



LEGISLATION COMMITTEE

February 10, 2020

1:00 P.M.

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, Chair
Supervisor Diane Burgis, Vice Chair

Agenda Items:

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

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **RECEIVE and APPROVE the Record of Action for the December 19, 2019 meeting of the Legislation Committee, with any necessary corrections.**
4. **CONSIDER recommending to the Board of Supervisors an amendment of the adopted 2020 State Platform to pursue a state budget appropriation for the Contra Costa CARES program, as recommended by Dr. William Walker, Health Services Department consultant.**
5. **RECEIVE the report on the State Budget and State Legislation of interest and provide direction to staff and advocates, as needed.**
6. **CONSIDER the federal legislative update and provide direction to staff, as needed.**
7. The next meeting is currently scheduled for March 9, 2020 at 1:30 p.m. (*Note time change)
8. Adjourn

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

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

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

For Additional Information Contact:

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: 02/10/2020
Subject: Record of Action for Legislation Committee Meeting
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2020-01
Referral Name: Record of Action
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-335-1097

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 is the Draft Record of Action. (*Attachment A*)

Any handouts or printed copies of testimony distributed at the meeting will also be attached to this meeting record. (*Attachment B*)

Recommendation(s)/Next Step(s):

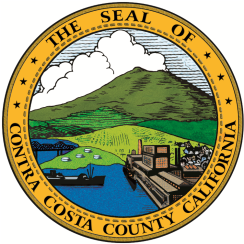
RECEIVE and APPROVE the Record of Action.

Attachments

Attachment A: Draft Record of Action

Attachment B: Meeting Handouts

DRAFT



LEGISLATION COMMITTEE

RECORD OF ACTION FOR
December 19, 2019

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Present: Diane Burgis, Chair
Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator; Jill Ray, Field Representative, District II; Amalia Cunningham, Assistant Deputy Director, DCD; Lynn Peralta, Division Manager, Policy & Planning, EHSD; Alicia Nuchols, Field Representative, District III; Chris Wickler, Field Representative, District IV; Ryan Hernandez, Contra Costa Water Agency; Jody London, Sustainability Coordinator, DCD

Attendees: Dr. William Walker, Mary B.

1. Introductions

Chair Burgis opened the meeting and invited staff and public present to introduce themselves. On the conference line, representatives of Alcalde & Fay, Anne Cullather and Paul Schlesinger, the County's federal advocates, introduced themselves.

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

No public comment was offered.

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

The Record of Action was approved as presented.

AYE: Chair Diane Burgis
Vice Chair Karen Mitchoff

4. PROVIDE direction to staff on the development of the 2020 Proposed State Platform and recommend its adoption by the Board of Supervisors at its meeting on January 21, 2020.

Committee members received the staff report on the preparation of the Draft 2020 State Platform, received additional input from people unable to attend the meeting (Attachment B), made comments related to further consolidation of "over-lapping" or duplicative principles/policies, directed staff to leave all the legislative proposals in the Platform, and directed staff to prepare the Proposed 2020 State Platform for the Board of Supervisors' consideration at their January 7 or January 14 agenda, as time permitted for discussion.

AYE: Chair Diane Burgis
Vice Chair Karen Mitchoff

5. PROVIDE direction to staff on the development of the 2020 Proposed Federal Platform and recommend its adoption by the Board of Supervisors at its meeting on January 21, 2020.

Committee members received the staff report on the preparation of the Draft 2020 Federal Legislative Platform, received additional input from people unable to attend the meeting (Attachment B), made comments related to further consolidation of "over-lapping" or duplicative principles/policies, directed staff to replace photos in the document, and directed staff to prepare the Proposed 2020 Federal Platform for the Board of Supervisors' consideration at their January 7 or January 14 agenda, as time permitted for discussion.

AYE: Chair Diane Burgis
Vice Chair Karen Mitchoff

6. REVIEW the adopted Contra Costa County protocol and procedures on state and federal advocacy and provide direction to staff.

The Committee received the staff report on the protocol and procedures for state and federal advocacy, directed staff to update as needed, and directed staff to send the updated protocols and procedures to all department heads, advisory bodies/commissions, and ensure staff were educated about the protocols and procedures.

AYE: Chair Diane Burgis
Vice Chair Karen Mitchoff

7. Adjourn

Chair Burgis adjourned the meeting at 11:20 a.m.

For Additional Information Contact:

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

Contra Costa County

December 19, 2019

LEGISLATION COMMITTEE

SIGN-IN SHEET

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

Name	Representing	Phone
Bill Leary	BOS DIST 2	
Mary Bussell	Food Bank of Contra Costa Solano	925-791-1965
Amalia Cunningham	Dept. Conservation + Development	4-7869
Lynn Peralta	EHSD	8-4881
Bill Walker	CHS	925-499-5732
Alvin Nichols	BOS DIST 3	
Chris Wickes	BOS DIST. 4	925-521-7100
Ryan Hernandez	CC Water Agency	925-674-7824
Jody London	Dept. of Conservation and Nat.	925-674-7871

Lara DeLaney

From: Susan Jeong <SJeong@cccoe.k12.ca.us>
Sent: Saturday, December 14, 2019 3:09 PM
To: Lara DeLaney
Cc: Devorah Levine; Erick Untal
Subject: Draft 2020 State Legislative Platform

Hi Lara – Is it too late to provide feedback on the Platform?

Unfortunately, I am unable to attend the December 19 meeting.

As you know, the Contra Costa County Local Planning and Advisory Council for Early Care and Education (LPC) – reports to the Board of Supervisors and the Superintendent of Public Schools. However, as our issue would sit under Human Services, I have copied the Public Policy team at EHSD.

The LPC would appreciate the Board's consideration to support AB 1001 – which was introduced last year, and is now a two-year bill.

AB 1001 would – in quick terms and in essence – fully restore funding for LPCs around the state (restore funding that was reduced by 50% in 2009). This would be that more coordination on early education at the county-level would be possible. Given the current landscape of nearly \$400M+ coming from the state focused on early education, a local coordinating body to activate those funds locally would be important.

A statement such as:

SUPPORT efforts to restore funding for Local Planning Councils that would update/modernize their role to reflect current systems efforts in early education, such as, but not limited to coordination of child care facilities expansion.

Thank you for your consideration.

Susan

Susan K. Jeong
 Contra Costa County Office of Education
 Manager, Educational Services – ECE Programs
 Coordinator, Local Planning & Advisory Council for Early Care and Education (LPC)
 925-942-3413 | sjeong@cccoe.k12.ca.us
www.plan4.kids.org

From: lara.delaney@cao.cccounty.us <lara.delaney@cao.cccounty.us>
Sent: Friday, December 13, 2019 9:21 PM
To: Susan Jeong <SJeong@cccoe.k12.ca.us>
Subject: Published Agenda Notification

Susan Jeong

This is an automatic notification that the following agenda has been published and is available online.

Lara DeLaney

From: Sherry Lynn Peralta <speralta@ehsd.cccounty.us>
Sent: Monday, December 16, 2019 4:26 PM
To: Lara DeLaney
Cc: Devorah Levine
Subject: RE: 2020 Draft Platform

Hi Lara,

We have one additional change under "Demographic Highlights" on Page 3, if it's not too late:

Replace "Since 2010, the fastest-growing age group has been seniors 65 or older, as the baby boom generation ages" with

"Seniors over age 60 as a percentage of our population are expected to expand from 13% in 2020 to 25% in 2020, which makes this age group our fastest-growing population."

Will that work? Please let me know if you should have any questions.

Thanks,

Lynn

Sherry Lynn Peralta, MSW, CFRE
 Division Manager, Policy & Planning
 Contra Costa County EHSD
 (925) 608-4881 | speralta@ehsd.cccounty.us



From: Lara DeLaney <Lara.DeLaney@cao.cccounty.us>
Sent: Wednesday, December 11, 2019 9:54 PM
To: John Cunningham <John.Cunningham@dcd.cccounty.us>; Jody London <Jody.London@dcd.cccounty.us>; Sherry Lynn Peralta <speralta@ehsd.cccounty.us>; Erica McWhorter <Erica.McWhorter@cchealth.org>; Devorah Levine <dlevine@ehsd.cccounty.us>; Ryan A. Hernandez <Ryan.Hernandez@dcd.cccounty.us>; Jill Ray <Jill.Ray@bos.cccounty.us>; Mark Goodwin <Mark.Goodwin@bos.cccounty.us>; Joshua Sullivan <joshua.sullivan@cchealth.org>; Michelle Rubalcava <MRubalcava@nmgovlaw.com>; James S. Gross <JGross@nmgovlaw.com>; William Walker <william.walker@cchealth.org>; Barbara Riveira <Barbara.Riveira@cao.cccounty.us>; David Twa <David.Twa@cao.cccounty.us>; Eric Angstadt <Eric.Angstadt@cao.cccounty.us>; Julia Taylor <Julia.Taylor@cao.cccounty.us>; Julie Enea <Julie.Enea@cao.cccounty.us>; Laura Strobel <Laura.Strobel@cao.cccounty.us>; Lisa Driscoll <Lisa.Driscoll@cao.cccounty.us>; Paul Reyes <Paul.Reyes@cao.cccounty.us>; Ramsey AlQaisi <Ramsey.AlQaisi@cao.cccounty.us>; Sarah Kennard <Sarah.Kennard@cao.cccounty.us>; Sarah Shkidt <Sarah.Shkidt@cao.cccounty.us>; Timothy Ewell <Timothy.Ewell@cao.cccounty.us>; Susan Shiu

Lara DeLaney

From: John Cunningham
Sent: Thursday, December 19, 2019 8:57 AM
To: Lara DeLaney
Cc: John Kopchik
Subject: Leg Committee Meeting: Transportation for Seniors/Persons with Disabilities

Hi Lara,

I wanted to be at your meeting today for the platform discussion but unfortunately I'm out sick. I believe most of my revisions are self-explanatory and/or the purpose and need is self-evident. The one that I thought might need some additional explanation is my addition under the *State Platform: Legislative and/or Regulatory Advocacy Priorities*.

I added, "*Transportation for Seniors/Persons with Disabilities (Consistent with Aging Imperative Policies)*"

While this has been a priority for the BOS for some time this particular language is attempting to leverage two separate efforts at the state which are completely uncoordinated at this point:

- *Master Plan on Aging:* The Sen Jackson bill and Exec Order from the Gov is attempting to reform how we are to respond to the spike in the older population. The reform effort is across all service sectors including transportation.
- *Transportation Development Act (TDA) Review/Reform:* This review is being conducted at the request of Sen Beall/AM Frazier. The TDA program includes transportation funding for seniors/persons with disabilities.

I have spoken with a number of people directly involved in each effort and there is a willingness with all parties to somehow combine the efforts. The language in the platform is just a "right hand finding out what the left hand is doing" type of initiative. I've spoken with Mark Watts on this, there may be a need to have a Supervisor and perhaps somebody from Public Health go up to Sac to meet w/some folks including AM Frazier.

Anyway, I'm sorry I can't be there. If you think its necessary please feel free to pass along the message to the Committee.

- John

John Cunningham
 Principal Planner
 Contra Costa County
 Department of Conservation and Development
 30 Muir Road, Martinez, CA 94553

Direct Line: 925-674-7833
 Main Transportation Line: 925-674-7209



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 02/10/2020

Subject: 2020 State Legislative Platform Amendment: Seeking Budget Appropriation for Contra Costa CARES

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2020-02

Referral Name: Contra Costa Cares Budget Appropriation

Presenter: Dr. William Walker

Contact: L. DeLaney, 925-335-1097

Referral History:

The Legislation Committee is the body that first receives and reviews the County's Legislative Platforms and amendments to the Platforms. Dr. William Walker, legislative consultant to the Department of Health Services, requested that the matter of a special state budget appropriation for Contra Costa Cares be placed on the February agenda of the Legislation Committee.

Referral Update:

The 2020 State Legislative Platform was adopted by the Board of Supervisors at their January 14, 2020 meeting. (See the following link: <https://www.contracosta.ca.gov/2859/Legislation>.)

The Platform contains the County's legislative engagement and advocacy program for the year. Subsequent to the Platform adoption by the Board of Supervisors, staff to the Committee was notified about a request to amend the adopted Platform to include an additional County-sponsored state budget appropriation request for the funding of Contra Costa CARES. Dr. William Walker, legislative consultant to the Health Services Department, will be present at the Committee meeting to discuss the proposal. (Attachment A)

The adopted 2020 State Platform contains 3 County-sponsored bill proposals and 1 County-sponsored state budget appropriation request (related to state trust lands). An amendment to the adopted 2020 State Platform to add a second state budget appropriation request would require additional advocacy resources.

Recommendation(s)/Next Step(s):

RECEIVE the report on the Contra Costa CARES program and funding proposal. CONSIDER recommending that the Board of Supervisors support the proposal at its February 25, 2020 meeting and AMEND the adopted 2020 State Legislative Platform to include the state budget appropriation request as an additional component of the advocacy work program for 2020.

Fiscal Impact (if any):

The Legislation Committee may wish to consider whether additional legislative advocacy resources are required for this request.

