



**LEGISLATION COMMITTEE**

**July 22, 2019  
10:30 A.M.**

**651 Pine Street, Room 101, Martinez**

Supervisor Diane Burgis, Chair  
Supervisor Karen Mitchoff, Vice Chair

<b>Agenda Items:</b>	Items may be taken out of order based on the business of the day and preference of the Committee
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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 May 13, 2019 meeting of the Legislation Committee, with any necessary corrections.**
4. **CONSIDER disclosures and requests made by Nossaman LLP in letters to the County of June 26, 2019 and July 8, 2019, regarding clients with adverse or potentially adverse interests, and RECOMMEND County Board of Supervisors' response and direction to staff.**
5. **PROVIDE DIRECTION to staff on the development of performance measures and priorities for the County's contracted state and federal legislative advocates.**
6. **RECEIVE a report from Dr. William Walker on federal and state health related legislation, and provide direction to staff as needed.**
7. **ACCEPT the report from the Urban Counties of California (UCC) on legislation of interest to counties and the status of the State Budget, and provide direction to staff.**
8. **CONSIDER recommending to the Board of Supervisors a position of support on ACA 6 (McCarty): Elections: Disqualification of Electors, a bill that would delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony, as recommended by the Office of Reentry & Justice.**
9. The next meeting is currently scheduled for **September 9, 2019**. (*The August 12, 2019 meeting will be cancelled.*)
10. 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:** 07/22/2019  
**Subject:** Record of Action for Legislation Committee Meeting  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-17  
**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 May 13, 2019 meeting. (Attachment A) Attachment B is the Sign-In Sheet for the meeting.

*(The June 27, 2019 meeting was cancelled.)*

Any handouts or printed copies of testimony distributed at the meeting are also attached to this meeting record. (Attachment C)

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

APPROVE the Record of Action with any necessary corrections.

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#### **Attachments**


Attachment A

Attachment B: Sign-In Sheet

Attachment C: Senior Advocacy

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# DRAFT

 <p><b>Agenda</b></p>	<p><b>LEGISLATION COMMITTEE</b></p> <p><b>May 13, 2019</b>  <b>10:30 A.M.</b>  <b>651 Pine Street, Room 101, Martinez</b></p>
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Supervisor Diane Burgis, Chair  
 Supervisor Karen Mitchoff, Vice Chair

<b>Agenda Items:</b>	Items may be taken out of order based on the business of the day and preference of the Committee
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Present: Diane Burgis, Chair  
 Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator  
 Jaime Jenett, Health Services staff  
 Allison Pruit, EHSD staff  
 Maureen Toms, DCD Staff  
 John Kopchik, DCD Director  
 Kristen Lackey, DCD Staff  
 Dr. William Walker, Health Services  
 Joshua Sullivan, Health Services Administrator  
 Anne O, Chief of Staff, District IV  
 Mark Goodwin, Chief of Staff, District III

1. Introductions

*Introductions were made of those in attendance. Joining by conference call were representatives of Federal Advocates Inc.*

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

*Shirley Krohn provided information regarding the Senior Rally Day at the state capitol (see attachment), noting her advocacy for the Master Plan on Aging and the 5 year anniversary of the Senior Rally Day.*

3. APPROVE the Record of Action with any necessary corrections.

*The Record of Action for the April 8, 2019 meeting was approved as presented.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

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

*The Committee received the report. Vice Chair Mitchoff requested more information about the use of Prop. 64 funding for childcare services, which staff provides as follows:*

*"The Governor had announced his intent to use tax dollars collected from the sale of marijuana for child care programs. The services would be available for children up to the age of 12 and administered by the California Department of Education. Proposition 64 states that revenues from the sale of marijuana may be spent only on government programs "that further the purpose" of the law. To date, that has largely been on drug research and law enforcement efforts. A spokesman for Newsom pointed to a study by the National Institutes of Health citing the link between early childhood care and substance abuse prevention later in life. The governor was a principal proponent of the marijuana legalization initiative."*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

5. 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.

*The Committee voted to support all bills (AB 215, AB 1216, and SB 409) but noted that AB 1216 required funding.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

6. 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.

*The Committee received information from staff and comment from the public and voted to recommend a position of "Support" to the Board of Supervisors.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

7. 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.

*The Committee received the Policy Framework and made recommendations to the Board as follows: ACA 1 Support, AB 1487 Oppose, AB 723 Oppose.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

8. 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.

*The Committee voted unanimously to recommend "Support" on AB 388 (Limon) and directed staff to place the bill on the Board's consent calendar.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

9.

*The Committee took no vote on SB 343. The Committee requested more information on reporting requirements and the business organization of Kaiser. Staff was directed to return the bill to the Committee for their June meeting.*

10. 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.

*The Committee voted unanimously to support staff's recommendation of "Oppose" on SB 438 and "Oppose Unless Amended" on AB 1544. The Agenda language indicating "Oppose" on both bills was not accurate.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

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, and directing staff to schedule the contract award and authorization on the Board's consent calendar for its May 21, 2019 meeting.

*The Committee voted unanimously to support the recommendation of the County Selection Committee to award the state advocacy services contract to Nossaman LLP in the amount of \$630,000 for the period July 1, 2019 through June 30, 2022. However, the Committee was not unanimous on their vote to recommend a contractor for the federal advocacy services contract. The Committee directed staff to send the matter to the Board of Supervisors for their consideration, noting a split vote on the recommendation.*

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

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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**LEGISLATION COMMITTEE**

**SIGN-IN SHEET**

Signing in is voluntary. You may attend this meeting without signing in.

Name	Representing	Phone
Mariana Høre	Ensuring Opportunity Campaign	510-234-1200 x 311
Shirley Eber	Adm Council on Aging	925-256-8736
Lindsay Drakeley	Food Bank of CCS	925-677-7711
<input checked="" type="checkbox"/> Doug Jones	SEIU-UHW	510 351 3332
Jaime Bennett	CCHS-H3	928 608-6716
Sawie White	Community Member	<del>925</del> (510) 565-4942
Taryn Fennelon	School Nurses CSNCC	818 321-1974
Allison Pruitt	EHSD	8-4976
Maurice Toms	Cell Dept of Cons & Development	925-674-7878
John Kopelick	Cec "	925-674-7814
Kristen Backley	"	925-674-7793
Bill Winkler	CCHS	925-957-5403
Jon Swann	cuts	925-957-2661

Jim Takek Federal Advocates 925 212-2596 (over)



Ronald A. Wetter Kaiser Permanente 925-372-1475

Shane O Bost

Mark Goodwin BOS3

Erica Venegas community member

Karina Matheos community member

Mary Harris community member (25)964-9475



## 2019 BUDGET PRIORITIES

- Senior Nutrition Programs
- Long Term Care Ombudsman Program
- In-Home Supportive Services (IHSS)
- SSI/SSP
- Multi-Purpose Senior Services Program (MSSP)
- Adult Protective Services (APS) Training/Budget Request
- California Aging & Disability Alliance

### SENIOR NUTRITION PROGRAMS

We seek your support to include an additional **\$17.5 million** in the 2019-2020 state budget to increase funding for senior nutrition programs. This funding would serve an additional 12,000 older Californians and provide an extra 1.2 million meals per year. As a reminder there has not been an increase in this funding for a decade, even as the cost of a meal has been increasing at an annual average of \$0.29. This budget proposal is an important step in reversing this trend and meeting the most basic food needs of older adults.

Over the last ten years, the percentage of the population age 60 and older that faces food insecurity has increased by 45% (Ziliak & Gunderson, 2015). Among California seniors, studies show that one out of six are dealing with the threat of hunger. California has the eleventh highest rate of senior food insecurity in the nation (United Health Foundation, 2015). California is home to some 7.8 million older adults (California State Plan on Aging 2017-2021). The percent of older Californians facing the threat of hunger is 16.33 %. That means that nearly 1.274 million Californians over the age of 60 are considered food insecure.

A budget augmentation to senior nutrition programs will send a clear message that California prioritizes promoting health and well-being for all ages.

For the above reasons, we respectfully urge your support for an additional \$17.5 million in the 2019-2020 state budget to increase funding for senior nutrition programs.

## LONG TERM CARE OMBUDSMAN PROGRAM

The state and federally mandated purpose of the Long Term Care Ombudsman Program is to ensure the highest possible quality of life and care for residents of long term care facilities. Through a combination of paid staff and well-trained certified volunteers, the Ombudsman organizations provide regular, unannounced in-person visits and resident advocacy. They identify and resolve complaints, in addition to ensuring that facilities are free from health and safety issues. They are advocates that work to preserve personal and civil rights of residents, particularly the 60% of residents without family members visiting to observe care and resolve or report problems.

We support ASM Wood's request for an annual commitment of **\$5.2 million** to support the more than 300,000 Californians living in licensed long-term care (LTC) facilities. The request will provide \$3.7 million for an additional 150,000 hours of unannounced facility visits by paid staff and volunteers and another \$1.5 million to perform an additional 8,000 investigations of the thousands of complaints that come in to them each year.

## IN-HOME SUPPORTIVE SERVICES (IHSS)

The In-Home Supportive Services (IHSS) program provides personal care services for approximately 560,000 qualified low-income individuals who are blind, aged (over 65) or who have disabilities. Services include feeding, bathing, bowel and bladder care, meal preparation and clean-up, laundry and paramedical care.

The budget proposes **\$12.7 billion** for services and administration. The 2018-19 budget provided \$11.5 billion for the program. Overall, the increased costs for IHSS in 2019-20 are due to higher projected caseload, an increase in paid hours per case and the increase in the hourly minimum wage from \$12.00 to \$13.00, effective January 1, 2020. The average monthly cost of services per IHSS client is estimated to be approximately \$1,647 for 2019-20. This estimate averages 564,330 consumers will be authorized for an average of 110.1 hours per month.

