

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

Monday, May 8, 2017
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 is in a district work period and will not be in session this week. The Senate is in session and will continue to hold confirmation hearings this week on sub-Cabinet positions, including nominees for Undersecretary of State, Undersecretary of Defense and U.S. Solicitor General.

AHCA – Healthcare Update

The House passed an updated version of the American Health Care Act (H.R. 1628) after key Republican holdouts changed their votes. A group of 20 dissenting Republicans joined the Democrats in opposition to the bill.

The CBO score for the House-passed bill has not yet been released, but could be out as early as this week. The Senate Parliamentarian will also review the bill and rule on whether provisions (including some of the state waiver provisions) are appropriate for consideration under the Senate's budget reconciliation rules.

The House-passed bill could not get 51 votes in the Senate today. Multiple Senators have made clear that the Senate intends to draft its own bill, borrowing from the House version when they see fit. As a result, Ted Cruz started an initial working group of six members, including Lamar Alexander, Mike Lee, Tom Cotton, Cory Gardner and Rob Portman. Pat Toomey was then added, followed by Budget Chairman Mike Enzi and Finance Chairman Orrin Hatch. Finally, leadership was looped in, adding Majority Leader Mitch McConnell, John Cornyn, John Thune and John Barrasso. These Members are holding preliminary discussions on how to redraft the AHCA to deal with the Medicaid provision that would eliminate expansion by 2020 and how to protect those with preexisting conditions, among other issues.

However, Senator Cruz's working group does not include two of the biggest critics of the House-passed AHCA legislation. Senators Susan Collins (ME) and Bill Cassidy have joined a separate group of Senate Republicans discussing healthcare reform. Other members of the Collins/Cassidy working group include Senators Shelley Moore Capito, Johnny Isakson and Mike Rounds.

If the Senate is able to pass a bill, it will likely not appeal to the House conservatives. The House would either have to accept the Senate-passed bill or hold a conference committee to work out the differences. You can already see a fight in conference (if they make it there).

FY17 Omnibus Appropriations

In strong bipartisan fashion, Congress approved an FY17 omnibus appropriations bill last week that President Trump signed into law on Friday.

The \$1.1 trillion appropriations bill largely mirrors Democratic priorities and rejects most of President Trump's wish list, including money to begin building a wall along the U.S.-Mexican border.

The package does not include any of the requested \$18 billion in FY17 domestic discretionary cuts President Trump called for in March. It was clear that Republicans would need Democratic votes in order to pass an FY17 omnibus package that would fund federal agencies through September 30, 2017. Democrats used this as leverage to demand removal of certain policy riders and funding limitations in the appropriations bill.

FY18 Budget & Appropriations

The Trump Administration is preparing to release the FY18 budget request detailing the administration's priorities. The budget request is expected later this month but could come as soon as next week. Congress will then begin its work on the FY18 Appropriations bills as the next fiscal year is set to begin in five months (Oct. 1, 2017). Because the budget and appropriations process is beginning so late in the year, Congress may not have enough time to finish the FY18 Appropriations bills prior to the September 30 deadline as the House has only about 50 official working days remaining.

Hearing

The Senate Finance Committee has delayed this week's scheduled hearing on reauthorizing the Children's Health Insurance Program (CHIP) due to the Senate's focus on legislation to repeal and replace the Affordable Care Act. As a reminder, CHIP funding is set to expire at the end of September. A new hearing date has not been set, but we expect work on the reauthorization bill to begin soon.

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

Governor Brown is expected to present his May Revise on Thursday morning, where budget provisions will be recast based on California's current economic climate and specifically April tax revenues, which were lower than expected. According to data released by the Legislative Analyst's Office, April's robust revenues at the start of the month were depleted significantly by the last ten collection days of the month.

Update on County Sponsored Bills

AB 333 (Quirk), Alameda County's sponsored bill to transfer ownership of a portion of State Route 185 at East 14th Street and Mission Boulevard within unincorporated Alameda County, is currently on the Appropriations Suspense File and will be dealt with on May 26. AB 435 (Thurmond), Alameda County's Child Care Pilot Program cleanup bill is currently in the Assembly Appropriations Committee, awaiting a hearing.

Coordinated Care Initiative (CCI) Update

CSAC and the Department of Finance are continuing to negotiate to try to reach a deal to lessen the impact of the repeal of the CCI. Unfortunately, a deal has still not been reached but given the planned release of the May Revise for later this week the Administration is very motivated to wrap something up very soon. We will provide an update as soon as we hear anything further.

Transportation Funding Challenge

On May 4, Assemblymember Travis Allen filed papers with the Office of the Attorney General, to repeal SB 1 (Beall) – the transportation funding package signed by Governor Brown that will generate \$5.2 billion annually for California's highways and roads, through an increase in taxes on gasoline and vehicle fees.

He will need to collect 365,000 signatures within 150 days of circulation, in order for the referendum to qualify for the November 2018 ballot.

