



## LEGISLATION COMMITTEE

May 13, 2019

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. **APPROVE the Record of Action for the April 8, 2019 meeting of the Legislation Committee, with any necessary corrections.**
4. **RECEIVE the report on the state budget and state legislative process and provide direction, as needed.**
5. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 215 (Mathis): Dumping, AB 1216 (Bauer-Kahan): Illegal Dumping, and SB 409 (Wilk): Illegal Dumping, as recommended by the Department of Conservation and Development.**
6. **CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 276 (Pan): Immunizations: Medical Exemptions, a bill that requires the State Department of Public Health to develop and make available for use by licensed physicians and surgeons a statewide standardized immunization medical exemption request form for children, as recommended by the Public Health Director.**
7. **RECEIVE the Contra Costa County Mayors' Conference "Policy Framework on Emerging Housing Legislation" and CONSIDER recommending to the Board of Supervisors positions on housing related bills including ACA 1 (Aguiar-Curry), AB 1487 (Chiu), and AB 723 (Wicks and Bonta).**
8. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 388 (Limon): Alzheimer's Disease, as recommended by the Public Health Director, the Advisory Council on Aging, and other advocates.**

9. **CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 343 (Pan): Healthcare Data Disclosure.**
10. **CONSIDER recommending to the Board of Supervisors a position of "Oppose" on SB 438 (Hertzberg): Emergency Medical Services: dispatch and AB 1544 (Gipson): Community Paramedicine, as recommended by the EMS Director for Contra Costa County.**
11. **CONSIDER recommending to the Board of Supervisors the award of contracts to Nossaman LLP for state legislative advocacy services in the amount of \$630,000 for the period of July 1, 2019 through June 30, 2022 and Federal Advocates Inc. for federal legislative advocacy services in the amount of \$360,000 for the period of July 1, 2019 through June 30, 2022, as recommended by the County Selection Committee.**
12. The next meeting is currently scheduled for June 10, 2019. *Staff will not be available; this meeting may be rescheduled.*
13. Adjourn

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*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.*

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*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.*

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

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For Additional Information Contact:

Lara DeLaney, Committee Staff  
Phone (925) 335-1097, Fax (925) 646-1353  
lara.delaney@cao.cccounty.us



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

3.

**Meeting Date:** 05/13/2019  
**Subject:** Record of Action for Legislation Committee Meeting  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-05  
**Referral Name:** Record of Action  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

County Ordinance (Better Government Ordinance 95-6, Article 25-205, [d]) requires that each County Body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

#### **Referral Update:**

Attached for the Committee's consideration is the Draft Record of Action for its April 8, 2019 meeting.

#### **Recommendation(s)/Next Step(s):**

APPROVE the Record of Action with any necessary corrections.

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#### **Attachments**

Attachment: Draft Record of Action

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# DRAFT



## LEGISLATION COMMITTEE

April 8, 2019

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

Present: Diane Burgis, Chair  
Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator  
Maura Connell, EHSD staff  
Allison Pruitt, EHSD staff  
Joshua Sullivan, Health Services Administrator  
Mark Goodwin, Chief of Staff, District III

Attendees: Dr. William Walker  
Mariana Moore

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).

*No Public Comment was received.*

3. CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 388 (Limon): Alzheimer's Disease, as recommended by Public Health Director, Daniel Peddycord and directing staff to send to the Board on Consent.

*Committee requested additional information and requested that staff return the bill to the Committee in May.*

4. CONSIDER recommending to the Board of Supervisors an advocacy position on AB 723 (Wicks and Bonta): Low-Income Housing Incentives: Leased Rental Housing.

*Committee members requested additional information related to the financial impacts of the bill and the position of Alameda County. Committee directed staff to return the bill to the Committee in May. Mariana Moore stated that Ensuring Opportunity was in support of the bill.*

5. ACCEPT the report from Dr. Walker and provide direction to staff, as needed.

*Committee received the report on legislative advocacy activities related to the Health Services Department undertaken by Dr. William Walker and Joshua Sullivan, Health Services Administrator.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

6. ACCEPT the Master List of Bills and provide direction to staff regarding advocacy positions or additional information.

*Committee accepted the report and received input from staff and attendees regarding bills of interest, including SB 29 and SB 173, which are supported by the Ensuring Opportunity organization.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

7. The next meeting is currently scheduled for May 13, 2019.

8. Adjourn

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

4.

**Meeting Date:** 05/13/2019  
**Subject:** State Budget and State Legislation Update  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-07  
**Referral Name:** State Budget and Bills  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee receives regular reports on the State Budget and legislation of interest to Contra Costa County and provides directions to staff as needed.

#### **Referral Update:**

#### **May Revision Release Planned for Thursday; Governor Makes Early Announcement**

In a prelude to his May Revision release, Governor Gavin Newsom on May 7 announced his "parents' agenda," a number of proposals intended to assist low-income families. Specifically, the Governor will propose to provide a sales tax exemption for diapers and menstrual products, double the proposed income tax credit for young children from \$500 to \$1,000, invest \$50 million in CalWORKS Stage 1 child care, and dedicate about \$80 million in Proposition 64 revenues to child care.

The proposed sales tax exemption for diapers and menstrual products has an estimated cost of \$44 million, according to fiscal analyses of similar legislative measures pending in the Legislature. A portion of the revenue loss associated with the proposed exemption would impact county revenues - including 1991 and 2011 realignments, Proposition 172, the Bradley-Burns local rate, and local transactions and use tax rates - without specific language to backfill those losses. Further, the two sales tax exemption measures currently before the Legislature - [AB 31](#) (Garcia) for menstrual products and [AB 66](#) (Gonzalez) for infant and toddler diapers - include a sunset of 2025. At this time, the specific details of the Governor's proposal are unclear.

For more on this announcement, see the Los Angeles Times article [here](#).

The Governor reportedly will release his May Revision to the 2019-20 state budget in the morning of Thursday, May 9, 2019. Summaries of the May Revision received from CSAC and the UCC will be shared with the Board of Supervisors, their staff, Department Heads and key department staff as well.

## **Legislature to Make Major Bill Decisions Next Week in Suspense File Hearings**

The months of April and May feature several major legislative deadlines. The week of May 6 is the last week for policy committees to meet until June 3, and Friday, May 17, is the deadline for the fiscal committees to move bills out and on to the floor for their respective house's consideration. That means that before the end of next week each Appropriations Committee must make final determinations about which bills will come off the "suspense file" (the spot where high price tag bills sit until the committee determines which bills live to see another day).

Updated information about the Suspense File outcomes will be shared with the Board and key staff the week of May 20.

The Master File of bill of interest to the County is Attachment A.

### **Recommendation(s)/Next Step(s):**

RECEIVE the report and provide direction to staff, as needed.

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### **Attachments**

Attachment A: Master List of Bills

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## 2019 Master List of Bills of Interest To Contra Costa County As of May 8, 2019

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CA AB 4	<b>AUTHOR:</b> Bonta [D] <b>TITLE:</b> Medi-Cal: Eligibility <b>FISCAL COMMITTEE:</b> yes <b>URGENCY CLAUSE:</b> no <b>INTRODUCED:</b> 12/03/2018 <b>LAST AMEND:</b> 03/28/2019 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Assembly Appropriations Committee <b>SUMMARY:</b>
	Extends eligibility for full-scope Medi-Cal benefits to individuals of all ages, if otherwise eligible for those benefits, but for their immigration status.
	<b>STATUS:</b> 05/01/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
	<b>Commentary:</b> LOS consistent with #191
CA AB 11	<b>AUTHOR:</b> Chiu [D] <b>TITLE:</b> Community Redevelopment Law <b>FISCAL COMMITTEE:</b> yes <b>URGENCY CLAUSE:</b> no <b>INTRODUCED:</b> 12/03/2018 <b>LAST AMEND:</b> 04/11/2019 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Assembly Appropriations Committee <b>SUMMARY:</b>
	Requires the Director of Finance to adjust the percentage of General Fund revenues appropriated for school districts and community college districts for computing the minimum amount of revenues that the state is required to appropriate for the support thereto in a manner that ensures that the division of taxes authorized by the Community Redevelopment Law have no net fiscal impact upon the total amount of the General Fund revenue and local property tax revenue allocated to such.
	<b>STATUS:</b> 04/24/2019 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS. (6-2)
	<b>Commentary:</b> AC tracking
CA AB 55	<b>AUTHOR:</b> Garcia E [D] <b>TITLE:</b> Department of Veterans Affairs: Veterans' Services <b>FISCAL COMMITTEE:</b> yes <b>URGENCY CLAUSE:</b> yes <b>INTRODUCED:</b> 12/03/2018 <b>LAST AMEND:</b> 03/06/2019 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Assembly Appropriations Committee



**SUMMARY:**

Defines a workload unit for purposes of supporting county veterans service officers to mean a specific claim activity that is used to allocate subvention funds to counties, which is approved by the Department of Veterans Affairs, and performed by county veterans service officers.

**STATUS:**

04/03/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

Nathan requested LOS. Consistent with Platform.

CA AB 139

**AUTHOR:** Quirk-Silva [D]  
**TITLE:** Emergency and Transitional Housing Act of 2019  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/11/2018  
**LAST AMEND:** 04/10/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/08/2019 9:00 am  
**SUMMARY:**

Defines sufficient capacity for provisions requiring specified zones to include sufficient capacity to accommodate the need for emergency shelter. Authorizes a local government to apply a written objective standard that provides sufficient parking to accommodate the staff working in the emergency shelter. Requires the need for emergency shelter to be assessed based on certain factors. Requires housing distribution to be based on certain factors.

**STATUS:**

05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

sent by Ben

CA AB 212

**AUTHOR:** Bonta [D]  
**TITLE:** Counties: Recording Fees  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/15/2019  
**LAST AMEND:** 04/01/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Governance and Finance Committee  
**SUMMARY:**

Authorizes a fee for each document filed with the county recorder to be used for restoration and preservation of the county recorder's permanent archival microfilm, to implement and fund a county recorder archive program as determined by the county recorder, or to implement and maintain or utilize a trusted system for the permanent preservation of recorded document images.

**STATUS:**

04/24/2019 To SENATE Committee on GOVERNANCE AND FINANCE.

**Commentary:**

Joe Canciamilla sent to David for monitoring

CA AB 215

**AUTHOR:** Mathis [R]

**TITLE:** Dumping  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/15/2019  
**LAST AMEND:** 02/28/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Makes dumping waste matter on private property, including on any private road or highway, without consent of the owner, punishable with specified fines. Requires the fine to be doubled for a fourth or subsequent violation if the prosecuting attorney pleads and proves, or, in an infraction case, if the court finds, that the waste placed, deposited, or dumped includes used tires.

**STATUS:**

03/20/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**Commentary001:**

Deidra expecting to recommend support

**Commentary:**

watching for consistency with Platform proposal

CA AB 229

**AUTHOR:** Nazarian [D]  
**TITLE:** In Home Supportive Services: Written Translation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/17/2019  
**LAST AMEND:** 04/08/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Clarifies that the Department of Social Services is required to provide translations of written content, and transcriptions or captioning of videos, in languages spoken by a substantial number of providers of in home supportive services in the state.

**STATUS:**

04/24/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**BOS:** Support

CA AB 377

**AUTHOR:** Garcia E [D]  
**TITLE:** Microenterprise Home Kitchen Operations  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 02/05/2019  
**LAST AMEND:** 03/25/2019  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**

Modifies the conditions for a city, county, or city and county to permit microenterprise home kitchen operations within its jurisdiction. Modifies the inspections and food safety standards applicable to microenterprise home kitchen operations. Requires a microenterprise home kitchen operation to include specific information, including its permit number, in its advertising.

**STATUS:**

05/02/2019 In ASSEMBLY. Read third time, urgency clause adopted.  
Passed ASSEMBLY. \*\*\*\*\*To SENATE. (74-0)

**Commentary:**

MU: The environmental health directors organization is working with the health officers lobbying organization (HOAC) and the public health directors organization (CHEAC) to propose some fixes to the AB626 microenterprise home kitchen. The group is also working with CooksAlliance and AirBnB. Some of the recommendations have been included and some have not. And AirBnB in particular want changes that we do not want, for instance they want to be able to have serving in the front yard. So you could set up your barbeque and cook and serve. So we are in for another bumpy ride"!"!.

CA AB 378

**AUTHOR:** Limon [D]  
**TITLE:** Childcare: Family Childcare Providers: Bargaining  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/05/2019  
**LAST AMEND:** 04/25/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/08/2019 9:00 am  
**SUMMARY:**

Authorizes family childcare providers to form, join, and participate in the activities of provider organizations, and to seek the certification of a provider organization to act as the representative for family childcare providers on matters related to childcare subsidy programs pursuant to a petition and election process overseen by the Public Employment Relations Board or a neutral third party designated by the Board.

**STATUS:**

05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

Kathy and David monitoring. CWDA has watch

CA AB 388

**AUTHOR:** Limon [D]  
**TITLE:** Alzheimer's Disease  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/05/2019  
**LAST AMEND:** 03/26/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires the State Department of Public Health to implement the action agenda items in the Healthy Brain Initiative and coordinate a statewide public awareness campaign to educate the public on the signs and symptoms of Alzheimer's disease and other dementias and to reach consumers at risk of cognitive impairment, with targeted outreach to populations at greater risk of developing Alzheimer's disease and other dementias.

**STATUS:**

04/03/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

Request for support from Alzheimer's Association, Zachary Smith. CHEAC in support. To Leg Com.

CA AB 402

**AUTHOR:** Quirk [D]  
**TITLE:** Water Resources Control Board: Local Primacy Delegation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/06/2019  
**LAST AMEND:** 03/05/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Includes enforcement costs as costs covered by the annual Drinking Water Surveillance Program grant. Authorizes any local primacy agency, with the approval of the State Water Resources Control Board, to elect to participate in a funding stabilization program. Requires the State Board, during any fiscal year for which a local primacy agency participates in the program, to establish and collect all fees payable by public water systems for the local primacy agency activities.

**STATUS:**

03/20/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**Commentary001:**

Sending LOS. Consistent with policy #27. Updated letter to Approps.

**Commentary:**

Marilyn Underwood requests BOS support. "environmental health director organization has been working with the Division of Drinking Water within the State Water Resources Control Board and the Rural County Representatives of California to find a way to allow the 30 counties that still oversee the small drinking water systems in their jurisdiction to keep doing so"

CA AB 531

**AUTHOR:** Friedman [D]  
**TITLE:** Foster Youth: Housing  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Authorizes a resource family, foster family home, certified foster home, approved relative caregiver or nonrelative extended family member of a participant to be automatically converted to a host family without additional certification. Requires, if a nonminor dependent receiving transitional housing services lives with a host family, payment for those services to be split between the transitional housing placement provider, the host family and the nonminor dependent, except as specified.

**STATUS:**

04/10/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

LOS consistent with #152

- CA AB 715
- AUTHOR:** Wood [D]  
**TITLE:** Medi-Cal: Program for Aged and Disabled Persons  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/19/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
 Requires, upon receipt of federal approval, all countable income over 100% of the federal poverty level, up to 138% of the federal poverty level, to be disregarded, after taking all other disregards, deductions, and exclusions into account for those persons eligible under Medi-Cal program for aged and disabled persons.  
**STATUS:**  
 04/02/2019 From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS. (15-0)  
**Commentary001:**  
 EHSD wrote LOS. Aligned with #176.
- CA AB 723
- AUTHOR:** Wicks [D]  
**TITLE:** Low-Income Housing Incentives: Leased Rental Housing  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/19/2019  
**LAST AMEND:** 04/29/2019  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**  
 Authorizes specified counties to provide the lessor of an eligible property located within its territorial boundaries with a low-income rental housing incentive. Imposes requirements for recipients of the incentive.  
**STATUS:**  
 05/06/2019 In ASSEMBLY. Read third time. Passed ASSEMBLY. \*\*\*\*\*To SENATE. (77-0)  
**Commentary001:**  
 4/8 meeting of Leg Com: no position. Need fiscal impact and status of Alameda Co. BOS  
**Commentary:**  
 Send to Leg Com for recommendation
- CA AB 944
- AUTHOR:** Quirk [D]  
**TITLE:** CalWORKs: Sponsored Noncitizen: Indigence Exception  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/20/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
 Requires a county to renew the specified-month exception period for additional specified-month periods for a sponsored applicant for, or recipient of, CalWORKs benefits who is deemed to meet the indigence requirement. Requires the Department of Social Services to commence implementing this provision between a certain date, and a certain date, and authorizes the department to

implement and administer this provision through all-county letters or similar instructions until regulations are adopted.

**STATUS:**

04/10/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary001:**

EHSD crafted LOS. Aligned with #191.

CA AB 964

**AUTHOR:** Medina [D]  
**TITLE:** County Jails: Visitation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 03/14/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires all local detention facilities to offer in person visitation.

**STATUS:**

04/10/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

CSAC requesting feedback

CA AB 970

**AUTHOR:** Salas [D]  
**TITLE:** California Department Of Aging: Grants: Transportation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 04/12/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/08/2019 9:00 am  
**SUMMARY:**

Requires the Department of Aging to administer a grant program to receive applications from eligible applicants, including, but not limited to, area agencies on aging and public transit operators, to fund transportation to and from nonemergency medical services for older individuals and persons with a disability, for the purpose of reducing greenhouse gas emissions.

**STATUS:**

05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**

JC sending LOS requesting amendments

CA AB 980

**AUTHOR:** Kalra [D]  
**TITLE:** Department of Motor Vehicles: Records: Confidentiality  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 03/18/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee

	<p><b>SUMMARY:</b></p> <p>Prohibits disclosure of the home addresses of an adult abuse investigator or social worker working in protective services within a social services department, and the public guardian, public conservator, and public administrator of each county, and their staff.</p> <p><b>STATUS:</b></p> <p>04/10/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.</p> <p><b>Commentary:</b></p> <p>EHSD crafted LOS. Consistent with policy #175.</p> <p><b>BOS:</b></p> <p>Support</p>
CA AB 1022	<p><b>AUTHOR:</b> Wicks [D]</p> <p><b>TITLE:</b> Antihunger Response and Employment Training Act</p> <p><b>FISCAL COMMITTEE:</b> yes</p> <p><b>URGENCY CLAUSE:</b> no</p> <p><b>INTRODUCED:</b> 02/21/2019</p> <p><b>LAST AMEND:</b> 04/25/2019</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>COMMITTEE:</b> Assembly Appropriations Committee</p> <p><b>HEARING:</b> 05/08/2019 9:00 am</p> <p><b>SUMMARY:</b></p> <p>Requires the Department of Social Services to establish the California Antihunger Response and Employment Training program to provide benefits to a person who has been determined ineligible for CalFresh benefits, or for whom CalFresh benefits have been discontinued, as a result of the able-bodied adult without dependents time limit and who is ineligible for an individual waiver.</p> <p><b>STATUS:</b></p> <p>05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.</p> <p><b>Commentary001:</b></p> <p>EHSD wrote LOS. Aligned with #136.</p>
CA AB 1025	<p><b>AUTHOR:</b> Grayson [D]</p> <p><b>TITLE:</b> Transportation Commission: San Ramon Branch Corridor</p> <p><b>FISCAL COMMITTEE:</b> yes</p> <p><b>URGENCY CLAUSE:</b> no</p> <p><b>INTRODUCED:</b> 02/21/2019</p> <p><b>LAST AMEND:</b> 03/26/2019</p> <p><b>DISPOSITION:</b> Pending</p> <p><b>COMMITTEE:</b> Assembly Appropriations Committee</p> <p><b>HEARING:</b> 05/08/2019 9:00 am</p> <p><b>SUMMARY:</b></p> <p>Relinquishes the rights of the state to reimbursement for projects relating to the San Ramon Branch Corridor. Requires the County of Contra Costa to revise the bylaws of the Iron Horse Corridor Management Program Advisory Committee.</p> <p><b>STATUS:</b></p> <p>05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.</p> <p><b>Commentary:</b></p> <p>JC sending LOS 05.07.19</p>
CA AB 1042	<p><b>AUTHOR:</b> Wood [D]</p>

**TITLE:** Medi-Cal: Beneficiary Maintenance Needs  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Establishes eligibility and other requirements for providing the home upkeep allowance or a transitional needs fund to Medi-Cal patients residing long-term care facilities. Prescribes both general and specific requirements for both facility residents who intend to leave the facility and return to an existing home, who would receive the home upkeep allowance, and for residents who do not have a home but intend to leave the facility and establish a new home.

**STATUS:**

04/24/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
 Suspense File.

**Commentary:**

CWDA requesting LOS. Sent. Consistent with #171.

CA AB 1049

**AUTHOR:** Grayson [D]  
**TITLE:** Sales and Use Taxes: Exemption: On-call Volunteer Fire  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 04/10/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/08/2019 9:00 am  
**SUMMARY:**

Provides an exemption from sales and use tax for the sale of, or the storage, use, or consumption of, equipment that is purchased for exclusive use by an on-call volunteer fire department.

**STATUS:**

05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
 Suspense File.

**Commentary:**

Our sponsored bill!

**BOS:** Support

CA AB 1184

**AUTHOR:** Gloria [D]  
**TITLE:** Public Records: Writing Transmitted By Electronic Mail  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 04/24/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Requires a public agency for purposes of the California Public Records Act to retain and preserve for at least 2 years every writing containing information relating to the conduct of the public's business prepared, owned, or used by any public agency that is transmitted by electronic mail or other similar messaging system.



**STATUS:**  
05/01/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
Suspense File.

**Commentary:**  
Sharon Anderson brought forward

CA AB 1185 **AUTHOR:** McCarty [D]  
**TITLE:** Officer Oversight: Sheriff Oversight Board  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**DISPOSITION:** Pending  
**FILE:** 15  
**LOCATION:** Assembly Third Reading File  
**SUMMARY:**  
Authorizes a county to establish a sheriff oversight board, either by action of the board of supervisors or through a vote of county residents. Authorizes a sheriff oversight board to issue a subpoena or subpoena duces tecum when deemed necessary to investigate a matter within the jurisdiction of the board. Authorizes a county to establish an office of the inspector general to assist the board with its supervisory duties.

**STATUS:**  
04/03/2019 In ASSEMBLY. Read second time. To third reading.

CA AB 1194 **AUTHOR:** Frazier [D]  
**TITLE:** Sacramento-San Joaquin Delta  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Water, Parks and Wildlife Committee  
**SUMMARY:**  
Increases the membership of the Delta Stewardship Council to 13 members, including 11 voting members and 2 nonvoting members.

**STATUS:**  
04/09/2019 In ASSEMBLY Committee on WATER, PARKS AND WILDLIFE:  
Held in committee.

**Commentary:**  
Sending LOS per Ryan's request

CA AB 1216 **AUTHOR:** Bauer-Kahan [D]  
**TITLE:** Solid Waste: Illegal Dumping  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 03/26/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**  
Authorizes the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties.

**STATUS:**

	05/01/2019	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
	<b>Commentary001:</b>	
		Deidra expecting to recommend support
	<b>Commentary:</b>	
		Our sponsored bill! Seeking more information from Alameda Co.
CA AB 1487	<b>AUTHOR:</b>	Chiu [D]
	<b>TITLE:</b>	San Francisco Bay Area: Housing Development: Financing
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/22/2019
	<b>LAST AMEND:</b>	04/29/2019
	<b>DISPOSITION:</b>	Pending
	<b>COMMITTEE:</b>	Assembly Appropriations Committee
	<b>HEARING:</b>	05/08/2019 9:00 am
	<b>SUMMARY:</b>	
		Authorizes an entity to raise and allocate new revenue by placing funding measures on the ballot in the San Francisco Bay area, incur and issue indebtedness, and allocate funds to the various municipalities and affordable housing projects to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs.
	<b>STATUS:</b>	
	05/08/2019	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
	<b>Commentary:</b>	
		Send to Leg Com for May
CA AB 1500	<b>AUTHOR:</b>	Carrillo [D]
	<b>TITLE:</b>	Hazardous Substances
	<b>FISCAL COMMITTEE:</b>	yes
	<b>URGENCY CLAUSE:</b>	no
	<b>INTRODUCED:</b>	02/22/2019
	<b>LAST AMEND:</b>	03/28/2019
	<b>DISPOSITION:</b>	Pending
	<b>LOCATION:</b>	Assembly Appropriations Committee
	<b>SUMMARY:</b>	
		Repeals the provision authorizing a unified program agency to suspend or revoke a unified program facility permit, or an element of a unified program facility permit, for not paying the permit fee or a fine or penalty associated with the permit. Authorizes the UPA, if a permittee does not comply with a written notice from the UPA to make those payments by the specified date, in addition to suspending or revoking the permit or permit element.
	<b>STATUS:</b>	
	05/01/2019	In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.
	<b>Commentary:</b>	
		Randy drafted LOS. Consistent with Platform.
	<b>BOS:</b>	Support
CA AB 1544	<b>AUTHOR:</b>	Gipson [D]
	<b>TITLE:</b>	Community Paramedicine
	<b>FISCAL COMMITTEE:</b>	yes

**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2019  
**LAST AMEND:** 04/22/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Establishes the Community Paramedicine or Triage to Alternate Destination Act. Authorizes a local EMS agency to develop a community paramedicine or triage to alternate destination program, to provide specified community paramedicine services.

**STATUS:**

05/01/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
 Suspense File.

**Commentary:**

To Leg Com in May 2019. "Many of the same organizations that raised concerns with AB 3115 have weighed in with opposition, including UCC, CSAC, RCRC, Emergency Medical Services Administrators Association of California, and the County Health Executives Association of California"

CA AB 1568

**AUTHOR:** McCarty [D]  
**TITLE:** Housing Law Compliance: State Grants  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/22/2019  
**LAST AMEND:** 04/11/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Assembly Appropriations Committee  
**HEARING:** 05/08/2019 9:00 am  
**SUMMARY:**

Requires the Department of Housing and Community Development to review any action or failure to act by a city or county that it determines is inconsistent with an adopted housing element or a specified provision of the Housing Element Law. Prohibits a city or county found to be in violation of state law from applying for a state grant, unless the eligibility of the city or county to apply is constitutionally required or the state grant funds, if awarded to the city or county, would assist in compliance.

**STATUS:**

05/08/2019 In ASSEMBLY Committee on APPROPRIATIONS: To  
 Suspense File.

**Commentary001:**

TWIC recommends Oppose to BOS on 4/8/19

**Commentary:**

UCC recommends early oppose

CA ACA 1

**AUTHOR:** Aguiar-Curry [D]  
**TITLE:** Local Government Financing: Affordable Housing  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2018  
**LAST AMEND:** 03/18/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Appropriations Committee  
**SUMMARY:**

Creates an exception to the 1% limit on the ad valorem property tax rate on real property that would authorize a city or county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city or county.

**STATUS:**

04/24/2019 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Lisa sent inquiry on County position 4/16

CA SB 5

**AUTHOR:** Beall [D]  
**TITLE:** Affordable Housing and Community Development Investment  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2018  
**LAST AMEND:** 04/23/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Establishes the Affordable Housing and Community Development Investment Program. Authorizes various agencies and special districts to apply for participation in the program. Provides that eligible projects shall include the predevelopment, development, acquisition, rehabilitation, and preservation of workforce and affordable housing, certain transit oriented development, and projects promoting strong neighborhoods. Provides for property tax revenue.

**STATUS:**

04/29/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

AC tracking

CA SB 19

**AUTHOR:** Dodd [D]  
**TITLE:** Water Resources: Stream Gages  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2018  
**LAST AMEND:** 02/28/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the Department of Water Resources and the State Water Resources Control Board, upon an appropriation of funds by the Legislature, to develop a plan to deploy a network of stream gages that includes a determination of funding needs and opportunities for modernizing and reactivating existing gages and deploying new gages.

**STATUS:**

04/08/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Support letter requested by Office.

CA SB 29	<p><b>AUTHOR:</b> Durazo [D]  <b>TITLE:</b> MediCal: Eligibility  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 12/03/2018  <b>LAST AMEND:</b> 03/11/2019  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Appropriations Committee  <b>SUMMARY:</b></p>
	<p>Extends eligibility for MediCal benefits to individuals of all ages who are otherwise eligible for those benefits but for their immigration status. Expands the requirements of the eligibility and enrollment plan, such as ensuring that an individual maintains their primary care provider without disruption to their continuity of care.</p> <p><b>STATUS:</b></p> <p>04/22/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.</p> <p><b>Commentary:</b></p> <p>Sent LOS, per WW. Consistent with Platform.</p> <p><b>BOS:</b> Support</p>
CA SB 36	<p><b>AUTHOR:</b> Hertzberg [D]  <b>TITLE:</b> Pretrial Release: Risk Assessment Tools  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 12/03/2018  <b>LAST AMEND:</b> 03/13/2019  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> ASSEMBLY  <b>SUMMARY:</b></p>
	<p>Requires pretrial services agency that uses a pretrial risk assessment tool to validate the tool on a regular basis and to make specified information regarding the tool, including validation studies, publicly available. Requires the Judicial Council to maintain a list of pretrial services agencies that have satisfied those validation requirements and complied with those transparency requirements. Requires each pretrial services agency to maintain specified data regarding any pretrial risk assessment tool.</p> <p><b>STATUS:</b></p> <p>04/25/2019 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (37-0)</p> <p><b>Commentary:</b></p> <p>Counties are encouraged to analyze the potential impacts.</p>
CA SB 42	<p><b>AUTHOR:</b> Skinner [D]  <b>TITLE:</b> The Getting Home Safe Act  <b>FISCAL COMMITTEE:</b> yes  <b>URGENCY CLAUSE:</b> no  <b>INTRODUCED:</b> 12/03/2018  <b>DISPOSITION:</b> Pending  <b>LOCATION:</b> Senate Appropriations Committee  <b>SUMMARY:</b></p>
	<p>Requires the sheriff to make the release standards, release procedures, and</p>

release schedules of a county jail available to the public and to incarcerated persons. Provides a person with the right to request that, upon his or her release from a county jail, he or she be assisted in entering a drug or alcohol rehabilitation program, and requires the county jail to provide transportation from jail to a rehabilitation program or hospital free of charge immediately upon release from jail.

**STATUS:**

04/29/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary001:**

Sheriff Livingston is opposed

**Commentary:**

[https://www.sfchronicle.com/bayarea/article/California-bill-seeks-safety-for-released-inmates-13440774.php?src=hp\\_totn](https://www.sfchronicle.com/bayarea/article/California-bill-seeks-safety-for-released-inmates-13440774.php?src=hp_totn)

CA SB 45

**AUTHOR:** Allen [D]  
**TITLE:** Wildfire, Drought, and Flood Protection Bond Act 2020  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 12/03/2018  
**LAST AMEND:** 04/04/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Enacts the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by voters, authorizes the issuance of bonds to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forests and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, and protect coastal lands and resources.

**STATUS:**

04/24/2019 From SENATE Committee on GOVERNANCE AND FINANCE: Do pass to Committee on APPROPRIATIONS. (5-2)

**Commentary:**

May do a Support if amended to include language for beneficial reuse of dredge materials

CA SB 50

**AUTHOR:** Wiener [D]  
**TITLE:** Planning and Zoning: Housing Development: Incentives  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/03/2018  
**LAST AMEND:** 05/01/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/13/2019 10:00 am  
**SUMMARY:**

Requires a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval. Authorizes a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval

process that is not subject to a conditional use permit.

**STATUS:**

05/01/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Commentary:**

<https://www.politico.com/states/california/story/2018/12/04/new-california-bill-would-spur-housing-development-near-transit-job-centers-724751>

CA SB 51

**AUTHOR:** Hertzberg [D]  
**TITLE:** Financial Institutions: Cannabis  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** yes  
**INTRODUCED:** 12/04/2018  
**LAST AMEND:** 04/29/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/13/2019 10:00 am  
**SUMMARY:**

Creates the Cannabis Limited Charter Banking and Credit Union Law. Creates the Cannabis Limited Charter Bank and Credit Union Advisory Board and specifies its composition. Provides for the licensure and regulation of cannabis limited charter banks and credit unions for the purpose of providing banking services to cannabis businesses. Requires a person who desires to be licensed as a cannabis limited charter bank or credit union to submit an application to the department.

**STATUS:**

04/29/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

CA SB 54

**AUTHOR:** Allen [D]  
**TITLE:** Circular Economy and Plastic Pollution Reduction Act  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 12/11/2018  
**LAST AMEND:** 05/07/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/13/2019 10:00 am  
**SUMMARY:**

Establishes the Circular Economy and Plastic Pollution Reduction Act. Requires the Department of Resources Recycling and Recovery to adopt regulations to source reduce and recycle seventy five percent of single use packaging and products sold or distributed in the state by a specified year. Requires the Department to develop criteria to determine which types of single use packaging or products are reusable, recyclable, or compostable.

**STATUS:**

05/07/2019 From SENATE Committee on APPROPRIATIONS with author's amendments.