We urge your support for \$12.7 billion for services and administration in the 2019-2020 state budget to increase funding for the program.

We also request your support of trailer bill language to permanently restore the 7% that the IHSS request include asking for adoption of the trailer bill language **to permanently restore the 7% IHSS cut.**

A legal settlement in *Oster v. Lightbourne* and *Dominguez v. Schwarzenegger*, resulted in an eight percent reduction to authorized IHSS hours, effective July 1, 2013.

Beginning in July 1, 2014, the reduction in authorized service hours was changed to 7 percent. The 2015 Budget Act approved one-time General Fund resources, and related budget bill language, to offset the 7 percent across-the-board reduction in service hours.

Starting in 2016, the 7 percent restoration was funded using a portion of the revenues from a restructuring of the existing Managed Care Organization (MCO) tax. The 2018-19 Governor's Budget used \$300 million General Fund to restore the 7 percent across-the-board reduction. Since 2016-17, the state has imposed this MCO tax that, when

combined with a package of associated tax changes, generates a net General Fund benefit of about \$1.5 billion by drawing additional federal funds for the state.

Under current law, as mentioned, the General Fund has supported the restoration of IHSS service hours, which were previously reduced by the 7 percent, so long as the MCO tax is in place.

While the Governor's budget does not assume the renewal of the MCO tax once it expires at the end of 2018-19, it does propose the continued use of General Fund for the 7 percent restoration in 2019-20. The cost of the 7 percent restoration is estimated to be \$342.3 million General Fund in 2019-20. While the Administration is not proposing to eliminate the current statutory language that ties the 7 percent restoration to the existence of the MCO tax, the understanding is that it intends for the restoration of IHSS service hours to be ongoing.

### **SSI/SSP**

The Supplemental Security Income/State Supplemental Payment (SSI/SSP) programs provide cash assistance to around 1.3 million Californians, who are aged 65 or older (46 percent), are blind (one percent), or have disabilities (53 percent), and in each case meet federal income and resource limits. A qualified SSI recipient is automatically qualified for SSP. SSI grants are 100 percent federally funded. The state pays SSP, which augments the federal benefit.

The Governor's proposed 2019-20 budget does not propose any increase in the SSI/SSP grant amount. It keeps in place the \$77 a month in cuts made in 2009 and which have still not been restored. CA4SSI are asking for an increase of \$106 a month and a 2020 cost of living increase so that grants for individual SSI recipients are 100 percent of the federal poverty level.

We urge your support for this monthly increase as well as a 2020 cost of living increase.

### **MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP)**

Local Multipurpose Senior Service Program (MSSP) sites provide social and health care management for frail elderly clients who are certifiable for placement in a nursing facility but who wish to remain in the community. The goal of the program is to arrange for and monitor the use of community services to prevent or delay premature institutional placement of these frail clients. The services must be provided at a cost lower than that for nursing facility care.

Clients eligible for the program must be 65 years of age or older, live within a site's service area, be able to be served within MSSP's cost limitations, be appropriate for care management services, currently eligible for Medi-Cal, and certified or certifiable for placement in a nursing facility. MSSP site staff make this certification determination based upon Medi-Cal criteria for placement.

The state's Multipurpose Senior Services Program (MSSP) serves almost 12,000 frail seniors who wish to remain in their homes. The majority of MSSP clients live alone, subsist on approximately \$1,000 per month, and have complex needs that require

medical and social services support. This program provides assistance such as home-delivered meals, Paratransit services, assistance with hygiene and daily activities, counseling and adult day care.

We support Senator Wood's request for a one time funding request of **\$25 million** for this program. Significant cuts were made to this critical program during the recession years and those cuts have yet to be restored. This one time funding will save people from having to go into a nursing home and save money because data shows that MSSP client costs are half that of patients in nursing homes.

### **ADULT PROTECTIVE SERVICES (APS) TRAINING/BUDGET**

Each of California's 58 counties has an Adult Protective Services (APS) agency to aid adults aged 65 years and older and dependent adults who are unable to meet their needs, or are victims of abuse, neglect, or exploitation. The APS Program provides 24/7 emergency response to reports of abuse and neglect of elders and dependent adults who live in private homes, apartments, hotels or hospitals and health clinics when the alleged abuser is not a staff member.

AS reports have risen significantly since 2000-01. Between 2014 and 2018, APS received 710,898 reports. During that same time, 623,127 cases were opened and 551,461 cases were resolved.

In 2016 \$3 million in funding was approved for APS training. This funding expires at the end of the fiscal year.

We support the request for **\$5.75 million** over three years to provide additional resources for APS social worked training.

### **LONG-TERM SERVICES AND SUPPORT**

California confronts many challenges in how to finance, develop, and organize long-term services and support (LTSS) services. For individuals and families, the unanticipated costs can lead to impoverishment, lack of care options, and intense psychological stress. When informal networks of care are not available, individuals and families pay out-of-pocket for LTSS, such as home care aides, assisted living communities, and nursing homes, to help fill the gap. But these services bring high costs, not only to the individuals directly involved, but also to taxpayers and the government with more individuals being forced to spend down to qualify for an already overburdened Medi-Cal LTSS system.

California currently has almost 8 million persons who are either older adults or persons with mobility, sensory, intellectual/developmental, and mental health disabilities. This population will grow significantly over the next decade, primarily due to the aging of the baby boomers and longer life expectancies made possible by medical advances. By 2030, more than one million older adults in California will require some assistance with self-care.

Despite this, LTSS are not covered adequately by Medicare, and most Californians cannot afford to purchase private long-term care insurance. Paying out-of-pocket for LTSS is highly expensive, creates a significant financial and social burden for families, and is simply impossible for many Californians.

Most caregiving is provided by family members, primarily women, without compensation. This impacts their ability to participate in the workforce and save for retirement and ultimately contributes to the feminization of poverty. Nearly two-thirds of individuals age 65 and over living in poverty are women.

We support the appropriation of **\$1 million** for the purposes of contracting with a qualified entity for a feasibility study and actuarial analysis of long-term services and supports financing and services options to help Californians meet needs for long-term services and supports (LTSS).



## CSL LEGISLATIVE REPORT

May 2019

Bill #	AUTHOR	SUMMARY	CSL AUTHOR	STATUS	POSITION
AB 50	Kalra	<b>Medi-Cal: Assisted Living Waiver program</b> This bill would require the Department of Health Care Services to submit in 2019, to the federal Centers for Medicare and Medicaid Services a request for renewal of the Assisted Living program with specified amendments	Rolfe (2018)	Assembly-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 23).	Sponsor
AB 387	Gabriel	<b>Physician and surgeons: prescriptions.</b> This bill would require physicians and surgeons to include the purpose for which the medication is prescribed to be included on the prescription label, unless the patient requests the information be omitted.	Gould AP 18	Assembly- Re-referred to Com. on APPR.	Sponsor
AB 480	Salas	<b>Mental health: older adults.</b> This bill would establish within the State Department of Health Care Services an Older Adult Mental Health Services Administrator to oversee mental health services for older adults	Krohn AP 13	Assembly- From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (April 23). Re-referred to Com. on APPR.	Sponsor
AB 797	Grayson	<b>Mandated reporters: financial abuse of elder or dependent adults.</b> This bill would amend the definition of "Mandated Reporters of Suspected Financial Abuse of an Elder or Dependent Adult" to include the officers and employees of businesses licensed under the Money Transmission Act for making wire or money transfers and that would increase penalties, including providing for full reimbursement of losses, for officers or employees of these businesses who fail to report as required	Molnar SP 10	Assembly- Set, first hearing. Hearing canceled at the request of author.	Sponsor
AB 970	Salas	<b>California Department of Aging: grants: transportation.</b> This bill would authorize the use of moneys in the electric program investment charge to fund grant programs in counties to provide transportation to nonemergency medical services for the senior and disabled populations located in rural, desert, and mountain areas	Warren AP 2	Assembly-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 1.) (April 22). Re-referred	Sponsor

Bill #	AUTHOR	SUMMARY	CSL AUTHOR	STATUS	POSITION
		through the use of energy renewable vehicles.		to Com. on APPR.	
SB 280	Jackson	<b>Older Adults and persons with disabilities: Fall Prevention</b> This measure would amend the CA Buildings Standards Law to ensure that specific falls prevention structural features designed to prevent falls and facilitate Aging in Place are built into new housing using funds generated by the Act.	Rolfe AP 7	Senate-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (April 22). Re-referred to Com. on APPR.	Sponsor
SB 309	S Rubio	<b>Personal income tax: California Senior Citizen Advocacy Voluntary Tax Contribution Fund.</b> This bill would require the Ca Sr Citizen Advocacy Voluntary Tax Contribution Fund to remain indefinitely on the personal income tax form. By depositing additional moneys into a continuously appropriated fund The bill would make an appropriation.	Pointer	Senate-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR. Set for hearing April 29	Sponsor
SB 695	Portantino	<b>Land use planning: housing element:</b> This bill would, for the purpose of meeting housing element goals under the Planning and Zoning Law, classify housing units participating in a home-sharing arrangement in which at least one of the occupants is an elderly person who qualifies as a person of low or moderate income, as defined, as very low income households. This would also incentivize local authorities to meet affordable housing goals and that would hold local authorities accountable when they fail to do so.	Rolfe AP 8	Senate-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 22). Re-referred to Com. on APPR.	Sponsor
SB 725	S. Rubio	<b>Veterans rental housing.</b> This bill would establish a rental housing assistance program and would require the Department of Veterans Affairs to coordinate access to affordable housing with existing State and Federal Veterans services and provide detailed information about the assistance in a specified resource publication.	Kagan SP 7	Senate-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 23). Re-referred to Com. on APPR.	Sponsor
	B Rubio	CSL Funding request of \$425,000 General Fund	Pointer	Budget Request	Sponsor
HR 1788	Hill, (HR)	This bill would amend title XVIII of Social Security Act to limit the penalty for late enrollment under Part B of Medicare Program to 15% & twice the period of no enrollment & exclude periods of COBRA, retiree, & VA coverage from such late enrollment fee	Love SFP 2	Assigned to Energy & Commerce Committee & Ways & Means Committee	Sponsor



