

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

**Monday, September 10, 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 have a short week as they return to session on Wednesday due to the observance of Rosh Hashanah on Monday and Tuesday. The House will take up several non-controversial bills this week as they continue to forge ahead on appropriations minibuses. The Senate will take up a package of bills that would address the opioid epidemic as well as legislation aimed at making it easier for pharmacists to advise patients of cheaper alternatives to drugs prescribed by their doctors.

****The House is scheduled to be out the week of Sept. 17, leaving just seven legislative days before October.****

Appropriations

House and Senate conferees are expected to finish negotiating the first minibus today (Energy & Water, Legislative Branch, and Military Construction-Veterans Affairs) and vote on final passage by the end of the week. The one contentious issue that continues to stall passage of the minibus is the MilCon-VA portion of the appropriations package that includes some funding (but not all) for the VA MISSION Act, which President Trump signed into law in June. The bill gives veterans more flexibility to seek care at non-VA facilities. However, it won't exempt the money from spending caps under the Budget Control Act. Instead, the bill would pay for the new veterans' health-care law by cutting funds elsewhere. Democrats are worried that the bill will prompt a broader debate about VA privatization.

House and Senate negotiators are also trying to reach an agreement on two other minibuses to include the first package of Agriculture-FDA, Financial Services, Interior & Environment, and Transportation-HUD, and the second package with Labor-HHS-Education and Defense appropriations.

Majority Leader McCarthy said last week that he hopes to pass as many appropriations bills as possible before the end of the fiscal on September 30. If all three minibuses pass, Congress will have passed 9 of 12 appropriations bills. Congress will have to pass a continuing resolution to fund the three remaining bills including, Homeland Security, State-Foreign Operations, and Commerce-Justice-Science. All of which will likely be addressed after the midterm elections.

SCOTUS

The Senate Judiciary Committee concluded four days of confirmation hearings for President Trump's Supreme Court nominee, Brett Kavanaugh. The Committee may vote on Kavanaugh's nomination on September 20, 2018. Senate Majority Leader McConnell has reserved the last week of September for floor debate on the nomination and is aiming for a vote in the full Senate prior to the start of the court's new term on October 1, 2018.

NPRM on Child Separation & Flores Settlement

The Departments of Homeland Security and Health and Human Services announced a Notice of Proposed Rule Making that would allow Immigration and Customs Enforcement (ICE) to hold migrant children in detention facilities with their parents indefinitely while their cases for asylum play out in court. The rule would upend the Flores Agreement, a 20-year ban on indefinite detention of children.

Homeland Security officials said that ending the Flores agreement of 1997 will speed up the handling of asylum requests while also deterring people from illegally crossing the Mexican border.

The move by the Trump Administration will trigger numerous lawsuits going forward. The regulations were published in the Federal Register and will be subject to a 60-day public comment period.

Farm Bill

The House and Senate conferees for the 2018 Farm Bill are still negotiating toward an agreement. There was still no compromise as of last week on the Supplemental Nutrition Assistance Program (SNAP). One area of compromise could be to limit state waivers for SNAP work requirements. President Trump tweeted support for the work requirements provision this week.

Purpose:

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

II. State Legislative Update – Brownstein Hyatt Farber Schreck

The Legislature returned from Summer Recess on August 6th and immediately began hearing all fiscal bills prior to the August 17th deadline. The last two weeks of August were focused on passing all bills out of each house and on to the Governor for signature or veto before the August 31st adjournment of the 2017-18 Legislative Session.

The Governor is now tasked with either signing or vetoing all bills sent to him by the Legislature before September 30, 2018. Below are a few updates on County priority issues at the end of session:

Alameda County's sponsored bill, AB 2111 (Quirk), passed out of the Legislature with an overwhelming majority vote and is currently on the Governor's desk awaiting action.

The County has 26 position bills that passed out of the Legislature and are currently on the Governor's desk awaiting action.

Two of the County's 2018 position bills have already been signed into law – AB 1785 (Nazarian) – Support and AB 1934 (Jones-Sawyer) – Support.

SB 10 (Hertzberg) on bail reform was signed by Governor Brown will take effect on October 1, 2019. SB 905 (Wiener) regarding alcoholic beverage hours of sale, opposed by the County, passed out of the Legislature and is currently on the Governor's desk awaiting action.

AB 2923 (Chiu) regarding BART zoning standards for transit-oriented development, opposed by the County, also passed out of the Legislature and is on the Governor's desk awaiting action.

The Legislature approved the final Conference Committee on Wildfire's report, which makes no changes to inverse condemnation law, among other things. The report is on the Governor's desk.

Efforts to address lead-paint manufacturer liability was put on hold at the end of the legislative session.

AB 626 (Garcia), which would allow for private home kitchens to operate as retail food facilities in California, opposed by the County, moved through the Legislature and is on the Governor's desk.

Legislature has adjourned for the year and Legislators are back in their home districts. The Legislature will reconvene on December 3, 2018 for the first day of the 2019-20 Legislative Session.

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 Legislature on August 31st and is currently on the Governor's desk awaiting action.

Homeless Emergency Aid Program (HEAP)

The California Homeless Coordinating and Financing Council, now housed within the Business, Consumer Services and Housing Agency (BCSH), recently announced the official launching of HEAP – a \$500 million block grant program to provide direct assistance to cities and counties for homelessness activities authorized by SB 850 (Committee on Budget and Fiscal Review), which was signed into law by Governor Brown.