05/07/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Commentary:**

sent by Ben

CA SB 137

**AUTHOR:** Dodd [D]  
**TITLE:** Federal Transportation Funds: State Exchange Programs  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/15/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**  
 Authorizes the Department of Transportation to allow federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated by the department.  
**STATUS:**  
 04/22/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.  
**Commentary:**  
 Support letter requested by office. JC working on letter

CA SB 144

**AUTHOR:** Mitchell [D]  
**TITLE:** Criminal Fees  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/18/2019  
**LAST AMEND:** 03/27/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**  
 Repeals the authority to collect these fees, among others. Makes the unpaid balance of any court-imposed costs unenforceable and uncollectible and would require any portion of a judgment imposing those costs to be vacated. Prohibits the imposition of trial court filing fees or costs related to the persons underlying criminal conviction.  
**STATUS:**  
 05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.  
**EBT:**  
<https://www.eastbaytimes.com/2019/04/13/contra-costa-may-join-growing-movement-to-cut-criminal-court-fees-that-gouge-the-poor/>  
**Commentary:**  
 CSAC tracking costs. DL sent LOS request.

CA SB 167

**AUTHOR:** Dodd [D]  
**TITLE:** Electrical Corporations: Wildfire Mitigation Plans  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/28/2019  
**LAST AMEND:** 04/08/2019  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**  
 Requires each electrical corporation, as part of specified protocols, to additionally include protocols related to mitigating the public safety impacts of disabling reclosers and deenergizing portions of the electrical distribution system that consider the impacts on customers who are receiving medical



baseline allowances. Authorizes electrical corporations to deploy backup electrical resources or provide financial assistance for backup electrical resources to those customers.

**STATUS:**

04/25/2019 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (37-0)

**Commentary:**

Support letter requested by office.

CA SB 173

**AUTHOR:** Dodd [D]  
**TITLE:** CalFresh: Postsecondary Student Eligibility: Workstudy  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/28/2019  
**LAST AMEND:** 03/14/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Human Services Committee  
**SUMMARY:**

Requires the State Department of Social Services to create a standardized form to be used by community colleges and universities to verify that a student is approved and anticipating participation in state or federal workstudy for the purpose of assisting county human services agencies in determining the student's potential eligibility for CalFresh.

**STATUS:**

05/06/2019 To ASSEMBLY Committee on HUMAN SERVICES.

**Commentary:**

Support letter requested by office.

CA SB 190

**AUTHOR:** Dodd [D]  
**TITLE:** Fire Safety: Building Standards: Defensible Space  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 01/30/2019  
**LAST AMEND:** 04/30/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the Office of the State Fire Marshal to develop a model defensible space program. Requires the Office to make available on their website a Wildland Urban Interface Fire Safety Building Standards Compliance training manual for the training of local building officials, builders, and firefighters.

**STATUS:**

05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Support letter requested by office.

CA SB 204

**AUTHOR:** Dodd [D]  
**TITLE:** State Water Project: Contracts  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/04/2019  
**LAST AMEND:** 04/25/2019

**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the Department of Water Resources to provide at least 10 days' notice to the Joint Legislative Budget Committee and relevant policy and fiscal committees of the Legislature before holding public sessions to negotiate any potential amendment of a long-term water supply contract that is of projectwide significance with substantially similar terms intended to be offered to all contractors, or that would permanently transfer a contractual water amount between contractors.

**STATUS:**

05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Support letter requested by office.

CA SB 207

**AUTHOR:** Hurtado [D]  
**TITLE:** MediCal: Asthma Preventive Services  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/04/2019  
**LAST AMEND:** 04/08/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Includes asthma preventive services as a covered benefit under the MediCal program. Requires the Department of Health Care Services, in consultation with external stakeholders, to approve two accrediting bodies with expertise in asthma to review and approve training curricula for asthma preventive services providers. Requires the curricula to be consistent with specified federal and clinically appropriate guidelines.

**STATUS:**

04/29/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Dan requested Michael Kent draft LOS.

CA SB 209

**AUTHOR:** Dodd [D]  
**TITLE:** California Wildfire Warning Center: Weather Monitoring  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/04/2019  
**LAST AMEND:** 04/11/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Establishes in the state government the California Wildfire Warning Center. Provides for representatives from the Public Utilities Commission, the Office of Emergency Services, the Department of Forestry and Fire Protection, two county fire chiefs, a representative of an electrical corporation, and a representative of a local publicly owned electric utility.

**STATUS:**

05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense

File.

**Commentary:**

Support letter requested by office.

CA SB 228

**AUTHOR:** Jackson [D]  
**TITLE:** Master Plan on Aging  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/07/2019  
**LAST AMEND:** 04/25/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/13/2019 10:00 am  
**SUMMARY:**

Requires the Governor to appoint a Master Plan Director and establish an Aging Task Force to identify the policies and priorities that need to be implemented in the state to prepare for the aging of its population. Requires the Task Force to develop a master plan with specified components, including, among others, a proposal, with a cost estimate and an identification of potential funding sources, for how the state should accomplish specified goals.

**STATUS:**

04/25/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Commentary:**

John Cunningham wrote LOS. To TWIC 5/7/19

CA SB 253

**AUTHOR:** Dodd [D]  
**TITLE:** Environmental Farming Incentive Program  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/11/2019  
**LAST AMEND:** 04/29/2019  
**DISPOSITION:** Pending  
**COMMITTEE:** Senate Appropriations Committee  
**HEARING:** 05/13/2019 10:00 am  
**SUMMARY:**

Requires the Scientific Advisory Panel on Environmental Farming to assist government agencies to incorporate the conservation of natural resources and ecosystem services practices into agricultural programs. Requires the Department of Food and Agriculture with advice from the Panel, to establish and administer the California Environmental Farming Incentive Program to support on farm practices seeking to optimize habitat benefits while supporting the state's agricultural economy.

**STATUS:**

04/29/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Commentary:**

Support letter requested by office.

CA SB 274

**AUTHOR:** Dodd [D]  
**TITLE:** Mobilehome Parks: Tenancies  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no

**INTRODUCED:** 02/13/2019  
**LAST AMEND:** 05/07/2019  
**DISPOSITION:** Pending  
**FILE:** 32  
**LOCATION:** Senate Third Reading File  
**SUMMARY:**

Requires Mobilehome park management to offer the previous homeowner a right of first refusal to a renewed tenancy in the park on the same terms at the time of the natural disaster, if the park is destroyed due to a fire or other natural disaster and management elects to rebuild the park in the same location. Allows an individual to designate up to 3 companions in a calendar year, but no more than one companion at a time, unless otherwise authorized by management.

**STATUS:**

05/07/2019 In SENATE. Read second time and amended. To third reading.

**Commentary:**

Support letter requested by office.

CA SB 276

**AUTHOR:** Pan [D]  
**TITLE:** Immunizations: Medical Exemptions  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019  
**LAST AMEND:** 04/30/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Requires the State Department of Public Health to develop and make available for use by licensed physicians and surgeons a statewide standardized immunization medical exemption request form for children. Requires the Department to create a database of approved medical exemption requests and make that database accessible to local health officers. Requires the Department to develop a process for a parent to request a medical exemption.

**STATUS:**

04/30/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

**Commentary:**

Inquiry from resident and recommendation to Oppose or remain neutral

CA SB 280

**AUTHOR:** Jackson [D]  
**TITLE:** Older Adults/Persons with Disabilities: Fall Prevention  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019  
**LAST AMEND:** 04/10/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Repeals provisions relating to the Department of Aging's Senior Housing Information and Support Center relating to the department's provision of information on housing and home modifications for seniors. Establishes the Dignity at Home and Fall Prevention Program, which would require the

department to provide grants to area agencies on aging for injury prevention information, education, and services for the purpose of enabling older adults to live independently in the home environment.

**STATUS:**

05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Sent LOS. Consistent with Platform #170

CA SB 281

**AUTHOR:** Wiener [D]  
**TITLE:** Cow Palace Authority  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019  
**LAST AMEND:** 04/11/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Establishes the Cow Palace Authority for the purpose of managing, developing, or disposing of the real property known as the Cow Palace. Establishes the governing board of the Authority. Requires the real property known as the Cow Palace to be transferred from the 1A District Agricultural Association to the Authority on or before a certain date. Prohibits the sale of firearms and ammunition on any government owned property, with exceptions.

**STATUS:**

04/23/2019 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (4-2)

CA SB 283

**AUTHOR:** Bates [R]  
**TITLE:** Fatal Vehicular Accidents: Chemical Test Results  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Public Safety Committee  
**SUMMARY:**

Applies specified provisions to a county medical examiner concerning fatal vehicular accidents and chemical testing results. Requires the coroner or medical examiner to perform screening and confirmatory tests of specified drugs, and to include blood alcohol content and blood drug concentrations in the detailed medical findings. Requires a coroner or medical examiner to use antemortem samples, if available, if the decedent was hospitalized prior to death.

**STATUS:**

05/06/2019 To ASSEMBLY Committee on PUBLIC SAFETY.

**Commentary:**

Provided input to CSAC on financial impact

CA SB 284

**AUTHOR:** Beall [D]  
**TITLE:** Juvenile Justice: County Support of Wards  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/13/2019

**LAST AMEND:** 04/09/2019  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Increases an annual rate, as specified, by persons committed to the Department of Corrections and Rehabilitation, Division of Juvenile Justice, if the offense on which the commitment is based, had it been filed in a court of criminal jurisdiction at the time of adjudication, had a maximum aggregate sentence of fewer than 7 years or if the offense on which the commitment is based occurred when the person was 15 years of age or younger.

**STATUS:**

05/02/2019 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (30-8)

**Commentary:**

From Todd: but we actually have 30+ youth in DJJ. The recent CJCJ report indicated we had 40 when they completed their recent report. I think this legislation has the potential to increase our DJJ costs significantly. However, I am not certain how many youth would fall into the \$125,000 annual rate. If  $\frac{1}{2}$  the youth fall into the new annual rate, it would increase our DJJ cost by \$1.5 million annually. I am currently inquiring as to what is meant by "a court of criminal jurisdiction."

CA SB 290

**AUTHOR:** Dodd [D]  
**TITLE:** Natural Disasters: Insurance and Related Products  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/14/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Authorizes the Governor to purchase insurance, reinsurance, insurance linked securities, or other related alternative risk-transfer products for the State of California to help mitigate against costs incurred by the state in response to a natural disaster, including, but not limited to, an earthquake, wildfire, or flood. Requires the Office of Emergency Services to work with the Treasurer and Insurance Commissioner to determine the appropriate product for state purchase for these purposes.

**STATUS:**

04/22/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Support letter requested by office.

CA SB 314

**AUTHOR:** Dodd [D]  
**TITLE:** Elders and Dependent Adults: Abandonment  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/15/2019  
**DISPOSITION:** Pending  
**LOCATION:** Assembly Judiciary Committee  
**SUMMARY:**

Extends specified remedies under the Elder Abuse and Dependent Adult Civil Protection Act, to cases in which the defendant is liable for abandonment, as

defined, and specified conditions have been met.

**STATUS:**

05/02/2019 To ASSEMBLY Committee on JUDICIARY.

**Commentary:**

Support letter requested by office.

CA SB 409

**AUTHOR:** Wilk [R]  
**TITLE:** Illegal Dumping  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/20/2019  
**LAST AMEND:** 04/09/2019  
**DISPOSITION:** Pending  
**LOCATION:** ASSEMBLY  
**SUMMARY:**

Makes it a crime to transport waste matter, rocks, concrete, asphalt or dirt for the purpose of dumping it in public or private highways or roads, upon private property without the consent of the owner, or in or upon a public park or other public property.

**STATUS:**

05/02/2019 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (38-0)

**Commentary001:**

Deidra expecting to recommend support

**Commentary:**

Sent to DD for review

CA SB 416

**AUTHOR:** Hueso [D]  
**TITLE:** Employment: Workers Compensation  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/20/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Expands worker's compensation coverage for various employees, such as State Highway Patrol, firefighters, and certain peace officers for compensable injuries to include all persons defined as peace officers under certain provisions, except as specified.

**STATUS:**

04/08/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

UCC, CSAC opposed

CA SB 433

**AUTHOR:** Monning [D]  
**TITLE:** Youth Development and Diversion  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 04/29/2019  
**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee

**SUMMARY:**

Requires the State Department of Social Services to establish and oversee a pilot program known as the Office of Youth Development and Diversion Pilot Program to advance a comprehensive, coordinated, and expanded approach to youth diversion, with the goal of minimizing youth contact with the juvenile or criminal justice systems.

**STATUS:**

05/06/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Dan P sent for review. Sent to Todd, Diana. CPOC is opposed. Duplicative.

CA SB 438

**AUTHOR:** Hertzberg [D]  
**TITLE:** Emergency Medical Services: Dispatch  
**FISCAL COMMITTEE:** no  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 05/02/2019  
**DISPOSITION:** Pending  
**FILE:** 28  
**LOCATION:** Senate Third Reading File  
**SUMMARY:**

Prohibits a public agency from delegating, assigning, or contracting for 911 emergency call processing or notification duties regarding the dispatch of emergency response resources, unless the contract or agreement is with another public agency. Exempts from that prohibition a public agency that is a joint powers authority that contracted for emergency response resources on or before a specified date, under certain conditions.

**STATUS:**

05/02/2019 In SENATE. Read second time and amended. To third reading.

**UCC:**

As now drafted, the bill would permit public safety agencies to act outside of the medical control of the LEMSA medical director in the response and delivery of prehospital emergency care. This change would fragment the EMS system, could result in considerable variation in the care provided to patients, and would put patient safety at risk as deviations from LEMSA policies and procedures may occur without any ability for the LEMSA to issue corrective action. The measure also requires delegation of 911 call processing or emergency notification duties to be with another public agency, which would eliminate private entities from providing that service. A number of county organizations are opposing the measure. SB 438 attempts to overturn 22 years of Supreme Court precedent established in *County of San Bernardino v. City of San Bernardino* (1997 15.Cal. 4th 909).

**Commentary:**

To Leg Com in May 2019.

CA SB 464

**AUTHOR:** Mitchell [D]  
**TITLE:** California Dignity in Pregnancy and Childbirth Act  
**FISCAL COMMITTEE:** yes  
**URGENCY CLAUSE:** no  
**INTRODUCED:** 02/21/2019  
**LAST AMEND:** 04/11/2019



**DISPOSITION:** Pending  
**LOCATION:** Senate Appropriations Committee  
**SUMMARY:**

Makes legislative findings relating to implicit bias and racial disparities in maternal mortality rates. Requires a hospital that provides perinatal care and alternative birth center or a primary clinic that provides service as an alternative birth center, to implement an implicit bias program for all health care providers involved in perinatal care of patients within those facilities.

**STATUS:**

04/29/2019 In SENATE Committee on APPROPRIATIONS: To Suspense File.

**Commentary:**

Sent to RJOB/GARE

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

5.

**Meeting Date:** 05/13/2019  
**Subject:** Illegal Dumping Bills 2019: AB 215, AB 1216, SB 409  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-08  
**Referral Name:** Illegal Dumping bills  
**Presenter:** Deidra Dingman, DCD      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The County's adopted 2019 State Platform includes a sponsored-legislation proposal:

#### **3. Illegal Dumping**

Seek legislation, in conjunction with Alameda County and other partners, and support legislation that specifically establishes statewide hauler permitting requirements and associated penalties as well as increases penalties allowed by State law for illegal dumping.

The 2019 State Platform also includes the following related policy:

299. SUPPORT efforts that will help counties more effectively combat illegal dumping, including but not limited to establishing a more reasonable burden of proof standard, changing any remaining infractions to misdemeanors and increasing penalty amounts or options (e.g. vehicle seizure).

#### **Referral Update:**

The County's "Illegal Dumping Think Tank," which includes staff of the Department of Conservation and Development (Deidra Dingman, Conservation Programs Manager and John Kopchik, Director) and law enforcement/ prosecution experts recommend that the Legislation Committee consider recommending to the Board of Supervisors a position of "Support" on three bills related to illegal dumping: AB 215 (Mathis), SB 409 (Wilk), and AB 1216 (Bauer-Kahan).

#### **AB 1216**

**Author:** Rebecca Bauer-Kahan (D-016)  
**Title:** Solid Waste: Illegal Dumping  
**Fiscal**  
**Committee:** yes  
**Introduced:** 02/21/2019

**Last Amend:** 03/26/2019  
**Disposition:** Pending  
**Location:** Assembly Appropriations Committee  
**Summary:** Authorizes the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties.  
**Status:** 05/01/2019 In ASSEMBLY Committee on APPROPRIATIONS: **To Suspense File.**

This bill, the text of which is included in Attachment A, is accompanied by a state budget request from Assembly Member Bauer-Kahan, which has been "held open" until after the May Revise is considered. This request was considered by the Assembly Budget Subcommittee No. 5: "Assemblymember Rebecca Bauer-Kahan requests \$750,000 to establish the one year Alameda and Contra Costa Illegal Dumping Pilot Project which would employ two full-time law enforcement officers, one from each county, for the purpose of enforcing dumping laws in those counties."

AB 1216 is supported by the Alameda County Board of Supervisors. (See Attachment B.) The bill is also supported by the Alameda County District Attorney. (Attachment C) Although staff does not have a copy, we were informed that the Contra Costa District Attorney Diana Becton has also indicated her support for the bill.

## **SB 409**

**Author:** Scott Wilk (R-021)  
**Coauthor:** Portantino (D), Nielsen (R), Lackey (R)  
**Title:** Illegal Dumping  
**Fiscal Committee:** yes  
**Introduced:** 02/20/2019  
**Last Amend:** 04/09/2019  
**Disposition:** Pending  
**Location:** ASSEMBLY  
**Summary:** Makes it a crime to transport waste matter, rocks, concrete, asphalt or dirt for the purpose of dumping it in public or private highways or roads, upon private property without the consent of the owner, or in or upon a public park or other public property.  
**Status:** 05/02/2019 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (38-0)

This bill:

- 1) Provides that it is also unlawful to transport for the purpose of dumping.
- 2) Provides that it is unlawful to dump, cause to be dumped, or transport for the purpose of dumping, waste matter upon private property with the consent of the owner or an agent of the owner if the permit or license is required by state or local agency and was not obtained.
- 3) Provides that it is unlawful for a property owner or an agent of the property owner to receive waste matter if a permit or license is required from a state or local agency and was not obtained prior to receiving the waste matter.
- 4) Provides that it is also unlawful to transport the items for the purpose of placing, depositing or dumping.
- 5) Provides that it is unlawful to place, deposit, or dump, or cause to be placed, deposited or dumped, or transport for the purpose of placing depositing or dumping, rocks, concrete, asphalt, or dirt upon private property with the consent of the owner or agent of the owner if a permit or license is required by a state or local agency and was not obtained.
- 6) Provides that it is unlawful for a property owner or an agent of the property owner to receive rocks, concrete, asphalt, or dirt if a permit or license is required from a state or local agency and was not obtained prior to receiving the rocks, concrete, asphalt, or dirt.
- 7) Provides instead that a violation of the above is an infraction punishable by: a fine of \$500-\$1,000 for a first offense; a fine of \$1,000-\$2,500 for a second offense; and a fine of \$2,500 to \$4,000 for a third or subsequent offense.

The text of SB 409 is available here:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB409](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB409)

From the bill analysis:

### Background

According to the author:

Existing law addresses situations in which a property owner does not give permission to unlawfully dump waste matter on her/his property. However, with the increased costs of licensed dumpsites in Los Angeles County and throughout the State, many property owners are giving truck owners/operators permission to dump waste matter on their land without first obtaining the required permits from state, county, and/or local agencies. A property owner profits from collecting cash, while a truck owner/operator profits from charging the high cost for the transportation of waste intended for a licensed dumpsite, and instead delivering the waste to a property owner's land for a far lower amount of money, thereby pocketing the difference. The environmental damage would dramatically be reduced if the property owner is responsible for complying with all state or local agency laws, codes and ordinances and if truck owners/operators were added to the unlawful dumping statute.

Existing monetary fine amounts are also low enough that violators consider it cheaper to offend, serving little to no incentive to stopping this unlawful practice. Prosecutors and those responsible with protecting the safety and health of our communities are often left with few effective options to stopping bad actors and closing down unlicensed dumpsites.

Existing law also severely limits which local departments can declare that illegal dumping creates a public safety hazard or nuisance, leaving many counties respective local agencies that directly and frequently respond to unlawful dumping complaints with no statutory authority to enforce charges against violators.

SUPPORT: (Verified 4/23/19)

Los Angeles County District Attorney's Office (source)

California Association of Professional Scientists

Los Angeles County Board of Supervisors

OPPOSITION: (Verified 4/23/19)

ACLU of California

California Attorneys for Criminal Justice

California Public Defenders Association

**AB 215** The text of AB 215 is available here:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB215](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB215)

<b>Author:</b>	Devon J. Mathis (R-026)
<b>Coauthor</b>	Nielsen (R), Eggman (D), Gallagher (R), Quirk (D)
<b>Title:</b>	Dumping
<b>Fiscal Committee:</b>	yes
<b>Introduced:</b>	01/15/2019
<b>Last Amend:</b>	02/28/2019
<b>Disposition:</b>	Pending
<b>Location:</b>	Assembly Appropriations Committee
<b>Summary:</b>	Makes dumping waste matter on private property, including on any private road or highway, without consent of the owner, punishable with specified fines. Requires the fine to be doubled for a fourth or subsequent violation if the prosecuting attorney pleads and proves, or, in an infraction case, if the court finds, that the waste placed, deposited, or dumped includes used tires.
<b>Status:</b>	03/20/2019 In ASSEMBLY Committee on APPROPRIATIONS: <b>To Suspense File.</b>

This bill punishes dumping waste matter on private property, including on any private road or highway, without the consent of the owner with a fine of between \$250 and \$1,000 for a first conviction, \$500 and \$1,500 for a second conviction, \$750 and \$3,000 for a 3rd conviction and makes a 4th or subsequent conviction a misdemeanor punishable by imprisonment in a county jail for not more than 30 days and by a fine of not less than \$750 nor more than \$3,000. Requires a fine to be doubled for the 4th or subsequent violation if the prosecuting attorney pleads and proves, or, in an infraction case, if the court finds, the waste placed, deposited or dumped includes used tires.

The Assembly Appropriations Committee analysis includes the following:

#### COMMENTS:

1) Purpose. AB 215 seeks to preserve the environment from illegal dumping. According to the author, "This bill will protect our public and private lands and ensure the health of our environment and people. AB 215 is the next step in preserving our state's environment and supporting our agricultural businesses."

2) Background. Under existing law, a violation of Penal Code section 374.3 is an infraction punishable by a base fine of \$750 to \$3000 for a third or subsequent conviction. Only dumping in commercial amounts (more than a cubic yard) is punished as a misdemeanor. By creating a misdemeanor for dumping non-commercial amounts of waste, there is an increased likelihood of cost pressures on the trial courts. Total hearing costs for an eight-hour day in superior court, including the cost of one judge and one clerk, are \$6,331. This does not include possible local cost pressures for public defender or probation services related to the prosecution of a misdemeanor.

3) Support. California Farm Bureau Federation states:

The dumping of illegal waste within [rural] communities, and specifically on private land, is not a rarity--mattresses, used tires, household items, hazardous waste and construction debris are often left or drift onto private lands. In response, counties and individual landholders invest significant funds to remediate. A 2006 survey conducted jointly by the California State Association of Counties, the California Integrated Waste Management Board and the League of California Cities found that 33 counties spent a combined \$17,425,824 annually to combat illegal dumping. Beyond financing the clean-up, illegal dumping threatens the ability for farmers and ranchers to maintain appropriate food safety and by extension, public health. Contaminated fields essentially mean crop loss, and for organic growers, contamination may lead to lost certification that achieves over three years and thousands of dollars to obtain. The drift of waste, such as used tires in waterways within or adjacent to agricultural operation, has even broader, long-term consequences.

While some counties have taken proactive steps to address the issue by free cleanup, waste disposal amnesty days, or vigorous public education campaigns. Often, however, the existing suite of enforcement tools are not strong enough to truly address the growing problem.

#### REGISTERED SUPPORT / OPPOSITION:

##### Support

California Farm Bureau Federation

Tulare County Board of Supervisors

Opposition

None

**Recommendation(s)/Next Step(s):**

Consider recommending a position of "Support" on AB 215, AB 1216, and SB 409 and directing staff to place the bills on the Board of Supervisors consent calendar for their meeting of May 21, 2019.

**Fiscal Impact (if any):**

Potential state general fund revenue to support AB 1216, pending Legislative action on the State Budget.

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**Attachments**

Attachment A: AB 1216

Attachment B: Alameda BOS

Attachment C: Alameda DA

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AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## ASSEMBLY BILL

**No. 1216**

**Introduced by Assembly Member Bauer-Kahan**

February 21, 2019

An act to add and repeal Section 376 of the Penal Code, relating to solid waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1216, as amended, Bauer-Kahan. Solid waste: illegal dumping.

*Existing law makes it unlawful to dump waste matter in certain locations, such as upon a public or private highway or road, upon private property without the consent of the owner, or in or upon a public park or other public property, as specified. Existing law also makes it unlawful to place, deposit, or dump rocks, concrete, asphalt, or dirt in certain locations, as specified. Existing law makes a person who violates these provisions guilty of an infraction punishable by specified fines. Existing law also makes it a misdemeanor to place, deposit, or dump waste matter in commercial quantities, as defined, in certain locations.*

*This bill would authorize the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties. The bill would require the counties to jointly submit a report to the Legislature evaluating the program on or before July 1, 2021.*

~~Existing law makes it a misdemeanor to place, deposit, or dump, or to cause to be placed, deposited, or dumped, or to cause or allow to overflow, sewage, sludge, cesspool or septic tank effluent, accumulation of human excreta, or solid waste, in or upon a street, alley, public~~



AB 1216

— 2 —

~~highway, or road in common use or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of the property, or upon private property without the owner's consent.~~

~~This bill would state the intent of the Legislature to enact legislation that would address illegal dumping.~~

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

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

1     SECTION 1. Section 376 is added to the Penal Code, to read:  
2     376. (a) The counties of Alameda and Contra Costa may  
3     establish a pilot program to employ two law enforcement officers,  
4     one from each county, solely for the purpose of enforcing dumping  
5     laws in those counties.  
6     (b) (1) On or before July 1, 2021, the counties that established  
7     a project pursuant to subdivision (a) shall jointly submit a report  
8     to the Legislature evaluating the effectiveness of the project.  
9     (2) A report to be submitted pursuant to subdivision (b) shall  
10    be submitted in compliance with Section 9795 of the Government  
11    Code.  
12    (c) This section shall remain in effect only until January 1, 2022,  
13    and as of that date is repealed.  
14    ~~SECTION 1. It is the intent of the Legislature to enact~~  
15    ~~legislation that would address illegal dumping.~~

O



## BOARD OF SUPERVISORS

April 23, 2019

The Honorable Reginald Byron Jones-Sawyer, Sr.  
Chair, Assembly Public Safety Committee  
Capitol Office, Room 2117  
Sacramento, CA 94249

**Re: Assembly Bill 1216 – CO-SPONSOR**

Dear Assembly Member Jones-Sawyer:

The Alameda County Board of Supervisors is pleased to co-sponsor AB 1216. This bill would authorize the counties of Alameda and Contra Costa to establish a pilot program to employ two full-time law enforcement officers, one from each county, for the purpose of working together to enforce illegal dumping laws in both counties.

Illegal dumping is an environmental justice issue that disproportionately affects disadvantaged communities. Illegal dumping impacts the sense of well-being of children and other residents who live in neighborhoods where it's rampant. Dumping "hot spots" become breeding grounds for vermin which impacts public health. Some residents and businesses are forced to pick up debris daily in front of their homes and businesses. This is particularly an issue in Alameda County especially in Oakland. We have seen lately that unscrupulous commercial haulers have saved significant money illegally disposing construction debris, dirt, etc. while taxpayers in Alameda County pick up the tab, paying significant costs to clean up the tremendous amounts of garbage dumped on our city streets, highways, parks, and in our waterways. Illegal dumping diminishes property values and revenues to local governments. It affects everyone.

The current law of investigation into illegal dumping has led to an overall lack of enforcement of our illegal dumping laws - which has encouraged the normalization of illegal dumping. Although cities commonly receive investigative leads relating to illegal dumping from the public, many police agencies don't have the time to investigate these leads because they are focused on violent crimes and other more serious offenses. Illegal dumping investigations are typically time-consuming because, even if a suspect and license plate are captured on video, the suspect is usually not the registered owner of the associated vehicle. These investigations require a significant amount of follow-up to develop sufficient evidence to file a criminal complaint or citation.

Having two sworn peace officers working together full-time will provide for some measure of enforcement, which, if publicized, will help deter illegal dumping by many who currently believe they will never get caught. In addition to solving cases, the full-time designation of the peace officers will help the officers build networks between law enforcement agencies, public works, and others partners to address this intransigent problem, and will allow for the building of expertise regarding investigations. Their suspect interviews may also shed light on root causes and possible local solutions. The pilot will also provide the officers the time to conduct any potential special operations. Importantly, this pilot will also help reinvigorate the view that illegal dumping crimes deserve investigation and enforcement.

The Alameda County Board of Supervisors has adopted our strategic plan for the next decade – Vision 2026. Our goal is to ensure Alameda County continues to enrich the lives of County residents through visionary policies and accessible, responsive and effective services by anticipating Alameda County’s greatest challenges in the decade ahead. Vision 2026 has four shared visions including, “Healthy Environment” and “Safe and Livable Communities,” which AB 1216 addresses through its potential to prevent and eliminate the presence of environmental containments in communities as well as provide equitable and effective crime reduction strategies. It is for these reasons that Alameda County co-sponsors AB 1216. Thank you for the leadership on these important issues.

Sincerely,



Keith Carson  
Vice-President, Board of Supervisors, District 5  
Chair, Personnel, Administration, and  
Legislative (PAL) Committee



Wilma Chan  
Supervisor, District 3  
Member, Personnel, Administration, and  
Legislative (PAL) Committee

cc: Honorable Members, Assembly Public Safety Committee  
Each Member, Alameda County Board of Supervisors  
Nancy O'Malley, District Attorney  
Chris Bazar, Director, Community Development Agency  
Colleen Chawla, Director, Health Care Services Agency  
Political Solutions

**Office of the District Attorney  
Alameda County**  
Nancy E. O'Malley, District Attorney



**Rene C. Davidson Courthouse  
1225 Fallon Street, Suite 900  
Oakland, CA 94612**

April 2, 2019

The Honorable Rebecca Bauer-Kahan  
California State Assembly  
State Capitol, Room  
Sacramento, CA 95814

**Re: Assembly Bill 1216- SPONSOR and SUPPORT**

Dear Assemblymember Bauer-Kahan,

As the Alameda County District Attorney, I am pleased to sponsor and support AB 1216. This bill would authorize the counties of Alameda and Contra Costa to establish a pilot program to employ two full-time law enforcement officers, one from each county, for the purpose of working together to enforce illegal dumping laws in those counties.

Illegal Dumping is an environmental justice issue that disproportionately affects disadvantaged communities. Illegal dumping impacts the sense of well-being of children and other residents who live in neighborhoods where it's rampant. Dumping "hot spots" become breeding grounds for vermin and otherwise impact public health. Some residents and businesses are forced to pick up debris daily in front of their homes and businesses. Unscrupulous commercial haulers save significant money illegally disposing construction debris, dirt, etc. while taxpayers pick up the tab, paying increasingly significant costs to clean up the tremendous amounts of garbage dumped on our city streets, highways, parks, and in our waterways. Illegal dumping diminishes property values and revenues to local governments. It affects everyone.

The current lack of investigation into illegal dumping has led to an overall lack of enforcement of our illegal dumping laws -- which has encouraged the normalization of illegal dumping. Although cities commonly receive investigative leads relating to illegal dumping from the public, many police agencies don't have the time to investigate these leads because they are focused on violent crimes and other more serious offenses. Illegal dumping investigations are typically time-consuming because, even if a suspect and license plate are captured on video, the suspect is commonly *not* the registered owner of the associated vehicle. These investigations require a significant amount of follow-up to develop sufficient evidence to file a criminal complaint or citation.

Having two sworn peace officers working together full-time will provide for some measure of enforcement, which, if publicized, will help deter illegal dumping by the many who currently believe they will never get caught. In addition to solving cases, the full-time designation of the peace officers will help the officers build networks between law enforcement agencies, public works, and other partners to address this intransigent problem, and will allow for the building of expertise regarding investigations. Their suspect interviews may also shed light on root causes and possible local solutions. The pilot will also provide the officers the time to conduct any potential special operations.

Importantly, this pilot will also help reinvigorate the view that illegal dumping crimes deserve investigation and enforcement. Thank you for your leadership on this important issue. I look forward to working with you.

Sincerely,

NANCY E. O'MALLEY  
District Attorney



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

6.

**Meeting Date:** 05/13/2019  
**Subject:** SB 276 (Pan): Immunizations: Medical Exemptions  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-09  
**Referral Name:** SB 276 (Pan): Immunizations: Medical Exemptions  
**Presenter:** Daniel Peddycord      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

SB 276 (Pan): Immunizations, Medical Exemptions was referred to the Legislation Committee by the Public Health Director, Daniel Peddycord, who recommends a position of "Support" on the bill. A request for the Board of Supervisors to consider a position of "Oppose" or "no position" was received from a member of the community as well.

### **Referral Update:**

**SB 267:** The text of the bill is available here:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB276](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB276)

**Author:** Richard Pan (D-006)  
**Coauthor** Aguiar-Curry (D), Wiener (D), Gonzalez (D)  
**Title:** Immunizations: Medical Exemptions  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/13/2019  
**Last Amend:** 04/30/2019  
**Disposition:** Pending  
**Location:** Senate Appropriations Committee  
**Summary:** Requires the State Department of Public Health to develop and make available for use by licensed physicians and surgeons a statewide standardized immunization medical exemption request form for children. Requires the Department to create a database of approved medical exemption requests and make that database accessible to local health officers. Requires the Department to develop a process for a parent to request a medical exemption.

