

**ALAMEDA COUNTY  
BOARD OF SUPERVISORS'  
PERSONNEL/ADMINISTRATION/LEGISLATION  
COMMITTEE**

**Monday, October 16, 2017  
1:30 p.m.**

**Supervisor Keith Carson, Chair  
Supervisor Wilma Chan**

Location: **Board of Supervisors Chambers – Room 512 5<sup>th</sup> floor**  
County Administration Building  
1221 Oak Street, Oakland, CA 94612

**Summary/Action Minutes**

**I. Federal Legislative Update – CJ Lake**

The Senate is in session this week while the House is in a district work period. The Senate will focus on the FY18 budget resolution as well as various nominations.

**FY18 Budget Resolution**

The Senate is expected to vote on its FY18 budget resolution this week. The budget resolution would be subject to up to 50 hours of debate and a vote-a-rama. The resolution allows the Senate Finance Committee to add up to \$1.5 trillion to the deficit over the next 10 years. Additionally, the Senate budget does not include any instructions for mandatory cuts, while the House budget calls for \$203 billion in mandatory cuts. The only savings in the Senate version would come from the Energy and Natural Resources Committee, which has been tasked with finding at least \$1 billion over a decade. Members widely expect that projected savings to come from opening up oil drilling in the Arctic National Wildlife Refuge. Under the reconciliation instructions, the Committees are required to submit their recommendations to the Budget Committee by November 13, 2017.

The House and Senate are hoping to reach an agreement that would set the parameters for tax reform before the end of October.

**Health Care**

*Executive Order*

The Trump Administration took several actions last week related to health care. President Trump issued an Executive Order (EO) that would do the following:

- Direct federal agencies to expand access to association health plans, which would be exempt from many of the ACA's coverage requirements.
- Expand access to short-term health plans, which also cover a more limited set of benefits, with a lower premium.
- Allows for changes to be made with regard to employers offering Health Reimbursement Arrangements (HRAs), which allow large employers to use pre-tax dollars to fund workers' health insurance premiums.

While the EO could exempt association health plans from some federal and state rules that Republicans say drive up costs, the President could not unilaterally change the laws that regulate insurance, such as the Affordable Care Act of 2010 and the Employee Retirement Income Security Act of 1974, the foundation for employee health benefits. But, he can direct federal agencies to reinterpret key provisions of those laws and to revise rules issued under them. Significant changes in agency interpretation like that, without notice-and-comment rulemaking, are given the least amount of judicial deference when challenged in court (as this will almost definitely be challenged in the coming weeks), so all three branches of government will likely be involved in addressing this issue in the weeks and months ahead.

## CSR Payments

The Trump Administration also announced last week that they will stop paying the cost-sharing reduction (CSR) subsidies to health insurers. The subsidies, which are worth an estimated \$7 billion this year, may stop almost immediately since Congress has not appropriated funding for the program. The impact of the administration's decision may not be felt right away because many insurers have already priced next year's plans higher, fearing this decision may come.

President Trump's decision may also put more pressure on the Senate HELP Committee's bipartisan effort to preserve the CSR payments and stabilize the individual insurance market. If Congress doesn't act quickly, there's a chance insurers will sue the administration. Insurers are still legally obligated to reduce their customers' out-of-pocket costs, and the law says they're supposed to be compensated for that.

OMB Director, Mick Mulvaney, said President Trump will oppose any attempts to reinstate the CSR subsidies unless he gets something in return from Congress (border wall funding, security measures, etc). Following the Trump Administration's decision to end the CSR payments, Democratic Leader Nancy Pelosi said her caucus will try to attach legislation aimed at addressing the CSR subsidy issue "sooner rather than later," but admitted that it may be tied to a possible omnibus appropriations bill in December.

The Trump administration will also likely drop an appeal of a lawsuit contesting the legality of the CSR payments. However, a group of Democratic state attorneys general will continue fighting in court to retain the CSR payments.