Attachments

Attachment A

CONTRA COSTA CARES FUNDING COMMITTEE PROPOSED FINAL RECOMMENDATIONS

These recommendations were developed for and agreed to by the Funding Committee of CARES which includes Kaiser Permanente, John Muir Health, Sutter Health and Contra Costa Health Services. These recommendations were crafted to reflect a longer-term approach to continuing the CARES program. These recommendations are sequenced from the immediate short-term to a much longer-term timeline which eventually results in statewide coverage expansion for all undocumented adults. Each subsequent recommendation builds on the previous one, expanding coverage to more and more individuals as more stable and additional funding is potentially available for the CARES Program.

1. Continue hospital/health system and Contra Costa County funding for CARES through 2020 at current levels. Hospitals will take the recommendation for continued funding forward for governance approval at each of their organizations. The County will include funding for CARES as part of its annual budget process.
2. Make annual presentation to hospital/health systems executive leadership in coordination with the Hospital Council and to the Contra Costa County Board of Supervisors about the impact of the CARES program on the community and the safety net.

AND

3. Explore with Contra Costa state legislative delegation the possibility of a special appropriations in the California State Budget for FY 21 (July 1, 2020 – June 30, 2021) to support the CARES program for all income-eligible adult undocumented immigrants for 3 years as a pilot project to demonstrate effectiveness and test implementation strategies in anticipation of expansion of coverage throughout California.

AND

4. Engage community-wide efforts to design and pass local ballot measures to help fund health and social services which could potentially include fully funding the CARES program until state coverage is available.
5. Support efforts by the Administration and the Legislature to expand coverage to undocumented adults statewide.

CONTRA COSTA CARES

FUNDING COMMITTEE

FUNDING AND PATIENTS SERVED:

1. According to the best estimates, there are approximately 51,000 – 77,500 individuals in Contra Costa County ineligible for coverage due to immigration status as identified by two different reports: 2016 CalSIM Regional Remaining Uninsured Projections Report and 2017 Public Policy Institute of California. The UC Berkeley Labor Center indicates that a majority of undocumented and uninsured adults would qualify for a program like CARES. “Most Californians who are both undocumented and uninsured have incomes below the Medi-Cal threshold.”
2. Since its inception in November 2015, CARES has enrolled 8,020 individuals:
 - 208 patients are 19-25 years old;
 - 7,442 patients are 26-64 years old; and
 - 370 patients are over 65 years.
3. Currently, as of October 19, 2019, there are 3,669 individuals enrolled in CARES:
 - 103 patients are 19-25 years old;
 - 3,400 patients are 26-64 years old; and
 - 166 patients are over 65 years.
4. CARES participants are served by three community health centers: Brighter Beginnings, La Clinica de la Raza and LifeLong Medical Care. The community health centers provide a medical home for CARES participants. In addition to CARES, the participating community health centers serve additional uninsured and undocumented individuals not covered by CARES or any other public or private programs.

According to the OSHPD Annual Report of Community Clinics for 2018, the three community health center CARES providers reported the following numbers of total uninsured patients without insurance at their sites in Contra Costa County:

- Brighter Beginnings – 913 uninsured patients (total patients reported: 2,612)
 - La Clinica de la Raza – 2,848 uninsured patients (total patients reported: 20,021)
 - LifeLong Medical Care – 3,760 uninsured patients (total patients reported: 21,321).
5. Since its inception in November 2015, CARES has been funded by three hospital/health systems (John Muir Health, Kaiser Permanente and Sutter Health) and by Contra Costa County. To date, a total of \$4,499,880 has been contributed to support the program including a \$5,000 one-time contribution by Walgreens in 2017-2018. Currently each hospital/health system provides a \$250,000 contribution and Contra Costa County provides \$750,000 annually, matching the total contributions of the hospital/health systems.
 6. The hospital/health systems have donated a total of \$2,873,000 to date for CARES to support the community health centers and the safety net in Contra Costa County.
 7. Additionally, Kaiser Permanente and John Muir Health have provided a total of \$20,300 in 2017 through 2019 for an annual evaluation of the CARES program. Along with funding received from The California Wellness Foundation in 2018 and 2019, a total of \$44,282 has been spent in the last two years for the annual CARES evaluation.
 8. As of today, \$3,830,764.00 has been paid out to the community health centers for services to CARES participants since the initiation of the program.
 - Brighter Beginnings - \$356,020.00 from CARES
 - La Clinica de la Raza - \$1,824,900.00 from CARES
 - LifeLong Medical Care - \$1,649,844.00 from CARES
 9. \$669,116.00 in CARES funding remains to be distributed as of 10/31/2019
 - Brighter Beginnings - \$23,576.00
 - La Clinica de la Raza - \$177,016.00
 - LifeLong Medical Care - \$468,524.00
 10. 100% of all funds contributed by the health systems and by Contra Costa County go directly toward direct services to patients seen at the community health centers.

11. Community health centers are paid \$28.00/per member/per month or \$336.00/year for each patient enrolled in CARES – a fee that has remained constant since the inception of the program despite ever-increasing services costs. This fee is well below the average cost per visit that the community health centers receive from the Medi-Cal program.
12. Contra Costa Health Plan and the Contra Costa Community Clinic Consortium provide program and financial support to the CARES program at no cost to CARES or its funders.
13. At the same time, Contra Costa County has provided services to an additional 12,015 and 13, 712 unduplicated, uninsured patients in FY18 and FY19 respectively, for direct, outpatient medical services. Additional undocumented and uninsured patients are seen via telehealth services, complementary services and inpatient services.
14. Contra Costa County's cost for uncompensated care for the uninsured in FY 19 was \$56.6M and is provided through the following programs: Global Payment Program (GPP) of the 1115 waiver, sliding fee scale program, discount program, charity care program, and Policy 1030 (referral of community clinic patients in need of specialty services who are ineligible for Basic Health Services).

IMPACT OF CARES PROGRAM:

1. Enrollment in CARES has increased from approximately 2,500 patients in 2017 to more than 3,600 in 2019 despite pressures and fear generated by negative public charge and immigration discussions.
2. CARES provides medical homes for its participants and helps connect them to other needed health and social services in the community as well as other benefit programs that they might be eligible for.
3. Since the program's inception in November 2015, CARES participants have made 26,988 visits of which 1,525 CARES patients have had 6 or more visits; 64% of enrolled patients have had 1 or more visits.
4. Of the 26,988 visits made by CARES participants since its inception, an estimated 6,000 visits have been for chronic conditions - approximately 4,500 visits have been related to diabetes, 1,132 visits have been related to hypertension and 446 visits have been related to depression.
5. CARES impact analysis over the last 3 years has shown that only 9% of emergency room visits by CARES patients were avoidable compared to the industry standard of 13.7%.

6. CARES is an important partnership in Contra Costa County of all health and hospital systems which is not duplicated in any other county in California and directly supports the Contra Costa safety net and the community health centers in particular.
7. CARES program allows data sharing across all health and hospital systems through the administrative and financial functions provided by Contra Costa Health Plan (CCHP).
8. CARES is aligned with the Contra Costa County Board of Supervisors Welcoming Resolution.

WHAT COULD BE LOST IF CARES IS REDUCED OR ENDS:

1. Loss of access to coverage for primary care which could result in people waiting longer for necessary medical care, potentially resulting in preventable illnesses and higher costs.
2. Loss of medical homes for CARES participants.
3. Loss of CARES could result in an increase in emergency room visits.
4. Possible further loss of 'trust' in health institutions and exacerbation of fear of immigration and public charge.
5. Community health centers will lose up to \$1.5M annually – funding that goes directly to patient care for the uninsured and undocumented without any administrative or indirect costs charged directly to the program – if the CARES Program ends. A smaller loss would depend on how much CARES funding is reduced.

PUBLIC POLICY IMPACT AND FUTURE INITIATIVES:

1. Beginning in January 2020, 19-26 years old undocumented residents will be covered by Medi-Cal thereby reducing the number of individuals eligible for CARES. In 2019, that represented 103 CARES patients.
2. Previously, the State Legislature covered undocumented children (SB 75) in the Medi-Cal program. It is our understanding from the Acting Director of CDHCS that the Governor and Legislature will propose that the next population to be enrolled in Medi-Cal will be undocumented adults over 65 (currently represented by 166 patients enrolled in CARES).

3. We anticipate that the newly created California Health for All Californians Commission which will begin meeting in late January 2020 will consider as one of its first actions further coverage expansion to the remaining uninsured in California.
4. The Contra Costa County Board of Supervisors has formed an Ad Hoc Committee to explore the possibility of putting a measure on the November 2020 ballot that would increase the local sales tax for investment in health and social service programs. If such a measure were to pass, we anticipate that funding could be available to support the CARES program.
5. There is also a statewide initiative on the November 2020 ballot to change the way businesses are taxed under Prop. 13. If this initiative were to pass, then it is anticipated that counties will receive substantial new revenue which Contra Costa County could choose to use for the CARES program.
6. CCHS and CCRMC funding challenges have been raised due to the future status of the 1115 waiver, the Global Payment Program (GPP) and funding of CalAIM. Additionally, a recent CMS Draft Guidance on Fiscal Accountability calls into question the viability of Medi-Cal funding through the use of Intergovernmental Transfers, the MCO Tax and the Hospital Quality Tax Fund (HQAF). Currently CCHS estimates a budget shortfall for CCRMC and CCHP in the \$30M range for the coming fiscal year.
7. Other federal policy decisions could also create more vulnerabilities and have a negative impact on the program and its participants including proposals on public charge and an atmosphere of fear about immigration as well as funding restrictions on CalFresh.
8. It would be advised for Contra Costa Community Clinic Consortium to make annual presentations to the hospital/health systems executive leadership in collaboration with the Hospital Council and to the Contra Costa County Board of Supervisors about the impact of CARES on the community and on the safety net; and how CARES supports advances in public policy to expand coverage to the uninsured in Contra Costa County.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 02/10/2020

Subject: State Budget and Legislation of Interest to Contra Costa County

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2020-03

Referral Name: State Budget and Legislative Update

Presenter: L. DeLaney and Nielsen Merksamer
Team

Contact: L. DeLaney,
925-335-1097

Referral History:

The Legislation Committee regularly receives updates from staff and the County's legislative advocates on State Budget and Legislation of interest to the County.

Referral Update:

State Budget

Governor Newsom's FY 2020-21 State Budget proposal of a \$222.2 billion was released January 10, 2020: <http://www.ebudget.ca.gov/FullBudgetSummary.pdf>. A summary of the State Budget proposal from the County's state legislative advocates is Attachment A.

The Senate and Assembly Budget Committees held their first hearings to discuss the Governor's proposed budget for FY 2020-21 the week of January 20, 2020. These are the first round of hearings. The Budget Committees will hold a number of hearings on specific topics in the Budget until May, when the Governor will release his May Revise budget proposal.

According to CSAC staff, the focus of these hearings consistently came back to housing and homelessness. Assembly Member Phil Ting, the Chair of the Budget Committee, applauded funding to expand affordable housing, while also addressing the current homeless crisis. The Governor's proposal includes a new Access to Housing and Services Fund, with an initial state investment of \$750 million. The fund will pay rent for individuals facing homelessness, support new dwelling units, and help stabilize board and care facilities and homes. Republicans drilled the Administration's witnesses on fiscal responsibility and what they see as increased bureaucracy. For each budget release, CSAC staff provides a [Budget Action Bulletin](#) to summarize the most important programs and accounts to counties. Several of the proposals in the January Budget warrant close attention from counties, including:

- A \$12.5 billion investment over five years for climate resilience, partially funded by a proposed climate bond, to fund initiatives related to forest health, Community Power

Resiliency (formerly PSPS), home hardening, and a climate revolving fund that would provide low- interest loans for waste diversion, low-carbon transportation, and sustainable agriculture.

- A reduction in probation term lengths for both felony and misdemeanants to two years, matched with an investment in more intensive supervision and services for misdemeanor probationers.
- \$695 million, growing to \$1.4 billion in the out-years, for preventative health care, over a third of which will be aimed at the unsheltered homeless population.

Last week, the Urban Counties of California joined a number of county-affiliated associations to communicate to Governor Newsom a shared commitment to working on solutions to the state's homeless crisis, including those outlined by the Governor's Council of Regional Homeless Advisors. The letter to the Governor outlines a number of concerns about the Council's recommendation to include a constitutional mandate to address homelessness but reiterates a willingness to participate in dialogue with state and local government partners and stakeholders.

Trailer Bill Language Deadline

As part of the annual state budget process, the Department of Finance is subject to a February 1 deadline to provide the Legislature with proposed statutory language – called trailer bill language (TBL) – necessary to carry out the provisions associated with the various elements in the Governor’s spending plan. TBL for the 2020-21 budget will be posted [here](#); typically it is grouped by subject matter area.

