

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

Monday, May 7, 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 are in session this week. The House will focus on FY19 appropriations and legislation aimed at curbing the opioid epidemic while the Senate continues its work on judicial nominations as well as the nomination of Gina Haspel to be the next Director of the CIA.

FY19 Appropriations

The House will continue its work on all 12 appropriations bills for fiscal year 2019. The full Appropriations Committee is set to begin work tomorrow on the least controversial bills including, Military-Construction and Veterans Affairs and the Legislative Branch bill. The Energy and Water Development Appropriations Subcommittee plans to mark up its relatively non-controversial measure tonight while the Commerce-Justice-Science Subcommittee plans to mark up this Wednesday. Several Members have already stated they plan to offer “pro-marijuana” amendments as part of a broader push to keep the federal government out of states’ affairs. The House Transportation-HUD appropriations bill could be marked up as early as next week.

Rescissions

The White House is expected to deliver to Congress a proposal to cut spending by \$15 billion. Last week, the Trump Administration said it would send Congress a package of \$11 billion in spending reductions, but since then conservatives have demanded additional cuts. Initially, the White House floated as much as \$60 billion in rescissions, including an attempt to cancel money from the recently passed FY18 omnibus. The proposal was later downsized to \$11 billion, targeting only unused funding from previous years.

Farm Bill

House Agriculture Committee Chairman Mike Conaway (R-TX) wants the 2018 farm bill to be brought to the floor next week. The Republican leadership continues to whip the bill, but as of now, they are concerned they do not have the votes necessary for passage off the floor. Although farm bills have previously been bipartisan, Democrats are opposed to Chairman Conaway's legislation because it would impose new work requirements on low-income people enrolled in the Supplemental Nutrition Assistance Program (SNAP) and make investments to expand capacity in state-run SNAP employment and training programs. Without Democratic support, some conservative House Freedom Caucus members will be needed to pass the bill. However, the three dozen members of the Freedom Caucus have been noncommittal about the legislation since Chairman Conaway introduced the bill last month. There are numerous conservative groups that have increased their opposition to the legislation because they believe it fails to reform farm subsidies and would benefit wealthy farmers and agribusiness over taxpayers.

Prison Reform

On April 25, the House Judiciary Committee postponed a markup of the FIRST STEP Act (the Formerly Incarcerated Reenter Society Transformed Safely Transitioning Every Person Act), legislation aimed at reforming the prison system. The bill is supported by President Trump's son-in-law and Senior Advisor, Jared Kushner and would authorize training programs to prisoners in hopes of discouraging repeat offenses. Critics of the bill have said the language does not go far enough and should include sentencing reform provisions. The delay in Committee action has been attributed to opposition from Senate Judiciary Committee Chairman Chuck Grassley and Senate Minority Whip Dick Durbin who want the bill to include bipartisan sentencing reform they have spent months negotiating.

House Judiciary Chairman Bob Goodlatte said the delayed vote was due to time constraints and said the postponement will give members more time to work out minor issues. The full Committee is now scheduled to consider the bill on Wednesday, May 9, 2018.

Hearings - SNAP

The House Oversight Healthcare, Benefits, and Administrative Rules, and Intergovernmental Affairs subcommittees scheduled a joint hearing Wednesday to discuss the Supplemental Nutrition Assistance Program.

Purpose:

- Report progress
- Advocacy or Education
- Request PAL Committee Recommendation or Position
- Other: Federal legislative update**

Request for Legislation Position – Action Item

i. [S 2227/H.R. 5306 \(Portman/Guthrie\) EMPOWER Care Act](#)

Recommendation: Support: Colleen Chawla, Director, Health Care Services Agency and Lori A. Cox, Director, Social Services Agency

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

II. State Legislative Update – Brownstein Hyatt Farber Schreck

On April 27, the Legislature passed one of its critical deadlines, reporting all fiscal bills to their respective fiscal committees. Now the Legislature is tasked with reporting all non-fiscal bills to policy committees before May 11, 2018. Budget subcommittees will continue to meet prior to the Governor's May Revise, though their workloads are beginning to lighten up as the majority of the high-priority items have already been heard and held open. Although all of the budget proposals Alameda County has taken a position on have been held open, there will likely be a revised 340B Pharmacy Drug Pricing Program proposal in the May Revise. The Governor is expected to release his May Revise late this week or early next week.

