



LEGISLATION COMMITTEE

February 13, 2017

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **ACCEPT the report on the FY 2017-18 State Budget and CONSIDER recommending that the Board of Supervisors send a letter to the Legislature opposing the Governor's proposal to discontinue the Coordinated Care Initiative and eliminate the In Home Supportive Services (IHSS) maintenance-of-effort (MOE).**
4. **CONSIDER finding that a position of "Support" on SB 2 (Atkins) "Building Homes and Jobs Act" and on SB 3 (Beall) "Affordable Housing Bond Act of 2018" is consistent with the Board of Supervisors' adopted 2017 Platform, and direct staff to prepare and distribute support letters.**
5. **CONSIDER finding that a position of "Support" on AB 42 (Bonta): Bail Reform, SB 10 (Hertzberg): Bail: Pretrial Release, and SB 167 (Skinner): Supplemental Security Income & CalFresh: Preenrollment, is consistent with the Board of Supervisors' adopted 2017 State Platform and direct staff to prepare and distribute advocacy letters as needed.**
6. **REVIEW the Master List of State Bills of Interest to Contra Costa County and provide direction to staff, as needed.**
7. **ACCEPT the report on the federal issues of interest to the County and provide direction to staff, as needed. PROVIDE input to Congressman Thompson on H.R. 38 "Concealed Carry Reciprocity Act of 2017" and H.R. 367 "Hearing Protection Act of 2017."**
8. The next meeting is currently scheduled for March 13, 2017 at 10:30 a.m. in Room 101, 651 Pine Street, Martinez.

9. Adjourn

The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

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Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

3.

Meeting Date: 02/13/2017

Subject: State Budget Update: In Home Supportive Services (IHSS) Maintenance of Effort (MOE) Repeal

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2017-01

Referral Name: State Budget

Presenter: L. DeLaney and Cathy Christian

Contact:

Referral History:

The Legislation Committee regularly receives updates on the State Budget and its impacts on Contra Costa County operations.

Referral Update:

Governor Jerry Brown echoed familiar themes in the release of his proposed 2017-18 State Budget with emphasis on prudence and caution due to reduced revenue expectations and a long list of unknowns facing California's fiscal outlook. The proposed budget totals \$122 billion in state General Fund expenditures, with just a 0.2% decrease from the last year's January budget.

The Department of Finance (DOF) has reported revenues below forecast from the adopted 2016-17 budget with all of the "big three" general fund sources – income, sales and corporation taxes – showing weakness as part of an economic slowdown. The proposed budget seeks to cover what would be a \$1.6 billion dollar deficit in the current budget and future deficits of \$1-\$2 billion annually. State revenues are still expected to grow by 3% in 2017-18, but this is inadequate to cover spending levels established in last year's adopted budget.

The list of unknowns influencing spending reductions and freezing planned expenditures includes the ever-volatile source of major state funding from personal income taxes and capital gains; the impending sluggish economy following unprecedented growth over the last eight years; and a new Administration in Washington, D.C. that could make significant changes to federal programs and state funding levels.

The Legislative Analyst's Office (LAO) put out their overview of the governor's proposed budget on January 13. The LAO's advice and analyses figure heavily into the debate on budget priorities during hearings and informational sessions during budget season. The LAO agrees with the Administration's decision to simply assume the continuation of current law on the federal level. Until more detailed information about what Congress and the President plan to implement is known, it is impossible to model scenarios with any certainty. The LAO advises the Legislature to

begin budget deliberations by setting a target level for the state's reserves – preferably a target above even that of the Administration.

Generally, the LAO believes the Administration's 2017-18 personal income tax (PIT) estimates are too low, based on historical growth and the Administration's other economic projections. The Administration estimates 3.3% growth in the budget year, when PIT growth typically comes in around 5%. Since 2009-10, the average has been over 8%, and growth has exceeded 3.3% in 18 of the last 21 years. In 2017, the Administration estimates 6.3% growth to the S&P 500, but projects declining capital gains. Whether the PIT is up or down, the May Revision will provide some much needed clarity and direction. If PIT revenues are higher than expected, it is important to note that much of the funding would be dedicated by law to the Prop 98 minimum funding guarantee and the budget reserve and debt repayment requirements under Prop 2.

Many of the questions surrounding possible changes under President Trump, including those related to repeal of the Affordable Care Act, will not be addressed by DOF until greater certainty and next steps are known. This could be reflected in the Governor's May Revision along with improved revenue returns and revised estimates.

Coordinated Care Initiative (CCI) and Elimination of the In-Home Supportive Service (IHSS) MOE

However, a significant program concern for counties is already reflected in the 2017-18 proposal. This includes the unwinding of the Coordinated Care Initiative (CCI) and elimination of the In-Home Supportive Service (IHSS) maintenance of effort (MOE) resulting in approximately \$625 million in new county costs statewide for 2017-18 alone and at least \$4.4 billion over the next six years. The cost is a result of shifting 35 percent of all costs related to the IHSS program to counties, including newly added costs due to state action to increase in minimum wage and pay sick leave to IHSS workers, as well as, additional cost due to federal action to require overtime pay.

In examining the dissolution of the Coordinated Care Initiative (CCI), the LAO has a couple of recommendations based on the understanding that much of the decision to discontinue the pilot was due to the increased cost to the state General Fund associated with the IHSS maintenance-of-effort (MOE). The Legislature should examine how IHSS costs should be shared between the state and counties. Should the state return to the same sharing agreement in place before the CCI, which was 35% counties and 65% state? Should counties maintain some MOE instead? How can the state assist counties in transitioning back to a sharing ratio which is projected to add \$600 million in IHSS costs to their budgets? Because the Administration in essence, would like to continue the CCI without IHSS, the LAO urges the Legislature to consider whether and how removing IHSS from the CCI will impact the goal of the CCI which is to increase care coordination and reduce costs.

For Contra Costa County, the Employment and Human Services Department (EHSD) estimated that the FY 17-18 IHSS MOE payment would be approximately \$22.3 million. Under a 35% county sharing ratio, the County costs would go up to approximately \$27.3 million. Therefore, the estimated increase in County cost would be at least \$5 million.

The California State Association of Counties (CSAC), the County Welfare Directors Association of California (CWDA), the California Association of Public Authorities (CAPA), the County Health Executives Association of California (CHEAC), the County Behavioral Health Directors Association (CBHDA), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), oppose the cessation of the Coordinated Care Initiative, the dismantling of the county In Home Supportive Services (IHSS) Maintenance of Effort (MOE) cost sharing arrangement, the dissolution of the Statewide IHSS Authority, and shifting collective bargaining for IHSS workers from the Statewide IHSS Authority to the seven CCI counties. Their joint letter of opposition is attached. (*See Attachment A*).

The Legislation Committee may wish to recommend to the Board of Supervisors that a similar letter be sent to the Legislature, opposing this proposal.

Recommendation(s)/Next Step(s):

ACCEPT the report on the State Budget and CONSIDER recommending that the Board of Supervisors send a letter to the Legislature opposing the Governor's proposal to discontinue the Coordinated Care Initiative and eliminate the In Home Supportive Services (IHSS) maintenance-of-effort (MOE).

Attachments

Attachment A: Joint Letter of Opposition



**CALIFORNIA STATE ASSOCIATION
OF COUNTIES**



**COUNTY WELFARE DIRECTORS
ASSOCIATION OF CALIFORNIA**



**CALIFORNIA ASSOCIATION OF
PUBLIC AUTHORITIES**



**COUNTY HEALTH EXECUTIVES
ASSOCIATION OF CALIFORNIA**



**COUNTY BEHAVIORAL HEALTH
DIRECTORS ASSOCIATION**



URBAN COUNTIES OF CALIFORNIA



**RURAL COUNTY
REPRESENTATIVES OF
CALIFORNIA**

February 2, 2017

The Honorable Anthony Rendon
Speaker, California State Assembly
State Capitol, Room 219
Sacramento, CA 95814

**RE: Dismantling the CCI, the County IHSS MOE, and Shifting IHSS Collective
Bargaining to Counties – OPPOSE**

Dear Speaker Rendon,

The California State Association of Counties (CSAC), the County Welfare Directors Association of California (CWDA), the California Association of Public Authorities (CAPA), the County Health Executives Association of California (CHEAC), the County Behavioral Health Directors Association (CBHDA), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), oppose the cessation of the Coordinated Care Initiative, the dismantling of the county In Home Supportive Services (IHSS) Maintenance of Effort (MOE) cost sharing arrangement, the dissolution of the Statewide IHSS Authority, and shifting collective bargaining for IHSS workers from the Statewide IHSS Authority to the seven CCI counties.

The CCI and its associated components were created by legislation in 2012 (SB 1036, Chapter 45, Statutes of 2012 and AB 1471, Chapter 439, Statutes of 2012). Subsequent legislation (SB 94, Chapter 37, Statutes of 2013), required the Department of Finance Director to perform an annual calculation regarding the costs and savings related to the CCI, and to end the CCI should state costs exceed savings, with notification within the January Budget Proposal.

On January 10, Director Cohen indicated that pursuant to his calculations, CCI costs exceeded state savings by \$42.4 million, thereby triggering the unwinding of the CCI. This means that the health care side of the CCI ends by January 1, 2018, while the county IHSS MOE cost sharing arrangement ends this calendar year on June 30, 2017. The statute further requires the dissolution of the Statewide IHSS Authority and the return of collective bargaining for IHSS workers from the Statewide IHSS Authority to the counties. These latter two statutory requirements have already occurred, with the CCI counties receiving notification last week of the return of collective bargaining.

All 58 counties currently contribute to the IHSS MOE, and seven counties with CCI pilots – Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Mateo and Santa Clara – had transferred their IHSS collective bargaining responsibilities to the Statewide Authority.

This cascade of events will cause a devastating cost shift to counties – \$623 million in 2017-18 alone – and imperils funding for critical county health, mental health, and public safety programs. While the current statute requires the dismantling of the CCI based upon the calculation made by the Department of Finance, the Legislature and the Governor must act to prevent these serious and far-reaching county fiscal consequences. Solutions could include making adjustments to the CCI model to achieve needed savings, while maintaining a county MOE and creating a stable bargaining entity for IHSS workers.

Massive Cost Shift

According to estimates developed by CWDA using state data, the demise of the county IHSS MOE will result in more than \$623 million in increased county costs *above* the amount that counties are dedicating to their current MOE obligations in 2017-18, rising to \$1.6 billion in 2022-23, assuming that the seven percent cut to services hours is reinstated when the current MCO tax expires in 2019-20, as current law requires. This figure also assumes that the elimination of the IHSS MOE requires the reapplication of existing statutory sharing ratios for the nonfederal share of the IHSS program (65 percent state and 35 percent county) and that the current \$12.10 per hour state wage participation cap remains in place.

Why the huge number for the budget year and especially in the out years? The estimate above represents five years of cost increases in the IHSS program shifted to counties. The IHSS costs increases are based on normal program growth as well as the suite of new costs recently enacted by the state – the minimum wage increase up to \$15 per hour by 2022 and the extension of three paid sick leave days to IHSS workers (SB 3, Chapter No. 4, Statutes of 2016) – as well as recent federal overtime regulations for home care workers. The 2015-16 Budget Act also restored a seven percent across-the-board cut in IHSS hours, further increasing the costs of the program above 2012 levels.

The state approved these new costs while it had the responsibility for the program under the IHSS MOE cost sharing structure. In fact, the state has budgeted in the current year for the \$0.50 minimum wage increase that took effect on January 1 (more than \$17 million General Fund for six months) and the costs of providing federal overtime pay (\$443.8 million General Fund in the current year).

The end of the CCI means that all of these new state-imposed costs, on top of the normal program growth costs, will be shifted to the counties. Our members indicate that they are unable to bear these significant new costs for the IHSS program, even with some 1991 Realignment revenues.

1991 Realignment Impacts

Counties use dedicated 1991 Realignment revenues to contribute their current MOE amounts, and

previously used these funds for normal IHSS program costs. However, the significant new added costs that are being shifted to the counties exceed the revenue mechanics of the 1991 Realignment structure. According to our initial analysis, the gap between the estimated revenues provided through 1991 Realignment and the amount of these new costs is \$484 million in 2018-19, increasing to a \$1 billion chasm in 2023-24. This estimate assumes the state enjoys steady economic growth and all current policies remain in place. In the event of a recession—even a mild one—or changes to health or human service programs, such as the repeal of the Affordable Care Act, the gap between needs and revenues would increase tremendously.

Because 1991 Realignment also funds indigent health and mental health services, as well as public health, the impact of this cost shift would reverberate through other programs. Since IHSS is an entitlement and a caseload-driven program within 1991 Realignment, any increase in IHSS costs reduces the future share of growth funding received by the Health and Mental Health Subaccounts. Because of this, the size and scope of the IHSS cost shift back to counties will strangle the funding available for other 1991 Realignment-funded services at the county level.

The magnitude of the cost shift also threatens county General Fund spending, most of which is currently applied to public safety and the maintenance of local streets and roads, among other state and local priorities. We are also concerned that while 1991 Realignment revenues during the years in which the MOE was in effect were generally sufficient to cover the county share of costs for the program, these revenues are currently less stable and subject to decline due to slowdowns in parts of the economy, and, as our analysis above indicates, are insufficient to cover the additional state-imposed IHSS program costs enacted since 2012.

Collective Bargaining

The CCI deal also included a provision to transfer IHSS collective bargaining from counties participating in the CCI to the state and intent language to eventually expand the CCI to all 58 counties while also transferring their collective bargaining responsibilities to the IHSS Statewide Authority.

The CCI calculation as required by statute within the January 10 budget sets in motion the return of collective bargaining from the Statewide Authority to the seven CCI pilot counties. These counties were notified last week of the official transfer of collective bargaining and the resumption of their responsibility to bargain with IHSS workers for wages and benefits. The notification letters state that the counties are only responsible for the terms of the county-bargained contracts at the time they had been transferred to the Statewide Authority, rather than any new contract changes approved by the Statewide Authority in the intervening time; however, both counties and IHSS workers are unclear about the timeline for resuming bargaining. Further, the magnitude of the program cost shift and the fiscal uncertainty faced by each county as a result may severely constrain their ability to offer any additional wage or benefit changes to their workers. Crucial questions must be resolved before counties can move forward with bargaining new contracts for our IHSS workers.

Coordinated Care

The Governor's January 10 Budget Proposal preserves components of the Cal MediConnect program. Counties that have implemented CCI do note improvements in care coordination and communication between health providers and IHSS staff. However, Director Cohen's calculation of the cost savings within the CCI also includes the "costs" of the IHSS MOE. We support taking another look at the CCI as a whole, making changes where necessary and giving the program more time to achieve the state's savings goals.

Also, on behalf of our members, we have worked hard with health plans, consumers, and labor organizations to urge the continuation of the CCI, and played a key role in supporting last year's Managed Care Organization (MCO) tax to provide additional funding for the CCI. Counties have remained committed to all aspects of the CCI and believe the Governor and the Legislature have a role to play to improve the CCI and avert this devastating cost shift to counties.

Conclusion

Counties have proudly administered the IHSS program since 1991, when it was realigned to our members. County social workers and IHSS providers are the backbone of this social services program, which has proven to reduce care costs while also allowing seniors and disabled people to remain in their own homes rather than in nursing or institutional levels of care. The transfer of IHSS program costs to counties will have detrimental impacts on the Californians in need of public health and mental health services that are funded by 1991 Realignment, only a few short years after 1991 Realignment growth had again become available, in addition to other county services.

Our opposition to the cessation of the CCI and the transfer of new state IHSS program costs – minimum wage increases, paid sick leave, overtime costs, and restorations of pre-2012 program cuts – onto counties is based on both the staggering local fiscal impacts and our belief that CCI can be reinvented to more effectively and efficiently help the most vulnerable Californians. We ask the Legislature to work with counties and other stakeholders to arrive at a fair solution to IHSS program funding and responsibilities and work to ensure the stability and sustainability of IHSS – and other critical county services – for years to come.

Thank you,



Matt Cate
CSAC Executive Director



Karen Keeslar
CAPA Executive Director



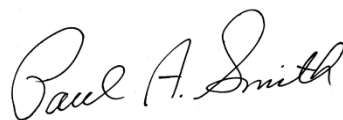
Frank Mecca
CWDA Executive Director



Michelle Gibbons
CHEAC Executive Director



Kirsten Barlow
CBHDA Executive Director



Paul Smith
RCRC Vice President of Governmental Affairs



Jolena Voorhis
UCC Executive Director

cc: The Honorable Kevin de León, President pro Tempore, California State Senate
 Michael Cohen, Director, Department of Finance
 Will Lightbourne, Director, Department of Social Services
 Jennifer Kent, Director, Department of Health Care Services
 Craig Cornett, Office of Senate President pro Tempore de León
 Chris Woods, Office of Speaker Anthony Rendon
 Ben Johnson, Legislative Analyst's Office
 Kirk Feely, Senate Republican Caucus
 Cyndi Hillery, Assembly Republican Caucus



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 02/13/2017
Subject: Affordable Housing Funding Bills: SB 2 (Atkins) and SB 3 (Beall)
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-02
Referral Name: Affordable Housing Bills
Presenter: L. DeLaney **Contact:**

Referral History:

The Legislation Committee reviews and makes recommendations to the Board of Supervisors on bills related to the provision of affordable housing.

Referral Update:

The Board of Supervisors' adopted 2017 State Platform (*Attachment C*) includes a number of policies related to housing, including the following:

#165. SUPPORT efforts to increase the supply of affordable housing, including, but not limited to, state issuance of private activity bonds, affordable and low income housing bond measures, low-income housing tax credits and state infrastructure financing. *This position supports a number of goals in the County General Plan Housing Element.*

Two bills have come to staff's attention that would align with policy #165: SB 2 (Atkins) and SB 3 (Beall). Both bills will be heard in the Senate Committee on Transportation and Housing. Senator Skinner is a member of that committee. Staff recommends that the Legislation Committee consider a recommendation of "Support" on both bills to the Board of Supervisors.

SB 2 (Atkins): Building Homes and Jobs Act

The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, be sent quarterly to the Department of Housing and Community Development for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. The bill would require that 20% of the moneys in the fund be expended for affordable owner-occupied workforce housing and 10% of the moneys for housing purposes related to agricultural workers and their families, and would authorize the remainder of the moneys in the fund to be expended to support affordable housing, home-ownership opportunities, and other housing-related programs.

The text of the bill is included as *Attachment A*. No bill analysis is available as yet.

SB 3 (Beall): Affordable Housing Bond Act of 2018

Enacts the Affordable Housing Bond Act of 2018 which would authorize the issuance of \$3 billion in general obligation bonds to be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs.

The text of the bill is included as *Attachment B*. No bill analysis is available as yet.

Recommendation(s)/Next Step(s):

CONSIDER finding that a position of "Support" on SB 2 (Atkins): Building Homes and Jobs Act and "Support" on SB 3 (Beall): Affordable Housing Bond Act of 2018 is consistent with the Board of Supervisors' adopted 2017 State Platform, and directing staff to prepare letters of support for the Chair of the Board's signature.

Attachments

Attachment A: SB 2

Attachment B: SB 3

Attachment C: Adopted 2017 State Platform

SENATE BILL**No. 2**

Introduced by Senator Atkins

**(Coauthors: Senators Beall, Bradford, Dodd, Hertzberg, Jackson,
Mitchell, Roth, Skinner, Wieckowski, and Wiener)**
(Coauthors: Assembly Members Bonta and Thurmond)

December 5, 2016

An act to add Section 27388.1 to the Government Code, and to add Chapter 2.5 (commencing with Section 50470) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2, as introduced, Atkins. Building Homes and Jobs Act.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, homeownership for very low and low-income households, and downpayment assistance for first-time homebuyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law. Existing law requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would enact the Building Homes and Jobs Act. The bill would make legislative findings and declarations relating to the need for establishing permanent, ongoing sources of funding dedicated to affordable housing development. The bill would impose a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property,

not to exceed \$225. By imposing new duties on counties with respect to the imposition of the recording fee, the bill would create a state-mandated local program. The bill would require that revenues from this fee, after deduction of any actual and necessary administrative costs incurred by the county recorder, be sent quarterly to the Department of Housing and Community Development for deposit in the Building Homes and Jobs Fund, which the bill would create within the State Treasury. The bill would, upon appropriation by the Legislature, require that 20% of the moneys in the fund be expended for affordable owner-occupied workforce housing and 10% of the moneys for housing purposes related to agricultural workers and their families, and would authorize the remainder of the moneys in the fund to be expended to support affordable housing, homeownership opportunities, and other housing-related programs, as specified. The bill would impose certain auditing and reporting requirements and would establish the Building Homes and Jobs Trust Fund Governing Board that would, among other things, review and approve recommendations made by the Department of Housing and Community Development for the distribution of moneys from the fund.

This bill would state the intent of the Legislature to enact legislation that would create the Secretary of Housing within state government to oversee all activities related to housing in the state.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known as the Building Homes
2 and Jobs Act.

3 SEC. 2. (a) The Legislature finds and declares that having a
4 healthy housing market that provides an adequate supply of homes
5 affordable to Californians at all income levels is critical to the
6 economic prosperity and quality of life in the state.

1 (b) The Legislature further finds and declares all of the
2 following:

3 (1) Funding approved by the state's voters in 2002 and 2006,
4 as of June 2015, has financed the construction, rehabilitation, and
5 preservation of over 14,000 shelter spaces and 245,000 affordable
6 homes. These numbers include thousands of supportive homes for
7 people experiencing homelessness. In addition, these funds have
8 helped tens of thousands of families become or remain
9 homeowners. Nearly all of the voter-approved funding for
10 affordable housing has been awarded.

11 (2) The requirement in the Community Redevelopment Law
12 that redevelopment agencies set aside 20 percent of tax increment
13 for affordable housing generated roughly \$1 billion per year. With
14 the elimination of redevelopment agencies, this funding stream
15 has disappeared.

16 (3) In 2014, the Legislature committed 10 percent of ongoing
17 cap-and-trade funds for affordable housing that reduces greenhouse
18 gas emissions and dedicated \$100 million in one-time funding for
19 affordable multifamily and permanent supportive housing. In
20 addition, the people of California thoughtfully approved the
21 repurposing of \$600 million in already committed bond funds for
22 the creation of affordable rental and permanent supportive housing
23 for veterans through the passage of Proposition 41.