The TBL will provide greater insight into the specific approach the Administration is proposing on various budget items. As for next steps, the Senate and Assembly budget subcommittees will begin meeting in late February to consider the Governor’s budget proposals and take public testimony. As a reminder, the budget subcommittees and their respective jurisdictions are as follows:

Senate Budget and Fiscal Review Subcommittees

- No. 1** – Education
- No. 2** – Resources, Environmental Protection, Energy, and Transportation
- No. 3** – Health and Human Services
- No. 4** – State Administration and General Government
- No. 5** – Corrections, Public Safety, and the Judiciary

Assembly Budget Subcommittees

- No. 1** – Health and Human Services
- No. 2** – Education Finance
- No. 3** – Resources and Transportation
- No. 4** – State Administration
- No. 5** – Public Safety
- No. 6** – Budget Process, Oversight and Program Evaluation

LAO: Overview of the Governor’s Budget

On the heels of the release of the Governor’s budget, the Legislative Analyst’s Office (LAO) has published its annual [report](#): “Overview of the Governor’s Budget.” In it, the LAO outlines its analysis of the Governor’s proposal, with a focus on sharing recommendations for the Legislature to consider during its budget deliberations. Some highlights of the report:

Addressing Reserve Amounts: The Governor’s proposed budget does not continue previous years’ practice of bolstering budget reserves beyond what’s required by the Constitution. To nobody’s surprise, the LAO recommends that the Legislature consider whether it is satisfied with

the Governor's proposed reserve level or whether it would prefer a higher level.

Spending the Surplus: The LAO notes that the Governor had an estimated \$5.9 billion surplus to allocate in the budget. Of that amount, though, the LAO indicates that 95 percent of the Governor's proposals (out of an estimated 140 proposals) are relatively small, less than \$100 million in 2020-21. The LAO suggests the Legislature consider if it would rather dedicate more resources to a smaller number of priorities.

Managing Risk: Again, the LAO cautions that state's rosy budget picture is subject to considerable risk. In the short-term, federal decisions about health care financing; on the horizon, some indications that the economy may be slowing down.

Growing the Operating Surplus: A healthy operating surplus also guards against the impact of budget shortfalls. However, the LAO notes the Governor's proposed budget has small operating reserves for the three-year forecast period, which, combined with the decision to forego additional deposits into the Rainy Day Fund, makes for a risky approach. The LAO recommends maintaining a positive operating balance in its own multi-year budget plans.

State Legislation

Two-Year Bills' Early Session Deadline

The deadline for two-year bills passed on January 31, 2020. Bills introduced in 2019 that did not pass out of their house of origin were required to be considered and moved to the second house by the end of the month. (February 21, 2020 is the deadline for new bills to be introduced.) One of the two-year bills that was watched closely by local government was SB 50 (Weiner).

Senator Scott Wiener brought his high-profile, controversial housing production bill – [SB 50](#) – up for a vote on the Senate Floor on January 29– a vote made possible by Pro tem Toni Atkins who pulled the bill from the Senate Appropriations Committee where it faced a likely defeat. Despite that effort, the bill failed to garner a majority vote and the measure died on an 18-15 vote with six members abstaining. The Senate debated the bill for close to three hours yesterday, and members from both sides of the aisle stood up in support and opposition to the bill. Senators Ben Hueso and Nancy Skinner sided with the author and pressed their colleagues to consider the bill as a work in progress but worthy of moving forward through the legislative process so additional refinements could be made. Senators Hertzberg and Stern also voiced support in concept for the measure but ultimately voted no based on the fact that the bill did not offer resolution to significant concerns with SB 50 (including mandatory upzoning in high fire severity zones where development should not likely occur).

Senator Wiener was granted reconsideration at the end of the vote, but the bill failed to get the votes when it was brought up for a second time. At the conclusion of the debate/vote, the Pro tem addressed the chamber, congratulating the body for a meaningful effort, but committing to bring a housing production bill to a successful conclusion during the 2020 session. Governor Newsom also provided comment, stating that, "...if this falls short, we are not giving up. We are going to continue to work aggressively to address production in this state." Senator Wiener has commented publicly that he is prepared to reintroduce legislation and has two housing placeholder bills at the ready.

Other bills of interest to Contra Costa County are included in [Attachment B](#).

Attachment C are the Draft Policy Priorities and Major Policy Issues for 2020 from the California State Association of Counties (CSAC). These draft priorities will be voted on by the CSAC Board of Directors at their February 13, 2020 meeting.

Recommendation(s)/Next Step(s):

RECEIVE the report on the State Budget and Legislation of interest and provide direction to staff, as needed.

Attachments

Attachment A

Attachment B

Attachment C

To: Lara Delaney

From: James S. Gross
Michelle Rubalcava

Date: January 10, 2020

Re: **Governor's 2020-21 Proposed Budget**

Governor Gavin Newsom introduced his second state budget today on his Twitter account. His presentation was upwards of two hours and ran the gamut of fiscal proposals and policy priorities. The Governor started his presentation by praising his administration and his successes within his first year as Governor of the State of California:

- Record unemployment: 3.9%
- 117 months of consecutive job growth in the state
- 3.8% GDP growth
- Record budget surpluses
- Back to back bond rating increases
- Debt reduction
- Leader in innovation

The Governor's budget is a tangible document that reflects the Newsom administration's guiding principles. Those guiding principles are:

1. Dealing with the Cost and Affordability Crisis
2. Justice for All
3. Good government

**BELOW ARE A FEW HIGHLIGHTS OF THE GOVERNOR'S
PROPOSED BUDGET:**

Local Government

The 2019 Budget Act included \$1.75 billion to increase housing supply, including funding to local governments for planning and infrastructure, an investment in the state's housing loan program, and an expansion of state housing tax credits.

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- The Budget includes \$758,000 ongoing General Fund for four positions for the Governor's Office of Business and Economic Development to be located in the Central Valley, Inland Empire, Central Coast, and North Coast to provide a focus on bringing business and economic development to these regions, by promoting the benefits of these regions and facilitating business expansion.
- The Budget authorizes \$500 million annually for the state's housing tax credit program.
- The Administration is also committed to working with the Legislature on additional actions to expedite housing production, including changes to local zoning and permitting processes, as well as adding predictability and reducing the costs of development fees.
- The Budget proposes a radical shift in the state's involvement to house the many unsheltered persons living in California, by launching the California Access to Housing and Services Fund with a \$750 million initial investment. The Administration will also send out multi-agency strike teams to assist cities and counties in moving individuals from encampments into shelters and connecting them to services.
- By 2023, HCD, in consultation with stakeholders, will revamp the next RHNA cycle to promote and streamline housing development. This will maximize the number of new homes for which California's cities and counties plan and zone.
- The Budget includes \$50 million one-time General Fund to support additional preparedness measures that bolster community resiliency to combat any future public safety power shutoffs (PSPS).
- In recognition of the unprecedented wildfires the state has experienced in recent years, the bond allocates \$750 million to harden critical public infrastructure in high fire-risk communities.
- Over the next five years, \$22 billion will be available for new state highway repair and rehabilitation projects in the State Highway Operations and Protection Program (SHOPP).
- The state's Broadband For All strategy is composed of four principal elements:
 - (1) mapping the state of connectivity in California, including whether, where, and at what speed Californians have access to affordable high-speed Internet;
 - (2) investing new resources, including \$51.4 million to improve school connectivity;
 - (3) optimizing use of existing resources, including approximately \$900 million over the next five years; and
 - (4) prioritizing connectivity across executive actions and policies.
- Income inequality persists and prosperity is not shared by all regions of the state. To create inclusive, long-term economic growth and ensure

workers and their families share in that success, the Governor established the Future of Work Commission.

- The California state minimum wage increased by \$1 per hour on January 1, 2020 to reach \$12 per hour for businesses with 25 or fewer employees, and \$13 per hour for businesses with 26 or more employees.
- The 2019 Budget Act significantly expanded the EITC, by more than doubling the existing credit from \$400 million to \$1 billion. The expanded program extended credits to 1 million additional households, raising the number of households receiving the credit to 3 million. The expanded credit includes a \$1,000 credit for every family that otherwise qualifies for the credit and has at least one child under the age of 6.

Healthcare

The Budget includes \$167.9 billion (\$47.4 billion General Fund and \$120.5 billion other funds) for all health and human services programs.

- A vaping levy of \$2 per 40 milligrams of nicotine, which would raise about \$32 million that would be used for youth prevention and other health care programs.
- Instituting a state individual mandate to stabilize the health insurance market;
- Augmenting premium assistance for Covered California enrollees, making California the first state in the nation to provide additional state premium assistance for the middle class;
- Extending Medi-Cal to income-eligible young adults regardless of immigration status;
- Expanding eligibility for no-cost Medi-Cal for persons aged 65 and older and persons with disabilities up to 138 percent of the federal poverty level;
- Restoring optional benefits and extending full-scope Medi-Cal coverage to new mothers with a maternal mental health diagnosis;
- Expanding preventative services with a specific focus on screening for adverse childhood experiences;
- Increasing Medi-Cal provider rates;
- Repaying loans for doctors and dentists who agree to serve Medi-Cal patients in under-resourced parts of the state; and
- Addressing the high costs of prescription drugs.

Building Reserves and Reducing Liabilities

California is continuing to build a strong economic foundation to anticipate potential risks. The Budget continues to grow the reserves in the Rainy Day Fund and assumes an additional transfer of nearly \$2 billion in 2020-21 and an additional \$1.4 billion over the remainder of the three-year forecast period. The

Rainy Day Fund balance is projected to be \$18 billion in 2020-21 and \$19.4 billion by 2023-24. The Budget also:

- Maintains \$900 million in the Safety Net Reserve
- Sets aside \$110 million more in the Public School System Stabilization Account, bringing its total balance to \$487 million.
- Reserves \$1.6 billion in the Special Fund for Economic Uncertainties to address emergencies and other unforeseen events. Overall, the Budget has \$21 billion set aside in reserves.

Confronting the Homelessness Crisis

Homelessness is an issue that impacts both urban and rural communities throughout the state and puts stress on public resources from emergency rooms to jails and public works departments. It is a complex social services problem and must be combatted at its root causes, which is why the Budget introduces several new strategies to build on the \$1.15 billion provided to local governments in the last two budgets.

The Budget proposes more than \$1 billion to radically shift the state's involvement to house the many unsheltered individuals living in California, by launching the California Access to Housing and Services Fund with a \$750 million initial investment. This Fund will create a structure for developing affordable housing units, supplementing and augmenting rental subsidies, and stabilizing board and care homes.

The additional funding will come from the Medi-Cal Healthier California for All initiative and will also contribute to addressing the homelessness crisis by transforming the Medi-Cal system to better serve individuals experiencing mental illness and homelessness. The Administration will form a task force to improve the state's behavioral health system as well as strategies to strengthen enforcement of behavioral health parity laws.

Climate Budget

The Budget proposes a comprehensive approach to California's investments to protect the state's environment, address the effects of climate change, and promote resiliency. This climate budget includes \$12 billion over the next five years. Three key areas of the climate budget are a proposed climate resilience bond, cap-and-trade expenditures to continue the transition to a carbon-neutral economy, and a new Climate Catalyst Fund to promote the deployment of new technologies, especially by small businesses and emerging industries.

The Climate Catalyst Fund, which will be administered by the Infrastructure and Economic Development Bank, will finance investments in low-carbon transportation, sustainable agriculture and waste diversion through low-interest

loans. The Budget proposes to capitalize the Fund with \$1 billion General Fund over the next four years.

The Fund will have a revolving loan structure that will leverage private capital and will support projects well into the future. It will be designed to support good jobs and a just transition to achieving California's climate goals.

Master File of Bills of Interest As of February 4, 2020

CA AB 22	AUTHOR:	Burke [D]
	TITLE:	Housing: Children and Families
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	12/03/2018
	LAST AMEND:	01/16/2020
	DISPOSITION:	Failed
	LOCATION:	ASSEMBLY
	SUMMARY:	
		Declares that it is the policy of the state that every child and family has the right to safe, decent, and affordable housing. Requires the policy to consider homelessness prevention, emergency accommodations, and permanent housing. Requires all relevant state agencies and departments to consider that policy when establishing policies, regulations, and grant criteria pertinent to advancing the components of Housing First.
	STATUS:	
	02/03/2020	In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
	02/03/2020	From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.
CA AB 563	AUTHOR:	Quirk-Silva [D]
	TITLE:	Mental Health: Funding
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/13/2019
	LAST AMEND:	04/22/2019
	DISPOSITION:	Failed
	LOCATION:	ASSEMBLY
	SUMMARY:	
		Appropriates a certain amount from the General Fund to the State Department of Health Care Services to distribute to the North Orange County Public Safety Task Force for the development of a two year pilot program. Requires 1/2 of the moneys to be distributed on a specified date, and 1/2 to be distributed on a specified date, and would require the moneys to be used to provide a range of programs, services, and activities designed to assist individuals and families experiencing mental health crises.

STATUS:

02/03/2020 In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

02/03/2020 From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

CA AB 732

AUTHOR: Bonta [D]
TITLE: **County Jails: Prisons: Incarcerated Pregnant Persons**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/19/2019
LAST AMEND: 01/23/2020
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Requires an incarcerated person in a county jail or the state prison who is identified as possibly pregnant or capable of becoming pregnant during an intake health examination, or at any time during incarceration, to be offered a test upon intake or request. Provides an incarcerated person in a local detention facility with the right to summon a physician, nurse practitioner, certified nurse midwife, or physician assistant. Provides for the use of menstrual hygiene products.