Update on County Sponsored Bills

AB 2111 (Quirk), Alameda County's sponsored bill, which will align CalWORKs sponsor deeming provisions with those used for CalFresh for sponsored non-citizens indigence determinations, passed out of the Assembly Human Services Committee on April 24 by a unanimous vote. The bill has since been referred to the Assembly Appropriations Committee – a hearing date has not yet been set.

The bill's separate but parallel budget vehicle, was heard in the Assembly Budget Subcommittee 1 on Health and Human Services on April 25 and the Senate Budget and Fiscal Review Subcommittee 3 on May 3, where the item was held open in both committees.

Initiative Update

The initiative to repeal SB 1 was submitted to the Secretary of State's office for signature verification on April 27, meaning that they potentially have the signatures required to qualify for the November ballot. As last announced the proponents, they reportedly have nearly 950,000 signatures – only 585,407 are needed to qualify. The initiative to repeal the Costa-Hawkins Rental Housing Act is also pending signature count at the Secretary of State's office, meaning that they have submitted their raw signature count. We will know in the next week or so if the initiative qualifies for the November ballot, but the proponents announced that they have well over the 365,880 signatures needed to qualify.

Housing and Homelessness

As you know, the homelessness and housing issue continues to be a priority of the Legislature and stakeholders this year. On April 25, AB 3171 (Ting) was pulled from the Assembly Housing and Community Development hearing agenda. Assemblymember Ting's proposal will now move through the budget process and will be heard in the Assembly Budget Subcommittee 4. SB 912 (Beall/Skinner) was heard today in the Senate Appropriations Committee and will be placed on the suspense file for further action.

Assembly Universal Healthcare Budget Proposal

Today, Assemblymembers Ting, Arambula, Wood and Chiu held a press conference announcing the Assembly's \$1 billion budget proposal aimed at expanding universal health care in California. The Assembly will take action later this afternoon in the Assembly Budget Subcommittee 3 on Health and Human Services, to hear and adopt this proposal as a part of the Assembly's budget. Among other things, this proposal provides funding for expanding coverage to uninsured Californians, expanding the MediCal program to uninsured children, and expanding health care coverage to undocumented adults. The proposal would come from the General Fund. Once the full proposal is released we will provide updates to County staff and continue to monitor its progress.

Lead-Based Paint Legislative Package Update

Given the continued interest in the Assembly's lead paint legislative package, below is a brief summary and status update on each of the bills within the package.

AB 2073 (Chiu) protects homeowners from threats of legal action by lead paint manufacturers if the homeowners participate in the abatement program created by a 2017 judgment against lead paint makers. The bill passed out of the Assembly Judiciary Committee on May 1 and may be taken up on the Assembly floor this week.

AB 2074 (Bonta) creates a new avenue to litigation for those poisoned by lead-based paint who are unable to identify the exact manufacturer of the lead paint pigment by allowing those poisoned to establish legally sufficient cases of causation to recover damages, shifting the burden of proof to the lead paint company to prove they are not at fault, and holding multiple companies liable in certain cases. The bill passed out of the Assembly Judiciary Committee on May 1 and may be taken up on the Assembly floor this week.

AB 2803 (Limón) was substantially amended on April 23 and now provides that residential lead-based paint that affects the health of a considerable number of persons constitutes a public nuisance. Under the bill, a party may be subject to liability for public nuisance if that party promoted lead-based paint for a particular use with actual or constructive knowledge that such use would cause health hazards sufficiently serious to render that use unreasonable. The bill passed out of the Assembly Judiciary Committee on May 1 and may be taken up on the Assembly floor this week.

AB 2934 (Stone) would allow the California Department of Public Health to partner with counties to certify lead paint inspectors. By allowing counties to administer this certification, more inspectors will be made available in counties that have identified a shortage of certified individuals. The bill passed out of the Assembly Environmental Safety and Toxic Materials Committee on April 24 and is now in Assembly Appropriations Committee – a hearing date has not yet been set.