24 (4) In 2015, the Legislature approved \$2 billion in revenue
25 bonds for the construction and rehabilitation of permanent
26 supportive housing for homeless individuals with mental illness
27 through the "No Place Like Home" initiative and increased funding
28 for the CalWORKs Housing Support Program to \$47 million per
29 year. Another \$45 million was directed to Emergency Solutions
30 Grants to fund rapid rehousing, outreach, shelters, and homeless
31 prevention and \$10 million was provided to reduce homelessness
32 among families who are part of the child welfare system.

33 (5) Despite these investments, the need for affordable housing
34 in the state of California greatly exceeds the available resources,
35 demonstrated by the Public Policy Institute of California finding
36 that, as of January 2016, 31.5 percent of mortgaged homeowners
37 and 47 percent of all renters are spending more than 35 percent of
38 their household incomes on housing.

39 (6) California has 12 percent of the United States population,
40 but 20 percent of its homeless population. California has the highest

1 percentage of unsheltered homeless in the nation, with 64 percent
2 of homeless Californians not having shelter. California has 24
3 percent of the nation's homeless veterans population and one-third
4 of the nation's chronically homeless population. California also
5 has the largest populations of unaccompanied homeless children
6 and youth, with 28 percent of the national total.

7 (7) Furthermore, four of the top 10 metropolitan areas in the
8 country with the highest rate of homelessness are in the following
9 metropolitan areas in California: San Jose-Sunnyvale-Santa Clara,
10 Los Angeles-Long Beach-Santa Ana, Fresno, and Stockton.

11 (8) California continues to have the second lowest
12 homeownership rate in the nation, and the Los Angeles
13 metropolitan area is now a majority renter area. In fact, five of the
14 eight lowest homeownership rates are in metropolitan areas in
15 California.

16 (9) Los Angeles and Orange Counties have been identified as
17 the epicenter of overcrowded housing, and numerous studies have
18 shown that children in crowded homes have poorer health, worse
19 scores on mathematics and reading tests, and higher rates of
20 depression and behavioral problems—even when poverty is taken
21 into account.

22 (10) Millions of Californians are affected by the state's chronic
23 housing shortage, including seniors, veterans, people experiencing
24 chronic homelessness, working families, people with mental,
25 physical, or developmental disabilities, agricultural workers, people
26 exiting jails, prisons, and other state institutions, survivors of
27 domestic violence, and former foster and transition-aged youth.

28 (11) Eight of the top 10 hardest hit cities by the foreclosure
29 crisis in the nation were in California. They include the Cities of
30 Stockton, Modesto, Vallejo, Riverside, San Bernardino, Merced,
31 Bakersfield, and Sacramento.

32 (12) California's workforce continues to experience longer
33 commute times as persons in the workforce seek affordable housing
34 outside the areas in which they work. If California is unable to
35 support the construction of affordable housing in these areas,
36 congestion problems will strain the state's transportation system
37 and exacerbate greenhouse gas emissions.

38 (13) Many economists agree that the state's higher than average
39 unemployment rate is due in large part to massive shrinkage in the
40 construction industry from 2005 to 2009, including losses of nearly

1 700,000 construction-related jobs, a 60-percent decline in
2 construction spending, and an 83-percent reduction in residential
3 permits. Restoration of a healthy construction sector will
4 significantly reduce the state's unemployment rate.

5 (14) The lack of sufficient housing impedes economic growth
6 and development by making it difficult for California employers
7 to attract and retain employees.

8 (15) To keep pace with continuing demand, the state should
9 identify and establish a permanent, ongoing source or sources of
10 funding dedicated to affordable housing development. Without a
11 reliable source of funding for housing affordable to the state's
12 workforce and most vulnerable residents, the state and its local
13 and private housing development partners will not be able to
14 continue increasing the supply of housing after existing housing
15 bond resources are depleted.

16 (16) The investment will leverage billions of dollars in private
17 investment, lessen demands on law enforcement and dwindling
18 health care resources as fewer people are forced to live on the
19 streets or in dangerous substandard buildings, and increase
20 businesses' ability to attract and retain skilled workers.

21 (17) In order to promote housing and homeownership
22 opportunities, the recording fee imposed by this act shall not be
23 applied to any recording made in connection with a sale of real
24 property. Purchasing a home is likely the largest purchase made
25 by Californians, and it is the intent of this act to not increase
26 transaction costs associated with these transfers.

27 SEC. 3. Section 27388.1 is added to the Government Code, to
28 read:

29 27388.1. (a) (1) Commencing January 1, 2018, and except as
30 provided in paragraph (2), in addition to any other recording fees
31 specified in this code, a fee of seventy-five dollars (\$75) shall be
32 paid at the time of recording of every real estate instrument, paper,
33 or notice required or permitted by law to be recorded, except those
34 expressly exempted from payment of recording fees, per each
35 single transaction per parcel of real property. The fee imposed by
36 this section shall not exceed two hundred twenty-five dollars
37 (\$225). "Real estate instrument, paper, or notice" means a
38 document relating to real property, including, but not limited to,
39 the following: deed, grant deed, trustee's deed, deed of trust,
40 reconveyance, quit claim deed, fictitious deed of trust, assignment

1 of deed of trust, request for notice of default, abstract of judgment,
 2 subordination agreement, declaration of homestead, abandonment
 3 of homestead, notice of default, release or discharge, easement,
 4 notice of trustee sale, notice of completion, UCC financing
 5 statement, mechanic's lien, maps, and covenants, conditions, and
 6 restrictions.

7 (2) The fee described in paragraph (1) shall not be imposed on
 8 any real estate instrument, paper, or notice recorded in connection
 9 with a transfer subject to the imposition of a documentary transfer
 10 tax as defined in Section 11911 of the Revenue and Taxation Code
 11 or on any real estate instrument, paper, or notice recorded in
 12 connection with a transfer of real property that is a residential
 13 dwelling to an owner-occupier.

14 (b) The fees, after deduction of any actual and necessary
 15 administrative costs incurred by the county recorder in carrying
 16 out this section, shall be remitted quarterly, on or before the last
 17 day of the month next succeeding each calendar quarterly period,
 18 to the Department of Housing and Community Development for
 19 deposit in the California Homes and Jobs Trust Fund established
 20 by Section 50470 of the Health and Safety Code, to be expended
 21 for the purposes set forth in that section. In addition, the county
 22 shall pay to the Department of Housing and Community
 23 Development interest, at the legal rate, on any funds not paid to
 24 the Controller before the last day of the month next succeeding
 25 each quarterly period.

26 SEC. 4. Chapter 2.5 (commencing with Section 50470) is added
 27 to Part 2 of Division 31 of the Health and Safety Code, to read:

28
 29 CHAPTER 2.5. BUILDING HOMES AND JOBS ACT

30
 31 Article 1. General Provisions

32
 33 50470. (a) (1) There is hereby created in the State Treasury
 34 the Building Homes and Jobs Trust Fund. All interest or other
 35 increments resulting from the investment of moneys in the fund
 36 shall be deposited in the fund, notwithstanding Section 16305.7
 37 of the Government Code.

38 (2) Moneys in the Building Homes and Jobs Trust Fund shall
 39 not be subject to transfer to any other fund pursuant to any
 40 provision of Part 2 (commencing with Section 16300) of Division

1 4 of Title 2 of the Government Code, except to the Surplus Money
2 Investment Fund. Upon appropriation by the Legislature:

3 (A) Twenty percent of moneys in the fund shall be expended
4 for affordable owner-occupied workforce housing.

5 (B) Ten percent of the moneys in the fund shall be expended to
6 address affordable homeownership and rental housing opportunities
7 for agricultural workers and their families.

8 (C) The remainder of the moneys in the fund may be expended
9 for the following purposes:

10 (i) The development, acquisition, rehabilitation, and preservation
11 of rental housing that is affordable to extremely low, very low,
12 low-, and moderate-income households, including necessary
13 operating subsidies.

14 (ii) Affordable rental and ownership housing that meets the
15 needs of a growing workforce earning up to 120 percent of area
16 median income.

17 (iii) Matching portions of funds placed into local or regional
18 housing trust funds.

19 (iv) Matching portions of funds available through the Low and
20 Moderate Income Housing Asset Fund pursuant to subdivision (d)
21 of Section 34176 of the Health and Safety Code.

22 (v) Capitalized reserves for services connected to the creation
23 of new permanent supportive housing, including, but not limited
24 to, developments funded through the Veterans Housing and
25 Homelessness Prevention Program.

26 (vi) Emergency shelters, transitional housing, and rapid
27 rehousing.

28 (vii) Accessibility modifications.

29 (viii) Efforts to acquire and rehabilitate foreclosed or vacant
30 homes.

31 (ix) Homeownership opportunities, including, but not limited
32 to, down payment assistance.

33 (x) Grants to local and regional agencies to assist in the
34 development and updating of planning documents and zoning
35 ordinances in order to accelerate housing production, including,
36 but not limited to, General Plans, community plans, specific plans,
37 sustainable communities strategies, and local coastal programs.

38 (xi) Fiscal incentives or matching funds to local agencies that
39 approve new housing for extremely low, very low, low-, and
40 moderate-income households.

(3) A state or local entity that receives an appropriation or allocation pursuant to this chapter shall use no more than 5 percent of that appropriation or allocation for costs related to the administration of the housing program for which the appropriation or allocation was made.

(b) Both of the following shall be paid and deposited in the fund:

(1) Any moneys appropriated and made available by the Legislature for purposes of the fund.

(2) Any other moneys that may be made available to the department for the purposes of the fund from any other source or sources.

(c) If a local government does not expend the moneys allocated to it, pursuant to this chapter, within five years of that allocation, those moneys shall revert to, and be paid and deposited in, the fund.

50470.5. For purposes of this chapter:

(a) "Department" means the Department of Housing and Community Development.

(b) "Governing Board" means the Building Homes and Jobs Trust Fund Governing Board.

50470.7. (a) The Building Homes and Jobs Trust Fund Governing Board is hereby established. The governing board shall include one representative from the department, one representative from the California Housing Finance Agency, and one representative from the Office of the Treasurer. The governing board shall consist also include no fewer than two real estate licensees, one from northern California and one from southern California, each with not less than 10 years of real estate experience and membership in a real estate trade organization with not less than 20,000 licensees. The governing board shall include a local government official from northern and southern California, and a representative from the northern and southern California home building industry, all of whom shall be appointed by the Governor.

(b) (1) The governing board also shall include six public members. Two of the public members must be representative of nonprofit affordable housing development, one appointed by the Speaker of the Assembly and one appointed by the Senate Rules Committee. Two of the public members must be representative of for-profit affordable housing development, one appointed by the

1 Speaker of the Assembly and one appointed by the Senate Rules
2 Committee. The Speaker of the Assembly and the Senate Rules
3 Committee shall each appoint one additional public member who
4 shall be representative of, or have experience in, one or more of
5 the following areas:

6 (A) Private sector lending.

7 (B) For-profit affordable housing development.

8 (C) Nonprofit affordable housing development.

9 (D) Working with special needs populations, including persons
10 experiencing homelessness.

11 (E) Architecture.

12 (F) Housing development consultation.

13 (G) Academia related to housing issues.

14 (2) Overall public membership shall contribute to a balance
15 among geographic areas and between rural and urban interests.

16 50471. (a) In order to maximize efficiency and address
17 comprehensive needs, the department, in consultation with the
18 California Housing Finance Agency, the California Tax Credit
19 Allocation Committee, and the California Debt Limit Allocation
20 Committee, shall develop and submit to the Legislature, at the time
21 of the Department of Finance's adjustments to the proposed
22 2018–19 fiscal year budget pursuant to subdivision (e) of Section
23 13308 of the Government Code, the Building Homes and Jobs
24 Investment Strategy. Notwithstanding Section 10231.5 of the
25 Government Code, commencing with the 2023–24 fiscal year, and
26 every five years thereafter, concurrent with the release of the
27 Governor's proposed budget, the department shall update the
28 investment strategy and submit it to the Legislature. The governing
29 board shall review and advise the department regarding the
30 investment strategy prior to its submission to the Legislature. The
31 investment strategy shall do all of the following:

32 (1) Identify the statewide needs, goals, objectives, and outcomes
33 for housing for a five-year time period. Goals should include targets
34 of the total number for affordable homes created and preserved
35 with the funds.

36 (2) Meet the following minimum objectives:

37 (A) Encourage economic development and job creation by
38 helping to meet the housing needs of a growing workforce earning
39 up to 120 percent of area median income.

1 (B) Identify opportunities for coordination among state
2 departments and agencies to achieve greater efficiencies, increase
3 the amount of federal investment in production, services, and
4 operating costs of housing, and promote energy efficiency in
5 housing produced.

6 (C) Incentivize the use and coordination of nontraditional
7 funding sources including philanthropic funds, local realignment
8 funds, nonhousing tax increment, the federal Patient Protection
9 and Affordable Care Act, and other resources.

10 (D) Incentivize innovative approaches that produce cost savings
11 to local and state services by reducing the instability of housing
12 for frequent, high-cost users of hospitals, jails, detoxification
13 facilities, psychiatric hospitals, and emergency shelters.

14 (3) Provide for a geographically balanced distribution of funds,
15 including a 50 percent direct allocation of funds to local
16 governments.

17 (4) In order to receive an allocation a local government shall:

18 (A) Submit a plan to the department detailing how allocated
19 funds will be used by the local government in manner consistent
20 with paragraph (2) of subdivision (a) of Section 50470.

21 (B) Have a compliant housing element with the state, submit
22 annual reports pursuant to Section 65400 of the Government Code,
23 and submit an annual report to the department that provides
24 ongoing tracking of the uses and expenditures of any allocated
25 funds.

26 (C) Emphasize investments that serve households that are at or
27 below 60 percent of area median income.

28 (b) Before submitting the Building Homes and Jobs Investment
29 Strategy to the Legislature, the department shall hold at least four
30 public workshops in different regions of the state to further inform
31 the development of the investment strategy.

32 (c) Expenditure requests contained in the Governor's proposed
33 budget shall be consistent with the Building Homes and Jobs
34 Investment Strategy developed and submitted pursuant to this part.
35 Moneys in the Building Homes and Jobs Trust Fund shall be
36 appropriated through the annual Budget Act.

37 (d) The Building Homes and Jobs Investment Strategy and
38 updates required by this section shall be submitted pursuant to
39 Section 9795 of the Government Code.

1 (e) The governing board shall have the authority to review and
2 approve department recommendations for all funds distributed
3 from the Building Homes and Jobs Trust Fund.

4
5 Article 2. Audits and Reporting
6

7 50475. The California State Auditor's Office shall conduct
8 periodic audits to ensure that the annual allocation to individual
9 programs is awarded by the department in a timely fashion
10 consistent with the requirements of this chapter. The first audit
11 shall be conducted no later than 24 months from the effective date
12 of this section.

13 50476. (a) In its annual report to the Legislature pursuant to
14 Section 50408, the department shall report how funds that were
15 made available pursuant to this chapter and allocated in the prior
16 year were expended, including efforts to promote a geographically
17 balanced distribution of funds. The report shall also assess the
18 impact of the investment on job creation and the economy. With
19 respect to any awards made specifically to house or support persons
20 who are homeless or at risk of homelessness, the report shall
21 include an analysis of the effectiveness of the funding in allowing
22 these households to retain permanent housing. The department
23 shall make the report available to the public on its Internet Web
24 site.

25 (b) (1) In the report, the department shall make a determination
26 of whether any of the moneys derived from fees collected pursuant
27 to Section 27388.1 of the Government Code are being allocated
28 by the state for any purpose not authorized by Section 50470 and
29 shall share the information with the county recorders.

30 (2) If the department determines that any moneys derived from
31 fees collected pursuant to Section 27388.1 of the Government
32 Code are being allocated by the state for a purpose not authorized
33 by Section 50470, the county recorders shall, upon notice of the
34 determination, immediately cease collection of the fees imposed
35 by Section 27388.1 of the Government Code, and shall resume
36 collection of those fees only upon notice that the moneys derived
37 from fees collected pursuant to Section 23788.1 of the Government
38 Code are being allocated by the state only for a purpose authorized
39 by Section 50470.

1 SEC. 5. (a) The Legislature finds and declares that the housing
2 market plays a critical role in the functioning of the California
3 economy.

4 (b) The Legislature further finds and declares all of the
5 following:

6 (1) The need for housing is something every Californian
7 encounters.

8 (2) Adequate and stable housing is a crucial component of all
9 Californians' quality of life.

10 (3) The expenditure for housing is one of the largest expenses
11 all Californians undertake in their day-to-day lives.

12 (4) Housing and housing-related activities are of such significant
13 importance to the state that it warrants a clear and unified voice
14 in state government.

15 (c) It is the intent of the Legislature to enact legislation that
16 would create a Secretary of Housing within state government to
17 oversee all activities related to housing in the state. In creating this
18 position, it is the intent of the Legislature that all professional
19 entities that play a role in the housing market would be authorized
20 to be incorporated in order to have a clearer and more unified
21 approach to housing in California.

22 SEC. 6. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 a local agency or school district has the authority to levy service
25 charges, fees, or assessments sufficient to pay for the program or
26 level of service mandated by this act, within the meaning of Section
27 17556 of the Government Code.

28 SEC. 7. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the California Constitution and shall
31 go into immediate effect. The facts constituting the necessity are:

32 In order to provide affordable housing opportunities at the earliest
33 possible time, it is necessary for this act to take effect immediately.

SENATE BILL**No. 3**

Introduced by Senator BeallDecember 5, 2016

An act to add Part 16 (commencing with Section 54000) to Division 31 of the Health and Safety Code, relating to housing, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as introduced, Beall. Affordable Housing Bond Act of 2018.

Under existing law, there are programs providing assistance for, among other things, emergency housing, multifamily housing, farmworker housing, home ownership for very low and low-income households, and downpayment assistance for first-time home buyers. Existing law also authorizes the issuance of bonds in specified amounts pursuant to the State General Obligation Bond Law and requires that proceeds from the sale of these bonds be used to finance various existing housing programs, capital outlay related to infill development, brownfield cleanup that promotes infill development, and housing-related parks.

This bill would enact the Affordable Housing Bond Act of 2018, which, if adopted, would authorize the issuance of bonds in the amount of \$3,000,000,000 pursuant to the State General Obligation Bond Law. Proceeds from the sale of these bonds would be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs, as provided.

This bill would provide for submission of the bond act to the voters at the November 6, 2018, statewide general election in accordance with specified law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California is experiencing an extreme housing shortage with
4 2.2 million extremely low income and very low income renter
5 households competing for only 664,000 affordable rental homes.
6 This leaves more than 1.54 million of California's lowest income
7 households without access to affordable housing.

8 (b) While homelessness across the United States is in an overall
9 decline, homelessness in California is rising. In 2015, California
10 had 115,738 homeless people, which accounted for 21 percent of
11 the nation's homeless population. This is an increase of 1.6 percent
12 from the prior year. California also had the highest rate of
13 unsheltered people, at 64 percent or 73,699 people; the largest
14 numbers of unaccompanied homeless children and youth, at 10,416
15 people or 28 percent of the national total; the largest number of
16 veterans experiencing homelessness, at 11,311 or 24 percent of
17 the national homeless veteran population; and the second largest
18 number of people in families with chronic patterns of homelessness,
19 at 22,582 or 11 percent of the state's homeless family population.

20 (c) California is home to 21 of the 30 most expensive rental
21 housing markets in the country, which has had a disproportionate
22 impact on the middle class and the working poor. California
23 requires the third highest wage in the country to afford housing,
24 behind Hawaii and Washington, D.C. The fair market rent, which
25 indicates the amount of money that a given property would require
26 if it were open for leasing, for a two-bedroom apartment is \$1,386.
27 To afford this level of rent and utilities, without paying more than
28 30 percent of income on housing, a household must earn an hourly
29 "housing wage" of \$26.65 per hour. This means that a person
30 earning minimum wage must work an average of three jobs to pay

1 the rent for a two-bedroom unit. In some areas of the state, these
2 numbers are even higher.

3 (d) Low-income families are forced to spend more and more of
4 their income on rent, which leaves little else for other basic
5 necessities. Many renters must postpone or forgo home ownership,
6 live in more crowded housing, commute further to work, or, in
7 some cases, choose to live and work elsewhere.

8 (e) California has seen a significant reduction of state funding
9 in recent years. The funds from Proposition 46 of 2002 and
10 Proposition 1C of 2006, totaling nearly \$5 billion for a variety of
11 affordable housing programs, have been expended. Combined with
12 the loss of redevelopment funds, \$1.5 billion of annual state
13 investment dedicated to housing has been lost, leaving several
14 critical housing programs unfunded.

15 (f) High housing costs and the shortage of housing stock in
16 California directly affect the future health of California's economy
17 and, given the staggering numbers indicated above, bold action is
18 necessary. Investment in existing and successful housing programs
19 to expand the state's housing stock should benefit California's
20 homeless and low-income earners, as well as some of the state's
21 most vulnerable populations, including foster and at-risk youth,
22 persons with developmental and physical disabilities, farmworkers,
23 the elderly, single parents with children, and survivors of domestic
24 violence. Investments should also be made in housing for Medi-Cal
25 recipients served through a county's Section 1115 Waiver Whole
26 Person Care Pilot program and family day care providers.

27 (g) Investment in housing creates jobs and provides local
28 benefits. The estimated one-year impacts of building 100 rental
29 apartments in a typical local area include \$11.7 million in local
30 income, \$2.2 million in taxes and other revenue for local
31 governments, and 161 local jobs or 1.62 jobs per apartment. The
32 additional annually recurring impacts of building 100 rental
33 apartments in a typical local area include \$2.6 million in local
34 income, \$503,000 in taxes and other revenue for local governments,
35 and 44 local jobs or .44 jobs per apartment.

36 SEC. 2. Part 16 (commencing with Section 54000) is added to
37 Division 31 of the Health and Safety Code, to read:

1 PART 16. AFFORDABLE HOUSING BOND ACT OF 2018

2
3 CHAPTER 1. GENERAL PROVISIONS

4
5 54000. This part shall be known, and may be cited, as the
6 Affordable Housing Bond Act of 2018.

7 54002. As used in this part, the following terms have the
8 following meanings:

9 (a) “Board” means the Department of Housing and Community
10 Development for programs administered by the department, and
11 the California Housing Finance Agency for programs administered
12 by the agency.