STATUS:

01/27/2020 In ASSEMBLY. Read second time. To third reading.
01/27/2020 In ASSEMBLY. Assembly Rule 63 suspended.
01/27/2020 In ASSEMBLY. Read third time. Passed ASSEMBLY.
*****To SENATE. (63-0)

Commentary:

Watch

CA AB 953

AUTHOR: Ting [D]
TITLE: **Land Use: Accessory Dwelling Units**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2019
LAST AMEND: 01/06/2020
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Deems a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days. Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one

accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if certain requirements are met.

STATUS:

01/30/2020 In ASSEMBLY. Read third time. Passed ASSEMBLY.
*****To SENATE. (76-0)

Commentary:

Send to DCD

CA AB 1121

AUTHOR: Bauer-Kahan [D]

TITLE: **Firearms: Prohibited Persons**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2019

LAST AMEND: 03/19/2019

DISPOSITION: Failed

LOCATION: ASSEMBLY

SUMMARY:

Prohibits a person who is granted this pretrial diversion based on a mental health disorder from owning or possessing a firearm, or other dangerous or deadly weapon.

STATUS:

02/03/2020 In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.

02/03/2020 From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

CA AB 1126

AUTHOR: O'Donnell [D]

TITLE: **Mental Health Services Oversight and Accountability**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 02/21/2019

LAST AMEND: 04/01/2019

DISPOSITION: Failed

LOCATION: ASSEMBLY

SUMMARY:

Requires the Mental Health Services Oversight and Accountability Commission to establish technical assistance centers and clearinghouses to support counties in addressing mental health issues of statewide concern, with a focus on school mental health and reducing unemployment and criminal justice involvement due to untreated mental health issues. Requires the Commission to develop transparency and accountability strategies.

STATUS:

02/03/2020 In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the

	02/03/2020	Constitution. From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.
CA AB 1182	AUTHOR:	Carrillo [D]
	TITLE:	Post-Release Supervision Of Offenders
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/21/2019
	LAST AMEND:	04/22/2019
	DISPOSITION:	Failed
	LOCATION:	ASSEMBLY
	SUMMARY:	Requires persons who have been scored as low or moderate risk to be released if they have been on parole for a certain number of days and have not committed any new offenses.
	STATUS:	
	02/03/2020	In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
	02/03/2020	From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.
CA AB 1216	AUTHOR:	Bauer-Kahan [D]
	TITLE:	Solid Waste: Illegal Dumping
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	02/21/2019
	LAST AMEND:	03/26/2019
	DISPOSITION:	Failed
	LOCATION:	ASSEMBLY
	SUMMARY:	Authorizes the counties of Alameda and Contra Costa to establish a pilot program to employ 2 law enforcement officers, one from each county, solely for the purpose of enforcing dumping laws in those counties.
	STATUS:	
	02/03/2020	In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
	02/03/2020	From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

CA AB 1275 **AUTHOR:** Santiago [D]
TITLE: **Mental Health Services: County Pilot Program**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/21/2019
LAST AMEND: 05/16/2019
DISPOSITION: Pending
FILE: A-52
LOCATION: Senate Inactive File
SUMMARY:
Requires the State Department of Health Care Services to establish a 3-year pilot project to include the County of Los Angeles and up to 9 additional counties in which each participating county would be required to establish an outreach team, comprised of county employees, to provide outreach services to individuals with a history of mental illness or substance use disorders who are unable to provide for urgently needed medical care and who are homeless or at risk of experiencing homelessness.
STATUS:
09/14/2019 In SENATE. From third reading. To Inactive File.

CA AB 1405 **AUTHOR:** Gloria [D]
TITLE: **Permanent Supportive Housing for Parolees**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2019
LAST AMEND: 04/29/2019
DISPOSITION: Failed
LOCATION: ASSEMBLY
SUMMARY:
Requires the Department of Corrections and Rehabilitation to enter into contracts with contractors who provide short-term housing to parolees through an adult day reporting center or through the department's Specialized Treatment for Optimized Programming to provide permanent housing for individuals exiting prison who are at risk of homelessness and to parolees experiencing homelessness.
STATUS:
02/03/2020 In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
02/03/2020 From Committee: Filed with the Chief Clerk pursuant to Joint Rule 56.

CA AB 1450

AUTHOR: Lackey [R]
TITLE: **Child Abuse Central Index**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2019
LAST AMEND: 01/06/2020
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Authorizes a police or sheriff's department to which a report of suspected child abuse or severe neglect is made on or after January 1, 2021, or that is investigating an open case for which a report of suspected child abuse or severe neglect was made on or before January 1, 2021, to forward to the Department of Justice a report in writing of its investigation of known or suspected child abuse or severe neglect that is determined to be substantiated.

STATUS:

01/27/2020 In ASSEMBLY. Read third time. Passed ASSEMBLY.
 *****To SENATE. (74-0)

Commentary:

Send by AL

CA AB 1525

AUTHOR: Jones-Sawyer [D]
TITLE: **Cannabis: Financial Institutions**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/22/2019
LAST AMEND: 01/16/2020
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:

Provides that an entity, that receives deposits, extends credit, conducts fund transfers, transports cash or financial instruments on behalf of a financial institution, or provides other financial services, including public accounting, for a person licensed to engage in commercial cannabis activity does not commit a crime under any state law.

STATUS:

01/27/2020 In ASSEMBLY. Read third time. Passed ASSEMBLY.
 *****To SENATE. (68-1)

Commentary:

CSAC supports

CA AB 1844	AUTHOR:	Chu [D]
	TITLE:	Paid Sick Leave: Behavioral Health Conditions
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	01/06/2020
	DISPOSITION:	Pending
	LOCATION:	Assembly Labor and Employment Committee
	SUMMARY:	Relates to prescribed sick leave. Expands purposes to also include diagnosis, care, or treatment of an existing behavioral health condition of, or preventive care for, an employee or an employee's family member.
CA AB 1853	STATUS:	
	01/17/2020	To ASSEMBLY Committee on LABOR AND EMPLOYMENT.
	Commentary:	
	Sent by AL	
	AUTHOR:	Frazier [D]
	TITLE:	Health Care: Medical Goods: Reuse and Redistribution
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
CA AB 1907	INTRODUCED:	01/07/2020
	DISPOSITION:	Pending
	LOCATION:	Assembly Aging and Long-Term Care Committee
	SUMMARY:	Requires the Department of Aging, upon appropriation by the Legislature, to establish a comprehensive 3-year pilot program in the Counties of Contra Costa, Napa, and Solano to facilitate the reuse and redistribution of durable medical equipment and other home health supplies. Requires the department to contract in each county with a local nonprofit agency to oversee the program.
	STATUS:	
	01/30/2020	To ASSEMBLY Committees on AGING & LONG TERM CARE and HEALTH.
	Commentary:	
	Sent by Andrew Langley	
	AUTHOR:	Santiago [D]
	TITLE:	California Environmental Quality Act: Shelters
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	

INTRODUCED: 01/08/2020
 DISPOSITION: Pending
 LOCATION: Assembly Natural Resources Committee
 SUMMARY:

Exempts from environmental review under the California Environmental Quality Act certain activities approved by or carried out by a public agency in furtherance of providing emergency shelters, supportive housing, or affordable housing. Requires a lead agency that determines to carry out or approve an activity that is within this CEQA exemption to file a notice of exemption.

STATUS:

01/30/2020 To ASSEMBLY Committees on NATURAL RESOURCES and HOUSING AND COMMUNITY DEVELOPMENT.

Commentary:

<https://www.latimes.com/california/story/2020-01-08/affordable-housing-homeless-shelter-bill-bypass-environmental-law-ceqa>

CA AB 1908

AUTHOR: Chen [R]
 TITLE: **Transportation: Homeless Encampment and Litter Program**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/08/2020

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY:

Requires the Department of Transportation, within its maintenance program, to establish a Homeless Encampment and Litter Program to provide timely abatement and cleanup of homeless encampments on Department property and expedited and coordinated access to housing and supportive services. Requires the Department to coordinate with homeless service provider agencies and to establish homeless adult and family multidisciplinary personnel teams.

STATUS:

01/08/2020 INTRODUCED.

Commentary:

Send to PW & Deidra

CA AB 1910

AUTHOR: Bauer-Kahan [D]
 TITLE: **Firearms: Prohibited Persons**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/08/2020

DISPOSITION: Pending

LOCATION: Assembly Public Safety Committee

SUMMARY:

Prohibits a person who is granted pretrial diversion from criminal prosecution for certain offenses, based on a mental health disorder, from owning or possessing a firearm.

STATUS:

01/17/2020 To ASSEMBLY Committee on PUBLIC SAFETY.

Commentary:

Member of our delegation

CA AB 1920

AUTHOR: Boerner Horvath [D]

TITLE: **Climate Change: Climate Adaptation Center**

FISCAL no

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/13/2020

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY:

Declares the intent of the Legislature to enact subsequent legislation that would establish the Climate Adaptation Center and Regional Support Network to provide technical support and information to local governments on adapting to climate change impacts, including, but not limited to, sea level rise.

STATUS:

01/13/2020 INTRODUCED.

CA AB 1921

AUTHOR: Diep [R]

TITLE: **Unlawful Entry of a Vehicle**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/13/2020

DISPOSITION: Pending

LOCATION: Assembly Public Safety Committee

SUMMARY:

Makes forcibly entering a vehicle with the intent to commit a theft therein a crime punishable by imprisonment in a county jail.

STATUS:

01/23/2020 To ASSEMBLY Committee on PUBLIC SAFETY.

Commentary:

Send by AL

CA AB 1924

AUTHOR: Grayson [D]

TITLE: **Housing Development: Fees**

FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/14/2020
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:

Requires that a fee levied or imposed on a housing development project by a local agency be proportionate to the square footage of the proposed unit or units.

STATUS:

01/23/2020 To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.

Commentary:

Send to DCD

CA AB 1938

AUTHOR: Eggman [D]
TITLE: **Mental Health Services Act: Inpatient Treatment Funding**
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/16/2020
DISPOSITION: Pending
LOCATION: Assembly Health Committee
SUMMARY:

Specifies, to the extent Mental Health Services Act funds are otherwise available for use, that those funds may be used to provide inpatient treatment, including involuntary treatment of a patient who is a danger to self or others or gravely disabled, in specified settings, including an acute psychiatric hospital, an institution for mental disease, and a mental health rehabilitation center.

STATUS:

01/23/2020 To ASSEMBLY Committee on HEALTH.

Commentary:

Watch

CA AB 1946

AUTHOR: Santiago [D]
TITLE: **Mental Health Services: Involuntary Detention**
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/17/2020
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

States the intent of the Legislature to enact legislation to reform the Lanterman-Petris-Short Act, including expanding the definition of gravely disabled to add a condition in which a person is unable to provide for their own medical treatment as a result of a mental health disorder, and emphasizing the necessity to create policies that prioritize living safely in communities.

STATUS:

01/17/2020 INTRODUCED.

Commentary:

Watch

CA AB 1948

AUTHOR: Bonta [D]

TITLE: **Taxation: Cannabis**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/17/2020

DISPOSITION: Pending

LOCATION: Assembly Revenue and Taxation Committee

SUMMARY:

Reduces the excise tax rate on the purchase of cannabis and cannabis products from 15% to 11% on and after the operative date of this bill until July 1, 2023, at which time the excise tax rate would revert back to 15%. Suspends the imposition of the cultivation tax on and after the operative date of this bill until July 1, 2023.

STATUS:

01/30/2020 To ASSEMBLY Committees on REVENUE AND TAXATION and BUSINESS AND PROFESSIONS.

Commentary:

Watch

CA AB 1950

AUTHOR: Kamlager-Dove [D]

TITLE: **Probation: Length of Terms**

FISCAL yes

COMMITTEE:

URGENCY no

CLAUSE:

INTRODUCED: 01/17/2020

DISPOSITION: Pending

LOCATION: Assembly Public Safety Committee

SUMMARY:

Restricts the period of probation for a misdemeanor.

STATUS:

01/30/2020 To ASSEMBLY Committee on PUBLIC SAFETY.

Commentary:

Watch

CA AB 1954	AUTHOR:	Cooley [D]
	TITLE:	Foster Care: Relative and Sibling Placement
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	01/17/2020
	DISPOSITION:	Pending
	LOCATION:	ASSEMBLY
	SUMMARY:	Extends the definition of relative, for purposes of disposition of a child who is a dependent of the juvenile court due to abuse or neglect, to include caregivers of minor siblings who are in a permanent plan of adoption, legal guardianship, or placement with a fit and willing relative. Deletes the provision prohibiting the consideration and investigation of a relative placement from being a cause for continuance of the dispositional hearing.
CA AB 1979	STATUS:	
	01/17/2020	INTRODUCED.
	Commentary:	
	watch	
	AUTHOR:	Friedman [D]
	TITLE:	Foster Youth: Housing
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
CA ACR 98	INTRODUCED:	01/23/2020
	DISPOSITION:	Pending
	LOCATION:	ASSEMBLY
	SUMMARY:	Requires a county placement agency to examine its ability to meet the emergency housing needs of nonminor dependents. Includes a transitional living setting approved by a county to support youth who are entering or reentering foster care or transitioning between placements, excluding a runaway and homeless youth shelter or adult homeless shelter, within the definition of a supervised independent living setting.
	STATUS:	
	01/23/2020	INTRODUCED.
	Commentary:	
	Watch	
	AUTHOR:	Wicks [D]
	TITLE:	Mental Health and Substance Use Treatment
	FISCAL	yes
	COMMITTEE:	

URGENCY no
 CLAUSE:
 INTRODUCED: 06/04/2019
 DISPOSITION: Pending
 LOCATION: Senate Health Committee
 SUMMARY:

Urges specified state departments and the Attorney General to use their authority to ensure that health care service plans and health insurers subject to their authority comply with the federal Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act.

