

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

Monday, January 7, 2019  
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 in session this week. Although parts of the federal government remain shutdown, Congress plans to meet this week to resolve the impasse over President Trump's border wall.

**116th Congress Begins**

On Thursday, January 3 the 116th Congress convened for the first time. Members of the House of Representatives elected Nancy Pelosi as House Speaker with the support of 220 Democrats (with 3 voting present and 12 voting for someone other than Pelosi). She is the only woman to have served as Speaker of the House, and the first lawmaker in decades to be elected to the position after losing the gavel for a time (she served as House Speaker from 2007-2011).

The first orders of business for the Democratic-controlled House of Representatives included passage of the rules package and introduction of H.R. 1, For the People Act. The rules package was introduced by Democrats last week and organizes the House for the new Congress, establishes the Select Committee on Congressional Modernization and allows the House to intervene in court cases to defend the Affordable Care Act. H.R. 1, also introduced last week, is an ethics package intended to undo the effects of the rulings in the cases *Citizens United v. Federal Election Commission* and *Shelby County v. Holder*, in addition to addressing gerrymandering, voting rights, election security and the partisan deadlock on the Federal Election Commission. Although the bill is expected to pass the House, Senate Majority Leader McConnell said he would not schedule a vote on the Senate floor.

**Government Shutdown**

Today marks Day 17 of the partial government shutdown caused by a stalemate between President Trump and Democrats over \$5 billion for a border wall. Two White House meetings between the President and Republican and Democratic leaders took place last week and proved unsuccessful as both sides are still unwilling to compromise. Leadership staff met again over the weekend with Vice President Mike Pence and acting Chief of Staff Mick Mulvaney. The White House sent a letter to House and Senate Appropriators over the weekend detailing their request for additional funding for the Department of Homeland Security. The additional funding they have requested is as follows:

*Border Wall, Customs and Border Protection (CBP):* The President requests \$5.7 billion for construction of a steel barrier for the Southwest border. This would require an increase of \$4.1 billion over the FY19 funding level in the Senate version of the bill.

*Immigration Judge Teams - Executive Office for Immigration Review (EOIR):* The President requests at least \$563 million for 75 additional Immigration Judges and support staff to reduce the backlog of pending immigration cases.

*Law Enforcement Personnel, Border Patrol Agent Hiring, CBP:* The President requests \$211 million to hire 750 additional Border Patrol Agents. While the Senate's FY19 bill supports some Border Patrol Agent hiring, fulfilling this request requires an increase of \$100 million over the FY19 funding level in the Senate version of the bill.

*Law Enforcement Personnel, Immigration and Customs Enforcement (ICE):* The President requests \$571 million for 2,000 additional law enforcement personnel and support staff. This would require an increase of \$571 million over the FY19 funding level in the Senate version of the bill.

*Detention Beds, ICE:* The President requests \$4.2 billion to support 52,000 detention beds. This would require an increase of \$798 million over the FY19 funding level in the Senate version of the bill.

*Humanitarian Needs:* The President requests an additional \$800 million to address urgent humanitarian needs. This includes additional funding for enhanced medical support, transportation, consumable supplies appropriate for the population, and additional temporary facilities for processing and short-term custody of this vulnerable population, which are necessary to ensure the well-being of those taken into custody.

*Counter-narcotics/weapons Technology:* Specifically, \$675 million would provide Non-Intrusive Inspection (Nil) technology at inbound lanes at U.S. Southwest Border Land Ports of Entry (LPOE) would allow CBP to deter and detect more contraband, including narcotics, weapons, and other materials that pose nuclear and radiological threats. This would require an increase of \$631 million over the FY19 funding level in the Senate version of the bill.

President Trump will address the nation tomorrow night regarding the shutdown and plans to visit the border on Thursday. The shutdown will be the longest in history if it goes beyond Friday.

## **FY19 Appropriations**

Despite the standoff, the first act of the now Democratic-controlled House was to approve two measures aimed at reopening the government. The first (H.R. 21 the Consolidated Appropriations Act, 2019) funds six of the remaining seven FY19 appropriations bills (T-HUD, Agriculture, Financial Services, Interior-Environment, State-Foreign Ops and Commerce-Justice-Science) through September 30, 2019. The House passed the package on a vote of 241-190. The second, H.J.Res 1, is a continuing resolution that would reopen the Department of Homeland Security and provide funding through February 8, 2019. The resolution does not provide any new funding for border security but maintains funding levels from FY18 appropriations. Both measures are based on legislation previously approved by the Senate.