On September 5, 2018, BCSH released the first Notice of Funding Availability (NOFA) and will be accepting applications for the first round of funding through December 31, 2018.

Additionally, Housing California and the Corporation for Supportive Housing will be hosting a webinar on new homelessness funding opportunities, on Tuesday, September 11 from 2:00 PM – 3:30 PM. Representatives from BCSH, Brilliant Corners, and County representatives will join the discussion to discuss innovative models, leveraging state resources, and one-time funding uses.

Initiative Update

A few new initiatives have been filed that may be of interest to the County. These initiatives would not be eligible until the November 2020 ballot:

- Referendum of SB 10* – Pending review at the Attorney General's office, not yet in circulation.
- Property Tax 2020* – Pending review at the Attorney General's office, not yet in circulation.
- Peace Officer Stop Act of 2020* – Pending review at the Attorney General's office, not yet in circulation.
- The Jail to Prison Realignment Act of 2020* – Pending review at the Attorney General's office, not yet in circulation.
- The California Sugar-Sweetened Beverages Tax Act of 2020 – Title and summary issued on September 6, circulation deadline March 4, 2019, 585,407 signatures required to appear on November 2020 ballot.
- Property Tax "Split Roll" Initiative – Pending signature verification, 585,407 signatures required to appear on November 2020 ballot.
- Children, Family, and Community Protection Act – In circulation, 365,880 signatures required by 12/19/18 to appear on November 2020 ballot.

Wildfire Conference Committee

During the Legislature's Summer Recess and into the last month of the Legislative Session, the 10 member Conference Committee on Wildfires met numerous times in an attempt to come up with a solution to resolve the state's ongoing wildfire liability crisis. After strenuous negotiations and numerous public hearings, the Conference Committee landed with a final package that was approved by the full Legislature on August 31, 2018.

Some of the key elements of the final Conference Committee Report that is currently on the Governor's desk awaiting action:

- No changes were made to current Inverse Condemnation law.

- Provides a \$1 billion investment over the next 5 years from the Greenhouse Reduction Fund to improve forest management and fire prevention programs.
- Provides for advanced firefighting resources and increases the safety standards and requirements for utilities.
- Makes no changes to the current reasonableness standard for cost recovery at the Public Utilities Commission (PUC), thus, requiring utilities to pay for negligent behavior related to the 2017 wildfires. The proposal, however, does provide for a stress test to determine the affordability of such costs and the impacts on ratepayers or the ability to provide service.
- For fires after January 2019, utilities would have their share of fault determined by the PUC using a number of factors, including climate change.
- Restricts executive compensation to be derived from shareholders, not ratepayers.
- Creates a commission in the Governor's Office of Planning and Research to consider methods of socializing the costs from wildfires.
- Outlines the comprehensive streamlining of regulations for landscape and forestry management practices that will enhance and support fire-prevention activities such as thinning, prescribed burns and fuel reduction on federal lands.

State Controller's July Cash Report

The first month of the 2018-19 Fiscal Year brought in less revenue than expected. The State Controller reported total revenues of \$6.63 billion in July, which was \$294.7 million, or 4.3 percent, lower than anticipated in the 201819 Budget.

Purpose:

- ☐ Report progress
☐ Advocacy or Education
☐ Request PAL Committee Recommendation or Position
☒ **Other: State Update**

A. Informational items

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

i. **AB 2043 (Arambula) Foster youth: family urgent response system**

Support sponsored by: Lori A. Cox, Director, Social Services Agency, Colleen Chawla, Director, Health Care Services Agency and Wendy Still, Chief Probation Officer, Probation Department

ii. **AB 2083 (Cooley) Foster youth: trauma informed system of care**

Support sponsored by: Lori A. Cox, Director, Social Services Agency and Wendy Still, Chief Probation Officer, Probation Department
Neutral: Colleen Chawla, Director, Health Care Services Agency

iii. **AB 2119 (Gloria) Foster care: gender affirming health care and behavioral health services**

Support sponsored by: Lori A. Cox, Director, Social Services Agency

iv. **AB 2965 (Arambula) Medi-Cal: immigration status: adults**

Support sponsored by: Lori A. Cox, Director, Social Services Agency

v. **SB 974 (Lara) Medi-Cal: immigration status: adults**

Support sponsored by: Lori A. Cox, Director, Social Services Agency

vi. **SB 1108 (Hernandez) Medi-Cal: Conditions of eligibility or coverage**

Support sponsored by: Lori A. Cox, Director, Social Services Agency

- vii. **SB 1275** (Stern) **Public Postsecondary Education: Plan Against College Hunger Act of 2018**
Support sponsored by: Lori A. Cox, Director, Social Services Agency and Colleen Chawla, Director, Health Care Services Agency
- viii. **Public Health Department Comment Letter on State Regulations for Adult Use Cannabis**
Support sponsored by: Colleen Chawla, Director, Health Care Services Agency
- ix. **Public Health Department Comment Letter on Cannabis Manufacturing Regulations**
Support sponsored by: Colleen Chawla, Director, Health Care Services Agency
- x. **In-Home Support Services Comment Letter on proposed Medicaid rule change**
Support sponsored by: PAL Committee

These items are informational only and require no Committee action.

Purpose:

- ☐ Report progress
☐ Advocacy or Education
☐ Request PAL_Committee Recommendation or Position
☒ Other: Informational items

PUBLIC COMMENT

None.

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