STATUS:

09/05/2019 Re-referred to SENATE Committee on HEALTH.

Commentary:

CSAC supports

CA SB 45

AUTHOR: Allen [D]
 TITLE: **Wildfire Prevention, Drinking Water, Drought, and Flood**
 FISCAL yes
 COMMITTEE:
 URGENCY yes
 CLAUSE:
 INTRODUCED: 12/03/2018
 LAST AMEND: 01/23/2020
 DISPOSITION: Pending
 LOCATION: ASSEMBLY
 SUMMARY:

Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act, which, if approved by the voters, would authorize the issuance of bonds to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

STATUS:

01/29/2020 In SENATE. Read third time, urgency clause adopted.
Passed SENATE. *****To ASSEMBLY. (29-6)

CA SB 50

AUTHOR: Wiener [D]
 TITLE: **Planning and Zoning: Housing Development**
 FISCAL yes
 COMMITTEE:
 URGENCY no
 CLAUSE:
 INTRODUCED: 12/03/2018
 LAST AMEND: 01/06/2020
 DISPOSITION: Failed
 LOCATION: SENATE
 SUMMARY:

Requires a local agency to notify the development proponent in writing if the local agency determines that the development conflicts with any of the requirements provided for streamlined ministerial approval within 60 days of the submission of the development to the local agency. Authorizes a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit.

STATUS:

01/30/2020 In SENATE. Read third time. Failed to pass SENATE.
(18-15)

Commentary:

Amendments to review

CA SB 54

AUTHOR: Allen [D]
TITLE: **Solid Waste: Packaging and Products**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 12/11/2018
LAST AMEND: 09/10/2019
DISPOSITION: Pending
FILE: A-21
LOCATION: Assembly Inactive File
SUMMARY:

Amends the Alcoholic Beverage Control Act. Authorizes the Department of Alcoholic Beverage Control to suspend or revoke the certificate of compliance of an out of state vendor that fails to comply with the provisions of the State Circular Economy and Pollution Reduction Act.

STATUS:

01/23/2020 In ASSEMBLY. From third reading. To Inactive File.

Commentary:

Likely consistent with Platform.

CA SB 353

AUTHOR: Skinner [D]
TITLE: **Criminal Record Data Sharing and Research**
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/19/2019
DISPOSITION: Failed
LOCATION: SENATE
SUMMARY:

Specifies criminal court records, as defined, as part of criminal offender record information to be provided to the public agency or bona fide research body.

STATUS:

02/03/2020

In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

Commentary:

Watch

CA SB 596**AUTHOR:**

Stern [D]

TITLE:**In Home Supportive Services****FISCAL**

yes

COMMITTEE:**URGENCY**

no

CLAUSE:**INTRODUCED:** 02/21/2019**LAST AMEND:** 01/23/2020**DISPOSITION:** Pending**LOCATION:** ASSEMBLY**SUMMARY:**

Requires a county human services agency to use existing materials to inform each applicant for benefits under the In Home Supportive Services program that the applicant may be eligible to receive that higher energy allowance and any advanced notifications that may be provided by a public utility, when the public utility plans to deenergize portions of the electrical distribution system or in an emergency.

STATUS:

01/29/2020

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (38-0)

Commentary:

Watch

CA SB 640**AUTHOR:**

Moorlach [R]

TITLE:**Mental Health Services: Gravely Disabled Persons****FISCAL**

no

COMMITTEE:**URGENCY**

no

CLAUSE:**INTRODUCED:** 02/22/2019**LAST AMEND:** 01/06/2020**DISPOSITION:** Failed**LOCATION:** SENATE**SUMMARY:**

Authorizes a county to instead use a definition of gravely disabled for these purposes that would read, in part, a condition in which a person, as a result of a mental health disorder, is incapable of making informed decisions about, or providing for, the person's own basic personal needs for food, clothing, or shelter without significant supervision and assistance from another person and, as a result of being incapable of making these informed decisions, the person is at risk of substantial bodily harm.

STATUS:

02/03/2020

In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

Commentary:

Obtain input

CA SB 753

AUTHOR:

Stern [D]

TITLE:

Public Social Services: Emergency Notification

FISCAL

yes

COMMITTEE:

URGENCY

no

CLAUSE:

INTRODUCED: 02/22/2019

LAST AMEND: 01/15/2020

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY:

Permits elderly or disabled clients telephone numbers and email addresses to be disclosed. Specifically identifies a public safety power shut off as a public safety emergency. Requires a county social services agency that intends to disclose such information to notify elderly or disabled individuals receiving services of that fact and give the individual the option to opt out of having that information disclosed.

STATUS:

01/27/2020

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (39-0)

Commentary:

EHSD recommends support, as amended.

CA SB 773

AUTHOR:

Skinner [D]

TITLE:

Land Use: Accessory Dwelling Units

FISCAL

yes

COMMITTEE:

URGENCY

no

CLAUSE:

INTRODUCED: 02/22/2019

LAST AMEND: 01/06/2020

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY:

Deems a permit application for the creation of an accessory dwelling unit or junior accessory dwelling unit approved if the local agency has not acted upon the completed application within 60 days.

STATUS:

01/27/2020

In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (39-0)

Commentary:

Send by AL

CA SB 776

AUTHOR: Skinner [D]
 TITLE: **College Admissions: Criminal History Inquiry**
 FISCAL: yes
 COMMITTEE:
 URGENCY: no
 CLAUSE:
 INTRODUCED: 02/22/2019
 LAST AMEND: 01/06/2020
 DISPOSITION: Pending
 LOCATION: ASSEMBLY
 SUMMARY:

Prohibits a postsecondary educational institution in this state from inquiring about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission.

STATUS:

01/27/2020 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (30-6)

Commentary:

watch

CA SB 852

AUTHOR: Pan [D]
 TITLE: **Health Care: Prescription Drugs**
 FISCAL: no
 COMMITTEE:
 URGENCY: no
 CLAUSE:
 INTRODUCED: 01/13/2020
 DISPOSITION: Pending
 LOCATION: Senate Rules Committee
 SUMMARY:

States the intent of the Legislature to introduce legislation to require the state to manufacture generic prescription drugs for the purposes of controlling prescription drug costs.

STATUS:

01/31/2020 To SENATE Committee on RULES.

Commentary:

Watch

CA SB 855

AUTHOR: Wiener [D]
 TITLE: **Health Coverage: Mental Health or Substance Abuse**
 FISCAL: yes
 COMMITTEE:
 URGENCY: no

CLAUSE:**INTRODUCED:** 01/14/2020**DISPOSITION:** Pending**LOCATION:** Senate Health Committee**SUMMARY:**

Requires a health care service plan contract or health insurance policy that provides hospital, medical, or surgical coverage to provide coverage for the diagnosis and medically necessary treatment of mental health and substance use disorders under the same terms and conditions applied to other medical conditions. Authorizes certain individuals or entities to pursue a civil action against a health care service plan or health insurer for a violation of these provisions.

STATUS:

01/31/2020 To SENATE Committees on HEALTH and JUDICIARY.

Commentary:

<https://www.sfchronicle.com/business/article/California-bills-would-make-insurers-cover-more-14975239.php>

CA SB 889**AUTHOR:** Skinner [D]**TITLE:** **Juveniles****FISCAL** no**COMMITTEE:****URGENCY** no**CLAUSE:****INTRODUCED:** 01/24/2020**DISPOSITION:** Pending**LOCATION:** SENATE**SUMMARY:**

States legislative intent to raise the age limit on the state's youth justice system.

STATUS:

01/24/2020 INTRODUCED.

Commentary:

Watch



Draft Policy Priorities for 2020

California State Association of Counties

County policy concerns are most often centered on resources to carry out state and local service responsibilities, the authority to carry out those responsibilities in local communities, and partnership with the state to improve existing programs.

Those concerns pose particular challenges as they relate to policy issues that CSAC is prioritizing in 2020: defending the Mental Health Services Act, wildfires and disaster preparedness, housing and homelessness, In-Home Support Services, the 2020 U.S. Census, juvenile justice reforms, and local governance and land use authority preservation.

California Advancing and Innovating Medi-Cal (CalAIM)

The “California Advancing and Innovating Medi-Cal” proposal, or CalAIM, is a broad and ambitious package put forth by the state to simplify and streamline the Medi-Cal program through federal waivers, state law changes, and regulations. CalAIM has significant implications – both fiscal and policy – for many county health and human services functions, including behavioral health services, social services eligibility, county public hospitals, and cross-sector initiatives for foster youth and those who are homeless or incarcerated. The financial impact for counties is unknown because the CalAIM proposal contains both opportunities for funding and changes that could increase costs. CSAC is working to ensure the Newsom Administration is aware of the county fiscal perspective through input by CSAC, county administrative offices, and a variety of county health and human services departments.

Behavioral Health Issues

County behavioral health services and funding will continue to dominate health and homelessness policy conversations in 2020. CSAC will be proactive in working to gain additional flexibility within the Mental Health Services Act (MHSA, created by Proposition 63 of 2004) and protect county allocations and funding. CSAC will also focus on cross-sector collaboration and efforts to build robust and responsive services with schools, the criminal justice system, and other stakeholders.

Homelessness and Poverty Issues

Homelessness remains a top Association priority in 2020 and county health and human services programs remain a critical focus, including general relief/general assistance, federal welfare programs such as CalWORKs and CalFresh, conservatorships and changes to the Lanterman-Petris-Short Act, data sharing between county departments, child support changes, extended foster care, safe parking and other shelter programs, and behavioral health. CSAC will also advocate for flexibility in the use of existing homelessness funding so counties can address local needs without unnecessary restrictions.

Affordable Housing

The affordability and availability of housing is at crisis levels in almost every part of the state. The housing issue is not only a crisis in its own right, it’s also a main driver of California’s homelessness emergency. CSAC will advocate for funding for affordable housing, including new state funding for construction of homes affordable to households at all income levels. CSAC will continue to focus on implementation of recent housing legislation, including allocation of recently approved bonds, as well as full implementation of new homelessness programs, such as No Place Like Home.

In-Home Supportive Services (IHSS)

CSAC will continue to prioritize the fiscal sustainability of the IHSS program. In 2019, CSAC supported the Governor's IHSS proposal which led to the enactment of a lowered County IHSS Maintenance of Effort (MOE). In 2020, CSAC will work closely with the Administration and counties to continue implementing the new MOE and to engage on the IHSS collective bargaining provisions.

Climate & Resiliency

The Legislature will continue to focus on a variety of topics related to improving our statewide resiliency to disasters and adapting to the impacts of climate change, including measures that help fund resiliency work at the local level. CSAC will continue to advocate for flexible funding at the local level to help prepare, respond, and recover from disasters.

Public Safety Power Shutoffs (PSPS)

The State's investor-owned electric utilities are more frequently utilizing de-energization policies and shutting off electric power, referred to as Public Safety Power Shut-offs (PSPS), to protect against wildfire ignition and to enhance public safety as permitted under California law. These PSPS events have a significant impact on our communities and our local economies, often times leaving large segments of the population without power for days at a time. CSAC will continue to engage the IOUs and stakeholder groups to work towards better coordination during PSPS events and ensure for adequate resources and communication to sensitive populations.

Utility Liability

The discussion of utility liability continues to re-emerge as PG&E faces additional liability year after year for igniting wildfires in California. The utility has openly lobbied in bankruptcy court for changes to inverse condemnation law, and despite constitutional protections of our legal standing, this will continue to be an issue as the IOU emerges from bankruptcy. CSAC will stand firm with our coalition partners to continue to protect the rights of victims and local governments, while holding utilities accountable for their actions.

Criminal Justice Fine and Fees

The Legislature will continue its efforts to eliminate fines and fees within the criminal justice system which counties use to support a wide array of criminal justice programs. As numerous and diverse programs and reforms have been enacted by the State, many of which are tied to an associated fee or fine as a funding source, counties rely on the current funding structure now in place. CSAC will continue to work with our county partners to ensure that the counties have the funding necessary to support local programs.

Trial Court Security

Trial court security was realigned to the counties as part of 2011 Criminal Justice Realignment. In some counties the amount of funding that was provided has not kept up with increased personnel and security costs. Trial court security has been a CSAC priority for a number of years. CSAC will remain engaged on this issue with our state sheriffs association and work with the Administration, Legislature, and stakeholders to approve the appropriate ongoing funding levels for new court security costs.

Juvenile Justice

Juvenile justice in California has undergone a variety of reforms in the past decade. These reforms have led to a lower population and an increase in the number of vacant beds in juvenile facilities. CSAC will

work with stakeholders to look at long term solutions for utilization of these vacant beds and work to ensure that there is funding for these alternatives.