Cap and Trade and RPS Legislative Proposals

On May 1, Senate President pro Tempore Kevin de León and Senator Bob Wieckowski announced proposals to overhaul California's Cap and Trade system. SB 775, which would take effect in 2021 and extend the program through 2030, creates consumer incentives such as climate rebates and establishes a price floor and ceiling at quarterly auctions to reduce the drastic fluctuations seen in past auctions. The proposal also creates an Economic Competitiveness Assurance Program to ensure carbon-intensive product manufacturers are able to compete in the market place. SB 775 will direct Cap and Trade revenue into three newly created funds: California Climate Infrastructure Fund, California Climate and Clean Energy Research Fund, and the California Climate Dividend Fund.

On May 10, 2017, the Senate Environmental Quality Committee, chaired by Senator Wieckowski, the author of SB 775, will hold an oversight hearing on this Cap and Trade proposal.

Additionally, Senator de León introduced SB 100 (de León), the California Clean Energy Act of 2017, which will increase California's renewable energy goals – 50% renewable by 2026, 60% renewable by 2030 and 100% renewable by 2045. In addition to putting California on a clear path to 100% clean, renewable energy by 2045, the bill also establishes new policies for energy companies to capture uncontrolled methane emissions, use the renewable fuels to replace natural gas, and authorizes investor owned utilities to invest in cleaner transportation fuels. SB 100 will be heard on May 9, 2017, in the Senate Energy, Utilities and Communications Committee.

Pretrial Release in California

California legislators are in the process of reforming the state's justice system. Overcrowding of California jails has long been a topic of discussion. More recently at the forefront, however, has been the modernization of the bail and pretrial release system.

Last week, the Public Policy Institute of California (PPIC), released a report titled "Pretrial Release in California," where they examine jail bookings and releases from 11 counties between 2011 and 2015. The report finds the following: 1) 41.5% of individuals booked on misdemeanors or felonies are released pretrial; 2) Pretrial release is more common for less serious offenses; 3) Bail is most used in instances of more serious offenses; 4) Pretrial release is less common for individuals with active warrants, supervision violations, or holds, and 5) Demographic studies show that 38% of Latinos and 33.7% of African Americans are released pretrial, compared to 48.9% of Caucasians and 54.6% of Asians.

Affordable Care Act Repeal Bill

Last Thursday, the U.S. House of Representatives passed a bill, HR 1628, to repeal the Affordable Care Act (ACA), by a 217 to 213 vote. California Legislators spent nearly an hour during floor session debating the merits of the ACA and HR 1628. That day, Governor Brown weighed in on the "Trumpcare" vote, calling it a "cruel and ill-conceived bill," and highlighted areas of California in which thousands of individuals stand to lose health care coverage under the proposed legislation. Senate President pro Tempore Kevin de León also made a statement in response to the vote, calling it "disgraceful," and Assembly Speaker Anthony Rendon proclaimed it an "ugly day in America."

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.

Purpose:

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

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

Request for Legislation position – Action Items

- i. **AB 291 (Chiu) Housing immigration**
Recommendation: Support: Rebecca Gebhart, Interim Director, Health Care Services Agency, Richard Valle, District 2, Board of Supervisors, and Lori A. Cox, Director, Social Services Agency
- ii. **AB 434 (Baker) State Web accessibility: standard and reports**
Recommendation: Support: Rebecca Gebhart, Interim Director, Health Care Services Agency
- iii. **AB 479 (Gonzalez-Fletcher, Garcia) Sales and use taxes: exemption: menstrual and incontinence products: alcoholic beverage taxes: distilled spirits: additional surtax**
Recommendation: Support: Lori A. Cox, Director, Social Services Agency and Rebecca Gebhart, Interim Director, Health Care Services Agency
- iv. **AB 480 (Gonzalez-Fletcher) CalWORKs: welfare-to-work: necessary supportive services**
Recommendation: Support: Lori A. Cox, Director, Social Services Agency and Rebecca Gebhart, Interim Director, Health Care Services Agency
- v. **AB 511 (Arambula) Tuberculosis risk assessment and examination**
Recommendation: Support: Rebecca Gebhart, Interim Director, Health Care Services Agency
- vi. **AB 626 (Garcia) California Retail Food Code: homemade food operation**
Recommendation: Oppose: Rebecca Gebhart, Interim Director, Health Care Services Agency
- vii. **AB 758 (Eggman, Baker) Tri-Valley San Joaquin Valley Regional Rail Authority**
Recommendation: Support: Scott Haggerty, District 1, Board of Supervisors
- viii. **SB 382 (Pan) Pest control: mosquito abatement**
Recommendation: Support: Rebecca Gebhart, Interim Director, Health Care Services Agency
- ix. **SB 523 (Hernandez) Medi-Cal: emergency medical transport providers: quality assurance fee**
Recommendation: Support: Rebecca Gebhart, Interim Director, Health Care Services Agency

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

PUBLIC COMMENT

None.

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