

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

Monday, July 31, 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 Senate is in session this week. The House adjourned on Friday for the five-week August recess and will return after Labor Day on September 5. Following the inability to pass a healthcare bill last week, the Senate will now turn its attention to confirming Trump Administration nominees. Even though Leader McConnell initially cancelled the first two weeks of the August recess, it is anticipated that the Senate could leave as soon as Wednesday.

Health Care Update

Following the Senate's failure to pass legislation aimed at repealing and replacing the ACA, President Trump threatened in a tweet to end the subsidy payments, which help make insurance accessible to low-income Americans. If President Trump follows through on his tweet, it could destabilize the healthcare exchanges. The administration has previously floated the idea to stop these cost-sharing reduction payments. The next payment is due on August 21. We are hearing that a decision could be made as soon as tomorrow.

At the same time, moderate House Republicans and Democrats, led by the bipartisan Problem Solvers Caucus, immediately called for a debate on how to fix the Affordable Care Act (ACA). Their plan aims to stabilize Obamacare markets and make changes to the law backed by both sides. The most significant proposal is funding for Obamacare's cost-sharing subsidies. The bipartisan working group also wants to change the employer mandate so that it applies only to companies with more than 500 workers. Other ideas include: a federal stability fund that states can tap to reduce premiums and other costs for people with extremely expensive medical needs, scrapping the medical-device tax, and seeking greater flexibility for state innovation.

The Trump Administration is still seeking to pass a healthcare overhaul and is expected to meet today with Senator Bill Cassidy to discuss a proposal that was offered by him and Senator Lindsay Graham during the debate last week. The Cassidy-Graham proposal has not been scored by the Congressional Budget Office, which would be required if it were to receive a vote under budget reconciliation procedures. The plan would keep intact most of Obamacare's taxes except the medical device tax, send federal health care funds to the states in block grants, end the individual mandate and maintain protections for people with pre-existing conditions.

FY18 Appropriations

The House will have only 12 scheduled days in session to fund the government before FY17 ends on September 30. Appropriators Tom Cole and Mike Simpson agreed that the best route would be to tie the remaining eight appropriations bills (Labor-H, CJS, THUD, Financial Services, Agriculture-FDA, Interior, State, and Homeland Security) to the minibus (Defense, Energy & Water, Legislative Branch, and Military Construction-Veterans Affairs) that the House passed last Thursday.

The debt ceiling is also a major impediment to passing all twelve appropriations bills and will likely be a sticking point where conservative members in the House try to extract concessions in the form of spending cuts.

DOJ Action on Sanctuary Cities – Byrne/JAG Grants

On July 25, 2017, the Justice Department announced that it will impose new grant conditions in a bid to ensure that federal money does not flow to sanctuary cities. Recipients for FY17 Byrne/JAG grants will have to meet two new conditions: allowing immigration authorities access to local jails and prisons, and giving federal authorities 48-hour notice before an undocumented immigrant wanted by the federal government is released. Recipients of Byrne/JAG grants are already required to comply with federal laws that prohibit localities from interfering with communications between local law enforcement officers and immigration authorities.

September Look Ahead

With very limited time in September when Congress returns from the August recess, there will be several items to address including, FY18 appropriations and a continuing resolution, the debt ceiling, a reauthorization of the Children’s Health Insurance Program, FDA User Fees, and a reauthorization of FAA programs.

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 on summer recess until August 21, 2017. When they return they will have four weeks to pass and send all bills to the Governor for signature.

On Tuesday, July 25m, 2017, in San Francisco, Governor Brown signed a landmark climate bill, AB 398, to extend California’s Cap and Trade program by 10 years, through 2030. With the Governor were former Governor Arnold Schwarzenegger, Senate President pro tempore Kevin de León, Assembly Speaker Anthony Rendon and the author of the bill, Assemblymember Eduardo Garcia.

The following day, the Governor signed AB 617, which will establish the first statewide comprehensive program to measure and combat air pollution in the communities with the poorest air quality.

Cap and Trade Proposed Regulations

On Thursday, July 27, 2017, the California Air Resources Board held a public meeting to have the Board adopt amendments to the Cap and Trade regulations as required by AB 398. The proposed amendments enhance the current Cap and Trade program implementation and oversight, links California’s program in Ontario, Canada and extends the program by 10 years.

The Board voted to adopt the proposed amendments to the Cap and Trade Regulations unanimously.

The ARB will begin a new rule making process to implement the requirements set forth by AB 398 for the post 2020 program. ARB staff will also report to the Board this year on plans to implement AB 617.

Bureau of Medical Cannabis Regulation

On Wednesday, July 26, 2017, the Bureau of Medical Cannabis Regulation announced that with the Legislature's passage and the Governor's signing of SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, the proposed regulations for the Medical Cannabis Regulation and Safety Act will be withdrawn.

The three licensing authorities are developing new regulations based on the new law and will utilize the emergency rule making process for the new proposal regulations that emerge. The emergency regulations are expected to be published in the Fall.

SB 1 Webinar

The California Transportation Commission is expected to approve guidelines for local agency reporting at its August 16, 2017 meeting. On August 11, 2017, the League of California Cities and the California State Association of Counties (CSAC) will be hosting an informational webinar to provide the latest updates on SB 1 implementation, inform cities and counties on the steps needed to ensure funding and help answer outstanding questions and concerns.

Pre-Disaster and Flood Mitigation Assistance Grants

The Governor's Office of Emergency Services (CalOES) has announced two new Notice of Funding Opportunities for the 2017 Pre-Disaster Mitigation (PDM) and the Flood Mitigation Assistance (FMA) grant programs. The programs provide funding for local hazard mitigation plan development and for the implementation of hazard mitigation projects. The PDM program includes \$90 million nationwide and the FMA includes \$160 million nationwide.

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PUBLIC COMMENT

None.

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