2020 Census

A complete count of all California residents will help to ensure federal funding levels for a wide variety of programs, as well as Congressional representation and local redistricting. CSAC continue to work with the state and federal governments to ensure promised census funding and supporting resources are disbursed to counties. CSAC will also disperse information and coordinate efforts to ensure counties have the tools they need to implement their complete count efforts.

Local Governance and Land Use Authority

From county governance and contracting, to housing development, fire safety and the siting of county facilities, the state has increasingly been interested in revisiting the power of communities to make their own decisions. CSAC will advocate for the appropriate balance between statewide concerns and local authority. For county governance decisions, such as the makeup of the Board of Supervisors and other county offices, the full authority should remain at the community level. For other decisions, such as fire safety and housing development, the state's reasonable interests must be appropriately balanced with local circumstances.

Protect County Realignment Funding

Through a series of realignments over the past forty years, the state has shifted program responsibility for a number of health, human service, and public safety programs to counties, along with revenue sources designed to generally pay for the cost of those services. CSAC will work with county affiliates to protect revenues that pay for realigned county programs and spend considerable time educating policy-makers about the fiscal state of counties and the effects of further revenue erosion.

Elections, Redistricting, and Special Elections

In the last two years, the state has provided much needed funding for election equipment, using some of that funding to incentivize counties to move to the vote center model. CSAC will continue to advocate for additional state funding to help counties prepare for the 2020 elections, prevent threats from outside actors, reimburse counties for recent special elections, and ensure all voters have the opportunity to have their vote counted.

Public Records Act

The California Public Records Act is an important tool to ensure that the state and local government decision-making processes are transparent to the people they serve. However, over the decades since its enactment it has become a tangle of rules that invite abuse and inflate the costs of compliance. Counties will work with transparency advocates, local agencies, and others to change the system in a way that retains the law's features without exposing government entities to unnecessary liability, frivolous litigation, or burdensome workloads.



Major Policy Issues for 2020

California State Association of Counties

Each year, CSAC's Board of Directors sets the Association's state and federal advocacy priorities. These priorities, adopted with the input of policy committees, the CSAC Officers, the Executive Committee, and our affiliates, will guide CSAC's advocacy efforts in 2020 both in Sacramento and Washington DC.

Counties are involved and directly impacted by the major statewide issues that will come up in 2020, from how to best tackle the growing homelessness crisis to resiliency and emergency preparedness throughout our state. A key focus will be to continue to looking for opportunities to partner with the Governor and Legislature on these and other complex issues facing California. CSAC advocates on countless bills and budget items each year, but the following 2020 state and federal priorities and major issues are expected to be the most significant issues in 2020.

Principles

Funding. County service responsibilities continue to grow, some imposed by state and federal programs and others to deal with local aspects of statewide problems. While the state's fiscal health is strong, many counties' general funds are still struggling. The state should help fund the public services that are carried out by counties to achieve statewide goals.

Authority. The benefit of local governance is the ability to shape services so that they fit the needs, resources, and other circumstances of California's diverse communities. Counties are uniquely suited to provide services to every Californian in a way that fits their community. The state should give counties more flexibility to take full advantage of their position as local providers of statewide programs, and at the same time allow counties full authority over their own local programs and governance.

Partnership. To an extent seen in few other states, counties in California are the level of government that provides federal and state programs to residents. County expertise with these programs and services is a resource for state policy makers as they consider whether and how to change those programs.

Major Policy Issues by Area

Agriculture, Environment, and Natural Resources

- Utility Liability
- Public Safety Power Shutoff Policy
- Climate and Resiliency
- Water Resources and Regulatory Issues
- Resource Recovery and Waste Management
- Cannabis

Administration of Justice

- Criminal Justice Fines and Fees
- Trial Court Security
- Bail Reform
- Juvenile Justice

Government Finance and Administration

- Promote County Interests in Tax Reform Efforts

- Resist Further Expansion of Workers' Compensation Presumptions
- Secure Funding for Elections, Redistricting, and Recent Special Elections
- Protect County Realignment Funding

Health and Human Services

- California Advancing and Innovating Medi-Cal (CalAIM)
- Behavioral Health Issues
- Homelessness and Poverty Issues
- In-Home Supportive Services
- Child Welfare/Foster Care Implementation and Funding
- 2-1-1 Referral Systems

*CSAC Draft Major Policy Issues for 2020***Housing, Land Use, and Transportation**

- Protect County Land Use Authority While Promoting Housing Affordability
 - Protect Development Impact Fee Authority and Support Process Improvements
 - Protect State Transportation Funding and Streamline Project Delivery
 - Preparing for the Future of Transportation
- Land Use, Housing, and Transportation Linkages
 - County Priorities in Renegotiated Gaming Compacts

Agriculture, Environment, and Natural Resources

Utility Liability. The discussion of utility liability continues to re-emerge as PG&E faces additional liability year after year for igniting wildfires in California. The Utility has openly lobbied in bankruptcy court for changes to inverse condemnation, and despite constitutional protections of our legal standing, this will continue to be an issue as the IOU emerges from bankruptcy. CSAC will stand firm with our coalition partners to continue to protect the rights of victims and local governments, while holding utilities accountable for their actions.

Public Safety Power Shutoff Policy. The State's investor-owned electric utilities are more frequently utilizing de-energization policies and shutting off electric power, referred to as Public Safety Power Shut-offs (PSPS), to protect against wildfire ignition and to enhance public safety as permitted under California law. These PSPS events have a significant impact on our communities and our local economies, often times leaving large segments of the population without power for days at a time. CSAC has engaged outside counsel to represent all counties in front of the CPUC and the PSPS rule-making to ensure that county interests are adequately represented. CSAC will continue to engage the IOUs and stakeholder groups to work towards better coordination during PSPS events and ensure for adequate resources and communication to vulnerable populations. In addition, CSAC is in the process of documenting cost impacts of PSPS events and will continue to advocate for adequate resources to assist local communities.

Climate and Resiliency. The Legislature will continue to focus on a variety of topics related to improving our statewide resiliency to disasters and adapting to the impacts of climate change, including measures that help fund resiliency work at the local level. It is expected that a bond measure will continue to move through the legislative process next year, building on the work done in 2019. CSAC will continue to engage in these discussions and work to explore additional opportunities for funding of pre-hazard mitigation and resiliency funding. Finally, CSAC will continue to focus on other funding opportunities within the state's cap and trade program for greenhouse gas (GHG) emissions

reduction and adaptation work to help prepare counties to guard against and prepare for our changing climate, including funding for natural and working lands, sea-level rise, organic waste diversion and other important topics.

The issue of homeowners insurance in fire prone areas will continue to be a topic of conversation in the Legislature and at the regulatory agencies. The Department of Insurance recently made announcements about changes to the FAIR Plan, the insurance plan of last resort. CSAC will work with our local government partners, the Department of Insurance and other stakeholders to help create affordable options for homeowners.

Water Resources and Regulatory Issues. CSAC will continue to engage on a variety of important legislative and regulatory topics related to water resources, including the implementation of the state's wetland policy, ongoing implementation of the Sustainable Groundwater Management Act (SGMA) and ongoing discussions about water quality, storm water funding and conservation issues.

Resource Recovery and Waste Management. It is anticipated that the plastics bills, SB 54 (Allen) and AB 1080 (Gonzalez), will continue to move through the legislative process next year. CSAC will continue to advocate in support of these measures to help reduce plastic waste and increase domestic markets for recyclable materials. In addition, funding for waste and recycling infrastructure will continue to be a topic of interest for local governments. CSAC will advocate to include funding for organic waste diversion infrastructure as a necessary component of any bond measure. Finally, as SB 1383 regulations become final, CSAC will work with counties to ensure they have the information and tools necessary to successfully implement this new law.

Cannabis. Local control and the ability to ban commercial cannabis operations have continually come under assault by segments of the cannabis industry and within portions the Legislature. CSAC will continue to support local control for cannabis regulation and work with counties to help ensure for the successful implementation of their cannabis programs. In addition, CSAC will continue to

CSAC Draft Major Policy Issues for 2020

pressure the Administration to gain access to data in the state's track and trace system, as required by Proposition 64. Finally, CSAC will continue to

support the efforts of the California Cannabis Authority, the county joint powers authority designed to aid local cannabis regulation.

Health and Human Services

California Advancing and Innovating Medi-Cal (CalAIM). Dubbed “California Advancing and Innovating Medi-Cal,” or CalAIM, this ambitious package consists of state and federal proposals to simplify and streamline the Medi-Cal program. CalAIM has significant implications for many county health and human services functions, including behavioral health services, social services eligibility, county public hospitals, and cross-sector initiatives for foster youth and those who are homeless or incarcerated. Counties must focus on the federal, state, and local finance implications, as well as the impacts on county operations, successful programs, and the people and families we serve.

Behavioral Health Issues. County behavioral health services and funding will continue to dominate health and homelessness policy conversations in 2020. CSAC will work to gain additional flexibility within the Mental Health Services Act (MHSA, or Proposition 63 of 2004) and protect county fiscal stability and successful services through the state's CalAIM Medi-Cal proposal. CSAC will also focus on cross-sector collaboration and efforts to build robust and responsive services with schools, the criminal justice system, and other stakeholders.

Homelessness and Poverty Issues. Homelessness remains a top Association priority in 2020 and county health and human services programs remain a critical focus, including general relief/general assistance, federal welfare programs such as CalWORKs and CalFresh, conservatorships and changes to the Lanterman-Petris-Short Act, data sharing between county departments, child support changes, extended foster care, safe parking and other shelter programs, and behavioral health. Funding, flexibility, and facilitation of homeless solutions will be sought at all levels to help counties combat homelessness.

In-Home Supportive Services. CSAC will continue to prioritize the fiscal sustainability of the IHSS program. In 2019, CSAC supported the Governor's IHSS proposal which led to the enactment of a lowered County IHSS Maintenance of Effort (MOE). In 2020, CSAC will work closely with the Administration and counties to continue implementing the new MOE and to engage on the IHSS collective bargaining provisions, including the required reports to the Legislature. In addition, the state is moving forward with the development of a Master Plan for Aging by October 2020 as required by the Governor's Executive Order. CSAC will remain engaged on the overall Master Plan for Aging and specifically any IHSS-related elements.

Child Welfare/Foster Care Funding and Implementation. CSAC will continue to partner with counties and county affiliates on implementing and securing adequate funding for efforts to improve outcomes for foster youth. AB 12 (Chapter 559, Statutes of 2010) extended foster care to youth up to age 21 and has shown significant positive results. The Continuum of Care Reform (CCR) is working to reduce the use of group homes and increase the availability of trauma-informed services. Counties are fully engaged on expanding these services and achieving the goals of extended foster care and CCR.

2-1-1 Referral Systems. CSAC and the CSAC Finance Corporation actively support both state and federal legislation to help build and fund a statewide 2-1-1 referral system that is responsive to local needs and natural or man-made disasters. CSAC will continue to work with counties, the state, and community based organizations to realize the goal of statewide implementation of 2-1-1 services.

CSAC Draft Major Policy Issues for 2020

Government Finance and Administration

Promote County Interests in Tax Reform Efforts.

As more interested parties call for tax reform, CSAC will promote county interests in those discussions. A measure to increase taxes on most commercial and industrial property has already qualified for the November 2020 ballot, other ballot measures are gathering signatures, the Governor has called for reforms to reduce state revenue volatility, and the Legislature has introduced multiple measures that would affect everything from local vote thresholds to the allocation of sales tax revenues. In the coming year, CSAC will protect existing county revenues from being reduced; advocate that any new revenues be directed to counties as appropriate; and ensure that any new duties imposed on counties are adequately funded.

Resist Further Expansion of Workers'

Compensation Presumptions. Recent legislative interest in expanding injuries or conditions for which a connection with employment is presumed, but not proven, threatens the equilibrium of the workers' compensation system. By granting additional, costly benefits to workers for injuries that, in some cases, may not be job-related, these legislative efforts shift the burden of proof onto the employer and impact the financial solvency of the system. To function correctly, the workers' compensation system relies on the contributions of employers and employees to roughly equal the amount paid out for injuries suffered on the job. To protect county employers, CSAC will oppose efforts to create new presumptions and to expand existing presumptions to new employee classes without data-driven evidence that the existing system is unjust; and educate policy-makers about how the workers' compensation system works and how it already

covers employee injuries and conditions that are job-related.

Secure Funding for Elections, Redistricting, and Recent Special Elections. In the last two years, the state has provided funding for election equipment, which was badly needed in many counties and which the state used to incentivize counties moving to the vote center model. However, the state has not participated in the cost of election processes since ending reimbursement for election-related mandated programs and for special elections to legislative vacancies, both about ten years ago. The state still owes counties over \$50 million for providing those mandated programs, but continues to pass new mandates, including a bill last year increasing redistricting requirements. CSAC will request reimbursement for all recent special elections to fill legislative vacancies; advocate that the state pay its share of election costs; and pursue funding for newly enacted mandates.

Protect County Realignment Funding. Through a series of realignments over the past forty years, the state has shifted program responsibility for a number of health, human services, and public safety programs to counties, along with revenue sources designed to generally pay for the cost of those services. However, threats to that funding frequently arise, most recently in the form of sales tax breaks. CSAC was able to secure partial reimbursement for those losses, and continues to pursue the rest of the foregone revenue, but more proposals will no doubt crop up over the course of the legislative session. CSAC will protect revenues that pay for realigned county programs; and educate policy-makers about the fiscal state of counties and the effects of further revenue erosion.

