

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

Monday, September 25, 2017
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 Senate will focus on repealing and replacing the ACA with the Graham-Cassidy proposal while the House will vote on extending FAA programs.

Health Care

The Senate Finance Committee is holding a hearing today to examine the Graham-Cassidy-Heller-Johnson proposal to repeal and replace the Affordable Care Act. Senators Bill Cassidy and Lindsay Graham are still trying to find 50 votes on their legislation in order to hold a vote prior to the September 30th deadline when reconciliation expires. Senators Murkowski, Collins, Portman, and Moore Capito all remain undecided while Senator John McCain announced Friday that he would vote against the bill. Additionally, Senator Rand Paul has said he will vote against the bill because the legislation doesn't go far enough to repeal the ACA.

DACA/Other Immigration Activities

Earlier this afternoon, Republican Senators Thom Tillis and James Lankford announced a new legislative proposal to create a pathway to legalization for Dreamers. Unlike the bipartisan DREAM Act (S. 1615), the "Succeed Act" would specifically prevent Dreamers, after completing the multiyear process to obtain legal permanent resident or "green card" status, from petitioning for permanent residency for close relatives, what critics call "chain migration." It appears that the bill would allow them to sponsor close family members if they became naturalized U.S. citizens, however.

To be eligible for status under the Succeed Act, an immigrant would have had to be in the U.S. since June 15, 2012, when the DACA program began, and been under the age of 16 at that time. They would be required to obtain a high school diploma and pass a "thorough" or "extreme vetting" background check, submit biometric data to the Department of Homeland Security, and pay any back taxes or establish a repayment plan. There may also be a medical examination requirement in the bill. The process under the Succeed Act would take at least 15 years – the first two rounds of background checks would occur at the beginning of that pathway and again after 5 years, with successful applicants receiving "conditional permanent resident" status for a period of 10 years until they can apply for legal permanent residence of "green card" status. Under the "conditional permanent resident" status, the Dreamer must: (1) earn a college degree; (2) serve in the military; or (3) be consistently employed. That status must be renewed after five years. After receiving LPR status, the individual would need to wait for at least five years before they could apply for U.S. citizenship.

The Succeed Act is a more conservative approach to the post-DACA solution than the DREAM Act, potentially to allay concerns among Congressional Republicans that the DREAM Act is seen as too closely aligned with the Democrats. It could provide cover to Members looking to avoid mass deportations, but concerned with a solution being attacked as “amnesty” by conservative media.

Tax Reform

House Republicans will hold a half-day retreat on Wednesday to discuss the framework for a tax reform overhaul. House Ways and Means Chairman Kevin Brady has said Republicans plan to unveil a consensus tax reform proposal next week.

Children’s Health Insurance Program

The Senate Finance Committee has agreed on a five-year extension of the Children’s Health Insurance Program. The proposed legislation would maintain the ACA’s 23 percent increase in the federal matching rate to states for 2018 and 2019 and begin to ratchet it down in 2020. The increase is set at 11.5 percent in 2020 and would be totally eliminated starting in 2021. The cost of the bill would be \$8 billion; the Finance Committee is currently working on finding offsets.

At this point, we do not think the legislation will pass before September 30th when the current authorization expires. However, funding will continue to flow into FY18 even without the authorization because states may continue to spend unspent FY17 allotments and redistribution funds from prior years. Congress will need to pass an authorization prior to the second quarter of FY18 when more than half of states, including California, are projected to exhaust all remaining CHIP funding. We believe a deal could come together in December if not sooner.

Purpose:

- Report progress
- Advocacy or Education
- Request PAL_Committee Recommendation or Position
- Other: Federal legislative update**

Request for Legislation position – Action Item

i. [Support funding for the Children’s Health Insurance Program \(CHIP\)](#)

Recommendation: Support long-term funding and use the 2017 Legislative Platform as authority to advocate before the September 30, 2017 deadline: Lori A. Cox, Director, Social Services Agency and Rebecca Gebhart, Interim Director, Health Care Services Agency

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

II. State Legislative Update – Brownstein Hyatt Farber Schreck

The Legislature is currently on interim recess. They will not return until January 3, 2018. In the meantime, Governor Brown will be tending to more than 700 bills that are before him awaiting action.