## CSL SUPPORT BILLS

Bill #	AUTHOR	SUMMARY	STATUS	POSITION
AB 251	Patterson	<b>Personal income taxes: credit: family caregiver.</b> The bill would make specified findings detailing the goals, purposes, and objectives of the above-described tax credit, performance indicators for determining whether the credit meets those goals, purposes, and objectives, and data collection requirements.	Assembly In committee: Set, first hearing. Referred to APPR. suspense file.	Support
AB 568	Reyes	<b>Caregiver resource centers: volunteer workforce.</b> This bill creates the California Care Corps for the purpose of expanding the caregiver workforce for Californians experiencing Alzheimer's or related dementia (PWDs).	Assembly-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 23). Re-referred to Com. on APPR.	Support
AB 911	Rodriguez	<b>Office of Emergency Services: 911 Emergency Communication System.</b> This bill would require the office, by January 1, 2022, to establish a statewide 911 Emergency Communication System, as described. The bill would require the system to enable all Californians, including older adults, individuals with disabilities, and other at-risk persons, to voluntarily share specified information about themselves, via a secure internet website, to be transmitted to first responders during an emergency, as provided.	Assembly-Re-referred to Com. on G.O.	Support
AB 1128	Petrie-Norris	<b>Program of All-Inclusive Care for the Elderly.</b> This bill would require a PACE center to maintain a license both as a primary care clinic and an adult day health center, and to either maintain a license as a home health agency or contract with a licensed home health agency for the provision of home health services.	Assembly-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 23). Re-referred to Com. on APPR..	Support
AB 1382	Aguiar-Curry	<b>Master Plan for Aging</b> This bill responds to needs of an aging California by providing recommendations to establish and scale the workforce demands for home care workers, increase geriatric-related competencies in health care, and build off of recommendations outlined by the California Task Force for Family Caregiving.	Assembly From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 23). Re-referred to Com. on APPR.	Support
SB 214	Dodd	<b>Medi-Cal: California Community Transitions program.</b> Existing federal law establishes the Money Follows the Person Rebalancing Demonstration, which is designed to achieve various objectives with respect to institutional and home and community-	Senate-referred to Com. on HEALTH.	Support

Bill #	AUTHOR	SUMMARY	STATUS	POSITION
		based long-term care services provided under State Medicaid programs. This measure would extend funding for the Calif. Community Transitions which expires this year	Set for hearing May 1.	
SB 228	Jackson	<b>Master Plan on Aging</b> This bill states the Legislature's intent to develop a Master Plan for an Aging California that empowers all Californians to age with dignity, choice and independence.	Senate From committee: Do pass as amended and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 6. Noes 0.) (April 22)	
SB 248	Glazer	<b>Taxation: renters' credit.</b> This bill, for taxable years beginning on or after January 1, 2019, for spouses filing joint returns, heads of household, and surviving spouses with those adjusted gross incomes, who have no dependents, would allow a credit equal to \$220. The bill, for taxable years beginning on or after January 1, 2019, for other individuals with those adjusted gross incomes, who have no dependents, would allow a credit equal to \$217. The bill, for taxable years beginning on or after January 1, 2019, for spouses filing joint returns, heads of household, surviving spouses, and for other individuals, with those adjusted gross incomes, who have one or more dependents, would allow a credit equal to \$434.	Senate- From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F. Set for hearing May 1.	Support
SB274	Dodd	<b>Mobilehome parks: tenancies</b> This bill would amend Sections 798.34 and 798.74 of, and to add Section 798.62 to, the Civil Code, relating to mobilehome residency.	Senate Committee on Jud Set for hearing April 30.	Support
SB 314	Dodd	<b>Elders and dependent adults: abandonment.</b> This bill adds "abandonment" to the list of actions included in the Elder Abuse and Dependent Adult Civil Protection Act's enhanced civil remedies	In Assembly. Read first time. Held at Desk.	Support
SB 338	Hueso	<b>Elder and dependent adult abuse: law enforcement policies.</b> This bill pulls together all California laws specifically protecting seniors and people with disabilities, including broader major laws that specifically affect these vulnerable populations.	Senate- Read second time. Ordered to third reading.	Support

### Budget Support

Budget Request	CCoA CEJC CWDA CSAP G & C	Increase funding for APS and PA/PG/PC		Support
Budget Request	Ombudsm an	Augment program funding through a \$5.2 million increase in General Funds for the Local Long-Term Care Ombudsman Program.		Support

California Senior Legislature

[www.4csl.org](http://www.4csl.org)

SK testimony AB 480

There currently isn't any state leadership or oversight on how mental health services are provided to older adults. This is why AB 480 is an essential Bill moving forward.

It should be noted that there was an administrative position in place from 2007 to 2011 to bridge the Dept of Mental health and the D of Aging. Much was accomplished and the aging services network was mobilized in counties across the state offering evidence based depression management as well as early intervention programs. It is sad that due to budget shortfalls impacting many programs, the governor redirected this funding to counties for mental health prevention services. And this is where we ran into issues.

Oversight & accountability for MHSA funds and programs is an imperative for both the Dept of Health Care Svs and the Mental Health Services Oversight and Accountability Commission. ~~They do not have the expertise nor a mandate to provide oversight and accountability~~

A state level position would be responsible for ensuring the mental health plans submitted are reviewed and ensure that the funding requested was actually used to fund the plans submitted....This is vitally important. If a plan implemented creates an innovative problem solved, it should be something to be shared with other county organizations for consideration.

It is also important to recognize that half of counties in CA report that they have an administrative unit for these services. Those that do, have a robust program. Others, however, tend to believe that older adults are "adults who are old" and they do not recognize the complex medical issues that also need to be taken into consideration in mental health planning, programs and service delivery.

Many counties do not purposely reach out to older adults to offer necessary special mental health programs.

In the past, the Dept of Mental Health had whole teams working on children's issues...no specialists for older adults. While children's issues continue to be important, older adults need to be treated equally. Plus training is insufficient.

~~Finally, the staff position(s) created by this bill definitely needs to be a behavioral health resource to the proposal aging czar~~

357 words



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

4.

**Meeting Date:** 07/22/2019  
**Subject:** State Advocacy Services Contract  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-19  
**Referral Name:** State Advocacy Services  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

On June 11, 2019, the Board of Supervisors approved a contract for state legislative advocacy services with Nossaman LLP, subject to approval as to form by County Counsel. A copy of the board order is attached as Attachment A. (*The RFQ for State Legislative Advocacy services indicated that the contract period would be for three years, with two single year renewal options possible.*)

According to their RFQ response, Nossaman LLP, a limited liability partnership in existence since 1942, has more than 170 attorneys and public policy advisors across eight different offices located in Sacramento, Los Angeles, San Francisco, Irvine, San Diego, Seattle, Austin, and Washington D.C. The advocacy services for the County would be provided out of their Sacramento offices. Ashley Walker and Jennifer Capitolo, Senior Policy Advisors in their Public Policy Group, would be the lead lobbyists for the County and would have the primary responsibility under a contract for managing the Nossaman "team" in achieving the County's legislative objectives. As stated in their proposal, Ms. Capitolo currently serves as the lead government affairs representative for the California Water Association (CWA), a statewide association of water utilities that are regulated by the PUC, and lobbies both the State Legislature and the State Water Resources Control Board on behalf of the organization. Other advisors included in the proposal have extensive experience in crafting and lobbying for legislation related to water recycling.

On June 26, 2019, before contract negotiations were complete, the County received a letter from Nossaman advising the County that Nossaman has an ongoing commitment to provide legal services to the Kern County Water Agency, the Coalition for a Sustainable Delta, and other unnamed clients. According to the letter, all of these clients may, at times, have interests that conflict with those of the County. A copy of the letter is attached as Attachment B. The nature of the potential conflicts is described on page 2 of the letter. The letter goes on to request that the County formally waive the conflict.

On July 8, 2019, a second letter was received from Nossaman, a copy of which is attached as

Attachment C. The second letter reveals that the firm’s request for a conflict waiver was based on rules of professional conduct for the legal profession that no longer apply.<sup>[1]</sup> And that under the new rules, Nossaman has concluded that no conflict currently exists and therefore a conflict waiver is not required. Nossaman concludes the letter by asking the County to acknowledge that the firm has disclosed to the County that the firm represents the Kern County Water Agency and the Coalition for a Sustainable Delta, and that those clients have adverse, or potentially adverse, positions to the County with regard to State water project operations and the Delta conveyance project.

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[1] The State Bar of California adopted new rules of professional conduct that went into effect November 1, 2018.

### **Referral Update:**

Law firms owe clients a duty of undivided loyalty. When a client’s interests are adverse to another client’s interests, the firm’s representation of those clients may be affected.

Nossaman is proposing as a mitigation the creation of an “ethical wall” between the professionals who represent the Kern County Water Agency and the Coalition for a Sustainable Delta on the one hand and the professionals who will represent the County on the other hand. The “wall” would be necessary because Nossaman reports that it will continue to represent both the Kern County Water Agency and the Coalition for a Sustainable Delta with respect to endangered species and water supply issues in the Delta, including with respect to the Delta conveyance project.