Administration of Justice

Criminal Justice Fines and Fees. For decades, the Legislature has funded a wide array of criminal justice programs using fine and fee revenue. As numerous and diverse programs and reforms have been enacted by the State, many of which are tied to an associated fee or fine as a funding source, counties rely on the current funding structure now in place. Funding is critical to ensuring counties can continue

to carry out a number of these programs. However, as fines and fees continue to increase, a number of offenders fail to meet these obligations. CSAC will continue to work with our county partners to ensure that counties have the funding necessary to support local programs.

CSAC Draft Major Policy Issues for 2020

Trial Court Security. Trial court security was realigned to the counties as part of 2011 Criminal Justice Realignment. In some counties the amount of funding that was provided to the counties has not kept up with increased personnel and security costs. Trial court security has been a CSAC priority for a number of years. CSAC staff has worked closely with the California State Sheriffs Association (CSSA) to make Trial court security more functional. CSAC and CSSA have had a number of meetings with the Administration, Judicial Council, budget and legislative staff. CSAC and CSSA will remain engaged on this issue and work with the Administration, Legislature and stakeholders to approve the appropriate ongoing funding levels for new court security costs.

Bail Reform. The California Money Bail Reform Act was signed into law in August 2018. This new law changes the current money bail system to a risk-

based system. It would have become effective October 1, 2019, but there is a referendum pending and it delays implementation until after the 2020 election. CSAC will work closely with the Administration, Judicial Council and the Chief Probation Officers (CPOC) to help ensure that counties have the funding necessary for planning, should the law become effective and a county chooses to contract with Judicial Council to handle the pre-trial assessments and supervision.

Juvenile Justice. Juvenile justice in California has undergone a variety of reforms in the past decade. These reforms have led to a lower population and an increase in the number of vacant beds in juvenile facilities. CSAC will work with stakeholders to look at long term solutions for utilization of these vacant beds and work to ensure that there is funding for these alternatives.

Housing, Land Use, and Transportation

Protect Local Land Use Authority while Promoting Housing Affordability. Housing policy was a major focus in the Legislature in 2019 and is anticipated to continue in 2020. This includes a renewed focus on passing major “zoning reform” legislation.

CSAC offered amendments to address our opposition or concerns with major bills in 2019 that sought to overhaul local land use planning—the two key vehicles in this area, SB 50 (Wiener) and AB 1279 (Bloom) both stalled and became two-year bills. CSAC will continue to advocate for these priority amendments in 2020. At a high level, the proposed amendments seek to make the bills consistent with CSAC’s policy of promoting locally-driven planning to implement broad state goals to provide housing affordable at all income levels.

Finally, CSAC will continue to look for opportunities to provide counties with tools to help expedite housing production. Efforts will include support financing tools and opportunities to streamline environmental review for affordable homes and shelters.

Protect Development Impact Fee Authority and Support Process Improvements. Several measures affecting local government authority to impose fees to offset the infrastructure costs of new residential development were considered by the Legislature in 2019. CSAC requested that major changes be removed or delayed until stakeholders can have a conversation about comprehensive reforms to the Mitigation Fee Act and related statutes and practices, including consideration of the report commissioned by the Department of Housing and Community Development (HCD).

HCD’s residential impact fee report includes recommendations focused on fee transparency, fee structure, fee design, and alternative funding options to improve local financing for infrastructure. CSAC has already identified elements of potential reforms that counties can support. In 2020, we will continue to work with the Legislature to support those reforms and oppose changes that impede local governments’ ability to mitigate the impacts of new development on county infrastructure and services.

Protect State Transportation Funding and Streamline Project Delivery. In 2019, CSAC strongly opposed efforts to link SB 1 transportation funding to

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housing production. In 2020, CSAC will continue to focus on protecting transportation funding allocated to counties, while also streamlining project delivery and providing tools to maximize the value of county transportation investments.

Specifically, CSAC will work with Caltrans to implement CSAC-sponsored SB 137 (Dodd), which will streamline environmental review and expedite county bridge and safety projects through authorizing additional exchanges of federal and state transportation funds. In addition, we will work with the Administration and Caltrans to implement the federal-state environmental reciprocity program that CSAC successfully advocated for in prior federal transportation reauthorization bills. Finally, CSAC will work with the Legislature and Administration to provide ongoing funding for technical assistance and training to allow local government agencies to use best practices in pavement engineering. These techniques can increase the useful life of improvements, as well as reduce both costs and greenhouse gas emissions.

Preparing for the Future of Transportation.

Electric vehicle deployment continues to be a key part of the state's climate change efforts. The implications of autonomous and other transportation related technology are far reaching and can be both beneficial and potentially disruptive to mobility, the economy and overall quality of life. As the fleet transitions away from gas-powered vehicles, there will also be significant impacts to transportation funding.

CSAC will convene a working group to develop a set of principles regarding the role of counties in the oversight and regulation of automated and connected vehicles in 2020. In addition, the automobile industry has expressed an interest in working with CSAC and local governments to facilitate the deployment of electric vehicle charging infrastructure. CSAC will work with advocates to determine if there is a mutually agreeable approach to expediting permitting of this infrastructure. Finally, CSAC will continue to monitor and engage in discussions about a long-term, sustainable replacement revenue stream to the gas tax.

Land Use, Housing and Transportation Linkages.

In 2019, CSAC continued to monitor and defend against efforts to erode local control over land use decisions in a variety of contexts. The Administration has announced plans to convene a working group to align transportation investments with housing and climate change goals, consistent with the Governor's recent Executive Order. Finally, the 2019-20 budget included a directive for a similar workgroup effort to overhaul the Regional Housing Needs Assessment process.

In 2020, it will continue to be important to get out in front of some of these conversations with proactive, positive information about the land use decisions counties are making that help meet our climate goals and are consistent with sustainable communities strategies and other local climate action plans. Moreover, CSAC and counties must have a place at the table with the aforementioned working groups seeking to make major changes to statewide housing, land use, and transportation policy.

County Priorities in Renegotiated Gaming

Compacts. The first new gaming compact negotiated entirely by Governor Newsom's Administration was signed by the Governor and the relevant Tribal Chairperson and successfully passed by the Legislature in 2019. Earlier in 2019, CSAC reached out to the new Administration to reiterate county policy priorities for tribal-state gaming compacts. These priorities, most notably the requirement for an enforceable mitigation agreement for the off-reservation impacts of the gaming facility on the affected local government, were included in the first Newsom Administration compact. While this new agreement may indicate a continuation of the general policy direction of the Brown Administration, there are still a significant number of tribes with expiring compacts from 1999 that will need to be renegotiated over the next year.

The Special Distribution Fund (SDF), which was the sole statewide mechanism for mitigation of local government gaming impacts under the 1999 compacts has not had sufficient funding for SDF grants to local governments since FY 2014-15. While SDF grants have been insufficient to mitigate all local impacts since the program's inception, CSAC will

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continue to look for opportunities to fund the SDF or another mechanism to fund mitigation from pre-

existing impacts, especially for counties where local casino mitigation agreements are not in place.

CSAC 2020 Federal Advocacy Priorities

On the heels of the longest government shutdown in history and House impeachment of President Trump, 2020 promises to offer much of the same in the way of political theatrics and partisan fireworks. Although Democratic congressional leaders and the White House were able to broker several notable deals in 2019 – including a two-year budget accord and a new North American trade agreement (USMCA) – there may be precious few opportunities for cooperation in 2020, particularly as election-year maneuvering kicks into high gear.

Despite the potential for political gridlock, CSAC will be working closely with the California congressional delegation and key federal departments and agencies to advance and protect the federal policy interests of California's counties.

California County Spending Priorities. With a new budgetary agreement in place that jettisons the strict sequester-level spending caps for fiscal year 2021, Congress will enter the new year without the burden of being forced to cut billions of dollars in defense and non-defense discretionary spending. As the FY21 appropriations cycle begins in earnest, CSAC will be working to protect the myriad of federal spending programs that are of vital interest to California's counties.

Homelessness. CSAC will continue to aggressively pursue increased federal funding for key housing and homeless assistance grant programs. Likewise, the association will continue to promote pending legislative initiatives (i.e., HR 1856/HR 1978/S 923) designed to combat homelessness, including those that would authorize funds for comprehensive services and case management for individuals and families experiencing homelessness.

Federal Healthcare Policy. CSAC will continue to support efforts to maintain and support the *Affordable Care Act* (ACA), including funding the expanded Medicaid program and insurance subsidies for individuals and families with incomes above Medicaid eligibility thresholds.

Additionally, CSAC will continue to support bipartisan efforts to eliminate the ACA excise tax, which is slated to go into effect in 2022. A number of California counties offer health insurance plans and related programs that will be subjected to the tax on high-cost plans.

Changes to Entitlement Programs. CSAC will maintain efforts to protect California county interests as part of the reauthorization of the Temporary Assistance for Needy Families (TANF)

program, including working to restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also will support maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

Additionally, CSAC will oppose legislation and pending USDA regulations that would have the effect of cutting Supplemental Nutrition Assistance Program (SNAP) funding and/or reducing eligibility levels and benefits.

Child Welfare Financing Reform. CSAC will support increased federal funding for services and income support needed by parents seeking to reunify with children who are in foster care. CSAC also will continue to support increased financial support for programs that assist foster youth in the transition to self-sufficiency, including post-emancipation assistance, such as secondary education, job training, and access to health care.

In addition, CSAC will work to protect and retain the entitlement nature of the Title IV-E Foster Care and Adoption Assistance programs while seeking the elimination of outdated rules that base a child's eligibility for funds on parental income and circumstances. The association also supports federal funding to address the service needs of youth who are victims of commercial sexual exploitation.

Finally, CSAC will continue its work with Congress and the administration to provide maximum flexibility in meeting provisions of the *Family First Prevention Services Act* (FFPSA), including pursuing a broad array of prevention services and administrative actions to better align the FFPSA's congregate care provisions with the state's Continuum of Care

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reforms. Those improvements include, but are not limited to, funding authorized in the pending bipartisan *Family First Transition Act* (HR 4980/S 2777) to assist counties as they implement the FFPSA and continued financial support for child welfare waiver counties.

Transportation and Infrastructure. Efforts to advance a wide-ranging infrastructure package once again fell short during the first session of the 116th Congress. Nevertheless, congressional leaders and Trump administration officials are still signaling their hope that a broad public works measure can advance in 2020. CSAC will continue to urge members of the California congressional delegation to prioritize the significant infrastructure investment needs at the local level while looking for opportunities to enhance and streamline the transportation project delivery process.

On a related matter, the nation's highway and transit authorization law – the *Fixing America's Surface Transportation Act (FAST Act)* – is set to expire in the fall of 2020. CSAC will continue to emphasize the importance of the local transportation system within the context of federal transportation policy and will continue to advocate for new revenues for programs of importance to counties, such as safety and bridge projects.

Federal Disaster Assistance. California will continue to be confronted with the threat of devastating wildfires, which have been occurring with more frequency and becoming more severe. The past few years have been particularly devastating as the state experienced its largest, most destructive, and deadliest wildfires in recorded history. CSAC will continue to advocate for federal assistance and pre-disaster mitigation funding to help counties prepare for and recover from the aftermath of these fires.

Additionally, CSAC will continue to champion legislation (HR 3193) that would provide states and local transportation agencies with up to six years to utilize Federal Highway Administration Emergency Relief (ER) program funding to repair or reconstruct federal-aid routes that have been damaged as a result of a disaster.

Public Lands. CSAC will continue to advocate for a long-term reauthorization of mandatory entitlement funding for the Payments-in-lieu-of-Taxes (PILT) program, as well as the Secure Rural Schools (SRS) program. Absent long-term renewals of these critical funding sources, CSAC will continue to support short-term programmatic extensions.

In addition, CSAC will continue to advocate for responsible reforms to federal land management. Such reform efforts should promote healthy forests, protect endangered species habitat, safeguard downstream water quality, improve California's water supply, and reduce the risk of wildfires.

Finally, CSAC will urge the federal government to provide funding to help California establish healthy and resilient forests that can withstand and adapt to wildfire, drought, and a changing climate.

Justice Funding. CSAC will continue to serve as a lead advocate in efforts to protect and enhance the State Criminal Alien Assistance (SCAAP) program, which is a key source of federal funding for a significant number of California's counties. The association also will continue to advocate for a long-term reauthorization of SCAAP and will continue to seek several reimbursement-criteria changes to the program.

CSAC also will advocate for other key justice programs, including the Byrne Memorial Justice Assistance Grant (JAG) program, the *Victims of Crime Act (VOCA)* and the *Violence Against Women Act (VAWA)*.

Indian Affairs / Fee-to-Trust Reform. CSAC will continue to oppose legislation (HR 375) that would overturn the U.S. Supreme Court's *Carcieri v. Salazar* decision in the absence of provisions that would provide for a comprehensive overhaul of the U.S. Department of the Interior's fee-to-trust process.