There was a lull in activity coming from the Governor’s office last week, as he headed to New York to discuss the transition to decarbonized future and the need for aggressive climate change action, on the final day of Climate Week NYC 2017. The discussion was organized by the Skoll Foundation and the United Nations Foundation. While there, Governor Brown, also met with United Nations Secretary, General

Antonio Guterres and attended events with global climate leaders such as Frances's Minister of Ecological and Inclusive Transition, Nicolas Hulot, and former Vice President Al Gore.

The Governor returned to California on September 22, 2017 and over the next few weeks, more action is expected on bills as the October 15, 2017 deadline approaches.

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 14th Street and Mission Boulevard within unincorporated Alameda County, is currently on the Governor's desk awaiting action.

AB 435 (Thurmond) Alameda County's Child Care Pilot Program cleanup bill, is currently on the Governor's desk awaiting action.

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% is currently on the Governor's desk awaiting action.

SB 1 Clean-up Legislation Signed

On September 16, 2017, Governor Brown signed AB 135, a budget trailer bill containing language crafted by the League of California Cities and the California State Association of Counties, to expedite projects funded by revenues from SB 1. Its provisions took effect immediately. As such, the process for adopting project lists and project reporting has changed in the following ways:

Cities and counties may now adopt a project list through a resolution at a regularly scheduled public hearing. Cities and counties now have a 90-day grace period after the October 16th deadline to submit project lists, to become eligible to receive their allocations of SB 1 funding – the State Controller's Office will hold the funds until the grace period ends, after which the funds will be reallocated to other eligible cities and counties.

Cities and counties are now authorized to seek approval from the California Transportation Commission (CTC) to expend internal funds for eligible expenditures in advance of SB 1 funding, in order to expedite project delivery.

Cities and counties will now be able to report on the expenditure of all SB 1 funds in a fiscal year, in order to demonstrate the benefits of the funding and how it is being used.

SB 1 Project Lists

The CTC finally released its project lists template that cities and counties will use to submit their planned projects to be funded with revenues from the Road Maintenance and Rehabilitation Account. Project lists are due to the CTC by October 16, 2017.

Efforts to Repeal SB 1

In July, Secretary of State Alex Padilla announced that the initiative to eliminate Road Repair and Transportation funding by repealing its dedicated revenues, filed by Assembly member Travis Allen, may begin collecting signatures. The initiative seeks to do the following: eliminate state and local transportation funding for maintenance of streets, highways, bridges, safety projects and public transportation by repealing portions of the gas tax to be used for these purposes. It will eliminate the independent Office of Audits and Investigations responsible for accounting for the use of revenue for transportation related projects. Allen has since filed a lawsuit with Sacramento Superior Court, claiming that the Attorney General's title and summary of the measure is misleading and should be changed to reflect the intent of the initiative.

On September 21, 2017, Sacramento County Superior Court Judge Timothy Frawley tentatively ruled in favor of Assembly member Allen’s arguments. If upheld, Attorney General Xavier Becerra will need to reissue a title and summary for the initiative that will be placed on the ballot.

Affordable Care Act Repeal

On September 22, 2017, Department of Health Care Services (DHCS) Director, Jennifer Kent, denounced the most recent attempt by Congress to repeal the Affordable Care Act, starting that its provisions would cost California nearly \$139 billion in federal funding by 2027 and that it undermines the progress that has been made to expand insurance to the previously uninsured. This statement follows the analysis published on September 21, 2017 by DSHCS of the U.S. Senate proposal. In her statement, Director Kent said that “as bad as the first two proposals were before Congress rejected them, this version is even worse.”

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PUBLIC COMMENT

None.

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