

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

**Monday, June 27, 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 is not in session this week and will return on July 5th for two weeks before adjourning again for the Presidential Nominating Conventions and the August recess. The Senate is in session this week. They will focus on legislation aimed at restructuring Puerto Rico's debt as well as legislation to combat the Zika virus.

**Appropriations**

Last week, the Senate moved forward in the appropriations process after agreeing to address the FY17 Commerce-Justice-Science (CJS) spending bill. However, a 15-hour filibuster by Senate Democrats on the need for gun safety measures prevented the Senate from ultimately passing the CJS Appropriations bill. Following the filibuster, the Senate agreed to take up four separate gun-related amendments last week.

The amendments addressed how to improve the background check system for those who want to purchase guns and how to ensure those on the terror watch list do not obtain a firearm. Despite proposals from both parties, all four amendments to the CJS spending bill did not pass. With the amendments having been rejected, Senator Susan Collins began adjusting her draft amendment to garner Democratic support. The newly drafted amendment passed a procedural vote late last week but was just eight votes short of passing the 60-vote threshold to overcome a filibuster. It is unlikely that there will be any more gun-related debate on the Senate floor this week. Senate Majority Leader Mitch McConnell has said the Senate will instead focus on legislation to aid Puerto Rico and funding for the ongoing Zika virus epidemic.

The House concluded legislative business and gaveled out of session in the early morning on Thursday following a sit-in demonstration by House Democrats seeking to bring gun-control measures to the floor. The dispute derailed the appropriations process, forcing Republican leaders to cancel plans to start work on the Financial Services spending bill. Despite Democrats' refusal to proceed with voting, House Republican leadership managed to adopt a Conference Report that includes \$82.5 billion in discretionary funding for the FY17 Military Construction and Veterans Affairs appropriations and also provides \$1.1 billion to fight the Zika virus. The White House has issued a veto threat on this latter measure as it provides only slightly more than half of the \$1.9 billion requested.

**Mental Health Reform**

The full House is expected to vote on H.R. 2646, the Helping Families in Mental Health Crisis Act, in July. However, due to the limited remaining time left on the Congressional calendar before Congress adjourns on July 15<sup>th</sup>, a vote on the bipartisan mental health reform measure may be pushed back until September. The mental health legislation was delayed due to partisan differences regarding health privacy laws and the

possible dismantling of the Substance Abuse and Mental Health Services Administration (SAMHSA), but unanimously passed out of committee after Members drafted a bipartisan compromise addressing the various Democratic concerns. Although additional funding remains a concern for the legislation, it is expected to pass through the House easily.

### **Supreme Court Decision on DACA/DAPA**

Last week, the Supreme Court issued its decision in the case challenging President Obama’s expansion of the Deferred Action for Childhood Arrivals (DACA) program and the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program. The 8 justices remaining on the Court split 4-4, meaning that the Circuit Court of Appeals’ decision upholding the February 2015 injunction against DACA/DAPA is affirmed and both programs are blocked. The Court’s entire opinion is as follows: “The judgment is affirmed by an equally divided Court.”

The 4-4 tie is possible because the seat vacated by Justice Antonin Scalia’s death has not been filled as Senate Republicans have refused to hold confirmation hearings or votes on the President’s nomination of Judge Merrick Garland to replace Justice Scalia.

Based on the questions asked by Chief Justice Roberts during oral argument, there was some thought that there might be 5 votes for a conclusion that the 26 states seeking the injunction, led by Texas, had failed to show that they would be injured by DACA/DAPA and, therefore, their challenge should be dismissed. Instead, the 4-4 decision leaves DACA/DAPA blocked, with the Administration prevented from putting them into effect, barring nearly 4 million potential applicants from benefiting from a deferral of deportation proceedings and receipt of temporary work authorization. The November 2014 initiative would have expired in January 2017 with a change in administrations, but the power of the next President to act without Congress to work with immigrants or take steps to bar them remains in doubt by the Court’s inability to reach a decision in this case.

The original 2012 DACA initiative is not affected by this decision. These initiatives were seen as a “legacy” issue for President Obama, and he has already expressed his disappointment with the Court’s decision as well as frustration with the Senate’s refusal to confirm a ninth justice to prevent such deadlocks on further cases this term or in the October 2016 term. While the 4-4 decision has no precedential effect on any future efforts to create similar initiatives, it does increase the likelihood that a future president will need to work with Congress to achieve meaningful immigration reform.

#### **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**

The Legislature is still dealing with the remaining budget trailer bills; however, their main focus is on hearing bills from the other house. Friday is the deadline for all bills to get out of policy committee and Summer Recess starts upon adjournment of session on Thursday, June 30th. The Legislature will return from Summer Recess on August 1st and must adjourn for the year on August 31st at midnight.

### **County Sponsored Legislation**

AB 1702 (Stone), regarding commercially sexually exploited children, is on the Senate Floor on Consent, awaiting action.

AB 2471 (Quirk), regarding health care districts, will be heard in the Senate Appropriations Committee in August, a date has not yet been scheduled.

### **Budget Update**

The Senate Budget Committee met this morning and passed out 3 of the 4 budget trailer bills that had agreement between the Legislature and Governor. The plan was for the Senate to take the remaining trailer bills up today on the floor and the Assembly was to take them up on Thursday. Now that one of the trailer bills was not passed by the Senate Budget Committee this morning, it is unclear what the timeline for all of these trailer bills will be.

The Governor has yet to sign the main budget bill or any of the trailer bills that were passed by the Legislature on June 15th and 16th.

Two of the trailer bills passed by the Senate Budget Committee this morning were on the No Place Like Home Program and reflect negotiations to secure the Republican votes that are necessary for the 2/3 vote. The bond securitization language is still outstanding and will not be dealt with until the Legislature returns in August.

### **Governor's By-Right Proposal**

The Governor's by-right proposal is another budget item that has yet to be acted on and is now confirmed to be something that will occur in August, not prior to the Legislature leaving for Summer Recess at the end of this week. The budget agreement sets aside \$400 million for affordable housing, however, that money is contingent on the passage of the Governor's by-right proposal.

### **Public Utilities Commission Reform**

- i. This morning the Governor, Senator Hill, Senator Leno and Assemblymember Gatto announced a package of reforms to bolster governance, accountability, transparency and oversight of the California Public Utilities Commission (PUC). The above legislators have all been pushing for reforms to the PUC, the most sweeping being a Constitutional Amendment by Assemblymember Gatto that has already passed the Assembly Floor with bi-partisan votes and more than the necessary 2/3 vote required for passage. Both Senators Leno and Hill have carried bills in the past to reform the PUC, many of which were vetoed by the Governor. The link to the Governor's press release with more details is below.  
HYPERLINK "[http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg)  
**(McCarty) State employment: former foster youth**  
*Recommendation: Support:* Lori A. Cox, Director, Social Services Agency

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

### **PUBLIC COMMENT**

None.

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