### Purpose:

- Report progress
- Advocacy or Education
- Request PAL\_Committee Recommendation or Position
- Other: Federal legislative update**

### Request for Legislation position – Action Item

#### i. Proposed expansion of "Public Charge" Definition for Immigration Purposes

*Recommendation: Submit letter to Congressional delegation opposing any amendments to the "Public Charge" definition as well as to any changes in enforcement rules related to "public charge":* Lori Cox, Director, Social Services Agency and Wilma Chan, Board of Supervisors, District 3

### Purpose:

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- Other:

**Recommendation from PAL Committee:** Support. Move to the full Board of Supervisors.

## II. State Legislative Update – Brownstein Hyatt Farber Schreck

On October 10, 2017, in the midst of California's continued leadership on climate change, President Trump's Administration released its proposal to repeal the Clean Power Plan – a cornerstone of the nation's decade-long effort to reduce climate change emissions. In March of this year, President Trump signed an Executive Order on Energy Independence, which called for a review of the plan.

Following President Trump's proposal to repeal the plan entirely, Governor Brown issued the following statement: "Scrapping the Clean Power Plan ignores sound science and the extreme cost of climate change. California will, in fact, exceed the goals of the Clean Power Plan. We will push ahead and work with states that share our belief in science and the imperative to combat global warming."

On October 10, 2017, Governor Brown signed 12 bills into law aimed at increasing zero-emission vehicle sales and improving quality – putting California ahead of the nation in combatting hazardous climate pollutants in times of uncertainty at the federal level.

October 15, 2017 was the deadline for the Governor to sign or veto bills, The Legislature is on Interim Recess until January 3, 2018.

### **Update on County Sponsored Bills**

AB 333 (Quirk) Alameda County's sponsored bill to transfer ownership of a portion of State Route 185 at East 14<sup>th</sup> Street and Mission Boulevard within unincorporated Alameda County, was signed by the Governor on September 28, 2017. The bill's provisions will become effective on January 1, 2018.

AB 435 (Thurmond) Alameda County's Child Care Pilot Program cleanup bill, was signed by the Governor on October 12, 2017. The bill's provisions will become effective on January 1, 2018.

ACR 108 (Bonta) Alameda County's "Food as Medicine" Resolution, was adopted by both houses and is now chaptered,

SB 703 (Skinner) Alameda County's bill to enable the County to impose a transactions and use tax at a rate of no more than 0.5% above the combined statutory rate limit of 2%, was signed by the Governor on October 10, 2017. The bill's provisions will become effective on January 1, 2018.

### **Regional Measure 3**

On October 10, 2017, Governor Brown signed SB 595 (Beall), which will authorize the nine-county San Francisco Bay Area to place before voters Regional Measure 3 (RM 3), to implement a bridge toll increase of no more than \$3. The measure may be submitted for voter consideration in a special election as early as June 2018. If passed by the voters, the expenditure plan will allocate \$4.5 billion for highway and transit improvements in the toll bridge corridors and their approach routes. Bay Area voters have approved two previous toll increases for regional transportation improvements – Regional Measure 1 in 1988 and Regional Measure 2 in 2004.

### **Universal Health Care in California**

In late August, Assembly Speaker Anthony Rendon called upon the Chairs of the Assembly Select Committee on Health Care Delivery Systems and Universal Coverage to hold hearings over interim recess to begin developing plans for achieving universal health care in California. The first hearing date has been set for October 23, 2017 at 1:00 p.m.

### **Legislative Women's Caucus Bills Signed**

On October 12, 2017, at a signing ceremony in Sacramento, Governor Brown joined the Legislative Women's Caucus to sign priority legislation to improve services and support for women, children and families. Governor Brown made the following statement: "The Legislative Women's Caucus is once again paving the way toward a better California and today's actions will make a positive difference for women, children and families across the state." The following bills were signed:

SB 63 (Jackson) – increases workplace protections for new parents who work for small businesses by providing 12 weeks of unpaid maternity or paternity leave for Californians who work for companies with 20 to 49 employees and protects these new parents from losing their jobs and health care benefits.

SB 500 (Leyva) – expands the crime of extortion to include demands for sexual activity and images of intimate body parts.

AB 10 (Garcia) – requires public schools serving low-income students in grades 6-121 to provide feminine hygiene products in half of the school's bathrooms at no charge.

AB 168 (Eggman) – prohibits all employers, including the Legislature, the state and local governments, from seeking salary history information about an applicant for employment and requires an employer to provide the pay scale for a position to an applicant upon reasonable request.

AB 273 (Aguiar-Curry) – expands the eligibility criteria for subsidized child care services to parents who are taking English as a second language or high school equivalency courses.

