

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

**Monday, May 23, 2016
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 House plans to focus on FY17 appropriations bills, legislation to restructure Puerto Rico's debt, and a conference agreement to rewrite the Toxic Substances Control Act (TSCA). The Senate will also spend much of the week considering FY17 appropriations bills as well as the defense authorization bill, and will also take up the TSCA conference report.

Appropriations

Last week, the House and Senate began to advance several appropriations measures, both in committee and on the floor. The full House took up the Military Construction and Veterans Affairs bill as its first appropriations bill, passing the \$188.7 billion legislation by a vote of 295-125 on Thursday.

The Senate also completed floor debate last week on a "minibus," combining the FY17 Transportation-Housing & Urban Development bill with the Military Construction and Veterans Affairs bill. The legislation passed 89-8 on Thursday with an amendment to include a \$1.1 billion funding plan that addresses the Zika virus epidemic. The Obama Administration had previously released a Statement of Administration Policy opposing the THUD/MilCon-VA bills. The President has said he would veto both the House and Senate bills in their current form because of a provision that would prevent any structure from being built within the United States to house Guantanamo detainees.

The full Senate Appropriations Committee also approved the FY17 Agriculture funding bill on Thursday, which would provide \$21.25 billion in discretionary funding for the Agriculture Department and the Food and Drug Administration, reflecting \$39 million increase over the FY16 enacted levels. Several amendments were added to the legislation, including a manager's amendment that would block funding to the USDA to implement a proposed rule that would prevent convenient stores from being eligible to participate in the Supplemental Nutrition Assistance Program.

On the House side, the Transportation-Housing & Urban Development Subcommittee and the Commerce-Justice-Science Subcommittee approved their respective bills. These bills will be marked up by the full House Appropriations Committee tomorrow.

The House is also scheduled to take up the FY17 Department of Defense Appropriations measure, while the Senate will move ahead on its FY17 Department of Defense Authorization bill.

Child Nutrition

Last Wednesday, the House Education and Workforce Committee passed the Improving Child Nutrition and Education Act (H.R. 5003), on a party-line vote of 20-14. The legislation would reauthorize and reform federal child nutrition programs to ensure states and schools have the flexibility to provide children with access to healthy meals without additional or prohibitive costs.

However, House Democrats have serious concerns with provisions in the bill and the potential negative consequence the legislation could have on children if access to nutritious meals is reduced. Some of these provisions include:

- Changes to the Community Eligibility Provision (CEP) threshold, which currently provides free and nutritious meals to 8.5 million low-income children in 18,000 schools;
- Changes to administrative procedures that could result in fewer eligible children receiving access to healthy meals;
- Lack of meaningful investment in the Summer Electronic Benefit Transfer for Child (Summer EBT) program; and
- The undoing of evidence-based nutritional standards introduced by the Healthy, Hunger-Free Kids Act of 2010.

Although over 30 amendments were offered during the markup, only a few passed, including an amendment to allow childcare providers to offer an additional snack to children and an amendment that would maintain nutritional standards with regard to cultural food. It is unclear when the bill may go to the House floor. At the same time, the Senate passed a bipartisan bill out of Committee earlier this year, yet the cost of the legislation has prevented it from moving to the Senate floor.

Temporary Assistance for Needy Families (TANF)

On May 11, the House Ways and Means Committee held a mark-up on multiple bills to improve the Temporary Assistance for Needy Families (TANF). The four bills that were approved by the committee include:

- H.R. 2990, Accelerating Individuals into the Workforce Act, which would allow states to use existing TANF funds to conduct wage-subsidy demonstration projects to encourage recipients to work;
- H.R. 5170, Social Impact Partnerships to Pay for Results Act, which would reallocate TANF contingency funds and allow states to develop social impact partnerships for welfare programs;
- H.R. 2959, TANF Accountability and Integrity Improvement Act, which affects state flexibility to count third-party spending toward the state's maintenance of effort; and
- H.R. 2966, Reducing Poverty through Employment Act, which expands the goals of TANF to include the reduction of poverty by increasing employment entry, retention and advancement.