13 (b) “Committee” means the Housing Finance Committee created
14 pursuant to Section 53524 and continued in existence pursuant to
15 Sections 53548 and 54014.

16 (c) “Fund” means the Affordable Housing Bond Act Trust Fund
17 of 2018 created pursuant to Section 54006.

18 54004. This part shall only become operative upon adoption
19 by the voters at the November 6, 2018, statewide general election.

20
21 CHAPTER 2. AFFORDABLE HOUSING BOND ACT TRUST FUND
22 OF 2018 AND PROGRAM

23
24 54006. The Affordable Housing Bond Act Trust Fund of 2018
25 is hereby created within the State Treasury. It is the intent of the
26 Legislature that the proceeds of bonds deposited in the fund shall
27 be used to fund the housing-related programs described in this
28 chapter. The proceeds of bonds issued and sold pursuant to this
29 part for the purposes specified in this chapter shall be allocated in
30 the following manner:

31 (a) One billion five hundred million dollars (\$1,500,000,000)
32 to be deposited in the Multifamily Housing Account, which is
33 hereby created in the fund. Upon appropriation by the Legislature,
34 the moneys in the account may be appropriated for the Multifamily
35 Housing Program authorized by Chapter 6.7 (commencing with
36 Section 50675) of Part 2, to be expended to assist in the new
37 construction, rehabilitation, and preservation of permanent and
38 transitional rental housing for persons with incomes of up to 60
39 percent of the area median income (AMI).

1 (b) Six hundred million dollars (\$600,000,000) to be deposited
2 in the Transit-Oriented Development and Infill Infrastructure
3 Account, which is hereby created within the fund. The moneys in
4 the account shall be used for the following purposes:

5 (1) Two hundred million dollars (\$200,000,000) to be deposited
6 into the Transit-Oriented Development Implementation Fund,
7 established pursuant to Section 53561, for expenditure, upon
8 appropriation by the Legislature, pursuant to the Transit-Oriented
9 Development Implementation Program authorized by Part 13
10 (commencing with Section 53560) to provide local assistance to
11 cities, counties, cities and counties, transit agencies, and developers
12 for the purpose of developing or facilitating the development of
13 higher density uses within close proximity to transit stations that
14 will increase public transit ridership. These funds may also be
15 expended for any authorized purpose of this program.

16 (2) Three hundred million dollars (\$300,000,000) to be deposited
17 in the Infill Infrastructure Financing Account, which is hereby
18 created within the fund. Moneys in the account shall be available,
19 upon appropriation by the Legislature, pursuant to the Infill
20 Incentive Grant Program of 2007 established by Section 53545.13
21 for infill incentive grants to assist in the new construction and
22 rehabilitation of infrastructure that supports high-density affordable
23 and mixed-income housing in locations designated as infill,
24 including, but not limited to, any of the following:

25 (A) Park creation, development, or rehabilitation to encourage
26 infill development.

27 (B) Water, sewer, or other public infrastructure costs associated
28 with infill development.

29 (C) Transportation improvements related to infill development
30 projects.

31 (D) Traffic mitigation.

32 These funds may also be expended for any authorized purpose
33 of this program.

34 (3) One hundred million dollars (\$100,000,000) to be deposited
35 into the Building Equity and Growth in Neighborhoods (BEGIN)
36 Program Fund, established pursuant to Section 50860, for
37 expenditure, upon appropriation by the Legislature, pursuant to
38 the BEGIN Program authorized by Chapter 14.5 (commencing
39 with Section 50860) of Part 2 to make grants to qualifying cities,
40 counties, or cities and counties that shall be used for downpayment

1 assistance to qualifying first-time home buyers or low- and
2 moderate-income buyers purchasing newly constructed homes in
3 a BEGIN project. These funds may also be expended for any
4 authorized purpose of this program.

5 (c) Six hundred million dollars (\$600,000,000) to be deposited
6 in the Special Populations Housing Account, which is hereby
7 created within the fund. The moneys in the account shall be used
8 for the following purposes:

9 (1) Three hundred million dollars (\$300,000,000) to be deposited
10 in the Joe Serna, Jr. Farmworker Housing Grant Fund, established
11 pursuant to Section 50517.5, for expenditure, upon appropriation
12 by the Legislature, to fund grants or loans, or both, for local public
13 entities, nonprofit corporations, limited liability companies, and
14 limited partnerships, for the construction or rehabilitation of
15 housing for agricultural employees and their families or for the
16 acquisition of manufactured housing as part of a program to address
17 and remedy the impacts of current and potential displacement of
18 farmworker families from existing labor camps, mobilehome parks,
19 or other housing. These funds may also be expended for any
20 authorized purpose of this program.

21 (2) Three hundred million dollars (\$300,000,000) to be deposited
22 in the Local Housing Trust Matching Grant Program Account,
23 which is hereby created within the fund. Moneys in the account
24 shall be available, upon appropriation by the Legislature, pursuant
25 to the Local Housing Trust Fund Matching Grant Program
26 established by Section 50842.2 to fund competitive grants or loans
27 to local housing trust funds that develop, own, lend, or invest in
28 affordable housing and used to create pilot programs to demonstrate
29 innovative, cost-saving approaches to creating or preserving
30 affordable housing. Local housing trust funds shall be derived on
31 an ongoing basis from private contribution or governmental sources
32 that are not otherwise restricted in use for housing programs. These
33 funds may also be expended for any authorized purpose of this
34 program.

35 (d) Three hundred million dollars (\$300,000,000) to be deposited
36 in the Home Ownership Development Account, which is hereby
37 created within the fund. The moneys in the account shall be, upon
38 appropriation by the Legislature, available for the CalHome
39 Program authorized by Chapter 6 (commencing with Section
40 50650) of Part 2, to provide direct, forgivable loans to assist

1 development projects involving multiple home ownership units,
2 including single-family subdivisions, for self-help mortgage
3 assistance programs, and for manufactured homes. These funds
4 may also be expended for any authorized purpose of this program.

5 54008. (a) The Legislature may, from time to time, amend
6 any law related to programs to which funds are, or have been,
7 allocated pursuant to this chapter for the purposes of improving
8 the efficiency and effectiveness of those programs or to further
9 the goals of those programs.

10 (b) The Legislature may amend this chapter to reallocate the
11 proceeds of bonds issued and sold pursuant to this part among the
12 programs to which funds are to be allocated pursuant to this chapter
13 as necessary to effectively promote the development of affordable
14 housing in this state.

15
16 CHAPTER 3. FISCAL PROVISIONS
17

18 54010. Bonds in the total amount of three billion dollars
19 (\$3,000,000,000), exclusive of refunding bonds issued pursuant
20 to Section 54026, or so much thereof as is necessary as determined
21 by the committee, are hereby authorized to be issued and sold for
22 carrying out the purposes expressed in this part and to reimburse
23 the General Obligation Bond Expense Revolving Fund pursuant
24 to Section 16724.5 of the Government Code. All bonds herein
25 authorized which have been duly issued, sold, and delivered as
26 provided herein shall constitute valid and binding general
27 obligations of the state, and the full faith and credit of the state is
28 hereby pledged for the punctual payment of both principal of and
29 interest on those bonds when due.

30 54012. The bonds authorized by this part shall be prepared,
31 executed, issued, sold, paid, and redeemed as provided in the State
32 General Obligation Bond Law (Chapter 4 (commencing with
33 Section 16720) of Part 3 of Division 4 of Title 2 of the Government
34 Code), except subdivisions (a) and (b) of Section 16727 of the
35 Government Code to the extent that those provisions are
36 inconsistent with this part, and all of the provisions of that law as
37 amended from time to time apply to the bonds and to this part,
38 except as provided in Section 54028, and are hereby incorporated
39 in this part as though set forth in full in this part.

1 54014. (a) Solely for the purpose of authorizing the issuance
2 and sale, pursuant to the State General Obligation Bond Law, of
3 the bonds authorized by this part, the committee is continued in
4 existence. For the purposes of this part, the Housing Finance
5 Committee is “the committee” as that term is used in the State
6 General Obligation Bond Law.

7 (b) The committee may adopt guidelines establishing
8 requirements for administration of its financing programs to the
9 extent necessary to protect the validity of, and tax exemption for,
10 interest on the bonds. The guidelines shall not constitute rules,
11 regulations, orders, or standards of general application and are not
12 subject to Chapter 3.5 (commencing with Section 11340) of Part
13 1 of Division 3 of Title 2 of the Government Code.

14 (c) For the purposes of the State General Obligation Bond Law,
15 the Department of Housing and Community Development is
16 designated the “board” for programs administered by the
17 department, and the California Housing Finance Agency is the
18 “board” for programs administered by the agency.

19 54016. Upon request of the board stating that funds are needed
20 for purposes of this part, the committee shall determine whether
21 or not it is necessary or desirable to issue bonds authorized pursuant
22 to this part in order to carry out the actions specified in Section
23 54006, and, if so, the amount of bonds to be issued and sold.
24 Successive issues of bonds may be authorized and sold to carry
25 out those actions progressively, and are not required to be sold at
26 any one time. Bonds may bear interest subject to federal income
27 tax.

28 54018. There shall be collected annually, in the same manner
29 and at the same time as other state revenue is collected, a sum of
30 money in addition to the ordinary revenues of the state, sufficient
31 to pay the principal of, and interest on, the bonds each year. It is
32 the duty of all officers charged by law with any duty in regard to
33 the collections of state revenues to do or perform each and every
34 act which is necessary to collect that additional sum.

35 54020. Notwithstanding Section 13340 of the Government
36 Code, there is hereby appropriated from the General Fund in the
37 State Treasury, for the purposes of this part, an amount that will
38 equal the total of both of the following:

1 (a) The sum annually necessary to pay the principal of, and
2 interest on, bonds issued and sold pursuant to this part, as the
3 principal and interest become due and payable.

4 (b) The sum which is necessary to carry out Section 54024,
5 appropriated without regard to fiscal years.

6 54022. The board may request the Pooled Money Investment
7 Board to make a loan from the Pooled Money Investment Account,
8 in accordance with Section 16312 of the Government Code, for
9 purposes of this part. The amount of the request shall not exceed
10 the amount of the unsold bonds that the committee has, by
11 resolution, authorized to be sold, excluding any refunding bonds
12 authorized pursuant to Section 54026, for purposes of this part,
13 less any amount withdrawn pursuant to Section 54024. The board
14 shall execute any documents as required by the Pooled Money
15 Investment Board to obtain and repay the loan. Any amount loaned
16 shall be deposited in the fund to be allocated in accordance with
17 this part.

18 54024. For purposes of carrying out this part, the Director of
19 Finance may, by executive order, authorize the withdrawal from
20 the General Fund of any amount or amounts not to exceed the
21 amount of the unsold bonds that the committee has, by resolution,
22 authorized to be sold, excluding any refunding bonds authorized
23 pursuant to Section 54026, for purposes of this part, less any
24 amount withdrawn pursuant to Section 54022. Any amounts
25 withdrawn shall be deposited in the fund to be allocated in
26 accordance with this part. Any moneys made available under this
27 section shall be returned to the General Fund, plus the interest that
28 the amounts would have earned in the Pooled Money Investment
29 Account, from moneys received from the sale of bonds which
30 would otherwise be deposited in that fund.

31 54026. The bonds may be refunded in accordance with Article
32 6 (commencing with Section 16780) of Chapter 4 of Part 3 of
33 Division 4 of Title 2 of the Government Code. Approval by the
34 electors of this act shall constitute approval of any refunding bonds
35 issued to refund bonds issued pursuant to this part, including any
36 prior issued refunding bonds. Any bond refunded with the proceeds
37 of a refunding bond as authorized by this section may be legally
38 defeased to the extent permitted by law in the manner and to the
39 extent set forth in the resolution, as amended from time to time,
40 authorizing that refunded bond.

1 54028. Notwithstanding any provisions in the State General
2 Obligation Bond Law, the maturity date of any bonds authorized
3 by this part shall not be later than 35 years from the date of each
4 such bond. The maturity of each series shall be calculated from
5 the date of each series.

6 54030. The Legislature hereby finds and declares that,
7 inasmuch as the proceeds from the sale of bonds authorized by
8 this part are not “proceeds of taxes” as that term is used in Article
9 XIII B of the California Constitution, the disbursement of these
10 proceeds is not subject to the limitations imposed by that article.

11 54032. Notwithstanding any provision of the State General
12 Obligation Bond Law with regard to the proceeds from the sale of
13 bonds authorized by this part that are subject to investment under
14 Article 4 (commencing with Section 16470) of Chapter 3 of Part
15 2 of Division 4 of Title 2 of the Government Code, the Treasurer
16 may maintain a separate account for investment earnings, may
17 order the payment of those earnings to comply with any rebate
18 requirement applicable under federal law, and may otherwise direct
19 the use and investment of those proceeds so as to maintain the
20 tax-exempt status of tax-exempt bonds and to obtain any other
21 advantage under federal law on behalf of the funds of this state.

22 54034. All moneys derived from premiums and accrued interest
23 on bonds sold pursuant to this part shall be transferred to the
24 General Fund as a credit to expenditures for bond interest;
25 provided, however, that amounts derived from premiums may be
26 reserved and used to pay the costs of issuance of the related bonds
27 prior to transfer to the General Fund.

28 SEC. 3. Section 2 of this act shall become operative upon the
29 adoption by the voters of the Affordable Housing Bond Act of
30 2018.

31 SEC. 4. Section 2 of this act shall be submitted by the Secretary
32 of State to the voters at the November 6, 2018, statewide general
33 election.

34 SEC. 5. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

- 1 In order to maximize the time available for the analysis and
- 2 preparation of the bond act proposed by Section 2 of this act, it is
- 3 necessary that this act take effect immediately.

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2017 STATE LEGISLATIVE PLATFORM

Contra Costa County

January 17, 2017



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2017 STATE LEGISLATIVE PLATFORM CONTRA COSTA COUNTY

Each year, the Board of Supervisors adopts a State Legislative Platform that establishes priorities and policy positions with regard to potential State legislation and regulation. The State Legislative Platform includes County-sponsored bill proposals, legislative or regulatory advocacy priorities for the year, and policies that provide direction and guidance for identification of and advocacy on bills which would affect the services, programs or finances of Contra Costa County.

COUNTY-SPONSORED LEGISLATION

Authorizing/Enabling Legislation Regarding Title 5, California Code of Regulations (School Facilities Construction)

The County has been engaged in advocating for the reform of school siting policies for a number of years. Late in 2016 the California Department of Education (CDE) announced an effort to revise Title 5 to, among other things, “align school facilities and siting policies with state sustainability goals...” In meeting with CDE staff and our Legislative Delegation over the past 5 years it has become apparent that in order to revise Title 5 such that requirements (as opposed to guidance) can be established, a legislative solution may be necessary.

LEGISLATIVE/REGULATORY ADVOCACY PRIORITIES

Each year, issues emerge through the legislative process that are of importance to the County and require advocacy efforts. For 2017, it is anticipated that critical issues requiring legislative advocacy will include the following:

Priority 1: State Budget – The state’s continuing economic recovery, prior budget cuts, and the additional, temporary taxes provided by Proposition 30 have combined to bring the State Budget to a much improved financial condition. While the Governor’s Budget identifies cost pressures and budget risks in health and human services programs, of particular concern to counties is the inadequate reimbursement for our ever-increasing cost of operating several human services programs: the “Human Services Funding Deficit,” formerly referred to as the “Cost of Doing Business.” The annual shortfall between actual county expenses and state reimbursement has grown to over \$1 billion since 2001, creating a de facto cost shift to counties. The funding gap forces counties to reduce services to vulnerable populations and/or divert scarce county resources from other critical local services. It also increases the risk of state and federal penalties.

Priority 2: Health Care – Counties play a critical role in California’s health reform efforts. Counties serve as employers, payers, and providers of care to vulnerable populations. Consequently, counties stand ready to actively participate in discussions of how to best reform and preserve the health care system in California and implement the national health care reform legislation passed in 2010, The Patient Protection and Affordable Care Act (ACA).

The optional Medi-Cal Expansion, in effect on Jan. 1, 2014, was a significant part of the State Budget process in 2013. The ACA had required states to expand Medicaid programs to allow childless adults at or below 138 percent of poverty to be eligible for Medicaid (known as Medi-Cal in California). The Supreme Court struck down that mandate but allowed it to be an option for states, which California exercised.

However, significant unknowns remain including questions about the actual impact of the ACA coverage expansions on counties and the number of uninsured individuals to whom counties will still need to provide services. Counties will retain the Section 17000 responsibility, and there will be significant variations in the impacts of both the ACA and AB 85 for the different types of counties: county hospital (12 counties including Contra Costa County), payor/clinic and County Medical Services Program (CMSP) counties.

In the coming year, the County will continue to work on the implementation of required health care reform measures to maximize federal revenue. The County will support efforts to provide counties with the necessary tools to implement health care reform which may include performing eligibility and enrollment, preserving existing county resources from 1991 Realignment, providing for a smooth transition for the various operational systems, and supporting legislation to ensure that low-income families are covered under the Affordable Care Act while opposing legislation which would reduce Medi-Cal eligibility. In addition, the County will continue to work to reduce uncompensated health care costs, work on the adequacy of rates under the new health care system, and advocate for adequate state funding for community-based health and social service networks to improve service coordination, health outcomes and quality of life.

Priority 3: Water and Levees /The Sacramento-San Joaquin Delta – The enactment of the Delta Reform Act (2009), a bill that established the co-equal goals for reliable water supply and ecosystem restoration for the Delta, created the Delta Stewardship Council, and supported the proposed Bay Delta Conservation Plan (BDCP) --an effort to construct a pair of massive tunnels under the Delta-- will bring significant, large-scale change to the Delta as we know it. The scope and content of these changes, as well as enduring political battles between northern and southern California over water, will continue to guide legislative and administrative agendas in the coming year. Enabling legislation was also passed in 2009 for a state water bond, which was delayed from the 2010 and 2012 ballots but successfully passed on the 2014 state ballot, as Proposition 1.

Significant future impacts on the County in the areas of water quality and supply, levee stability, ecosystem health, local land use authority and flood control are anticipated.

Particular areas of concern for 2017 include, but are not limited to: (1) the ongoing development of the BDCP project, now recast as the California WaterFix (CWF) and whether the state water bond appropriates funds specific to the BDCP/CWF; and (2) the impacts of the Delta Plan on local land use authority, efforts to expedite state bond funding for levee improvement projects, and the development of flow standards that will impact water quality and ecosystem health in the Delta. The County's adopted Delta Water Platform, as well as the Strategic and Action Plans, are incorporated in this Platform by reference.

Priority 4: Realignment Implementation – The battle for constitutional protections for 2011 Realignment concluded successfully on November 6, 2012 when Proposition 30 was passed by the voters. Proposition 30 provides constitutional guarantees to the funding that supports Realignment and safeguards against future program expansion without accompanying funding. With these provisions in place, Contra Costa County can continue to implement the array of programs transferred under 2011 Realignment, confident that funding is secure and programmatic responsibilities are defined. However, the County remains concerned that the funding is not sufficient and is also concerned about liability issues arising from the new responsibilities.

Any future proposals to realign programs to counties must have constitutionally guaranteed ongoing funding and protections. The County will oppose any proposals that will transfer additional program responsibility to counties without funding, constitutional protections, county participation and approval. The County will also oppose efforts that limit county flexibility in implementing programs and services realigned in 2011 or infringe upon our ability to innovate locally. The County resolves to remain accountable to our local constituents in delivering high-quality programs that efficiently and effectively respond to local needs. Further, we support counties' development of appropriate measures of local outcomes and dissemination of best practices.

With regard to Public Safety realignment, counties have received parolees whose latest crime fits the specified “non-violent, non-serious, non-sex offender” (N3) definition but who have a criminal background that includes violent, serious and/or sexual crimes. Under the current legislation, the person’s latest offense/crime determines if they meet the N3 criteria. These individuals should stay under the responsibility of the state.

The County will also support efforts to provide additional funding/grants to those counties that have a commitment to lowering the crime rate and reducing recidivism through the provision of innovative, comprehensive, evidence-based programs for offender populations and their families. The County will also continue to support efforts to ensure that the receipt of Local Community Corrections Funds matches the amounts anticipated from the state, without undue delay. Finally, the County also supports more funding for mental health and behavioral health programs and facilities in order to meet the requirements of Realignment and the goal of reducing recidivism.

STATE PLATFORM POLICY POSITIONS

A brief background statement accompanies policy positions that are not self-evident. Explanatory notes are included either as the preface to an issue area or following a specific policy position. Please note that new and revised policy positions are highlighted. The rationale for the policy position is italicized.

Agriculture

1. SUPPORT efforts to ensure sufficient State funding for pest and disease control and eradication efforts to protect both agriculture and the native environment, including glassy-winged sharpshooter, light brown apple moth, and Japanese dodder activities; high risk pest exclusion activities; pesticide regulatory and law enforcement activities; and noxious weed pest management. *Agriculture is an important industry in Contra Costa County. Protection of this industry from pests and diseases is important for its continued viability.*
2. SUPPORT continued appropriations for regulation and research on sudden oak death, a fungal disease affecting many species of trees and shrubs in native oak woodlands. *The County's natural environment is being threatened by this disease.*
3. SUPPORT funding for agricultural land conservation programs and agricultural enterprise programs, and support revisions to State school siting policies, to protect and enhance the viability of local agriculture. *The growth in East County and elsewhere has put significant pressure on agricultural lands, yet agriculture is important not only for its production of fresh fruits, vegetables and livestock, but also as a source of open space.*
4. SUPPORT legislation to establish legal authority where needed to facilitate the efforts by the California Department of Food and Agriculture and the Department of Boating and Waterways to survey and treat all infestations of the South American spongeplant and to rid the Delta of this and other invasive aquatic species through integrated pest management methods. *Invasive aquatic species are a threat to agriculture, the environment and recreation in the Delta. This position includes support for efforts by the Department of Boating and Waterways to secure multi-year permits for eradication of multiple invasive aquatic plant species in the Sacramento-San Joaquin Delta, its tributaries, and its marshes.*
5. SUPPORT the CSAC policy statement regarding revisions to the California Conservation Act of 1965 (the Williamson Act) to support legislative changes that preserve the integrity of the Williamson Act, eliminate abuses resulting in unjustified and premature conversions of contracted land for development, and to fully restore Williamson Act subventions. The state subventions to counties also must be revised to recognize all local tax losses.