AB 2995 (Carrillo) clarifies that the presence of lead-based paint is a physical injury to property, ensures that the trigger for knowledge of lead in a home is clear and conspicuous, and adjusts the statute of limitations for families to address lead paint in their homes and take legal recourse. The bill passed out of the Assembly Judiciary Committee on May 1 and may be taken up on the Assembly floor this week.

AB 3009 (Quirk) imposes a \$1 charge on manufacturers of paint per gallon sold in the state. The California Department of Tax and Fee Administration would collect the charges and deposit into the Lead-Based Cleanup Fund, created by the bill, within the State Treasury. Funds would be expended by the Department of Toxic Substances Control to provide grants to cities and counties for the investigation, abatement, or removal of lead-based paint from residences within their respective jurisdictions. The bill states that the fee will only be imposed if an initiative passes that states that lead paint is not a public nuisance and undoes the action by the courts. The bill passed out of the Assembly Revenue and Taxation Committee on April 30 and was referred to the Assembly Appropriations Committee – a hearing date has not yet been set.

CalRecycle Draft Organic Waste Regulations

CalRecycle recently released its second informal draft regulations to implement SB 1383 (Lara, 2016), prior to holding two of its upcoming workshops. SB 1383 establishes methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutant emissions, specifically calling for a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75% reduction by 2025. CalRecycle will be considering written comments on the informal draft regulations until May 16, 2018. The first workshop is being held today in Carlsbad and the second will be held on May 8, 2018, in Sacramento.

DOJ Proposition 56 Grant Program

Proposition 56 of 2016 raises excise taxes from the sale of tobacco products and allocates some of the funds to specific state agencies. Each year, the California Department of Justice (DOJ) distributes \$30 million to cities, counties, local governments and law enforcement agencies to enforce tobacco laws. On April 25, DOJ announced a Request for Proposals for the Proposition 56 Grant program for enforcement activities undertaken between the period of June 1, 2018 through June 30, 2020. The deadline to apply for funding is Friday, May 25, 2018.

Purpose:

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

Request for Legislation position – Action Items

- i. **AB 1964** (Maienschein) Organized Camps
*Recommendation: **Oppose unless amended:*** Colleen Chawla, Director, Health Care Services Agency
- ii. **AB 2923** (Chiu) San Francisco Bay Area Rapid Transit District: transit-oriented development
*Recommendation: **Oppose:*** Scott Haggerty, District 1, Board of Supervisors and
Neutral: Chris Bazar, Director, Community Development Agency

Purpose:

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

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

Information Items

Position taken under authority of the adopted 2018 Legislative Platform for immediate action by legislative advocates:

- i. **[AB 2073](#) (Chiu) Public nuisance: abatement: lead-based paint**
*Recommendation: **Support:** Chris Bazar, Director, Community Development Agency and Colleen, Chawla, Director, Health Care Services Agency*
- ii. **[AB 2657](#) (Weber) Pupil discipline: restraint and seclusion**
*Recommendation: **Support:** Colleen Chawla, Director, Health Care Services Agency*
- iii. **[AB 3009](#) (Quirk) Hazardous materials: lead-based paint**
*Recommendation: **Support:** Colleen Chawla, Director, Health Care Services Agency, and Chris Bazar, Director, Community Development Agency*
- iv. **[SB 905](#) (Weiner) Alcoholic beverages: hours of sale**
*Recommendation: **Oppose:** Nate Miley, District 4, Board of Supervisors and Colleen Chawla, Director, Health Care Services Agency*
- v. **[SB 918](#) (Weiner) Homeless Youth Act of 2018**
*Recommendation: **Support:** Lori A. Cox, Director, Social Services Agency*
- vi. **[SB 1106](#) (Hill) Probation Department, Public Defender**
*Recommendation: **Support:** Wendy Still, Chief Probation Officer, Probation Department and Brendon Woods, Public Defender, Public Defender's Office*
- vii. **[Adopt CSAC resolution to protect Proposition 69 and oppose SB 1 repeal efforts](#)**
*Recommendation: **Support:** Daniel Woldesenbet, Director, Public Works Agency
Board of Supervisors will consider this resolution as a separate item on their 5/8/18 Agenda*

PUBLIC COMMENT

None.

Board of Supervisors' Committees agendas are available via Internet at: <http://www.acgov.org/>