**Status:**

04/30/2019 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

The bill analysis from the Senate Health Committee is Attachment A.

The Public Health Director, Dan Peddycord, recommends a position of "Support" on the bill. Both the County Health Executives Association of California (CHEAC) and the California Conference of Local Health Officers (CCLHO) are in full support. A letter of support from CHEAC is Attachment B.

**Recommendation(s)/Next Step(s):**

CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 276 (Pan), as amended, and directing staff to place the bill on the Board's consent calendar for their meeting of May 21, 2019.

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**Attachments**

Attachment A: SB 276 Analysis

Attachment B: CHEAC Letter of Support

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[Back](#)  **2019 CA S 276: Bill Analysis - 04/22/2019 - Senate Health Committee, Hearing Date 04/24/2019**

## SENATE COMMITTEE ON HEALTH

BILL NO: Senator Dr. Richard Pan, Chair  
AUTHOR: SB 276  
VERSION: Pan  
HEARING DATE: April 9, 2019  
CONSULTANT: April 24, 2019  
Melanie Moreno

SUBJECT: Immunizations: medical exemptions

## SUMMARY:

1) Requires the Department of Public Health (DPH) to develop a statewide standardized medical exemption request form for immunization requirements in existing law. Requires DPH to make the request form available for use by physicians. Requires the request form to be the only medical exemption documentation that a governing authority may accept. Requires a request form to be approved or denied only by the State Public Health Officer, upon a determination that the request provides sufficient medical evidence that the immunization is contraindicated by guidelines of the Centers for Disease Control and Prevention. Requires DPH to create and maintain a database of approved medical exemption requests. Requires DPH to make the information in the database accessible to local public health officers.

## Existing law:

1) Requires DPH to examine the causes of communicable disease in man and domestic animals occurring or likely to occur in this state. [HSC Section 120125]

2) Gives the State Public Health Officer (PHO), as the director of DPH, broad authority to detect, monitor, and prevent the spread of communicable disease in the state, including the ability to:

a) Require reporting of communicable disease that DPH identifies, on timelines and in a manner determined by DPH;

b) Adopt and enforce regulations requiring strict or modified isolation, or quarantine, for any of the contagious, infectious, or communicable diseases, if in the opinion of DPH, the action is necessary for the protection of the public health;

c) Take measures as are necessary to ascertain the nature of the disease and prevent its spread. Permits DPH, to that end, if it considers it proper, to take possession or control of the body of any living person, or the corpse of any deceased person;

d) Quarantine, isolate, inspect, and disinfect persons, animals, houses, rooms, other property, places, cities, or localities, whenever in its judgment the action is necessary to protect or preserve the public health; and,

e) Destroy such objects as bedding, carpets, household goods, furnishings, materials, clothing, or animals, when ordinary means of disinfection are considered unsafe, and when the property is in its judgment, an imminent menace to the public health. [HSC Section 120130, et seq.]

3) Requires a local health officer (LHO) knowing or having reason to believe that any case of reportable diseases, or any other contagious, infectious or communicable disease exists, or has recently existed, within the territory under his or her jurisdiction, to take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases. [HSC Section 120175]

4) Prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless, prior to his or her first admission to that institution, he or she has been fully immunized against diphtheria, haemophilus influenzae type b (Hib), measles, mumps, pertussis, poliomyelitis, rubella, tetanus, hepatitis b (except after 7th grade), and chickenpox, as specified. [HSC Section 120335] 5) Permits DPH to add to this list any other disease deemed appropriate, taking into consideration the recommendations of the Centers for Disease Control and Prevention (CDC) Advisory Committee on Immunization Practices (ACIP) and the American Academy



of Pediatrics (AAP) Committee on Infectious Diseases. [HSC Section 120335] 6) Waives the above immunization requirements if the parent or guardian files with the governing authority a written statement by a licensed physician to the effect that the physical condition of the child is such, or medical circumstances relating to the child are such, that immunization is not considered safe, indicating the specific nature and probable duration of the medical condition or circumstances including, but not limited to, family medical history, for which the physician does not recommend immunization. [HSC Section 120370(a)] 7) Permits a child for whom the requirement has been waived, if there is good cause to believe that a child has been exposed to one of the specified communicable diseases and the child's proof of immunization status does not show proof of immunization against that disease, to be temporarily excluded from the school or institution until the local health officer (LHO) is satisfied that the child is no longer at risk of developing or transmitting the disease. [HSC Section 120370(b)]

This bill:

1) Requires DPH to develop a statewide standardized medical exemption request form. Requires DPH to make the request form available for use by physicians. Requires the request form to be the only medical exemption documentation that a governing authority may accept.

2) Requires a request form to be approved or denied only by the PHO or his/her designee, upon a determination that the request provides sufficient medical evidence that the immunization is contraindicated by guidelines of the CDC.

3) Requires the request form to require, at a minimum: the physician's name, medical license number, business address, and telephone number; the name of the child for whom the exemption is sought and the name of the child's parent or guardian; a statement certifying that the physician has personally examined the child; and, a description of the medical reason for which the exemption is required.

4) Requires a physician, if a parent or guardian requests a medical exemption for a child, to inform the parent or guardian of the requirements of this bill. Requires the physician, if the parent or guardian consents, to examine the child and submit a completed request form to DPH.

5) Requires the PHO or his/her designee to review the completed request form and provide the physician with notification approving or denying the medical exemption request. Requires the reason for the denial, if the medical exemption request is denied, to be included in the notification. Permits the physician to submit additional information to DPH within 30 days from the notification for further review by the PHO or his/her designee.

6) Requires DPH to create and maintain a database of approved medical exemption requests. Requires DPH to make the information in the database accessible to local PHOs.

7) Requires a parent or guardian, if a medical exemption has been authorized under 5) of existing law above prior to the adoption of the statewide standardized medical exemption request form, to submit a copy of that medical exemption to DPH by July 1, 2020 for inclusion in the database in order for the medical exemption to remain valid.

8) Permits the PHO or a LHO to revoke a medical exemption if he/she determines that a medical exemption is fraudulent or inconsistent with applicable CDC guidelines.

9) Requires DPH to comply with all applicable state and federal privacy laws, as specified, in implementing this bill.

10) Makes technical, clarifying changes.

#### FISCAL EFFECT:

This bill has not been analyzed by a fiscal committee.

#### COMMENTS:

1) Author's statement. According to the author, in the first four months of 2019, 465 measles cases have been reported across 19 states, a number far surpassing last year's number of cases. Since elimination of measles in the U.S. in 2000, this is the second greatest number of cases reported. SB 277 (Pan and Allen, Chapter 35, Statutes of 2015) eliminated all non-medical exemptions for immunizations required for school entry. While SB 277 was successful in raising immunization rates, the number of medical exemptions issued more than tripled since the law went into effect. Many of the exemptions are clustered in the same schools, creating concentrated pockets of unvaccinated individuals. At almost 60 schools in the state, more than 10% of kindergarteners had medical exemptions. According to public health officials, the rise in medical exemptions is associated with an increase in physicians issuing exemptions for children without medically-justified contraindications. While the vast majority of physicians uphold standards of care, a small number of unethical physicians have monetized their license by selling medical exemptions for profit. Currently, California law requires no state-level oversight or standardization of exemptions. As a result, medical exemptions often contain incomplete information and may be issued for reasons other than medically-justified contraindications. This bill will restore integrity to California's exemption process.

2) Immunizations. According to the World Health Organization, immunization is the process whereby a person is made



immune or resistant to an infectious disease, typically by the administration of a vaccine. Vaccines stimulate the body's own immune system to protect the person against subsequent infection or disease. Immunization is a proven tool for controlling and eliminating life-threatening infectious diseases and is estimated to avert between two and three million deaths each year. It is one of the most cost-effective health investments, with proven strategies that make it accessible to even the most hard-to-reach and vulnerable populations. It has clearly defined target groups; it can be delivered effectively through outreach activities; and vaccination does not require any major lifestyle change.

3) ACIP. According to ACIP, it includes 15 voting members responsible for making vaccine recommendations. The Secretary of the U.S. Department of Health and Human Services (DHHS) selects these members following an application and nomination process. Fourteen of the members have expertise in vaccinology, immunology, pediatrics, internal medicine, nursing, family medicine, virology, public health, infectious diseases, and/or preventive medicine; one member is a consumer representative who provides perspectives on the social and community aspects of vaccination. In addition to the 15 voting members, ACIP includes eight ex officio members who represent other federal agencies with responsibility for immunization programs in the United States, and 30 non-voting representatives of liaison organizations that bring related immunization expertise. The overall goals of ACIP are to provide advice to assist in reducing the incidence of vaccine-preventable diseases and to increase the safe usage of vaccines and related biological products. Professional organizations that work with ACIP to develop the annual childhood and adult schedules include the AAP, the American Academy of Family Physicians (AAFP), the American College of Obstetricians and Gynecologists (ACOG), and the American College of Physicians (ACP). The 2019 Recommended Immunization Schedules for Persons Aged 0 Through 18 Years state: children under six are recommended to receive vaccines for: hepatitis b; rotavirus; diphtheria, tetanus, and pertussis (DTaP); Hib; pneumococcal; polio; influenza; measles, mumps, rubella (MMR); varicella; hepatitis a; and meningococcal.

4) School vaccination requirements. States enact laws or regulations that require children to receive certain vaccines before they enter childcare facilities and school, but with some exceptions, including medical, religious, and philosophical objections. School vaccination requirements are thought to serve an important public health function, but can also face resistance. An article published in the 2001-2002 Kentucky Law Journal reviewed historical and modern legal, political, philosophical, and social struggles surrounding vaccination requirements. The authors stated that though school vaccination has been an important component of public health practice for decades, it has had a controversial history in the U.S. and abroad. Historical and modern examples of the real, perceived, and potential harms of vaccination, governmental abuses underlying its widespread practice and strongly held religious beliefs have led to fervent objections among parents and other persons who object to vaccines on legal, ethical, social, and epidemiological grounds. The article states that public health authorities argue that school vaccination requirements have led to a drastic decrease in the incidence of once common childhood diseases. Those who object to vaccines tend to view the consequences of mass vaccination on an individualistic basis, focusing on alleged or actual harms to children from vaccinations.

5) Exemptions to vaccine requirements. There are two types of non-medical exemptions states have incorporated into requirements that children be vaccinated before entering school: religious exemptions and philosophical exemptions. A religious exemption means that there is a provision in the statute that allows parents to exempt their children from vaccination if it contradicts their sincere religious beliefs. A philosophical exemption means that the statutory language does not restrict the exemption to purely religious or spiritual beliefs. According to the National Conference of State Legislatures, all 50 states have laws requiring specified vaccines for students. Although exemptions vary from state to state, all school immunization laws grant exemptions to children for medical reasons. Almost all states grant religious exemptions for people who have religious beliefs against immunizations. California, Mississippi, and West Virginia allow only medical exemptions. Currently, 17 states allow philosophical exemptions for those who object to immunizations because of personal, moral or other beliefs. According to the CDC, state and local vaccination requirements for daycare and school entry are important tools for maintaining high vaccination coverage rates, and in turn, lower rates of vaccine-preventable diseases. These laws often apply not only to children attending public schools but also to those attending private schools and day care facilities. Studies have shown that vaccine exemptions tend to cluster geographically, making some communities at greater risk for outbreaks.

6) Contraindications and precautions. According to the CDC's General Best Practice Guidelines for Immunization: Contraindications and Precautions, contraindications (conditions in a patient that increases the risk for a serious adverse reaction) and precautions to vaccination are conditions under which vaccines should not be administered. Persons who administer vaccines should screen patients for contraindications and precautions before each dose of vaccine is administered. Because the majority of contraindications and precautions are temporary, vaccinations often can be administered later when the condition leading to a contraindication or precaution no longer exists. A couple examples of contraindications include that severely immunocompromised persons generally should not receive live vaccines. Because of the theoretical risk to the fetus, pregnant women generally should not receive live, attenuated virus vaccines. A precaution is a condition in a recipient that might increase the risk for a serious adverse reaction, might cause diagnostic confusion, or might compromise the ability of the vaccine to produce immunity. A person might experience a more severe reaction to the vaccine than would have otherwise been expected; however, the risk for this happening is less than the risk expected with a contraindication. In general, vaccinations should be deferred when a precaution is present. However, a vaccination might be indicated in the presence of a precaution if the benefit of protection from the vaccine outweighs the risk for an adverse reaction. As an example, the presence of a moderate or severe acute illness is a precaution to administration of all vaccines. The decision to administer or delay vaccination depends on the severity of symptoms and cause of the condition. According to the Guidelines, screening for contraindications, persons with moderate or severe acute illness should be vaccinated as soon as the illness has improved.

7) California vaccination rates. According to DPH's 2017-18 Kindergarten Immunization Assessment, each autumn California schools are required to report the status of their students under state immunization requirement laws. 2017-2018 is the second full school year that entrants have been subject to SB 277, which no longer permits them to receive personal beliefs exemptions from immunization requirements. The proportion of students attending kindergarten in 2017-2018 reported to have received all required vaccines is 95.1%, a 0.4 percentage point decrease from the 2016-2017 school year and a 4.7 percentage point increase over the three years since 2014-2015. Compared to 2016-2017, in 2017-2018 the proportion of kindergartners reported as:

- a) Having permanent medical exemptions increased from 0.5% to 0.7%;
- b) Lacking immunizations for other reasons specified under SB 277 increased from 0.5% to 1.1%, with 0.8% reported as being enrolled in independent study programs; and,
- c) Being overdue for required immunizations increased from 1.0% to 1.2%.

According to DPH, possible explanations for the overall improvements in recent years in the reported immunization coverage of kindergartners in California include efforts by public health departments, schools, medical providers and partner organizations to help ensure that children meet school immunization requirements; increased public awareness about the importance of immunizations in the aftermath of outbreaks of vaccine-preventable diseases; recent laws (including SB 277); and review of eligible schools in 2016 and 2017 for compliance with immunization laws, as a component of comprehensive state-mandated financial audits of local education agencies.

8) California measles outbreak. SB 277 was, in part, prompted by a December 2014 a measles outbreak that began in Disneyland (Orange County) and resulted in 134 confirmed measles cases. Of the confirmed cases: 40 cases visited Disneyland between December 17 and December 20 where they are presumed to have been exposed to measles; 30 are household or close contacts to a confirmed case; 11 were exposed in a community setting (e.g., emergency room) where a confirmed case was known to be present; 50 have an unknown exposure source but are presumed to be linked to the outbreak based on a combination of descriptive epidemiology or strain type; and, three cases are known to have a different genotype from the outbreak strain. The ages of those infected with the measles during this outbreak varied, with 56% being 20 years or older, 18% were between the ages of five and 19, 15% were ages one to four, and 11% were under the age of one. Among measles cases for whom DPH have vaccination documentation, 57 were unvaccinated and 25 had one or more doses of MMR vaccine.

9) 2019 outbreaks. According to the CDC, from January 1 to April 19, 2019, 626 individual cases of measles have been confirmed in 19 states. This is the second-greatest number of cases reported in the U.S. since measles was eliminated in 2000. The states that have reported cases to CDC are Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New Jersey, New York, Oregon, Texas, and Washington. Two outbreaks have been highly publicized in the news: Washington and New York. In Clark County, Washington, there have been 73 confirmed cases since January 1. Of these cases, 53 were age one to ten years, 15 cases were 11 to 18 years, one case was 19 to 29 years, and four cases were 30 to 39 years. Sixty three infected individuals were unimmunized. In New York City, as of April 18, 2019, there have been 359 confirmed cases of measles in Brooklyn and Queens since October. According to the city's health department, most of these cases have involved members of the Orthodox Jewish community. The initial child with measles was unvaccinated and acquired the disease on a visit to Israel, where a large outbreak is occurring. Since then, there have been additional people from Brooklyn and Queens who were unvaccinated and acquired measles while in Israel. People who did not travel were also infected in Brooklyn or Rockland County. On April 9, the Health Commissioner ordered every adult and child who lives, works or resides in the certain ZIP codes and has not received the MMR vaccine to be vaccinated or face a fine of \$1,000.

10) Prior legislation. SB 277 (Pan and Allen, Chapter 35, Statutes of 2015) eliminates the PBE from the requirement that children receive vaccines for certain infectious diseases prior to being admitted to any public or private elementary or secondary school or day care center.

SB 792 (Mendoza, Chapter 807, Statutes of 2015) prohibits a person from being employed at a day care center or day care home unless he or she has been immunized against influenza, pertussis, and measles.

SB 2109 (Pan, Chapter 821, Statutes of 2012), requires a separate form prescribed by DPH to accompany a letter or affidavit to exempt a child from immunization requirements on the basis that an immunization is contrary to beliefs of the child's parent or guardian. The Governor included a message with his signature on this bill, which stated, in part, "I will direct (DPH) to allow for a separate religious exemption on the form. In this way, people whose religious beliefs preclude vaccinations will not be required to seek a health care practitioner's signature." This bill's provisions were deleted by SB 277.

AB 2064 (V. Manuel Perez), would have required a health plan or health insurer that provides coverage for childhood and adolescent immunizations to reimburse a physicians in an amount not less than the actual cost of acquiring the vaccine plus the cost of administration of the vaccine, as specified. AB 2064 was held on the Assembly Appropriations Committee suspense file.

SB 614 (Kehoe, Chapter 123, Statutes of 2011) allows a pupil in grades 7 through 12, to conditionally attend school for up to 30 calendar days beyond the pupil's first day of attendance for the 2011-12 school year, if that pupil has not been

fully immunized with all pertussis boosters appropriate for the pupil's age if specified conditions are met.

AB 354 (Arambula, Chapter 434, Statutes of 2010) allows DPH to update vaccination requirements for children and adds the AAFP to the list of entities whose recommendations DPH must consider when updating the list of required vaccinations. Requires children entering grades 7 through 12 receive a TDaP booster prior to admittance to school.

AB 1201 (V. Manuel Perez of 2009) would have required a health plan or health insurer that provides coverage for childhood and adolescent immunizations to reimburse a physicians the entire cost of acquiring and administering the vaccine, and would have prohibited cost-sharing for immunizations. AB 1201 was held on the Assembly Appropriations Committee suspense file.

SB 1179 (Aanestad of 2008) would have deleted DPH's authority to add diseases to the list of diseases that pupils are required to be immunized against. SB 1179 died in Senate Health Committee.

AB 2580 (Arambula of 2008) would have required pupils entering the 7th grade to be immunized against pertussis by receiving any necessary adolescent booster immunization. AB 2580 was held on the Senate Appropriations Committee suspense file.

SB 676 (Ridley-Thomas of 2007) would have required pupils entering the 7th grade to be fully immunized against pertussis. SB 676 was held on the Assembly Appropriations Committee suspense file.

SB 533 (Yee of 2007) would have added pneumococcus to the list of diseases that pupils are required to be immunized against. SB 533 was vetoed by the Governor, who stated that a mandate for this vaccination was not necessary.

11) Support. American Academy of Pediatrics, California states that the CDC reports that in 2018, 21 people contracted measles in California. So far, several months into 2019, 17 confirmed measles cases, including 11 outbreak-associated cases, have been reported. Left unchecked, we will continue to see the number of cases and outbreaks rise. Just recently, the City of New York declared a measles outbreak a public health emergency, where there have been 285 confirmed cases; 21 of those cases led to hospitalizations, including five admissions to the intensive care unit. Only a very small percentage of the population, less than 1%, suffers from a qualifying medical condition - such as a severe allergic reaction to a vaccine component - that would lead to the granting of a medical exemption. The California Medical Association writes that public health officials, medical providers, lawmakers, the media, and parents of immunocompromised children have raised concerns that a small number of physicians are monetizing their exemption-granting authority and profiting from the sale of medical exemptions. These physicians are not upholding the patient standard of care and therefore put the public at risk. They are undermining the integrity of other physicians who grant medically necessary exemptions for the 1% of patients who truly need them. The County Health Executives Association of California writes that medical exemptions in California have nearly tripled since the passage of SB 277 and the rates of medical exemptions in certain pockets of our state are as high as 20%. Despite these alarming increases in medical exemptions and a rise in vaccine-preventable diseases, such as measles, no mechanism currently exists to allow for a review of those medical exemptions. Vaccinate California states that parents across the state who fought to secure SB 277 are again worried that the significant pockets of "personal belief" exemptions have transformed into significant pockets of unjustified medical exemptions and that our children remain at risk. They believe that medical exemptions should only be given to those who truly need them, such as children who need surgery and must delay vaccines, children with cancer or who are otherwise immunocompromised, and children who are allergic to vaccine components (who rely on herd immunity for survival).

The California School Nurses Organization writes that certain schools and school districts have high rates of unvaccinated children, thus resulting in higher incidence of vaccine preventable diseases. Having "community immunity" varies by vaccine but it provides protection for those students and staff who for medical reasons are unable to be vaccinated or are immunocompromised. However, California is now are faced with increased rates of measles and pertussis in spite of our increase rates of vaccination, 95%, which while quite high still, is not protective because of the increased numbers of students who have gained medical exemptions. The Children's Specialty Care Coalition writes that this bill will reshape California's process to require state-level public health approval of all medical exemptions, and will help protect the most vulnerable, including babies too young to be immunized and people who are immunocompromised, from the risks associated with contracting these diseases. This bill will also protect the community at large from increased outbreaks of vaccine-preventable disease. The Health Officers Association of California writes that despite the effectiveness of vaccines, California's public health departments have seen a rise in vaccine-preventable diseases such as pertussis and measles largely because many residents are choosing to selectively immunize or opt out of vaccinating their children. These decisions risk the health of the community and can be particularly detrimental, or even fatal, to newborns, infants, toddlers, and those living with immunocompromising health conditions. The California Hospital Association writes that immunizations have had an enormous impact on the health of children, and the prevention of disease by vaccination is one of the single greatest public health achievements of the last century, and that vaccine development is a long, detailed process, requiring that vaccines demonstrate both safety and efficacy before licensure, and are actively monitored thereafter. Given the highly contagious nature of diseases such as measles, vaccination rates of at least 95% are necessary to preserve what is called "community immunity" and prevent future outbreaks.

12) Opposition. Educate.Advocate. writes that this bill will create additional burden for students with exceptional needs and their families both emotionally and financially, harming their access to education by discouraging school districts from providing special education services to students who do not meet new medical exemption requirements. This bill mandates the creation and maintenance of a statewide database, to include approved medical exemption requests, under

which personally identifiable health information of students with exceptional needs and family members will be included in a medical exemption database. Databases are at risk for 'hacking', exposing confidential medical information to insurance companies, higher education institutions and future employers, who may discriminate based on pre-existing conditions and disabilities. Further, the database will have no opt-out feature, currently available in the California Immunization Registry. Physicians for Informed Consent states that this bill is unscientific because SB 277-mandated vaccines have not yet been proven to be less risky than the diseases they are designed to prevent. Further, this bill is unethical because it promotes medical bullying by governmental agents and obstructs parents from being able to protect their children from the potential risk of vaccine injuries (i.e., it violates the principle of informed consent/informed refusal); thwarts doctors from being able to protect their patients' health through personalized vaccine recommendations based on infectious disease risks and individualized vaccine-injury risks, and instead promotes an outdated one-size-fits-all governmental vaccine schedule which is not based on new medical discoveries; and, subjects the health of California's children to the mercy of a State PHO with whom they don't have a patient-doctor relationship. Moms Across America states that vaccines carry risks, and significant risks to certain individuals, as identified by the payouts of the National Vaccine Injury Compensation Program, with over \$4 billion paid out by this program to a very small percentage of the children actually reported to be damaged, it is undeniable that vaccination is not safe nor effective for all. Medical exemptions prevent not only damage to our children but expensive special education, state funded therapies, legal trials, and payouts to injured families. Further, removing personal physicians from this equation and putting it in the hand of the state will not serve our children. The CDC's criteria for medical exemptions is not inclusive of the necessary symptoms that signal serious health and learning implications. Removing the knowledge of the pediatrician's expertise of a multitude of serious health implications which include genetic and familial connections, increases the risks of permanent damage or death as a result of continuing to vaccinate some children.

The Association of American Physicians and Surgeons states that the traditional ethic in the Oath of Hippocrates requires physicians to refrain from deliberately harming patients, and that this bill denies patients the protection of this code and is instead imposing on them the judgment of a government agency. Unlike physicians, these officials have no accountability for harm that individual patients may suffer. Vaccines are unavoidably unsafe, as recognized by the U.S. Supreme Court, and also by Congress in establishing the Vaccine Injury Compensation Program. Most doctors nevertheless recommend many vaccines, as they believe the benefit to the patient exceeds the risk. The public health authorities, on the other hand, may impose their dictates on the presumption that the overall benefit to the population, as they calculate it, overrides individual rights or more than counterbalances any adverse effects that individuals may endure. History shows that many serious adverse effects of medical intervention may be unrecognized for long periods of time. Bureaucracies are by nature glacially slow in updating their policies--especially when conflicts of interest occur. A mistaken policy can cause far more harm than errors by individuals. Thus, protecting individuals' freedom also protects the population, as individuals can adapt far more quickly to new information or circumstances.

#### SUPPORT AND OPPOSITION:

Support: American Academy of Pediatrics, California (co-sponsor)

California Medical Association (co-sponsor)

Vaccinate California (co-sponsor)

Advanced Medical Technology Association

AIDS Healthcare Foundation

American College of Cardiology, California Chapter

American College of Physicians, California Chapter

California Academy of Family Physicians

California Academy of Pain Medicine

California Association of Professional Scientists

California Hospital Association

California Immunization Coalition

California Life Sciences Association

California Optometric Association

California Orthopaedic Association

California School Nurses Organization

California State Association of Counties

Children's Defense Fund

Children's Specialty Care Coalition

County Health Executives Association of California

Health Officers Association of California

Infectious Disease Association of California

Kaiser Permanente

March of Dimes

Orthopedic Surgery Specialists Medical Group

Providence St. Joseph Health

Over 700 individuals

Oppose: A Voice for Choice Advocacy

Alliance for Natural Health USA

Association of American Physicians and Surgeons

California Health Coalition Advocacy

California Right to Life Committee, Inc.

Californians for Trusted Healthcare

Educate.Advocate.

Moms Across America

National Health Freedom Action

National Vaccine Information Center

Physicians for Informed Consent

Physicians' Association for Anthroposophic Medicine

Vaccine-Injury Awareness League

West Virginians for Health Freedom

Over 800 individuals





April 17, 2019

The Honorable Richard Pan, M.D.  
Chair, Senate Health Committee  
State Capitol, Room 5114  
Sacramento, CA 95814

Re: SB 276 (Pan): Immunizations: medical exemptions  
As Amended April 9, 2019 – SUPPORT  
Set for Hearing on April 24, 2019 – Senate Health Committee

Dear Senator Pan:

The County Health Executives Association of California (CHEAC), representing local health departments throughout our state, is pleased to SUPPORT your SB 276, which would establish a statewide model for the approval of immunization medical exemption requests.

Local health departments cannot overstate the importance of community immunity, which not only protects vaccinated individuals, but also those too young or with medical conditions that prevent them from being vaccinated. As such, CHEAC was pleased with the Legislature's passage of SB 277 in 2015, which removed the personal belief exemption for children attending public school or daycare.

However, medical exemptions in California have nearly tripled since the passage of SB 277 and the rates of medical exemptions in certain pockets of our state are as high as 20 percent. Despite these alarming increases in medical exemptions and a rise in vaccine-preventable diseases, such as measles, no mechanism currently exists to allow for a review of those medical exemptions.

SB 276 would ensure that physicians and surgeons are appropriately examining and assessing the risks of immunization to children in their care by having these providers complete a standardized immunization exemption form. These forms would be evaluated by the State Public Health Officer and placed into a database that local health officers may also access.

Local health departments strongly support efforts to ensure all children in California are appropriately immunized, thereby reducing the risk of the spread of communicable disease. It is for these reasons that CHEAC supports your SB 276.

SB 276 – CHEAC Support  
April 17, 2019  
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Should you have any questions, please feel free to contact me at (916) 327-7540.

Sincerely,

*As signed by*

Michelle Gibbons  
Executive Director

cc: Honorable Members, Senate Health Committee  
Melanie Moreno, Consultant, Senate Health Committee  
Joe Parra, Consultant, Senate Republican Caucus  
Tim Conaghan, Consultant, Senate Republican Caucus



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

7.

**Meeting Date:** 05/13/2019  
**Subject:** Housing and Homelessness Related Bills 2019  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-10  
**Referral Name:** Housing and Homelessness Related Bills 2019  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

At its April 8, 2019 meeting, the Legislation Committee considered AB 723 (Wicks and Bonta): Low-Income Housing Incentives and took no position. The Committee requested that staff provide additional information related to the bill.

The Board's adopted 2019 State Platform includes the identified legislative priority:

**Homelessness** – With the growing numbers of homeless, the County will work on the implementation of the No Place Like Home program, the Homeless Emergency Aid Program, and the SB 2 funding program, to ensure that Contra Costa County receives its fair share of funding and that the guidelines work for implementation in the county. In addition, Contra Costa County will advocate for additional funding that reduces and prevents homelessness; expands the availability of permanent supportive housing; and provides counties with the ability to maximize and leverage available Federal, State and local funds to provide services for at-risk and homeless families and individuals.

The adopted 2019 State Platform also includes the following policies and statements related to housing:

122. SUPPORT funding, legislation, policy, and programs that would accomplish the following: a. create an effective crisis response system of services for persons experiencing homelessness, particularly families and transition-age youth; b. increases permanent housing with services for persons experiencing or at-risk of homelessness with a chronic disability; and c. protects and expands the availability of affordable housing, particularly for the Very Low and Extremely Low Income population.

#### **Increasing Access to Housing and Ending Homelessness**

According to the Self-Sufficiency Standard, a family of four in Contra Costa County would need to earn \$71,700 annually to cover basic costs for housing, food, health care, transportation,



childcare, and taxes. This is equivalent to more than three full-time jobs at the California minimum wage. The cost of living in Contra Costa County has increased exponentially. Fair market rent for a two-bedroom apartment is now \$2,173 a month, a 74 percent increase from 2007. Further, Contra Costa County is home to over 2,200 homeless individuals, many of whom are minors and transition age youth. Human Services has partnered with the Health Department to develop more robust services for the homeless, however, most of these programs are contingent on grant funding rather than permanent investments. These policy positions support legislation and initiatives that strengthen housing justice to ensure all Contra Costa residents have access to safe shelter.

149. 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 or are temporarily staying in someone else’s home, 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.

150. SUPPORT increase of daily rate available under Temporary Homeless Assistance for CalWORKs families. Current rates do not reflect the cost of shelter in California.

151. SUPPORT efforts to secure permanent housing assistance for CalWORKs participants, including initiatives to create support for shared housing. Permanent housing is key to improving the overall health and wellbeing of vulnerable populations.

170. SUPPORT creation of funding opportunities and policies which promote the development of aging-friendly communities. Rising costs of living create barriers to aging in place, potentially displacing seniors from their support systems and care providers. While housing is an issue for many in Contra Costa County, there is an even greater shortage of ADA accessible and senior-friendly affordable housing.

171. 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.

224. 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.

225. 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.

228. 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.

229. OPPOSE efforts to limit the County’s ability to exercise local land use authority.

230. 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.

283. OPPOSE efforts to condition or link the distribution of transportation funds to a jurisdiction’s production of housing relative to RHNA (Regional Housing Needs Allocation).

### **Referral Update:**

At their May 2, 2019 meeting, the Contra Costa Mayors' Conference adopted a housing policy framework that had been developed through the Public Managers Association (PMA). The housing policy framework is Attachment A. The Legislation Committee is requested to provide input on this document and consider recommending positions on the following related bills:

1. **ACA 1** The text of the bill is available here:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200ACA1](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200ACA1)

**Author:** Cecilia M. Aguiar-Curry (D-004)

**Coauthor** Beall (D), Chu (D), Cooper (D), Garcia E (D), Gipson (D), Low (D), McCarty (D), Santiago (D), Wood (D), Berman (D), Gloria (D), Grayson (D), Kalra (D), Rubio (D), Rivas (D), Rivas R (D), Burke (D), Gonzalez (D), Weber (D), Hill (D), Skinner (D), Bloom (D), Bonta (D), Daly (D), Eggman (D), Frazier (D), Holden (D), Jones-Sawyer (D), Ting (D), Stone (D), Quirk (D), Nazarian (D), Mullin (D), Levine (D), Wicks (D), Wiener (D), Chiu (D)

**Title:** **Local Government Financing: Affordable Housing**

**Fiscal Committee:** no

**Introduced:** 12/03/2018

**Last Amend:** 03/18/2019

**Disposition:** Pending

**Location:** Assembly Appropriations Committee

**Summary:** Creates an exception to the 1% limit on the ad valorem property tax rate on real property that would authorize a city or county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city or county.

**Status:** 04/24/2019 In ASSEMBLY Committee on APPROPRIATIONS: **To Suspense File.**

### **SUMMARY:**

ACA 1 Proposes amendments to the California Constitution to allow a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure.

