

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

**Monday, June 18, 2018
1:30 p.m.**

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

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

Summary/Action Minutes

I. Federal Legislative Update – CJ Lake

The House and Senate are in session this week. The House will continue to approve opioid-related legislation, will consider two immigration bills and a potential vote on its Farm Bill while the Senate will pass the National Defense Authorization Act (NDAA) today and then move to FY19 Appropriations. The Senate must also act on the rescissions package by Friday, if it plans to take up the bill under expedited procedures that allow the bill to pass by a simple majority vote.

FY19 Appropriations

The Senate will consider its first package of spending bills this week by combining the Energy & Water Development, Legislative Branch, and Military Construction and Veterans Affairs bills. Majority Leader McConnell has filed a procedural motion on the measure and the Senate will move to the FY19 appropriations package after the NDAA is passed. The House passed its respective minibus on a vote of 235-179 vote on June 8.

The House Appropriations Committee will consider both the Labor-HHS-Education bill as well as the State-Foreign Operations bill on Wednesday. In general, the Labor H bill is funded at current levels. A few highlights from the House Labor-HHS-Education bill:

- Eliminates Teen Pregnancy Prevention Grants
- \$35 million increase for the Community Services Block Grant, for a total of \$780 million for Community Service programs
- The bill contains a \$1.25 billion increase for biomedical research and a \$560 million increase for emergency preparedness

The Senate Appropriations Committee will mark up the State-Foreign Operations, Homeland Security, and Financial Services bills on Thursday. The Senate is expected to mark up its Labor-HHS-Education bill next week. The Senate is on track to have marked up all bills in Committee before the July 4 recess.

Immigration

House Republican leadership has scheduled votes this week on two immigration bills. One bill will be the Goodlatte-McCaul bill, H.R. 4760. The other bill, the Border Security and Immigration Reform Act, is a compromise bill between conservative and moderate Republicans. The compromise bill appropriates \$25 billion to fund the border wall and technology, closes enforcement loopholes and puts an end to the practice of “catch and release,” replaces the current diversity visa lottery system with a merit-based visa program, and addresses some asylum changes and the separation of parents and children at the border. The bill also allows the full 1.8 million DACA recipients that meet certain eligibility requirements to apply for nonimmigrant legal status. The legislation is similar in many key respects to the bill that Sen. Grassley offered in the Senate earlier this year that failed to pass.

In addition, the compromise bill includes language prohibiting the Department of Homeland Security from separating children and parents at the border.

House Democrats have already said they will not support either bill. President Trump told reporters Friday morning that he would not sign the compromise bill if it passes Congress, complaining about the lack of wall funding. However later in the day and throughout the weekend, White House staff reiterated the president's support for both pieces of legislation. President Trump is scheduled to meet with House Republicans tomorrow. We anticipate the House to vote on both measures on Thursday.

Opioid-Related Legislation

The House is scheduled to consider 15 opioid-related bills this week under suspension, meaning they are expected to pass in a bipartisan fashion with little debate and no chance for amendment:

1-9) Energy and Commerce Committee - Opioid Bills:

- H.R. 3192 would require all state Children's Health Insurance Programs (CHIP) to cover mental health and substance use disorder services.
- H.R. 4005 would require HHS to convene a group of stakeholders to develop best practices for states to address health care transitions for inmates when they are released from jail.
- H.R. 5590 would require HHS to develop an action plan with recommendations for changes to Medicare and Medicaid to enhance coverage of medication-assisted treatment for opioid addiction.
- H.R. 5687 would allow the FDA to order opioid makers to change how they package or dispose of the drugs to help mitigate the risk of abuse or misuse.
- H.R. 5605 would create a demonstration program under which doctors and hospitals would receive additional funding for providing opioid use disorder treatment services through care teams to Medicare beneficiaries.
- H.R. 5796 would direct CMS to award grants or contracts to provide technical assistance to outlier prescribers — those that prescribe a high volume of opioids.
- H.R. 5801 would provide an increased federal match rate from fiscal 2019 through 2021 for states that implement prescription drug monitoring programs and require providers to check patients' history through the programs before prescribing a controlled substance.
- H.R. 5811 would allow the FDA to require drug makers to conduct post-approval studies to assess reductions in effectiveness.
- H.R. 6042 would delay for one year a scheduled reduction in federal Medicaid funding if states don't require electronic visit verification systems for personal care services. The reductions are scheduled to start Jan. 1, 2019.