Animal Services

6. SUPPORT efforts to protect local revenue sources designated for use by the Animal Services Department; i.e., animal licensing, fines and fees. *Fines, fees, and licensing are major sources of revenue for the Animal Services Department. The demand for animal services is increasing each year as does the demand on the General Fund. It is important to protect these revenue sources to continue to provide quality animal service and to meet local needs.*
7. SUPPORT efforts to protect or increase local control and flexibility over the scope and level of animal services. *Local control over the scope of animal services is necessary to efficiently address public safety and other community concerns. Local control affords jurisdictions the ability to tailor animal service programs to fit their communities. Animal related issues in dense urban areas vary from those in small, affluent communities.*
8. SUPPORT efforts to protect against unfunded mandates in animal services or mandates that are not accompanied by specific revenue sources which completely offset the costs of the new mandates, both when adopted and in future years. *Unfunded mandates drain our limited fiscal resources and, at the same time, chip away at local control over the scope and level of services.*
9. SUPPORT efforts to ensure full funding of State animal services mandates, including defense of the Department of Finance's lawsuit against the State Commission on Mandates regarding the State obligations for reimbursement of local costs for animal services incurred in compliance with SB 1785. *The County invested large sums of money to comply with SB 1785, with the assurance that our cost would be offset by reimbursements from the State. Failure by the State to honor the reimbursements negatively impacts the County General Fund and Animal Services' budget.*
10. SUPPORT efforts to protect and/or increase County flexibility to provide animal services consistent with local needs and priorities. *The demand for quality animal service programming continues to increase each year. The County is experiencing population growth and changing demographics. It is incumbent upon the Animal Services Department to be flexible enough to adjust to the changing needs and priorities.*
11. SUPPORT efforts to preserve the integrity of existing County policy relating to Animal Services (e.g., the Animal Control Ordinance and land use requirements). *Contra Costa is looked upon as one of the model Animal Services Departments in the state. Its policies, procedures, and ordinances are the yardstick against which other Animal Control organizations are measured. The local control exercised by the Board of Supervisors is key to that hallmark.*

Child Support Services

12. SUPPORT the establishment of a statewide electronic registry for the creation and release/satisfaction of liens placed on property of a non-custodial parent as necessary to collect delinquent child support payments. *California law currently provides that recording an abstract or notice of support judgment with a County Recorder creates a lien on real property. This requires recording the judgment in each of the 58 counties in order not to miss a property transaction. An electronic registry would simplify not only the creation of liens but also the release/satisfaction of liens because there would be a single statewide point of contact, and the entire process would be handled electronically through automated means.*
13. SUPPORT amendment of current law that states that documents completed and recorded by a local child support agency may be recorded without acknowledgement (notarization) to clarify that the exception is for documents completed or recorded by a local child support agency. *This amendment clarifies that documents that are prepared by the local child support agency and then sent for recording either by the local child support agency or by the obligor (non-custodial parent) or by a title insurance company are covered by the exemption, a technical point not acknowledged by all county recorder offices.*
14. SUPPORT efforts to simplify the court process for modifying child support orders by the court by requiring court appearances only when one of the parties objects to the modification. *Currently, establishment of parentage and support by the court is permitted without court appearance if both parties are in agreement. A similar process for modification would reduce court time, the workload of all involved agencies and parties, and streamline the process.*
15. SUPPORT efforts to ensure that the reduction to the California Department of Child Support Services is not passed down as a reduction to the local program.
16. SUPPORT efforts that would require the Department of Child Support Services to provide any notice form, information, or document that is required or authorized to be given, distributed, or provided to an individual, a customer, or a member of the public to be given, distributed, or provided in a digitized form, and by any means the Department determines is feasible, including, but not limited to, e-mail or by means of a website.

Climate Change

17. SUPPORT the *CSAC Climate Change Policy Statements and Principles* which address a broad range of issues affected by climate change, including water, air quality, agriculture, forestry, land use, solid waste, energy and health. *The document is largely based on existing CSAC policy and adapted to climate change. Additionally, the document contains a set of general principles which establish local government as a vital partner in the climate change issue and maintain that counties should be an active participant in the discussions in the development of greenhouse gas reduction strategies underway at the state and regional level.*
18. SUPPORT efforts to ensure that the implementation of AB 32 results in harmony between the greenhouse gas reduction target created by the Air Resources Board for each regional/local agency, the housing needs numbers provided by the state Department of Housing and Community Development pursuant to housing element law, and the Sustainable Communities Strategy developed through the Regional Transportation Plan processes.
19. SUPPORT legislative or administrative efforts that favor allocation of funding from the California Greenhouse Gas Cap and Trade Program to jurisdictions that are the largest emitters of greenhouse gas, have disadvantaged communities that are disproportionately affected by environmental pollution, *have Natural Community Conservation Plans or similar land conservation efforts that will address climate change and have demonstrated a local commitment to climate protection (e.g. established emissions reduction targets, prepared Climate Action Plans, etc.). The County has several good projects that would sequester carbon, such as Creek and wetland restoration projects.*
20. SUPPORT efforts to ensure life-cycle costs are considered when planning new projects in the state. A key challenge for State and local agencies is funding the ongoing operation and maintenance of infrastructure. This includes all aspects of the built environment: buildings, roads, parks, and other infrastructure. *As California begins to implement more aggressive climate goals, the State should be thinking about new methodologies for anticipating project costs. In particular, it is evident that California will need a different transportation system than the one we have currently, and that this new transportation system will be more expensive to maintain. Traditional accounting methods that look only at initial project cost lead to situations where infrastructure fails, at greater replacement cost than if ongoing operation and maintenance had been included from the beginning. This would include methodologies for internalizing the social and environmental costs of projects.*
21. SUPPORT revisions to the Public Resources Code and the Air Resources Board's Investment Plans to provide Cap and Trade funding for the conservation of natural lands, parks and open space through fee title acquisition as well as easements.
22. OPPOSE changes to the California Environmental Protection Agency's protocols for designating disadvantaged communities which result in a reduction in the number or size

of disadvantaged communities in Contra Costa County. Disadvantaged communities are prioritized for receipt of Greenhouse Gas Reduction Funds, the funding source for a number of state grant programs. *Contra Costa County has a number of communities and neighborhoods that are economically and socially disadvantaged and located near large, current and former industrial sites. These industrial operations contribute through the Cap and Trade program to the Greenhouse Gas Reduction Fund. The state designations should continue to reflect the disproportionately acute needs of these communities.*

Delta Water Platform

To protect the Sacramento-San Joaquin Delta from various detrimental forces that are affecting its health and resources, it is the policy of Contra Costa County to support implementation of projects and actions that will help improve the Delta ecosystem and the economic conditions of the Delta. Contra Costa County has adopted a *Delta Water Platform* to identify and promote activities and policy positions that support the creation of a healthy Sacramento-San Joaquin Delta. Contra Costa County will use this Platform to guide its own actions and advocacy in other public venues regarding the future of the Delta.

Elections

23. SUPPORT legislation to adjust precinct sizing from 1,000 voters per precinct to 1,250 voters per precinct. *With the option of being able to have up to 1,250 voters per precinct, the best polling locations in a neighborhood can be selected, and that same site is more likely to be used for several elections, thus avoiding the need to change poll sites for voters.*
24. SUPPORT full state reimbursement for state mandates imposed upon local registrars by the Secretary of State, including special state elections. *The state has committed to reimburse Counties for the cost of certain state mandates. That reimbursement process, SB 90, can be lengthy and contentious. The SB 90 process is also subject to uncertainties including partial payments, delayed payments, and now, suspended or no payments. In lieu of the SB 90 process for Elections, there is merit in the examination of having the state pay its pro-rata share of costs when state candidates/measures are on the ballot.*

Emergency Preparedness, Emergency Response

25. SUPPORT legislation that would give local agencies more authority to train volunteers, provide funding for Community Emergency Response Training (CERT), and help clean-up oil spills without taking on additional legal liability.
26. SUPPORT legislation that would require the state's Oil Spill Prevention and Response Agency to improve communication and clean-up technology, increase safety standards for ships and establish special protections for ecologically sensitive areas.

27. SUPPORT legislation that would require responses to future oil spills in a shorter timeframe, with a more regional approach.
28. SUPPORT measures that enable counties and other local agencies to better exercise their responsibilities to plan for and respond to emergencies and disasters without taking on additional legal liability and oppose those that do not recognize or support the county and local agency role in the State's Standardized Emergency Management System.
29. SUPPORT legislation or other measures requiring the creation or utilization of emergency rock stockpiles suitable for levee repair throughout the Delta, enabling increasingly efficient and less costly prevention of levee breaks and enhancement of initial response capabilities.
30. SUPPORT legislation that expands school safety improvement programs such as education regarding and placement of automated external defibrillator(s) (AED(s)) in schools.

Eminent Domain

31. SUPPORT legislation that maintains the distinction in the California Constitution between Section 19, Article I, which establishes the law for eminent domain, and Section 7, Article XI, which establishes the law for legislative and administrative action to protect the public health, safety, and welfare.
32. SUPPORT legislation that would provide a comprehensive and exclusive basis in the California Constitution to compensate property owners when property is taken or damaged by state or local governments, without affecting legislative and administrative actions taken to protect the public health, safety, and welfare.

Flood Control and Clean Water

33. SUPPORT authorization for regional approaches to comply with aquatic pesticide permit issues under the purview of the State Water Resources Control Board. *Contra Costa County entered into an agreement with a neighboring county and several cities to share the costs of monitoring. While it makes sense for local government to pool resources to save money, State Board regulations make regional monitoring infeasible.*
34. SUPPORT efforts to provide local agencies with more flexibility and options to fund stormwater programs. *Stormwater permit requirements issued by the Regional Water Quality Control Boards are becoming more and more expensive, yet there is no funding. Stormwater services, encompassing both water quality and drainage/flood control, could be structured like a utility with the ability to set rates similar to the other two key water services: drinking water and wastewater.*
35. SUPPORT efforts to provide immunity to local public agencies for any liability for their clean-up of contaminations on private lands. *This will be more critical as the Regional*

Water Quality Control Boards institute Total Maximum Daily Loads, which establish a maximum allowable amount of a pollutant (like mercury) in the stormwater from a watershed.

36. SUPPORT efforts to require the Department of Water Resources (DWR) to provide 200 year flood plain mapping for all areas in the legal Delta. SB 5 requires the County and cities in the Delta to insure certain development projects must have 200 year level of protection and to make certain related findings. *DWR has revisited developing 200-year flood plain maps, but if they do, only working in areas protected by project levees which does not include any areas within Contra Costa County.*
37. SUPPORT legislation to enable Zone 7 Water Agency to become a new public agency, separate and apart from the Alameda County Flood Control and Water Conservation District, with territory in both Alameda and Contra Costa counties and the power to provide specific services, insofar as the legislation is guided by adopted Principles of Understanding.

General Revenues/Finance

As a political subdivision of the State, many of Contra Costa County's services and programs are the result of state statute and regulation. The State also provides a substantial portion of the County's revenues. However, the State has often used its authority to shift costs to counties and to generally put counties in the difficult position of trying to meet local service needs with inadequate resources. While Proposition 1A provided some protections for counties, vigilance is necessary to protect the fiscal integrity of the County.

38. SUPPORT the State's effort to balance its budget through actions that do not adversely affect County revenues, services or ability to carry out its governmental responsibilities.
39. OPPOSE any state-imposed redistribution, reduction or use restriction on general purpose revenue, sales taxes or property taxes unless financially beneficial to the County. *(Note that a redistribution of sales and property tax may be beneficial to Contra Costa County in the event that sales tax growth lags behind property tax growth.)*
40. OPPOSE efforts to limit local authority over transient occupancy taxes (TOT).
41. OPPOSE any efforts to increase the County's share-of-cost, maintenance-of-effort requirements or other financing responsibility for State mandated programs absent new revenues sufficient to meet current and future program needs.
42. SUPPORT efforts to ensure that Contra Costa County receives its fair share of State allocations, including mental health funding under Proposition 63 and pass-through of federal funds for anti-terrorism and homeland security measures. *The State utilizes a variety of methods to allocate funds among counties, at times detrimental to Contra Costa County.*

43. SUPPORT efforts to receive reimbursement for local tax revenues lost pursuant to sales and property tax exemptions approved by the Legislature and the State Board of Equalization.
44. SUPPORT continued efforts to reform the state/local relationship in a way that makes both fiscal and programmatic sense for local government and conforms to the adopted 2010 CSAC Realignment Principles, with an emphasis on maximum flexibility for counties to manage the existing and realigned discretionary programs.
45. SUPPORT efforts to relieve California of the federal Child Support penalties without shifting the cost of the penalties to the counties.
46. SUPPORT a reduction in the 2/3rd vote requirement to 55% voter approval for locally-approved special taxes that fund health, education, economic, stormwater services, library, transportation and/or public safety programs and services.
47. SUPPORT efforts to authorize counties to impose forfeitures for violations of ordinances, as currently authorized for cities. *This would provide the County with the opportunity to require deposits to assure compliance with specific ordinance requirements as well as retain the deposit if the ordinance requirements are not met. Currently, the County is limited to imposing fines which are limited to only \$100 - \$200 for the first violation, which has proven to be an ineffective deterrent in some cases.*
48. SUPPORT efforts to redefine the circumstances under which commercial and industrial property is reassessed to reduce the growing imbalance between the share of overall property tax paid by residential property owners versus commercial/industrial owners.
49. SUPPORT efforts to reduce County costs for Workers' Compensation, including the ability to control excessive medical utilization and litigation. *Workers' Compensation costs are significant, diverting funds that could be utilized for County services. Workers' Compensation should provide a safety net for injured employees, for a reasonable period of time, and not provide an incentive for employees to claim more time than medically necessary.*
50. SUPPORT state actions that maximize Federal and State revenues for county-run services and programs.
51. SUPPORT legislative compliance with both the intent and language of Proposition 1A.
52. SUPPORT the provisions of Proposition 22 that would protect County revenues, particularly as related to transportation revenues and excluding those provisions related to redevelopment funds.
53. SUPPORT full State funding of all statewide special elections, including recall elections.

54. OPPOSE efforts of the State to avoid state mandate claims through the practice of repealing the statutes, then re-enacting them. *In 2005, the State Legislature repealed sections of the Brown Act that were subject to mandate claims, then re-enacted the same language pursuant to a voter-approval initiative, and therefore, not subject to mandate claims.*
55. SUPPORT strong Public Utilities Commission (PUC) oversight of state-franchised providers of cable and telecommunications services, including rigorous review of financial reports and protection of consumer interests. *AB 2987 (Núñez), Chapter 700, statutes of 2006 transferred regulatory oversight authority from local government to the PUC.*
56. SUPPORT timely, full payments to counties by the State for programs operated on their behalf or by mandate. *The State currently owes counties over \$1 billion in State General Funds for social services program costs dating back to FY 2002-03.*
57. SUPPORT full State participation in funding the County's retiree and retiree health care unfunded liability. *Counties perform most of their services on behalf of the State and Federal governments. Funding of retiree costs should be the responsibility of the State, to the same extent that the State is responsible for operational costs.*
58. SUPPORT legislation that provides constitutional protections and guaranteed funding to counties under Realignment.

Health Care

The County remains concerned about the implementation of any health care reform measures that could transfer responsibility to counties, without commensurate financing structures or in a manner not compatible with the County's system. The County supports a concept of universal health coverage for all Californians. Toward that end, the County urges the state to enact a system of health coverage and care delivery that builds upon the strengths of the current systems in our state, including county-operated systems serving vulnerable populations.

Currently, California has a complex array of existing coverage and delivery systems that serve many, but not all, Californians. Moving this array of systems into a universal coverage framework is a complex undertaking that requires sound analysis, thoughtful and deliberative planning, and a multi-year implementation process. As California moves forward with health care reform, the County urges the state to prevent reform efforts from exacerbating problems with existing service and funding. The state must also consider the differences across California counties and the impacts of reform efforts on the network of safety-net providers, including county providers. The end result of health reform must provide a strengthened health care delivery system for all Californians, including those served by the safety net.

59. SUPPORT state action to increase health care access and affordability. *Access to care and affordability of care are critical components of any health reform plan. Expanding eligibility for existing programs will not provide access to care in significant areas of the state. Important improvements to our current programs, including Medi-Cal, must be made either prior to, or in concert with, a coverage expansion in order to ensure access. Coverage must be affordable for all Californians to access care.*

60. SUPPORT Medi-Cal reimbursement rate increases to incentivize providers to participate in the program.
61. SUPPORT actions that address provider shortages (including physicians, particularly specialists, and nurses). Innovative programs, such as loan forgiveness programs, should be expanded. In an effort to recruit physicians from other states, the licensing and reciprocity requirements should be re-examined. Steps should be taken to reduce the amount of time it takes to obtain a Medi-Cal provider number (currently six to nine months).
62. SUPPORT efforts that implement comprehensive systems of care, including case management, for frequent users of emergency care and those with chronic diseases and/or dual (or multiple) diagnoses. *Approaches should include community-based providers and could be modeled after current programs in place in safety net systems.*
63. SUPPORT efforts that provide sufficient time for detailed data gathering of current safety funding in the system and the impact of any redirection of funds on remaining county responsibilities. *The interconnectedness of county indigent health funding to public health, correctional health, mental health, alcohol and drug services and social services must be fully understood and accounted for in order to protect, and enhance as appropriate, funding for these related services.*
64. OPPOSE safety net funding transfers until an analysis of who would remain uninsured (e.g. medically indigent adults, including citizens, who cannot document citizenship under current Medicaid eligibility rules) is completed in order to adequately fund services for these populations.
65. SUPPORT efforts to clearly define and adequately fund remaining county responsibilities.
66. SUPPORT state action to provide an analysis of current health care infrastructure (facilities and providers), including current safety net facilities across the state, to ensure that there are adequate providers and health care facilities (including recovery facilities), and that they can remain viable after health reform.
67. SUPPORT efforts to provide adequate financing for health care reforms to succeed.
68. SUPPORT measures that maximize federal reimbursement from Medicaid and S-CHIP.
69. SUPPORT state action to complete actuarial studies on the costs of transferring indigent populations, who currently receive mostly episodic care, to a coverage model to ensure that there is adequate funding in the model.
70. SUPPORT efforts that ensure that safety net health care facilities remain viable during the transition period and be supported afterwards based on analyses of the changing health market and of the remaining safety net population.

71. SUPPORT state action to implement a Medi-Cal waiver in a manner that maximizes the drawdown of federal funds for services and facilities, provides flexibility, and ensures that counties receive their fair share of funding.
72. SUPPORT efforts to increase revenues and to contain mandated costs in the County's hospital and clinics system.
73. SUPPORT efforts to obtain a fair-share of any state funds in a distribution of funding for the integration of IHSS and managed care.
74. SUPPORT efforts to increase the availability of health care (including alcohol and other drugs recovery) to the uninsured in California, whether employed or not.
75. SUPPORT legislation that improves the quality of health care, whether through the use of technology, innovative delivery models or combining and better accessing various streams of revenue, including but not limited to acute and long term care integration.
76. SUPPORT legislation to protect safety net providers, both public and private. Legislation should focus on stabilizing Medi-Cal rates and delivery modes and should advocate that these actions are essential to the success of any effort to improve access and make health care more affordable.
77. SUPPORT efforts that allow counties to draw down federal Medicaid funds for providing confidential alcohol and drug screening and brief intervention services to pregnant women and women of childbearing age who also qualify for Medi-Cal benefits.
78. SUPPORT state efforts to increase the scope of benefits and reimbursement rates contained in Minor Consent Medi-Cal to give youth suffering from substance abuse disorders access to a continuum of care, including residential and one-on-one outpatient treatment.
79. SUPPORT efforts to give incentives to providers to establish more youth-driven treatment facilities within the community.
80. SUPPORT efforts to extend Minor Consent Medi-Cal Coverage to incarcerated youths, many of whom are in custody due to drug related crimes. *This could greatly decrease recidivism in the juvenile justice system.*
81. SUPPORT county efforts in the promotion of partnerships that provide integrated responses to the needs of alcohol and other drugs populations, including criminal justice, perinatal and youth as well as those populations with co-occurring disorders.
82. SUPPORT and encourage the development of strategies that include alcohol and other drugs services in the provision of all culturally appropriate health care services.

83. SUPPORT efforts to require coverage of medically necessary alcohol and substance abuse related disorder treatment on the same levels as other medical conditions in health care service plans and disability insurance policies. *Alcohol and other drugs treatment services are the most under-funded of all health services. Neither the state nor the federal allocations to the County covers medical treatment for AOD services, and so are a cost borne by the County.*
84. SUPPORT legislation that extends the restrictions and prohibitions against the smoking of, **and exposure to**, tobacco products to include restrictions or prohibitions against electronic cigarettes (e-cigarettes) in various places, including, but not limited to, places of employment, school campuses, public buildings, day care facilities, retail food facilities, multi-family housing, and health facilities; preventing the use of tobacco, electronic smoking devices (e-cigarettes) and flavored tobacco by youth and young adults; eliminating exposure to second-hand and third-hand smoke; restrictions on advertising of electronic smoking devices; reducing and eliminating disparities related to tobacco use and its effects among specific populations; increasing the minimum age to 21 to purchase tobacco products; and the promotion of cessation among young people and adults.
85. SUPPORT and encourage state, federal and/or private funding for pharmaceutical research for the development of new cannabis products which would meet Federal Drug Administration (FDA) standards of known strengths and attributes (and without unnecessary side effects) which would be dispensable through pharmacies and medical facilities consistent with State and Federal law.
86. SUPPORT funding and policy changes to support population-based chronic disease prevention efforts. Collectively, these include efforts to move up-stream from the treatment of illness associated with chronic disease to advance a policy, systems and organizational-change approach to address the underlying environmental factors and conditions that influence health and health behaviors.
87. **SUPPORT funding and policy changes to support developing a workforce with gerontological expertise to manage the exponential growth in the chronically ill aging population.**
88. SUPPORT efforts that would advance a Health-In-All-Policies approach to policy work done across the County. This implies consideration of how health is influenced by the built environment and a connection with land use planning and development.
89. SUPPORT ongoing study of the health impacts of global and regional climate change and ongoing countywide mitigation **and adaptation** efforts.
90. SUPPORT efforts that would preserve the nature and quality **and continuity of care associated with** safety net services historically provided at the local level, such as the California Children's Services (CCS) and Child Health and Disability Prevention (CHDP) programs, which are being transitioned into managed care at the state level.