Specifically, this bill:

1) Allows a city, county, city and county, or special district, to incur indebtedness in the form of general obligation (GO) bonds to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public infrastructure, affordable housing, or permanent supportive housing, as defined, to be approved by 55% of the voters voting on the proposition.

2) Allows a city, county, city and county, or special district, to impose, extend, or increase a sales and use tax or transactions and use tax, or parcel tax, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public infrastructure, affordable housing, or permanent supportive housing, as defined, if the proposition proposing that tax is approved by 55% of the voters voting on the proposition.

The Assembly Local Government Committee bill analysis of ACA 1 is [Attachment B](#).

The Board of Supervisors' adopted [2019 State Platform](#) contains the following related policy:

56. 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.

2. [AB 1487](#) The text of the bill is available here:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1487](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1487)

<b>Author:</b>	David Chiu (D-017)
<b>Coauthor</b>	Mullin (D), Wiener (D), Wicks (D)
<b>Title:</b>	<b>San Francisco Bay Area: Housing Development: Financing</b>
<b>Fiscal Committee:</b>	yes
<b>Introduced:</b>	02/22/2019
<b>Last Amend:</b>	04/29/2019
<b>Disposition:</b>	Pending
<b>Committee:</b>	Assembly Appropriations Committee
<b>Hearing:</b>	05/08/2019 9:00 am, State Capitol, Room 4202
<b>Summary:</b>	Authorizes an entity to raise and allocate new revenue by placing funding measures on the ballot in the San Francisco Bay area, incur and issue indebtedness, and allocate funds to the various municipalities and affordable housing projects to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs.
<b>Status:</b>	04/29/2019 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.

This bill establishes the San Francisco Bay Area Regional Housing Finance Act and creates the Housing Alliance for the Bay Area, a regional housing agency for the nine-county San Francisco Bay Area. The bill provides for the powers and duties, governance, financing, and elections provisions for a potential regional tax measure and specifies how revenues can be spent.

The Assembly Committee on Appropriations analysis for AB 1487 is Attachment C. The Contra Costa Mayors' Conference adopted an "Oppose Unless Amended" position on AB 1487 at their May 2, 2019 meeting.

3. **AB 723** The text of the bill is available here:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB723](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB723)

<b>Author:</b>	Buffy Wicks (D-015)
<b>Coauthor</b>	Bonta (D)
<b>Title:</b>	<b>Low-Income Housing Incentives: Leased Rental Housing</b>
<b>Fiscal Committee:</b>	no
<b>Introduced:</b>	02/19/2019
<b>Last Amend:</b>	04/29/2019
<b>Disposition:</b>	Pending
<b>Location:</b>	SENATE
<b>Summary:</b>	Authorizes specified counties to provide the lessor of an eligible property located within its territorial boundaries with a low-income rental housing incentive. Imposes requirements for recipients of the incentive.
<b>Status:</b>	05/06/2019 In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (77-0)

SUMMARY: Authorizes the counties of Alameda and Contra Costa to pay a low-income rental housing incentive to a lessor who leases residential property to specified entities to operate as low-income rental housing. This payment is to incentivize property owners to enter into a long-term lease (35-years or more) of their property to be operated by other specified entities for low-income rental housing purposes. This bill is designed to switch between a tenant income-qualification standard and a rent-based qualification standard for incentive payment eligibility. The purpose of an alternate qualification standard is twofold. First, it serves to avoid displacing existing tenants at the onset of the lease agreement. Second, it avoids displacement of future new tenants that are income-qualified at move in, if their income subsequently increases. This bill is sponsored by the City of Oakland.

The Assembly Committee on Housing and Community Development analysis is Attachment D.

The Legislation Committee requested information related to the fiscal impacts of AB 723 and the position on the bill by the Alameda County Board of Supervisors. Apparently a fiscal impact analysis has not been prepared. The Alameda Board of Supervisors is likely to formally oppose the bill, according to their state advocate, due to a lack of funding source for the bill. The bill passed the Assembly with no opposition.

**Recommendation(s)/Next Step(s):**

Consider recommending to the Board of Supervisors positions on ACA 1, AB 1487, and AB 723 and directing staff to place these bills on the Board's consent calendar for their May 21, 2019 meeting.

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**Attachments**

Attachment A

Attachment B

Attachment C

Attachment D

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## Policy Framework on Emerging Housing Legislation

The Contra Costa Mayors Conference (Conference) is an organization comprising the mayors of the nineteen cities of Contra Costa County acting in the interest of their cities. The Conference works collaboratively to share information, deliberate, and recommend positions on issues of regional and local significance.

As an association of local elected officials committed to serving the public, the Contra Costa mayors, with the support of Contra Costa city and county managers, has closely reviewed and discussed the implications of recent efforts at both the regional and state level to address the housing crisis, including the CASA Compact and numerous pieces of proposed State legislation on housing that have emerged. Based on this analysis and given the rapid rate in which housing legislation is moving through the State legislative process, the Contra Costa Mayors' Conference at their May 2, 2019 meeting adopting the following housing policy framework as a basis for ongoing advocacy work.

### RECOMMENDATION

**Position Statement:** Contra Costa cities recognize and fully **endorse** the need for increased housing opportunities - especially for people earning below the area median income. While we appreciate its intent, the CASA Compact is a high-level document with only limited detail. Small and medium sized cities, representing 66% of the Bay Area population, were not well represented in its creation.

Given this situation, the Contra Costa Mayors Conference wants to ensure that their member cities' voices are heard as the details of legislation are being crafted and encourages MTC, ABAG, and the State Legislature to collaborate with all cities on all housing legislation so that we may collectively formulate feasible solutions to address the Bay Area's housing needs. Therefore, it is the consensus of the Contra Costa Mayors' Conference that:

### *Balanced Solutions – Housing, Jobs, and Transportation*

1. **We support** solutions that take a balanced approach and consider the needs of housing, transportation/transit, and jobs *together* (never one at the expense of the others). Building housing without adequate transportation or other infrastructure would exacerbate - not alleviate - the affordable housing crisis.
2. **We support** policies that encourage a jobs-housing balance as a strategy to lower vehicle miles traveled (VMT) and greenhouse gas (GHG) emissions, and oppose policies that exacerbate it.
3. **We support** additional investments in transportation infrastructure and technology to expand the Bay Area transit network to provide connections from job centers to existing as well as planned future housing.
4. **We support** efforts to ensure that housing and jobs are equitably distributed across cities and counties (no exempt areas).

### *Provide, Promote, and Protect Affordability*

5. **We support** every city's ability to establish tenant protections, as they deem appropriate for their residents.
6. **We support** incentives that will streamline the production of new accessory dwelling units (ADUs) while allowing local agencies to count ADUs - by right - as *very low*, *low*, or *moderate* units in the RHNA attainment reporting process.

### *Context Sensitive Housing*

7. **We support** maintaining local control of land use and the entitlement process. We urge the State to recognize that cities control only the entitlement process and have no ability to produce housing, which is a developer- and market-driven process. Therefore, cities should be measured by the number of entitlements approved when calculating RHNA attainment and not be penalized for private sector failure to produce housing.
8. **We oppose** top-down or one-size-fits-all approaches to land-use decision-making, including those mandating residential densities, building heights, development intensity, and parking.

### *Infrastructure and Services*

9. **We support** removing certain barriers to planning communities for all and ensuring that adequate resources are available for existing and new infrastructure (e.g., roads, schools, parks) and municipal services (e.g., public safety) to serve our growing population.
10. **We support** utilizing existing local housing authorities – which are more familiar with needs of their sub region - to serve as the governance structure that administers new affordable housing funds and monitors housing production, rather than establishing yet another state or regional agency to take on that role.

### *Funding and Resources*

11. **We support** legislation that will return e-commerce/internet sales tax revenue to the point of sale – not the point of distribution as currently mandated – to provide cities that have a significant residential base with a commensurate fiscal stimulus for new housing.
12. **We support** Governor Newsom’s investments proposed in the State budget and other new State funding that will benefit California cities by including a substantial increase in State funding for affordable and workforce housing and that address the growing homelessness crisis in our state.
13. **We oppose** any diversion of existing revenue sources from cities.

The Contra Costa Mayors Conference is grateful for the State Legislature’s leadership on these difficult issues and looks forward helping to ensure that new housing legislation is crafted in a manner that is compatible with - and supports the diversity of – all local communities. We invite State officials to partner with cities, small and large, to find solutions that address the housing shortage effectively and timely.

Adopted by the Mayors Conference May 2, 2019



Date of Hearing: March 27, 2019

## ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

### ACA 1 (

Aguiar-Curry) – As Amended March 18, 2019

**SUBJECT:** Local government financing: affordable housing and public infrastructure: voter approval.

**SUMMARY:** Proposes amendments to the California Constitution to allow a city, county, or special district, with 55% voter approval, to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure. Specifically, **this bill:**

- 1) Allows a city, county, city and county, or special district, to incur indebtedness in the form of general obligation (GO) bonds to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public infrastructure, affordable housing, or permanent supportive housing, as defined, to be approved by 55% of the voters voting on the proposition.
- 2) Allows a city, county, city and county, or special district, to impose, extend, or increase a sales and use tax or transactions and use tax, or parcel tax, for the purposes of funding the construction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing for persons at risk of chronic homelessness, including persons with mental illness, or the acquisition or lease of real property for public infrastructure, affordable housing, or permanent supportive housing, as defined, if the proposition proposing that tax is approved by 55% of the voters voting on the proposition.
- 3) Defines the following terms:
  - a) “Affordable housing” to include housing developments, or portions of housing developments, that provide workforce housing affordable to households earning up to 150% of countywide median income, and housing developments, or portions of housing developments, that provide housing affordable to lower, low-, or very low income households;
  - b) “At risk of chronic homelessness” to include, but not be limited to, persons who are at high risk of long-term or intermittent homelessness, including persons with mental illness exiting institutionalized settings, including, but not limited to, jail and mental health facilities, who were homeless prior to admission, transition age youth experiencing homelessness or with significant barriers to housing stability, and others, as defined in program guidelines;
  - c) “Permanent supportive housing” to mean housing with no limit on length of stay, that is occupied by the target population, and that is linked to onside or offside services that assist residents in retaining the housing, improving their health status, and maximizing

their ability to live and, when possible, work in the community. “Permanent supportive housing” includes associated facilities, if those facilities are used to provide services to housing residents; and,

- d) “Special district” to mean an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions with limited geographic boundaries, and includes a transit district, except that “special district” does not include a school district, redevelopment agency, or successor agency to a dissolved redevelopment agency.
- 4) Defines “public infrastructure” to include, but not be limited to, projects that provide any of the following:
    - a) Water or protect water quality;
    - b) Sanitary sewer;
    - c) Treatment of wastewater or reduction of pollution from stormwater runoff;
    - d) Protection of property from impacts of sea level rise;
    - e) Parks and recreation facilities;
    - f) Open space;
    - g) Improvements to transit and streets and highways;
    - h) Flood control;
    - i) Broadband internet access service expansion in underserved areas;
    - j) Local hospital construction;
    - k) Public safety buildings or facilities, equipment related to fire suppression, emergency response equipment, or interoperable communications equipment for direct and exclusive use by fire, emergency response, police or sheriff personnel; and,
    - l) Public library facilities.
  - 5) Provides specific requirements for voter protection, public notice, and financial accountability.
  - 6) Prohibits a special district, other than a board of education or school district, from incurring any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district as they currently read or may thereafter be amended by the Legislature.
  - 7) Allows the voter approval thresholds specified above in 1) and 2), above, to apply to a local measure imposing, extending, or increasing a sales and use tax, a transactions and use tax, or a parcel tax, or GO bonded indebtedness for the purposes specified above, submitted to voters at the same election as ACA 1.

**EXISTING LAW:**

- 1) Authorizes cities and counties to impose a general tax for general governmental purposes with the approval of a majority of the voters.
- 2) Authorizes cities, counties, and special districts to impose a special tax for specified purposes with the approval of two-thirds of the voters.
- 3) Authorizes school districts, community college districts, or county offices of education to incur school bonded indebtedness with the approval of 55% of the voters voting on the bond measure, to fund the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities.

**FISCAL EFFECT:** This bill has been keyed non-fiscal. It was referred to both the Local Government and Appropriations Committees on March 18, 2019.

**COMMENTS:**

- 1) **Bill Summary.** ACA 1 lowers the voter threshold from a two-thirds supermajority to 55% majority to approve local (city, county, and special district) GO bonds and certain special taxes for affordable housing, public infrastructure, and permanent supportive housing projects, and defines those terms. ACA 1 also requires the proposition submitted to the voters to contain certain accountability provisions including a requirement that the proceeds from the bonds or taxes only be used for the purposes specified in the ACA, and not for employee salaries or other operating expenses, a list of specific projects to be funded and a requirement that the city, county, or special district has evaluated alternative funding sources, and a requirement that the city, county, or special district conduct both an annual performance audit and an independent financial audit that is then posted and easily accessible to the public. A citizens' oversight committee must also be appointed to ensure that the proceeds of the bonds or special tax are expended only for the purposes described in the measure approved by the voters.

This is an author-sponsored measure.

- 2) **Author's Statement.** According to the author, "In practice, local officials propose a local bond or special tax, and then it is up to the voters in that community to decide whether they support the idea or not. Local governments and local voters know best what their communities need. In some neighborhoods this means a new library or fire station; in others this means an increase in the affordable housing stock. ACA 1 will empower local governments to address local priorities without needing to wait for state and federal funding initiatives. A majority vote tax measure is much more likely to pass, while voters would still need to overwhelmingly support a bond or special tax in order for it to be approved with 55 percent of the vote. ACA 1 will level the playing field and create parity between school districts and cities, counties, and special districts, so that all local governments have a viable financing tool to address community needs."

- 3) **Background.** The California Constitution requires a two-thirds vote at the local level for both GO bonds and special taxes, regardless of what the city, county, or special district proposes to use the funds for. Local school districts, however, must only achieve 55% voter approval for school bonds to fund the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of schools, or the acquisition or lease of real property vote (Proposition 39, 2000).
- 4) **Arguments in Support.** Supporters argue that when the state seeks voter approval for a statewide measure, it requires a simple majority, but when a city or county seeks voter approval for a similar investment, they face a stringent two-thirds vote threshold. Supporters believe ACA 1 will level the playing field and create parity with school districts, which need 55% approval for school construction, so that cities, counties and special districts have a viable financing tool to help address important community needs for affordable housing, public infrastructure, and permanent supportive housing. Because of the numerous challenges in funding important public infrastructure and housing projects for their communities, supporters argue that this constitutional amendment is necessary to deal with the urgent need for investment in housing, and the chronic underfunding of local infrastructure to improve storm water management, transit development, park facilities, and streets and roads. Supporters also argue that one of the major obstacles to building housing, particularly in infill areas, is the cost of critical infrastructure, which often neither the developer or the city or county has the money to fund.
- 5) **Arguments in Opposition.** Howard Jarvis Taxpayers Association argues that “ACA 1 repeals one of the most important protections in Proposition 13 by lowering the existing two-thirds vote threshold for both local bonds and special taxes to 55 percent for a myriad of purposes. While revenue raised from ACA 1 may slightly increase the affordable housing stock, it will also have the perversely negative effect of increasing the cost of housing dramatically. Nationwide, according to the National Association of Home Builders, an increase of just \$1,000 in the new median home price knocks 120,000 potential buyers out of the market. Making it easier to approve hundreds of dollars a year in new annual bonds and parcel won’t make it easier to afford a home, and it won’t make it easier for renters, a third of whom spend half their take home pay on rent, to be able to save. With these housing expenses, it’s little wonder that California’s homeownership rate of 54 percent is well off the national average of 64 percent, and that the large majority of the 100,000 people who leave California each year make less than \$90,000. Proposition 13 is not the cause of California’s evaporating middle-class.”
- 6) **Two-Thirds Legislative Approval and Statewide Ballot Approval Requirements.** This measure requires the approval of two-thirds of the membership of each house in the Legislature, and approval by a majority of voters at a statewide ballot election to ratify the changes to the Constitution.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American Planning Association, California Chapter  
 Association of California Healthcare Districts  
 California Association of Councils of Government  
 California Association of Housing Authorities  
 California Association of Sanitation Agencies  
 California Coalition for Rural Housing  
 California Contract Cities Association  
 California Housing Consortium  
 California Housing Partnership  
 California Labor Federation, Afl-Cio  
 California Library Association  
 California Park & Recreation Society  
 California Professional Firefighters  
 California Special Districts Association  
 California State Association Of Counties  
 California State Association Of Electrical Workers  
 California State Council Of Laborers  
 California State Pipe Trades Council  
 California Transit Association  
 California Yimby  
 City of Camarillo  
 City Of Davis  
 City of Gustine  
 City Of Laguna Beach  
 City Of Lodi  
 City of Manteca  
 City Of Moorpark  
 City Of San Luis Obispo  
 County of Santa Clara  
 East Bay for Everyone  
 East Bay Municipal Utility District  
 East Bay Regional Parks District  
 Greater Merced Chamber of Commerce  
 Housing California  
 International Union Of Elevator Constructors, Local 18  
 International Union Of Elevator Constructors, Local 8  
 International Union Of Operating Engineers, Cal-Nevada Conference  
 League Of California Cities  
 Midpeninsula Regional Open Space District  
 Non-Profit Housing Association Of Northern California  
 Professional Engineers In California Government  
 San Diego Housing Federation  
 San Mateo County-City/County Association Of Governments  
 Santa Clara Valley Water District  
 Silicon Valley At Home (Sv@Home)

**Support (continued)**

Solano Transportation Authority  
Southern California Association Of Nonprofit Housing  
Spur  
The Two Hundred  
Urban Counties Of California  
Ventura Council Of Governments  
Western States Council Sheet Metal, Air, Rail And Transportation

**Oppose**

Howard Jarvis Taxpayers Association  
Valley Industry and Commerce Association

**Analysis Prepared by:** Debbie Michel / L. GOV. / (916) 319-3958

Date of Hearing: May 8, 2019

## ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

### AB 1487

(Chiu) – As Amended April 29, 2019

Policy Committee:	Housing and Community Development	Vote:	5 - 2
	Local Government		5 - 2

Urgency: No      State Mandated Local Program: Yes      Reimbursable: Yes

### SUMMARY:

This bill establishes the San Francisco Bay Area Regional Housing Finance Act and creates the Housing Alliance for the Bay Area, a regional housing agency for the nine-county San Francisco Bay Area. The bill provides for the powers and duties, governance, financing, and elections provisions for a potential regional tax measure and specifies how revenues can be spent.

### FISCAL EFFECT:

State-mandated local costs, likely significant, to the local agency or agencies who undertake the initial governance and duties of the new housing entity. The bill states intent that the entity be staffed by existing staff of the Metropolitan Transportation Commission (MTC), but the bill as written does not specify staffing or other initial governance. These initial costs are potentially reimbursable by the state, depending on a determination by the Commission on State Mandates. Not all local entities, perhaps including MTC, qualify for state reimbursement, but many, including cities and counties, generally do.

### COMMENTS:

1) **Purpose.** According to the author:

AB 1487 empowers the Bay Area to help address its affordable housing needs by enabling the region to raise new revenue and support local jurisdictions, and thereby ensure that the entire Bay Area is on track to end the housing crisis by providing affordable housing efficiently and effectively to all residents.

2) **Background.** Bay Area housing prices are among the highest in the state and the nation. Since 2010, the Bay Area has added seven times as many jobs as housing units. Average rents are \$2,400 (an increase of 60% since 2010) and average home prices are \$790,000 (also an increase of 60% since 2010).

In 2017 and 2018, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) convened a series of structured discussions with local government officials, developers, major employers, labor interests, housing and policy experts, social equity advocates and non-profit housing providers. This group was deemed the Committee to House the Bay Area, and nicknamed CASA. CASA identified, to make housing in the region more affordable, 35,000 new housing units need to be built annually, including 14,000 new subsidized affordable housing units. Additionally, the region has 30,000 units at risk of losing their affordability and 300,000 lower-income households who are paying more than 50% of their income in rent.

The Bay Area has substantial resources to fund the production, preservation and protection of affordable housing; however, CASA's analysis indicates there remains a \$2.5 billion annual funding gap between existing resources and what is needed. CASA proposes to meet \$1.5 billion of this deficit with regional and local self-help measures, with the remainder being funded from additional state and federal sources.

This bill is modeled after several other regional entities, including the San Francisco Bay Restoration Authority (SFBRA), which was created by AB 2954 (Lieber), Chapter 690, Statutes of 2008. SFBRA was charged with raising and allocating resources for the restoration, enhancement, protection and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. SFBRA's mission was to formulate a strategy for raising local revenues to help restore 36,000 acres of publicly owned Bay shoreline into tidal wetlands. The estimated cost of this effort is about \$1.43 billion over 50 years.

**Analysis Prepared by:** Jennifer Swenson / APPR. / (916) 319-2081



Date of Hearing: April 24, 2019

ASSEMBLY COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

David Chiu, Chair

AB 723 (

Wicks) – As Amended March 25, 2019

**SUBJECT:** Low-income housing incentives: leased rental housing: Counties of Alameda and Contra Costa

**SUMMARY:** Authorizes the counties of Alameda and Contra Costa to pay a low-income rental housing incentive to a lessor who leases residential property to specified entities to operate as low-income rental housing. Specifically, **this bill**:

- 1) Specifies that the County of Alameda or the County of Contra Costa may provide the lessor of an eligible property located within its territorial boundaries with a low-income rental housing incentive, as follows:
  - a) The incentive, as calculated by the county auditor, is comprised of an amount equal to:
    - a.i. The county's portion of the eligible property's property tax; and
    - a.ii. The city's portion of the eligible property's property tax, if the property is located in an incorporated area.
  - b) An eligible property includes all of the following attributes:
    - b.i. The property is leased and operated by religious, hospital, scientific, or charitable funds, foundations or corporations, public housing authorities, public agencies, or limited partnerships in which the managing general partner has received a determination that it is a charitable organization under Section 501(c)(3) of the Internal Revenue Code and is operating the property in accordance with its exempt purpose throughout the term of the lease;
    - b.ii. The property is leased for a term of 35 years or more, or is transferred with a remaining term of 35 years or more;
    - b.iii. The lessor is not qualified for the exemption provided under Section 214 of the Revenue and Taxation Code;
    - b.iv. The property is used exclusively and solely for rental housing that is rented for no more than 30 percent of the income level of persons of low income to tenants occupying the property at the commencement of the lease, regardless of the actual income of those tenants;
    - b.v. Each new tenant occupying the eligible property after the initial commencement of the property lease must be a person of low income at the time of that tenant's initial occupancy; and

b.vi. The commencement date of the lease occurs on or after January 1, 2020, and before January 1, 2024.

- 2) Defines the “property tax rate” by reference to the 1% *ad valorem* property tax rate in Section 1(a) of Article XIII A of the California Constitution and excludes from the rate any voter-approved additional rates under Section 1(b) of Article XIII A for bonded indebtedness.
- 3) Requires a city to reimburse the county’s portion of the incentive payment upon the county’s request.
- 4) Provides that the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances in the Counties of Alameda and Contra Costa relating to the provision of adequate rental housing in those counties.
- 5) Provides that, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

#### **EXISTING LAW:**

- 1) Exempts property owned by a local government and within its jurisdictional borders from property tax. (California Constitution Article XIII, Section 2(a).)
- 2) Authorizes the Legislature to exempt from taxation, in whole or in part, property used exclusively for religious, hospital, or charitable purposes, as specified. (California Constitution Article XIII, Section 4(b).)
- 3) Allows property used exclusively for religious, hospital, or charitable purposes, as specified to be exempt from property taxation (Revenue and Tax Code Section 214).
- 4) Exempts under the welfare exemption low-income rental housing owned and operated by non-profit organizations, as specified. (Revenue and Tax Code Section 214(g).)
- 5) Defines “persons of low income” as persons and families whose income does not exceed the qualifying limits for lower income families as established and amended from time to time under Section 8 of the United States Housing Act of 1937. In the event the federal standards are discontinued, the Department of Housing and Community Development must, by regulation, establish income limits for lower income households for all geographic areas of the state at 80% of AMI, adjusted for family size and revised annually (Health and Safety Code Section 50079.5).

**FISCAL EFFECT:** This is a county optional program that has no impact on property tax revenues.

#### **COMMENTS:**

*Purpose of the Bill:* According to the author, “AB 723 is an effort to prevent tenant displacement and accelerate the creation of affordable housing. The housing crisis will not be solved by a single solution. We must continue to use the existing space that is already zoned for residential

use as a way to add to the overall housing stock. This bill will provide property owners an opportunity to convert existing buildings to affordable housing, charge low rents in return for incentive payments, and make more housing supply available.”

*Background:* In most parts of California, rents are rising faster than incomes. The result is a housing crisis in which over half of renters and over 80 percent of low-income renters are rent-burdened, meaning they pay over 30 percent of their income towards rent. This leaves less money for families to spend on other necessities like food, healthcare, transportation, and education.

*Deed Restriction for Existing Housing:* Deed-restricted affordable housing is one way to ensure economic security for renters. Such housing is typically built as new construction. However, another important strategy is the acquisition by a public agency or non-profit of existing housing. Such housing is then removed from the speculative market via deed restrictions for affordability, thereby stabilizing the housing for the current tenants. This strategy is utilized by such cities as Oakland, via its Site Acquisition, Rehabilitation and Naturally Occurring Affordable Housing (NOAH) Preservation Program, and San Francisco, via its Small Sites Program.

Typically, existing units that are deed restricted are owned and operated by a non-profit, and therefore eligible to receive exemptions from all property taxes per Section 214(g) of the State’s Revenue and Tax Code. However, there are instances where a property owner is amenable to deed-restricting the units for a period of time, but is not willing to sell the building. This bill creates a 4-year pilot program for such property owners within Alameda and Contra Costa Counties. This bill enables such owners to enter into an agreement with the respective county whereby they would receive an incentive payment equal to the city and county’s share of their property taxes if they meet the following:

- <sup>35</sup><sub>17</sub> The property is leased and operated by a public entity or charitable organization under Section 501(c)(3) of the Internal Revenue Code and is operating the property in accordance with its exempt purpose throughout the term of the lease;
- <sup>35</sup><sub>17</sub> The property is leased for a term of 35 years or more, or is transferred with a remaining term of 35 years or more; and,
- <sup>35</sup><sub>17</sub> The rents are capped for all tenants – regardless of income – at 30% of the income for a person making 80% AMI.

In addition to enabling the existing property owner to maintain the property, the program created by this bill differs from the more common acquisition strategies in a number of ways, including:

- <sup>35</sup><sub>17</sub> That the incentive is linked to, but is not, a property tax. Similar to the Senior Citizens Property Tax Assistance Law program and the Capital Investment Incentive program, this “incentive” avoids constitutional conflict. The allocated shares of property tax revenue serve as a benchmark for the incentive amount.
- <sup>35</sup><sub>17</sub> The incentive is not equal to all of the property tax, but just the county and city’s share. This ensures schools and special districts incur no financial impact from the county’s decision to offer the incentive. Additionally, this bill ensures no revenues derived from the property dedicated to any bond debt payment are impacted.

- <sup>35</sup><sub>17</sub> This bill utilizes a rent-based qualification standard for the incentive payment eligibility, rather than income-based standard. This facilitates application to entire buildings that might have at least one resident making more than 80% AMI. This also avoids displacing tenants at the onset of the lease agreement and henceforth if their income subsequently increases.

*Staff comments:* The bill enables counties to authorize the incentive payment, obligating cities to pay it, and requires cities to backfill the county share upon request of the county. Such a situation could cause conflict between cities and counties. In addition, it is possible that property owners would be willing to enter into an agreement to participate in the incentive program with only the share of a county or city. As such, the Committee may wish to consider removing the obligation for cities within Alameda and Contra Costa Counties to enter into this program if the county does so, and to reimburse the county for its share. Instead, the Committee may wish to consider enabling the counties to enter into an agreement for their portion of the incentive and for cities to enter into agreement for their portion of the incentive.

The bill currently lists the potential lessees as being public housing authorities and public agencies, but also that lessees need to be a charitable organization under Section 501(c)(3) of the Internal Revenue Code. Public housing authorities and public agencies may not be charitable organizations. The Committee may wish to amend the bill's language to clarify the eligibility of public housing authorities and public agencies are not required to be charitable organizations to qualify for the incentive payment.

*Committee Amendments:* To address the issues raised above, the Committee may wish to consider the following amendments:

- <sup>35</sup><sub>17</sub> Remove the obligation for cities within Alameda and Contra Costa Counties to enter into this program if the county does so;
- <sup>35</sup><sub>17</sub> Remove the obligation that cities reimburse the county for its share of the incentive upon request of the county;
- <sup>35</sup><sub>17</sub> Enable the counties to enter into an agreement for their portion of the incentive and for cities to enter into agreement for their portion of the incentive; and
- <sup>35</sup><sub>17</sub> Clarify that public housing authorities and public agencies are eligible lessees even though they are not charitable organizations.

*Related Legislation:*

AB 1734 (Chiu) (2019): Creates a property tax exemption for qualified rental housing occupied by moderate-income households. Pending vote at the Assembly Committee on Revenue and Taxation.

*Previous Legislation:*

AB 3152 (Chiu) of 2018: This bill would have created a property tax exemption for newly constructed rental housing occupied by moderate-income households in certain counties if rents

charged are 10% less than fair market rent for that county. It was held under submission in Assembly Committee on Appropriations.

ACA 11 (Caballero) of 2017: This measure would have created the California Middle Class Affordable Housing and Homeless Shelter Account in the General Fund for the support of local and state programs that assist in the development or acquisition of housing, as specified. It was held in this Committee.

*Double referred:* This bill is double referred. It was heard in the Assembly Committee on Revenue and Taxation and passed out on a vote of 10-0 on April 8, 2019.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

City of Oakland (sponsor)  
California Apartment Association  
City of Emeryville  
Habitat for Humanity California

### **Opposition**

None on file

**Analysis Prepared by:** Steve Wertheim / H. & C.D. / (916) 319-2085



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

8.

**Meeting Date:** 05/13/2019  
**Subject:** Reconsideration of AB 388 (Limon): Alzheimer's Disease  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:**  
**Referral Name:** Reconsideration of AB 388 (Limon): Alzheimer's Disease  
**Presenter:** Daniel Peddycord      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

The Legislation Committee considered AB 388 (Limon) at their April 8, 2019 meeting (item 3) and took no action on the bill but requested staff provide more information on the bill.

### **Referral Update:**

**AB 388 (Limon): Alzheimer's Disease.** The text of the bill is available at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB388](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB388)

**Author:** Monique Limon (D-037)  
**Coauthor:** Bates (R), Wood (D), Stone (R), Aguiar-Curry (D), Grayson (D), Kalra (D), Kiley (R), Rubio (D), Voepel (R), Dodd (D), Carrillo (D), Mayes (R), Mathis (R), Cooley (D), Levine (D), Maienschein (D), Nazarian (D), Stone (D), Chang (R), Chiu (D), Gallagher (R), Garcia E (D), Boerner Horvath (D), Jackson (D)  
**Title:** Alzheimer's Disease  
**Fiscal Committee:** yes  
**Introduced:** 02/05/2019  
**Last Amend:** 03/26/2019  
**Disposition:** Pending  
**Location:** Assembly Appropriations Committee  
**Summary:** Requires the State Department of Public Health to implement the action agenda items in the Healthy Brain Initiative and coordinate a statewide public awareness campaign to educate the public on the signs and symptoms of Alzheimer's disease and other dementias and to reach consumers at risk of cognitive impairment, with targeted outreach to populations at greater risk of developing Alzheimer's disease and other dementias.

The County's Advisory Council on Aging has sent a letter of support for this bill. (Attachment A). This bill is also supported by Debbie Toth from Choice in Aging and County Public Health Director, Daniel Peddycord. CHEAC also supports the bill.

**Recommendation(s)/Next Step(s):**

Consider recommending a position of "Support" on AB 388 and directing staff to place the bill on the Board's consent calendar for their May 21, 2019 meeting.

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**Attachments**

Attachment A: Letter of Support

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CONTRA COSTA COUNTY AREA AGENCY ON AGING

# Advisory Council On Aging

300 Ellinwood Way ♦ Pleasant Hill, CA 94523 ♦ (925) 602-4175 ♦ Fax (925) 602-4178

Re: AB388, The Healthy Brain Initiative

April 17, 2019

Dear Assemblyperson Jim Frazier,

The Contra Costa County Advisory Council on Aging includes members who are residents of your Assembly District. We advise our Board of Supervisors on all matters associated with the planning, development and administration of programs relating to older adults. Any comments, recommendations, opinions and positions made by the Council or its members do not represent the official position of the County or its officers. We are writing you to urge you to vote "yes" on AB388 regarding the Healthy Brain Initiative put forth by the Centers for Disease Control and the Alzheimer's Association.

This bill would require the Department of Public Health to establish a pilot program in up to eight counties and award them grants to develop initiatives to implement the Healthy Brain Initiative. These initiatives should include educating the public on signs and symptoms of dementia to promote early detection; ensuring a competent workforce by strengthening knowledge and skills of health care professionals and caregivers; monitoring data and programs to provide evidence-based practices; and encouraging public/private partnerships to engage local stakeholders.