All of the bills passed unanimously by voice vote. However, the mark-up was stopped after six hours of debate when Members were called to the floor for votes and it will continue tomorrow with the remaining two bills (HR 2952 and HR 5169).

- H.R. 2952, Improving Employment Outcomes of TANF Recipients Act, to provide payments to States for increasing the employment, job retention, and earnings of former TANF recipients; and
- H.R. 5169, What Works to Move Welfare Recipients into Jobs Act, to strengthen welfare research and evaluation, and for other purposes.

House Democrats have voiced opposition HR 2952, offered by Rep. Boustany because they believe it would tie TANF program benefits to program outcomes. Ultimately, this could be the one bill that does not move out of the Ways and Means Committee in a bipartisan fashion.

In general, Democrats on the Committee have supported the bipartisan bills but are more concerned that a TANF authorization is actually addressed rather than taking up these bills that focus on specific issues related to TANF.

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

County Sponsored Legislation

AB 1702 (Stone), regarding commercially sexually exploited children, has been referred to the Senate Judiciary Committee. A hearing date has not yet been set.

AB 2471 (Quirk), regarding health care districts, passed the Assembly Floor on a 69-0 vote. The bill is now in the Senate and has been referred to the Senate Governance and Finance Committee. A hearing date has not yet been set.

Budget Update

May Revise

The Governor released his May Revise budget on Friday, May 13th. Unfortunately, as expected the Governor's budget projections were down by \$1.9 billion compared to the January budget. Despite this reduction in revenue projections, the May Revise did not include any cuts to the January budget proposal.

Budget Subcommittees

Starting the Monday after the Governor released his May Revision, Assembly and Senate Budget Subcommittees have been meeting on a daily basis. Some of the Budget Subcommittees have even closed out for the year.

Once the Budget Subcommittees close out all of the open issues, the Conference Committee will begin its work to consolidate the two houses' budgets.

Of particular importance to the County, the following proposals, which the County is in support of, have been adopted by one or both of the Budget Subcommittees:

- Repeal of the Maximum Family Grant (MFG) rule.
- A \$19.7 million increase for the Commercially Sexually Exploited Children (CSEC) program to aid child welfare agencies to meet their mandate to serve these children.
- A \$1.65 million increase for public health nursing and monitoring of psychotropic medication for foster children. (approved by PAL 5/9, no BOS action yet)

Housing

As part of the May Revision the Governor announced his endorsement of a handful of bills pending in the Legislature dealing with housing. One of those bills, SB 1069 (Wieckowski), will remove some of the barriers to building accessory dwelling units. The cities of Berkeley and Oakland support this legislation.

The Governor also endorsed the Senate's proposal for a \$2 billion bond against the future Proposition 63 mental health revenues. The details of the Senate's proposal is still not in writing so the Governor was endorsing the concept of bonding against Proposition 63 revenues to fund homelessness and affordable housing programs, with a particular focus on chronic homelessness. This proposal will require a 2/3 vote of the Legislature.

Additionally, the Governor proposed a policy change aimed at increasing the housing supply in California. The Governor's proposal would require ministerial "by-right" land use entitlement provisions for multifamily infill housing developments that include an affordable housing component. Under the proposal, local government would be unable to require a conditional use permit, planned unit development permit, or other discretionary local government review or approval for qualifying developments that include affordable housing, provided they are consistent with objective general plan and zoning standards.

Initiatives

The Secretary of State's office has reported that there are 58 initiatives that have been cleared for circulation, 15 that have reached 25% of the required signatures, 10 initiatives are pending review of the signatures.

The June primary will only have one statewide ballot measure. The measure pertains to the suspension of legislators. This measure stems from the FBI investigations of Senators Leland Yee and Ron Calderon. Senator Yee has been sentenced for his crime and Senator Calderon's case is still pending before the Federal Court.