If during the term of the County’s contract with Nossaman, a situation arises that, under the current rules, requires Nossaman to obtain conflict waivers, Nossaman would have to obtain them from all affected clients in order to continue the then-existing representation.

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

PROVIDE a recommendation to the Board of Supervisors at its meeting on July 30, 2019 as to how to respond to the Nossaman LLP letters to the County dated June 26, 2019 and July 8, 2019.

The options the Legislation Committee may want to consider as its recommendation to the Board of Supervisors include the following:

1. DIRECT staff to continue negotiations of the contract with Nossaman LLP; decline to execute the requested acknowledgement; and incorporate language into the contract to the effect that:
  - the County is not currently waiving any future conflicts; and
  - Nossaman LLP is required to disclose to the County if the firm agrees to represent any client in a matter that is adverse to the County, even if the firm is not otherwise required to disclose the matter to the County; and
  - provides the County with the option to terminate the contract based on the new information.
2. DIRECT staff to discontinue negotiations of the contract.

### **Fiscal Impact (if any):**

A contract in the amount of \$630,000 for three fiscal years (FY 19/20 through FY 21/22) was authorized to be entered into with Nossman LLP by the Board of Supervisors on June 11, 2019, subject to approval to form by County Counsel.

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## **Attachments**

Attachment A--Board Order

Attachment B

Attachment C

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Contra  
Costa  
County

To: Board of Supervisors  
From: LEGISLATION COMMITTEE  
Date: June 11, 2019  
Subject: State Advocacy Services Contract

**RECOMMENDATION(S):**

APPROVE and AUTHORIZE the County Administrator, or designee, to execute a contract, approved as to form by County Counsel, with Nossaman LLP in an amount not to exceed \$630,000 for state advocacy services for the period July 1, 2019 through June 30, 2022, as recommended by the Legislation Committee at their May 13, 2019 meeting.

The Legislation Committee directed that the procurement process be conducted to secure state legislative advocacy services for a three-year contract with two (2) single year options to renew to the successful responder.

**FISCAL IMPACT:**

This contract provides a monthly retainer of \$17,500 for an annual cost of \$210,000 for three fiscal years. The appropriations for this contract will be budgeted in the County Administrator's Office.

**BACKGROUND:**

At its August 13, 2018 meeting, the Legislation Committee directed CAO staff to conduct a procurement process for the State and Federal Advocacy Services contracts for the period

- APPROVE  OTHER
- RECOMMENDATION OF CNTY ADMINISTRATOR  RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/11/2019**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

- AYE: John Gioia, District I Supervisor
- Candace Andersen, District II Supervisor
- Diane Burgis, District III Supervisor
- Karen Mitchoff, District IV Supervisor
- Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 11, 2019

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: L. DeLaney,  
925-335-1097

cc:



FY 2019/20 through FY 21/22 with two single year options to renew to the successful responder. Pursuant to this direction, CAO staff prepared and distributed the Request for Qualifications (Attachment B), which was issued on March 27, 2019 for the State Legislative Advocacy Services. The RFQ was posted on BidSync and distributed to all advocates serving CSAC and UCC counties.

## BACKGROUND: (CONT'D)

### RFQ Results

A total of three responses were received in the County Administrator's Office by the deadline. Responses were received from the following firms:

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

Following the requirements of the RFQ and standard procurement processes, a County Selection Committee (CSC) was convened to review and rate the responses.

The CSC was composed of the following individuals:

- Supervisor Diane Burgis, District II, 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 received responses and select firms for interview. 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 the contract award be made to the following:

### State Legislative Advocacy Services: **Nossaman LLP**

The CSC recognized the excellent service provided by the incumbent firm, Nielsen Merksamer, with primary service from Cathy Christian and Ben Palmer. However, the service model proposed by Nossaman, with two lead representatives, and the experience and expertise of the proposed staff, made Nossaman the consensus choice of the County Selection Committee.

The Legislation Committee considered this matter at its May 13, 2019 meeting and voted to support the recommendation to the Board of Supervisors. The RFQ response from Nossaman LLP is Attachment A. A contract for services is in development.

## ATTACHMENTS

Attachment A: Nossaman LLP Response

Attachment B--2019 State Advocacy Services RFQ

Attachment C: Other Responses



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awalker@nossaman.com

June 26, 2019

Lara DeLaney  
Senior Deputy County Administrator  
Acting Director, Office of Reentry & Justice  
County of Contra Costa  
651 Pine Street, 10<sup>th</sup> floor  
Martinez, CA 94553

Re: Request for Waiver of Potential Conflicts of Interest

Dear Ms. DeLaney:

Nossaman LLP (“Nossaman”) has submitted a proposal to provide State Legislative Advocacy Services to the County (the “Services”). Nossaman wishes to provide the Services, but Nossaman also has ongoing commitments to provide legal services to Kern County Water Agency and Coalition for a Sustainable Delta as well as certain other clients whose interests may, at times, conflict with those of the County. This letter requests and will document the County’s consent to Nossaman’s representation of Kern County Water Agency and Coalition for a Sustainable Delta subject to specified conditions that will enable Nossaman to advise and represent the County with respect to current and future engagements. Since the County has already decided to retain Nossaman for these matters, the consent which we request here will be effective as soon as it is granted, subject to reciprocal consents from the other clients I have just mentioned.

As attorneys, we are governed by specific rules relating to our representation of clients when present or potential conflicts of interest exist. Rule 1.7 of the California Rules of Professional Conduct addresses avoiding the representation of adverse interests. According to this Rule, a member of the California Bar shall not, without the informed written consent of each client “represent a client if the representation is directly adverse to another client in the same or a separate matter.” (Rule 1.7(a)). As the Rule notes, this prohibition against representing conflicting interests can be waived by the clients’ informed written consent.

Lawyers owe an undivided duty of loyalty to their clients. This means that, absent an informed waiver, a lawyer may not take legal action adverse to the client's interests even if such action is outside the scope of the lawyer's engagement with the client.

In connection with our request for waiver, the actual and reasonably foreseeable adverse consequences to the County if it waives the potential conflicts of interest are essentially as follows:

Contra Costa County is currently opposing the proposed Delta conveyance, including in a regulatory proceeding before the State Water Resources Control Board. It is not and does not expect to be represented there by the Nossaman firm. The Coalition for a Sustainable Delta is a party to the regulatory proceeding and Kern County Water Agency, represented by Nossaman, is a State Water Contractor supportive of the proposed Delta conveyance. In both circumstances, these parties are existing firm clients and are taking positions that are in conflict with the position being taken by the County. There is also the foreseeable likelihood that these parties, represented there by Nossaman, will take positions with respect to water operations and species management efforts in the Bay-Delta which are adverse to the County's position in those matters, and which may be addressed in federal and/or state litigation or in as yet unidentified other proceedings, such as Delta Stewardship Council and State Water Resources Control Board regulatory proceedings.

We expect Kern County Water Agency and Coalition for a Sustainable Delta to grant waivers of these conflicts and to agree that the County will be able to call upon Nossaman to advise and represent the County with respect to the matters mentioned in the first sentence of this letter insofar as they are unrelated to water operations and species management in the Bay-Delta and its tributary waters and are not adverse to Kern County Water Agency or to the Coalition for a Sustainable Delta. Under these waivers, Nossaman will also not be available to advise and represent the County with respect to water operations and species management in the Bay-Delta and its tributary waters or any matters that present any direct adversity to either or both of these existing clients of the Nossaman firm.

We believe that the prospects for actual conflicts between the County and these other clients are limited to water operations and species management in the Bay-Delta and its tributary waters. If any other conflict were to appear, we could not represent either the County or parties adverse to the County with respect to those matters without further written waivers of the conflicts from both sides.

However, more generally, lawyers have the duty to do their professional best to serve each client with total loyalty. This means that they must pursue the client's rights zealously. Where a lawyer or a law firm acting through different individual lawyers, represents a client and at the same time opposes that client in an unrelated matter, there can be a concern that the lawyer may not be as zealous in opposition to the other party as he or she would otherwise be if he or she is protecting a relationship with the opposing party. The Rules of

June 26, 2019  
Page 3

Professional Conduct require that lawyers shall not represent a client in a matter “if there is a significant risk the lawyer’s representation of the client will be materially limited by the lawyer’s responsibilities to or relationships with another client . . .” We believe that there is no such risk.

Nossaman takes very seriously our obligation to avoid conflicts of interest in the absence of informed, written consent from our affected clients. Thus the waiver we are here requesting from the County will not become effective and our engagement cannot begin unless and until Nossaman obtains waivers from both Kern County Water Agency and Coalition for a Sustainable Delta that acknowledge the limits set forth herein on the County’s consent and on Nossaman’s provision of services to Kern County Water Agency and Coalition for a Sustainable Delta. We are requesting those waivers concurrently and expect them to be granted soon.

Nossaman also takes very seriously its obligation to maintain the confidentiality of information we receive from all of our clients, including the County, Kern County Water Agency, and Coalition for a Sustainable Delta. Accordingly, regardless of whether the requested waiver is granted, Nossaman will continue to maintain the confidences of the County, of Kern County Water Agency, and of the Coalition for a Sustainable Delta, including in any instance where one party might benefit from learning confidential information relating to the other party.

By agreeing to this waiver, you will also agree that you will not consider it a breach of any duty that we might owe to the County in the absence of this agreement, for us to maintain the confidences of Kern County Water Agency and Coalition for a Sustainable Delta parties and to limit any obligation of disclosure of such information to you in this manner. We will, of course, obtain reciprocal agreements from Kern County Water Agency, and Coalition for a Sustainable Delta to waive the conflicts described herein and to protect your confidences.