Senate Majority Leader Mitch McConnell has already said the Senate will not take up any bills the President is unwilling to sign, meaning the two measures are dead on arrival in the Senate.

Over the weekend, the House embarked on a new path where they plan to vote on four spending measures individually. House Democrats announced they expect to vote as early as Wednesday on the individual Agriculture-FDA, Financial Services, Interior-Environment and Transportation-HUD appropriations bills that were drafted and passed by the Senate in the last Congress. The first bill to come to the floor will likely be the Financial Services bill. We expect each bill to pass the House and again stall in the Senate as Majority Leader McConnell has stated his opposition.

Funding concerns for specific programs:

TANF -- TANF is funded through a mixture of federal and state funds; as a result, states can continue to provide benefits and services using state funds or unspent previously appropriated federal funds. The federal Administration for Children and Families explained these options in a letter sent prior to the 2015 shutdown (attached). We have not seen a similar letter from ACF since this shutdown began.

SNAP -- USDA has stated the agency has enough funding to provide SNAP benefits for the month of January.

WIC -- Additionally, USDA stated most other domestic nutrition assistance programs, such as the Commodity Supplemental Food Program, WIC, and the Food Distribution Program on Indian Reservations, can continue to operate at the State and local level with any funding and commodity resources that remain available. Additional Federal funds will not be provided during the period of the lapse however deliveries of already-purchased commodities will continue.

Child Nutrition -- The Child Nutrition (CN) Programs, including School Lunch, School Breakfast, Child and Adult Care Feeding, Summer Food Service and Special Milk will continue operations into February. Meal providers are paid on a reimbursement basis, 30 days after the end of the service month.

## **ACA**

After Judge Reed O'Connor, a U.S. District Judge for the Northern District of Texas, ruled last month that the ACA's individual mandate is unconstitutional, the fate of the ACA is unknown as it continues to be litigated. The ruling will be appealed to the 5th Circuit Court of Appeals — the most conservative appeals court in the country. From there, the ACA lawsuit would again go to the Supreme Court.

A ruling by the Supreme Court isn't guaranteed. If the 5th Circuit upholds the ACA, the Justices could simply decline to hear the case, leaving that ruling in place. If the 5th Circuit agrees with last month's ruling, though, the ACA is likely headed to the Supreme Court for the third time. There are also no guarantees that the high court would strike down all or part of the ACA. It has upheld the law twice, and though the makeup of the court has changed since then, Chief Justice John Roberts remains the most important vote.

## **Universal Background Checks Legislation**

House Democrats will introduce a proposal on Tuesday requiring universal background checks for gun sales, the eighth anniversary (01/08/2011) of the shooting of former Rep. Gabby Giffords. Giffords will join Speaker Pelosi and Rep. Mike Thompson in introducing the bill as it is being calling "H.R. 8" in Giffords' honor. The proposal would require federal background checks on all gun sales, including private transactions. There will be some small exemptions to those checks, such as transfers between family members, or temporary use of a gun for hunting.

### **Purpose:**

- Report progress
- Advocacy or Education
- Request PAL\_Committee Recommendation or Position
- Other: Federal Update**

## **II. State Legislative Update – Political Solutions**

Devon Anderson, Political Solutions, reported on the Governor and other officers are being sworn in today. In addition, the Governor mentioned in his speech issues such as social and wealth inequities, migrant families, safeguarding the Rainy Day Fund, and he also has a plan to tackle the lack of housing and affordable housing.

The Governor will release the Proposed 2019-2020 State Budget on Thursday, January 10, 2019.

The deadline for bills to be introduced is Friday, February 22, 2019.

### **Purpose:**

- Report progress
- Advocacy or Education
- Request PAL\_Committee Recommendation or Position
- Other: State Update**

**III. 2019-2020 Alameda County Legislative Platform – Action item**

[Attachment](#)

**Recommendation: Support and recommend to the full Board for adoption:** Susan S. Muranishi, County Administrator, County Administrator’s Office

Amy Costa, Deputy County Administrator, introduced the proposed 2019-2020 Alameda County Legislative Platform.

Vision 2026 is the foundation for County actions and the 2019-2020 Proposed Legislative Platform, including addressing homelessness, combating climate change, ensuring an accurate Census count and protecting immigrants.

Supervisor Carson stated that staff has an opportunity to review the document and the 2019-2020 Legislative Platform will return to the PAL Committee for a recommendation.

**Purpose:**

- Report progress
- Advocacy or Education
- Request PAL Committee Recommendation or Position**
- Other

**Recommendation from PAL Committee: Staff to review document and this item will return to the PAL Committee for a recommendation.**

**PUBLIC COMMENT**

None.

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