



Contra
Costa
County

To: Board of Supervisors
From: LEGISLATION COMMITTEE
Date: January 18, 2022

Subject: Proposed 2022 State and Federal Legislative Programs for Contra Costa County

RECOMMENDATION(S):

1. CONSIDER and ADOPT the Proposed 2022 State and Federal Legislative Programs for Contra Costa County.
 2. DIRECT the County Administrator's Office to return to the Board of Supervisors, as necessary, to update the County's adopted 2021-22 Legislative Platforms to reflect intervening actions of the Board.
 3. DIRECT the County Administrator's Office and Department staff to review proposed legislation and regulation that relates to the County's adopted Legislative Platforms and recommend appropriate positions or comments on specific bills, ballot measures and regulations for consideration by the Board's Legislation Committee and/or the Board of Supervisors.
 4. AUTHORIZE Board Members, the County's federal and state legislative representatives, and the County Administrator, or designee, to prepare and present information, position papers and testimony in support of the adopted 2021-22 Federal and State Legislative
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☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☒ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **01/18/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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

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

ATTESTED: January 18, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: L. DeLaney,
925-655-2057

cc:

Platforms.

FISCAL IMPACT:

No direct impact to the County from the adoption of the Legislative Programs. However, if the programs are successful, additional state and federal funds could flow to Contra Costa County.

BACKGROUND:

At the beginning of each two-year legislative cycle, the Board of Supervisors adopts State and Federal Legislative Platforms that establish Contra Costa County's priorities and policy positions with regard to state and federal legislation and regulation. The Board of Supervisors adopted the [2021-22 State](#) and [Federal](#) Legislative Platforms on January 19, 2021, with subsequent amendments in March 2021.

The State Legislative Platform includes County-sponsored bill proposals, legislative or regulatory advocacy priorities, and principles that provide direction and guidance for identification of and advocacy on bills, regulations and ballot measures which could affect the services, programs or finances of Contra Costa County. The Federal Legislative Platform establishes federal funding needs and policy positions with regard to potential federal legislation and regulation. These Legislative Platform documents, prepared by staff of the County Administrator's Office in collaboration and consultation with County department heads and other key staff, the County's state and federal advocates, and with input from the Board's commissions/committees and the public, are utilized by the County's state and federal advocates, elected officials, and staff as the basis for the County's annual advocacy programs.

For the development of the 2022 state and federal legislative programs, centered on the sponsored bills and appropriation requests initiated by the County as well as the County's legislative priorities, CAO staff conducted outreach in the fall of 2021, inviting input so that draft programs could be considered by the Legislation Committee (Chair Burgis/Vice Chair Mitchoff) at their November 8, 2021 meeting. Subsequent to the November 8, 2021 meeting of the Legislation Committee and their approval of the 2022 legislative programs, CAO staff conducted additional outreach to County department heads and key staff regarding potential state budget earmark requests; two additional earmark proposals were identified by Contra Costa Fire Protection District and staff to the East Contra Costa County Habitat Conservancy. (These additional state budget earmark requests were not considered by the Legislation Committee due to timing.)

Proposed 2022 State Legislative Program *Carry-over from 2021*

1. [AB 988](#) (Bauer-Kahan) Mental Health: Mobile Crisis Support Teams: 988 Crisis: Additional funding is needed to provide community-based crisis response services. As a co-sponsor of AB 988, the County's role in system development and operations is of great concern to County Behavioral Health staff. Advocacy and engagement on this bill will continue in 2022.

2. [AB 844](#) (Grayson) Green Empowerment Zone for the Northern Waterfront Area: Funding and staffing are needed to implement the bill. Incentive mechanisms need to be identified. Additional representation for Contra Costa County and the City of Richmond is also needed on the board. Although the bill was enacted in 2021, engagement on implementation and potential amendment will continue in 2022.