10-15) Ways and Means Committee - Opioid Bills:

- H.R. 5774 would require HHS, by Jan. 1, 2019, to publish guidance for hospitals on pain management and strategies to prevent opioid use disorders among Medicare patients.
- H.R. 5775 would require Medicare prescription drug plan sponsors, starting in 2021, to disclose the risks of prolonged opioid use and identify covered alternatives, such as nonpharmacological therapies, devices, and non-opioid medications.
- H.R. 6110 would require HHS to review and potentially revise Medicare payments if they provide incentives to use opioids over non-opioid alternatives. It also would provide funding to reimburse community and rural health centers for training expenses related to opioid treatment services.
- H.R. 5773 would require electronic prescription drug programs, starting in 2021, to provide for secure transmissions of prior authorization requests from health-care professionals for covered Medicare-covered drugs.
- H.R. 5676 would authorize prescription drug plan sponsors and Medicare Advantage organizations, starting in 2020, to suspend payments to pharmacies while credible fraud allegations are pending.
- H.R. 5723 would require the Medicare Payment Advisory Commission to provide Congress with a report by March 15, 2019, that describes how Medicare pays pain management treatments in hospital settings, incentives for treatments, and how opioid use is tracked through Medicare claims data.

Purpose:

- Report progress
- Advocacy or Education

- Request PAL_Committee Recommendation or Position
 Other: Federal Update

II. State Legislative Update – Brownstein Hyatt Farber Schreck

On June 14, before the close of business, the Senate and Assembly approved and sent a \$139 billion budget and 13 trailer bills, to the Governor. The major proposals included in the final budget include the \$500 million homelessness package with additional homelessness investments through No Place Like Home and CalWORKs, the denial of the proposal to eliminate the 340B Drug Pricing Program, \$15.5 million for IHSS county administration costs, mandate repayment for counties pursuant to AB 3632, \$100 million to counties for Incompetent to Stand Trial wait list diversion and, unfortunately, reduced funding for child support programs down to \$3 million – to name a few. As of June 14, below is a list of the budget bills currently adopted by the Legislature and presented to the Governor:

- **SB 840** – Main Budget Bill
- **AB 1807/SB 841** – Supplemental Appropriations
- **AB 1814 /SB 848** – Transportation
- **AB 1816/SB 850** – Housing
- **AB 1817/SB 851** – State Government
- **AB 1818/SB 852** – State Public Employment MOU
- **AB 1819/SB 853** – Developmental Services
- **AB 1820/SB 854** – Public Resources
- **AB 1824/SB 858** – State Government
- **AB 1825/SB 859** – Education
- **AB 1826/SB 860** – State Capitol Building Annex
- **AB 1830/SB 864** – Budget Deficit Savings Account
- **AB 1834/SB 868** – Corrections

However, when the Legislature convenes today, they will have to attend to several outstanding trailer bills that address critical issues such as health, human services, No Place Like Home, and public safety issues. We expect both houses to vote on these trailer bills over the next couple of weeks.

Update on County Sponsored Bills

AB 2111 (Quirk), Alameda County’s sponsored bill, which will align CalWORKs sponsor deeming provisions with those used for CalFresh for sponsored non-citizens indigence determinations, passed out of Senate Human Services unanimously. The bill has been referred to the Senate Appropriations Committee and has not yet been set for hearing.

