

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

Monday, June 6, 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 both in session this week following the Memorial Day Recess. The House will continue to focus on appropriations and is also scheduled to take up legislation that would restructure Puerto Rico's debt. The Senate will switch gears from appropriations and tackle the FY17 National Defense Authorization bill. Congress has twenty-one working days between now and when they break for a seven-week district work period beginning on July 15, 2016.

**Appropriations**

This week, the House is scheduled to take up the Legislative Branch appropriations bill. After the House failed to pass the FY17 Energy and Water bill due to objections from Republicans to a Democratic amendment that would have prohibited federal contractors from discriminating on the basis of sexual orientation or gender identity, House Republican leaders are planning to proceed with the appropriations process under a rule that would limit amendments if they can obtain agreement from Members of their conference. They are doing so in order to prevent Members from either party from offering controversial amendments that risk passage of future spending bills.

The Senate Appropriations Labor-HHS-Education Subcommittee will hold a markup on its spending bill on Tuesday, with full committee action scheduled for June 9. Next week, the full Senate plans to return to FY17 appropriations bills and could take up Defense or potentially package multiple bills together similar to what they did with the MilCon-VA and THUD Appropriations bills.

During the Memorial Day recess, pre-conference discussions took place on the appropriations package that includes Military Construction-VA spending and funding to combat the Zika virus. Both chambers plan to convene a formal conference committee as soon as this week to discuss the differences among those measures. The House MilCon-VA bill would provide \$81.6 billion in funding compared with the Senate's \$83 billion. However, the conference will largely focus on narrowing the differences over Zika funding; the House legislation would provide \$622 million in funding, offset by cuts to Ebola accounts, and also relaxes pesticide laws with the aim of better controlling mosquitoes. The Senate legislation would provide \$1.1 billion in funding without the offsetting spending cuts.

**Speaker Ryan Announces Policy Agenda Rollout**

Earlier this year, House Republicans met to map out an agenda based on six policy areas, including national security, jobs and economic growth, poverty and opportunity, healthcare reform, regulatory reform and restoring the constitutional authority of Congress to write laws, which House Republicans believe has been undercut by the Obama administration.

Speaker Ryan is scheduled to unveil the anti-poverty plan tomorrow during a visit to a faith-based organization in Washington D.C.'s impoverished Anacostia neighborhood.

## Mental Health Reform

The House Energy and Commerce Committee continue to work on Representative Tim Murphy's mental health bill (H.R. 2646) and plans to have a mark-up of the legislation within the next month. The committee has said that a markup could occur as soon as this week. Recall, last fall it was marked up at the Subcommittee level when Democrats objected to changes in HIPAA privacy laws as well as assisted outpatient treatment programs

In the Senate, Senators are considering adding its bipartisan mental health reform bill (S. 1945) to the work of a conference committee focused on opioid abuse legislation. The idea is to add the mental health bill from Senators Bill Cassidy and Chris Murphy to the opioid legislation coming out of the conference committee. It is unclear whether the House would be receptive to the idea of adding the Senate mental health bill to its work.

The Cassidy-Murphy bill authorizes grants for topics such as integrating physical and mental health services, though the amounts of funding will depend on the appropriations process. It also seeks to strengthen enforcement of "parity" laws that require insurance companies to cover mental health services just as much as they cover physical health services.

An expansion of a mental health bill from Senators Debbie Stabenow and Roy Blunt could also be added to the opioid conference committee. The expansion would give funding for urgent care mental health clinics to more states.

### 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 and will be heard next Tuesday, June 14th at 1:30 p.m.

AB 2471 (Quirk), regarding health care districts, has been referred to the Senate Governance and Finance Committee. A hearing date has not yet been set.

### Budget Update

The Senate and Assembly Budget Committees closed out and approved their respective versions of the 2016-17 budget the week of May 23, 2016. The Budget Conference Committee Conferees were announced last Tuesday and are as follows: **Assembly:** Phil Ting, Chair, Richard Bloom, Lorena Gonzalez, Jay Obernolte and Kristin Olsen; **Senate:** Mark Leno, Vice Chair, Ricardo Lara, Loni Hancock, Jim Nielsen and Patricia Bates.