AB 480 (Gonzalez Fletcher) – provides CALWORKs welfare-to-work participants assistance with diaper costs for children under 3 years old.

AB 557 (Rubio) – makes CalWORKs homeless benefits immediately available to applicants who are victims of domestic violence.

AB 1312 (Gonzalez Fletcher) – extends the amount of time that rape kits and forensic evidence must be kept and adds specific rights for rape survivors to California law.

AB 1386 (Waldron) – provides patients with information relating to breast cancer susceptibility gene mutations to inform treatment decisions and increase genetic counseling and screening rates.

### **Criminal Justice Reform Bills Signed**

On October 11, 2017, Governor Brown signed legislation aimed at reforming the state's criminal and juvenile justice systems, restoring power of judges to impose criminal sentences and reducing recidivism through increased rehabilitation. The following criminal justice reform bills were signed:

AB 529 (Stone) – requires the sealing of juvenile records when a petition is dismissed.

AB 1308 (Stone) – expands the youth offender parole process for persons sentenced to lengthy prison terms for crimes committed before the age of 23 to include those 25 or younger.

AB 1448 (Weber) – allows the Board of Parole hearings to consider the possibility of granting parole to an elderly prisoner who has served at least 25 years in prison.

SB 180 (Mitchell) – repeals the three-year sentence enhancement for certain prior drug convictions that are added to any new conviction.

SB 190 (Mitchell) – ends the assessment fees on families of youth in the juvenile justice system.

SB 312 (Skinner) – authorizes courts to seal juvenile records for certain offenses.

SB 393 (Lara) – authorizes record sealing and removes barriers to employment for those arrested but never convicted of a crime.

SB 394 (Lara) – ensures compliance with U.S. Supreme Court decisions by allowing children sentenced to life without the possibility of parole to be eligible for a parole hearing after 25 years.

SB 395 (Lara) – requires children aged 15 years or younger to consult with an attorney before waiving their rights and before a custodial interrogation.

SB 620 (Bradford) – restores judicial discretion regarding the imposition of firearm enhancements and judges retain full authority to impose such sentencing enhancements.

SB 625 (Atkins) – creates an honorable discharge program for youth who successfully complete probation after release from the Department of Juvenile Justice.

## California Department of Corrections and Rehabilitations

The California Department of Corrections and Rehabilitation (CDCR) has released two annual reports which analyze the recidivism of people released from state prison during specific time periods. The reports indicate that the three-year rate of returning to prison for fiscal year 2011-12 was 25% and 22.2% in 2012-13. The CDCR notes that this is substantially less than the recidivism rate in fiscal year 2005-06, which was 67.7%

### SB 1 Poll

A recent poll of 1,000 state residents conducted by Probolsky Research, showed that 54% of Californians opposed the proposed ballot initiative SB 1. The Road Repair and Accountability Act of 2017 will go into effect on November 1, 2017, and generate approximately \$5.2 billion annually for transportation improvements. While the poll indicates that efforts to repeal the tax will not be successful, the California State Associations of Counties and the Fix Our Roads Coalition, comprised of local governments, business and labor organizations, continue to oppose all efforts to repeal SB 1.

### IHSS MOE Webinar

On September 27, 2017, the California State Association of Counties held webinar to discuss the new IHSS MOE. The methodology determines how additional IHSS costs of offset revenue will be disturbing among California counties.

### Governor Declares State of Emergency

As reported by the Department of Public Health (CDPH) there is currently an ongoing Hepatitis A outbreak in California. On October 13, 2017, Governor Brown issued an emergency proclamation to increase the supply of Hepatitis A vaccines due to the outbreak. The proclamation authorizes the CDPH to immediately purchase vaccines from manufacturers and distribute them to communities in need.

### State Controller's September Cash Report

The State Controller reports September revenues of \$10.9 billion, exceeding 2017-18 budget projections by \$50.9 million, or by 0.5%. Fiscal year to date revenues of \$25.92 billion are \$583.4 million higher than projected in the state budget. Additionally, 2017-18 first quarter revenues were \$1.36 billion higher than one year ago.

#### Purpose:

Report progress

Advocacy or Education

Request PAL\_Committee Recommendation or Position

**Other: State legislative update**

### PUBLIC COMMENT

None.

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