91. SUPPORT efforts that promote aging in place through the utilization of long-term supports and services and caregiver support services.
92. SUPPORT increasing the level of funding for Long-Term Services and Supports (LTSS) and Home and Community Based Services (HCBS) to meet the increase in cost to provide services and to meet the tremendous increase in the aging population.
93. SUPPORT maintaining level or enhanced funding, streamlined processes and greater flexibility for use of State and Federal funding to respond to Public Health Emergency Preparedness initiatives including Pandemic Influenza, emerging diseases, and continued funding for all categories related to Public Health Preparedness, including Hospital Preparedness Program, Homeland Security, Cities Readiness Initiative and core Public Health Preparedness.
94. SUPPORT increased funding and policy changes for Tuberculosis (TB) prevention and treatment, to reflect the increased risk of transmission faced across the Bay Area. *The Bay Area, including Contra Costa County, experiences more cases of active Tuberculosis than do most states in the nation. The demographic make-up of our communities combined with frequent international travel between the Bay and areas where TB is endemic, present an added risk and thus the need to maintain adequate funding and program infrastructure.*
95. SUPPORT increased funding for the public health infrastructure, capacity and prevention services as outlined in the public health components of the Affordable Care Act and the National Prevention and Public Health Fund.
96. SUPPORT recognition of Local Public Health Departments as an authorized provider for direct billing reimbursement related to the provision of Immunization, Family Planning, HIV, STD and TB services.
97. SUPPORT the reversal of the pre-emption language regarding local Menu-Labeling that is included in the Affordable Care Act.
98. SUPPORT enhanced funding and capacity for public health programs, specifically:
 - a. Prevention programs in the areas of chronic disease, specifically, obesity, diabetes, asthma and cancer.
 - b. Prevention and risk reduction programs in the area of HIV, STD, teen pregnancy, injury prevention as well as health promotion programs, such as nutrition and activity education;
 - c. Oral health programs, especially those which address the needs of children and those with oral health disparities.
 - d. Protecting the Prevention and Public Health Fund (PPHF), as established in the Affordable Care Act.

- e. Increased resources dedicated to surveillance and prevention programs targeting chronic diseases such as cardiovascular, stroke, cancer, diabetes, and asthma, as well as injury and violence;
 - f. Combating infectious and emerging diseases, such as Zika, novel Influenza, Hepatitis B, Hepatitis C, Chlamydia, and seasonal Influenza and public health programs which provide screening, diagnosis, and treatment;
 - g. Provide for adequate State funding for children's programs, including the California Children's Services (CCS) program for clients who are not Medi-Cal eligible to assure that counties are not overmatched in their financial participation; and
 - h. Programs which seek to monitor and address the needs of Foster youth, especially those on psychotropic medication.
 - i. Best practice programs which seeks to protect and enhance the health of pregnant women and that address maternal, child and adolescent health needs.
99. SUPPORT efforts to strengthen needle exchange programs as part of an overall program to combat the spread of HIV and other diseases; allowing items associated with needle exchange programs such as, cookers, sterile water, and cotton to be distributed along with clean needles; and the elimination of the federal ban on funding needle exchange programs.
100. SUPPORT legislative efforts to reduce or eliminate lead and toxic substances in consumer products, particularly those used by infants and children.
101. SUPPORT legislative efforts to reduce exposure to toxic air pollutants and the reduction of greenhouse gases.
102. SUPPORT funding, policy and programs dedicated to suicide, injury and violence prevention. Additionally, support efforts aimed at reducing health disparities and inequities associated with violence against women, communities of color and the LGBT community. Programs which seek to limit the effects of injury, violence and abuse on children, seniors and persons with disability.
103. SUPPORT funding, policy and program development aimed at reducing the misuse of prescription drugs, most especially opioids. Additionally, support funding and resources for local capacity to address new state laws regarding restrictions on the sale and use of powdered alcohol.
104. SUPPORT necessary County infrastructure and adequate funding related to education, regulatory, testing and enforcement functions associated with the State Medical Marijuana regulatory controls.
105. SUPPORT legislation and/or similar policy efforts to tax certain beverages that contain added sugars, by establishing a per fluid ounce health impact fee on sugar sweetened beverages at the distributor level. In addition, support efforts which would create the Sugar Sweetened Beverage Safety warning act, which would require a safety warning on all sealed sugar sweetened beverages.

- 106. SUPPORT legislation and efforts that support healthy meals and adequate meal time for school-age children.
- 107. SUPPORT efforts to dedicate funding that sustains and expands non-infrastructure Safe Routes to School programs that educate students, parents, and school staff about safe walking and bicycling to school.
- 108. SUPPORT efforts to address the underlying determinants of health and health equity, such as housing and prevention of displacement, educational attainment and livable wage jobs, and accessible transportation.

Human Services

- 109. SUPPORT efforts to promote safety of Adult Protective Services workers conducting required unannounced home visits by allowing them to request and receive from law enforcement criminal record checks through the California Law Enforcement Telecommunications System (CLETS). *This would primarily be used for reported abusers in the household.*
- 110. SUPPORT efforts to develop emergency/and or temporary shelter options for Adult Protective Services population and consider options that include but are not limited to, licensing of facilities specifically for this population and exploring Medi-Cal billing options to support clients in hospitals and other care facilities pending a more permanent housing placement.
- 111. SUPPORT simplification of IHSS service hour calculation and allocation to insure compliance with the Fair Labor Standards Act (FLSA) and efficiently provide services to consumers.
- 112. SUPPORT efforts that seek to identify and eliminate elder financial abuse and elder exposure to crime that may be committed through conservatorships, powers of attorney, notaries and others who have the right to control elder assets, including through solutions that allow access for Adult Protective Services to access financial records for investigation of financial abuse and exploitation. *Financial abuse is a fast-growing form of abuse of seniors and adults with disabilities and current law does not authorize financial institutions to grant access to financial records necessary to investigate the reported abuse without the consent of the account holder or authorized representative.*
- 113. SUPPORT efforts to establish an “umbrella code” for the reporting of incidents of elder abuse to the Department of Justice, thus more accurately recording the incidence of abuse. Current reporting policies within California’s law enforcement community and social services departments are uncoordinated in regards to the reporting of adult abuse. Under an “umbrella code,” law enforcement agencies and social services

departments would uniformly report incidents of elder abuse and California would have much better data for policy and budget development purposes.

114. SUPPORT funding for statewide Adult Protective Services training.
115. SUPPORT establishing a State funded and administered General Assistance Program. *The General Assistance Program is 100% County funded. Moving it to the State would relieve pressure on the County budget and appropriately direct costs to the State.*
116. SUPPORT legislative efforts that allow for coordination of services and data, across state and county departments, that support aging and elder populations.
117. SUPPORT creation of a pilot program “Fostering Dignity in Aging,” to provide grant funding to counties to be used specifically for housing preservation and eviction prevention services of victims of elder and dependent adult abuse, exploitation, neglect, or self-neglect.
118. SUPPORT creation of funding opportunities and policies which promote the development of aging-friendly communities.
119. SUPPORT efforts to extend family stabilization mental health/substance abuse funding to include all family members. *Current law only funds services for adult Welfare to Work participants.*
120. SUPPORT solutions to address gaps in existing state statute that cause disruptions to continuity of care for some Covered California Insurance Affordability Program (IAP) enrollees when a new determination of IAP takes place.
121. SUPPORT the use of state funds to pay for CalFresh benefits for those Deferred Action for Childhood Arrivals (DACAs) and PRUCOL (Permanent Residents Under the Color of Law) who would otherwise be ineligible for CalFresh.
122. SUPPORT efforts to extend eligibility to zero share of Medi-Cal cost when recipients report new earned income. *Potential increases to state and local minimum wage impacts eligibility to free health care.*
123. SUPPORT efforts to extend eligibility of CalWORKs benefit by exempting the first 6 months of earned income received from new employment or wage increases. *Intended to create better financial stability when a family’s income increases due to changes in local and state minimum wage law.*
124. SUPPORT fully funding Medi-Cal Administrative costs.
125. SUPPORT efforts to increase County flexibility in the use of CalWORKs funds and in program requirements in order to better support the transition of welfare dependent families from welfare-to-work to self-sufficiency, including, but not limited to: extending

supportive services beyond the current limit; enhancing supportive services; increasing diversion and early intervention to obviate the need for aid.

Legislative changes to support these initiatives could include the following:

- a. **Supportive Services.** Extending the length of time CalWORKS recipients can receive supportive service such as help with transportation, child care, work uniforms, etc.
- b. **Welfare to Work.** Extending the length of time families can receive Welfare to Work services (job training and search and other employment related services) including job retention services. Currently CalWORKS recipients are eligible to receive supportive services and Welfare to Work services for up to 48 months if they are in compliance with CalWORKS rules. After 48 months these services or for CalWORKS cash aid. Helping people move from poverty and significant education gaps to full time employment in jobs that pay a high enough wage to be self-sufficient is difficult. It can take longer than 48 months and allowing for the flexibility to extend supportive services and training past the 48 month time limit would help.
- c. **Diversion:** Removing the criteria that someone has to be apparently eligible to CalWORKs in order to qualify for diversion and base the criteria on the client's circumstance and ability to maintain the situation on their own without the need of continued assistance.
 - When applying income and resource requirements for diversion, use only half of their income and/or resource value or increase the limits for income and resources for diversion only.
 - Increasing the amount of the diversion payment. If the applicant doesn't "use" all of the amount, they have 12 months to come back into the office and apply for the remaining amount of their diversion payments.
 - Allowing families to reapply for CalWORKs during their diversion period without a repayment penalty or CalWORKs ineligibility.
- d. Expanding job retention services;
- e. Exempting the hard-to-serve from Welfare-to-Work activities and the 20% exemption or providing flexibility in the time limit (dependent upon terms and conditions of TANF authorization). Developing an eligibility definition to 250% of the federal poverty level (FPL). Currently, the CalWORKs poverty level is 130% of the FPL for each Assistance Unit (AU). An increase to 250% would ensure more families meet income eligibility requirements.

All of these measures would make it easier for CalWORKs families to enter employment services, become employed, and continue with the support they need in order to maintain their jobs.

126. SUPPORT efforts to revise the definition of “homelessness” in the Welfare & Institutions Codes to include families who have received eviction notices due to a verified financial hardship, thus allowing early intervention assistance for CalWORKs families. *Current law prevents CalWORKs from providing homeless assistance until the CalWORKs family is actually “on the street.” This rule change would enable the County to work with CalWORKs families who are being threatened with homelessness to prevent the eviction and, presumably, better maintain the family members’ employment status.*
127. SUPPORT alignment of verification requirements for CalWORKs, CalFRESH and Medi-Cal programs to simplify the customer experience and reduce the potential for error. Consider letting all programs access the Federal Hub used through CalHEERS. *Currently these programs have different requirements for client verification, though they are all benefit programs. Alignment of verifications would make program administration more efficient and improve the client experience.*
128. SUPPORT allowing all individuals in receipt of Unemployment Benefits (UIB) to be automatically eligible for CalFresh. *Applying for UI and CalFresh is duplicative because requirements of both program are so similar. This would increase CalFresh uptake in an efficient way.*
129. SUPPORT efforts to increase CalFresh benefit amounts to better meet recipients’ nutritional needs, improve ease and accessibility of the CalFresh application and recertification processes, and adjust CalFresh eligibility requirements to include currently excluded populations with significant need.
130. SUPPORT efforts to restore cuts to the Supplemental Security Income/State Supplementary Payment (SSI/SSP) Program and reinstate the annual Cost of Living Adjustment (COLA.)
131. SUPPORT efforts to ensure funding of child care for CalWORKs and former CalWORKs families at levels sufficient to meet demand. The State of California has not fully funded the cost of child care for the “working poor.” *Additional funding would allow more CalWORKs and post-CalWORKs families to become and/or stay employed.*
132. SUPPORT the efforts of CHSA (California Head Start Association) in securing legislation to support a state-wide integrated child care licensing structure. This will allow childcare programs to apply for and have one child care license for all children 0-5 as opposed to the current system of a two-license structure for varying ages of children in care. California remains only one of two states in the nation to maintain the two license structure.
133. OPPOSE legislation, rules, regulations or policies that restrict or affect the amount of funds available to, or the local autonomy of, First 5 Commissions to allocate their funds in accordance with local needs.

134. OPPOSE any legislation that increases tobacco taxes but fails to include language to replace any funds subsequently lost to The California Children and Families Act/Trust Fund for local services funded by tobacco taxes, Proposition 10 in 1998 and Proposition 99 in 1988.
135. SUPPORT efforts by the Contra Costa County's executive directors and program administrators of all Child Care and Development Programs to restore state budget allocations to the FY 2009-10 levels if verified that this is an increase by fiscal analysts for the California State Preschool Program (CSPP), California Center-Based General Child Care Program (CCTR), CalWORKs Stage 2 (C2AP), CalWORKs Stage 3 (C3AP), Alternate Payment Program (CAPP), Child Care and Development Grant and the Child Care Retention Program (AB 212). *Budgets in these programs have stagnated or reduced. An increase would greatly help low-income people find work and stay in jobs.*
136. SUPPORT efforts to increase the number of subsidized child care slots to address the shortage of over 20,000 slots serving children 0-12 years of age in Contra Costa County; and SUPPORT efforts to enhance the quality of early learning programs and maintain local Quality Rating and Improvement Systems (QRIS) for early learning providers. *Affordable child care is key to low-income workers remaining employed and there is a significant dearth of subsidized child care slots. Increasing quality of early learning is important to developing skills in the next generation.*
137. SUPPORT legislation to expand early child care and education and increase funding for preschool and early learning.
138. SUPPORT the restoration of funding for Facility Restoration and Repair (FRR) grants by California Department of Education. *Increasing the funding amounts for facility restoration of early childhood education would allow for improved facilities at Head Start sites.*
139. SUPPORT legislation to expand early care and education and increase funding for preschool and early learning, through a diverse and multi-faceted delivery system.
140. SUPPORT restoration of child development programs (pre-2011 funding) under Proposition 98 funding.
141. SUPPORT legislation that would clarify and streamline the definition of homelessness across categorical eligibility for child care services to homeless children.
142. SUPPORT legislation that would clarify the definition of "volunteer" in SB 792, a bill which prohibits, commencing September 1, 2016, a person from being employed or volunteering at a day care center or a day care home if he or she has not been immunized against influenza, pertussis, and measles. *Current law does not specify an established minimum of time spent in a child care facility to be considered a volunteer. SB 792, therefore, would apply to parents/grandparents coming to child care centers for one-time volunteer activities, to provide proof of vaccination.*

143. SUPPORT the establishment of a 12-month child care assistance and graduated phase out that allows for tapered assistance to families whose income has increased at the time of re-determination, but still does not exceed the federal income limit of 85% of State Median Income.
144. SUPPORT continued and improved funding for substance abuse treatment and mental health services including those that provide alternatives to incarceration and Laura's Law.
145. SUPPORT increased funding for Foster Parent Recruitment and Retention.
146. SUPPORT continued and improved funding for implementation of Continuum of Care Reform.
147. SUPPORT child-specific approval for kinship caregivers (and non-related extended family members) to enable relatives to care for their related child/children, if in the child's best interest, even if the relative/NREFM is not able or willing to be approved as a foster parent for their foster children.
148. SUPPORT counties to access CWS/CMS to determine family's child abuse history for the Resource Family Approval process.
149. SUPPORT efforts to improve and expand emergency food assistance networks' (e.g. local food banks, food pantries) ability to procure, store, and distribute nutritious food to those in need.
150. SUPPORT efforts that seek to address the impact of domestic violence and sexual assault and implement culturally relevant, trauma-informed responses, connect victims to services, and prevent domestic violence and sexual assault.
151. SUPPORT increased investments in housing for victims of domestic violence and human trafficking including the preservation of emergency and long-term housing options for victims.
152. SUPPORT efforts that prevent domestic violence homicide including assessment of risk for assault or lethal force throughout the criminal justice system.
153. SUPPORT investments in continuous training and coordination of training for all law enforcement officers, District Attorneys, Public Defenders, Judges and other court staff on issues of domestic violence, sexual assault, human trafficking, elder abuse and trauma informed approaches.
154. SUPPORT a federal waiver that would allow county social services agencies to process CalFresh applications for jail inmates and suspend rather than terminate CalFresh eligibility when a recipient is detained in a county jail for a period of less than a year.

155. SUPPORT efforts that would allow CalWORKs Welfare to Work participants to participate and achieve high school equivalency program without having their 24-month clock be impacted during their time in the program.
156. SUPPORT increase of daily rate available under Temporary HA from \$65 per day to \$85 per day for homeless CalWORKs families of four or fewer and provide an additional \$15 per day for each additional family member up to a maximum of \$145 daily.
157. SUPPORT research that describes and assesses local service needs and gaps impacting aging residents and that proposes specific and actionable local strategies to address these needs.
158. SUPPORT legislation and investments related to long-term care, senior housing affordability, medical service access, transportation, isolation and other quality of life issues to support aging with dignity.

Indian Gaming Issues

Contra Costa County is currently home to the Lytton Band of the Pomo Indians' Casino in San Pablo, a Class II gaming facility. There has been a proposal for an additional casino in North Richmond. Local governments have limited authority in determining whether or not such facilities should be sited in their jurisdiction; the terms and conditions under which the facilities will operate; and what, if any, mitigation will be paid to offset the cost of increased services and lost revenues. Contra Costa County has been active in working with CSAC and others to address these issues, as well as the need for funding for participation in the federal and state review processes and for mitigation for the existing Class II casino.

159. SUPPORT efforts to ensure that counties who have existing or proposed Class II Indian gaming facilities receive the Special Distribution Funds.
160. CONSIDER, on a case by case basis, whether or not to SUPPORT or OPPOSE Indian gaming facilities in Contra Costa County, and only SUPPORT facilities that are unique in nature and can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.
161. OPPOSE the expansion or approval of Class III gaming machines at the existing gaming facility in Contra Costa County unless it can be demonstrated that there would be significant community benefits above and beyond the costs associated with mitigating community impacts.
162. SUPPORT State authority to tighten up the definition of a Class II machine.
163. SUPPORT State legislative and administration actions consistent with the CSAC policy documents on development on Indian Lands and Compact negotiations for Indian gaming.

Land Use/Community Development

164. SUPPORT efforts to promote economic incentives for "smart growth," in Priority Development and Priority Production Areas including in-fill and transit-oriented development. *Balancing the need for housing and economic growth with the urban limit line requirements of Measure J (2004) will rely on maximum utilization of "smart growth" and Sustainable Community Strategy principles. Priority Production Areas are locally designated zones where manufacturing, warehousing, distribution and repair services would be a priority consideration in determining future land use.*
165. SUPPORT efforts to increase the supply of affordable housing, including, but not limited to, state issuance of private activity bonds, affordable and low income housing bond measures, low-income housing tax credits and state infrastructure financing. *This position supports a number of goals in the County General Plan Housing Element.*
166. SUPPORT establishment of a CEQA exemption for affordable housing financing. Current law provides a statutory exemption from CEQA to state agencies for financing of affordable housing (Section 21080.10(b) of the California Public Resources Code and Section 15267 of the CEQA Guidelines)—but not to local agencies. *The current exemption for state agencies is only operational if a CEQA review process has been completed by another agency (e.g., by the land use permitting agency). Since the act of financing does not change the environmental setting, the net effect of the exemption is streamlining the process for providing financial assistance for already approved projects. AB 2518 (Houston) in 2006 was a Contra Costa County-sponsored bill to accomplish this, but it was not successful in the Legislature.*
167. SUPPORT efforts to obtain a CEQA exemption or to utilize CEQA streamlining provisions for infill development or Priority Development Areas, including in unincorporated areas. Section 15332 of the CEQA Guidelines is a Categorical Exemption for infill development projects but only within cities or unincorporated areas of a certain size surrounded by cities. *Without the exemption, housing projects in the unincorporated areas that are not surrounded by cities (e.g. North Richmond, Montalvin Manor and Rodeo) are subject to a more time-consuming and costly process in order to comply with the CEQA guidelines than that which is required of cities, despite having similar housing obligations. The CEQA exemption bill signed by the Governor in 2013 (SB 741) only applies to mixed-use or non-residential projects in the unincorporated areas that are both within ½ mile of a BART station and within the boundaries of an adopted Specific Plan.*
168. SUPPORT efforts to reform State housing element law to promote the actual production and preservation of affordable housing and to focus less on process and paper compliance.
169. OPPOSE efforts to limit the County's ability to exercise local land use authority.

170. SUPPORT efforts to reduce the fiscalization of land use decision-making by local government, which favors retail uses over other job-creating uses and housing. *Reducing incentives for inappropriate land use decisions, particularly those that negatively affect neighboring jurisdictions, could result in more rational and harmonious land use.*
171. SUPPORT allocations, appropriations, and policies that support and leverage the benefits of approved Natural Community Conservation Plans (NCCPs), such as the East Contra Costa County NCCP. Support the granting of approximately \$24 million to the East Contra Costa County NCCP from the \$90 million allocation for NCCPs in Proposition 84. Support the inclusion of NCCPs for funding in allocations from Proposition 1. Support \$90 million for implementation of NCCPs and an additional \$100 million for watershed protection and habitat conservation in future park, water or natural resource bonds. Support the position that NCCPs are an effective strategy for addressing the impacts of climate change and encourage appropriate recognition of the NCCP tool in implementation of climate change legislation such as SB 375, AB 32 as well as an appropriate tool for spending Cap and Trade revenues. Promote effective implementation of NCCPs as a top priority for the California Department of Fish and Wildlife. Support an increase to \$1.6 million for the California Department of Fish and Wildlife's Local Assistance Grant program. Support efforts to streamline implementation of NCCPs including exemptions from unnecessary regulatory oversight such as the Delta Plan Covered Actions process administered by the Delta Stewardship Council. Support alignment of State and Regional of Water Board permits (Section 401 clean water act and storm water permits) and California Department of Fish and Wildlife Streambed Alteration Agreement (Section 1602 of the Fish and Game code) and other State natural resource permitting with California Endangered Species Act permitting through NCCPs to improve the overall efficiency, predictability and effectiveness of natural resource regulation.
172. SUPPORT legislation that would give local agencies specific tools for economic development purposes in order to enhance job opportunities, with emphasis on attracting and retaining businesses, blight removal and promoting smart growth and affordable housing development, while balancing the impacts on revenues for health and safety programs and healthy communities.
173. SUPPORT legislation that would resolve the administrative funding gap for agencies serving as the Successor Housing Agency. Such legislation should not have a negative impact on the localities' general fund. The Redevelopment Dissolution Act allows Successor Agencies a modest allowance of tax increment funds to support Successor Agency administrative costs. There is no such carve out for Housing Successors. However, unlike Successor Agencies, Housing Successors have an ongoing obligation to monitor existing affordable housing developments. These obligations will continue for up to 55 years.
174. SUPPORT legislation that would clarify the ability of successor agencies to former redevelopment agencies to enter into contracts with its sponsoring jurisdiction and third parties to fulfill enforceable obligations. *The existing redevelopment dissolution statute*

limits the contracting powers of successor agencies which is causing delays in their ability to expeditiously retire certain enforceable obligations of the former redevelopment agencies.

