

TO: Contra Costa County Board of Supervisors

FROM: Nielsen Merksamer and Cruz Strategies

DATE: January 5, 2023

RE: **2022 End of Year Report**

The County's team of state advocates is pleased to provide to the Board of Supervisors this report which provides an overview of state legislative and administrative activities impacting the County during 2022. In so doing, it also provides some insights into what to expect in 2023.

I. BUDGET SUCCESSES

A. CHOICE IN AGING

Choice in Aging is a not-for-profit organization that has been serving Contra Costa County's frailest and most vulnerable residents since 1949. It provides a variety of services to older adults and children in Contra Costa, Solano, Napa, and Sacramento counties. Choice in Aging has been a leader in creating innovative programs that allow more people to age independently, in their own homes.

Choice in Aging is in the process of building a new and innovative model for how we age in our community – the Aging in Place on Campus – which will provide elder and fragile adults with independent housing and co-located services that will allow them to age with dignity in their homes.

The campus will include intergenerational services that will allow multiple generations to learn and grow together in a single location. Research shows that intergenerational programming provides a myriad of benefits, including decreased isolation and/or increased connectedness, increased self-esteem and feelings of worth, increased trust, and an increased sense of community. This model for aging independently will create a blueprint

that can be used nationwide to meet the challenges our aging population faces.

On behalf of the County and Choice in Aging, the County's advocates assisted in securing a one-time allocation of \$10 million in the 2022-23 state budget.

B. GREEN EMPOWERMENT ZONE

In conjunction with Assembly Bill 844 (Grayson) which established a Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa, the County assisted in securing a one-time allocation of \$5 million in the 2022-23 state budget for establishment and implementation of the Zone. The purpose of the Green Empowerment Zone is the identification of projects and programs that will best utilize public and private dollars and improve the economic vitality of the area in a coordinated effort to support the development of the clean energy economy.

C. 988 CRISIS HOTLINE

In conjunction with AB 988 (Bauer-Kahan), which requires the California Health and Human Services Agency (CHHSA) to appoint and convene a state 988 policy advisory group (AG) to advise CHHSA on the implementation and administration of the five-year plan for the 988 Suicide Prevention System, the County's advocates assisted in securing a one-time allocation of \$20 million in the 2022-23 state budget.

II. LEGISLATIVE SUCCESSES

A. AB 2374 (Bauer-Kahan): SPONSORED BILL/CHAPTERED INTO LAW

Illegal dumping has been a serious problem in Contra Costa County—and throughout California-- for many years. Illegal dumping occurs when solid wastes are discarded or caused to be dumped or placed on any property, either public or private, without proper authorization or legitimate purpose. It is a crime of convenience, usually done for economic gain, and often by repeat offenders.

Illegal dumping is an increasing problem that poses significant health, social, environmental, and economic impacts to communities. Specifically, illegal dumping contributes to a loss of community pride, discourages investment and development, decreases property values, and increases a

community's vulnerability to crime. Unfortunately, prior penalties have not served as an adequate deterrent, and prosecuting these cases is challenging for a variety of reasons.

On behalf of the County, Nielsen Merksamer worked with Assembly Member Rebecca Bauer-Kahan's office, to introduce and place on the Governor's desk, AB 2374.

AB 2374 increases the maximum fines for illegal dumping of commercial quantities for persons employing more than 10 full-time employees, and requires any person convicted of illegal dumping to remove or pay the cost of removing the waste matter they were convicted of illegally dumping.

B. AB 988 (Bauer-Kahan) SPONSORED BILL/CHAPTERED INTO LAW

Today a person in crisis, in Contra Costa County, is guaranteed a vastly different response from someone in Modoc County. Comprehensive system reform is required to ensure first responders, behavioral health agencies, call centers, and healthcare providers are all providing consistent and compassionate crisis response across the state.

On behalf of the County, Nielsen Merksamer worked with Assembly Member Rebecca Bauer-Kahan's office, to introduce and place on the Governor's desk, AB 988.

AB 988 requires the California Health and Human Services Agency (CHHSA) to appoint and convene a state 988 policy advisory group (AG) to advise CHHSA on the implementation and administration of the five-year implementation plan for the 988 Suicide Prevention System. The bill requires the Office of Emergency Services (OES) to appoint a 988 system director and convene an advisory board (Board) to guide how 988 is implemented and made interoperable with 911, including the creation of a new surcharge for 988 to fund the crisis services. AB 988 requires health plan and insurer coverage of 988 center services when medically necessary and without prior authorization.

The bill also establishes a 988 surcharge for the 2023 and 2024 calendar years at \$0.08 per access line per month, and for years beginning January 1, 2025 at an amount based on a specified formula, but not greater than \$0.30 per access line per month. AB 988 also appropriates \$300,000 from the General Fund to the 988 State Suicide and Behavioral Health Crisis

Services Fund to the Department of Tax and Fee Administration (DTFA) for purposes of implementing this bill. The bill included the intent of the Legislature that the 988 number receives and responds to the anticipated call volume in the first year of operation for 988 in order to provide crisis intervention services and crisis care coordination to individuals accessing 988.