Alzheimer's and other dementias constitute a public health crisis. Unlike those with heart disease and cancers, which are decreasing due to new medicines and techniques, the number of dementia patients is increasing steadily and rapidly. In addition, the population of adults aged 60 years and older and their families living in Contra Costa County and across California who are potentially affected by dementia and Alzheimer's Disease is growing exponentially. We need to wage an all-out effort to combat Alzheimer's, and AB388 provides a road map to further this effort.

Thank you for your consideration to support this important opportunity presented in the Healthy Brain Initiative and AB388.

Respectfully,

Susan Frederick President,

Advisory Council on Aging, Contra Costa County





CONTRA COSTA COUNTY AREA AGENCY ON AGING

# Advisory Council On Aging

300 Ellinwood Way ♦ Pleasant Hill, CA 94523 ♦ (925) 602-4175 ♦ Fax (925) 602-4178

Re: AB388, The Healthy Brain Initiative

April 17, 2019

Dear Assemblyperson Buffy Wicks,

The Contra Costa County Advisory Council on Aging includes members who are residents of your Assembly District. We advise our Board of Supervisors on all matters associated with the planning, development and administration of programs relating to older adults. Any comments, recommendations, opinions and positions made by the Council or its members do not represent the official position of the County or its officers. We are writing you to urge you to vote "yes" on AB388 regarding the Healthy Brain Initiative put forth by the Centers for Disease Control and the Alzheimer's Association.

This bill would require the Department of Public Health to establish a pilot program in up to eight counties and award them grants to develop initiatives to implement the Healthy Brain Initiative. These initiatives should include educating the public on signs and symptoms of dementia to promote early detection; ensuring a competent workforce by strengthening knowledge and skills of health care professionals and caregivers; monitoring data and programs to provide evidence-based practices; and encouraging public/private partnerships to engage local stakeholders.

Alzheimer's and other dementias constitute a public health crisis. Unlike those with heart disease and cancers, which are decreasing due to new medicines and techniques, the number of dementia patients is increasing steadily and rapidly. In addition, the population of adults aged 60 years and older and their families living in Contra Costa County and across California who are potentially affected by dementia and Alzheimer's Disease is growing exponentially. We need to wage an all-out effort to combat Alzheimer's, and AB388 provides a road map to further this effort.

Thank you for your consideration to support this important opportunity presented in the Healthy Brain Initiative and AB388.

Respectfully,

Susan Frederick President,

Advisory Council on Aging, Contra Costa County





CONTRA COSTA COUNTY AREA AGENCY ON AGING

# Advisory Council On Aging

300 Ellinwood Way ♦ Pleasant Hill, CA 94523 ♦ (925) 602-4175 ♦ Fax (925) 602-4178

Re: AB388, The Healthy Brain Initiative

April 17, 2019

Dear Assemblyperson Rebecca Bauer-Kahan,

The Contra Costa County Advisory Council on Aging includes members who are residents of your Assembly District. We advise our Board of Supervisors on all matters associated with the planning, development and administration of programs relating to older adults. Any comments, recommendations, opinions and positions made by the Council or its members do not represent the official position of the County or its officers. We are writing you to urge you to vote "yes" on AB388 regarding the Healthy Brain Initiative put forth by the Centers for Disease Control and the Alzheimer's Association.

This bill would require the Department of Public Health to establish a pilot program in up to eight counties and award them grants to develop initiatives to implement the Healthy Brain Initiative. These initiatives should include educating the public on signs and symptoms of dementia to promote early detection; ensuring a competent workforce by strengthening knowledge and skills of health care professionals and caregivers; monitoring data and programs to provide evidence-based practices; and encouraging public/private partnerships to engage local stakeholders.

Alzheimer's and other dementias constitute a public health crisis. Unlike those with heart disease and cancers, which are decreasing due to new medicines and techniques, the number of dementia patients is increasing steadily and rapidly. In addition, the population of adults aged 60 years and older and their families living in Contra Costa County and across California who are potentially affected by dementia and Alzheimer's Disease is growing exponentially. We need to wage an all-out effort to combat Alzheimer's, and AB388 provides a road map to further this effort.

Thank you for your consideration to support this important opportunity presented in the Healthy Brain Initiative and AB388.

Respectfully,

Susan Frederick President,

Advisory Council on Aging, Contra Costa County

Contra Costa County Advisory Council on Aging is appointed by the Board of Supervisors to advise the Area Agency on Aging on all matters related to the development and administration of the annual Area Agency Plan and operations conducted thereunder, in accordance with mandates from the Older Americans Act. Any comments or recommendations made by the council or its individual members do not represent the official position of the County or any of its officers.





CONTRA COSTA COUNTY AREA AGENCY ON AGING

# Advisory Council On Aging

300 Ellinwood Way ♦ Pleasant Hill, CA 94523 ♦ (925) 602-4175 ♦ Fax (925) 602-4178

Re: AB388, The Healthy Brain Initiative

April 17, 2019


Dear Assemblyperson Tim Grayson,

The Contra Costa County Advisory Council on Aging includes members who are residents of your Assembly District. We advise our Board of Supervisors on all matters associated with the planning, development and administration of programs relating to older adults. Any comments, recommendations, opinions and positions made by the Council or its members do not represent the official position of the County or its officers. We are writing you to urge you to vote "yes" on AB388 regarding the Healthy Brain Initiative put forth by the Centers for Disease Control and the Alzheimer's Association.

This bill would require the Department of Public Health to establish a pilot program in up to eight counties and award them grants to develop initiatives to implement the Healthy Brain Initiative. These initiatives should include educating the public on signs and symptoms of dementia to promote early detection; ensuring a competent workforce by strengthening knowledge and skills of health care professionals and caregivers; monitoring data and programs to provide evidence-based practices; and encouraging public/private partnerships to engage local stakeholders.

Alzheimer's and other dementias constitute a public health crisis. Unlike those with heart disease and cancers, which are decreasing due to new medicines and techniques, the number of dementia patients is increasing steadily and rapidly. In addition, the population of adults aged 60 years and older and their families living in Contra Costa County and across California who are potentially affected by dementia and Alzheimer's Disease is growing exponentially. We need to wage an all-out effort to combat Alzheimer's, and AB388 provides a road map to further this effort.

Thank you for your consideration to support this important opportunity presented in the Healthy Brain Initiative and AB388.

Respectfully,   
 Susan Frederick President,  
 Advisory Council on Aging, Contra Costa County

Contra Costa County Advisory Council on Aging is appointed by the Board of Supervisors to advise the Area Agency on Aging on all matters related to the development and administration of the annual Area Agency Plan and operations conducted thereunder, in accordance with mandates from the Older Americans Act. Any comments or recommendations made by the council or its individual members do not represent the official position of the County or any of its officers.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

9.

**Meeting Date:** 05/13/2019  
**Subject:** SB 343 (Pan): Healthcare Data Disclosure  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-11  
**Referral Name:** SB 343 (Pan)  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

The Union Healthcare Coalition of Contra Costa requests that the Board of Supervisors adopt a position of "Support" on SB 343 (Pan). SEIU California is a sponsor of the bill and also urges the Board's support of SB 343.

### **Referral Update:**

**SB 343:** The text of the bill is available at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB343](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB343)

**Author:** Richard Pan (D-006)  
**Title:** Healthcare Data Disclosure  
**Fiscal Committee:** yes  
**Introduced:** 02/19/2019  
**Disposition:** Pending  
**Location:** ASSEMBLY  
**Summary:** Eliminates alternative reporting requirements for certain plans or insurers. Requires instead that those entities report information consistent with any other health care service plan, health insurer, or health facility, as appropriate. Eliminates the authorization for hospitals to report specified financial and utilization data to the Office of Statewide Health Planning and Development (OSHDPD).

This bill would require specified health insurance rate filing provisions, which allow a health plan that exclusively contracts with no more than two medical groups to report medical trend factor assumptions and actual service trends differently than other health plans. The bill eliminates provisions in the hospital reporting requirement that authorizes a health plan that exclusively contracts with no more than two medical groups to report certain data as a group than by facility.

At this time the only health plan in the state that would be impacted by the requirements on health plans that contract with no more than two medical groups is Kaiser Permanente. The bill would remove provisions that allow Kaiser Permanente to report costs and revenues as a group rather than individual facility and would require all healthcare facilities to submit reports on a per facility basis.

Health Services and Human Resources staff have reviewed the bill and indicated: "SB 343 will not improve the data available to the County for use in annual renewal negotiations with Kaiser....We can see no negative impact or positive result to CCC resulting from passage of the bill."

The author's Fact Sheet for SB 343 is Attachment A. Letters of support are included in Attachment B.

**Recommendation(s)/Next Step(s):**

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**Attachments**

Attachment A

Attachment B

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CAPITOL OFFICE  
STATE CAPITOL  
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SACRAMENTO, CA 95814  
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DISTRICT OFFICE  
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# California State Senate

SENATOR  
**DR. RICHARD PAN**  
SIXTH SENATE DISTRICT



CHAIR  
HEALTH  
BUDGET SUBCOMMITTEE  
#3 ON HEALTH  
& HUMAN SERVICES  
COMMITTEES  
BUDGET & FISCAL REVIEW  
EDUCATION  
BUSINESS, PROFESSIONS  
& ECONOMIC DEVELOPMENT  
HUMAN SERVICES  
LABOR, PUBLIC EMPLOYMENT  
& RETIREMENT

## **SB 343: Standardizing Disclosures for Health Plans and Hospitals**

### **Purpose**

SB 343, sponsored by SEIU California, will create uniformity in the data health plans and healthcare facilities are required to report to state regulators by removing provisions of law that allow Kaiser Permanente to report more limited information compared to all other health plans and hospitals.

### **Background on health plan provisions**

Under existing law, health plans and health insurers are required to submit detailed data and actuarial justification for rate increases in the individual and small group markets, and to disclose aggregate rate increases in the large group markets, via reports to the Department of Managed Health Care or the Department of Insurance, which are available to the public. Though regulators do not have the authority to modify or reject rate changes, “rate review” has increased transparency on the factors contributing to the rising cost of health insurance.

As part of this rate review process, health plans are required to report the projected trend factor by benefit category, such as the projected cost increase for hospital inpatient, hospital outpatient, physician services, prescription drugs, and other ancillary services. However, Kaiser is specifically exempted from having to report projected assumptions, and instead is permitted to disclose its actual experience for the prior benefit year “using categories that are, to the maximum extent possible, the same or similar to those used by other plans.” In practice, this has allowed Kaiser to propose rate increases without showing the underlying assumptions. Rate filings from other health plans, such as Blue Shield of California, show projected medical trend factor assumptions for various categories, such as hospital inpatient or outpatient, radiology, and laboratory services. Kaiser, on the other hand, lumps all of these into one “hospital inpatient” category, and just provides the actual trend factor from the prior 12 months rather than a projection for the year ahead. Kaiser has a very large market share in the large group market. Not having to report its assumptions for price increases across benefit categories, like every other health plan is required to do, prevents purchasers and regulators from being able to negotiate for more favorable terms or accurately judge whether the proposed rate increases are reasonable.

### **Background on hospital provisions**

Under existing law, licensed health facilities are required to make certain reports to the Office of Statewide Health Planning and Development (OSHPD), including financial and utilization data, such as revenues by payer and by revenue center for individual hospitals. However, Kaiser hospitals are authorized to report costs and revenues as a group, so that all of their hospital’s revenues are reported as a group for either Kaiser Permanent Southern California or Kaiser Permanente



Northern California. In practice, this has meant that the public has only a fraction of the information that other hospitals in the state provide. Allowing Kaiser to avoid reporting on a per facility basis has prevented purchasers and policy makers from comparing regional price variation and profitability (i.e., Bay Area vs. Sacramento) among Kaiser hospitals, unlike the data provided by each of Sutter Health's hospitals, for example.

**This bill:**

Creates more uniform reporting standards for health plans and hospitals by:

- Deleting Kaiser-specific language allowing a different method of reporting in individual, small group, and large group health plan and health insurance rate filings.
- Deleting Kaiser-specific language allowing more limited and aggregated hospital financial reporting to OSHPD.

**Staff Contact**

Vincent Marchand / [vince.marchand@sen.ca.gov](mailto:vince.marchand@sen.ca.gov) / (916) 651-4111

**Sponsor Contact**

Michelle Cabrera / SEIU California / [mcabrera@seiucal.org](mailto:mcabrera@seiucal.org) / (916) 288-1547

# Contra Costa County Unions United for Affordable Healthcare

Attachment B



April 19, 2019

Hon. Diane Burgis, District 3 Supervisor  
Legislation Committee Chair  
Contra Costa County Board of Supervisors

Submitted via email: [supervisor\\_burgis@bos.cccounty.us](mailto:supervisor_burgis@bos.cccounty.us)

**RE: Union Coalition Request for Board of Supervisors to establish a Support position for SB 343 by Contra Costa County**

Dear Supervisor Burgis:

On behalf of the Unions copied herein representing nearly 5,000 Contra Costa County workers, we are writing to ask you and the other Supervisors to establish a Support position by Contra Costa County for SB 343, authored by Dr. Richard Pan, Chair of the Senate Health Committee.

I've attached a letter from the Cal Labor Fed providing additional details and justifying their sponsorship of SB 343.

In essence, SB 343 seeks to improve transparency in healthcare costing by eliminating the current "Kaiser exemption" in state reporting laws. SB 343 would help policy experts and healthcare researchers gain access to better information about Kaiser's cost-drivers in the individual and group health plan markets so we can make more accurate determinations whether Kaiser's annually proposed rate increases are reasonable and justified or not.

As you know, our members in Contra Costa County know well the challenges of reining in continually rising healthcare costs. There was a 12% rate increase in the Kaiser Health Plan A/Plan B this year for County employees. We're equally concerned about Kaiser costs for residents who purchase their own Kaiser plan on the Covered California health insurance exchange. There was a 9% annual rate increase on Contra Costa County residents purchasing their own Kaiser insurance on the exchange this year.

While there is no direct impact on County programs or operations, by requiring Kaiser to conform to existing state reporting laws on par with all other health plans and insurers statewide, SB 343 could provide the County with more uniform health care cost data during future purchasing negotiations for employee health insurance plans.



SB 343 is another possible tool for us to better control healthcare costs. Again, we urge you to establish a Support position by Contra Costa County for SB 343.

Sincerely for the Union Coalition,



Sean Stalbaum  
Lead Representative/Organizer  
IFPTE Local 21

CC: Hon. John Gioia, District 1 Supervisor  
Hon. Candace Andersen, District 2 Supervisor  
Hon. Karen Mitchoff, District 4 Supervisor  
Hon. Federal Glover, District 5 Supervisor  
David Twa, CAO  
Lisa Driscoll, Finance Director  
Jeff Bailey, Labor Relations Manager  
Shawn Stewart, President, AFSCME Local 2700  
America Patterson, President, AFSCME Local 512  
Winston Ingram, President, AFSCME PEU Local 1  
Brandon Banks, President, Contra Costa Public Defenders Association  
Aron DeFerrari, President, Deputy District Attorneys Association  
Sue Guest, President, IFPTE Local 21  
David MacDonald, President, Physicians & Dentists Organization of Contra Costa (PDOCC)  
Dan Jameyson, President, SEIU Local 1021  
Michael Dossey, President, Western Council of Engineers (WCE)  
Doug Jones, Contra Costa County Central Labor Council Executive Committee, SEIU-UHW



# California LABOR Federation

Headquarters: 600 Grand Avenue, Suite 410 • Oakland, CA 94610 • Tel: (510) 663-4000 Fax: (510) 663-4099  
 Legislative Office: 1127 11th Street, Suite 425 • Sacramento, CA 95814 • Tel: (916) 444-3676 Fax: (916) 444-7693

Art Pulaski *Executive Secretary-Treasurer* Kathryn Lybarger *President*

[www.CaliforniaLabor.org](http://www.CaliforniaLabor.org)

March 6, 2019

Senator Richard Pan  
 Chair, Senate Health Committee  
 State Capitol, Room 2191  
 Sacramento, CA 95814

RE: **SB 343 (Pan) – SUPPORT**

Dear Senator Pan:

The California Labor Federation supports your bill, SB 343, which will create uniformity in health plan and hospital reporting to state regulators by removing exemptions in existing law that allow Kaiser Permanente to report more limited information than other plans or facilities.

Rising health care costs have created an affordability crisis. Californians struggle to afford their premiums, deductibles, and co-pays and often ration their own care. Kaiser is one of the largest players in the health care industry in California, as a health plan, hospital, and medical group. Understanding Kaiser's financial status, cost drivers, and other information is critical to understanding and controlling health care costs.

Under existing law, health plans and health insurers are required to submit rate filings to the Department of Managed Health Care and Department of Insurance detailing cost drivers of premiums and other data. Regulators then review the filings for the individual and small group market and make determinations if rate increases are reasonable and justified or not.

However, Kaiser is specifically exempted from having to report certain information that other health plans are required to report in their rate filings. In practice, this has allowed Kaiser to propose rate increases without showing the underlying assumptions driving or justifying those increases. This exemption allows Kaiser to continue to increase rates in a black box hidden from regulators and the public. For purchasers in the large group market – employers and trust funds – this lack of information limits our ability to understand rising health care costs and negotiate for better rates.

Existing law requires licensed health facilities to make certain reports to the Office of Statewide Health Planning and Development (OSHPD). Kaiser hospitals again have an exemption in the law that allows them to report a fraction of the information that other hospitals provide. This exemption prevents purchasers, regulators, and researchers from investigating regional and facility differences and obscures the full financial picture of Kaiser.

SB 343 simply levels the playing field between Kaiser and all other health plans, insurers, and hospitals in the state by removing the "Kaiser exemption" in existing state reporting law.

For these reasons, we urge you to vote "YES" on SB 343 (Pan) when it comes before you in the Senate Health Committee.

Sincerely,

Sara Flocks  
 Public Policy Coordinator  
 SF: sm  
 OPEIU 29 AFL CIO

Cc: Committee Members

# SEIU California



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February 26, 2019

Honorable Dr. Richard Pan, Chair  
Senate Health Committee  
State Capitol, Room 2191  
Sacramento, CA 95814

## **RE: SB 343 (Pan) Healthcare Data Disclosure – SPONSOR & SUPPORT**

Dear Senator Pan,

On behalf of our 700,000 members, the California State Council of the Service Employees International Union (SEIU California) is proud to sponsor SB 343 (Pan), your bill to remove Kaiser-specific exceptions to health insurance and hospital transparency specified in existing law. SB 343 (Pan) will ensure that union members and employers bargaining for benefits have adequate information to understand the underlying cost drivers behind Kaiser's rates and the degree to which Kaiser hospitals contribute to health care costs. Given that Kaiser health plan represents 40% of the insurance market, and one out of every ten California hospitals is a Kaiser facility, these data from Kaiser are crucial to policymakers' understanding of how California's healthcare markets are functioning. More importantly, the unlevel playing field afforded to Kaiser puts purchasers at a competitive disadvantage when negotiating insurance rates and gives Kaiser an unfair advantage with its competitors.

While employers shoulder a significant share of healthcare costs, the impact on individual workers is even more severe. As the price of healthcare escalates, workers are left to shoulder the financial burden of higher premiums, co-pays and deductibles – an invisible form of compensation that does not go back into the family budget and the economy as a whole. A recent national study by the Economic Policy Institute shows that for family coverage, total employer sponsored insurance premiums rose from \$5,791 in 1999 to \$18,142 in 2016. For the bottom 90% of workers, this change meant the share of a worker's earnings going toward healthcare doubled, over the period. In real money, this is comparable to the loss of \$12,350 per year for a family, or a foregone pay raise of 26%. In California, premiums for job-based health insurance have risen 249% since 2002 - more than six times the rate of general inflation.

What is worse - workers are paying more for their coverage, even when they use the same or fewer healthcare services. The transparency we now have tells a story of prices driving cost increases without any justification on the utilization side. For example, last year alone, Kaiser increased insurance premiums on 4.9 million Californians by 5.2%, which amounts to an additional \$1.4 billion in premium costs. Despite limited detail on the justification for the proposed rate hike, the 2018 large group insurer rate filings demonstrated that all of Kaiser's 5.2% premium increases were due to price inflation, not utilization.

Transparency has been an effective tool for: 1) better understanding the underlying healthcare cost drivers, and 2) holding the industry accountable. California has enacted a series of successful laws to bring greater transparency to health insurance. In particular, SB 546 (Leno) Chapter 801, Statutes of 2015 requires insurers in the large group market (those with over 100 covered lives) to submit aggregate rate reports to California's two health insurance regulators, the Department of Managed Health Care (DMHC) and the California Department of Insurance (CDI), respectively. SB 546 also requires those regulators to hold an annual public meeting on large employer market rate filings.

Existing laws for large group market rate review effectively exempt Kaiser from requirements placed on all other insurers to provide their projected trend factor by benefit category. Rather, Kaiser alone is allowed to rely on actual experience from the prior benefit year, using categories that are, "the maximum extent possible, the same or similar to those used by other plans" in rate filings. In practice, this has allowed Kaiser to sidestep the requirement altogether and propose rate increases without demonstrating their underlying assumptions to regulators or purchasers. Rate filings from other health plans, such as Blue Shield of California, show projected medical trend factor assumptions for various categories, such as hospital inpatient or outpatient, radiology, and laboratory services. Kaiser's report collapses all these benefit categories into a single aggregate "hospital inpatient" number and uses the actual trend factor from the prior 12 months as justification, rather than a projection for the year ahead. Given that Kaiser health plan dominates the large group insurance market with 58% market share, this lack of transparency has a huge impact on California workers and their employers.

In addition to removing Kaiser's insurance reporting exemption, SB 343 would strike Kaiser's unique exemption to facility-based hospital reporting under the Office of Statewide Health Planning and Development (OSHPD), which permits Kaiser to report costs and revenues regionally, rather than by hospital. Due to the regional variation in hospital prices across California, particularly between Northern and Southern California, it is important to understand Kaiser's hospitals as they contribute to overall hospital pricing, as well as Kaiser's insurance rates.

There was a time when Kaiser's integrated delivery model was truly novel. In the years since Kaiser's phenomenal economic success – Kaiser currently has \$31 billion in reserves and \$2.5 billion in net profits – many other health systems have adopted the integrated delivery system model. In 2019, it is no longer fair or reasonable to exempt Kaiser from the transparency requirements which apply to all other integrated delivery models, and to all other health plans and hospital systems. It is for those reasons that we are proud to support your SB 343.

Sincerely,

A handwritten signature in blue ink, reading "Michelle Doty Cabrera".

Michelle Doty Cabrera  
Healthcare Director



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

10.

**Meeting Date:** 05/13/2019  
**Subject:** Emergency Medical Services Related Bills  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-12  
**Referral Name:** EMS related bills  
**Presenter:** Patricia Frost, EMS Director      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The County Director of Emergency Medical Services Agency, Patricia Frost, is recommending that the Legislation Committee consider recommendations of "Oppose Unless Amended" on AB 1544 (Gipson) and "Oppose" on SB 438 (Hertzberg).

#### **Referral Update:**

##### **[AB 1544 \(Gipson\)](#)**

**Author:** Mike A. Gipson (D-064)  
**Coauthor:** Hertzberg (D), Gloria (D)  
**Title:** **Community Paramedicine**  
**Fiscal Committee:** yes  
**Introduced:** 02/22/2019  
**Last Amend:** 04/22/2019  
**Disposition:** Pending  
**Location:** Assembly Appropriations Committee  
**Summary:** Establishes the Community Paramedicine or Triage to Alternate Destination Act. Authorizes a local EMS agency to develop a community paramedicine or triage to alternate destination program, to provide specified community paramedicine services.

Bill text for AB 1544 is available at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB1544](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB1544)

AB 1544 by Assembly Member Mike Gipson would enact the Community Paramedicine or Triage to Alternate Destination Act to allow local emergency medical services agencies (LEMSAs) to develop local community paramedicine programs including short-term post

discharge follow-up, case management services to frequent EMS service users, and alternate transport of patients to behavioral health facilities or sobering centers. The measure also requires LEMSAs to use or establish local emergency medical care committees (EMCCs) and establishes the Community Paramedicine Medical Oversight Committee to advise the EMS authority on and to approve minimum medical protocols for all community paramedicine programs. The bill requires a LEMSA to provide a right of first refusal to every public agency that is located within its jurisdiction to provide community paramedicine program specialties prior to offering to private EMS providers.

The bill analysis is Attachment A.

CSAC, RCRC, UCC, CHEAC, EMSAAC, and EMDAC are all in oppose unless amended positions.

### **SB 438 (Hertzberg)**

<b>Author:</b>	Robert M. Hertzberg (D-018)
<b>Coauthor</b>	Galgiani (D), Aguiar-Curry (D), Eggman (D)
<b>Title:</b>	Emergency Medical Services: Dispatch
<b>Fiscal Committee:</b>	no
<b>Urgency Clause:</b>	no
<b>Introduced:</b>	02/21/2019
<b>Last Amend:</b>	05/02/2019
<b>Disposition:</b>	Pending
<b>Location:</b>	Senate Third Reading File
<b>Summary:</b>	Prohibits a public agency from delegating, assigning, or contracting for 911 emergency call processing or notification duties regarding the dispatch of emergency response resources, unless the contract or agreement is with another public agency. Exempts from that prohibition a public agency that is a joint powers authority that contracted for emergency response resources on or before a specified date, under certain conditions.

The bill text for SB 438 is available at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB438](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB438)

SB 438 by Senator Robert Hertzberg was a recently amended measure to restrict the use of non-governmental-operated public safety answering points (PSAPs), including 9-1-1 EMS dispatching centers. The measure would circumvent existing oversight activities of local emergency medical service agency (LEMSA) medical directors to ensure the appropriate deployment and use of EMS resources.

The analysis prepared for the Senate Rules Committee is Attachment B.

CSAC, RCRC, UCC, CHEAC, EMSAAC, and EMDAC are all opposed to the measure. Letters opposed to the bill are Attachment C.

**Recommendation(s)/Next Step(s):**

Consider recommending a position of "Oppose" on SB 438 (Hertzberg) and AB 1544 (Gipson) and directing staff to place the bills on the Board's consent calendar for their May 21, 2019 meeting.

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**Attachments**

Attachment A

Attachment B

Attachment C

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Date of Hearing: May 1, 2019

## ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

### AB 1544

(Gipson) – As Amended April 22, 2019

Policy Committee: Health

Vote: 15 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

### SUMMARY:

This bill, until January 1, 2030, establishes state guidelines governing the implementation of community paramedicine programs (CPPs) or triage to alternate destination programs (triage programs) by local Emergency Medical Service agencies (LEMSAs) in California. Specifically, this bill:

- 1) Establishes allowable types of CPP specialties, including:
  - a) Short-term hospital discharge follow-up.
  - b) Directly observed therapy for tuberculosis
  - c) Case management services to frequent emergency services users.
- 2) Establishes allowable types of triage to alternate destination programs, including:
  - a) Providing care and comfort services to hospice patients in their homes in response to 911 calls prior to the arrival of a hospice provider.
  - b) Advanced life support triage and assessment by a triage paramedic and transportation to an alternate destination facility, such as an authorized mental health facility or authorized sobering center.
- 3) Authorizes a LEMSA to develop programs consistent with this bill and EMSA regulations and requires a local advisory committee of specified composition.
- 4) Requires the Emergency Medical Services Authority (EMSA) to issue regulations that establish standards governing CPPs and triage programs, as specified, including training, scope of practice, paramedic certification, program approval, and the collection and submission of data.
- 5) Requires EMSA review and approve local CPPs and triage programs and submit annual reports.
- 6) Adds members to the EMS Commission.
- 7) Prohibits the application of triage or assessment protocols that are discriminatory in nature.



- 8) Establishes a number of requirements for CPPs, including that they give public agencies first right of refusal to provide the proposed specialties listed in 1), above, and allows the LEMSA to select other entities to deliver the programs if public agencies decline to provide any or all of the proposed specialties.
- 9) Allows currently operating pilots to continue the use of existing providers.

#### FISCAL EFFECT:

- 1) Staff costs of approximately \$620,000 GF to EMSA in 2020-21 to promulgate regulations, design a data structure and data collection system, and transition current sites to new rules over the first one to two years. EMSA notes existing fee revenue will not support these costs.
- 2) Ongoing staff costs of approximately \$800,000 GF, until the January 1, 2030, sunset, to review and approve programs, collect and review data, and develop annual reports, assuming 15 CPP programs. There could be additional cost pressure if a higher number of counties authorize and submit programs for EMSA review.
- 3) Minor and absorbable workload to OSHPD. The oversight activities for the community paramedicine programs would continue as part of OSHPD's current workload.

#### COMMENTS:

- 1) **Purpose.** According to the author, community paramedicine is a concept that aims to improve the efficiency and delivery of health care using trained paramedics and other health care providers to address local needs. The author notes that in November of 2014, the Office of Statewide Health Planning and Development approved an application by EMSA for the operation of specific paramedicine programs in various LEMSAs in the state. This bill will structure the implementation of local programs statewide.
- 2) **Background.** California's 33 LEMSAs provide or coordinate the provision of EMS services in their regions. EMSA oversees LEMSAs by reviewing and approving local EMS plans and provides guidance and leadership to ensure consistency and quality of EMS care statewide. Since 2015, EMSA has sponsored community paramedicine pilot projects in a dozen California communities. Community paramedicine is a fairly new and evolving health care field that allows paramedics to function outside their traditional emergency response and transport roles to facilitate appropriate use of emergency care while enhancing access to primary care for medically underserved populations. OSHPD Health Workforce Pilot Project Program, through which the community paramedicine projects were administered, allows for laws governing health care providers' scope of practice to be relaxed in order to test new health care concepts.

The pilot has encompassed 18 projects in 13 communities across the state, testing seven different community paramedicine concepts. Twelve projects are currently enrolling patients. Five of the initial projects have closed for various reasons. One project suspended operations in December 2017 but plans to begin enrolling patients again in 2019. Independent evaluations conducted by the University of California, San Francisco, have found generally positive results from the pilots. For instance, the evaluation found no evidence of patient harm associated with implementation of the alternate destination pilot projects. Stanislaus' "alternate destination – mental health crisis center" project enrolled 251 persons between September 2015 and September 2017. Persons enrolled received care from a mental health

professional more quickly than persons with mental health needs who were not enrolled, because they did not have to first go to an emergency department (ED) for a medical evaluation and then be transported to a mental health crisis center. Very few enrollees (4%) had a secondary transfer to the emergency department, with no subsequent inpatient admissions.

- 3) **Prior Legislation.** AB 3115 (Gipson) was similar to this bill and was vetoed by Governor Brown, who expressed support for such innovative local efforts and a belief they should be expanded, but without the restrictions contained in the bill.

AB 1795 (Gipson), of the 2017-18 Legislative Session, which was held on the Suspense File of this committee would have allowed specially trained paramedics to transport an individual to a designated behavioral health facility or sobering center instead of a hospital ED.

AB 820 (Gipson), of the 2017-18 Legislative Session, would have allowed a LEMSA to transport specified patients to a community care facility, as defined, in lieu of transportation to a hospital. AB 820 was referred to the Assembly Health Committee and not heard.

AB 1650 (Maienschein), of the 2017-18 Legislative Session, would have allowed created the community paramedicine program within EMSA and allowed EMSA to authorize LEMSAs to participate, as specified. AB 1650 was referred to Suspense File of this committee and was not heard.

- 4) **Support.** California Professional Firefighters (CPF) is a co-sponsor of this bill and states that community paramedicine can leverage a trusted community resource, firefighter paramedics, to deliver important services. CPF notes CPPs and triage programs will allow improved access to essential services.

California Chapter of the American College of Emergency Physicians is also a co-sponsor, indicating the bill is well-crafted to meet important patient safety protections.

The California Fire Chiefs Association and the Fire Districts Association of California support this bill, noting that community paramedicine has been piloted in several jurisdictions and has proven to provide improved services while concurrently reducing costs to local government.

- 5) **Opposition.** The California Nurses Association/National Nurses United (CNA) opposes this bill, expressing concerns of mission creep and that removing paramedics from the prehospital space is dangerous for patients. CNA contends EMSA and UCSF refuse to make raw data available, contending these entities may be hiding unfavorable data.

EMS administrators, EMS medical directors and counties oppose this bill unless amended, arguing this bill will erode local medical control of the EMS systems and create unnecessary impediments for innovative solutions to the delivery of healthcare by counties and their local EMS agencies. Among their key policy concerns are expansion of the EMS Commission, creation of a triage to alternate destinations program (which they find more limiting than their existing authority), and preferential treatment of public agencies over private entities.

SB 438

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SB 438

**SENATE RULES COMMITTEE**

Office of Senate Floor Analyses

(916) 651-1520 Fax: (916) 327-4478

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**THIRD READING**

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**Bill No:** SB 438**Author:** Hertzberg (D), et al.**Amended:** 5/2/19**Vote:** 21

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**SENATE GOVERNANCE & FIN. COMMITTEE:** 6-1, 4/10/19**AYES:** McGuire, Beall, Hertzberg, Hurtado, Nielsen, Wiener**NOES:** Moorlach**SENATE HEALTH COMMITTEE:** 9-0, 5/1/19**AYES:** Pan, Stone, Durazo, Grove, Hurtado, Leyva, Mitchell, Monning, Rubio

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**SUBJECT:** Emergency medical services: dispatch**SOURCE:** California Professional Firefighters

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**DIGEST:**

This bill prohibits a public agency from entering into a contract for 911 call processing regarding the dispatch of emergency response resources unless the contract is with another public agency, with specified exceptions.