175. SUPPORT legislative and regulatory efforts that streamline compliance with the California Environmental Quality Act (CEQA) by integrating it with other environmental protection laws and regulations, modifying the tiering of environmental reviews, expanding the application of prior environmental reviews, focusing areas of potential CEQA litigation, and enhancing public disclosure and accountability.
176. OPPOSE CEQA reform efforts that reduce environmental protections for projects that cross county or city boundaries.
177. SUPPORT efforts to improve or streamline CEQA for efficiency without losing sight of its ultimate goal to thoroughly identify environmental impacts and mitigations.
178. OPPOSE efforts to change CEQA solely to accommodate one particular infrastructure project or set of projects.
179. SUPPORT legislation that amends Section 20133 of the Public Contract Code to 1) delete the existing sunset date of July 1, 2014 for design-build authority granted to counties, and 2) eliminate the current project cost threshold of \$2.5 million required for the use of the design-build method.

Law and Justice System

180. SUPPORT legislation that seeks to curb metal theft by making it easier for law enforcement agencies to track stolen metals sold to scrap dealers through such means as requiring identification from customers selling commonly stolen metals, banning cash transactions over a certain amount, and requiring scrap dealers to hold materials they buy for a certain period of time before melting them down or reselling them.
181. SUPPORT legislation that provides a practical and efficient solution to addressing the problem of abandoned and trespassing vessels and ground tackle in an administrative process that allows the California State Lands Commission to both remove and dispose of such vessels and unpermitted ground tackle. *Boat owners in increasing numbers are abandoning both recreational and commercial vessels in areas within the Commission's jurisdiction. Our state waterways are becoming clogged with hulks that break up, leak, sink and add pollutants to our waterways and marine habitat.*
182. SUPPORT legislation that requires boater's insurance. *Currently, boaters are not required to carry insurance in California.*
183. SUPPORT legislation that provides better funding for local agencies forced to deal with abandoned and sunken vessels and their environmental impacts.

184. OPPOSE legislative proposals to realign additional program responsibility to counties without adequate funding and protections.
185. OPPOSE legislation that would shift the responsibility of parolees from the state to the counties without adequate notification, documentation and funding.
186. SUPPORT legislation that will help counties implement the 2011 Public Safety Realignment as long as the proposal would: provide for county flexibility, eliminate redundant or unnecessary reporting, and would not transfer more responsibility without funding.
187. SUPPORT legislation that will combat the negative impact that human trafficking has on victims in our communities, including the impact that this activity has on a range of County services and supports, and support efforts to provide additional tools, resources and funding to help counties address this growing problem.
188. ADVOCATE for State legislation banning the sale of alcopop products by businesses that sell alcoholic beverages. The California Department of Alcoholic Beverage Control is responsible for regulating the type of alcohol products that a business may sell. *A type of flavored malt alcoholic beverage product known as “alcopops” has been identified as a contributor to under-age drinking in the County. The term alcopops usually refers to sweetened malt or alcoholic beverages that are typically sold in single-serving bottles or cans. The Board, through recommendations from the Public Protection Committee, has adopted amendments to the Alcoholic Beverage Sales Commercial Activities Zoning Ordinance that authorizes the County to prohibit the sale of alcopops at any establishment not in compliance with the performance standards. Along with the code changes, various implementation strategies were also approved in order to better coordinate efforts between County Departments and agencies for streamlined implementation and enforcement of the Ordinance.*
189. SUPPORT legislative reform of current bail provisions that will replace reliance on money bail with a system that incorporates a pretrial risk assessment tool and evidence-based pretrial release decisions. *The current reliance on fixed bail schedules and commercial money bonds ignores public safety factors and unfairly penalizes poor people who are awaiting trial. Bail reform in this manner will ensure that only dangerous persons who cannot be safely supervised in the community while they are awaiting trial will be held in custody pretrial. Locally, our County has moved in this direction with an AB109 funded pretrial program.*

Levees

190. ADVOCATE for administrative and legislative action to provide significant funding for rehabilitation of levees in the western and central Delta. *Proposition 1E, passed in November 2006, provides for over \$3 billion for levees, primarily those in the Central Valley Flood Control Program. Language is included in the bond for other Delta levees*

but funding is not specifically directed. The County will work to actively advocate for \$1 billion in funding through this bond.

191. SUPPORT legislation that requires the levee repair funds generated by Proposition 1E be spent within one year or legislative hearings conducted on expediting the expenditure of bond proceeds through the Department of Water Resources Delta Levees Section. Many public agencies, including reclamation districts charged with maintaining levees, have complained about the state's inaction in allocating and distributing the levee funds that were raised by the bond sales authorized by Proposition 1E in 2008. Legislation could require the immediate distribution of these funds to local levee projects. The Delta Reform Act of 2009 authorized over \$202 million for levee repairs. Legislative hearings may produce explanations from the state as to why these funds are not being distributed or identify methods to streamline administration of these funds.
192. SUPPORT legislation to amend California Water Code Section 12986, to maintain the state/local funding ratio of 75/25 for the state's Delta Levees Subventions Program, which provides funds for local levee repair and maintenance projects. The code provisions that have the state paying 75% of project costs will expire on July 1, 2013. At that time the matching ratio will change to 50/50. This means local reclamation districts will have to pay a larger portion of project costs (50%, compared to their current 25% requirement). Many districts do not have the funding to do so. The Delta Levees Subventions Program should continue to use funds from bonds or other dedicated sources, rather than the state's General Fund. For the past several years the program has been funded from bonds. When these bond funds run out, the program will have to be funded from the General Fund, unless some other new dedicated funding source is established.
193. ADVOCATE for legislation dealing with the Delta, including levees and levee programs, level and type of flood protection, beneficiary-pays programs, flood insurance, liability and other levee/land use issues.
194. SUPPORT legislation/regulation requiring Reclamation Districts to develop, publish, and maintain hazard emergency plans for their districts. *Emergency response plans are critical to emergency management, particularly in an area or situation like the Delta where a levee break could trigger other emergencies. This legislation/regulation should also include the requirement for plan review and annual distribution of the plan to the residents of the district, County Office of Emergency Services and other government agencies that have emergency response interests within the district.*
195. SUPPORT legislation to amend California Water Code Section 85057.5 to bring the Delta Stewardship Council's "covered actions" land-use review process into consistency with CEQA. This section of state code defines a "covered action," which refers to local permit decisions that are subject to potential revocation by the Council, as adopted in the Council's Delta Plan. The proposed process works as follows: (1) if a local permit application meets the definition of a "covered action," the jurisdiction must evaluate it for consistency with all of the policies in the Council's Delta Plan. (2) If the jurisdiction

finds the project is consistent with the Delta Plan, they notify the Council of this finding. (3) Anyone who objects to the project may appeal the consistency finding, and it will be up to the Council to make the final decision. Should the Council decide against the local jurisdiction, there is no appeal process available to the jurisdiction or project applicant other than legal action.

“Covered actions” are defined in Section 85057.5 of the California Water Code. It defines them as plans, projects or programs as defined by CEQA, and then goes on to grant several exemptions to certain types of projects. It does not, however, provide exemptions for all the project types that CEQA itself exempts. CEQA provides a lengthy list of categorical exemptions for plans, projects and programs that generally do not have significant environmental impacts, and projects that have compelling reasons to move forward quickly (such as public safety projects). The entire list of categorical exemptions from CEQA also should be exempt from the Delta Stewardship Council’s “covered actions” process.

Library

196. SUPPORT State financial assistance in the operation of public libraries, including full funding of the Public Library Fund (PLF) and the Direct/Interlibrary Loan (Transaction Based Reimbursement) program.
197. SUPPORT State bonds for public library construction. The 2000 library construction bond provided funding for two libraries in Contra Costa County. There is currently a need of approximately \$289,000,000 for public library construction, expansion and renovation in Contra Costa County.
198. SUPPORT continued funding for the California Library Literacy and English Acquisition Services Program, which provides matching funds for public library adult literacy programs that offer free, confidential, one-on-one basic literacy instruction to English-speaking adults who want to improve their reading, writing, and spelling skills.

Pipeline Safety

199. SUPPORT legislation that contains specific mitigations or solutions for installation of Automatic Shutoff Valves for both High Consequence Areas (HCA) and for those that transverse Active Seismic Earthquake Faults for all intrastate petroleum pipelines. *State Fire Marshal Annual Inspections of all Intrastate Petroleum Pipelines do not contain the specific mitigations or solutions for installation of Automatic Shutoff Valves for both High Consequence Areas (HCA) and for those that traverse Active Seismic Earthquake Faults that are mandated for Gas Pipelines under AB 2856. The County has several petroleum pipelines that should be classified under these categories and present the same explosive nature as gas pipelines do.*

200. SUPPORT legislation that contains specific language for protection of all seasonal and all year creeks and all State Waterways where petroleum pipelines are present. *New and replacement pipelines near environmentally and ecologically sensitive areas should use the best available technology including, but not limited to, the installation of leak detection technology, automatic shutoff systems or remote controlled sectionalized block valves, or any combination of these technologies to reduce the amount of oil released in an oil spill to protect state waters and wildlife.*
201. SUPPORT legislation that that requires the same standards for installation of Automatic Shutoff Valves or Remote Controlled Sectionalized Block Valves of owners and operators of intrastate petroleum pipelines located in High Consequence Areas or that traverse Active Seismic Earthquake Faults. *These standards should provide the location of existing valves and the proposed location of new valves to the State Fire Marshal's Office allowing their interaction with the process, to establish action timelines, to adopt standards for how to prioritize installation, to ensure that valves are installed as quickly as reasonably possible and to establish ongoing procedures for monitoring progress in achieving requirements.*

Telecommunications and Broadband

202. SUPPORT clean-up legislation on AB 2987 that provides for local emergency notifications similar to provisions in cable franchises for the last 20 years. *Currently our franchises require the cable systems to carry emergency messages in the event of local emergencies. With the occurrence of several local refinery incidents, this service is critical for Contra Costa. Under federal law, Emergency Alert System requirements leave broad discretion to broadcasters to decide when and what information to broadcast, emergency management offices to communicate with the public in times of emergencies.*
203. SUPPORT preservation of local government ownership and control of the local public rights-of-way. *Currently, local government has authority over the time, place, and manner in which infrastructure is placed in their rights-of-way. The California Public Utilities Commission is considering rulemaking that would give them jurisdiction to decide issues between local government and telecommunication providers.*
204. SUPPORT the expansion of broadband (high speed internet service) to drive economic development and job opportunities, support county service delivery, and improve health, education and public safety outcomes for residents. For communities to realize these full benefits of broadband it must be capable of supporting current technology.

Access and adoption are both necessary elements that should be supported in state and federal legislative or regulatory proposals. This entails the following:

- Establishing and maintaining reliable broadband in unserved or underserved communities;
- Promoting the knowledge, skills and behaviors that comprise digital literacy;

- Making broadband affordable for all households;
- Maximizing funding for infrastructure; and
- Reducing infrastructure deployment barriers.

Transportation

205. SUPPORT increased flexibility in the use of transportation funds.
206. SUPPORT regional coordination that provides for local input in addressing transportation needs. *Coordinated planning and delivery of public transit, paratransit, non-profit/community-based transit, and rail services will help ensure the best possible service delivery to the public. Regional coordination also will be needed to effectively deal with the traffic impacts of Indian gaming casinos such as those in West County. Regional coordination also will be essential to complete planning and development of important regional transportation projects that benefit the state and local road system such as TriLink (State Route 239), improvements to Vasco Road, completion of remaining segments of the Bay Trail, improvements to the Delta DeAnza Regional Trail, and the proposed California Delta and Marsh Creek Trails. There may be interest in seeking enhanced local input requirements for developing the Sustainable Communities Strategy for the Bay Area mandated by SB 375 for greenhouse gas reduction. It is important that the regional coordination efforts are based on input gathered from the local level, to ensure the regional approach does not negatively impact local communities. “Top-down” regional planning efforts would be inconsistent with this goal.*
207. SUPPORT efforts to improve safety throughout the transportation system. *The County supports new and expanded projects and programs to improve safety for bicyclists, pedestrians and wheelchair users, as well as projects to improve safety on high-accident transportation facilities such as Vasco Road. Data on transportation safety would be improved by including global positioning system (GPS) location data for every reported accident to assist in safety analysis and planning. The County also supports the expansion of school safety improvement programs such as crossing guards, revised school zone references in the vehicle code, Safe Routes to Schools (SR2S) grants, efforts to improve the safety, expansion and security of freight transportation system including public and private maritime ports, airports, rail yards, railroad lines, rail bridges and sidings. The County also supports limits or elimination of public liability for installing traffic-calming devices on residential neighborhood streets.*
208. SUPPORT funding or incentives for the use of renewable resources in transportation construction projects. *The County seeks and supports grant programs, tax credits for manufacturers, state purchasing programs, and other incentives for local jurisdictions to use environmentally friendly materials such as the rubberized asphalt (made from recycled tires) that the County has used as paving material on San Pablo Dam Road and Pacheco Boulevard.*

209. SUPPORT streamlining the delivery of transportation safety projects. *The length of time and amount of paperwork should be reduced to bring a transportation safety project more quickly through the planning, engineering and design, environmental review, funding application, and construction phases, such as for Vasco Road. This could include streamlining the environmental review process and also streamlining all state permitting requirements that pertain to transportation projects. Realistic deadlines for use of federal transportation funds would help local jurisdictions deliver complex projects without running afoul of federal time limits which are unrealistically tight for complex projects.*
210. SUPPORT efforts to coordinate development of state-funded or regulated facilities such as courts, schools, jails, roads and state offices with local planning. The County supports preserving the authority of Public Works over County roads by way of ensuring the Board of Supervisors' control over County roads as established in the Streets & Highways Code (Ch2 §940) is not undermined. This includes strongly opposing any action by a non-local entity that would ultimately dilute current Board of Supervisors discretion relative to road design and land use.
211. SUPPORT efforts to coordinate planning between school districts, the state, and local jurisdictions for the purposes of: (1) locating and planning new schools, (2) funding programs that foster collaboration and joint use of facilities, and (3) financing off-site transportation improvements for improved access to existing schools. The County will urge the California Department of Education's current Title 5 update effort to include removing the current conflict between current school siting policies and sustainable communities. Related to this effort, the County supports reform of school siting practices by way of legislative changes related to any new statewide school construction bond authorization. The County takes the position that reform components should include bringing school siting practices and school zone references in the vehicle code into alignment with local growth management policies, safe routes to school best practices, State SB 375 principles, and the State Strategic Growth Council's "Health in All Policies Initiative."
212. SUPPORT regional aviation transportation planning efforts for coordinated aviation network planning to improve service delivery. Regional aviation coordination could also improve the surrounding surface transportation system by providing expanded local options for people and goods movement.
213. SUPPORT efforts to increase waterborne transport of goods and obtaining funds to support this effort. *The San Francisco to Stockton Ship Channel is a major transportation route for the region, providing water access to a large number of industries and the Ports of Sacramento and Stockton. A project is underway to deepen the channel, providing additional capacity to accommodate increasing commerce needs of the Ports and providing better operational flexibility for the other industries. Increased goods movement via waterways has clear benefits to congestion management on highways and railroads (with resultant air quality benefits).*

214. SUPPORT legislative and administrative measures to enhance rail safety, increase state oversight of railroad bridges, provide funding for the training of first responders, and implement regulations that increase tank car safety standards for cars transporting crude oil and other hazardous materials, and regulations that require railroads to share data with state emergency managers and local responders.
215. SUPPORT funding increases for active transportation projects and planning. Funding is needed for improved pedestrian infrastructure and enhancements and expansion of: trails, on-street bike facilities (Class II and III), and separated facilities (Class I and Class IV [cycle track]). Funding is also needed for corridor and "bicycle superhighway" planning, trail access improvements, overcrossings, intersection improvements, Class I - IV inter-connectivity projects (gap closures), wayfinding/signage projects, and facilities/designs identified in emerging best practices.

Veterans

216. SUPPORT legislation and budget actions that will continue the state's annual local assistance for County Veterans Service Offices at a minimum of the \$5.6 million level. The eventual goal is to fully fund CVSOs by appropriating the full \$11 million in local assistance funding as reflected in Military and Veterans Code Section 972.1(d). *County Veterans Service Offices (CVSOs) play a vital role in the local veteran community, not only within the Veterans Affairs claims process, but in other aspects as well. This includes providing information about all veterans' benefits (Federal, State and local), as well as providing claims assistance for all veteran-related benefits, referring veterans to ancillary community resources, providing hands-on development and case management services for claims and appeals and transporting local veterans to VA facilities.*
217. SUPPORT legislation and budget actions that will provide veterans organizations with resources to make necessary repairs to, or replacement of, their meeting halls and facilities. *Across California, the meeting halls and posts of Veterans Service Organizations such as the American Legion and Veterans of Foreign Wars serve as unofficial community centers. Many of these facilities are not compliant with Americans with Disabilities Act accessibility standards, are not earthquake retrofitted, or have deteriorated in recent years due to declining membership and reduced rental revenues as a result of the economic downturn. The County will support legislation that would create a competitive grant program for veterans' organizations, classified by the IRS as 501c19 non-profit organizations and comprised primarily of past or present members of the United States Armed Forces and their family members, to use for repairs and improvements to their existing facilities.*
218. SUPPORT legislation that will improve the timeliness and quality of both VA benefits claim decisions and VA healthcare services. Specifically, legislation that works toward improving on the expedited processing of claims, providing VA healthcare, and administering of benefits to populations with unique needs, such as homeless Veterans,

Women Veterans, and Veterans experiencing service related Posttraumatic Stress Disorder or service related Traumatic Brain Injury.

Waste Management

219. SUPPORT legislation that establishes producer responsibility for management at the end of their useful life of products, including pharmaceuticals, batteries, sharps and veterinary medicine.
220. SUPPORT efforts to increase the development of markets for recycled materials.
221. SUPPORT legislative and regulatory efforts to allow third parties, under specific circumstances and conditions, to collect and transport household hazardous waste to collection facilities.
222. SUPPORT legislation that seeks to remedy the environmental degradation and solid waste management problems on a State-wide basis of polystyrene containers and single-use plastic bags typically given away for free at grocery, retail and other establishments.
223. SUPPORT legislation that does not require increased diversion from landfills without an adequate funding mechanism.
224. SUPPORT legislation that would make changes to the used tire redemption program. *Instead of collecting a disposal fee from the consumer when new tires are purchased, a disposal fee would be collected at the wholesale level and redeemed by the disposal site when the used tires are brought to the site. The party bringing the tires to the disposal site would also receive a portion of the fee.*
225. SUPPORT legislation that relieves counties with privately-operated landfills from the state requirement for maintaining a 15-year supply of disposal capacity for waste generated within each county. *In 1989, Contra Costa County amended its general plan to accommodate construction of Keller Canyon Landfill. Due to the difficulty in siting landfills and the requirements of Public Resources Code 47100 – Countywide Siting Element, the County maintained authority to control the amount of waste disposed at this facility from outside the county. Despite Contra Costa County's opposition, AB 845 became law on January 1, 2013 and prohibits any jurisdiction from regulating the amount of waste disposed at a privately-operated landfill based on its place of origin.*

Because local jurisdictions can no longer control importation of waste to privately-operated landfills, a host County that receives a significant amount of waste from outside the county will have a greater need to undertake the difficult task of identifying new disposal capacity pursuant to the Countywide Siting Element requirement. Since the state believes there is no need for local jurisdictions to regulate disposal of solid waste by place of origin, the state should remove existing statutes that require each County with

privately-operated landfills to identify sufficient disposal capacity for the waste generated by the jurisdictions within that County.

- 226. SUPPORT legislation that can reduce the amount of harmful pharmaceuticals (including veterinary medicine) that ultimately enter waste water treatment facilities, bodies of water, and landfills.
- 227. SUPPORT legislative and regulatory efforts to restrict payments from the Beverage Container Recycling Program Fund for redemption of beverage containers sold out of state. *Fraudulent redemption of these beverage containers is costing the Fund from \$40 million to \$200 million annually. This fraud combined with loans to the General Fund to reduce the State budget deficit has significantly reduced the availability of funds for increasing recycling as intended under the law.*
- 228. SUPPORT legislative and regulatory efforts that correct the imbalance between the County's regulatory authority to control the collection and disposal of solid waste generated within the unincorporated areas and our exposure to state penalties for failing to meet state mandates for diverting solid waste generated within these areas as a result of Appellate Court decisions. *In litigation where the County sought to protect its solid waste franchise authority for unincorporated areas the court awarded franchise authority to the Rodeo Sanitary District and Mountain View Sanitary District while the County remains exposed to state penalties for failing to meet state mandates for reducing disposal of solid waste generated in these areas.*

Workforce Development

- 229. SUPPORT legislative and regulatory efforts that make the necessary changes to existing law for the implementation of the federal Workforce Innovation and Opportunity Act (WIOA) in California. *The County supports legislation that would include provisions that state that the Local Plan developed by local workforce boards should be the basis of all workforce planning in the local areas and all workforce-related state grants. Additionally, the County supports provisions that ensure that staffing costs and support services should be included in the training expenditure requirement. Finally, the County supports provisions that require all programs listed in the Workforce Innovation & Opportunity Act (WIOA) work together to ensure that data is collected and reported across all programs, utilizing the state's base-wage file system to ease local reporting burdens.*



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 02/13/2017
Subject: Reentry and Justice Related Bills of Interest
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-04
Referral Name: Reentry and Justice Related Bills of Interest
Presenter: L. DeLaney

Contact:

Referral History:

The Legislation Committee reviews and makes recommendations to the Board of Supervisors on bills that may affect the County reentry and justice-related efforts.

