

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

Monday, April 18, 2016  
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 in session this week. The House agenda deals with legislation focused on the Internal Revenue Service since today is Tax Day, while the Senate continues debate of the Federal Aviation Administration authorization. Majority Leader Mitch McConnell (R-KY) has scheduled a procedural vote to limit debate on the FAA legislation. Before the Senate takes up the first of the FY17 appropriations bills later this week, there will be a series of votes on the bipartisan Energy Policy Modernization Act of 2015. A deal was reached last week after Democrats dropped their demands for the energy legislation to include a provision that would provide more funding to help Flint, Michigan with its tainted drinking water.

**Appropriations and Budget**

This week, the full Senate will take up the Energy and Water Development spending bill, making it the first appropriations bill for FY17 to receive floor debate in either chamber. Majority Leader McConnell has filed a procedural motion to proceed to the legislation, which the Appropriations Committee approved last week. The Senate Appropriations Committee also plans to mark up the FY17 Commerce-Justice-Science and Transportation-HUD appropriations measures in their respective subcommittees tomorrow and in the full committee on Thursday.

The Senate leadership has said the Senate is committed to using floor time to take up appropriations bills for the next 12 weeks.

Today, Senator Mike Enzi (R-WY), Chairman of the Senate Budget Committee, filed the topline spending numbers agreed to in the Bipartisan Budget Act (BBA) of 2015 last fall. This language allows the Senate Appropriations Committee to begin its work on annual spending bills immediately.

The House is moving at a somewhat slower pace. After missing the April 15 deadline to adopt a budget resolution, House leaders continue to try to persuade reluctant Republicans to support a proposal that sets discretionary spending at the \$1.070 trillion-level that Congress agreed to last year in a two-year budget deal. House Freedom Caucus members have suggested attaching a work requirement for food stamps to the must-pass bill as a compromise solution to impasse.

The House Appropriations Committee will hold a markup tomorrow of their FY17 Agriculture-FDA and Energy and Water bills.

**Hearing/Markups**

The House Energy and Commerce Committee plans to mark-up legislation aimed at curbing the opioid abuse epidemic this week. The Committee will also hold a hearing entitled, "Medicare Access and CHIP Reauthorization Act of 2015: Examining Physician Efforts to Prepare for Medicare Payment Reforms."

### **Older Americans Act**

The legislation was presented to the President on April 13 and we expect President Obama to sign the legislation into law later this month.

### **SCOTUS Case on DAPA/DACA**

The Supreme Court heard arguments this morning in the *United States v. Texas* case, originally brought by twenty-six (26) State Attorneys-General to challenge President Obama's November 2014 administrative actions regarding immigration enforcement. Under the President's announcement, some of those who had entered the U.S. without proper immigration documentation could come forward and demonstrate eligibility for "deferred action" that would delay deportation proceedings for a period of time. There were other announcements under which the Department of Homeland Security would prioritize enforcement activities against those convicted of crimes while in the U.S. instead of families or those who had arrived in the U.S. as children. The two main programs are commonly known as "DAPA" or Deferred Action for Parents of Americans (where the individual has U.S. citizen or Lawful Permanent Residence (LPR) children) and an expansion of the previously-announced "DACA" or Deferred Action for Childhood Arrivals.

The states who filed the lawsuit, led by Texas, secured an injunction from Judge Hanen in the Southern District of Texas in February 2015. The U.S. Court of Appeals for the Fifth Circuit upheld that ruling in November 2015. The U.S., through the Solicitor General, petitioned for a writ of certiorari for the Supreme Court to consider the case, which was granted in January 2016.

The states and House of Representatives assert that President Obama violated the "Take Care Clause" of the Constitution, the duty of a president to "take care" that the laws "are faithfully executed." They argue that President Obama defied the express will of Congress, thus making his action unconstitutional. The Administration's argument is that the courts have traditionally given the executive branch wide latitude in deciding on how best to implement the laws that Congress has passed, including immigration laws.