The Conference Committee began their work on May 31<sup>st</sup>, met on Tuesday, Wednesday and Thursday of last week. They were on call of the Chair on Friday and all weekend long.

Last week very few actions were taken by the Conference Committee and most items were held open and

are not expected to meet again until after the Primary Election. The Conference Committee is expected to conclude their work by June 10, 2016 in order to meet the Constitutional deadline of June 15<sup>th</sup> to pass the budget.

The following budget requests were taken through PAL, unless otherwise noted that will be discussed in the Conference Committee:

- Request for \$10 million for reproductive health education for foster youth – included in Assembly budget. (Legislative Proposal)
- Request for \$22 million for the child care bridge program, emergency vouchers for newly placed foster children - \$11 million 2016-17 and \$22 million, ongoing, in Assembly budget.
- Request for \$10 million for Bringing Families Home program, a county matching grant program to reduce homelessness among families that are part of the child welfare system – included in Senate budget, as part of No Place Like Home.
- Request for \$1.65 million increase for public health nursing and monitoring of psychotropic medication for foster children – included in Assembly budget.
- Request for \$5 million to provide Adult Protective Services training.

The County has a support position on the following items that were included in both the Senate and Assembly budgets and will not be dealt with by the Conference Committee:

- Repeal of the Maximum Family Grant (MFG) rule.
- An additional \$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 \$15 million augmentation to the CalWORKs Housing Support Program.
- \$1 million for a state long-term care Ombudsman Program, request was for \$3.6 million.

## **Housing Proposals**

### **Senate – No Place Like Home Proposal**

The Senate released its “No Place Like Home” language that would provide \$2 billion from Proposition 63 funds to be awarded to counties and developers to finance the acquisition, design, construction, or reconstruction of permanent support housing for individuals with mental illness who are chronically homeless. The bill would allocate the following:

- \$1.8 billion in a competitive grant program which is available to counties who apply jointly with a developer (MHSA Bond funds).
- \$200,000,000 in a non-competitive program open to all 58 counties and funds will be prioritized to counties based on the homeless population (MHSA bond funds).
- \$6.2 million from MHSA to Department of Housing and Community Development (HCD) to provide technical and grant preparation assistance to counties.
- Up to 4% of the competitive grant program for a default reserve program at HCD which protects against any defaults under the various loans.
- Alternative process for competitive grant program for the counties with at least 5% of the homeless population.

The funds would be continuously appropriated and requires a 2/3 vote of the legislature.

The “No Place Like Home Grant Program Advisory Committee” would be established and would be required to assist and advise HCD in the implementation of the program.

The bill would also amend Mental Health Services Act to require the Department of Health Care Services, in coordination with counties, to establish a program designed to prevent mental illnesses from becoming severe and disabling.

## **Governor’s By-Right Proposal**

Governor Brown has proposed a statewide proposal that would allow new market-rate projects with onsite affordable housing to be approved “as of right.” Governor Brown proposes that cities and counties require only by-right approval for housing projects that meet certain conditions. Discretionary approval processes for qualifying housing projects would be limited. To be eligible for by-right approval, a housing development would need to:

- **Conform with Existing General Plan and Zoning Rules.** A project generally must be on a site designated for housing by a local general plan or zoning laws. The project also must be consistent with "objective general plan and zoning standards" in place at the time the project applies for city or county approval. No definition for "objective general plan and zoning standards" is provided, but we presume that the Governor means standards that are objective - such as height and density limits, setback requirements, etc. - as compared to subjective, such as "generally compatible with the area."
- **Be Multifamily Housing.** Only projects with two or more housing units per structure would be eligible.
- **Be Infill Housing.** A project must be surrounded by "urban uses," defined as housing, commercial buildings, public facilities, or transportation infrastructure. Specifically, a site proposed for development must either (1) neighbor urban uses or (2) have at least 75% of its perimeter bordered by urban uses.
- **Meet Affordability Requirements.** A project must set 20% of its housing units at prices affordable to low-income households for at least 30 years. These requirements would be lower for projects within ½ mile of an existing or planned transit stop. In these cases, developers would need to set aside either (1) 10% of the housing for low-income households or (2) 5% for very-low-income households.
- **Not Develop Certain Types of Land.** The site proposed for development also generally could not be open space, prime farm land, wetlands, or a hazardous waste site nor within a very high fire hazard area, an earthquake fault zone, or a flood plain.