C. **AB 844 (Grayson) /CHAPTERED INTO LAW**

The Bay Area is the second largest oil refining center on the West Coast and home to five refineries, four of which are in Contra Costa County. In light of the Governor's recent executive orders and the potential for the loss of thousands of high-paying union jobs, it is imperative that a just transition to clean energy technology be a priority for federal, state, and local stakeholders.

Nielsen Merksamer and County staff worked with Assembly Member Grayson's office on the successful passage of AB 844.

AB 844 authorizes the establishment of the Green Empowerment Zone for the Northern Waterfront area of the County of Contra Costa (Green Empowerment Zone) for the purpose of building upon the comparative advantage provided by the regional concentration of highly-skilled energy industry workers by prioritizing access to tax incentives, grants, loan programs, workforce training programs, and private sector investment in the renewable energy sector.

In addition to these bills, County advocates worked to raise the visibility of the County and the Delta Counties Coalition (DCC) on water policy throughout the year, including meeting with our state delegation to discuss the Delta tunnels, water bonds, and various funding opportunities. County advocates also helped plan and execute the DCC and Delta Caucus in-person event in December 2022.

County advocates also engaged by submitting written testimony and oral testimony on a large number of legislative measures that were determined to be priority County bills. *See Attachment A.*

III. **A LOOK AT 2023**

Three years after COVID-19 shuttered our state and the Legislative process, it seems that the 2023 legislative session will return in earnest to a full time, fully accessible public process.

County advocates have been engaged on two legislative proposals that the County would like to sponsor in 2023:

1. A bill to assist localities with GHG emission inventories.
2. A bill to tackle illegal dumping by way of requiring statewide permits for non-franchise haulers.

County advocates are currently engaged in discussions with member of the County legislative delegation on these proposals.

The Governor's proposed budget for the FY 2023-24 will be made public on or before January 10, 2023. We anticipate a more restrained and conservative budget than in years past. The Governor has publicly signaled that he expects state revenues to be less than expected and will be limiting new programs and on-going revenues. We will share a copy of the proposed budget with the County Administrator's Office as soon as it becomes available.

2022 Contra Costa County Legislative Outcomes

AB 32 (Aguiar-Curry) Authorizes the Department of Health Care Services to authorize a federally qualified health center or rural health clinic to establish a new patient relationship using an audio-only synchronous interaction when the visit is related to sensitive services, as defined, and authorize an FQHC or RHC to establish a new patient relationship using an audio-only synchronous interaction when the patient requests an audio-only modality or attests they do not have access to video.

Position: Support *Signed by Governor, Chapter 515, Statutes of 2022*

AB 240 (Rodriguez) Requires the Department of Public Health to conduct an evaluation of the adequacy of the local health department infrastructure and to make recommendations for future staffing, workforce needs, and resources, in order to accurately and adequately fund local public health. Authorizes the department to contract with an appropriate and qualified entity to conduct the evaluation.

Position: Support *Vetoed by Governor*

AB 988 (Bauer-Kahan) Requires the Health and Human Services Agency to create a set of recommendations to support a 5-year implementation plan for a comprehensive 988 system. It requires that agency to convene a state 988 advisory group for purposes of advising the agency on the set of recommendations. It also requires the agency to report annually to the Legislature on the status of 988 implementation.

Position: Support *Signed by Governor, Chapter 747, Statutes of 2022*

AB 1777 (Aguiar-Curry) Authorizes up to 2 local educational agencies to provide an extended school year program to migratory pupils who, due to family agricultural migratory movement, enroll in kindergarten, including transitional kindergarten, or any of grades 1 to 6, inclusive, on or after March 1 of the school year and depart on or before December 1 of the next school year, and would also authorize average daily attendance funding for those pupils if certain requirements are met.

Position: Support *Signed by Governor, Chapter 483, Statutes of 2022*

AB 1814 (Grayson) Authorizes community choice aggregators to file applications for programs and investments to accelerate widespread transportation electrification. It also prohibits the programs and investments proposed by community choice aggregators from deploying infrastructure in front of a meter.

Position: Support *Died in Assembly Committee on Utilities and Energy*

AB 1897 (Boerner-Horvath) Relates to the Plastic Pollution Prevention and Packaging Producer Responsibility Act. It prohibits a producer from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the producer responsibility plan of a producer responsibility organization (PRO) for the source reduction, collection, processing, and recycling of covered material.

Position: Support *Died on Assembly Unfinished Business*

AB 1951 (Grayson) Relates to exemption from certain on taxes the sale of, and the storage, use, or other consumption of, qualified tangible personal property purchased for use by a qualified person to be used primarily in the generation or production or storage and distribution of electric power.

Position: Oppose *Vetoed by Governor*

AB 2295 (Bloom) Deems a housing development project an allowable use on any real property owned by a local educational agency if the housing development satisfies certain conditions, including other local objective zoning standards, objective subdivision standards, and objective design review standards.