Remote Sales Tax. In the wake of the Supreme Court's 2018 ruling in *South Dakota v. Wayfair*, states can now require online retailers to collect and remit sales taxes, regardless of whether they have a "physical presence" in that particular state. Following the *Wayfair* decision, a number of states, including California, are moving to capitalize on this

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lost tax revenue. Such widespread state-level action could serve as the impetus for Congress to consider legislation – similar to the *Marketplace Fairness Act* – that would create a national framework for tax collection. CSAC will support efforts aimed at further strengthening state and local taxing authority and will oppose legislation that seeks to overturn the *Wayfair* decision.

State and Local Tax Deduction. The 2017 *Tax Cuts and Jobs Act* (PL 115-97) allows taxpayers to deduct property taxes and income or sales taxes, but only up to a combined cap of \$10,000. Prior to the Act, federal taxpayers could deduct the entirety of their state and local property taxes, as well as their state income taxes or sales tax. CSAC supports legislation that would fully restore the SALT deduction and opposes any effort to further reduce or eliminate this tax benefit.

Tax Exempt Bonds. The *Tax Cuts and Jobs Act* fully preserved the tax exempt status of municipal bonds and Private Activity Bonds (PABs), though eliminated the exemption for advance refunding bonds, which counties use to refinance outstanding bonds to take advantage of better terms and rates. CSAC will continue to support the municipal bond and PAB tax exemption, as well as legislation that would restore the exemption for advance refunding bonds.

Environmental Regulatory Reform. With the Trump administration taking a series of actions to dismantle Obama-era environmental regulations – such as the Clean Power Plan and the Waters of the United States (WOTUS) rule – CSAC will continue to monitor executive and administrative actions that would impact California's counties.

Executive Action on Immigration-related Policy.

CSAC will continue to closely monitor the potential impact of legislative and regulatory actions that would have the effect of cutting off certain federal funds to California's counties, including new standards announced by the U.S. Department of Justice that would preclude the state's counties from being eligible for SCAAP payments beginning with the fiscal year 2020 application cycle. It should be noted that the Trump administration's executive and administrative actions aimed at withholding federal funds from so-called "sanctuary jurisdictions" remain the subject of a number of lawsuits across the country. Accordingly, CSAC will continue to closely monitor the outcome of these judicial proceedings.

Preemption of Local Authority. CSAC will continue to support legislative efforts (i.e., HR 530 & S 1012) that would overturn the Federal Communications Commission's (FCC) recent Order that limits the ability of local governments to regulate the deployment of 5G wireless infrastructure.

Cannabis. While 33 states and the District of Columbia have legalized the use of cannabis for medicinal or recreational purposes, it is still classified as a Schedule I narcotic under the *Controlled Substances Act*. As a result, the use, possession, and sale of cannabis remains a federal crime, which has created significant issues for states that have legalized cannabis use. In an effort to address the conflict between federal and state law, CSAC supports legislation that would allow states to determine their own cannabis policies. CSAC also supports legislation that would ensure greater access to banking for cannabis-related businesses (HR 1595), as well as proper medical research on the effects of cannabis use.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 02/10/2020
Subject: Federal Legislative Update
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2020-04
Referral Name: Federal Legislative Update
Presenter: Paul Schlesinger **Contact:** L. DeLaney, 925-335-1097

Referral History:

The Legislation Committee regularly receives and discusses updates on federal legislation and policy of interest to the County, providing direction to staff as needed.

The Legislation Committee also regularly discusses federal advocacy priorities for the County during the National Association of Counties (NACo) Legislative Conference, which is occurring this year from February 29 through March 4, 2020.

Referral Update:

The information below comes to us from the County's federal advocate, Alcalde & Fay, who provided their "This Week in Washington" report to the County for the week of January 27-31, 2020. (Note, the report contained information about the status of the impeachment trial of President Trump, which has now concluded as of the writing of this report, and is therefore omitted as the information is no longer timely.) Information is also provided from the CSAC Update From Washington, DC

INFRASTRUCTURE PROPOSAL

The Chairs of several key House Committees joined House Speaker Nancy Pelosi (D-CA) on Wednesday at a press conference announcing their framework for a massive infrastructure proposal that includes investments in both surface transportation priorities (roads, bridges, transit systems, airport and seaports, etc.) as well as in clean water systems, broadband, and energy efficient infrastructure. The framework, which totals \$760 billion over five years, does not include any legislative text or specific funding levels beyond topline numbers for the various overarching categories. Instead, the proposal is meant to serve as an outline of House Democrats' ambitious infrastructure-related plans for the final year of the 116th Congress. Speaker Pelosi was quick to note that while ambitious, their hope is to work with the President and Congressional Republicans on each of the proposals. For your reference, the full 19-page framework is available [here](#) and a 3-page factsheet is available [here](#).

During the press conference, House Transportation & Infrastructure Chairman Peter DeFazio (D-OR) stressed that his Committee was working to draft a surface transportation reauthorization bill but that it likely wouldn't be introduced for several weeks, or possibly several months. Speaker Pelosi also gave no specific timeline for moving the framework's various legislative components to the floor, or whether they would be considered as part of a broad catch-all infrastructure package or as stand-alone bills. While several policy highlights pertaining to surface transportation initiatives are included throughout, the framework only includes topline spending amounts of \$319 for highway programs and \$105 billion for transit programs (outlined in pages 2-5 of the framework). The most recent surface transportation bill, the Fixing America's Surface Transportation (FAST) Act, is scheduled to expire on September 30, 2020, and as such, Congress has a short window of time left to reach an agreement on the next long-term reauthorization bill.

With a \$760 billion price tag, questions remain as to how Democrats will pay for many of the framework's proposals, especially given the lack of adequate funding available to fund the surface transportation reauthorization bill component. On the topic of funding, both for the next surface transportation bill and for the framework's numerous new initiatives, House Ways and Means Committee Chairman Richard Neal (D-MA) indicated that his Committee would not come out with any large new or increased revenue streams without buy-in from the Administration (and, he hoped, Congressional Republicans). Later that same day, the Ways and Means Committee held a hearing to discuss the importance of identifying viable revenue streams and innovative methods of financing infrastructure projects going forward, in light of the dwindling Highway Trust Fund (HTF). In recent years, the HTF has faced a funding shortfall caused in large part by the discrepancy between gas tax receipts and current spending levels, leading Congress to rely on short-term funding patches including transfers from the General Fund. While there has been broad bipartisan support for shifting away from relying almost entirely on the current HTF revenue structure, there has been less agreement on which of the potential options should be implemented to shore up the HTF and/or allow for a dramatic increase in infrastructure spending.

During the hearing, members of the Committee engaged witnesses in discussions on several such proposed sources of revenue, including a tax on Vehicle Miles Traveled (VMT) and the politically thorny option of increasing the gas tax. Of particular note, while there have been privacy concerns related to the VMT and tracking vehicle movement, the program has garnered strong bipartisan support in recent years, including from T&I Committee Ranking Member Sam Graves (R-MO). With regard to the gas tax, T&I Committee Chairman DeFazio has indicated his strong support for that option and has proposed increasing the gas and diesel tax by approximately 1 cent per year. Most of the witnesses offered their support for such an increase, including Mr. Joung Lee, Director of Policy and Government Relations for American Association of State Highway and Transportation Officials (AASHTO), who called for "increasing and indexing" the gas tax to provide a sustainable source of revenue that could then be amplified by additional programs. Congressman Brendan Boyle (D-PA) dismissed the notion that voting to increase the gas tax could endanger a member's re-election prospects, noting that when the Pennsylvania legislature voted to increase and expand revenue models dedicated to transportation, not a single member that voted in support of the proposal lost reelection.

While Chairman Neal did not commit during the hearing to any particular source of revenue, Ranking Member Kevin Brady (R-TX) spoke out several times against any increase to the gas tax, arguing instead in support of adopting "innovative policies that will attract more private capital into infrastructure." The hearing also touched on the potential for expanded financing options,

including bringing back the popular Build America Bonds program and expanding the use of Private Activity Bonds. Mr. DJ Gribbin, Founder of Madrus LLC, also testified in support of the TIFIA program and called for more liberalized tolling policies that attract private investment, which he said could each “help with financing and taking more of the burden off of the taxpayer.” While the other witnesses supported innovative financing programs, Mr. Lee noted that these programs are “insufficient in and of themselves” to meet transportation infrastructure needs. Ms. Diane Gutierrez-Scaccetti, Commissioner of the New Jersey Department of Transportation, also noted that project planning was suffering in recent years as states were increasingly unable to prioritize projects due to a lack of insight and predictability pertaining to future funding availability.

MEDICAID BLOCK GRANT PROPOSAL

On Thursday, the Trump Administration announced the Healthy Adult Opportunity (HAO) initiative, a new optional Medicaid demonstration program that would allow states to receive capped funding (block grants) in exchange for more flexibility in the administration of Medicaid programs. The Administration asserts that this will lead to lower federal spending over time and increase program efficiencies at the local level. Currently states receive a percentage of Medicaid costs from the federal government through matching rate funds and are required to comply with provisions from the Department of Health & Human Services (HHS) Centers for Medicare & Medicaid Services (CMS), but this new initiative will allow states to apply for a block grant of Medicaid funding based on certain guidelines outlined in the policy guidance. States will have the option to apply for either a negotiated, capped amount based on previous year expenses and population, or a base amount that would cover expenses at a per-enrollee basis. The HAO initiative is intended for coverage for individuals under the age of 65 who are not Medicaid-eligible due to disability or long-term care needs. Additionally, states will have the flexibility to establish their own eligibility conditions on coverage included under an HAO demonstration that do not apply to Medicaid coverage under state plans. Proponents of the rule believe it will allow for innovation in the healthcare system without states having to wait for federal approval; however, opponents of the proposal suggest the initiative will lead to reductions in eligibility or coverage, as well as cuts to Medicaid spending for those participating states. For your reference, the CMS letter to State Medicaid Directors with the full guidance is available [here](#), and the CMS fact sheet is available [here](#).

WATERS OF THE UNITED STATES

Last week, the Trump Administration finalized a rule that updates standards for regulating waterways, revising a more expansive rule for defining “Waters of the U.S.” previously proposed during the Obama Administration. The new rule, which falls under the federal regulatory authority of the Clean Water Act, designates four categories of waters for federal regulation: (1) territorial seas and traditional navigable waters; (2) perennial and intermittent tributaries; (3) certain specified lakes, ponds, and impoundments; and (4) wetlands adjacent to jurisdictional waters. The rule also specifically sets forth categories of exclusions that are not “Waters of the U.S.” including: farm and stock watering ponds; waste treatment systems; groundwater; prior converted cropland, and other exclusions that encompass features that only contain water directly because of rainfall. Some groups have raised environmental concerns with excluding downstream water bodies from federal regulation. This is the second step in a two-step process to review and revise the definition of “Waters of the U.S.” This rule will become effective 60 days after publication in the Federal Register, and the pre-published version is available [here](#).

PUBLIC CHARGE RULE

On Monday, the Supreme Court in a 5-4 decision ruled that the Trump Administration can implement its “public charge” rule, which states that the federal government can deny immigrants entry in the United States, and/or citizenship, if they are deemed likely to rely on public benefit programs such as non-emergency Medicaid, Section 8 housing and rental assistance, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI) or the Supplemental Nutrition Assistance Program (SNAP). The rule was originally scheduled to go into effect on October 16, 2019, however numerous federal judges blocked it from being implemented, with the most recent injunction issued earlier this month. The Department of Justice (DOJ) subsequently filed an emergency appeal asking the Supreme Court to lift the injunction. In their separate concurring opinions, Justices Neil Gorsuch and Clarence Thomas both criticized the numerous court-ordered injunctions preventing the rule from going into effect.

Many advocacy groups have challenged this rule stating that it could adversely harm the national economy and discourage people from enrolling in benefits programs, for fear that it could jeopardize their immigration and/or citizenship status. Following the Supreme Court decision, the U.S. Citizenship and Immigration Services (USCIS) announced it will begin implementing the public charge inadmissibility rules on February 24, 2020.

CSAC: House Democrats Unveil Draft Climate Bill On January 28th, Democratic leaders on the House Energy and Commerce Committee unveiled a draft climate change package – the *Climate Leadership and Environmental Action for our Nation’s (CLEAN) Future Act* – that would achieve net-zero greenhouse gas pollution by 2050. The 622-page proposal includes a number of ambitious reforms that would fall within the committee’s jurisdiction, such as a federal clean energy standard. Among other things, the plan would create a Clean Energy Credit Trading Program that would allow entities to buy, sell, and trade credits to demonstrate compliance with their obligations. It also would require utilities to obtain all of their power from “clean” energy sources by 2050. The leadership proposal is not meant to be a final product. Instead, it was publicly released to spur feedback from environmental and industry groups, individual companies, and other House Democrats. The full draft can be accessed [here](#), and a section-by-section summary can be found [here](#). In an attempt to solicit feedback and recommendations from stakeholders, the panel is expected to hold hearings throughout the year. In the meantime, stakeholders are welcome to submit comments to CleanFuture@mail.house.gov.

Recommendation(s)/Next Step(s):

RECEIVE the report on federal legislation of interest to the County and provide direction to staff as needed.

Attachments

No file(s) attached.