3. Medi-Cal expansion for ages 27-49: On July 27, Governor Newsom signed into law the first-in the-nation expansion of Medi-Cal to undocumented Californians age 50 and over, through the health care trailer bill, [AB 133](#). Under AB 133, approximately 235,000 Californians aged 50 and older are newly eligible for Medi-Cal, including preventive services, long-term care and In-Home Supportive Services. In 2019, California became the first state to expand Medi-Cal coverage to all eligible undocumented young adults up to the age of 26. With the Governor's signature on AB 133, a gap exists in eligibility for those ages 27-49. As part of the Governor's proposed 2022-23 budget, a proposal was included to extend coverage to immigrants ages 27-49 beginning in 2024.

4. [ACA 1](#): ACA 1 would lower the necessary voter threshold from a two-thirds supermajority to 55 percent to approve local general obligation (GO) bonds and special taxes for affordable housing and public infrastructure projects. ACA 1 would create an additional exception to the 1% ad valorem tax rate limit on real property that would authorize a city, county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing the tax is approved by 55% of the voters of the city or county, and the proposition includes accountability requirements. This proposal will be carried over into 2022 for further consideration by the Legislature. This bill proposes an amendment to the California Constitution, which means that if passed by the Legislature, the proposal would then go to the ballot for voter approval at a statewide election.

New County-sponsored (or co-sponsored) Legislation for 2022

1. **Stipends to Address Menstruation Equity**: *Attachment A*. The umbrella term "period poverty" describes inequities resulting from the lack of access to menstrual hygiene tools and resources. Menstrual hygiene products cannot be purchased with Food Stamps (CalFresh), Medi-Cal, and the WIC program. EHSD staff have developed a legislative proposal to provide monthly \$15 stipends for hygiene products for female, transgender, and non-binary Welfare-to-Work recipients, aged 11-55, to allow for their purchase. The County Welfare Directors Association has approved an S-3 position on the proposal, which .

2. **Illegal Dumping**: Consistent with a strategy to target commercial actors who engage in illegal dumping activities, the County's state advocates have proposed, and staff in the Department of Conservation and Development and District Attorney's Office have reviewed, revisions to state statute (California Penal Code 374.3) that would allow for greater monetary penalties for persons who dump commercial quantities (increasing the

ceilings of the fine from \$3,000 to \$5,000 on first conviction, from \$6,000 to \$10,000 on second conviction, and from \$10,000 to \$20,000 on third or subsequent conviction), loss of license, paying for the cost of removal, and posting the information publicly in a manner set forth by the court. If authorized by the Board of Supervisors, the proposed legislative changes would be submitted to the state Office of Legislative Counsel for drafting and introduction by a legislator.

3. Flaring Penalty Amendments: (*co-sponsor*) Bay Area Air Quality Management District (BAAQMD) staff have developed legislative language relative to amending various sections of the Health and Safety Code (42400-42411) regarding violations of emissions limitations at large stationary sources. If introduced as a Senate or Assembly Bill, BAAQMD would likely act as the primary sponsor, pending Board approval, and Contra Costa County would co-sponsor, pending Board of Supervisor approval.

4. Accessible Transportation: (*co-sponsor*) The California Senior Legislature (CSL) is proposing new legislation to fund and improve accessible transportation statewide. Department of Conservation and Development staff and our transportation legislative advocate have been providing support to the CSL on the subject, given the supporting language in the adopted 2021-22 State Legislative Platform. The proposal would create the Accessible Transportation Account (ATA), authorize Consolidated Transportation Services Agencies (CTSAs, authorized under existing law) to oversee expenditures at the local level, and improve the CTSA mechanism. While vehicle registration/license fees are cited as potential revenue sources in the proposal, that specific detail has not yet been finalized. The origin of the bill was the State's Master Plan for Aging (MPA) process which began in 2019 and was completed in early 2021. The MPA addressed a spectrum of aging issues including housing, caregiving, affordability of aging, fighting isolation, and transportation.

5. While no language has been drafted or proposed as yet for a legislative vehicle, County Administrator staff seek authority, aligned with the adopted Platform advocacy priority "Health Care, including Mental Health, Behavioral Health and Substance Use Disorder services," to advocate for sufficient funding and streamlined statutory authority to provide individual or group psychotherapy, psychotropic medication, and discharge planning services to behavioral health patient inmates within County detention facilities, including those committed incompetent to stand trial, in community or in-custody settings. These efforts are a component of the County's comprehensive system to address the population of those with mental illness in the County's jail facilities.