Position: Removed opposition after amendment *Signed by Governor, Chapter 652, Statutes of 2022*

AB 2325 (L. Rivas) Places the Interagency Council on Homelessness under the jurisdiction of the Office of the Interagency Council on Homelessness, which the bill would establish within the Governor's office, under the control of a director. It also requires the Governor to appoint a director of the office to perform specified duties and responsibilities in connection with overseeing the work of the office, and includes coordinating homelessness programs, services, data, and policies.

Position: Support *Held on Assembly Committee on Appropriations Suspense File*

AB 2374 (Bauer-Kahan) Increases the maximum fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees from \$3,000 to \$5,000 for the first conviction, from \$6,000 to \$10,000 for the second conviction, and from \$10,000 to \$20,000 for the third and any subsequent convictions. It also requires a court, when imposing a fine, to consider the defendant's ability to pay.

Position: Support/SPONSOR *Signed by Governor, Chapter 784, Statutes of 2022*

AB 2560 (Bonta) Requires a qualified jurisdiction to develop and execute a plan to collaborate with social equity investors. It also requires a qualified jurisdiction to compile a list of properties meeting certain conditions in the prior 3 years and a list of properties that the qualified jurisdiction considers blighted properties.

Position: Oppose Unless Amended *Held on Senate Appropriations Committee Suspense File*

SB 443 (Hertzberg) Requires a city or fire district that contracted for or provided prehospital emergency medical services, to be deemed to retain its authority regarding, and administration of, the prehospital emergency medical services under specified circumstances.

Position: Oppose *Died in Assembly Committee on Health*

SB 612 (Portantino) Provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of its schools. It requires the schoolsite council of a school, except as provided for a small school district, to write and develop the comprehensive school safety plan relevant to the needs and resources of that particular school and requires this comprehensive school safety plan to include specified information.

Position: Support *Died in Assembly Committee on Education*

SB 717 (Dodd) Requires the Department of Technology, with input from relevant state agencies and stakeholders, to conduct, complete, and submit a report to specified legislative committees that reviews and identifies barriers to, and opportunities for, investment in, and efficient building of, broadband access points on private and government-owned structures and property, private and public lands and buildings, and public rights of way.

Position: Support *Signed by Governor, Chapter 813, Statutes of 2022*

SB 843 (Glazer) Requires the Franchise Tax Board to prepare a written report on the number of taxpayers claiming the credit, and the average credit amount on returns claiming the credit.

Position: Support *Died on Assembly Inactive File*

SB 847 (Hurtado) Creates a grant program under the administration of the Department of Housing and Community Development and requires the department to award a program grant to a qualified applicant who submits a complete all tier one applicants before processing the applications of other applicants. It also defines "qualified applicant" to mean a landlord who has applied for rental assistance funds pursuant to the State Rental Assistance Program and satisfies certain criteria.

Position: Support *Held on Assembly Committee on Appropriations Suspense File*

SB 869 (Levva) Requires the Department of Housing and Community Development to adopt regulations to require at least one person per mobilehome park or recreational vehicle park employed or acting under contract as an onsite manager or assistant manager, or otherwise acting in an onsite or offsite managerial capacity or role, on behalf of a mobilehome park or recreational vehicle park to receive training

Position: Support *Signed by Governor, Chapter 662, Statutes of 2022*

SB 989 (Hertzberg) Requires, except as provided, payment of property taxes for a property to be deferred, without penalty or interest, if the property owner has claimed the property tax relief described above, but the county assessor has not completed its determination of the property's eligibility for that relief, and the person requests deferment with the county assessor within one calendar year, but before January 1, 2024, of receiving the first tax bill for the property. The bill would defer those property taxes until the county assessor has reassessed the property and a corrected tax bill has been prepared and sent to the property owner or the county assessor has determined the property is not eligible for the property tax relief. The bill would set forth procedures for making payments following correction or determination of ineligibility.

Position: Oppose *Signed by Governor, Chapter 712, Statutes of 2022*

SB 1065 (Eggman) Establishes the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency, to be administered by the State Lands Commission, upon appropriation by the Legislature, to bring federal, state, and local agencies together to identify, prioritize, and fund the removal and proper disposal of abandoned and derelict commercial vessels and other debris from commercially navigable waters. It also requires the commission to create and maintain an inventory of such vessels.

Position: Support *Vetoed by Governor*

SB 1338 (Umberg & Eggman)

Enacts the Community Assistance, Recovery, and Empowerment (CARE) Act and requires the Counties of Glenn, Orange, Riverside, San Diego, Stanislaus, and Tuolumne and the City and County of San Francisco to implement the CARE Court Program commencing October 1, 2023, and the remaining counties to commence no later than December 1, 2024.

Position: Concerns expressed *Signed by Governor, Chapter 319, Statutes of 2022*

SB 1342 (Bates) Authorizes an area agency on aging or a county, or both, to establish an aging multidisciplinary personnel team with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services and to allow provider agencies to share confidential information for the purpose of coordinating services. It also requires the sharing of information permitted under these provisions to be governed by protocols developed by each area agency on aging or county.

Position: Support *Signed by Governor, Chapter 621, Statutes of 2022*