Referral Update:

The Board of Supervisors' adopted 2017 State Platform includes policies related to the law and justice systems, Public Safety Realignment, and reentry efforts.

These policies include #189 related to bail reform: SUPPORT legislative reform of current bail provisions that will replace reliance on money bail with a system that incorporates a pretrial risk assessment tool and evidence-based pretrial release decisions. The current reliance on fixed bail schedules and commercial money bonds ignores public safety factors and unfairly penalizes poor people who are awaiting trial. Bail reform in this manner will ensure that only dangerous persons who cannot be safely supervised in the community while they are awaiting trial will be held in custody pretrial. Locally, our County has moved in this direction with an AB109 funded pretrial program.

The Platform also includes policy #154 related to CalFresh enrollment: SUPPORT a federal waiver that would allow county social services agencies to process CalFresh applications for jail inmates and suspend rather than terminate CalFresh eligibility when a recipient is detailed in a county jail for a period of less than a year.

Three bills have been introduced that deal with these subject matters. Staff recommends that the Legislation Committee considers finding these bills consistent with the Board of Supervisors' adopted 2017 State Platform and directs staff to prepare and distribute letters of support.

AB 42 (Bonta): Bail Reform and SB 10 (Hertzberg): Bail: Pretrial Release: Two bills that have been introduced thus far. The bills are essentially similar and state the intent of the Legislature to reduce the number of people detained pretrial and to ensure that people are not held simply because of their inability to afford bail: "It is the intent of the Legislature to enact

legislation to safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.”

SB 10 would require the court to release a defendant being held for a misdemeanor offense on his or her own recognizance unless the court makes an additional finding on the record that there is no condition or combination of conditions that would reasonably ensure public safety and the appearance of the defendant if the defendant is released on his or her own recognizance.

SB 10 was referred to the Senate Committee on Public Safety, which is chaired by Senator Nancy Skinner. AB 42 is pending referral in the Assembly.

AB 42 is included as *Attachment A*. SB 10 is included as *Attachment B*.

SB 167 (Skinner): Supplemental Security Income & CalFresh: Preenrollment

This bill would require the Secretary of California Department of Corrections and Rehabilitation (CDCR) to establish a Memorandum of Understanding with the federal Social Security Administration to allow a person incarcerated in a correctional institution to apply for and receive a replacement social security card and to allow the administration to provide SSI claims under the pre-release program. In addition, this bill would require the Department of Social Services to request a waiver to allow for the pre-enrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicant's reentry into the community from county jail or state prison.

Status: Introduced on 1/23/17.

This bill is sponsored by the County Welfare Directors Association (CWDA) and Western Center on Law and Poverty. SB 167 was referred to the Senate Committees on Human Services and Public Safety. Senator Steve Glazer is on the Human Services Committee.

Urban Counties of California (UCC) Position: Pending.

SB 167 is included as *Attachment C*.

Recommendation(s)/Next Step(s):

CONSIDER finding that a position of "Support" on AB 42 (Bonta): Bail Reform, SB 10 (Hertzberg): Bail: Pretrial Release, and SB 167 (Skinner): Supplemental Security Income & CalFresh: Preenrollment, is consistent with the Board of Supervisors' adopted 2017 State Platform and direct staff to prepare and distribute advocacy letters as needed.

Attachments

Attachment A: AB 42

Attachment B: SB 10

Attachment C: SB 167

ASSEMBLY BILL**No. 42**

**Introduced by Assembly Members Bonta, Bloom, Chiu, Quirk, and
Mark Stone**

(Principal coauthors: Senators Hertzberg, Allen, Mitchell, and Wiener)

December 5, 2016

An act relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as introduced, Bonta. Bail reform.

Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Existing law requires that bail be set in a fixed amount, as specified, and requires, in setting, reducing, or denying bail, a judge or magistrate to take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or at a hearing of the case.

This bill would state the intent of the Legislature to enact legislation to safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Modernization of the pretrial system is urgently needed in
4 California, where thousands of individuals held in county jails
5 across the state have not been convicted of a crime and are detained
6 while awaiting trial simply because they cannot afford to post
7 money bail or pay a commercial bail bond company. In 2015, 63%
8 of people in California jails were either awaiting trial or sentencing.
9 As compared with the rest of the country, California has relied on
10 pretrial detention at much higher rates than other states.

11 (b) California's existing pretrial detention practices allow a
12 person's wealth rather than the person's likelihood of success on
13 pretrial release to determine whether the person will remain in jail
14 before the person's case is resolved. Detaining people simply due
15 to an inability to afford money bail violates the American principles
16 of equal protection and fundamental fairness. Nationwide, the
17 majority of people who are unable to meet money bail fall within
18 the poorest one-third of society.

19 (c) The consequences of pretrial detention—which include
20 greater likelihood of innocent people pleading guilty to a crime,
21 longer sentences upon conviction, loss of employment, income,
22 and housing, and traumatic family disruption—disproportionately
23 affect people of color and low-income people.

24 (d) The commercial money bail system, which requires people
25 to pay nonrefundable deposits to private companies in order to
26 secure release from jail, often leaves people in debt and drives
27 them and their families further into poverty. The commercial
28 money bail system does not improve rates of appearance in court
29 or enhance public safety.

30 (e) California should follow the lead of the federal government
31 and jurisdictions across the country that have stopped making
32 wealth-based decisions on pretrial detention and instead have
33 shifted to a system that evaluates whether an individual can be
34 safely returned to the community as well as make required court
35 appearances, and, if so, under what conditions.

36 (f) It is far more expensive to house a person in jail than to safely
37 release him or her pending trial with conditions of release or
38 pretrial supervision.

1 (g) While unnecessary pretrial detention has been found to
2 increase the likelihood that some defendants will commit new
3 crimes, appropriate pretrial release can reduce recidivism.

4 (h) Pretrial services programs have already been successfully
5 implemented in many California jurisdictions, and have helped to
6 reduce pretrial jail populations, save money, increase rates of
7 appearance in court, and protect the public.

8 (i) Increasing the use of evidence-based practices in pretrial
9 decisions will provide judges, law enforcement agencies, and
10 pretrial service providers with additional tools to both assist them
11 in assessing a defendant's likelihood of success on pretrial release
12 and to identify and meet the needs of those defendants and the
13 community to assure constitutional and statutory objectives.

14 (j) Modernizing pretrial practices will support the goals of the
15 Public Safety Realignment Act of 2011 by providing additional
16 options to manage pretrial populations using best practices
17 developed over many years across many jurisdictions.

18 SEC. 2. It is the intent of the Legislature to enact legislation
19 to safely reduce the number of people detained pretrial, while
20 addressing racial and economic disparities in the pretrial system,
21 to ensure that people are not held in pretrial detention simply
22 because of their inability to afford money bail.

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AMENDED IN SENATE JANUARY 17, 2017

SENATE BILL

No. 10

Introduced by Senators Hertzberg, Allen, Anderson, Atkins, Beall, Bradford, Lara, Mitchell, Monning, Wieckowski, and Wiener
(Principal coauthors: Assembly Members Bonta, Bloom, Chiu, Quirk, and Mark Stone)

December 5, 2016

An act to amend Section 1270 of the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

SB 10, as amended, Hertzberg. Bail: pretrial release.

Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Existing law requires that bail be set in a fixed amount, as specified, and requires, in setting, reducing, or denying bail, a judge or magistrate to take into consideration the protection of the public, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at trial or at a hearing of the case. Under existing law, the magistrate or commissioner to whom the application is made is authorized to set bail in an amount that he or she deems sufficient to ensure the defendant's appearance or to ensure the protection of a victim, or family member of a victim, of domestic violence, and to set bail on the terms and conditions that he or she, in his or her discretion, deems appropriate, or he or she may authorize the defendant's release on his or her own recognizance. *Existing law provides that a defendant being held for a misdemeanor offense is entitled to be released on his or her own recognizance, unless the court makes a finding on the record that an own recognizance*

release would compromise public safety or would not reasonably ensure the appearance of the defendant as required.

This bill would require the court to release a defendant being held for a misdemeanor offense on his or her own recognizance unless the court makes an additional finding on the record that there is no condition or combination of conditions that would reasonably ensure public safety and the appearance of the defendant if the defendant is released on his or her own recognizance.

This bill would declare the intent of the Legislature to enact legislation that would safely reduce the number of people detained pretrial, while addressing racial and economic disparities in the pretrial system, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Modernization of the pretrial system is urgently needed in
4 California, where thousands of individuals held in county jails
5 across the state have not been convicted of a crime and are detained
6 while awaiting trial simply because they cannot afford to post
7 money bail or pay a commercial bail bond company. In 2015, 63
8 percent of people in California jails were either awaiting trial or
9 sentencing. As compared with the rest of the country, California
10 has relied on pretrial detention at much higher rates than other
11 states.

12 (b) California's existing pretrial detention practices allow a
13 person's wealth rather than the person's likelihood of success on
14 pretrial release to determine whether the person will remain in jail
15 before the person's case is resolved. Detaining people simply due
16 to an inability to afford money bail violates the American principles
17 of equal protection and fundamental fairness. Nationwide, the
18 majority of people who are unable to meet money bail fall within
19 the poorest third of society.

20 (c) The consequences of pretrial detention — which include a
21 greater likelihood of innocent people pleading guilty to a crime,
22 longer sentences upon conviction, loss of employment, income,

1 and housing, and traumatic family disruption — disproportionately
2 affect people of color and low-income people.

3 (d) The commercial money bail system, which requires people
4 to pay nonrefundable deposits to private companies in order to
5 secure release from jail, often leaves people in debt and drives
6 them and their families further into poverty. The commercial
7 money bail system does not improve rates of appearance in court
8 or enhance public safety.

9 (e) California should follow the lead of the federal government
10 and jurisdictions across the country that have stopped making
11 wealth-based decisions on pretrial detention and instead have
12 shifted to a system that evaluates whether an individual can be
13 safely returned to the community as well as make required court
14 appearances, and, if so, under what conditions.

15 (f) It is far more expensive to house a person in jail than to safely
16 release him or her pending trial with conditions of release or
17 pretrial supervision.

18 (g) While unnecessary pretrial detention has been found to
19 increase the likelihood that some defendants will commit new
20 crimes, appropriate pretrial release can reduce recidivism.

21 (h) Pretrial services programs have already been successfully
22 implemented in many California jurisdictions and have helped to
23 reduce pretrial jail populations, save money, increase rates of
24 appearance in court, and protect the public.

25 (i) Increasing the use of evidence-based practices in pretrial
26 decisions will provide judges, law enforcement agencies, and
27 pretrial service providers with additional tools to both assist them
28 in assessing a defendant's likelihood of success on pretrial release
29 and to identify and meet the needs of those defendants and the
30 community to ensure constitutional and statutory objectives.

31 (j) Modernizing pretrial practices will support the goals of the
32 Public Safety Realignment Act of 2011 by providing additional
33 options to manage pretrial populations using best practices
34 developed over many years across many jurisdictions.

35 SEC. 2. It is the intent of the Legislature to enact legislation
36 that would safely reduce the number of people detained pretrial,
37 while addressing racial and economic disparities in the pretrial
38 system, and to ensure that people are not held in pretrial detention
39 simply because of their inability to afford money bail.

40 SEC. 3. Section 1270 of the Penal Code is amended to read:

1 1270. (a) ~~Any~~A person who has been arrested for, or charged
2 with, an offense other than a capital offense may be released on
3 his or her own recognizance by a court or magistrate who could
4 release a defendant from custody upon the defendant giving
5 *monetary* bail, including a defendant arrested upon an
6 out-of-county warrant. A defendant who is in custody and is
7 arraigned on a complaint alleging an offense which is a
8 misdemeanor, and a defendant who appears before a court or
9 magistrate upon an out-of-county warrant arising out of a case
10 involving only misdemeanors, shall be entitled to an own
11 recognizance release unless the court makes a finding on the ~~record~~,
12 *record that there is no condition or combination of conditions that*
13 *would reasonably ensure public safety and the appearance of the*
14 *defendant as required, and that*, in accordance with Section 1275,
15 ~~that~~ an own recognizance release will compromise public safety
16 or will not reasonably ~~assure~~ *ensure* the appearance of the
17 defendant as required. Public safety shall be the primary
18 consideration. If the court makes one of those findings, the court
19 shall then set *monetary* bail and specify the conditions, if any,
20 whereunder the defendant shall be released.
21 (b) Article 9 (commencing with Section 1318) shall apply to
22 any person who is released pursuant to this section.

SENATE BILL**No. 167**

Introduced by Senator SkinnerJanuary 23, 2017

An act to add Section 5067 to the Penal Code, and to add Section 18901.35 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 167, as introduced, Skinner. Supplemental Security Income and CalFresh: preenrollment.

Existing federal law establishes various disability benefits programs, including the Supplemental Security Income (SSI) program, under which cash assistance is provided to qualified low-income aged, blind, and disabled persons. Existing federal law requires the federal Commissioner of Social Security to develop a system under which an individual can apply for SSI benefits prior to the discharge or release of the individual from a public institution.

This bill would require the Secretary of the Department of Corrections and Rehabilitation to establish memoranda of understanding with the federal Social Security Administration to allow a person incarcerated in a correctional institution to apply for and receive a replacement social security card and to allow the administration to process SSI claims under the prerelease program.

Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing federal law generally prohibits a resident of an institution from receiving supplemental nutrition assistance benefits.

This bill would require the State Department of Social Services, on or before March 31, 2018, to request a waiver to allow for the preenrollment of otherwise eligible applicants to the CalFresh program up to one month prior to the applicant's reentry into the community from county jail or state prison.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. It is the intent of the Legislature to improve the
2 public health of communities receiving people reentering the
3 community from jail or prison and to increase the likelihood of
4 success of people reentering their communities.

5 SEC. 2. Section 5067 is added to the Penal Code, to read:

6 5067. (a) Unless the report required pursuant to Section 3016
7 recommends otherwise, the Secretary of the Department of
8 Corrections and Rehabilitation shall establish both of the following
9 memoranda of understanding with the federal Social Security
10 Administration:

11 (1) A memorandum of understanding that would allow a person
12 incarcerated in a correctional facility subject to this code to apply
13 for and receive a replacement social security card. The
14 memorandum shall also be required to comply with the Privacy
15 Act of 1974, as amended (5 U.S.C. Sec. 552a), Section 1106 of
16 the Social Security Act (42 U.S.C. Sec. 1306), and the federal
17 Social Security Administration's disclosure regulations and
18 guidance promulgated thereunder.

19 (2) A memorandum of understanding that would allow the
20 federal Social Security Administration to process Supplemental
21 Security Income claims under the prerelease program established
22 by Section 1631(m) of the federal Social Security Act (42 U.S.C.
23 Sec. 1383(m)) and the regulations promulgated thereunder.

24 (b) A memorandum of understanding established pursuant to
25 subdivision (a) shall not supplant any prior related agreement a
26 correctional facility has entered into with the federal Social
27 Security Administration.

28 SEC. 3. Section 18901.35 is added to the Welfare and
29 Institutions Code, to read:

1 18901.35. The department shall submit to the United States
2 Department of Agriculture, on or before March 31, 2018, a request
3 to waive Section 273.1(b)(7)(vi) of Title 7 of the Code of Federal
4 Regulations to allow for the preenrollment of otherwise eligible
5 applicants to the CalFresh program up to one month prior to the
6 applicant's reentry into the community from county jail or state
7 prison.

O



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 02/13/2017
Subject: State Bills of Interest to Contra Costa County
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-05
Referral Name: State Bills of Interest
Presenter: L. DeLaney and Cathy Christian

Contact:

Referral History:

The Legislation Committee regularly reviews and makes recommendations to the Board of Supervisors on state bills of interest that may impact or affect County operations and programs. Attached is the Master List of state bills that County staff is reviewing and monitoring (*Attachment A*).

The last day for bills to be introduced is February 17, 2017. The 2017 Legislative Session calendar is *Attachment B*.

Staff is watching for bills that may be introduced related to:

1. Changing a law that bars paramedics from taking patients to mental health urgent care and sobering centers.
2. The collection of a DNA sample upon the conviction of specified misdemeanors.
3. The support of fire protection efforts in east Contra Costa County.
4. Proposed restructuring of the administration and enforcement of water rights and the State Water Project

Referral Update:

State bills of interest to Contra Costa County are identified by staff, our state advocates, UCC and CSAC staff, and other county-related associations. The Legislation Committee may provide direction to staff on pursuing additional information and input about the potential impacts of bills on County operations and programs, or may make recommendations on advocacy positions to the Board of Supervisors.

Recommendation(s)/Next Step(s):

REVIEW the Master List of State Bills of Interest to Contra Costa County and provide direction to staff, as needed.

Attachments

Attachment A: Master List of Bills

Attachment B: 2017 Legislative Calendar

**Master List of Bills of Interest
2017**

CA AB 1	AUTHOR:	Frazier [D]
	TITLE:	Transportation Funding
	INTRODUCED:	12/05/2016
	DISPOSITION:	Pending
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	Creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway and local street and road systems. Provides for certain funds, creation of the Office of the Transportation Inspector General, certain loan repayments, diesel fuel excise tax revenues, the appropriations to the Low Carbon Transit Operations Program, gasoline excise taxes, a certain CEQA exemption, an Advance Mitigation Program, and a certain surface transportation project delivery program.
	STATUS:	
	01/19/2017	To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.
	BOS:	Support
CA AB 42	AUTHOR:	Bonta [D]
	TITLE:	Bail Reform
	INTRODUCED:	12/05/2016
	DISPOSITION:	Pending
	LOCATION:	ASSEMBLY
	SUMMARY:	States the intent of the Legislature to enact legislation to safely reduce the number of people detained pretrial, and to ensure that people are not held in pretrial detention simply because of their inability to afford money bail.
	STATUS:	
	12/05/2016	INTRODUCED.
	Commentary:	Consistent with Platform Policy #189.
CA AB 210	AUTHOR:	Santiago [D]
	TITLE:	Homeless Multidisciplinary Personnel Team
	INTRODUCED:	01/23/2017
	DISPOSITION:	Pending
	LOCATION:	Assembly Human Services Committee
	SUMMARY:	Authorizes counties to also establish a homeless adult, child, and family multidisciplinary personnel team with the goal of facilitating the expedited identification, assessment, and linkage of homeless individuals to housing and supportive services and to allow provider agencies to share confidential information for the purpose of coordinating such services.
	STATUS:	
	02/06/2017	To ASSEMBLY Committees on HUMAN SERVICES and PRIVACY AND CONSUMER PROTECTION.
	BOS:	Watch
CA AB 216	AUTHOR:	Gonzalez [D]

TITLE: Vote by Mail Ballots: Identification Envelopes
INTRODUCED: 01/24/2017
DISPOSITION: Pending
LOCATION: Assembly Elections and Redistricting Committee
SUMMARY:

Clarifies that the elections official is required to deliver to each qualified vote by mail applicant an identification envelope for the return of the vote by mail ballot and requires the identification envelope to have prepaid postage.

STATUS:

02/06/2017 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.

Commentary:

Sent to JC

CA SB 2

AUTHOR: Atkins [D]
TITLE: Building Homes and Jobs Act
INTRODUCED: 12/05/2016
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Enacts the Building Homes and Jobs Act. Imposes a fee to be paid at the time of the recording of every real estate instrument, paper, or notice. Provides for expenditures for affordable owner-occupied workforce housing, housing for purposes related to agricultural workers and their families, affordable housing, and other housing-related programs.

STATUS:

01/12/2017 To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.

Commentary:

TO LEG COM

BOS: Watch

CA SB 3

AUTHOR: Beall [D]
TITLE: Affordable Housing Bond Act of 2018
INTRODUCED: 12/05/2016
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Enacts the Affordable Housing Bond Act of 2018 which would authorize the issuance of bonds to be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs.

STATUS:

01/12/2017 To SENATE Committees on TRANSPORTATION AND HOUSING and GOVERNANCE AND FINANCE.

Commentary:

TO LEG COM

CA SB 8

AUTHOR: Beall [D]
TITLE: Diversion: Mental Disorders
INTRODUCED: 12/05/2016

DISPOSITION: Pending
LOCATION: Senate Public Safety Committee
SUMMARY:

Authorizes a court to postpone prosecution of a misdemeanor or a felony punishable in a county jail, and place a defendant in a pretrial diversion program, if the court is satisfied the defendant suffers from a mental disorder and meets certain other requirements. Allows the defense to arrange for a program of mental health treatment utilizing existing inpatient or outpatient mental health resources.

STATUS:

01/12/2017 To SENATE Committee on PUBLIC SAFETY.
BOS: Watch

CA SB 10

AUTHOR: Hertzberg [D]
TITLE: Bail: Pretrial Release
INTRODUCED: 12/05/2016
LAST AMEND: 01/17/2017
DISPOSITION: Pending
LOCATION: Senate Public Safety Committee
SUMMARY:

Relates to bail and pretrial release. Requires the court to release a defendant being held for a misdemeanor offense on his or her own recognizance unless the court makes an additional finding on the record that there is no condition or combination of conditions that would reasonably ensure public safety and the appearance of the defendant if the defendant is released on his or her own recognizance.

STATUS:

01/26/2017 Re-referred to SENATE Committee on PUBLIC SAFETY.
Commentary:

Consistent with Platform

CA SB 167

AUTHOR: Skinner [D]
TITLE: Supplemental Security Income & CalFresh: Preenrollment
INTRODUCED: 01/23/2017
DISPOSITION: Pending
LOCATION: Senate Human Services Committee
SUMMARY:

Requires the Secretary of the Department of Corrections and Rehabilitation to establish memoranda of understanding with the federal Social Security Administration to allow a person incarcerated in a correctional institution to apply for a replacement social security card and to allow the administration to process SSI claims under a prerelease program.

STATUS:

02/02/2017 To SENATE Committees on HUMAN SERVICES and PUBLIC SAFETY.

Commentary:

Consistent with Platform

CA SB 184

AUTHOR: Morrell [R]
TITLE: Social Security Number Truncation Program
INTRODUCED: 01/25/2017

DISPOSITION: Pending
LOCATION: Senate Governmental Organization Committee
SUMMARY:

Provides that, for each official record recorded before a certain date, a county recorder may create a copy of that record in an electronic format and truncate any social security number contained in that record.