**ANALYSIS:**

Existing law:

- 1) Establishes the Warren-911-Emergency Assistance Act, which requires every public agency to have in operation a telephone service which automatically connects a person dialing the digits "911" to an established public safety answering point (PSAP).

- 2) Requires every 911 system to include police, firefighting, and emergency medical and ambulance services. Requires every 911 system, in those areas in which a public safety agency provides ambulance emergency services, to include such public safety agencies. Permits 911 systems to incorporate private ambulance services.
- 3) Establishes the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (EMS Act) to provide for a statewide system for emergency medical services (EMS), and establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of all state activities concerning EMS, including the establishment of minimum standards, policies, and procedures.
- 4) Authorizes counties to develop an EMS program and designate a local EMS agency (LEMSA) responsible for planning and implementing an EMS system, which includes day-to-day EMS system operations.
- 5) Requires every LEMSAs to have a licensed physician as medical director, to assure medical accountability throughout the planning, implementation, and evaluation of the EMS system. Requires the medical direction and management of an EMS system to be under the medical control of the medical director.
- 6) Requires authority for patient health care management in an emergency to be vested in the licensed or certified health care professional, including any paramedic or other prehospital emergency personnel, at the scene of the emergency who is most medically qualified regarding the provision of rendering emergency medical care. If no licensed or certified health care professional is available, requires the authority to be vested in the most appropriate medically qualified representative of public safety agencies who may have responded to the scene of the emergency.
- 7) Requires the administration of prehospital EMS by cities and fire districts providing such services as of June 1, 1980, to be retained by those cities and fire districts and to be continued at not less than the existing level until such time that a written agreement is reached between a city or fire district and a county.

This bill:

- 1) Prohibits a public agency from delegating, assigning, or entering into a contract for “911” call processing or emergency notification duties regarding the dispatch of emergency response resources unless the delegation or assignment is to, or the contract is with, another public agency.

- 2) Allows a joint powers authority that contracted for dispatch of emergency response resources on or before January 1, 2019, to continue to contract for dispatch of those resources and may renegotiate or adopt new contracts, if the membership of the joint powers authority includes all public agencies that provide prehospital EMS and the joint powers authority consents to the renegotiation or adoption of the contract.
- 3) Prohibits provisions of law governing medical control or medical direction and management of an EMS system, notwithstanding any provision of the EMS Act, from being construed to:
  - a) Limit, supplant, prohibit, or otherwise alter a public safety agency's authority to directly receive, process, and administer requests for assistance originating within the public safety agency's territorial jurisdiction through the emergency "911" system; or,
  - b) Authorize or permit a local EMS agency to delegate, assign, or enter into a contract in contravention of the prohibition on contracting for EMS dispatch established by the bill.
- 4) Provides that medical control or medical direction and management of an EMS system shall not be construed to authorize or permit a local EMS agency to reduce a public safety agency's response mode or deployment of public safety emergency response resources within the public safety agency's territorial jurisdiction.
- 5) Provides that a public safety agency's voluntary consent to conform its prehospital response or response mode to comply with an emergency medical dispatch protocol adopted by a local EMS agency does not constitute a transfer of any of the public safety agency's authorities regarding the administration of EMS.

## **Background**

The Warren-911-Emergency Assistance Act requires every local public agency to establish and operate an emergency telephone system using the digits 911. The purpose of the Act is to ensure an efficient statewide system for delivery of 911 calls to the appropriate local agency PSAPs that answer and respond to requests for emergency assistance.

A call to 911 first goes to the primary PSAP, which is always a law enforcement agency. When the primary PSAP receives a call, the dispatcher determines whether the call is

related to law enforcement, fire, or medical needs and are routed appropriately to a secondary PSAP: law enforcement personnel, the local government with fire protection responsibility, or the EMS provider.

Beginning in 1978, the Legislature began to consider imposing some consistent structure on the delivery of EMS prior to a patient arriving at a hospital. In 1980, the Legislature enacted the EMS Act to create the modern-day EMS system (SB 125, Garamendi).

Today, seven regional EMS systems covering multiple counties and 26 single county agencies have responsibility for developing protocols and standards for EMS response and care.

The EMS Act vests “medical control” with the LEMSA—the LEMSA’s medical director adopts policies and procedures for dispatch, patient destination policies, patient care guidelines, and quality assurance requirements to ensure that EMS under its jurisdiction meets state standards, such as response times. EMS may be provided under contract by private services, by contract or agreement with fire departments or other public agencies, or by both public and private entities. In order to provide comprehensive EMS coverage, a LEMSA may employ both private entities and public agencies. For example, depending on the location of the emergency, the medical needs of the patient, and the capabilities of the public and private agencies, one call may be routed to the private ambulance service that contracts with the LEMSA, while another call may be routed to a fire district to send an engine.

Concerned that private EMS dispatchers are not appropriately routing calls, firefighter union representatives want to ensure that public agencies are in charge of EMS dispatch.

### **Comments**

- 1) *Purpose of the bill.* According to the author, “The provision of fire protection services, rescue and emergency medical services, hazardous material emergency response, ambulance and other services related to the protection of lives and property is critical to the public peace, health and safety of the state. Likewise, the call processing and administration of such emergency response functions has traditionally been recognized as one of the highest priorities and obligations of government. However, many jurisdictions choose to outsource their local emergency services, under the guise of a cost savings. SB 438 prohibits a public agency from outsourcing its local emergency dispatch services to a private, for-profit entity. It ensures that local government can determine the appropriate level of emergency response with its community and explicitly protects a government’s right and obligation to receive and process emergency calls to ensure effective, efficient and rapid deployment of emergency response apparatus. When dealing with emergency care and other vital services, like firefighting, privatization results in an inherent pressure: the demand to turn a profit while caring for people in their most vulnerable moments. SB 438



ensures that the safety of all Californians is in the hands of a public agency, ensuring the best possible standard of emergency care.”

- 2) *Who does it best?* The EMS Act charges counties with a life-or-death responsibility: ensuring that their citizens receive adequate EMS. In discharging that responsibility, counties compare the offerings and capabilities of both public and private entities, and enter into agreements based on which entities can best provide the services. Some LEMSAs have fire departments dispatch EMS; others have chosen to award EMS dispatch contracts to private services that bring the substantial resources and expertise of nation-wide companies. The ability to choose between the two is key to being able to offer the best services to county residents; county supervisors decide to enter into a contract with a private entity only after considering the fiscal, administrative, and service delivery implications for their communities. SB 438 intervenes in this decision-making by prohibiting counties from contracting out for EMS dispatch services. By tying the hands of local elected officials, SB 438 potentially prevents LEMSAs from choosing the service provider that best meets their constituents’ needs, with potential implications for public health. Furthermore, some counties have existing contracts with private EMS dispatchers that would be undermined by SB 438’s prohibition, potentially upending EMS delivery in those counties. Should the Legislature supplant its judgment for that of local officials that have direct responsibility for EMS delivery, and have awarded contracts accordingly?

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: No Local: No

**SUPPORT:** (Verified 5/3/19)

California Professional Firefighters (source)  
 Alameda County Fire Chief’s Association  
 Alameda Fire Department  
 Alpine Fire Protection District  
 Anderson Fire Protection District  
 Apple Valley Fire Protection District  
 Big Bear Fire Department  
 Bodega Bay Fire Protection District  
 Bonita Sunnyside Fire Protection District  
 Branciforte Fire Protection District  
 California City Fire Department  
 California Fire Chiefs Association  
 California Metropolitan Fire Chiefs Association  
 Cambria Community Services District Fire Department

Central County Fire Department  
Chino Valley Fire District  
Chula Vista Firefighters Local 2180  
City of Atascadero Fire & Emergency Services  
City of Carlsbad Fire Department  
City of Chula Vista Fire Department  
City of Colton  
City of Corona Fire Department  
City of Culver City  
City of Dinuba Fire Department  
City of Dixon Fire Department  
City of Fountain Valley Fire Department  
City of Huntington Beach Fire Department  
City of Lodi Fire Department  
City of Loma Linda Fire Department  
City of Ontario  
City of Oxnard Fire Department  
City of Palm Springs Fire Department  
City of Palo Alto Fire Department  
City of Petaluma Fire Department  
City of Rohnert Park Department of Public Safety  
City of Sacramento Fire Department  
City of San Diego Fire-Rescue Department  
City of San Marcos  
City of Santa Cruz Fire Department  
City of Santa Rosa Fire Department  
City of Santee Fire Department  
City of South Lake Tahoe Fire Department  
City of Stockton Fire Department  
City of Ventura Fire Department  
City of Vista  
Cordelia Fire Protection District  
Cosumnes Fire Department Community Services District  
Fire Districts Association of California  
Firefighters Local 1186  
Foresthill Fire Protection Department  
Fresno County Fire Protection District  
Gilroy Fire Department  
Humboldt Bay Fire  
Lake County Fire Protection District



Lathrop-Manteca Fire Protection District  
Linda Fire Protection District  
Mammoth Lakes Fire Protection District  
Marina Fire Department  
Mid-Coast Fire Brigade  
Montecito Fire Department  
Monterey County Fire Chiefs Association  
Monterey Firefighters Association  
Newport Beach Fire Department  
Newport Beach Firefighters Local 3734  
North County Fire Authority  
North County Fire Protection District  
North Tahoe and Meeks Bay Fire Protection Districts  
Northshore Fire Protection District  
Novato Fire District  
Orange City Fire Department  
Orange County Fire Chief's Association  
Sacramento Metropolitan Fire District  
San Benito-Monterey Chapter CALFIRE Local 2881  
San Bernardino County Fire Protection District  
San Joaquin County Regional Fire Dispatch Authority  
Santa Clara County Fire  
Scotts Valley Fire Protection District  
Seaside Fire Department  
Sonoma County Fire District  
South Placer Fire District  
Southern Marin Emergency Medical Paramedic System  
Southern Marin Fire Protection District  
Stanislaus Consolidated Fire Protection District  
Thornton Rural Fire Protection District  
Tiburon Fire Protection District  
Tracy Firefighters Association Local 3355  
United Firefighters of Los Angeles  
Waterloo Morada Fire District  
Williams Fire Protection Authority  
One Individual

**OPPOSITION:** (Verified 5/3/19)

American Medical Response  
California State Association of Counties  
County Health Executives Association of California  
County of Fresno  
Emergency Medical Services Administrators Association of California  
Emergency Medical Services Medical Directors Association of California  
Montezuma Fire Protection District  
Ripon Consolidated Fire District  
Rural County Representatives of California  
San Joaquin County Joint Radio Users Group  
San Mateo County Board of Supervisors  
San Mateo County Health  
Shasta County Board of Supervisors  
Sonoma Valley Fire & Protection Authority  
Urban Counties of California

Prepared by: Anton Favorini-Csorba / GOV. & F. / (916) 651-4119  
5/3/19 14:20:29

\*\*\*\* **END** \*\*\*\*



April 3, 2019

The Honorable Mike McGuire  
Chair, Senate Governance and Finance Committee  
State Capitol, Room 5061  
Sacramento, CA 95814

RE: SB 438/Hertzberg – Emergency medical services: dispatch  
As Amended March 25, 2019 – OPPOSE

Dear Senator McGuire:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC), County Health Executives Association of California (CHEAC), Emergency Medical Services Administrators Association of California (EMSAA) and the Emergency Medical Services Medical Directors Association of California (EMDAC), representing California's 58 counties and the 33 local emergency medical services agencies (LEMSAs) serving them, must regrettably oppose SB 438, authored by Senator Hertzberg. This measure would restrict the use of non-governmental operated public safety answering points (PSAPs), including 9-1-1 EMS dispatch centers, and would circumvent the existing oversight of LEMSA medical directors to ensure the appropriate deployment and use of EMS resources.

SB 438 attempts to overturn 22 years of Supreme Court precedent in *County of San Bernardino v. City of San Bernardino* (1997 15.Cal. 4<sup>th</sup> 909). The State Supreme Court explained in enacting the EMS Act in 1980, "the Legislature conceived of 'medical control' in fairly expansive terms, encompassing matters directly related to regulating the quality of emergency medical services, including policies and procedures governing dispatch and patient care." Other subjects of medical control include those policies designed to improve the "speed and effectiveness" or emergency response as well as "how the various providers will interact at the emergency scene."

Should SB 438 become law, public safety agencies would be permitted to act outside of the medical control of the LEMSA medical director in the response and delivery of prehospital emergency care. This fragments the EMS system and may result in considerable variation in the

care provided to patients and risks patient safety as deviations from LEMSA policies and procedures may occur without any ability for the LEMSA to issue corrective action. It is for these reasons, we regretfully must oppose SB 438.

Sincerely,

*As signed by*

Farrah McDaid Ting  
CSAC Legislative Representative

*As signed by*

Kelly Brooks-Lindsey  
UCC Legislative Representative

*As signed by*

Tracy Rhine  
RCRC Legislative Advocate

*As signed by*

Michelle Gibbons  
CHEAC Executive Director

*As signed by*

Kris Lyon, MD  
EMDAC President

*As signed by*

Tammi McConnell  
EMSAAC President

cc: The Honorable Robert Hertzberg, Member, California State Senate  
The Honorable Susan Eggman, Member, California State Assembly  
Honorable Members, Senate Governance & Finance Committee  
Anton Favorini-Csorba, Consultant, Senate Governance & Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus



April 3, 2019

The Honorable Jim Wood, DDS  
Chair, Assembly Health Committee  
State Capitol, Room 6005  
Sacramento, CA 95814

**RE: AB 1544 (Gipson): Community Paramedicine or Triage to Alternate Destination Act  
As Introduced February 22, 2019 – OPPOSE UNLESS AMENDED  
Set for Hearing on April 9, 2019 – Assembly Health Committee**

Dear Assembly Member Wood:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), representing all 58 of California's counties, and the County Health Executives Association of California (CHEAC) representing local health departments throughout the state, have adopted an OPPOSE UNLESS AMENDED position on Assembly Member Mike Gipson's Assembly Bill 1544. While counties are supportive of community paramedicine and alternate transport, AB 1544 weakens local control of the Emergency Medical Services (EMS) systems and incorporates unnecessary constraints on the community medicine and alternate destination program structure.

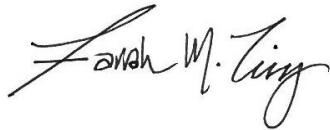
AB 1544 requires that if the Local Emergency Medical Services Agency (LEMSA) establishes a community paramedicine or triage to alternative destination program, it must allow a public agency, such as city fire departments, the first right of refusal to operate such a program. By requiring the county LEMSAs to provide the first right of refusal for operating an alternate destination or triage program only to public agencies, AB 1544 restricts the county's authority to implement the program in the safest and most effective way. This provision would result in a patchwork of alternate destination services within a single county and could disrupt the existing delivery of emergency medical services. Additionally, there is no clinical justification for this public preference and this mandate is in direct contradiction to the requirement that LEMSAs ensure quality and timely EMS services to all residents within its jurisdiction by developing a county-wide EMS plan with all qualified partners in the county.

Additionally, AB 1544 placed additional burdens and restrictions on local EMS agencies that opt to operate an alternate destination or triage program, including the formation of new and bureaucratic board-appointed committees and unnecessary EMS plan requirements.

Counties continue to strongly support alternate destination and triage programs, many of which may also help our members in their efforts to combat homelessness by improving the health and behavioral health of residents by providing the appropriate level of services to the appropriate individuals at the appropriate time. It is critical for LEMSAs to retain their authority to develop alternate destination programs while maintaining their responsibility to create and oversee a comprehensive local emergency medical services prehospital transport system.

CSAC, UCC, RCRC, and CHEAC stand ready to work with Assembly Member Gipson and the bill's sponsors to ensure a cohesive and safe local EMS system in each of our counties. We recognize this issue is complicated and are seeking feedback from our members on the provisions of AB 1544, and will share proposed amendments as soon as possible.

Sincerely,



Farrah McDaid Ting  
Legislative Representative  
California State Association of  
Counties (CSAC)



Kelly Brooks-Lindsey  
Legislative Representative  
Urban Counties of California (UCC)



Tracy Rhine  
Legislative Advocate  
Rural County Representatives of  
California (RCRC)



Michelle Gibbons  
Executive Director  
County Health Executives Association of  
California (CHEAC)

cc: The Honorable Mike Gipson, Member, California State Assembly  
The Honorable Todd Gloria, Member, California State Assembly  
The Honorable Robert Hertzberg, Senator, California State Senate  
Tam Ma, Deputy Legislative Secretary, Office of Governor Brown  
Jennifer Lim, Deputy Director of Legislative Affairs, Emergency Medical Services  
Authority  
Christy Bouma, California Professional Firefighters  
Betsy Armstrong, Senior Policy Analyst, Emergency Medical Services Administrators  
Association of California  
Kathryn Scott, California Hospital Association  
Adriana Ruelas, Steinberg Institute



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

11.

**Meeting Date:** 05/13/2019  
**Subject:** State and Federal Legislative Advocacy Contracts: Award Recommendations  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-06  
**Referral Name:** Advocacy Contract Recommendations  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee directed CAO staff to conduct a procurement process for the State and Federal Advocacy Services contracts for the period FY 2019/20 through FY 21/22 with two single year options to renew to the successful responder.

#### **Referral Update:**

CAO staff prepared and distributed the Requests for Qualifications, which were issued on March 27, 2019 for the State Legislative Advocacy Services (Attachment B) and on April 1, 2019 for the Federal Legislative Advocacy Services (Attachment A).

The County received three (3) responses to the Federal Advocacy Services RFQ and three (3) responses to the State Advocacy Services RFQ.

#### **Federal Advocacy Services RFQ Responders:**

1. Alcalde & Fay (*incumbents*)
2. Federal Advocate Inc.
3. Smith Dawson & Andrews

#### **State Advocacy Services RFQ Responders:**

1. Nielsen Merksamer Parrinello Gross & Leoni LLP (*incumbents*)
2. Nossaman LLP
3. Quintana, Watts & Hartmann

Per the RFQ, a County Selection Committee (CSC) was convened to review and rate the responses. The CSC was composed of the following:

- Supervisor Diane Burgis, District III, Chair of the Legislation Committee
- Chief Assistant County Administrator Timothy Ewell
- Employment and Human Services Director Kathy Gallagher

- Health Services Administrator Joshua Sullivan
- Water Agency Manager Ryan Hernandez

The CSC convened on May 1, 2019 to score the responses and select firms for interview. All three responders for the Federal Advocacy Services contract were interviewed via Skype. Two of the responding firms for the State Advocacy Services were invited to interview: Nielsen Merksamer and Nossaman LLP.

Upon conclusion of the interview process, the CSC recommended that contract awards be made to the following:

Federal Legislative Advocacy Services: Federal Advocates Inc.

State Legislative Advocacy Services: Nossaman LLP

Staff is conducting reference checks. Responders have been notified of the intent to award and have 5 days from notification to appeal the results to the County Administrator. The Board of Supervisors are anticipated to act on the award recommendation at their May 21, 2019 meeting.

The fee schedules proposed by the recommended contracts are higher than current retainer rates. Nossaman LLP is proposing a monthly retainer of \$17,500 (\$15,000 present rate). Federal Advocates Inc. is proposing a monthly retainer of \$10,000 (\$8,458 present rate).

**Recommendation(s)/Next Step(s):**

Consider recommending to the Board of Supervisors the award of contracts to Nossaman LLP for state legislative advocacy services in the amount of \$630,000 for the period of July 1, 2019 through June 30, 2022 and Federal Advocates Inc. for federal legislative advocacy services in the amount of \$360,000 for the period of July 1, 2019 through June 30, 2022, and directing staff to schedule the contract award and authorization on the Board's consent calendar for its May 21, 2019 meeting.

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**Attachments**

Attachment A

Attachment B

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# COUNTY OF CONTRA COSTA

## REQUEST FOR QUALIFICATIONS No. 1902-328

For

### FEDERAL LEGISLATIVE ADVOCACY SERVICES

Written questions about this RFQ can be submitted by **12:00 p.m. (noon) on April 10, 2019** to:  
[lara.delaney@cao.cccounty.us](mailto:lara.delaney@cao.cccounty.us)

Thank you in advance for your interest in this opportunity  
and for your efforts in preparing your response.

**DATE ISSUED: APRIL 1, 2019**

**RESPONSE DUE**

by

**12:00 p.m. (noon)**

on

**APRIL 24, 2019**

At

Contra Costa County Administrator's Office  
651 Pine Street, 10<sup>th</sup> Floor  
Martinez, CA 94553

# COUNTY OF CONTRA COSTA

## REQUEST FOR QUALIFICATIONS No. 1902-328 For

### FEDERAL LEGISLATIVE ADVOCACY SERVICES

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# **COUNTY OF CONTRA COSTA**

## **REQUEST FOR QUALIFICATIONS No. 1902-328** **For**

<b>FEDERAL LEGISLATIVE ADVOCACY SERVICES</b>
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#### **ATTACHMENTS**

- Exhibit A – Fee Schedule
- Exhibit B – Response Content and Submittal Completeness Checklist
- Exhibit C – Standard Contract

## **I. ACRONYM AND TERM GLOSSARY**

Unless otherwise noted, the terms below may be upper or lower case. Acronyms will always be uppercase.

Bidder or Responder	Shall mean the specific person or entity responding to this RFQ
Board	Shall refer to the County of Contra Costa Board of Supervisors
CAO	Shall refer to the County Administrator's Office
CSC	Shall refer to County Selection Committee
Contractor	When capitalized, shall refer to selected responder that is awarded a contract
County	When capitalized, shall refer to the County of Contra Costa
Federal	Refers to United States Federal Government, its departments and/or agencies
FY	Shall mean Fiscal Year
Labor Code	Refers to California Labor Code
Proposal	Shall mean responder/contractor response to this RFQ
Request for Qualifications	Shall mean this document, which is the County of Contra Costa's request for contractors'/responders' proposal to provide the services being solicited herein; also referred herein as RFQ
Response or Submittal	Shall refer to responder's proposal submitted in reply to RFQ
RFQ	Request for Qualifications
State	Refers to State of California, its departments and/or agencies

## **II. STATEMENT OF WORK**

### **A. INTENT**

The intent of this Request for Qualifications (RFQ) is to describe federal legislative advocacy and related services required by the County of Contra Costa and to solicit qualifications from experienced providers to professionally and effectively represent the County's interests in Washington D.C. The County intends to award a three-year contract with two (2) single year options to renew to the successful responder whose response conforms to the RFQ and meets the County's requirements.

### **B. SCOPE**

Contra Costa County is seeking qualifications from experienced providers of Federal legislative advocacy services to professionally and effectively represent the County's interests in Washington, D.C. The purpose of the Federal legislative program is to secure legislation that benefits the County and its residents while seeking to mitigate or oppose legislation that would adversely impact the County's delivery of service; to secure Federal funding through the grant and/or appropriations process; and to shape public policy in priority areas that impact County government.

The successful responder will work in a proactive manner to protect and advance the County's interests. This includes lobbying the Congress and Administration to ameliorate budget proposals that negatively affect the County's interests and aggressively seek opportunities to

enhance the County's budget. Services required by the County include congressional and administrative representation with members of the executive branch, members and staff of the Congress, pertinent Federal offices and agencies, and relevant interest groups, coalitions, and associations. The successful Contractor will meet with Federal authorities and represent the County's interests as directed by the County. The legislative advocate will also work with the Board of Supervisors, the Legislation Committee, the County Administrator, department heads and/or assigned departmental staff on a legislative agenda to advance the County's interests. This includes tracking and suggesting opportunities to change Federal policy in ways that will benefit residents of Contra Costa County. The Contractor shall report to the County Administrator's Office.

The CAO coordinates the County's Legislative activities, as summarized below.

1. **Annual Legislative Program**

The Contra Costa County Board of Supervisors adopts an annual Federal Legislative Platform in January of each year<sup>1</sup>. Prior to developing this Platform, the CAO's office invites input from all County departments, the Board of Supervisors, its subcommittees, and its advisory bodies. From this input, the Federal Legislative Platform is developed. The County's Federal Legislative Platform includes identified funding needs, transportation needs, support for appropriations and grants, as well as the County's position on various policy issues. The Platform is submitted to the Board of Supervisors through the County's Legislation Committee, which typically approves the draft legislative Platform in December. The Platform is amended throughout the year as new legislative issues arise.

2. **Legislation Committee**

In 2007, the County established the Legislation Committee as a means of coordinating the review of legislative matters of interest to the County. (The Board's Transportation, Water, and Infrastructure Committee reviews legislative matters related to transportation, water, and other infrastructure.) The Legislation Committee meets monthly to review the impact of State and Federal legislation on the County. The Committee receives regular updates from the County's State and Federal legislative advocates and advises the Board of Supervisors and County Administrator on legislative matters affecting the County.

3. **Issues of Particular Concern to the County**

- A. Increased funding for health and human services programs
- B. Healthcare Reform; Medical Insurance for the Uninsured and Underinsured; Increased funding for Medicaid and Medicare
- C. Transportation & Infrastructure Funding
- D. Increased funding for Housing and Urban Development (HUD) programs, including Community Development Block Grant (CDBG), McKinney-Vento, Homeless Assistance, Housing Opportunities for Persons with AIDS (HOPWA), and HOME Investment Partnership programs

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<sup>1</sup> The Board's adopted Platform is available at: <http://www.contracosta.ca.gov/2859/Legislation>

- E. Increased funding for navigation, flood control, and habitat restoration projects
- F. Funding for Mt. Diablo Mercury Mine Clean-up
- G. Federal grant funding for Justice-related programs
- H. Advocacy related to the Sacramento-San Joaquin Delta, consistent with the County's Water Platform

Note that this list is not all-inclusive and the contractor would be expected to work with the County to identify other issues of concern.

C. BACKGROUND

Contra Costa County was incorporated in 1850 as one of the original 27 counties of California. A five-member Board of Supervisors, each elected to four-year terms in district nonpartisan elections, serves as the legislative body of the County, which has a general law form of government. Also elected are the County Assessor, Auditor-Controller, Clerk-Recorder, District Attorney, Sheriff-Coroner and Treasurer-Tax Collector. The County Administrator, David Twa, is appointed by the Board as the chief executive officer and directs the day-to-day government operations of the County. The County Administrator is also responsible for presenting the Board with a Recommended Budget for consideration of adoption as the Final (Adopted) Budget, which serves as the foundation of the County's financial planning and control.

Contra Costa is one of nine counties in the San Francisco-Oakland Bay Area and the ninth most populous county in California with an estimated population of 1,149,363 as of January 1, 2018. The County covers about 733 square miles and extends from the northeastern shore of the San Francisco Bay easterly about 50 miles to San Joaquin County. The County is bordered on the south and west by Alameda County and on the north by the Suisun and San Pablo Bays. The western and northern shorelines are highly industrialized, while the interior sections are suburban/residential, commercial and light industrial. The County contains 19 cities, the most populous of which include Richmond in the west (pop. 110,967); Antioch in the northeast (113,061); and Concord in the middle (129,159).

The County agencies/departments include: Agriculture, Animal Services, Assessor, Auditor-Controller, Child Support Services, Clerk-Recorder, Conservation & Development, County Administrator, County Counsel, District Attorney, Employment and Human Services, Contra Costa Consolidated Fire, Health Services, Human Resources, Information Technology, Library, Probation, Public Defender, Public Works, Risk Management, Sheriff-Coroner, Treasurer-Tax Collector, and Veterans Services. The County employs approximately 9,801 permanent full-time employees. The General Fund budget for FY 2018-19 is \$1.77 Billion, with a total adjusted budget, excluding Fire and special districts, for FY 2018-19 of \$3.77 Billion.

With respect to its Federal advocacy services, the County presently contracts with Alcalde & Fay. This firm has been under contract since 2001 as the County's Federal legislative advocates and receives a monthly retainer of \$8,458. The contract expires on June 30, 2019.

D. MINIMUM QUALIFICATIONS

1. Responders shall be regularly and have been continuously engaged in the business of providing Federal legislative advocacy to **local governments** for at least five (5) years

*(does not have to be consecutive service or with the same jurisdiction), preferably to urban county governments.*

2. Responders shall have an office based in the Washington D.C. area with at least two non-clerical staff who would be assigned full-time or part-time to this contract who possess significant experience testifying at hearings before Congress and Federal agencies. *Responders must submit names and resumes.*
3. Responders shall have relationships with the County's congressional delegation and their staff. Responders must provide a list of contacts and/or supporting documentation that demonstrates existing relationships. *The list need not be comprehensive.*
4. Responders shall have broad bipartisan relationships with Federal representatives, congressional staff, Federal agency staff, and executive branch officials. Responders must provide a list of contacts or supporting documentation that demonstrates existing relationships. *The list need not be comprehensive.*
5. Responders shall possess the proven ability to initiate, develop, and carry out effective strategies to influence legislative and administrative activities and to effectively lobby on behalf of the County.
6. Responders shall possess all permits, licenses and professional credentials necessary to perform the required advocacy services.
7. Responders' other clients should not pose conflict of interest issues for the County, nor should their interest be in direct conflict with the County's mission.

Any response that does not demonstrate that the Responder meets these minimum requirements by the deadline to submit proposals will be considered non-responsive and will not be eligible for evaluation for award of the contract.

E. SPECIFIC REQUIREMENTS/SCOPE OF WORK

The selected Responder shall advise, counsel, and represent the County in pursuing initiatives and funding before the Congress and the Executive Branch of Federal government. Under the direction of the County Administrator, the Federal legislative advocate will provide, at a minimum, the following services:

1. Energetically represent the County and serve as a liaison between the Congress, Federal administration officials, and other Federal Department representatives.
2. Maintain regular, routine communication with the County Administrator's Office regarding issues of importance to the County Board of Supervisors, the County Administrator, and Department heads.
3. Provide the County Administrator's Office with timely reports during session and on an "as needed" basis when the Congress is not in session.

4. Work with the legislative members and staff to implement the legislative objectives approved by the County, including (if necessary) obtaining sponsorship of bill(s) or amendment(s) to bill(s) consistent with the legislative agenda and Platform approved by the County Board of Supervisors.
5. Assist the County in developing strong relations with the County's congressional delegation, congressional leaders and the Administration. This includes developing a target list of key influencers from both parties in the Congress and proactively developing relationships between these members and County leaders.
6. Draft and/or assist in drafting materials, correspondence, legislation, amendments, and resolutions to advocate in support of the County's legislative goals.
7. Monitor all bills of interest to the County and take action on such legislation as directed by the County Administrator's Office. For bills or amendments passed into law that affect the County, Contractor shall monitor the implementation of those laws and advise the County on the action needed to ensure proper implementation and compliance.
8. Provide logistical support to arrange appointments and meetings with members of the Congress, Administration, and Federal agencies, as needed. This includes preparing talking points and/or briefing materials as needed.
9. Serve as the liaison to the National Association of Counties (NACo), and, as requested, to other Federal professional organizations.
10. Lead the County in developing and implementing an effective Federal advocacy strategy and annual legislative program to:
  - a. Influence Federal laws and policies as they relate to County priorities, programs and operations, including enacting legislation which accomplish specific County goals; and
  - b. Identify opportunities to increase funding for County priorities, programs and operations. The advocate will be proactive in opposing legislation or statutes that may have a negative impact on funding.
11. Research and provide information to the County on such matters as:
  - a. Federal Budget: Prepare written reports of analysis of Federal Budget actions and their impact on the County.
  - b. Federal bills and laws: Monitor legislation affecting County programs and alert the County Administrator's Office and appropriate departmental staff.
  - c. Funding opportunities and availability.
  - d. Congressional hearings, reports and testimony.



- e. Federal regulations, guidelines, directives and other administrative policies, both proposed and adopted.
- f. Technical memoranda and reports impacting County operations; and

12. Perform other related duties as mutually agreed upon.

**F. DELIVERABLES/REPORTS**

- 1. Report on and advise the County on relevant Federal legislation, proposed and adopted, and administrative actions that affect County programs. Reporting will include, at a minimum:
  - a. a yearly summary on major activities and accomplishments;
  - b. participation in conference calls with the Legislation Committee to provide updates on legislative activities, pending legislation, and all budget related matters; and
  - c. in-person visits to the County which will include meetings with Board members/staff, County administrative and departmental staff.
- 2. Regular e-mails regarding budget and/or legislative updates.

**III. INSTRUCTIONS TO RESPONDERS**

**G. CORRESPONDENCE**

As of the issuance of this RFQ, Responders are specifically directed not to contact County personnel for meetings, conferences or technical discussions related to this RFQ. Failure to adhere to this policy may result in disqualification of the Responder.

All questions regarding the proposal must be directed to Lara DeLaney, Senior Deputy County Administrator at: [lara.delaney@cao.cccounty.us](mailto:lara.delaney@cao.cccounty.us). Include RFQ #1902-328 in the Subject line. The deadline for submitting questions for this RFQ is on or before 12:00 noon on April 10, 2019. All questions will be answered and disseminated to those registered on the BidSync website; BidSync is a web-based government bidding system.

It is the responsibility of each responder to be familiar with all of the specifications, terms and conditions. By the submission of a Bid, the Responder certifies that if awarded a contract they will make no claim against the County based upon ignorance of conditions or misunderstanding of the specifications.