6. Permanent Changes to the Brown Act: Although not proposed as County-sponsored legislation, the County would support permanent changes to the Brown Act to allow for hybrid Board and commission/committee meetings (including in-person, Zoom, and phone) without requiring elected officials or members of the commission/committee to post their address on the agenda. The Urban Counties of California (UCC) will take a leadership role in advocating for improvements to statutory provisions that direct the conduct of public meetings that ensure that (1) they are open and accessible to all

members of the public, and (2) disruptive behavior and hate speech can be addressed swiftly to maintain a safe environment. The County's adopted 2021-22 State Platform currently contains the principle: "ENABLE local governments to continue offering opportunities for public meeting attendance, participation, and accessibility through technological means after the pandemic has ended." (p. 14)

FY 2022-23 State Budget Requests

Although there is no existing, established state budget earmark process (as there has been in prior years for federal community project funding requests), given the projected surplus in the FY 2022-23 budget and the experience of FY 2021-22 wherein legislators sought and secured project/program specific budget allocations, our state advocates have urged the identification of possible Contra Costa County-specific earmarks for FY 22-23. The following state budget earmark requests have been identified. Staff seeks Board of Supervisor input on the prioritization of these requests:

1. "Seed money" for a Regional Responders Complex at the Concord Naval Weapons Station site: **\$3 million**.

Since 2007 the Fire District and Office of the Sheriff have been working towards a plan to reuse approximately 75 acres of former Concord Naval Weapons Station land for a combined administrative, training, and logistics center. The County and the Fire District expect to take physical possession of the land in late 2022 or 2023. There is a need to refresh a business plan and conceptual design that was originally authored in 2007. The Fire District envisions a unique all-risk training facility with props and facilities not found anywhere else in the region. This could include swift water rescue, rail, BART cars, electric vehicles, confined space, indoor and outdoor tactical ranges, a skid pan driving course, a training village to simulate residential and commercial settings and modern classrooms. Space planning, conceptual design and civil work such as utility planning are all needed design elements. Additionally, once the land is transferred a temporary access will need to be constructed. This temporary access has already been tentatively identified as Evora Road. One time \$3 million in funding will help the team advance the planning concepts required to define what the facility needs are on the site, provide temporary access, and begin some of the civil design work required for the site.

2. Choice in Aging's "Aging in Place Campus:" **\$20 million**. (*Attachment B*)

Choice in Aging, a non-profit organization serving some of Contra Costa County's frailest and most vulnerable residents since 1949, 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. The housing construction funding will be made available from other sources, but the full range of services can only be realized with the help of the state.

3. Funding to implement the proposed Menstruation Equity bill: **\$8.5 million**.

4. Funding to provide individual or group psychotherapy, psychotropic medication, and discharge planning services to behavioral health patient inmates within County detention facilities, including those committed incompetent to stand trial: **\$5 million**
(*approximately*)

5. Funding to support the East Contra Costa County Habitat Conservancy: *Attachment C*

1. Conservation Grazing Infrastructure: **\$1,000,000** (*scaleable*)

2. Mount Diablo: Pine tree and Manzanita Die-off Investigation: **\$500,000**

3. Land Acquisition funding for the local regional Natural Community Conservation Plan (East CCC HCP/NCCP): **\$6,000,000** (*scaleable proposal*)

4. Habitat Restoration funding for the local regional Natural Community Conservation Plan (East CCC HCP/NCCP): **\$6,000,000** (*scaleable proposal*)

The above described sponsored (and co-sponsored) bills and state budget requests, if approved by the Board of Supervisors, will be pursued in 2022 in addition to the Advocacy Priorities included in the 2021-22 State Legislative Platform:

- COVID-19 Response and Economic Recovery
 - Climate Change
- Health Care, including Mental Health, Behavioral Health and Substance Use Disorder (SUD) services
 - Housing and Homelessness
 - Justice Reform
- The Delta/ Water and Levees