There are at least 4 possible outcomes of today's arguments - with a decision to be issued near the end of the Court's current session, likely in June 2016: 1) The Court could decide that Texas and the other states lack "standing" to even bring the case in the first place; 2) The Court could find standing, address the merits of the issue, and rule 5-3, 6-2, 7-1, or 8-0 that the President acted constitutionally, reversing the lower courts' decisions and allowing DACA/DAPA to take effect immediately; 3) The Court could rule by one of those same votes that the President acted unconstitutionally, upholding the injunction on appeal, and blocking the administrative action; 4) There is a possibility of a 4-4 tie, if there is the usual conservative-liberal split (Roberts/Kennedy/Alito/Thomas vs. Breyer/Ginsburg/Kagan/Sotomayor). This would keep the lower court's injunction in place, but would not be precedent binding on future Court cases. Effectively, that would kill the administrative action proposal.

#### **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 – Brownstein Hyatt Farber Schreck

This is the final week for fiscal bills to be heard in their house of origin. The deadline is Friday, April 22, 2016. After the fiscal deadline, policy committees will continue to meet to hear non-fiscal bills. Additionally, as you will see in the attached committee hearing schedule, the Legislature is beginning to hold, statutorily required, informational hearings on initiatives that have qualified for the November ballot.

### County Sponsored Legislation

All County sponsored bills have been referred to policy committees. Below is a brief update on County sponsored bills.

AB 1702 (Stone) scheduled to be heard in the Assembly Human Services Committee on April 26th. AB 2471 (Quirk) is scheduled to be heard in the Assembly Local Government Committee on May 4th.

### Election Funding

Last week, the Senate held a hearing on the Secretary of State's request for additional funding for this year's expected record breaking turnout. The Secretary is requesting approximately \$13.0 million for his office, largely for printing and publishing the voter information guide, voter preference letters, and voter education outreach.

Additionally, the Secretary of State is requesting between \$12.9 million and \$19.3 million to assist county election departments with the costs associated with verifying voter signatures on the petitions for the pending initiative measures. It is assumed that most of these petitions will be submitted to the counties at the same time that counties are preparing for the June 7, 2016 election. Initiative measures intended for the November ballot must qualify no later than June 30, 2016.

### Homelessness

The County of Los Angeles sent a request to Assemblymember Nazarian, the Chair of Assembly Budget Subcommittee #4, for \$100 million, general fund money to be available to counties or cities for a 50/50 match to be used to combat homelessness at a local level.

SB 876 (Liu) that was mentioned on last week's PAL call and in the PAL notes will not be moving forward. Senator Liu did not have sufficient votes for passage, even with the proposed amendments.

### Housing

Assemblymembers David Chiu and Tony Thurmond are taking the lead on the Assembly's housing proposal and are expected to submit a letter to Assemblymember Nazarian, the Chair of Assembly Budget Subcommittee #4, outlining their housing proposal in the next few days. The proposal is expected to request for \$1.3 billion in general fund money. There is no indication that the Governor will address the housing issue this year.

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- Other: State legislative update**

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## Request for Legislation Position – Action Items

i. **AB 1597 (Stone) County jails: performance milestone credits**

*Recommendation: **Support:** Brendon Woods, Public Defender, Public Defender's Office*

ii. **AB 2792 (Bonta) Transparent Review of Unjust Transfers and Holds (TRUTH) Act**

*Recommendation: **Support:** Richard Valle, District 2, Board of Supervisors and Brendon Woods, Public Defender, Public Defender's Office*

iii. **SB 1004 (Hill) Transitional Adult Youth**

*Recommendation: **Support:** LaDonna Harris, Chief Probation Officer, Probation Department*

iv. **SB 1143 (Leno) Juveniles: room confinement**

*Recommendation: **Support:** Brendon Woods, Public Defender, Public Defender's Office and LaDonna Harris, Chief Probation Officer, Probation Department*

v. **SB 1157 (Mitchell) Strengthening Family Connections: in-person visitation**

*Recommendation: **Support:** Richard Valle, District 2, Board of Supervisors and Brendon Woods, Public Defender, Public Defender's Office*

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- Other

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

**PUBLIC COMMENT**

None.

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