**H. CALENDAR OF EVENTS**

Event	Date/Location
Request Issued	April 1, 2019
Written Questions Due	<b>by</b> 12:00 p.m. (noon) on April 10, 2019
Response Due	<b>by</b> 12:00 p.m. (noon) on April 24, 2019
Interviews	Week of May 6, 2019

Legislation Committee Recommendation	May 13, 2019
Board Award Date	May 21, 2019
Contract Start Date	July 1, 2019

***Note:** Award date is approximate.*

**I. SUBMITTAL OF RESPONSES**

1. All responses must be SEALED and must be received at the County Administrator's Office **by** 12:00 p.m. on the due date specified in the Calendar of Events.

NOTE: LATE AND/OR UNSEALED RESPONSES CANNOT BE ACCEPTED. IF HAND DELIVERING RESPONSE, PLEASE ALLOW TIME FOR METERED STREET PARKING OR PARKING IN PUBLIC PARKING LOTS.

Responses will be received only at the address shown **below**, and by the time indicated **in the Calendar of Events**. Any response received after said time and/or date or at a place other than the stated address cannot be considered and will be returned to the responder unopened.

2. Responses are to be addressed **and delivered** as follows:

**Federal Legislative Advocacy Services  
RFQ #1902-328  
Contra Costa County, County Administrator's Office  
651 Pine Street, 10<sup>th</sup> floor  
Martinez, CA 94553**

3. Responders are to submit one (1) original hard copy response, with original blue ink signatures, plus five (5) copies of their proposal. Original response is to be clearly marked, printed on plain white paper, and must be either loose leaf or in a 3-ring binder (**NOT** bound). It is preferred that all responses submitted shall be printed double-sided and on minimum 30% post-consumer recycled content paper.
4. Responders must also submit an electronic copy of their proposal. The electronic copy must be a single file, scanned image of the original hard copy with all appropriate signatures, and must be on a disk or USB flash drive and enclosed with the sealed hard copy of the response.
5. Responder's name and return address must also appear on the mailing package.
6. No email (electronic) or facsimile responses will be considered.
7. Responder agrees and acknowledges all RFQ specifications, terms and conditions and indicates ability to perform by submission of its response.

8. All costs required for the preparation and submission of a bid shall be borne by Responder.
9. Proprietary or Confidential Information: No part of any response is to be marked as confidential or proprietary. County may refuse to consider any response or part thereof so marked. Responses submitted in response to this RFQ may be subject to public disclosure. County shall not be liable in any way for disclosure of any such records. Additionally, all responses shall become the property of County. County reserves the right to make use of any information or ideas contained in submitted responses. This provision is not intended to require the disclosure of records that are exempt from disclosure under the California Public Records Act (Government Code Section 6250, *et seq.*) or of “trade secrets” protected by the Uniform Trade Secrets Act (Civil Code Section 3426, *et seq.*).
10. All other information regarding the responses will be held as confidential until such time as the County Selection Committee has completed their evaluation and an intended award has been made by the County Board of Supervisors. The submitted proposals shall be made available upon request no later than five (5) business days after approval of the award and contract is scheduled to be heard by the Board of Supervisors. All parties submitting proposals, either qualified or unqualified, will receive mailed intent to award/non-award notifications, which will include the name of the responder to be recommended for award of this project.
11. Each response received, with the name of the responder, shall be entered on a record, and each record with the successful response indicated thereon shall, after the award of the order or contract, be open to public inspection.

J. RESPONSE FORMAT

1. Responses are to be straightforward, clear, concise and specific to the information requested.
2. In order for responses to be considered complete, Responder must provide all information requested. See Exhibit B, Response Content and Submittal Completeness Checklist.

K. EVALUATION CRITERIA/SELECTION COMMITTEE

All proposals will be evaluated by a County Selection Committee (CSC). The County Selection Committee may be composed of Board Members, County staff and other parties that may have expertise or experience in Federal legislative advocacy services. The CSC will select a contractor in accordance with the evaluation criteria set forth in this RFQ. The evaluation of the proposals shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through the County Administrator’s Office only. Responders shall neither contact nor lobby evaluators during the evaluation process. Attempts by Responder to contact and/or influence members of the CSC may result in disqualification of Responder.

As a result of this RFQ, the County intends to award a contract to the responsible responder whose response conforms to the RFQ and whose response presents the greatest value to the County, all evaluation criteria considered. The combined weight of the evaluation criteria is greater in importance than cost in determining the greatest value to the County. The goal is to award a contract to the responder that proposes to the County the best quality of services as determined by the combined weight of the evaluation criteria.

The evaluation process may include a two-stage approach including an initial evaluation of the written proposal and preliminary scoring to develop a short list of responders that will continue to the final stage of oral presentation and interview and reference checks. If the two-stage approach is used, responders receiving the highest preliminary scores may be invited to an oral presentation and interview. Only the responders meeting the short list criteria will proceed to the next stage. All other responders will be deemed eliminated from the process. All responders will be notified of the short list participants; however, the preliminary scores at that time will not be communicated to responders.

#### Evaluation Criteria

- Completeness of Response
- Relevant Experience and Relationships
- References
- Understanding of the Project and Scope of Work
- Presentation and Interview if required

#### L. NOTICE OF INTENT TO AWARD

At the conclusion of the RFQ response evaluation process (“Evaluation Process”), all responders will be notified in writing by e-mail or fax, and certified mail, by the CAO’s office of the contract award recommendation, if any. The document providing this notification is the “Notice of Intent to Award.” The Notice of Intent to Award will provide the following information:

- The name of the responder being recommended for contract award; and
- The names of all other parties that submitted proposals.

#### M. DISPUTES RELATING TO PROPOSAL PROCESS AND AWARD

In the event a dispute arises concerning the proposal process prior to the award of the contract, the party wishing resolution of the dispute shall submit a request in writing to the County Administrator. Responders may appeal the recommended award or denial of award, provided the following stipulations are met:

1. Appeal must be in writing.
2. Must be submitted within five (5) calendar days of the date of the letter of notification of recommended award or denial of award.
3. An appeal of a denial of award can only be brought on the following grounds:
  - a. Failure of the County to follow the selection procedures and adhere to requirements specified in the RFQ or any addenda or amendments.

- b. There has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq.
- c. A violation of State or Federal law.

Appeals will not be accepted for any other reasons than those stated above. All appeals must be sent to:

David Twa, County Administrator  
Contra Costa County  
651 Pine Street, 10<sup>th</sup> floor  
Martinez CA, 94553  
dtwa@cao.cccounty.us

The County Administrator shall make a decision concerning the appeal and notify the Responder making the appeal within a reasonable timeframe prior to the tentatively scheduled date for awarding the contract. The decision of the County Administrator shall be deemed final.

#### **IV. TERMS AND CONDITIONS**

##### **N. TERM / RENEWAL**

- 1. The term of the contract, which may be awarded pursuant to this RFQ, will be three (3) fiscal years, commencing July 1, 2019.
- 2. By mutual agreement, any contract which may be awarded pursuant to this RFQ may be extended for two (2) additional one year terms at agreed prices with all other terms and conditions remaining the same.

##### **O. PRICING**

- 1. All pricing as quoted will remain firm for the term of any contract that may be awarded as a result of this RFQ.
- 2. Unless otherwise stated, Responder agrees that, in the event of a price decline, the benefit of such lower price shall be extended to the County.
- 3. Any price increases or decreases for subsequent contract terms may be negotiated between Contractor and County only after completion of the initial term.
- 4. All prices quoted shall be in United States dollars and "whole cent," no cent fractions shall be used. There are no exceptions.
- 5. Federal and State minimum wage laws apply. The County is not imposing any additional requirements regarding wages.
- 6. Prevailing Wages: Pursuant to Labor Code Sections 1770 et seq., Contractor shall pay to persons performing labor in and about Work provided for in Contract not less than the general prevailing rate of per diem wages for work of a similar character in the locality in

which the Work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work in said locality, which per diem wages shall not be less than the stipulated rates contained in a schedule thereof which has been ascertained and determined by the Director of the State Department of Industrial Relations to be the general prevailing rate of per diem wages for each craft or type of workman or mechanic needed to execute this contract.

P. AWARD

1. Proposals will be evaluated by a committee and will be ranked in accordance with the RFQ section entitled "Evaluation Criteria/Selection Committee."
2. The committee will recommend award to the responder who, in its opinion, has submitted the proposal that best serves the overall interests of the County and attains the highest overall score. An award may not necessarily be made to the responder with the lowest price.
3. The County reserves the right to reject any or all responses that materially differ from any terms contained in this RFQ or from any Exhibits attached hereto, to waive informalities and minor irregularities in responses received, and to provide an opportunity for responders to correct minor and immaterial errors contained in their submissions. The decision as to what constitutes a minor irregularity shall be made solely at the discretion of the County.
4. The County reserves the right to award to a single contractor.
5. The County has the right to decline to award this contract or any part thereof for any reason.
6. Board approval to award a contract is required.
7. Final Standard Contract terms and conditions will be negotiated with the selected responder.

Q. METHOD OF ORDERING

1. A signed Standard Contract will be issued upon Board approval.
2. Standard Contracts will be transmitted electronically and mailed and shall be the only authorization for the Contractor to start the contract.
3. Payments for services will be issued only in the name of Contractor.
4. Contractor shall adapt to changes to the method of ordering procedures as required by the County during the term of the contract.
5. Change orders shall be agreed upon by Contractor and County and issued as needed in writing by County.

R. INVOICING

1. Contractor shall invoice the County Administrator's Office, unless otherwise advised, upon satisfactory performance of services.
2. Payment will be made within thirty (30) days following receipt of invoice and upon complete satisfactory performance of services.
3. County shall notify Contractor of any adjustments required to invoice.
4. Invoices shall contain County contract number, invoice number, and remit to address and itemized services description and price as quoted.
5. Contractor shall utilize standardized invoice upon request. Invoices shall only be issued by the Contractor who is awarded a contract.
6. Payments will be issued to and invoices must be received from the same Contractor whose name is specified on the contract.

S. ACCOUNT MANAGER/SUPPORT STAFF

1. Contractor shall provide a dedicated competent account manager who shall be responsible for the County account/contract. The account manager shall receive all contracts from the County and shall be the primary contact for all issues regarding Responder's response to this RFQ and any contract which may arise pursuant to this RFQ.
2. Contractor shall also provide adequate, competent support staff that shall be able to service the County during normal working hours, Monday through Friday. Such representative(s) shall be knowledgeable about the contract, products offered and able to identify and resolve quickly any issues including but not limited to order and invoicing problems.
3. Contractor account manager shall be familiar with County requirements and standards and work with the CAO staff to ensure that established standards are adhered to.

T. GENERAL REQUIREMENTS

1. Proper conduct is expected of Contractor's personnel when on County premises. This includes adhering to no-smoking ordinances, the drug-free work place policy, not using alcoholic beverages and treating employees courteously.
2. The County has the right to request removal of any Contractor employee or subcontractor who does not properly conduct himself/herself/itself or perform quality work.



**EXHIBIT A**  
**COUNTY OF CONTRA COSTA**

**RFQ No. 1902-328**  
**for**

**FEDERAL LEGISLATIVE ADVOCACY SERVICES**

**FEE SCHEDULE**

Fees shall be submitted on Exhibit A as is. No alterations or changes of any kind are permitted. Responses that do not comply will be subject to rejection in total. The fees quoted below shall include all taxes and all other charges and is the cost the County will pay for the three-year term of any contract that is a result of this RFQ.

Prices shall include everything necessary for the completion of and fulfillment of the contract including but not limited to furnishing all materials, equipment, tools, facilities and all management, labor, services, taxes, licenses, permits and an estimated cost for two (2) trips to Contra Costa County per year required to complete the work in accordance with the contract documents, except as may be provided otherwise in the contract documents.

Responder agrees that the prices quoted are the maximum they will charge during the term of any contract awarded.

			1st Year		2nd Year		3rd Year		
Description	Unit of Measure	No. Units	Charge per Unit	Extension	Charge per unit	Extension	Charge per unit	Extension	Total for Three (3) Years
	A	B	C	D = B *C	E	F = B*E	G	H = B*G	I = (D + F + H)
Monthly service charge for advocacy program	Per month	12	\$	\$	\$	\$	\$	\$	\$
TOTAL COST FOR SERVICES									

FIRM: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

## EXHIBIT B

RFQ No. 1902-328

for

FEDERAL LEGISLATIVE ADVOCACY SERVICES
---------------------------------------

### RESPONSE CONTENT AND SUBMITTAL COMPLETENESS CHECKLIST

1. Responses must be signed in blue ink and include evidence that the person or persons signing the proposal is/are authorized to execute the proposal on behalf of the responder.
2. Responders shall provide all of the below noted Response documentation and exhibits. Any material deviation from these requirements may be cause for rejection of the Response, as determined in the County's sole discretion. The content and sequence for each required Response document/exhibit shall be as follows:

#### CHECK LIST

- ☐ A. **Title Page:** Show RFQ number and title, your company name and address, name of the contact person (for all matters regarding the RFQ response), telephone number and proposal date.
- ☐ B. **Table of Contents:** Responses shall include a table of contents listing the individual sections of the proposal and their corresponding page numbers.
- ☐ C. **Cover Letter:** Responses shall include a cover letter describing Responder and include all of the following:
  - 1) The official name of Responder;
  - 2) Responder's organizational structure (e.g. corporation, partnership, limited liability company, etc.);
  - 3) The jurisdiction in which Responder is organized and the date of such organization;
  - 4) The address of Responder's headquarters, any local office involved in the Response; and the address/location where the actual services will be performed;
  - 5) Responder's Federal Tax Identification Number;

- 6) The name, address, telephone, and e-mail address of the person(s) who will serve as the contact(s) to the County, with regards to the RFQ response, with authorization to make representations on behalf of and to bind Responder;
- 7) A representation that Responder is in good standing in the State of Virginia and Washington D.C. and will have all necessary licenses, permits, certifications, approvals and authorizations necessary in order to perform all of its obligations in connection with this RFQ; and
- 8) An acceptance of all conditions and requirements contained in this RFQ.
- 9) Cover letter must be signed in blue ink by a person or persons authorized to execute the proposal on behalf of the responder.

☐ **D. Responder's Qualifications and Experience:**

Provide a description of Responder's capabilities pertaining to this RFQ. This description should not exceed three (3) pages and should include a detailed summary of Responder's experience relative to RFQ requirements described herein.

☐ **E. Key Personnel - Qualifications and Experience:**

Responses shall include a complete list of and resumes for all key personnel associated with the RFQ. This list must include all key personnel who will provide services to County staff and all key personnel who will provide maintenance and support services.

For each person on the list, the following information shall be included: (1) the person's relationship with Responder, including job title and years of employment with Responder; (2) the role that the person will play in connection with the RFQ (3) address, telephone and e-mail address; (4) the person's educational background; (5) the person's relevant experience; and (6) relevant awards, certificates or other achievements. This section of the bid response should include no more than two pages of information for each listed person.

☐ **F. Description of the Proposed Services:**

Response shall include a description of the services to be provided during the contract term including response times, not to exceed three (3) pages. The description must: (1) specify how the services in the response will meet or exceed the requirements of the County; (2) explain any special resources, procedures or approaches that make the services of Responder particularly

advantageous to the County; and (3) identify any limitations or restrictions of Responder in providing the services that the County should be aware of in evaluating its Response to this RFQ. Responses shall include a description of Responder's approach in providing its services to the County, stating its understanding of the work to be done and a positive commitment to perform the work as specified.

☐ G. **References:**

- 1) Responders are to provide a list of three (3) current and three (3) former clients. References must be satisfactory as deemed solely by County. References should have similar scope, volume and requirements to those outlined in these specifications, terms and conditions. Reference information is to include:
  - Company/Agency name
  - Contact person (name and title), *contact person is to be someone directly involved with the services*
  - Complete street address
  - Telephone number
  - Dates of service
- 2) The County may contact some or all of the references provided in order to determine Responder's performance record on work similar to that described in this request. The County reserves the right to contact references other than those provided in the Response and to use the information gained from them in the evaluation process.

☐ H. **Relationships:** Responders must provide a list of contacts and/or supporting documentation that demonstrates existing relationships with the County's congressional delegation. *The list need not be comprehensive.* Responders must provide a list of contacts and/or supporting documentation that demonstrates existing bipartisan relationships with other Federal representatives, congressional staff, Federal agencies, and executive branch officials. *The list need not be comprehensive.*

☐ I. **Fee Schedule, Exhibit A:** Prices shall include the cost of everything necessary for fulfillment of the contract requirements.

☐ J. **Evidence of Insurance:** Consultant may not commence work until it has furnished evidence of the insurance required in the Standard Contract to the CAO, and the CAO has approved it, and may not continue to perform any work under the contract if the insurance required therein is no longer in effect.

**EXHIBIT C**

**RFQ No. 1902-328**

**for**

<b>FEDERAL LEGISLATIVE ADVOCACY SERVICES</b>
--

**STANDARD CONTRACT**

**STANDARD CONTRACT**  
**(Purchase of Services – Long Form)**

Number:  
Fund/Org:  
Account:  
Other:

1. **Contract Identification.**

Department: County Administrator's Office

Subject:

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

Contractor:

Capacity:

Address:

3. **Term.** The effective date of this Contract is \_\_\_\_\_. It terminates on \_\_\_\_\_ unless sooner terminated as provided herein.

4. **Payment Limit.** County's total payments to Contractor under this Contract shall not exceed  
\$ \_\_\_\_\_.

5. **County's Obligations.** County shall make to the Contractor those payments described in the Payment Provisions attached hereto which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Contractor's Obligations.** Contractor shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Contract is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Contract implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference.

**STANDARD CONTRACT**  
**(Purchase of Services – Long Form)**

Number:  
Fund/Org:  
Account:  
Other:

9. **Legal Authority.** This Contract is entered into under and subject to the following legal authorities:

Government Code Section 31000; Penal Code Sections 1228-1233.8

10. **Signatures.** These signatures attest the parties' agreement hereto:

**COUNTY OF CONTRA COSTA, CALIFORNIA**

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By: _____ Chair/Designee	By: _____ Deputy

**CONTRACTOR**

Signature A Name of business entity:   By: _____ (Signature of individual or officer)  _____ (Print name and title A, if applicable)	Signature B Name of business entity:   By: _____ (Signature of individual or officer)  _____ (Print name and title B, if applicable.)
--	---

Note to Contractor: For corporations (profit or nonprofit) and limited liability companies, the contract must be signed by two officers. Signature A must be that of the chairman of the board, president, or vice-president; and Signature B must be that of the secretary, any assistant secretary, chief financial officer or any assistant treasurer (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.



ACKNOWLEDGMENT/APPROVALS  
(Purchase of Services – Long Form)

Number: \_\_\_\_\_

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA                     )  
   )  
COUNTY OF CONTRA COSTA         )

On \_\_\_\_\_ (Date),

before me, \_\_\_\_\_ (Name and Title of the Officer),

personally appeared, \_\_\_\_\_,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)  
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

By: \_\_\_\_\_  
Designee

By: \_\_\_\_\_  
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: \_\_\_\_\_  
Designee

**SERVICE PLAN OUTLINE**  
**(Purchase of Services - Long Form)**

Number \_\_\_\_\_

**SERVICE PLAN**

*[This is where you set forth a detailed description of the services to be provided by the contractor. It is NOT acceptable to merely cut and paste the contractor's response to a Request For Proposals (RFP).]*

Initials: \_\_\_\_\_  
Contractor

\_\_\_\_\_  
County Dept.

**PAYMENT PROVISIONS**  
**(Fee Basis Contracts - Long and Short Form)**

Number \_\_\_\_\_

1. **Payment Amounts.** Subject to the Payment Limit of this Contract and subject to the following Payment Provisions, County will pay Contractor the following fee as full compensation for all services, work, expenses or costs provided or incurred by Contractor:

[Check one alternative only.]

- ☐ a. \$ \_\_\_\_\_ monthly, or
- ☐ b. \$ \_\_\_\_\_ per unit, as defined in the Service Plan, or
- ☐ c. \$ \_\_\_\_\_ after completion of all obligations and conditions herein.
- ☐ d. Other: \_\_\_\_\_ .

2. **Payment Demands.** Contractor shall submit written demands for payment on County Demand Form D-15 in the manner and form prescribed by County. Contractor shall submit said demands for payment no later than 30 days from the end of the month in which the contract services upon which such demand is based were actually rendered. Upon approval of payment demands by the head of the County Department for which this Contract is made, or his designee, County will make payments as specified in Paragraph 1. (Payment Amounts) above.
3. **Penalty for Late Submission.** If County is unable to obtain reimbursement from the State of California as a result of Contractor's failure to submit to County a timely demand for payment as specified in Paragraph 2. (Payment Demands) above, County shall not pay Contractor for such services to the extent County's recovery of funding is prejudiced by the delay even though such services were fully provided.
4. **Right to Withhold.** County has the right to withhold payment to Contractor when, in the opinion of County expressed in writing to Contractor, (a) Contractor's performance, in whole or in part, either has not been carried out or is insufficiently documented, (b) Contractor has neglected, failed or refused to furnish information or to cooperate with any inspection, review or audit of its program, work or records, or (c) Contractor has failed to sufficiently itemize or document its demand(s) for payment.
5. **Audit Exceptions.** Contractor agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate county, state or federal audit agencies resulting from its performance of this Contract. Within 30 days of demand, Contractor shall pay County the full amount of County's obligation, if any, to the state and/or federal government resulting from any audit exceptions, to the extent such are attributable to Contractor's failure to perform properly any of its obligations under this Contract.

Initials: \_\_\_\_\_  
Contractor                      County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

1. **Compliance with Law.** Contractor is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.
2. **Inspection.** Contractor's performance, place of business, and records pertaining to this Contract are subject to monitoring, inspection, review and audit by authorized representatives of the County, the State of California, and the United States Government.
3. **Records.** Contractor must keep and make available for inspection and copying by authorized representatives of the County, the State of California, and the United States Government, the Contractor's regular business records and such additional records pertaining to this Contract as may be required by the County.
  - a. **Retention of Records.** Contractor must retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions resolved for this Contract's funding period. Upon request, Contractor must make these records available to authorized representatives of the County, the State of California, and the United States Government.
  - b. **Access to Books and Records of Contractor, Subcontractor.** Pursuant to Section 1861(v)(1) of the Social Security Act, and any regulations promulgated thereunder, Contractor must, upon written request and until the expiration of five years after the furnishing of services pursuant to this Contract, make available to the County, the Secretary of Health and Human Services, or the Comptroller General, or any of their duly authorized representatives, this Contract and books, documents, and records of Contractor necessary to certify the nature and extent of all costs and charges hereunder.

Further, if Contractor carries out any of the duties of this Contract through a subcontract with a value or cost of \$10,000 or more over a twelve-month period, such subcontract must contain a clause to the effect that upon written request and until the expiration of five years after the furnishing of services pursuant to such subcontract, the subcontractor must make available to the County, the Secretary, the Comptroller General, or any of their duly authorized representatives, the subcontract and books, documents, and records of the subcontractor necessary to verify the nature and extent of all costs and charges thereunder.

This provision is in addition to any and all other terms regarding the maintenance or retention of records under this Contract and is binding on the heirs, successors, assigns and representatives of Contractor.

4. **Reporting Requirements.** Pursuant to Government Code Section 7550, Contractor must include in all documents and written reports completed and submitted to County in accordance with this Contract, a separate section listing the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of each such document or written report. This section applies only if the Payment Limit of this Contract exceeds \$5,000.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

5. **Termination and Cancellation.**

- a. **Written Notice.** This Contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.
- b. **Failure to Perform.** County, upon written notice to Contractor, may immediately terminate this Contract should Contractor fail to perform properly any of its obligations hereunder. In the event of such termination, County may proceed with the work in any reasonable manner it chooses. The cost to County of completing Contractor's performance will be deducted from any sum due Contractor under this Contract, without prejudice to County's rights to recover damages.
- c. **Cessation of Funding.** Notwithstanding any contrary language in Paragraphs 5 and 11, in the event that federal, state, or other non-County funding for this Contract ceases, this Contract is terminated without notice.

6. **Entire Agreement.** This Contract contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Contract will be deemed to exist or to bind any of the parties hereto.

7. **Further Specifications for Operating Procedures.** Detailed specifications of operating procedures and budgets required by this Contract, including but not limited to, monitoring, evaluating, auditing, billing, or regulatory changes, may be clarified in a written letter signed by Contractor and the department head, or designee, of the county department on whose behalf this Contract is made. No written clarification prepared pursuant to this Section will operate as an amendment to, or be considered to be a part of, this Contract.

8. **Modifications and Amendments.**

- a. **General Amendments.** In the event that the total Payment Limit of this Contract is less than \$100,000 and this Contract was executed by the County's Purchasing Agent, this Contract may be modified or amended by a written document executed by Contractor and the County's Purchasing Agent or the Contra Costa County Board of Supervisors, subject to any required state or federal approval. In the event that the total Payment Limit of this Contract exceeds \$100,000 or this Contract was initially approved by the Board of Supervisors, this Contract may be modified or amended only by a written document executed by Contractor and the Contra Costa County Board of Supervisors or, after Board approval, by its designee, subject to any required state or federal approval.
- b. **Minor Amendments.** The Payment Provisions and the Service Plan may be amended by a written administrative amendment executed by Contractor and the County Administrator (or designee), subject to any required state or federal approval, provided that such administrative amendment may not increase the Payment Limit of this Contract or reduce the services Contractor is obligated to provide pursuant to this Contract.

9. **Disputes.** Disagreements between County and Contractor concerning the meaning, requirements, or performance of this Contract shall be subject to final written determination by the head of the county department for which this Contract is made, or his designee, or in accordance with the applicable procedures (if any) required by the state or federal government.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

10. **Choice of Law and Personal Jurisdiction.**

- a. This Contract is made in Contra Costa County and is governed by, and must be construed in accordance with, the laws of the State of California.
- b. Any action relating to this Contract must be instituted and prosecuted in the courts of Contra Costa County, State of California.

11. **Conformance with Federal and State Regulations and Laws.** Should federal or state regulations or laws touching upon the subject of this Contract be adopted or revised during the term hereof, this Contract will be deemed amended to assure conformance with such federal or state requirements.

12. **No Waiver by County.** Subject to Paragraph 9. (Disputes) of these General Conditions, inspections or approvals, or statements by any officer, agent or employee of County indicating Contractor's performance or any part thereof complies with the requirements of this Contract, or acceptance of the whole or any part of said performance, or payments therefor, or any combination of these acts, do not relieve Contractor's obligation to fulfill this Contract as prescribed; nor is the County thereby prevented from bringing any action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Contract.

13. **Subcontract and Assignment.** This Contract binds the heirs, successors, assigns and representatives of Contractor. Prior written consent of the County Administrator or his designee, subject to any required state or federal approval, is required before the Contractor may enter into subcontracts for any work contemplated under this Contract, or before the Contractor may assign this Contract or monies due or to become due, by operation of law or otherwise.

14. **Independent Contractor Status.** The parties intend that Contractor, in performing the services specified herein, is acting as an independent contractor and that Contractor will control the work and the manner in which it is performed. This Contract is not to be construed to create the relationship between the parties, or between County and any Contractor employee, of agent, servant, employee, partnership, joint venture, or association. Neither Contractor, nor any of its employees, is a County employee. This Contract does not give Contractor, or any of its employees, any right to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits County provides to its employees. In the event that County exercises its right to terminate this Contract, Contractor expressly agrees that it will have no recourse or right of appeal under any rules, regulations, ordinances, or laws applicable to employees.

15. **Conflicts of Interest.** Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Contract, no person having any such interests will be employed by Contractor. If requested to do so by County, Contractor will complete a "Statement of Economic Interest" form and file it with County and will require any other person doing work under this Contract to complete a "Statement of Economic Interest" form and file it with County. Contractor covenants that Contractor, its employees and officials, are not now employed by County and have not been so employed by County within twelve months immediately preceding this Contract; or, if so employed, did not then and do not now occupy a position that would create a conflict of interest under Government Code section 1090. In

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

addition to any indemnity provided by Contractor in this Contract, Contractor will indemnify, defend, and hold the County harmless from any and all claims, investigations, liabilities, or damages resulting from or related to any and all alleged conflicts of interest. Contractor warrants that it has not provided, attempted to provide, or offered to provide any money, gift, gratuity, thing of value, or compensation of any kind to obtain this Contract.

16. **Confidentiality**. To the extent allowed under the California Public Records Act, Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that no person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.
17. **Nondiscriminatory Services**. Contractor agrees that all goods and services under this Contract will be available to all qualified persons regardless of age, gender, race, religion, color, national origin, ethnic background, disability, or sexual orientation, and that none will be used, in whole or in part, for religious worship.
18. **Indemnification**. Contractor will defend, indemnify, save, and hold harmless County and its officers and employees from any and all claims, demands, losses, costs, expenses, and liabilities for any damages, fines, sickness, death, or injury to person(s) or property, including any and all administrative fines, penalties or costs imposed as a result of an administrative or quasi-judicial proceeding, arising directly or indirectly from or connected with the services provided hereunder that are caused, or claimed or alleged to be caused, in whole or in part, by the negligence or willful misconduct of Contractor, its officers, employees, agents, contractors, subcontractors, or any persons under its direction or control. If requested by County, Contractor will defend any such suits at its sole cost and expense. If County elects to provide its own defense, Contractor will reimburse County for any expenditures, including reasonable attorney's fees and costs. Contractor's obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of the County or any other person; provided, however, that Contractor is not required to indemnify County for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of the County, its officers and employees. This provision will survive the expiration or termination of this Contract.
19. **Insurance**. During the entire term of this Contract and any extension or modification thereof, Contractor shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:
  - a. **Commercial General Liability Insurance**. For all contracts where the total payment limit of the contract is \$500,000 or less, Contractor will provide commercial general liability insurance, including coverage for business losses and for owned and non-owned automobiles, with a minimum combined single limit coverage of \$500,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance must be endorsed to include County and its officers and employees as additional insureds as to all services performed by Contractor under this Contract. Said policies must constitute primary insurance as to County, the state and federal governments, and their officers, agents, and employees, so that other insurance policies held by

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
County Dept.



**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

them or their self-insurance program(s) will not be required to contribute to any loss covered under Contractor's insurance policy or policies. Contractor must provide County with a copy of the endorsement making the County an additional insured on all commercial general liability policies as required herein no later than the effective date of this Contract. For all contracts where the total payment limit is greater than \$500,000, the aforementioned insurance coverage to be provided by Contractor must have a minimum combined single limit coverage of \$1,000,000.

- b. **Workers' Compensation.** Contractor must provide workers' compensation insurance coverage for its employees.
  - c. **Certificate of Insurance.** The Contractor must provide County with (a) certificate(s) of insurance evidencing liability and worker's compensation insurance as required herein no later than the effective date of this Contract. If Contractor should renew the insurance policy(ies) or acquire either a new insurance policy(ies) or amend the coverage afforded through an endorsement to the policy at any time during the term of this Contract, then Contractor must provide (a) current certificate(s) of insurance.
  - d. **Additional Insurance Provisions.** No later than five days after Contractor's receipt of: (i) a notice of cancellation, a notice of an intention to cancel, or a notice of a lapse in any of Contractor's insurance coverage required by this Contract; or (ii) a notice of a material change to Contractor's insurance coverage required by this Contract, Contractor will provide Department a copy of such notice of cancellation, notice of intention to cancel, notice of lapse of coverage, or notice of material change. Contractor's failure to provide Department the notice as required by the preceding sentence is a default under this Contract
20. **Notices.** All notices provided for by this Contract must be in writing and may be delivered by deposit in the United States mail, postage prepaid. Notices to County must be addressed to the head of the county department for which this Contract is made. Notices to Contractor must be addressed to the Contractor's address designated herein. The effective date of notice is the date of deposit in the mails or of other delivery, except that the effective date of notice to County is the date of receipt by the head of the county department for which this Contract is made.
21. **Primacy of General Conditions.** In the event of a conflict between the General Conditions and the Special Conditions, the General Conditions govern unless the Special Conditions or Service Plan expressly provide otherwise.
22. **Nonrenewal.** Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor under this Contract will be purchased by County under a new contract following expiration or termination of this Contract, and Contractor waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Contractor.
23. **Possessory Interest.** If this Contract results in Contractor having possession of, claim or right to the possession of land or improvements, but does not vest ownership of the land or improvements in the same person, or if this Contract results in the placement of taxable improvements on tax exempt land (Revenue & Taxation Code Section 107), such interest or improvements may represent a possessory interest subject to property tax, and Contractor may be subject to the payment of property taxes levied on such interest. Contractor agrees that this provision complies with the notice requirements of Revenue & Taxation Code Section 107.6, and waives all rights to further notice or to damages under that or any comparable statute.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

24. **No Third-Party Beneficiaries.** Nothing in this Contract may be construed to create, and the parties do not intend to create, any rights in third parties.
25. **Copyrights, Rights in Data, and Works Made for Hire.** Contractor will not publish or transfer any materials produced or resulting from activities supported by this Contract without the express written consent of the County Administrator. All reports, original drawings, graphics, plans, studies and other data and documents, in whatever form or format, assembled or prepared by Contractor or Contractor's subcontractors, consultants, and other agents in connection with this Contract are "works made for hire" (as defined in the Copyright Act, 17 U.S.C. Section 101 et seq., as amended) for County, and Contractor unconditionally and irrevocably transfers and assigns to Agency all right, title, and interest, including all copyrights and other intellectual property rights, in or to the works made for hire. Unless required by law, Contractor shall not publish, transfer, discuss, or disclose any of the above-described works made for hire or any information gathered, discovered, or generated in any way through this Agreement, without County's prior express written consent. If any of the works made for hire is subject to copyright protection, County reserves the right to copyright such works and Contractor agrees not to copyright such works. If any works made for hire are copyrighted, County reserves a royalty-free, irrevocable license to reproduce, publish, and use the works made for hire, in whole or in part, without restriction or limitation, and to authorize others to do so.
26. **Endorsements.** In its capacity as a contractor with Contra Costa County, Contractor will not publicly endorse or oppose the use of any particular brand name or commercial product without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not publicly attribute qualities or lack of qualities to a particular brand name or commercial product in the absence of a well-established and widely accepted scientific basis for such claims or without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not participate or appear in any commercially produced advertisements designed to promote a particular brand name or commercial product, even if Contractor is not publicly endorsing a product, as long as the Contractor's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of Contra Costa County. Notwithstanding the foregoing, Contractor may express its views on products to other contractors, the Board of Supervisors, County officers, or others who may be authorized by the Board of Supervisors or by law to receive such views.
27. **Required Audit.**
- a. If Contractor expends \$750,000 or more in federal grant funds in any fiscal year from any source, Contractor must provide to County, at Contractor's expense, an audit conforming to the requirements set forth in the most current version of Code of Federal Regulations, Title 2, Part 200, Subpart F.
  - b. If Contractor expends less than \$750,000 in federal grant funds in any fiscal year from any source, but the grant imposes specific audit requirements, Contractor must provide County with an audit conforming to those requirements.
  - c. If Contractor expends less than \$750,000 in federal grant funds in any fiscal year from any source, Contractor is exempt from federal audit requirements for that year except as required by Code of Federal Regulations, Title 2, Part 200, Subpart F. Contractor shall make its records available for, and an audit may be required by, appropriate officials of the federal awarding agency, the General Accounting Office, the pass-through entity and/or the County. If an audit is required, Contractor must provide County with the audit.