We believe that we have expressed above the “reasonably foreseeable adverse consequences to the client” from your waiver of the potential conflict described above. If you agree to waive the potential conflicts described above, thereby permitting us to pursue the engagements to provide legal services to Kern County Water Agency, and Coalition for a Sustainable Delta while representing the County in unrelated matters as discussed above, please sign this conflict waiver letter and return it to me for our files. You may wish to consult independent counsel before signing this letter in order to understand the consequences of this waiver for the County.

If you have any questions, please give me a call.

Sincerely,



Ashley Walker  
Nossaman LLP

**\*\* Consent Follows This Page \*\***

**CONSENT**

The undersigned has read the foregoing and hereby acknowledges and understands the potential for conflicts of interest as described above and waives those potential conflicts subject to the conditions stated above.

Date: June \_\_\_\_, 2019

Contra Costa County (“the County”)

By: \_\_\_\_\_  
x  
County Counsel



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July 8, 2019

Lara DeLaney  
Senior Deputy County Administrator  
Acting Director, Office of Reentry & Justice  
County of Contra Costa  
651 Pine Street, 10<sup>th</sup> floor  
Martinez, CA 94553

Re: Disclosure of Information

Dear Ms. DeLaney:

Nossaman LLP (“Nossaman”) submitted a proposal to provide State Legislative Advocacy Services to the County (the “Advocacy Services”). Nossaman is confident that we can fulfill the terms of the contract as outlined in our proposal to provide the Advocacy Services, and wants to inform the County about legal services Nossaman provides out of our Orange County office to Kern County Water Agency and Coalition for a Sustainable Delta. Although we previously requested a conflict waiver from the County, upon further review by our General Counsel we determined that no conflict currently exists and therefore waivers are not needed. If a future representation may result in a conflict, we would evaluate whether waivers are needed at that time. However, given the different positions of the County compared to Kern County Water Agency and Coalition for a Sustainable Delta regarding ongoing operations of the State Water Project as well as the Delta conveyance project, we propose implementing an ethical wall between the professionals who work on Kern County Water Agency and Coalition for a Sustainable Delta matters and the professionals who will work on County matters.

Nossaman is long-time counsel to Kern County Water Agency and Coalition for a Sustainable Delta. Kern County Water Agency is the second largest State Water Contractor. The Department of Water Resources delivers water to the Agency and other State Water Contractors via the State Water Project, which extends from Oroville in northern California to San Diego in southern California. Nossaman serves as outside counsel to the Agency with respect to endangered species and water supply issues, principally arising from the Agency’s use of the State Water Project as a critical piece of its water portfolio. In this capacity, Nossaman has participated in Delta Stewardship Council, Fish and Game Commission, and State Water Resources Control Board proceedings. Nossaman has also represented Kern County Water Agency in litigation involving the State Water Project in federal and state court, including litigation in which Contra Costa County was an adverse party.

The Coalition for a Sustainable Delta is non-profit formed by water users who rely on the Delta for their water supplies and for recreation. The Coalition is dedicated to creating a healthy Delta ecosystem by easing or resolving the many stressors affecting the estuary. Nossaman serves as outside counsel to the Coalition with respect to endangered species and water supply issues. In this capacity, Nossaman has

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Page 2

participated in Delta Stewardship Council, Fish and Game Commission, and State Water Resources Control Board proceedings. Nossaman has also represented the Coalition in litigation involving the State Water Project in federal court, including cases filed under citizen suit provisions against federal, state, and local agencies for violation of federal environmental laws such as the federal Endangered Species Act.

Nossaman will continue to represent Kern County Water Agency and Coalition for a Sustainable Delta with respect to endangered species and water supply issues in the Sacramento-San Joaquin Delta, including with respect to Governor Newsom's Delta conveyance project.

Although Nossaman previously believed its legal work for Kern County Water Agency and Coalition for Sustainable Delta in matters including the CDWR Environmental Impact Cases and the State Water Resources Control Board California WaterFix proceedings were adverse to the County, those matters are effectively over. None of the legal work Nossaman is presently undertaking for Kern County Water Agency and the Coalition for a Sustainable Delta, as outlined above, is adverse to the County to our knowledge. Therefore our General Counsel has determined that no conflicts exist and no waivers are necessary.

If there are instances in the future where our representation of Kern County Water Agency and/or the Coalition for a Sustainable Delta is adverse to the County, Nossaman would then inform the relevant parties and evaluate if conflict waivers are needed.

Although no conflict waivers are needed, we emphasize that Kern County Water Agency and the Coalition for a Sustainable Delta have adverse or potentially adverse positions to the County with regard to State Water Project operations and the Delta conveyance project. As a result, Nossaman proposes to erect and maintain an ethical wall between the professionals who represent Kern County Water Agency and the Coalition for a Sustainable Delta on the one hand and the professionals who will represent the County on the other hand. We respectfully request that the County acknowledge this arrangement and confirm that it is amenable to Nossaman's continued representation of the Coalition for a Sustainable Delta and Kern County Water Agency with respect to State Water Project operations and the Delta conveyance project even if the County decides to oppose some facet of such operations or that project.

If you have any questions, please give me a call.

Sincerely,



Ashley Walker  
Nossaman LLP



July 8, 2019  
Page 3

**ACKNOWLEDGEMENT**

The undersigned has read the foregoing and hereby acknowledges and understands Nossaman’s representation of the Coalition for a Sustainable Delta and Kern County Water Agency with respect to State Water Project operations and the Delta conveyance project as stated above.

Date: July \_\_\_\_, 2019

Contra Costa County (“the County”)

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

Name:

County Counsel



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

5.

**Meeting Date:** 07/22/2019  
**Subject:** Performance Measures and Priorities for County Legislative Advocacy Contractors  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-18  
**Referral Name:** Performance Measures  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

At its June 11, 2019 meeting, the Board of Supervisors referred to the Legislation Committee the matter of contractor performance measures and priorities for its contracted state and federal legislative advocates. Comments from Board Members indicated that the Federal and State Legislative Platforms needed a greater degree of prioritization of advocacy priorities in order for contractor performance to be better measured and managed.

### **Referral Update:**

On July 12, 2019, staff to the Legislation Committee convened a discussion with key staff working on legislative and/or policy related matters in the departments of Health Services, Employment and Human Services, and Conservation and Development to gather input on the County's legislative priorities, Platform development process and advocacy performance measures.

Staff recommends that "best practices" in Platform development be explored prior to the development of the 2020 Platforms. The Platforms of the urban counties of California could serve as comparisons. Staff also recommended that Platforms be redesigned so that the alignment to the County's mission, vision and values is clear and the priorities are clearly articulated.

With regard to assistance from the federal and state advocates, staff requested additional support in terms of:

1. More frequent "live" interactions with the advocates to ensure information sharing and relationship building (e.g., monthly or quarterly conference calls; at least one in-person visit annually);
2. Early identification of grant funding opportunities and connection with funding agency staff;
3. "Bridge building" with trade association staff and congressional/state delegation staff and members;
4. Having assigned staff with policy expertise;

5. Greater synthesis/analysis of information provided (e.g., "Not just sending a link to a page, but context to the matter and its implications to Contra Costa County.");
6. Strategic planning for policy advocacy;
7. Development of "collateral" pieces that communicate policy/program advocacy.

Staff will also be present at the July 22, 2019 meeting for additional input. Attachment A includes information about the federal and state legislative advocacy contracts (from a February 12, 2018 staff report to the Legislation Committee), the draft Service Plan for the state legislative advocates, and the existing Service Plan for the federal legislative advocates.

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

Provide direction to staff on performance measures to be included in contracts with the County's federal and state legislative advocates.

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**Attachments**

Attachment A

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

5.

**Meeting Date:** 02/12/2018  
**Subject:** State and Federal Advocacy Contracts: Procurement Process  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2018-03  
**Referral Name:** State and Federal Advocacy Contracts  
**Presenter:** L. DeLaney **Contact:** L. DeLaney, 925-335-1097

#### Referral History:

The County currently has two contracts in effect for federal and state legislative advocacy:

- Federal Advocacy:** Alcalde & Fay, with primary representation by Paul Schlesinger with additional related support from Perrin Badini. This contract is managed by the CAO's office.
- State Advocacy:** Nielsen, Merksamer, Parrinello, Gross and Leoni ("Nielsen Merksamer") with primary representation by Cathy Christian, health care-related representation by James Gross, and additional advocacy services provided by Ben Palmer. This contract is also managed by the CAO's office.

The following is a summary of the contracting history with our current federal and state advocates and the status of their current contracts.

#### **Federal Advocacy Services:** Alcalde & Fay

**On contract since:** December 1, 2001

**Contract Term (current):** January 1, 2018 through December 31, 2018.

**Contract Amount:** \$108,500/year: \$8458/monthly retainer; \$3,000 for expenses

#### History of contract:

- April 24, 2001 the Board of Supervisors directs the CAO to issue an RFP for federal advocacy services. (Supervisor Uilkema prepared the Board Order.)
- The RFP was disseminated broadly, including a posting in Rollcall.
- 24 proposals were received. Top 4 firms were interviewed by CAO and Assistant CAO in D.C. during October 2001. Firms included: Alcalde & Fay, Honberger & Walters, Patten Boggs, and Waterman.
- In the fall of 2012, an RFP process was conducted to solicit vendors for new federal and state legislative advocacy contracts. The RFP stipulated the contracts would be two-year contracts with three (3) one-year renewal options, effective January 1, 2013. Alcalde & Fay and Nielsen Merksamer were the successful bidders for the federal and state contracts, respectively. The authorization for the contracts expires December 31, 2017.
- Alcalde & Fay is a minority-controlled/employee-owned firm that supports the County's MBE contracting goals.
- Services provided include: assisting the County in developing and implementing an effective federal advocacy strategy and annual legislative program to influence federal laws and policies and increase funding for County priorities and operations; research, monitoring and providing information to the County; representing County interests in meetings with members of Congress and/or their staff and with federal agencies, boards, commissions, committees and other bodies as appropriate; participating in appropriate coalitions and working groups on behalf of the County; arrange for meetings involving County officials in Washington, D.C.; preparing and delivering briefings and activity reports as needed; and performing other related duties, as mutually agreed upon.
- In 2012, the County conducted a RFP process to award a two-year contract with three (3) single year options to renew to procure the services of a federal advocate. Alcalde & Fay was the successful bidder.
- In October 2017, the Board of Supervisors authorized a contract extension with Alcalde & Fay for a one-year period.