Proposed 2022 Federal Legislative Program

Similar to the process undertaken for the development of the 2022 State Legislative Program, County staff and the County's federal advocate, Mr. Paul Schlesinger of Alcalde & Fay, initiated outreach to County staff and officials in the fall of 2021 in anticipation of future federal member-directed spending requests (colloquially referred to as "earmarks") in 2022, as well as for the purpose of ascertaining federal legislative priorities for the year. CAO staff was notified on November 1, 2022 that Mr. Schlesinger had separated from Alcalde & Fay and joined the firm Thorn Run Partners; he has been the County's principal federal lobbyist since 2001, assisting the County with its federal legislative and regulatory needs and helping to secure federal appropriations and grants.

In addition to the consideration of member-directed community project funding requests, which have been discussed but not finalized for Board action, County staff have identified federal policy and funding priorities for 2022, including the following (*not in priority order*):

1. The Elimination of the IMD Exclusion Rule. Requested by County Behavioral Health Director, Dr. Tavano, this prohibition on so-called "institutes of mental diseases" (IMD), has been in place since 1965. Under the IMD exclusion, federal rules prohibit Medicaid from paying for psychiatric inpatient care facilities with at least 16 beds. The facilities can be those treating for acute behavioral conditions and substance use disorders with regulations on the exclusion varying among states.
2. Federal Weatherization Program changes to include more Energy Efficiency Options. Requested by the County's Sustainability Coordinator, Jody London. SUPPORT modifications to the federal Weatherization Assistance Program that expand eligible measures to include whole building clean energy improvements such as wall insulation, duct sealing, electric panel upgrades, electric heat pumps, and related measures. Also SUPPORT modifications that increase the income eligibility limits for the Weatherization Assistance Program.
3. Medicare expansion and lowering prescription drug prices. Requested by Dr. William Walker, on behalf of Contra Costa Health Services. Medicare expansion to cover dental, hearing, and vision. Empower Medicare to negotiate prices for certain drugs and cap the out-of-pocket costs for seniors on Medicare.
4. Hospital infrastructure funding. Requested by Dr. William Walker, on behalf of Contra Costa Health Services.
5. Emergency Rental Assistance Program (ERAP) Reallocation. Requested by Chief Assistant CAO Time Ewell, support for an application by the state to the U.S. Treasury Department for reallocation of ERAP 1 dollars for the continued benefit of California and Contra Costa County residents.
6. Municipal Securities. Requested by Chief Assistant CAO Tim Ewell, support fully reinstating tax-exemption of advance refunding bonds as well as provisions restoring and expanding the use of direct-pay bonds. Advocacy efforts consistent with past federal platforms have been under way.
7. Families First Prevention Services Act. Requested by Chief Probation Officer Esa Ehmen-Krause. This legislation from 2018 offered states an opportunity to transform state child welfare systems by providing substance abuse, mental health and other prevention and treatment services to prevent children's entry into foster care. The law also sought to reduce states' reliance on group and residential treatment homes and instead prioritize family-based care. Information on implementation outcomes in California and financial benefits was requested.
8. Housing Vouchers for Homeless Veterans: The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program combines HUD's Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services

provided by the Department of Veterans Affairs (VA). VA provides these services for participating Veterans at VA medical centers (VAMCs), community-based outreach clinics (CBOCs), through VA contractors, or through other VA designated entities. Congress has appropriated additional funding for new HUD-VASH vouchers every year since 2008. The County Administrator requests additional efforts in 2022 to secure these VASH vouchers for homeless Veterans in Contra Costa County.

9. Funding for Buchanan Field Airport (Tower replacement) and Byron Airport development. The County has submitted earmark requests relative to these projects and although not successful in advancing those earmarks in FY '22, there may be additional opportunities in FY '23.

CONSEQUENCE OF NEGATIVE ACTION:

Without the adoption of a 2022 legislative program, County staff and its advocates will not have direction on specific state and federal policy and funding priorities to pursue.

ATTACHMENTS

Attachment A

Attachment B

Attachment C