- Total **2014** bill introductions as of the deadline: 1,930
- Total **2013** bill introductions as of the deadline: 2,256

Update on County Sponsored Bills

AB 2111 (Quirk), Alameda County's sponsored bill, which will align CalWORKs sponsor deeming provisions with those used for CalFresh for sponsored non-citizens indigence determinations, will be heard in the Assembly Human Services Committee on March 20, 2018. We continue to work closely with Assemblymember Quirk's staff to determine the best path forward.

AB 2344 (Thurmond), Alameda County's sponsored bill to prevent relative caregivers from being classified as a home of removal, will not move forward in 2018. Following extensive conversations with CWDA and the Counties of San Francisco and Los Angeles, the County decided to not move forward with legislation due to differing interpretations on the need for the bill.

June 5 Statewide Primary Elections

In February, Assemblymember Cristina Garcia was accused of sexual harassment by four of her former employees. Following the allegations, Garcia took a leave of absence – putting Assembly Democrats at 51 of the 54 seats needed for a 2/3 majority. Additionally, Senator Tony Mendoza submitted his official resignation from the Legislature in February, bringing Senate Democrats to 26 of the 27 seats needed for a 2/3 majority, due to pressure from Senate colleagues.

However, both Garcia and Mendoza have since submitted notices of reelection and will continue to pursue seats in the Legislature in the June 5 primary election. As a reminder, Senator Newman's recall election will also appear on the June 5 ballot. The recall effort began with Newman's support of the gas tax last year. Governor Brown strategically consolidated the special recall vote with the primary election in order to ensure higher voter turnout.

Homelessness

According to the state's 2017 homeless count, approximately 135,000 people experience homelessness in California. As the homeless population grows, there is more pressure on local governments to increase taxes to provide services to these populations. Given this growing epidemic, on February 5, the Mayors of California's 11 largest cities wrote a groundbreaking letter to Senate President pro Tempore Kevin de Leon and Assembly Speaker Anthony Rendon, urging them to use a portion of the \$6.1 billion budget surplus to fund the state's homeless crisis – specifically calling for 25% of the surplus, with a matching requirement from recipient cities, be allocated directly to all cities. The signatory cities include Oakland, Sacramento, San Diego, Los Angeles, San Jose, San Francisco, Bakersfield, Fresno, Anaheim, Long Beach, and Santa Ana.

Following this request, Chair of the Assembly Budget Committee, Assemblymember Phil Ting introduced a proposal, AB 3171 (Ting), which is aimed at addressing the homelessness crisis by establishing a block grant program for the purpose of providing funding to cities to create immediate solutions to homelessness. On February 21, Senator Jim Beall and Senator Nancy Skinner held a press conference to discuss their proposal, SB 912 (Beall/Skinner), which seeks to address the housing and homelessness crisis by utilizing the multi-billion dollar budget surplus. Unlike Assemblymember Ting's proposal, SB 912 may include funding for counties.

On Wednesday, March 7, the California State Association of Counties and the League of California Cities will hold an informative webinar exploring the homelessness crisis in California. This webinar is the result of a city-county joint task force that has spent the last year examining the issue throughout the state. The CSAC and the League recently released their homelessness joint task force report.

The webinar will explore innovative programs local agencies have employed, best practices counties and cities can implement to reduce the homelessness in their communities, and how local agencies can work collaboratively in alleviating the problem.

SB 1 Guidelines

The State Controller's office recently released updated guidelines for cities and counties regarding gas tax expenditures. The guidelines explain what type of expenditures are allowed under the Road Maintenance and Rehabilitation Account, maintenance of effort requirements, and important related FAQs.

The California Transportation Commission has set a May 1 deadline for 2018-19 SB 1 project lists.

While cities and counties continue projects to improve the conditions of local streets and roads with SB 1 funds, the effort to repeal SB 1 is inching closer to qualifying for the November Ballot – the initiative has reportedly already collected at least 500,000 signatures out of the 585,407 needed by May 21. The campaign recently received \$200,000 from the Republican Party to push them towards the finish line.

The Public Policy Institute of California recently conducted a survey on the potential repeal of the SB 1 gas tax, which found that voters are nearly split in their opinions about the tax – 48% of those surveyed oppose the repeal and 47% support the repeal. However, we do not know how the questions were framed to those surveyed. In February, a new coalition was formed to strengthen efforts to oppose the initiative to repeal SB 1 – called the Coalition to Protect Local Transportation Improvements. This coalition vows to run an “aggressive campaign to protect vital transportation investments.” Governor Brown is also a strong ally in this effort, as stated in his State of the State Address – “I will do everything in my power to defeat any repeal effort that may make it to the ballot.”

Board of Equalization Gas Tax Swap

On March 2nd of every year, the California State Board of Equalization (BOE) is required to adjust statewide gas taxes to ensure that revenue from the excise tax does not exceed the amount of money that the state would collect from sales tax on gasoline. This rate is set annually based on staff projections and recommendations.

The BOE will lose this authority beginning fiscal year 2019-2020, due to the enactment of SB 1. The Board members recently took a vote on staff recommendations to increase the gas tax by 4 cents. Two of the board members, Democrats Fiona Ma and Deputy State Controller Yvette Stowers, voted to support staff recommendations to increase the tax. However, two board members, Republican Diane Harkey and Democrat Jerome Horton, rejected the recommendations, given the recent increase in gas taxes through SB 1. Absent from the vote was Republican George Runner. The decision to leave the gas tax at 29 cents for another year and to not increase the gas tax by 4 cents, will result in an approximately \$610 million gap in the Governor's May Revision – a \$113 million impact on counties directly.

LAO Overviews of Governor's Budget

The LAO released analyses of the Governor's 2018-19 budget by topic. These topics include the Governor's Criminal Justice Proposals, analysis of the Health and Human Services Budget, County Assessor Funding, Transportation Proposals, Administration of the 2017 Housing Package, and more.

State Controller's January Cash Report

The State Controller reports strong January revenues of \$17.35 billion, outpacing the Governor's 2018-2019 budget estimates by \$2.37 billion, or 15.8%. Total January revenues also outpaced 2017-2018 budget projections by \$1.45 billion, or 9.1%.

Purpose:

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- Advocacy or Education
- Request PAL_Committee Recommendation or Position
- Other: State Update**

Request for Legislation position – Action Items

- i. **[AB 1795](#) (Gipson) Emergency Medical Services: Community Care Facilities**
*Recommendation: **Support:** Colleen Chawla, Director, Health Care Services Agency*
- ii. **[AB 1909](#) (Nazarian) Threshold Language Translation for Providers of In-Home Supportive Services (IHSS)**
*Recommendation: **Support:** Lori A. Cox, Director, Social Services Agency*
- iii. **[SB 215](#) (Beall) Diversion: mental disorders**
*Recommendation: **Support:** Brendon Woods, Public Defender, Public Defender's Office. The following departments endorse the Public Defender's recommendation: Colleen Chawla, Director, Health Care Services Agency and Wendy Still, Chief Probation Officer, Probation Department. The following departments have a neutral stance on the SB 215: Gregory Ahern, Sheriff and Nancy O'Malley, District Attorney.*

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- Other:

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

Information Item

- i. **In-Home Supportive Services—Addressing the Automation Backlog Budget Proposal**
Position taken under authority of the 2018 Legislative Platform for immediate action by legislative advocates based on hearings to be scheduled in early March: Support: Lori A. Cox, Director, Social Services Agency

PUBLIC COMMENT

None.

Board of Supervisors' Committees agendas are available via Internet at: <http://www.acgov.org/>