#### **State Advocacy Services:** Nielsen Merksamer

**On contract since:** January 1, 2004

**Contract Term (current):** January 1, 2018 through December 31, 2018

**Contract Amount:** \$180,000/year: \$15,000/monthly retainer

#### History of Contract:

- Prior to retaining Nielsen Merksamer, the County contracted with L. Scott Sphann and Associates, who received an annual retainer of \$111,946, for state advocacy and annual legislative program services. A \$25,000 annual subcontract with Nielsen Merksamer was entered into in January 2003 (\$2,083 monthly retainer) for services related specifically to state budget issues.
- The shift in state representation placed an increased emphasis on the state budget and the state-local relationships. Nielsen Merksamer is recognized for its expertise in the broad area of state and county relations, particularly fiscal relationships.
- Nielsen Merksamer is a law firm specializing in government and political law and related litigation. They represent approximately 70 clients in the legislative and regulatory arenas in Sacramento, including approximately 10 local government entities, Fortune 500 companies, labor organizations, health care interests and various associations.
- First contract executed for the period January 1, 2004 through December 31, 2005 in the amount of \$120,000 annually.

- In 2012, the County conducted a RFP process to award a two-year contract with three (3) single year options to renew to procure the services of a state legislative advocate. Nielsen Merksamer was the successful bidder.
- On October 24, 2017, the Board of Supervisors authorized a contract extension with Nielsen Merksamer for a one-year period, with no change in the amount of monthly retainer.

**Referral Update:**

In 2012 the CAO staff (serving as Legislation Committee staff) conducted the last Request for Proposals (RFP) process for the state and federal advocacy services contracts. To initiate the RFP development process, CAO staff surveyed the urban counties on their utilization of state and federal lobbying firms. The survey included name of the firm, the amount of the contract, length of contract term, whether an RFP process had been conducted, and satisfaction with the services. This information was provided to the Legislation Committee to inform their direction to staff on the RFP.

The RFP was issued on September 28, 2018; responses were due on October 31, 2012. (*Attachment A is the RFP for Federal Advocacy Services; Attachment B is the RFP for State Advocacy Services. The standard contracting terms attachment to each RFP was deleted .*) The County received three responses to its RFP for State advocacy services and two responses to its RFP for federal advocacy services.

The responses received for the State advocacy services included (in alphabetic order):

1. Nielsen Merksamer Parrinello Gross & Leoni, LLP
2. Smith, Watts & Martinez, LLC
3. Townsend Public Affairs

The responses received for the Federal advocacy services included (in alphabetic order):

1. Alcalde & Fay
2. Van Scoyoc Associates, Inc.

In accordance with the RFP, staff assembled a County Selection Committee to evaluate the proposals. The Committee consisted of the following members:

- Supervisor Karen Mitchoff
- County Administrator David Twa (for the State services)
- Chief Assistant County Administrator Terry Speiker (for the Federal services)
- Patricia Tanquary, Chief Executive Officer, Contra Costa Health Plan
- Arielle Bourgart, Director of Government and Community Relations for CCTA
- Steven Goetz, Deputy Director of Department of Conservation & Development

CAO staff facilitated the evaluation and interview process but was not included on the County Selection Committee. The interviews with the State advocacy firms were held on November 14, 2012. The interviews with the Federal advocacy firms were conducted via Skype on November 19, 2012.

Upon conclusion of the interviews and review of the RFP responses, the County Selection Committee made the following recommendations which are transmitted to the Legislation Committee for its consideration and action:

1. For the State advocacy services: Retain Nielsen Merksamer.
2. For the Federal advocacy services: Retain Alcalde & Fay.

The recommendations were made largely on the firms' superior knowledge of Contra Costa County and its issues, their proposed scope of services, and the assurance that there would be no conflicts of interest with other clients.

The bid forms submitted by Nielsen Merksamer and Alcalde & Fay request no increase in price over their current contracts.

At its December 3, 2012 meeting, the Legislation Committee considered the recommendation of the County Selection Committee and concurred with their recommendations. The recommendations were sent to the Board of Supervisors for contract authorization.

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

Staff is seeking direction from the Legislation Committee on the following aspects of the procurement process:

1. The conduct of a survey of urban counties' lobbying contracts
2. The conduct of a survey of Board of Supervisors' members and their staffs, the CAO, Department Heads and other key staff of their primary advocacy interests, issues of particular concern, and satisfaction with services/request for additional services
3. Timeline for Procurement Process
4. Length of contract period
5. Amount of contract
6. Review Panel membership
7. Request for Proposals/Qualifications (RFP/Q) development

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**Attachments**

Attachment A: 2012 Federal Advocacy RFP

Attachment B: 2012 State Advocacy RFP

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Nossaman LLP, hereafter referred to as "Contractor," and Contra Costa County, hereafter referred to as "County," agree that Contractor shall perform duties as outlined in this Service Plan. The County Administrator or his designee shall administer this contract and shall be the primary County contact for the Contractor.

### SCOPE OF SERVICE

Contractor's services shall include, but not be limited to, the following:

- A. Assist the County in developing and implementing an effective state advocacy strategy and annual legislative program to
  - influence state laws and policies as they relate to County priorities, programs, and operations;
  - promote the passage of County sponsored bills; and
  - increase/protect funding for County priorities, programs, and operations.
- B. Research, monitor, and provide information to the County on such matters as:
  - bills and laws;
  - hearings, reports, and testimony;
  - funding opportunities and availability;
  - regulations, guidelines, directives and other administrative policies, both proposed and adopted;
  - technical memoranda and reports impacting County operations.
- C. Represent County interests in meetings with members of the State Legislature and/or their staff, and with state agencies, boards, commissions, committees and other bodies as appropriate.
- D. Participate in appropriate coalitions and working groups on behalf of the County.
- E. Arrange for meetings involving state officials as requested by the County.
- F. Prepare and deliver briefings and activity reports as needed, including an annual report summarizing services and results.
- G. Prepare and file, on the County's behalf, such reports of lobbying activity as may be required of the County by state law or administrative requirements.
- H. Perform other related duties as mutually agreed upon.

Contractor shall comply with all federal and state laws regarding the activities of registered lobbyists in the performance of this contract.

Contra Costa County  
Standard Form L-3  
Revised 2008

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

Number

**SERVICE PLAN**

Alcalde & Fay, hereafter referred to as "Contractor," and Contra Costa County, hereafter referred to as "County," agree that Contractor shall perform duties as outlined in this Service Plan. The County Administrator or his designee shall administer this contract and shall be the primary County contact for the Contractor.

**SCOPE OF SERVICE**

Contractor's services shall include, but not be limited to, the following:

- A. Assist the County in developing and implementing an effective federal advocacy strategy and annual legislative program to:
  - influence federal laws and policies as they relate to County priorities, programs, and operations; and
  - increase/protect funding for County priorities, programs, and operations.
- B. Research, monitor, and provide information to the County on such matters as:
  - Federal bills and laws;
  - Congressional hearings, reports, and testimony;
  - Federal funding opportunities and availability;
  - Federal regulations, guidelines, directives and other administrative policies, both proposed and adopted; and
  - technical memoranda and reports impacting County operations.
- C. Represent County interests in meetings with members of Congress and/or their staff, and with federal agencies, boards, commissions, committees and other bodies as appropriate.
- D. Participate in appropriate coalitions and working groups on behalf of the County.
- E. Arrange for meetings involving County officials in Washington, D.C. as requested by the County.
- F. Prepare and deliver briefings and activity reports as needed, including an annual report summarizing services and results.
- G. Prepare and file, on the County's behalf, such reports of lobbying activity as may be required of the County by federal law, state law or administrative requirements.
- H. Perform other related duties as mutually agreed upon.

Contractor shall comply with all federal and state laws regarding the activities of registered lobbyists in the performance of this contract.

Initials: BS  
Contractor

AS  
County Dept.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

6.

**Meeting Date:** 07/22/2019  
**Subject:** Health Services Department Advocacy Update  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-20  
**Referral Name:** Health Legislative Update  
**Presenter:** Dr. William Walker      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee receives regular updates on state and federal legislation of interest. Dr. William Walker, the County's former Health Services Department Director, serves on the Legislation Committee of County Health Executives Association (CHEAC) and on the Executive Committee of California Association of Public Hospitals and Health Systems (CAPH). Dr. Walker regularly attends the meetings of the Board of Supervisors' Legislation Committee and provides input on health related legislation and/or policy.

#### **Referral Update:**

Dr. William Walker plans to attend the meeting of the Committee and provide an update on health related legislation of interest to the County.

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

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

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#### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

7.

**Meeting Date:** 07/22/2019  
**Subject:** Urban Counties of California (UCC) Legislative Update  
**Submitted For:** LEGISLATION COMMITTEE,  
**Department:** County Administrator  
**Referral No.:** 2019-21  
**Referral Name:** UCC Legislative Update  
**Presenter:** L. DeLaney      **Contact:** L. DeLaney, 925-335-1097

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#### **Referral History:**

The Legislation Committee regularly receives updates on the State Budget and legislation of interest to counties and provides direction to staff, as needed.