Supermajority Initiative Hearing

On June 13, the Assembly Revenue and Taxation Committee and the Assembly Local Government Committee held a joint initiative hearing to discuss the initiative on supermajority requirements for local revenue measures. Initiative proponents, Robert Lapsley (California Business Roundtable), Kurt Oneto (Nielsen Merksamer), and John Valdivia (City Councilmember, City of San Bernardino) provided their arguments in support of the measure – namely citing the numerous loopholes in current law and litigation regarding enacting local taxes. Initiative opponents, Darrell Steinberg (Mayor of Sacramento), Terry Brennand (SEIU) and Daniel Carrig (League of California Cities, also speaking on behalf of CSAC), provided arguments in opposition of the measure. Mayor Steinberg expressed his anger towards the initiative, highlighting ways in which it will be “damaging” to the growth and economic vibrancy of cities throughout California, while Mr. Brennand pointed out the millions of dollars the proponents received by the beverage industry and Mr. Carrig noted the substantial fiscal effect this would have on local governments.

Assemblymember Quirk expressed concern about whether water and sewer fees would be subject to this new requirement and opposes the measure and asked that the proponents provide clarity on this particular vagueness. Assemblymember Aguiar-Curry raised concern about how the measure will affect small rural communities, where a 2/3 vote would be difficult or impossible. Assemblymember Bloom also expressed serious concern and said the measure is undermining the will of the voters.

Also highlighting how the City of Berkeley’s sweetened beverage tax, passed by the voters, has raised \$1.4 million that is being used to address childhood nutrition and support community health programs. Assemblymembers Lackey and Brough expressed support for the measure. The measure is currently pending signature verification at the Secretary of State’s office, but it is expected to qualify for the November ballot.

Transforming Capitol Culture

Last Friday, Assemblymember Laura Friedman, Chair of the Subcommittee on Sexual Harassment Prevention and Response, and Senator Holly Mitchell, Vice Chair of the Subcommittee, released draft recommendations on the Legislature’s policies on sexual harassment and the transformation of workplace culture in the capitol. The proposed policies are modeled on those of the County of Los Angeles, whose county counsel testified about its “Equity Oversight Program” at the subcommittee’s February 26 hearing. Below are the key goals of the draft recommendations: 1) Transform workplace culture; 2) Address problems early; 3) Create an independent panel to adjudicate facts and recommend responses and 4) Maintain confidentiality and disclosure.

Today, the subcommittee will begin its discussion on the draft recommendations. By June 25, the Joint Committee on Rules is expected to consider and adopt a new policy.

PPIC: Proposition 47 Report

The Public Policy Institute of California (PPIC) recently released a report, “The Impact of Proposition 47 on Crime and Recidivism,” which relies on statewide crime and arrest data from the California Department of Justice as well as criminal justice data through the BSCC-PPIC Multi-County Study. Below are the two major questions the report focuses on answering and some of the report’s key findings:

- Did Proposition 47 increase crime?
- PPIC found no evidence that Proposition 47 increased violent crime.
- PPIC found some evidence that Proposition 47 increased property crime.
- Did Proposition 47 reduce recidivism?
- PPIC found that recidivism rates decreased due to Proposition 47.

The overall decline in arrests and reconvictions were driven by substantial reductions in recidivism rates for Proposition 47 offenses.

Department of Finance June Bulletin

The Department of Finance released its June 2018 Finance Bulletin, which reports that California became the 5th largest economy in the world in 2017, just behind Germany and ahead of the United Kingdom. California’s growth was 3% for the year, compared to 2.3% for the United States. In May, California’s unemployment rate remained at a record low level of 4.2% while labor force participation dropped to 62%.

Purpose:

- Report progress
- Advocacy or Education
- Request PAL_Committee Recommendation or Position
- Other: State Update**

Request for Legislation position – Action Items

i. [SB 774](#) (Leyva) Hazardous materials: California Toxic Substances Board

*Recommendation: **Support:** Colleen Chawla, Director, Health Care Services Agency*

Purpose:

- Report progress
- Advocacy or Education
- Request PAL_Committee Recommendation or Position**

Other:

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

Information Item

Position taken under authority of the adopted 2018 Legislative Platform for immediate action by legislative advocates:

i. AB 1804 (Berman) CA CEQA: categorical exemption: infill development

*Recommendation: **Support:*** Chris Bazar, Director, Community Development

PUBLIC COMMENT

None.

Board of Supervisors' Committees agendas are available via Internet at: <http://www.acgov.org/>