

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

**Monday, October 22, 2018
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 remain in recess through the mid-term elections. Congress will return to session the week of November 13. The White House will be holding an event on Wednesday to acknowledge the work being done to combat the opioid epidemic across the nation. The event will also include a bill signing ceremony for the package of opioid-related bills that passed Congress in September/October.

Trump Administration's Definition of "Transgender"

The Trump Administration is proposing to establish a legal definition of sex, defining gender as a biological condition that doesn't change and is determined by genitalia at birth. A change in the definition would eliminate federal recognition and protections for the estimated 1.4 million transgender people who have opted to recognize themselves — surgically or otherwise — as a gender other than the one into which they were born.

The Department of Health and Human Services has called on the "Big Four" agencies that enforce some part of Title IX — the Departments of Education, Justice, Health and Human Services, and Labor — to adopt its definition in regulations that will establish uniformity in the government and increase the likelihood that courts will accept it.

The definition is integral to two proposed rules currently under review at OMB: One from the Education Department dealing with complaints of sex discrimination at schools and colleges receiving federal financial assistance; the other, from Health and Human Services, dealing with health programs and activities that receive federal funds or subsidies. Both regulations are expected to be released by the end of this year as Notices of Proposed Rule Making (NPRM), and would then be open for public comment, typically for 60 days. The agencies would consider the comments before issuing final rules, both of which could include the new gender definition.

Prison Reform Panel

Senior Advisor and son-in-law to President Trump, Jared Kushner, participated in a panel this morning related to prison reform. He suggested his interest in prison reform stemmed from personal experiences after his father served time in federal prison. Kushner discussed his prison reform focus by arguing that it makes more sense to reform people in prison instead of keeping them in prison and allowing them to learn "how to become better criminals."

It is unlikely that prison reform will be considered before the end of the year, but we do expect Congress to address prison reform/sentencing reform early next year. Democrats are favored to take back the majority in the House and will likely be more willing to compromise on criminal justice reform with Senate

Republicans who have been adamant that sentencing reform and prison reform be packaged together as part of any criminal justice reform package. House Republicans were solely pushing for prison reform this past year. In the next Congress with a Democrat-led majority in the House, we expect there could be a bipartisan compromise on sentencing reform and prison reform.

Purpose:

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

II. State Legislative Update – Brownstein Hyatt Farber Schreck

Sacramento remains quiet in the calm before the November 6th General Election, which is now only a few weeks away. Many voters have already received their vote-by-mail ballots and are prepared to cast their vote. There are numerous initiatives that will drive voters to the polls including the potential repeal of California’s gas tax and measures on housing affordability including the \$4 billion affordable housing bond, No Place Like Home, and the prospect of more stringent rent control in California.

Initiative Update

On October 16th, an initiative qualified for the November 2020 ballot which seeks to assess commercial and industrial properties at fair market value, rather than purchase price, while keeping Proposition 13 protections for homeowners in place – a concept otherwise known as “split roll.” While this has been attempted both legislatively and through the initiative process in the past, it had not been successful at qualifying until now. The Legislative Analyst’s Office (LAO) anticipates that the measure would generate anywhere from \$6.5 to \$10.5 billion in increased property tax revenues, depending on the strength of real estate markets.

No Place Like Home

On October 15th, the Department of Housing and Community Development (HCD) announced the availability of approximately \$400 million in Round 1 Competitive Allocation funds for the No Place Like Home (NPLH) program. As a reminder, this funding is contingent upon the passage of Proposition 2 on the November 2018 ballot. The NPLH program provides deferred payment loans to counties or their Development Sponsors for the development of permanent supportive housing for people living with serious mental illness who are experiencing homelessness, chronic homelessness, or are at-risk of chronic homelessness. Alameda County falls into the Large County category, in which \$87.5 million is available for competitive allocation in Round 1. Applications are due to HCD no later than 5:00 PM on January 15, 2019.

HCD will be holding four upcoming workshops and a webinar for application training on this funding opportunity.

HCD Planning Grants Program Draft Guidelines

HCD recently released draft guidelines for the SB 2 Planning Grants Program for counties and cities. As a reminder, these grants will be generated by half of the revenue collected from SB 2 in its first calendar year. The other half of the revenue generated from SB 2 in its first year is dedicated to homelessness programs.

The planning grant program will provide financial and technical assistance to local governments to update planning documents and processes to streamline housing approvals and accelerate housing production. The full amount of funding available to this program will be determined by 2018 revenues deposited into the fund in February 2019.

HCD expects to release a notice of funding availability for planning funds no later than Spring 2019 and they will be made available for a two-year timeframe.

Comments on the draft guidelines are due to HCD by Wednesday, November 7, 2018. Additionally, HCD will be holding the following upcoming open forums to discuss the draft guidelines in more detail: October 23rd in San Mateo and October 29th in Buena Park.

South Dakota v. Wayfair

On October 15th, the Legislature held a joint hearing to discuss the implications of the U.S. Supreme Court's ruling in *South Dakota v. Wayfair*, which allows states to tax online sales, even if the retailer does not have a physical presence in the taxing state. Present in the discussion was California Department of Tax and Fee Administration (CDTFA) Director Nicolas Maduros who informed the committee that CDTFA was prepared to issue a notice of implementation for the collection of online sales tax by the end of 2018 and that the department is ramping up its resources to do so.

Given this, CDTFA is holding a stakeholder meeting on Wednesday, October 24 in Sacramento to discuss the implementation of collecting online sales tax in light of the ruling. This is an opportunity for all interested parties, including counties, to comment prior to CDTFA releasing guidance documents before the end of the year. The meeting will be webcast for those unable to attend in person and written comments are due by October 23, 2018.

LAO Report: Rethinking the 1991 Realignment

The Legislative Analyst's Office released a report titled "Rethinking 1991 Realignment," which explores whether the realignment is meeting its original intent of aligning the finances, responsibilities, and risks associated with providing social, health, and mental health services at the county level.

Over the past two years, the LAO has consulted with numerous county affiliates and stakeholders in developing this research and drafting this report. In short, the report finds that 1991 Realignment is no longer meeting some of the key principles identified by the LAO as a necessary foundation for realignment. Some of the key principles needed are listed below:

- Counties' share of costs reflects their ability to control costs in the program.
- Revenues generally cover costs over time.
- Flexibility to respond to changing needs and requirements.
- Funding is transparent and understandable.

Taxi Cab Ordinances

Following the enactment of AB 1069 (Low, 2017) and AB 939 (Low, 2018), cities and counties will now be required to follow new laws regarding the regulation of taxicabs in their jurisdictions. The laws are intended to create a level playing field for all methods of for-hire transportation including taxis, Lyft and Uber. On January 1, 2019, these laws go into effect. Cities and counties are encouraged to revisit their taxicab ordinances and ensure they are in compliance with the new laws before they take effect.

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PUBLIC COMMENT

None.

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