#### **Referral Update:**

##### **Legislature Breaks for Summer Recess**

Last week's legislative schedule featured long hearings and packed halls as members wrapped up work in advance of their four-week summer break. Committees were operating under the pressure of legislative deadlines that required all bills to be considered by relevant policy committees before adjournment for summer recess.

When members return to Sacramento on August 12, the respective Appropriations Committees will be poised to undertake fiscal review of remaining necessary measures, and the houses will consider and take action on the hundreds of proposals headed to the respective floors. The Governor's signing period - which, of course, will be his first opportunity to signal how he's going to approach major policy decisions via the signature and veto process - runs from September 13 through October 13.

Below we provided an update on some key legislative measures of interest. (A copy of the latest bill report containing status information on UCC's priority measures can be found [here](#).)

##### **Wildfire Fund**

Governor Gavin Newsom signed [AB 1054](#) - a bipartisan measure co-authored by Assembly Members Chris Holden, Autumn Burke, and Chad Mayes- into law last Friday, after the bill moved through the legislative process at breakneck speed. Sold as a means to keep California's investor-owned utilities from a market downgrade, AB 1054 will establish a \$21 billion wildfire fund to pay eligible claims from a covered wildfire; \$10.5 billion of the fund will come from

extension of an existing charge paid by utility customers and utilities will pay the remaining \$10.5 billion. (Note that budget trailer bill AB 111 is joined to the now-enacted AB 1054.)

Eighty pages of amendments were incorporated into the bill on July 5, and the Legislature moved the bill quickly through the legislative process, with the bill landing on the Governor's desk on Thursday of last week. Many members expressed concern about the lack of thorough vetting of the bill, and others raised concerns that the bill rewards bad-acting utilities that have failed to appropriately maintain their infrastructure. (More than one legislator noted that a recent Wall Street Journal [article](#) indicated that PG&E had known for years that its lines could spark fires and didn't take steps to fix them.) However, after a hard push from the Governor's Office, which included testimony by Cabinet Secretary Ana Matosantos before legislative policy committees (a move not typically seen in the normal bill-vetting process), AB 1054 was approved by a Senate vote of 31-7 and an Assembly vote of 63-8, easily meeting the two-thirds vote requirement for passage of urgency legislation.

Legislative leaders have pledged to continue working on wildfire prevention issues during the final weeks of session.

### **Bills Linked to Health Care Budget Agreement**

Several measures advancing in the second house tie to the overall health care budget agreement, as follows:

- **Affordability.** [AB 174](#), by Assembly Member Jim Wood (Assembly Health Committee chair), now requires Covered California to develop and prepare one or more reports to be issued at least quarterly and be made publicly available within 30 days following the end of each quarter for the purpose of informing the California Health and Human Services Agency, the Legislature, and the public about the enrollment process for the individual market assistance program, established in the 2019-20 Budget Act. The measure is in Senate Appropriations Committee. SB 65, by Senator Richard Pan (the Senate Health Committee chair), was amended to include the same reporting requirements as AB 174. [SB 65](#) passed out of Assembly Health Committee this week and heads to Assembly Appropriations Committee.
- **Individual Mandate.** [AB 414](#), by Assembly Member Rob Bonta, directs the Franchise Tax Board to report to the Legislature regarding specific information resulting from California's minimum essential health coverage requirement and individual shared responsibility penalty.
- **Coverage Expansion.** Senator Maria Elena Durazo's [SB 29](#) was amended to expand Medi-Cal to undocumented seniors over the age of 65. The expansion is contingent on funding provided in the budget act; please note that the budget act provided funding to expand Medi-Cal to only undocumented young adults ages 19 through 25. The measure passed out of Assembly Health Committee this week and heads to Assembly Appropriations Committee.

## **Emergency Medical Services Dispatch**

[SB 438](#), by Senator Bob Hertzberg, passed out of Assembly Health Committee this week with several amendments, including language to address the consent of local agencies to contract for dispatch, alternative to deeming approval of emergency medical dispatch or advanced life support applications from local agencies, and medical control. The specific language is not yet in print.

While the amendments address a number of concerns, county associations continue to have conversations with the author and sponsor about the medical control aspect of the bill. SB 438 is not required to undergo a fiscal committee review, so it heads directly to the Assembly Floor for consideration.

## **Increase to DJJ Fee**

Although it was eligible for consideration on the Assembly floor last week, Senator Jim Beall's [SB 284](#) was not taken up. This measure would increase from \$24,000 to \$125,000 the fee counties pay for a specified cohort of youth who are placed in the Division of Juvenile Justice (DJJ).

UCC is part of a county coalition that remains concerned that a considerable fee increase would merely divert local resources away from prevention and intervention strategies that permit counties to keep as many youth close to home as possible. If approved by the Assembly, the measure - because it has not been amended in the second house - would move straight to the Governor for his review and action.

## **2019-20 State Budget Update**

Now that we find ourselves a few weeks into the 2019-20 fiscal year, we wanted to provide (found at this [link](#)) you with the full list - including summaries of - all budget trailer bills associated with the state spending plan. This list includes two trailer bill measures sent to and signed by the Governor last week: AB 110 and AB 111. Also in budget-related news, the Department of Finance released a [summary](#) last week of the final 2019-20 state spending plan as enacted.

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

ACCEPT the report from the Urban Counties of California (UCC) on legislation of interest to counties and the status of the State Budget, and provide direction to staff.

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### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### LEGISLATION COMMITTEE

8.

**Meeting Date:** 07/22/2019

**Subject:** ACA 6 (McCarty): Elections: Disqualification of Electors and AB 646  
(McCarty): Elections: Voter Eligibility

**Submitted For:** LEGISLATION COMMITTEE,

**Department:** County Administrator

**Referral No.:** 2019-22

**Referral Name:** ACA 6 and AB 646

**Presenter:** L. DeLaney and D. Blue

**Contact:** L. DeLaney, 925-335-1097

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### **Referral History:**

The Legislation Committee regularly makes recommendations to the Board of Supervisors on advocacy positions for state bills of interest. ACA 6 and AB 646, both introduced by Assembly Member Kevin McCarty, were referred to the Legislation Committee by District I staff and are recommended for "support" by staff of the County's Office of Reentry & Justice.

### **Referral Update:**

#### **AB 646:**

**Author:** Kevin McCarty (D-007)

**Title:** Elections: Voter Eligibility

**Fiscal  
Committee:** yes

**Urgency** no

**Clause:**

**Introduced:** 02/15/2019

**Last  
Amend:** 03/13/2019

**Disposition:** Pending

**Location:** Assembly Appropriations Committee

**Summary:** Removes the prohibition against voting by a parolee, thereby allowing a parolee to preregister, register, and vote and makes other technical and conforming changes, contingent on voter approval.

**Status:** 05/16/2019 In ASSEMBLY Committee on APPROPRIATIONS: Not heard.

## ACA 6:

**Author:** Kevin McCarty (D-007)  
**Coauthor** Bonta (D), Carrillo (D), Wiener (D), Kalra (D), Gipson (D), Gonzalez (D), Weber (D), Stone (D), Mullin (D), Kamlager-Dove (D)  
**Title:** Elections: Disqualification of Electors  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 01/28/2019  
**Last Amend:** 06/12/2019  
**Disposition:** Pending  
**Location:** Assembly Third Reading File  
**Summary:** Directs the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. Deletes the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony.  
**Status:** 07/11/2019 In ASSEMBLY. Read second time. To third reading.

AB 646 would only become operative if ACA 6 was first approved by voters. AB 646 is the statutory companion bill to ACA 6. (Attachment A is the text of ACA 6.)

AB 646 was held in Assembly Appropriations. (Appropriations Committee has a low fiscal threshold that triggers a bill going to the “suspense file,” where legislators work with the Administration and House leadership to determine priority bills that move out of the committee and off of that file.) As long as ACA 6 is on the floor, it would intuitively be the author’s priority to pass through the process first. The author, Assembly Member McCarty, is able to introduce new bills next year, any of which could be re-introductions of AB 646. Basically, ACA 6 could move through the entire process this year. It would just need a statutory companion bill to authorize its contents to become operative, upon approval by the voters.

Because ACA 6 is a constitutional amendment, it is not subject to the legislative timeline that pertains to a bill. However, as a constitutional amendment, it would require a 2/3 vote in each house to pass. ACA 6 could feasibly be taken up for a vote, passed to the Senate, and sent to the Governor before this year’s Legislative session concludes, or it could sit on the floor and be taken up next year. One could assume that the author would want it to apply to the upcoming 2020 election, so an assumption would be that the author would prefer to get it passed through the Legislature this year.

The Assembly Appropriations Committee's analysis of ACA 6 is as follows:

**2019 CA ACA 6: Bill Analysis - 07/08/2019 - Assembly Appropriations Committee, Hearing Date 07/10/2019**

Date of Hearing: July 10, 2019

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

ACA 6

(McCarty) - As Amended June 12, 2019 Policy Committee: Elections and Vote: 6 - 1  
Redistricting Urgency: No State Mandated Local Reimbursable: No Program: No SUMMARY:

This constitutional amendment permits a person on who is on parole for the conviction of a felony to register to vote and to vote. Specifically, this measure:

- 1) Deletes a provision in the California Constitution that requires the Legislature to provide for the disqualification of electors while on parole for the conviction of a felony.
- 2) Provides that an elector disqualified from voting while serving a state or federal prison term shall have their right to vote restored upon the completion of their prison term.

FISCAL EFFECT:

One-time GF costs to the Secretary of State (SOS) in the hundreds of thousands of dollars for printing and mailing costs to place the measure on the ballot in a statewide election. Actual costs may be higher or lower, depending on the length of required elements and the overall size of the ballot.