**Sets Timeline for Cities and Counties to Object to Streamlined Approval.** Under the Governor's proposal, a developer of a project that meets the above conditions must notify the appropriate city or county of its intent to seek by-right approval. After receiving this notification, the city or county would have 30 days to review the project and inform the developer in writing if it believes the project is not consistent with objective general plan and zoning standards. If the city or county does not provide a written determination within 30 days, the project is automatically deemed to meet objective general plan and zoning standards.

**Expedited Design Review.** The Governor's proposal does not preclude cities and counties from conducting design review of housing projects. The proposal, however, would likely reduce the scope of some communities' design review processes. Specifically, design review could not take longer than 90 days nor could it interfere with the by-right approval of an eligible project.

**Ministerial Review for Qualifying Projects.** The issuance of permits for design review, zoning variances, land use permits, and tentative subdivision maps will be ministerial.

**Eligible Projects Would Not Require CEQA Review.** Under the Governor's proposal, the by-right approval of eligible projects generally would not be an action subject to CEQA review. As a result, eligible housing projects would not need to undergo a CEQA analysis.

**Requires Relocation Assistance for Displaced Households.** The Governor's proposal would require a developer to provide relocation assistance to households if they are displaced by a housing project that takes advantage of by-right approval.

This morning, the California Supreme Court ruled in favor of Governor Brown allowing his initiative to move forward over the objections of the California District Attorneys Association. The Supreme Court found that Brown acted within his discretion when he filed the November ballot initiative as an amendment to a narrower measure concerning juvenile justice. The Governor's changes to the juvenile justice initiative will make some nonviolent felons eligible for early parole and gives the Department of Corrections and Rehabilitation the authority to award credits for good behavior.

The Senate and Assembly Public Safety Committees will hold an informational hearing on this initiative on Wednesday.

### **Initiative Update**

The Secretary of State's office has reported that there are 56 initiatives that have been cleared for circulation; thirteen that have reached 25% of the required signatures, 10 initiatives are pending review of the signatures.

Of the 80 plus initiatives currently in circulation, it is anticipated that voters could face as many as seventeen initiatives in November. The final list will be available after the June 30th deadline to qualify. Below is a list of the initiatives that have qualified or that are expected 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
- Legislative proceedings – 72 hour print and publishing requirement

#### **Purpose:**

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- Other: State legislative update**

This item was informational only and required no Committee action.

#### **Request for Legislation Position – Action Items**

**i. [AB 885](#) (Lopez) Foster youth**

*Recommendation: **Support:** Lori A. Cox, Director, Social Services Agency*

**ii. [AB 2622](#) (Nazarian) Property Taxation: Certificated Aircraft Assessment**

*Recommendation: **Support:** Ron Thomsen, County Assessor, Assessor's Office*

iii. **SB 1289(Lara) For-Profit Immigration Detention Facilities**

*Recommendation: **Support:** Richard Valle, District 2 Supervisor, Board of Supervisors*

iv. **SB 1329 (Hertzberg) Property Taxation: Certificated Aircraft**

*Recommendation: **Oppose:** Ron Thomsen, County Assessor, Assessor's Office*

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- Other

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

III. **Resolution in support of Reevaluating the Savings Formula for the Safe Neighborhoods and Schools Fund**

*Recommendation: **Support:** Richard Valle, District 2 Supervisor, Board of Supervisors*

[Attachment](#)

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

**PUBLIC COMMENT**

None.

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