STATUS:

02/02/2017 To SENATE Committees on GOVERNANCE AND FINANCE and JUDICIARY.

BOS: Watch

CA SB 192

AUTHOR: Beall [D]
TITLE: Mental Health
INTRODUCED: 01/30/2017
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Relates to the Mental Health Services Act, which imposes a tax on incomes above a specified sum for the purpose of financing new or expanded mental health services.

STATUS:

01/30/2017 INTRODUCED.

BOS: Watch

CA SB 224

AUTHOR: Jackson [D]
TITLE: Environmental Quality Act: Baseline Conditions
INTRODUCED: 02/02/2017
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Relates to the California Environmental Quality Act. Prohibits a lead agency, in determining the baseline physical conditions by which a lead agency determines whether a project has a significant effect on the environment, from considering the effects of certain actions on the environment.

STATUS:

02/02/2017 INTRODUCED.

BOS: Watch

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2017 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK

Revised 11-16-16

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30	31				

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28				

MARCH							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Wk. 2	5	6	7	8	9	10	11
Wk. 3	12	13	14	15	16	17	18
Wk. 4	19	20	21	22	23	24	25
Wk. 1	26	27	28	29	30	31	

APRIL							
	S	M	T	W	TH	F	S
Wk. 1							1
Wk. 2	2	3	4	5	6	7	8
Spring Recess	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30						

MAY							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
Wk. 3	14	15	16	17	18	19	20
Wk. 4	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4

Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10

Budget Bill must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16

Martin Luther King, Jr. Day.
- Jan. 20

Last day to submit **bill requests** to Office of Legislative Counsel.
- Feb. 17

Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20

Presidents' Day.
- Mar. 31

Cesar Chavez Day.
- Apr. 6

Spring Recess begins upon adjournment (J.R. 51(a)(2)).
- Apr. 17

Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).
- Apr. 28

Last day for **policy committees** to hear and report **fiscal bills** for referral to fiscal committees (J.R. 61(a)(2)).
- May 12

Last day for **policy committees** to hear and report to the floor **nonfiscal** bills (J.R. 61(a)(3)).
- May 19

Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 26

Last day for **fiscal committees** to hear and report bills to the floor (J.R. 61 (a)(5)). Last day for **fiscal committees** to meet prior to June 5 (J.R. 61 (a)(6)).
- May 29

Memorial Day observed.
- May 30-June 2

Floor session only. No committee may meet for any purpose except for Rules Committee and Conference Committees (J.R. 61(a)(7)).

2017 TENTATIVE LEGISLATIVE CALENDAR
COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK
Revised 11-16-16

Table with 8 columns (S, M, T, W, TH, F, S) and 6 rows for the month of June, including week numbers and dates.

Table with 8 columns (S, M, T, W, TH, F, S) and 7 rows for the month of July, including week numbers and dates.

Table with 8 columns (S, M, T, W, TH, F, S) and 6 rows for the month of August, including week numbers and dates.

Table with 8 columns (S, M, T, W, TH, F, S) and 6 rows for the month of September, including week numbers and dates.

June 2 Last day to pass bills out of house of origin (J.R. 61(a)(8)). Committee meetings may resume (J.R. 61(a)(9)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

July 4 Independence Day.

July 14 Last day for policy committees to hear and report fiscal bills for referral to fiscal committees (J.R. 61(a)(10)).

July 21 Last day for policy committees to hear and report bills (J.R. 61(a)(11)). Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51 (a)(3)).

Aug. 21 Legislature reconvenes from Summer Recess (J.R. 51 (a)(3)).

Sept. 1 Last day for fiscal committees to meet and report bills to the Floor (J.R. 61(a)(12)).

Sept. 4 Labor Day.

Sept. 5– 15 Floor session only. No committee may meet for any purpose (J.R. 61(a)(13)).

Sept. 8 Last day to amend on the Floor (J.R. 61(a)(14)).

Sept. 15 Last day for any bill to be passed (J.R. 61(a)(15)). Interim Recess begins on adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2017
Oct. 15 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 15 and in the Governor’s possession after Sept. 15 (Art. IV, Sec.10(b)(1)).

2018
Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

7.

Meeting Date: 02/13/2017
Subject: Federal Issues Update
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-03
Referral Name: Federal Issues Update
Presenter: L. DeLaney

Contact:

Referral History:

Contra Costa County's federal lobbyist, Paul Schlesinger of Alcalde & Fay, regularly provides updates on federal issues of interest to the County. Joe Krahn is the federal lobbyist for the California State Association of Counties (CSAC) and provides updates to counties as well. These updates are routinely provided to the Legislation Committee for their review and direction to staff, as needed.

In addition, Supervisor Mitchoff's staff has referred a correspondence from Congressman Mike Thompson to the Legislation Committee in regards to two federal pieces of legislation that have recently been introduced. The bills would amend federal law with respect to concealed carry permits and firearms silencers. Congressman Thompson is seeking input and feedback on the bills. The letter from Congressman Thompson, which includes text of the bills, is included as *Attachment A*. The Board of Supervisors' adopted 2017 Federal Platform does not contain policies related to these subjects.

Referral Update:

President Donald Trump nominated federal appellate court judge Neil Gorsuch to the U.S. Supreme Court on Tuesday, Jan. 31. As expected, congressional Republicans applauded the selection of Gorsuch, whose conservative views on many issues parallel those of the late Justice Antonin Scalia. For his part, Senate Democratic Leader Chuck Schumer (D-NY) promised to require an exhaustive, robust, and comprehensive debate on Gorsuch's nomination while at the same time expressing serious doubts about the nominee. Likewise, a number of congressional Democrats were quick to assail the president's choice to serve on the nation's highest court, signaling concerns with some of Judge Gorsuch's previous legal opinions. The clear partisan divide over Gorsuch's nomination portends what is expected to be a bitter and perhaps prolonged fight in the Senate. With many Democrats still upset over the fact that Republican leaders refused to grant a hearing or vote for President Obama's Supreme Court nominee, Merrick Garland, the expectation is that the minority party will do everything in its power to resist Gorsuch. While current Senate rules require a 60-vote threshold to advance a Supreme Court nominee,

Republicans have not dismissed employing the so-called “nuclear option,” which would mean rewriting Senate rules to require just 51 votes to approve Judge Gorsuch’s nomination. In related developments, Senate Republican committee leaders clashed this week with their Democratic counterparts over several of President Trump’s key cabinet nominees. Partisan tensions reached a boiling point as Democrats who serve on the Finance Committee and Environment and Public Works (EPW) Committee boycotted the consideration of three of Trump’s cabinet-level selections. In response, Finance Committee Republicans ultimately decided to shelve the panel’s quorum rules and subsequently approved the nominations of Representative [Tom Price](#) (R-GA) for Health and Human Services secretary and [Steven Mnuchin](#) for Treasury secretary. EPW Committee leaders are expected to follow suit in order to advance Scott Pruitt to head the Environmental Protection Agency. Also this week, the House and Senate are considering resolutions that would roll back so-called “midnight regulations” that were issued late in the Obama administration. Pursuant to the *Congressional Review Act*, Congress has the ability to nullify agency regulations that are issued in the final months of the previous administration. It should be noted that the law also prevents the executive branch from imposing substantially similar regulations in the future. Congress has only successfully used this tool once before to negate a Clinton-era rule on ergonomic standards. Among the measures to be considered is a rule dealing with background checks on gun purchases. The regulation, which stems from a series of orders following the mass shooting at Sandy Hook Elementary School, requires the Social Security Administration to report disability insurance recipients who have mental health conditions to the FBI’s background check system. Another measure would rescind a rule requiring federal contractors to disclose their labor violations. A third measure that is likely to be finalized this week would rescind a rule meant to protect streams from surface mining operations.

Health Care

The House Energy and Commerce Committee and Oversight and Government Reform Committee held four separate hearings this week on the Affordable Care Act (ACA). Across Capitol Hill, the Senate Health, Education, Labor and Pensions Committee conducted its own ACA-related hearing. As expected, the committee discussions featured heavy doses of partisan wrangling as Republicans and Democrats clashed on a variety of issues, including the effectiveness of the Obama administration’s signature health care law. Incidentally, members largely avoided offering new ideas on forging a legislative path to repair, repeal, or replace the ACA. In other health news, key committees in both chambers of Congress failed to meet the budget resolution’s (S Con Res 3) January 27th statutory deadline for passage of an ACA repeal measure. Furthermore, a number of prominent Republicans are now publicly stating that legislation dismantling the ACA should not move forward until there is a clear legislative path and details on a suitable replacement. Despite a desire by the Trump administration for Congress to act quickly on a repeal bill, recent developments suggest that it will take a number of months for Republican lawmakers to produce a cohesive legislative package. Finally, and as reported above, Senate Finance Committee Democrats temporarily thwarted a scheduled committee vote on the nomination of Representative Price to be secretary of the Department of Health and Human Services. Citing concerns over Price’s past trades of health stocks while he served on congressional committees with jurisdiction over health-care issues, Democrats abruptly boycotted the panel’s Tuesday meeting. The move set off a firestorm of condemnation from committee Republicans, who, incidentally, boycotted Finance Committee votes on actions proposed by then-President Obama. Committee Republicans ultimately cleared Price for a full floor vote without the participation of any panel Democrats.

House Committee Holds Hearing on Infrastructure

On Wednesday, February 1st, the House Transportation and Infrastructure (T&I) Committee conducted its first hearing of the new 115th Congress. Entitled “Building a 21st Century Infrastructure for America,” the hearing featured testimony from the leaders of several major U.S. corporations, as well as the president of the AFL-CIO. The witnesses presented ideas on how to modernize the nation’s aging infrastructure while discussing a number of different approaches to financing various infrastructure upgrades and projects. For his part, T&I Committee Chairman Bill Shuster (R-PA) did not express his support for any particular revenue-raising proposal, but did indicate that his committee would be working with the Trump administration to identify viable financing tools. The panel’s ranking member, Representative Peter DeFazio (D-OR), criticized Congress for not having the foresight to increase user fees, such as the gasoline tax, as part of the 2015 surface transportation reauthorization bill (FAST Act). It should be noted that the T&I Committee hearing is expected to be the first in a series of discussions on infrastructure, with the Senate EPW Committee also likely to hold its own hearings in the near future. As expected, the need for investment in infrastructure has received increased attention since the presidential election, when then-candidate Trump pledged to seek as much as \$1 trillion for key public works projects. For their part, Senate Democrats recently released their own 10-year, \$1 trillion plan to fund a host of aviation, surface transportation, port and waterways projects. Democrats have not yet identified a specific funding source for their plan, though have suggested that revenue for the program would be generated by closing tax loopholes. The Trump White House, which isn’t expected to release the details of its infrastructure proposal for several weeks, has indicated that its plan would be financed via a combination of federal tax credits and public-private partnerships. While some Republicans have embraced the administration’s pay-for, a number of conservatives in Congress have expressed skepticism with the size and scope of such a proposal.

Joe Krahn is the president and managing partner of Waterman & Associates, CSAC’s lobbying firm in Washington D.C. and prepared this report.

Recommendation(s)/Next Step(s):

ACCEPT the report on federal issues and provide direction to staff, as needed.

PROVIDE input to Congressman Thompson on H.R. 38 "Concealed Carry Reciprocity Act of 2017" and H.R. 367 "Hearing Protection Act of 2017."

Attachments

Attachment A: Letter from Congressman Thompson

MIKE THOMPSON

5TH DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON TAX POLICY



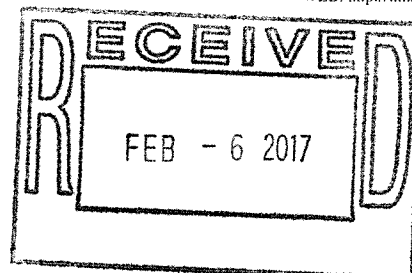
CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, DC 20515

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 (202) 225-3311
 WEB: <http://mikethompson.house.gov>

January 30, 2017



Vice-Chairwoman Karen Mitchoff
 Contra Costa County Board of Supervisors
 651 Pine Street, Room 107
 Martinez, CA 94553

Dear Vice-Chairwoman Mitchoff,

I write today to request your input on two pieces of legislation that were recently introduced in the U.S. House of Representatives. The bills in question would amend federal law with respect to concealed carry permits and firearm silencers, and as a leader in our community, I would appreciate any thoughts you might have on the bills and their effects.

The first of the two bills, H.R. 38, is titled the “**Concealed Carry Reciprocity Act of 2017.**” If enacted, this legislation would require any State whose residents may carry concealed weapons to recognize concealed carry permits issued by any other State – even if the states in question have dramatically different requirements for concealed carry permit holders.

The second of the bills, H.R. 367, is the so-called “**Hearing Protection Act of 2017.**” This bill would nullify any state laws that require individuals to pay a tax, sign a document or provide any other recordkeeping or registration information when using, making or transporting a silencer. Generally speaking, H.R. 367 would make it far easier to purchase, use, make, or transport a silencer.

As a lifelong hunter, outdoorsman and gun owner, I firmly support the Second Amendment right of law-abiding Americans to own firearms. But as a responsible gun owner, I also believe we have an obligation to address the ongoing epidemic of gun violence in our country. And I am concerned that both H.R. 38 and H.R. 367 may have negative, deadly consequences for our community and for our nation.

With respect to concealed carry laws, H.R. 38 – the Concealed Carry Reciprocity Act – appears to create a “race to the bottom,” in which the state with the least restrictive concealed carry policies effectively sets a national standard. Further, the bill requires states to allow any individual to carry concealed weapons without a permit at all, if the individual resides in one of the nine states that do not require a permit to carry a concealed weapon.

Problematically, H.R. 38 would also:

- Require states to allow their own residents to carry in the state using an out-of-state permit. This would allow an individual who is not eligible for a carry permit in their home state to circumvent that law entirely by obtaining a carry permit from a state with weaker laws.
- Allow law enforcement to be held civilly liable for actions taken to verify out-of-state permits.
- Weaken the Gun Free School Zones Act by allowing individuals to carry guns on school property with an out-of-state permit.
- Allow individuals to carry concealed guns on certain federally-controlled lands, including national parks.

I find it deeply distressing that under H.R. 38, a resident of Utah, for example, or any other state with concealed carry requirements weaker than those in California, would be legally permitted to carry a concealed weapon at any of our local elementary schools.

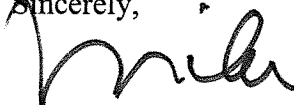
With respect to silencers, I am concerned that H.R. 367 – the Hearing Protection Act – may pose a significant threat to public safety, as easy access to silencers would likely make it easier to commit or conceal acts of crime and violence. I am further concerned that the bill may have harmful consequences for fish and wildlife, as silencers are commonly used by poachers to hide their illegal sport.

Supporters of H.R. 367 claim it is a necessary protection for the ears and hearing of hunters. But gun owners may already use earplugs, headphones or other such devices to protect their hearing, and this legislation would essentially convert silencers to an over-the-counter purchase – something I believe may have deadly consequences.

I have enclosed with this letter the full text of both H.R. 38 and H.R. 367, for your review. I am greatly interested in your perspective on these bills and the concerns I raised, and would appreciate any thoughts you might have.

I appreciate your time, and look forward to hearing from you soon.

Sincerely,



MIKE THOMPSON
Member of Congress

H.R. 38 – The Concealed Carry Reciprocity Act of 2017

Bill Text:

115th CONGRESS

1st Session

H. R. 38

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

IN THE HOUSE OF REPRESENTATIVES

January 3, 2017

Mr. HUDSON (for himself, Mr. SMITH of Missouri, Mr. ABRAHAM, Mr. CUELLAR, Mr. GAETZ, Mr. HOLDING, Mr. KING of Iowa, Mr. LAMALFA, Mr. PALMER, Mrs. WAGNER, Mr. KINZINGER, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. PITTENGER, Mr. ADERHOLT, Mr. CARTER of Georgia, Mr. GRAVES of Georgia, Mr. ROGERS of Alabama, Mr. HENSARLING, Mr. LAMBORN, Mr. CRAMER, Mr. COOK, Mr. WESTERMAN, Mr. CHABOT, Mrs. WALORSKI, Mr. MULLIN, Mr. PALAZZO, Mr. FRANKS of Arizona, Mr. JODY B. HICE of Georgia, Mr. MEADOWS, Mr. WENSTRUP, Mr. WILLIAMS, Mr. SMITH of Texas, Mr. HUIZENGA, Mr. AMODEI, Mr. HUNTER, Mr. FARENTHOLD, Mr. JENKINS of West Virginia, Mr. EMMER, Mr. ROE of Tennessee, Mr. TIPTON, Mr. JOHNSON of Ohio, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. DUNCAN of South Carolina, Mr. ZELDIN, Mr. YOHO, Mr. SANFORD, Mr. BRAT, Mr. PETERSON, Mr. DUFFY, Mr. YODER, Mr. BUCHANAN, Mr. COLE, Mr. NEWHOUSE, Mr. TURNER, Mr. BROOKS of Alabama, Mr. KATKO, Mr. RATCLIFFE, Mr. HILL, Mr. OLSON, Mr. HARPER, Mr. BUCK, and Mr. DIAZ-BALART) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide a means by which nonresidents of a State whose residents may carry concealed firearms may also do so in the State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Concealed Carry Reciprocity Act of 2017'.

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) In General- Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

Sec. 926D. Reciprocity for the carrying of certain concealed firearms

`(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)) and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, who is carrying a valid identification document containing a photograph of the person, and who is carrying a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm or is entitled to carry a concealed firearm in the State in which the person resides, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State that--

`(1) has a statute under which residents of the State may apply for a license or permit to carry a concealed firearm; or

`(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

`(b) This section shall not be construed to supersede or limit the laws of any State that--

`(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

`(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park.

`(c)(1) A person who carries or possesses a concealed handgun in accordance with subsections (a) and (b) may not be arrested or otherwise detained for violation of any law or any rule or regulation of a State or any political subdivision thereof related to the possession, transportation, or carrying of firearms unless there is probable cause to believe that the person is doing so in a manner not provided for by this section. Presentation of facially valid documents as specified in subsection (a) is prima facie evidence that the individual has a license or permit as required by this section.

`(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsections (a) and (b).

`(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney's fee.

`(d)(1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage of any State or any political subdivision thereof, may bring an action in any appropriate court against any other person, including a State or political subdivision thereof, who causes the person to be subject to the deprivation, for damages or other appropriate relief.

`(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney's fee.

`(e) In subsection (a):

`(1) The term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

`(2) The term 'handgun' includes any magazine for use in a handgun and any ammunition loaded into the handgun or its magazine.

`(f)(1) A person who possesses or carries a concealed handgun under subsection (a) shall not be subject to the prohibitions of section 922(q) with respect to that handgun.

`(2) A person possessing or carrying a concealed handgun in a State under subsection (a) may do so in any of the following areas in the State that are open to the public:

`(A) A unit of the National Park System.

`(B) A unit of the National Wildlife Refuge System.

`(C) Public land under the jurisdiction of the Bureau of Land Management.

`(D) Land administered and managed by the Army Corps of Engineers.

`(E) Land administered and managed by the Bureau of Reclamation.'

(b) Clerical Amendment- The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

'926D. Reciprocity for the carrying of certain concealed firearms.'

(c) Severability- Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(d) Effective Date- The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

H.R. 367 – The Hearing Protection Act of 2017

Bill Text:

115th CONGRESS
1st Session
H. R. 367

To provide that silencers be treated the same as long guns.

IN THE HOUSE OF REPRESENTATIVES

January 9, 2017

Mr. DUNCAN of South Carolina (for himself, Mr. CARTER of Texas, Mr. GENE GREEN of Texas, Mr. AUSTIN SCOTT of Georgia, Mr. BIGGS, Mr. GOSAR, Mr. HUDSON, Mr. LAMALFA, Mr. HARRIS, Mr. WESTERMAN, Mr. OLSON, Mr. CHAFFETZ, Mr. HENSARLING, Mr. CARTER of Georgia, Mr. LABRADOR, Mr. BROOKS of Alabama, Mr. SMITH of Texas, Mr. BISHOP of Utah, Mr. BRAT, Mr. ABRAHAM, Mr. PALMER, Mrs. LOVE, Mr. BRIDENSTINE, Mr. STEWART, Mr. MARSHALL, Mr. EMMER, Mr. RATCLIFFE, Mr. JODY B. HICE of Georgia, Mr. BUCK, Mr. WEBER of Texas, Mr. MESSER, Mr. MOONEY of West Virginia, Mr. DESANTIS, Mr. NEWHOUSE, Mr. SMITH of Missouri, Mr. GRAVES of Georgia, Mr. LAMBORN, Mr. WENSTRUP, Mr. ROGERS of Alabama, Mr. DESJARLAIS, Mr. MASSIE, Mr. KING of Iowa, Mr. GOHMERT, and Mr. YODER) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that silencers be treated the same as long guns.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Hearing Protection Act of 2017'.

SEC. 2. EQUAL TREATMENT OF SILENCERS AND FIREARMS.

(a) In General- Section 5845(a) of the Internal Revenue Code of 1986 is amended by striking '(7) any silencer' and all that follows through '; and (8)' and inserting '; and (7)'.

(b) Effective Date-

(1) IN GENERAL- Except as otherwise provided in this subsection, the amendment made by this section shall take effect on the date of the enactment of this Act.

(2) TRANSFERS- In the case of the tax imposed by section 5811 of such Code, the amendment made by this section shall apply with respect to transfers after October 22, 2015.

SEC. 3. TREATMENT OF CERTAIN SILENCERS.

Section 5841 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

‘(f) Firearm Silencers- A person acquiring or possessing a firearm silencer in accordance with Chapter 44 of title 18, United States Code, shall be treated as meeting any registration and licensing requirements of the National Firearms Act (as in effect on the day before the date of the enactment of this subsection) with respect to such silencer.’.

SEC. 4. PREEMPTION OF CERTAIN STATE LAWS IN RELATION TO FIREARM SILENCERS.

Section 927 of title 18, United States Code, is amended by adding at the end the following: ‘Notwithstanding the preceding sentence, a law of a State or a political subdivision of a State that, as a condition of lawfully making, transferring, using, possessing, or transporting a firearm silencer in or affecting interstate or foreign commerce, imposes a tax on any such conduct, or a marking, recordkeeping or registration requirement with respect to the firearm silencer, shall have no force or effect.’.