COMMENTS:

1) Background and Purpose. The California Constitution requires the Legislature to prohibit improper practices that affect elections and provide for the disqualification of electors while mentally incompetent, imprisoned or on parole for the conviction of a felony.

Statute specifies a person entitled to register to vote must be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony and at least 18 years of age at the time of the next election. Current law requires elections officials to cancel the voter registrations of individuals imprisoned or on parole for the conviction of a felony. Once an individual completes parole, the right to vote is restored and the individual can re-register to vote. In contrast, current law allows an individual on probation for conviction of a felony to vote.

This constitutional amendment, upon approval by the voters, returns the right to vote to otherwise eligible adults on California parole.

2) Related Legislation. AB 646 (McCarty) permits parolees to vote by deleting provisions of law that prohibit a person who is on parole for the conviction of a felony from voting, registering to vote or pre-registering to vote. AB 646 is the statutory companion for ACA 6 and becomes operative only if ACA 6 is approved by the voters. AB 646 is pending in this committee.

3) Other States and Felony Disenfranchisement. According to a 2018 report by the National Conference of State Legislatures (NCSL), in two states -Maine and Vermont-- felons never lose

their right to vote, even while incarcerated. In 14 states and the District of Columbia, felons lose their voting rights only while incarcerated. In 22 states, felons lose their voting rights during incarceration, and for a period of time after, typically while on parole or probation. In 12 states, felons lose their voting rights indefinitely for some crimes, or require a governor's pardon for their voting rights to be restored, or face an additional waiting period after completion of sentence (including parole and probation) before voting rights can be restored.

According to NCSL, in states that provide an "automatic restoration" of voting rights, it does not mean that voter registration is automatic. Typically, prison officials inform election officials that an individual's rights have been restored and the individual is responsible for re-registering through normal processes. Some states, like California, require voter registration information to be provided to formerly incarcerated people upon the completion of parole.

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

## **REGISTERED SUPPORT / OPPOSITION:**

### Support

All Of Us Or None (co-sponsor) (prior version)

American Civil Liberties Union of California (co-sponsor)

Anti-Recidivism Coalition (co-sponsor)

Californians United for a Responsible Budget (co-sponsor) (prior version)

Initiate Justice (co-sponsor) (prior version)

League of Women Voters of California (co-sponsor)

Legal Services for Prisoners with Children (co-sponsor) (prior version)

People Over Profits San Diego (co-sponsor)

Secretary of State Alex Padilla (co-sponsor) (prior version)

Alliance for Boys and Men of Color

Anti-Defamation League (prior version)

Asian Americans Advancing Justice - California

Asian Prisoner Support Committee (prior version)

Bend the Arc: Jewish Action

Brennan Center for Justice (prior version)

California Calls

California Coalition for Women Prisoners

California Public Defenders Association

California Voices for Progress

Californians for Safety and Justice

Center for Employment Opportunities (prior version)

Center on Juvenile and Criminal Justice (prior version)

Change Begins With ME (prior version)

Community Coalition

Community Coalition for Substance Abuse Prevention and Treatment (prior version)

Community Housing Partnership (prior version)

Conference of California Bar Associations

Council on American-Islamic Relations, California

Democratic Woman's Club of San Diego County (prior version)

D'mos (prior version)

East Bay Community Law Center

Ella Baker Center for Human Rights (prior version)

Fair Chance Project

FairVote California (prior version)

Feminists In Action Los Angeles

Friends Committee on Legislation of California

Homie Universidad Popular (prior version)

Human Impact Partners (prior version)

Indivisible CA: StateStrong a coalition of the following Indivisible groups: (prior version)

All Rise Alameda Audaz - Indivisible District 40 Building the Base Face to Face

Cloverdale Indivisible

Contra Costa MoveOn

Defending Our Future: Indivisible CA 52



El Cerrito Progressives

Feminists in Action Los Angeles

Indi Squared

Indivisible 30/Keep Sherman

Indivisible 36 Indivisible 41 Indivisible CA-3

Indivisible CA29

Indivisible CA-33

Indivisible CA-37

Indivisible CA-39

Indivisible CA-43

Indivisible East Bay

Indivisible Marin

Indivisible Media City Burbank

Indivisible Normal Heights

Indivisible North Oakland Resistance

Indivisible North San Diego County

Indivisible OC 46

Indivisible OC 48

Indivisible Sacramento

Indivisible San Bernardino

Indivisible San Jose

Indivisible Sausalito

Indivisible Sebastopol

Indivisible SF

Indivisible SF Peninsula and CA-14

Indivisible Sonoma County

Indivisible South Bay LA  
Indivisible Stanislaus  
Indivisible Suffragists  
Indivisible Ventura  
Indivisible Windsor  
Indivisible Yolo  
Indivisible: San Diego Central  
Indivisibles of Sherman Oaks  
Livermore Indivisible  
Mill Valley Community Action Network  
Nothing Rhymes with Orange  
Orchard City Indivisible  
Orinda Progressive Action Alliance  
Our Revolution Long Beach  
RiseUp  
Santa Cruz Indivisible  
SFV Indivisible  
Tehama Indivisible  
The Resistance Northridge  
The Resistance Sacramento/Elk Grove  
TWW/Indivisible - Los Gatos  
Vallejo-Benicia Indivisible  
Venice Resistance  
Women's Alliance Los Angeles  
Indivisible CA-43 (prior version)  
Indivisible East Bay

Indivisible Marin (prior version)

Indivisible Project (prior version)

Indivisible San Diego (prior version)

Indivisibles of Sherman Oaks (prior version)

Indivisible South Bay - LA

Indivisible Stanislaus (prior version)

Indivisible Ventura (prior version)

Institute of Democratic Education and Culture dba SpeakOut (prior version)

Interfaith Council of Contra Costa County (prior version)

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

LitLab (prior version)

Mi Familia Vota

National Association of Social Work, California Chapter

National Center for Youth Law (prior version)

National Immigration Law Center (prior version)

Our Revolution Long Beach (prior version)

Overpass Light Brigade - San Diego (prior version)

Pacific Beach Democratic Club (prior version)

Pasadenans Empowering Parent Participation in Education Governance (prior version)

Peace and Freedom Party of California (prior version)

Peace Resource Center of San Diego

Project Rebound, California State University Fullerton (prior version)

Public Health Justice Collective (prior version)

Resistance Northridge-Indivisible (prior version)

Rock the Vote (prior version)

Root & Rebound

Rubicon Programs

RYSE Center (prior version)

San Francisco Financial Justice Project

Showing Up for Racial Justice Bay Area (prior version)

Showing Up for Racial Justice at Sacred Heart

Smart Justice California (prior version)

STAND--White Men for Racial, Economic and Gender Justice (prior version)

Terps for Bay Area Resistance (prior version)

The Dream Corps, #cut50 (prior version)

Time for Change Foundation

Together We Will/Indivisible - Los Gatos (prior version)

Torrey Pines Democratic Club (prior version)

University of California Student Association

Vashon-Maury Showing Up for Racial Justice (prior version)

Voice of the Experienced (VOTE) (prior version)

Vote Allies (prior version)

We The People - San Diego (prior version)

White People 4 Black Lives (prior version)

Women's Building of San Francisco (prior version)

Several hundred Individuals (prior version)

### Opposition

Election Integrity Project California, Inc. (prior version)

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

1. RECOMMEND to the Board of Supervisors a position of "Support" for ACA 6 (McCarty) on their July 30, 2019 consent agenda.

2. DIRECT staff to include in the 2020 Draft State Legislative Platform a policy to support the restoration of the right to vote to individuals upon completion of incarceration. Restricting those with felony convictions from voting does nothing to improve the safety of neighborhoods.

Restoring the right to vote would help educate and prepare these individuals for full community reentry. Registering to vote and casting a ballot would engage their responsibilities as citizens, ultimately resulting in stronger, safer communities.

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**Attachments**

Attachment A--ACA 6 Bill Text

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AMENDED IN ASSEMBLY JUNE 12, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

## Assembly Constitutional Amendment

## No. 6

**Introduced by Assembly Members McCarty, Bonta, Carrillo, Gipson, Gonzalez, Kalra, Kamlager-Dove, Mullin, Mark Stone, and Weber**

*(Principal coauthor: Senator Wiener)*

January 28, 2019

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Section 4~~ *Sections 2 and 4* of Article II thereof, relating to elections.

### LEGISLATIVE COUNSEL'S DIGEST

ACA 6, as amended, McCarty. Elections: disqualification of electors.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing statutory law, for purposes of determining who is entitled to register to vote, defines imprisoned as currently serving a state or federal prison sentence.

This measure would instead direct the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. This measure would also delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony. *The measure would provide for the restoration of voting rights upon completion of the prison term.*

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

## ACA 6

— 2 —

1     *Resolved by the Assembly, the Senate concurring,* That the  
2 Legislature of the State of California at its 2019–20 Regular  
3 Session commencing on the third day of December 2018,  
4 two-thirds of the membership of each house concurring, hereby  
5 proposes to the people of the State of California, that the  
6 Constitution of the State be amended as follows:

7     *First—That Section 2 of Article II thereof is amended to read:*

8     SEC. 2. (a) A United States citizen 18 years of age and  
9 resident in this State may vote.

10    (b) *An elector disqualified from voting while serving a state or*  
11 *federal prison term, as described in Section 4, shall have their*  
12 *right to vote restored upon the completion of their prison term.*

13    *Second—That Section 4 of Article II thereof is amended to read:*

14    SEC. 4. The Legislature shall prohibit improper practices that  
15 affect elections and shall provide for the disqualification of electors  
16 while mentally incompetent or serving a state or federal prison  
17 *sentence term* for the conviction of a felony.

O