Of the 80 plus initiatives currently in circulation, it is anticipated that voters could face as many as 17 initiatives in November. We will have a final list after the June 30th deadline to qualify. Below is a list of the initiatives that have qualified or that we expect to qualify:

- Governor Brown's criminal justice initiative
- Legalization of recreational marijuana
- Prescription drug price standards – qualified
- \$9 billion bond initiative for K-12 schools and community colleges – qualified
- Death penalty (2 initiatives)
 - Discontinue death penalty
 - Speed up the appeals process
- Tobacco Tax (\$2 a pack of cigarettes)
- Firearms and ammunition sales
- Proposition 30 tax extension
- Single-use plastic shopping bags (2 initiatives)
 - Referendum to overturn ban on single-use plastic bags – qualified
 - Redirects funds collected by grocery and retail stores to a special fund for environmental projects
- Use of condoms by adult film actors – qualified
- Voter approval for any revenue bond over \$2 billion – qualified
- Hospital fee to support uninsured patients and children's health coverage – qualified
- Referendum to overturn a bill that removed the requirement that all children be taught in English – qualified

Managed Care Organization (MCO) Tax

The Administration announced last week during one of the Budget Subcommittee Hearings that the state's recently passed managed care organization (MCO) tax formula meets their requirements. This tax goes into effect on July 1 of this year and sunsets on June 30, 2019.

Gun Bills

Last Thursday, the Senate passed a package of gun bills covering a wide-range of issues, from ammunition regulation, to military-style weaponry and reporting lost or stolen guns. The Assembly bills must return to the Assembly for Concurrence where their fate is less certain, however, Speaker Rendon has expressed his support for the package of bills.

The bills passed by the Senate include the following:

- **Ammunition Regulation**: Requires background checks for ammunition purchasers, licenses to sell ammunition, and collection of sale information. SB 1235 (de León) & AB 156 (McCarty)
- **Bullet Buttons**: Redefines assault weapons to encompass specified guns capable of accepting any type of detachable magazine. SB 880 (Hall, Glazer) & AB 1135 (Levine, Ting)
- **Large-Capacity Magazines**: Prohibits the possession of magazines that hold more than 10 rounds. SB 1446 (Hancock)
- **Ghost Gun Registration**: Requires a person to get a serial number from DOJ before making or assembling a gun. SB 1407 (de León) & AB 857 (Cooper)
- **Lost/Stolen Gun Reporting**: Requires the reporting of a lost or stolen gun within 5 days of when a person knows or reasonably should have known of the theft or loss. SB 894 (Jackson)
- **Gun Theft**: Reverts gun theft and buying a stolen gun, regardless of value, to a felony and wobbler, respectively. AB 1176 (Cooper)
- **Gun Lending**: Limits infrequent lending of guns to specified family members. AB 1511 (Santiago)
- **Gun Violence Research**: Establishes a Firearm Violence Research Center at the University of California, filling the gap left by Congressional restrictions on firearms research. SB 1006 (Wolk)

Purpose:

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- 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

- AB 1897 (Mullin) Integrated Child Care Facility License Option**
Recommendation: Support: Willie A. Hopkins, Jr., Director, General Services Agency
- AB 2150 (Weber/Santiago) Subsidized child care and development services: eligibility periods**
Recommendation: Support: Willie A. Hopkins, Jr., Director, General Services Agency
- AB 2153 (Garcia) Lead-Acid Battery Recovery and Recycling Act**
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- AB 2368 (Gordon) Santa Clara County Child Care Subsidy Pilot Project**
Recommendation: Support: Willie A. Hopkins, Jr., Director, General Services Agency
- SB 1042 (Hancock) California State Preschool: Age Eligibility**
Recommendation: Support: Willie A. Hopkins, Jr., Director, General Services Agency

- vi. **SB 1072 (Mendoza) Schoolbus safety: child safety alarm system**
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- vii. **SB 1154 (Liu) Child Care Resource and Referral Agencies/Patricia Siegel Memorial Act**
Recommendation: Support: Willie A. Hopkins, Jr., Director, General Services Agency
- viii. **SB 1277 (Hancock) California Environmental Quality Act: supplemental environmental impact report: City of Oakland: coal shipment**
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- ix. **SB 1279 (Hancock) California Transportation Commission: funding prohibition: coal shipment**
Recommendation: Support: Rebecca Gebhart, Acting Director, Health Care Services Agency
- x. **Budget Request – Joint Early Care and Education Request in State Budget Negotiations**
Recommendation: Support: Willie Hopkins, Jr., Director, General Services Agency

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

PUBLIC COMMENT

None.

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