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Contractor

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County Dept.

**GENERAL CONDITIONS**  
**(Purchase of Services - Long Form)**

- d. With respect to the audits specified in sections (a), (b) and (c) above, Contractor is solely responsible for arranging for the conduct of the audit, and for its cost. County may withhold the estimated cost of the audit or 10 percent of the contract amount, whichever is greater, or the final payment, from Contractor until County receives the audit from Contractor.
28. **Authorization.** Contractor, or the representative(s) signing this Contract on behalf of Contractor, represents and warrants that it has full power and authority to enter into this Contract and to perform the obligations set forth herein.
29. **No Implied Waiver.** The waiver by County of any breach of any term or provision of this Contract will not be deemed to be a waiver of such term or provision or of any subsequent breach of the same or any other term or provision contained herein.



# COUNTY OF CONTRA COSTA

## REQUEST FOR QUALIFICATIONS No. 1902-329

For

### STATE LEGISLATIVE ADVOCACY SERVICES

Written questions about this RFQ can be submitted by **12:00 p.m. (noon) on April 3, 2019** to:  
[lara.delaney@cao.cccounty.us](mailto:lara.delaney@cao.cccounty.us)

Thank you in advance for your interest in this opportunity  
and for your efforts in preparing your response.

**DATE ISSUED: MARCH 27, 2019**

**RESPONSE DUE**

by

**12:00 p.m. (noon)**

on

**APRIL 24, 2019**

At

Contra Costa County Administrator's Office  
651 Pine Street, 10<sup>th</sup> Floor  
Martinez, CA 94553

# COUNTY OF CONTRA COSTA

## REQUEST FOR QUALIFICATIONS No. 1902-329 For

### STATE LEGISLATIVE ADVOCACY SERVICES

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# **COUNTY OF CONTRA COSTA**

## **REQUEST FOR QUALIFICATIONS No. 1902-329 For**

### **STATE LEGISLATIVE ADVOCACY SERVICES**

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#### **ATTACHMENTS**

- Exhibit A – Fee Schedule
- Exhibit B – Response Content and Submittal Checklist
- Exhibit C – Standard Contract

## **I. ACRONYM AND TERM GLOSSARY**

Unless otherwise noted, the terms below may be upper or lower case. Acronyms will always be uppercase.

Bidder or Responder	Shall mean the specific person or entity responding to this RFQ
Board	Shall refer to the County of Contra Costa Board of Supervisors
CAO	Shall refer to the County Administrator's Office
CSC	Shall refer to County Selection Committee
Contractor	When capitalized, shall refer to selected responder that is awarded a contract
County	When capitalized, shall refer to the County of Contra Costa
Federal	Refers to United States Federal Government, its departments and/or agencies
FY	Shall mean Fiscal Year
Labor Code	Refers to California Labor Code
Proposal	Shall mean responder/contractor response to this RFQ
Request for Qualifications	Shall mean this document, which is the County of Contra Costa's request for contractors'/responders' proposal to provide the services being solicited herein; also referred herein as RFQ
Response or Submittal	Shall refer to responder's proposal submitted in reply to RFQ
RFQ	Request for Qualifications
State	Refers to State of California, its departments and/or agencies

## **II. STATEMENT OF WORK**

### **A. INTENT**

The intent of this Request for Qualifications (RFQ) is to describe state legislative advocacy and related services required by the County of Contra Costa and to solicit qualifications from experienced providers to professionally and effectively represent the County's interests in Sacramento. The County intends to award a three-year contract with two (2) single year options to renew to the successful responder whose response conforms to the RFQ and meets the County's requirements.

### **B. SCOPE**

Contra Costa County is seeking qualifications from experienced providers of State legislative advocacy services to professionally and effectively represent the County's interests in Sacramento. The purpose of the State legislative program is to secure legislation that benefits the County and its residents while seeking to mitigate or oppose legislation that would adversely impact the County's delivery of service; to secure State funding through the grant and/or appropriations process; and to shape public policy in priority areas that impact County government.

The successful responder will work in a proactive manner to protect and advance the County's interests in Sacramento. This includes lobbying the State Legislature and Administration to ameliorate budget proposals that negatively affect the County's interests and aggressively seek



opportunities to enhance the County's budget. Services required by the County include legislative and administrative representation with members of the executive branch, members and staff of the legislature, pertinent State offices and agencies, and relevant interest groups, coalitions, and associations. The successful Contractor will meet with State authorities and represent the County's interests as directed by the County. The legislative advocate will also work with the Board of Supervisors, the Legislation Committee, the County Administrator, department heads and/or assigned departmental staff on a legislative agenda to advance the County's interests. This includes tracking and suggesting opportunities to change State policy in ways that will benefit residents of Contra Costa County. The Contractor shall report to the County Administrator's Office.

The CAO coordinates the County's Legislative activities, as summarized below.

1. **Annual Legislative Program**

The Contra Costa County Board of Supervisors adopts an annual State Legislative Platform in January of each year<sup>1</sup>. Prior to developing this Platform, the CAO's office invites input from all County departments, the Board of Supervisors, its subcommittees, and its advisory bodies. From this input, the State Legislative Platform is developed. The County's State Legislative Platform includes legislative proposals and priorities, as well as the County's position on various policy issues. The Platform is submitted to the Board of Supervisors through the County's Legislation Committee, which typically approves the draft legislative Platform in December. The Platform is amended throughout the year as new legislative issues arise.

2. **Legislation Committee**

In 2007, the County established the Legislation Committee as a means of coordinating the review of legislative matters of interest to the County. (The Board's Transportation, Water, and Infrastructure Committee reviews legislative matters related to transportation, water, and other infrastructure.) The Legislation Committee meets monthly to review the impact of State and Federal legislation on the County. The Committee receives regular updates from the County's State and Federal legislative advocates and advises the Board of Supervisors and County Administrator on legislative matters affecting the County.

3. **Issues of Particular Concern to the County**

The County's Legislative Platform identifies legislative and regulatory advocacy priorities which include Health Care, Homelessness, Realignment Implementation, the State Budget, and Water and Levees/the Sacramento-San Joaquin Delta. Of particular concern is the impact of the State Budget on the County, including the realignment of State programs to the County level. It is expected that the State legislative advocate will provide guidance to the County on these matters and strategies to mitigate potential negative impacts.

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<sup>1</sup> The Board's adopted Platform is available at: <http://www.contracosta.ca.gov/2859/Legislation>

C. BACKGROUND

Contra Costa County was incorporated in 1850 as one of the original 27 counties of California. A five-member Board of Supervisors, each elected to four-year terms in district nonpartisan elections, serves as the legislative body of the County, which has a general law form of government. Also elected are the County Assessor, Auditor-Controller, Clerk-Recorder, District Attorney, Sheriff-Coroner and Treasurer-Tax Collector. The County Administrator, David Twa, is appointed by the Board as the chief executive officer and directs the day-to-day government operations of the County. The County Administrator is also responsible for presenting the Board with a Recommended Budget for consideration of adoption as the Final (Adopted) Budget, which serves as the foundation of the County's financial planning and control.

Contra Costa is one of nine counties in the San Francisco-Oakland Bay Area and the ninth most populous county in California with an estimated population of 1,149,363 as of January 1, 2018. The County covers about 733 square miles and extends from the northeastern shore of the San Francisco Bay easterly about 50 miles to San Joaquin County. The County is bordered on the south and west by Alameda County and on the north by the Suisun and San Pablo Bays. The western and northern shorelines are highly industrialized, while the interior sections are suburban/residential, commercial and light industrial. The County contains 19 cities, the most populous of which include Richmond in the west (pop. 110,967); Antioch in the northeast (113,061); and Concord in the middle (129,159).

The County agencies/departments include: Agriculture, Animal Services, Assessor, Auditor-Controller, Child Support Services, Clerk-Recorder, Conservation & Development, County Administrator, County Counsel, District Attorney, Employment and Human Services, Contra Costa Consolidated Fire, Health Services, Human Resources, Information Technology, Library, Probation, Public Defender, Public Works, Risk Management, Sheriff-Coroner, Treasurer-Tax Collector, and Veterans Services. The County employs approximately 9,801 permanent full-time employees. The General Fund budget for FY 2018-19 is \$1.77 Billion, with a total adjusted budget, excluding Fire and special districts, for FY 2018-19 of \$3.77 Billion.

With respect to its State advocacy services, the County presently contracts with Nielsen Merksamer Parrinello Gross & Leoni, LLP. This firm has been under contract since 2004 as the County's state legislative advocates and receives a monthly retainer of \$15,000. The contract expires on June 30, 2019.

D. MINIMUM QUALIFICATIONS

1. Responders shall be regularly and have been continuously engaged in the business of providing State legislative advocacy to **local governments** for at least five (5) years (*does not have to be consecutive service or with the same jurisdiction*), preferably to urban county governments.
2. Responders shall have an office based in Sacramento with at least two non-clerical staff who would be assigned full-time or part-time to this contract who possess significant experience testifying at hearings before the Legislature and State agencies. *Responders must submit names and resumes.*

3. Responders shall have relationships with the County's legislative delegation and their staff. Responders must provide a list of contacts and/or supporting documentation that demonstrates existing relationships. *The list need not be comprehensive.*
4. Responders shall have broad bipartisan relationships with State legislators, legislative staff, State agencies, and executive branch officials. Responders must provide a list of contacts or supporting documentation that demonstrates existing relationships. *The list need not be comprehensive.*
5. Responders shall possess the proven ability to initiate, develop, and carry out effective strategies to influence legislative and administrative activities and to effectively lobby on behalf of the County.
6. Responders shall possess all permits, licenses and professional credentials necessary to perform the required legislative advocacy services.
7. Responders' other clients should not pose conflict of interest issues for the County, nor should their interest be in direct conflict with the County's mission.

Any response that does not demonstrate that the Responder meets these minimum requirements by the deadline to submit proposals will be considered non-responsive and will not be eligible for evaluation for award of the contract.

E. SPECIFIC REQUIREMENTS/SCOPE OF WORK

The selected Responder shall advise, counsel, and represent the County in pursuing legislative initiatives and funding before the California Legislature and the Executive Branch of State government. Under the direction of the County Administrator, the State legislative advocate will provide, at a minimum, the following services:

1. Energetically represent the County and serve as a liaison between the California State Legislature, the Governor, State administration officials, and other State Department representatives.
2. Maintain regular, routine communication with the County Administrator's Office regarding issues of importance to the County Board of Supervisors, the County Administrator, and Department heads.
3. Provide the County Administrator's Office with timely reports during session and on an "as needed" basis when the Legislature is not in session.
4. Work with the legislative members and staff to implement the legislative objectives approved by the County, including (if necessary) obtaining sponsorship of bill(s) or amendment(s) to bill(s) consistent with the legislative agenda and Platform approved by the County Board of Supervisors.
5. Assist the County in developing strong relations with the County's legislative delegation, legislative leaders and the Administration. This includes developing a target list of key

influencers from both parties in the Legislature and proactively developing relationships between these members and County leaders.

6. Draft and/or assist in drafting materials, correspondence, legislation, amendments, and resolutions to advocate in support of the County's legislative goals.
7. Monitor all bills of interest to the County and take action on such legislation as directed by the County Administrator's Office. For bills or amendments passed into law that affect the County, Contractor shall monitor the implementation of those laws and advise the County on the action needed to ensure proper implementation and compliance.
8. Provide logistical support to arrange appointments and meetings with members of the Legislature, Administration, and State agencies, as needed. This includes preparing talking points and/or briefing materials as needed.
9. Serve as the liaison to the California State Association of Counties (CSAC), Urban Counties of California (UCC), and, as requested, to other state professional organizations
10. Lead the County in developing and implementing an effective State advocacy strategy and annual legislative program to:
  - a. Influence State laws and policies as they relate to County priorities, programs and operations, including enacting legislation which accomplish specific County goals; and
  - b. Identify opportunities to increase funding for County priorities, programs and operations. The advocate will be proactive in opposing legislation or statutes that may have a negative impact on funding.
11. Research and provide information to the County on such matters as:
  - a. State Budget: Prepare written reports of analysis of State Budget actions and their impact on the County.
  - b. State bills and laws: Monitor legislation affecting County programs and alert the County Administrator's Office and appropriate departmental staff.
  - c. Funding opportunities and availability.
  - d. Legislative hearings, reports and testimony.
  - e. State regulations, guidelines, directives and other administrative policies, both proposed and adopted.
  - f. Technical memoranda and reports impacting County operations; and
  - g. Perform other related duties as mutually agreed upon.

F. DELIVERABLES/REPORTS

1. Report on and advise the County on relevant State legislation, proposed and adopted, and administrative actions that affect County programs. Reporting will include, at a minimum:
  - a. a yearly summary on major activities and accomplishments;
  - b. participation in monthly conference calls with the Legislation Committee to provide updates on legislative activities, pending legislation, and all budget related matters; and
  - c. at least two (2) visits per year to the County which will include meetings with Board members/staff, County administrative and departmental staff.
2. Regular e-mails regarding budget and/or legislative updates.
3. Report of County sponsored, supported and opposed bills, to be included in the annual Legislative Platform.

III. INSTRUCTIONS TO RESPONDERS

G. CORRESPONDENCE

As of the issuance of this RFQ, Responders are specifically directed not to contact County personnel for meetings, conferences or technical discussions related to this RFQ. Failure to adhere to this policy may result in disqualification of the Responder.

All questions regarding the proposal must be directed to Lara DeLaney, Senior Deputy County Administrator at: [lara.delaney@cao.cccounty.us](mailto:lara.delaney@cao.cccounty.us). Include RFQ #1902-329 in the Subject line. The deadline for submitting questions for this RFQ is on or before 12:00 noon on April 3, 2019. All questions will be answered and disseminated to those registered on the BidSync website; BidSync is a web-based government bidding system. It is the responsibility of each responder to be familiar with all of the specifications, terms and conditions. By the submission of a Bid, the Responder certifies that if awarded a contract they will make no claim against the County based upon ignorance of conditions or misunderstanding of the specifications.

H. CALENDAR OF EVENTS

Event	Date/Location
Request Issued	March 27, 2019
Written Questions Due	<b>by</b> 12:00 Noon on April 3, 2019
Response Due	April 24, 2019 <b>by</b> 12:00 p.m.(noon)
Interviews	Week of May 6, 2019
Legislation Committee Recommendation	May 13, 2019
Board Award Date	May 21, 2019
Contract Start Date	July 1, 2019

*Note: Award date is approximate.*

I. SUBMITTAL OF RESPONSES

1. All responses must be SEALED and must be received at the County Administrator's Office **by** 12:00 p.m. on the due date specified in the Calendar of Events.

NOTE: LATE AND/OR UNSEALED REPONSES CANNOT BE ACCEPTED. IF HAND DELIVERING RESPONSE, PLEASE ALLOW TIME FOR METERED STREET PARKING OR PARKING IN AREA PUBLIC PARKING LOTS.

Responses will be received only at the address shown **below**, and by the time indicated **in the Calendar of Events**. Any response received after said time and/or date or at a place other than the stated address cannot be considered and will be returned to the responder unopened.

2. Responses are to be addressed **and delivered** as follows:

**State Legislative Advocacy Services  
RFQ #1902-329  
Contra Costa County, County Administrator's Office  
651 Pine Street, 10<sup>th</sup> floor  
Martinez, CA 94553**

3. Responders are to submit one (1) original hard copy response, with original blue ink signatures, plus five (5) copies of their proposal. Original response is to be clearly marked, printed on plain white paper, and must be either loose leaf or in a 3-ring binder (**NOT** bound). It is preferred that all responses submitted shall be printed double-sided and on minimum 30% post-consumer recycled content paper.
4. Responders must also submit an electronic copy of their proposal. The electronic copy must be a single file, scanned image of the original hard copy with all appropriate signatures, and must be on disk or USB flash drive and enclosed with the sealed hardcopy of the response.
5. Responder's name and return address must also appear on the mailing package.
6. No email (electronic) or facsimile responses will be considered.
7. Responder agrees and acknowledges all RFQ specifications, terms and conditions and indicates ability to perform by submission of its response.
8. All costs required for the preparation and submission of a bid shall be borne by Responder.
9. Proprietary or Confidential Information: No part of any response is to be marked as confidential or proprietary. County may refuse to consider any response or part thereof so marked. Responses submitted in response to this RFQ may be subject to public disclosure. County shall not be liable in any way for disclosure of any such records. Additionally, all responses shall become the property of County. County reserves the



right to make use of any information or ideas contained in submitted responses. This provision is not intended to require the disclosure of records that are exempt from disclosure under the California Public Records Act (Government Code Section 6250, *et seq.*) or of “trade secrets” protected by the Uniform Trade Secrets Act (Civil Code Section 3426, *et seq.*).

10. All other information regarding the responses will be held as confidential until such time as the County Selection Committee has completed their evaluation and an intended award has been made by the County Board of Supervisors. The submitted proposals shall be made available upon request no later than five (5) business days after approval of the award and contract is scheduled to be heard by the Board of Supervisors. All parties submitting proposals, either qualified or unqualified, will receive mailed intent to award/non-award notifications, which will include the name of the responder to be recommended for award of this project.
11. Each response received, with the name of the responder, shall be entered on a record, and each record with the successful response indicated thereon shall, after the award of the order or contract, be open to public inspection.

J. RESPONSE FORMAT

1. Responses are to be straightforward, clear, concise and specific to the information requested.
2. In order for responses to be considered complete, Responder must provide all information requested. See Exhibit B, Response Content and Submittals Completeness Checklist.

K. EVALUATION CRITERIA/SELECTION COMMITTEE

All proposals will be evaluated by a County Selection Committee (CSC). The County Selection Committee may be composed of Board Members, County staff and other parties that may have expertise or experience in State legislative advocacy services. The CSC will select a contractor in accordance with the evaluation criteria set forth in this RFQ. The evaluation of the proposals shall be within the sole judgment and discretion of the CSC.

All contact during the evaluation phase shall be through the County Administrator’s Office only. Responders shall neither contact nor lobby evaluators during the evaluation process. Attempts by Responder to contact and/or influence members of the CSC may result in disqualification of Responder.

Responders are advised that in the evaluation of cost, it will be assumed that the unit price quoted is correct in the case of a discrepancy between the unit price and an extension.

As a result of this RFQ, the County intends to award a contract to the responsible responder whose response conforms to the RFQ and whose response presents the greatest value to the County, all evaluation criteria considered. The combined weight of the evaluation criteria is greater in importance than cost in determining the greatest value to the County. The goal is to award a contract to the responder that proposes the County the best quality as determined by the



combined weight of the evaluation criteria. The County may award a contract of higher qualitative competence over the lowest priced response.

The evaluation process may include a two-stage approach including an initial evaluation of the written proposal and preliminary scoring to develop a short list of responders that will continue to the final stage of oral presentation and interview and reference checks. If the two stage approach is used, responders receiving the highest preliminary scores may be invited to an oral presentation and interview. Only the responders meeting the short list criteria will proceed to the next stage. All other responders will be deemed eliminated from the process. All responders will be notified of the short list participants; however, the preliminary scores at that time will not be communicated to responders.

#### Evaluation Criteria

- Completeness of Response
- Relevant Experience and Relationships
- References
- Cost
- Understanding of the Project and Scope of Work
- Presentation and Interview if required

#### L. NOTICE OF INTENT TO AWARD

At the conclusion of the RFQ response evaluation process (“Evaluation Process”) all responders will be notified in writing by e-mail or fax, and certified mail, by the CAO’s office of the contract award recommendation, if any. The document providing this notification is the “Notice of Intent to Award.” The Notice of Intent to Award will provide the following information:

- The name of the responder being recommended for contract award; and
- The names of all other parties that submitted proposals.

#### M. DISPUTES RELATING TO PROPOSAL PROCESS AND AWARD

In the event a dispute arises concerning the proposal process prior to the award of the contract, the party wishing resolution of the dispute shall submit a request in writing to the County Administrator. Responders may appeal the recommended award or denial of award, provided the following stipulations are met:

1. Appeal must be in writing.
2. Must be submitted within ten (5) calendar days of the date of the letter of notification of recommended award or denial of award.
3. An appeal of a denial of award can only be brought on the following grounds:
  - a. Failure of the County to follow the selection procedures and adhere to requirements specified in the RFQ or any addenda or amendments.
  - b. There has been a violation of conflict of interest as provided by California Government Code Section 87100 et seq.
  - c. A violation of State or Federal law.

Appeals will not be accepted for any other reasons than those stated above. All appeals must be sent to:

David Twa, County Administrator  
Contra Costa County  
651 Pine Street, 10<sup>th</sup> floor  
Martinez CA, 94553  
dtwa@cao.cccounty.us

The County Administrator shall make a decision concerning the appeal and notify the Responder making the appeal within a reasonable timeframe prior to the tentatively scheduled date for awarding the contract. The decision of the County Administrator shall be deemed final.

#### **IV. TERMS AND CONDITIONS**

##### **N. TERM / RENEWAL**

1. The term of the contract, which may be awarded pursuant to this RFQ, will be three (3) fiscal years, commencing July 1, 2019.
2. By mutual agreement, any contract which may be awarded pursuant to this RFQ may be extended for two (2) additional one year terms at agreed prices with all other terms and conditions remaining the same.

##### **O. PRICING**

1. All pricing as quoted will remain firm for the term of any contract that may be awarded as a result of this RFQ.
2. Unless otherwise stated, Responder agrees that, in the event of a price decline, the benefit of such lower price shall be extended to the County.
3. Any price increases or decreases for subsequent contract terms may be negotiated between Contractor and County only after completion of the initial term.
4. All prices quoted shall be in United States dollars and "whole cent," no cent fractions shall be used. There are no exceptions.
5. Responders are advised that in the evaluation of cost, if applicable, it will be assumed that the unit price quoted is correct in the case of a discrepancy between the unit price and an extension.
6. Federal and State minimum wage laws apply. The County is not imposing any additional requirements regarding wages.
7. Prevailing Wages: Pursuant to Labor Code Sections 1770 et seq., Contractor shall pay to persons performing labor in and about Work provided for in Contract not less than the

general prevailing rate of per diem wages for work of a similar character in the locality in which the Work is performed, and not less than the general prevailing rate of per diem wages for legal holiday and overtime work in said locality, which per diem wages shall not be less than the stipulated rates contained in a schedule thereof which has been ascertained and determined by the Director of the State Department of Industrial Relations to be the general prevailing rate of per diem wages for each craft or type of workman or mechanic needed to execute this contract.

P. AWARD

1. Proposals will be evaluated by a committee and will be ranked in accordance with the RFQ section entitled "Evaluation Criteria/Selection Committee."
2. The committee will recommend award to the responder who, in its opinion, has submitted the proposal that best serves the overall interests of the County and attains the highest overall score. Award may not necessarily be made to the responder with the lowest price.
3. The County reserves the right to reject any or all responses that materially differ from any terms contained in this RFQ or from any Exhibits attached hereto, to waive informalities and minor irregularities in responses received, and to provide an opportunity for responders to correct minor and immaterial errors contained in their submissions. The decision as to what constitutes a minor irregularity shall be made solely at the discretion of the County.
4. The County reserves the right to award to a single contractor.
5. The County has the right to decline to award this contract or any part thereof for any reason.
6. Board approval to award a contract is required.
7. Final Standard Contract terms and conditions will be negotiated with the selected responder.

Q. METHOD OF ORDERING

1. A signed Standard Contract will be issued upon Board approval.
2. Standard Contracts will be transmitted electronically or mailed and shall be the only authorization for the Contractor to place an order.
3. Payments for services will be issued only in the name of Contractor.
4. Contractor shall adapt to changes to the method of ordering procedures as required by the County during the term of the contract.
5. Change orders shall be agreed upon by Contractor and County and issued as needed in writing by County.

R. INVOICING

1. Contractor shall invoice the County Administrator's Office, unless otherwise advised, upon satisfactory performance of services.
2. Payment will be made within thirty (30) days following receipt of invoice and upon complete satisfactory performance of services.
3. County shall notify Contractor of any adjustments required to invoice.
4. Invoices shall contain County contract number, invoice number, remit to address and itemized services description and price as quoted.
5. Contractor shall utilize standardized invoice upon request.
6. Invoices shall only be issued by the Contractor who is awarded a contract.
7. Payments will be issued to and invoices must be received from the same Contractor whose name is specified on the contract.

S. ACCOUNT MANAGER/SUPPORT STAFF

1. Contractor shall provide a dedicated competent account manager who shall be responsible for the County account/contract. The account manager shall receive all contracts from the County and shall be the primary contact for all issues regarding Responder's response to this RFQ and any contract which may arise pursuant to this RFQ.
2. Contractor shall also provide adequate, competent support staff that shall be able to service the County during normal working hours, Monday through Friday. Such representative(s) shall be knowledgeable about the contract, products offered and able to identify and resolve quickly any issues including but not limited to order and invoicing problems.
3. Contractor account manager shall be familiar with County requirements and standards and work with the CAO staff to ensure that established standards are adhered to.

T. GENERAL REQUIREMENTS

1. Proper conduct is expected of Contractor's personnel when on County premises. This includes adhering to no-smoking ordinances, the drug-free work place policy, not using alcoholic beverages and treating employees courteously.
2. County has the right to request removal of any Contractor employee or subcontractor who does not properly conduct himself/herself/itself or perform quality work.

**EXHIBIT A**  
**COUNTY OF CONTRA COSTA**

No. RFQ 1902-329  
for

**STATE LEGISLATIVE ADVOCACY SERVICES**

**FEE SCHEDULE**

Fees shall be submitted on Exhibit A as is. No alterations or changes of any kind are permitted. Responses that do not comply will be subject to rejection in total. The fees quoted below shall include all taxes and all other charges and is the cost the County will pay for the three-year term of any contract that is a result of this bid.

Proposal prices shall include everything necessary for the completion of and fulfillment of the contract including but not limited to furnishing all materials, equipment, tools, facilities and all management, labor, services, taxes, licenses, permits and an estimated cost for two (2) trips to Contra Costa County per year required to complete the work in accordance with the contract documents, except as may be provided otherwise in the contract documents.

Responder agrees that the prices quoted are the maximum they will charge during the term of any contract awarded.

			1st Year		2nd Year		3rd Year		
Description	Unit of Measure	No. Units	Charge per Unit	Extension	Charge per unit	Extension	Charge per unit	Extension	Total for Three (3) Years
	A	B	C	D = B *C	E	F = B*E	G	H = B*G	I = (D + F + H)
Monthly service charge for state legislative advocate program	Per month	12	\$	\$	\$	\$	\$	\$	\$
TOTAL COST FOR SERVICES									

FIRM: \_\_\_\_\_SIGNATURE: \_\_\_\_\_DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_TITLE: \_\_\_\_\_

## EXHIBIT B

No. RFQ 1902-329

for

STATE LEGISLATIVE ADVOCACY SERVICES
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### RESPONSE CONTENT AND SUBMITTAL COMPLETENESS CHECKLIST

1. Responses must be signed in blue ink and include evidence that the person or persons signing the proposal is/are authorized to execute the proposal on behalf of the responder.
2. Responders shall provide all of the below noted Response documentation and exhibits. Any material deviation from these requirements may be cause for rejection of the Response, as determined in the County's sole discretion. The content and sequence for each required Response document/exhibit shall be as follows:

#### CHECK LIST

- ☐ A. **Title Page:** Show RFQ number and title, your company name and address, name of the contact person (for all matters regarding the RFQ response), telephone number and proposal date.
- ☐ B. **Table of Contents:** Responses shall include a table of contents listing the individual sections of the proposal and their corresponding page numbers.
- ☐ C. **Cover Letter:** Responses shall include a cover letter describing Responder and include all of the following:
  - 1) The official name of Responder;
  - 2) Responder's organizational structure (e.g. corporation, partnership, limited liability company, etc.);
  - 3) The jurisdiction in which Responder is organized and the date of such organization;
  - 4) The address of Responder's headquarters, any local office involved in the Response; and the address/location where the actual services will be performed;
  - 5) Responder's Federal Tax Identification Number;

- 6) The name, address, telephone, and e-mail address of the person(s) who will serve as the contact(s) to the County, with regards to the RFQ response, with authorization to make representations on behalf of and to bind Responder;
- 7) A representation that Responder is in good standing in the State of California and will have all necessary licenses, permits, certifications, approvals and authorizations necessary in order to perform all of its obligations in connection with this RFQ. This requirement includes the necessity for some out of state companies to be registered with the State of California by the effective date of the agreement. Information regarding this requirement can be located at the Secretary of State website, <http://www.sos.ca.gov/>; and
- 8) An acceptance of all conditions and requirements contained in this RFQ.
- 9) Cover letter must be signed in blue ink by a person or persons authorized to execute the proposal on behalf of the responder.

☐ D. **Responder's Qualifications and Experience:**

Provide a description of Responder's capabilities pertaining to this RFQ. This description should not exceed three (3) pages and should include a detailed summary of Responder's experience relative to RFQ requirements described herein.

☐ E. **Key Personnel - Qualifications and Experience:**

Responses shall include a complete list of and resumes for all key personnel associated with the RFQ. This list must include all key personnel who will provide services to County staff and all key personnel who will provide maintenance and support services. For each person on the list, the following information shall be included: (1) the person's relationship with Responder, including job title and years of employment with Responder; (2) the role that the person will play in connection with the RFQ (3) address, telephone and e-mail address; (4) the person's educational background; (5) the person's relevant experience; and (6) relevant awards, certificates or other achievements. This section of the bid response should include no more than two pages of information for each listed person.

☐ F. **Description of the Proposed Services:**

Response shall include a description of the services to be provided during the contract term including response times, not to exceed three (3) pages.



The description must: (1) specify how the services in the response will meet or exceed the requirements of the County; (2) explain any special resources, procedures or approaches that make the services of Responder particularly advantageous to the County; and (3) identify any limitations or restrictions of Responder in providing the services that the County should be aware of in evaluating its Response to this RFQ. Responses shall include a description of Responder's approach in providing its services to the County, stating its understanding of the work to be done and a positive commitment to perform the work as specified.

☐ G. **References:**

- 1) Responders are to provide a list of three (3) current and three (3) former clients. References must be satisfactory as deemed solely by County. References should have similar scope, volume and requirements to those outlined in these specifications, terms and conditions. Reference information is to include:
  - Company/Agency name
  - Contact person (name and title), *contact person is to be someone directly involved with the services*
  - Complete street address
  - Telephone number
  - Dates of service
- 2) The County may contact some or all of the references provided in order to determine Responder's performance record on work similar to that described in this request. The County reserves the right to contact references other than those provided in the Response and to use the information gained from them in the evaluation process.

☐ H. **Relationships:** Responders must provide a list of contacts and/or supporting documentation that demonstrates existing relationships with the County's legislative delegation. *The list need not be comprehensive.* Responders must provide a list of contacts and/or supporting documentation that demonstrates existing relationships with other State legislators, legislative staff, State agencies, and executive branch officials. *The list need not be comprehensive.*

☐ I. **Fee Schedule, Exhibit A:** Prices shall include the cost of everything necessary for fulfillment of the contract requirements.

☐ J. **Evidence of Insurance:** Consultant may not commence work until it has furnished evidence of the insurance required in the Standard Contract to the CAO, and the CAO has approved it, and may not continue to perform any work under the contract if the insurance required therein is no longer in effect.

**EXHIBIT C**

**No. RFQ 1902-329**

**for**

**STATE LEGISLATIVE ADVOCACY SERVICES**

**STANDARD CONTRACT**