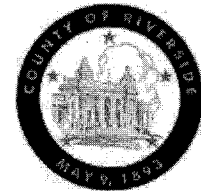


SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM
2.27
(ID # 7833)

MEETING DATE:

Tuesday, August 28, 2018

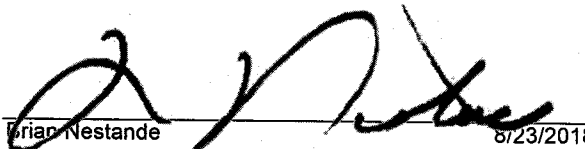
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: August 2018 Legislative Update Report, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the August 2018 Legislative Update Report.

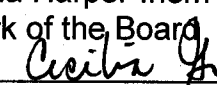
ACTION: Consent


Brian Nestande 8/23/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is received and filed as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: August 28, 2018
xc: EO

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS:			Budget Adjustment: No	
			For Fiscal Year:	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

As per Board Policy A-27, the County's Legislative Advocates provide monthly reports to the Board of Supervisors on the progress of County-sponsored legislation and issues at the forefront of discussion at State/Federal levels that may have a fiscal and/or operational impact on the County. Included in the reports are the formal positions of notable associations/organizations of elected County department heads.

LEGISLATIVE REPORTS

STATE:

At the time of this writing, the Legislature has been back in Sacramento for just over a week to complete the 2017-18 session, which ends on August 31.

There are a number of milestone legislative deadlines in the coming weeks. Friday of this week all measures with fiscal impacts must move out of the respective Appropriations Committees. Each house will hold a hearing on August 16 to announce which bills will move off the "suspense file" and advance to the floor in the second house for consideration. The final date for any measure to be amended is Friday, August 24. Finally, the Legislature will dedicate itself exclusively to moving measures off the floors and to the Governor during the last two weeks of session.

Major issues areas that the Legislature will attempt to tackle in the closing weeks of session include wildfire liability, bail reform, net neutrality, a stewardship program for pharmaceutical waste and sharps, and several aspects of peace officer use-of-force reform. We provide additional background on two of these issues below. In the meantime, HBE remains vigilant for "gut-and-amends," a legislative maneuver often used during the closing days of session whereby the contents of a bill are stripped and replaced with brand new provisions that often represent very significant policy changes. We will continue to keep you apprised of legislative activities on priority bills through the end of session.

EMERGENT ISSUES

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Two major policy issues before the Legislature for consideration and likely action before the end of session that may be of interest and consequence to the County are discussed below.

Wildfire Liability

Just prior to the July legislative recess, the Governor and legislative leadership announced the establishment of a conference committee to consider legislation to strengthen disaster preparedness and discuss policies to respond to increasing wildfire danger. The conference committee is charged with updating rules and regulations for utility services in light of increased severity and frequency of weather events and a changing climate, including:

- Strengthening fire prevention activities such as vegetation removal, infrastructure maintenance, utility company inspections and temporary shut off of power during extreme weather;

Continuing to ensure that those who cause wildfires are held accountable for damages associated with them;

- Appropriately determining responsibility for a wildfire;
- Ensuring fair allocation of wildfire prevention and response costs in a manner that protects ratepayers; and
- Requiring utilities to annually submit to the state more expansive and detailed wildfire and emergency preparedness plans.

SB 901, by Senator Bill Dodd, is serving as the policy vehicle for legislative changes suggested by the committee. Conferees are Senators Bill Dodd (co-chair), Anthony Cannella, Ben Hueso, Hannah-Beth Jackson, and Jeff Stone and Assembly Members Chris Holden (co-chair), Brian Dahle, Chad Mayes, Eloise Reyes, and Jim Wood. Committee information, including hearing agendas, can be found here.

Subsequent to the formation of the conference committee, Governor Brown sent a letter to the Legislature and proposed legislation to address wildfire liability and wildfire prevention, including a proposal to add factors for the court to consider in a civil action for inverse condemnation against an electrical corporation or local publicly owned electric utility seeking damages from an unintended fire when electrical infrastructure is a substantial cause of the fire. The Governor's proposed language would direct the court to balance the public benefit of the electrical infrastructure with the harm caused to private property. The proposal is retrospective in that it would apply to any fire that occurred after January 1, 2018. CSAC has been very vocal on behalf of counties in opposition to the proposed changes to inverse condemnation and challenges the constitutionality of such a change.

By the end of this week, the Conference Committee will have met five times to discuss a range of issues associated with wildfires, including safety and reliability of the grid, inverse condemnation and liability of utility companies for costs associated with wildfires, forest management, and issues associated with related debt management on

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

the part of utilities. As it relates to the Conference Committee's conversation on inverse condemnation, opinions were extremely diverse, with many conference committee members appearing troubled by changing the strict liability standard now in law. Yesterday, Senate Republicans released a press statement suggesting that the Legislature defer discussion of inverse condemnation and focus instead on safety and forest management issues, given the few remaining days in the legislative session. Additional conference committee hearings are expected prior to the end of session.

Bail Reform

SB 10, by Senator Robert Hertzberg and Assembly Member Rob Bonta, is a measure introduced in 2017 that seeks to significantly reform the state's bail system. The policy changes being sought are meant to address concerns with the current cash bail system that relies on wealth-based release decisions versus risk-based decisions. As currently in print, SB 10 would require (1) establishment of county-level pretrial services agencies, (2) use of a risk assessment tool to determine an arrestee's likelihood to reoffend and return to court, and (3) preparation of a pretrial services report with recommendations for conditions of release for – with certain exceptions – persons arrested and booked into jail. At the end of August last year, Governor Brown, Chief Justice Tani Cantil-Sakauye, and the authors of SB 10 jointly announced a commitment to continue discussions on bail reform over last Fall and into 2018 in order to work on both operational and cost elements of the measure.

The bill has remained in the Assembly Appropriations Committee with no activity emerging until last week. SB 10 is now set for a fiscal hearing on August 15. It is expected that the measure will move to the suspense file, with likely passage off the suspense file the following day. Negotiations are ongoing behind the scenes, which are expected to result in a significantly revised programmatic design that will give the courts (rather than counties) a new set of pre-trial responsibilities. It has been reported that the courts would have the authority to contract with counties to perform risk assessments and possibly carry out other related services. We will communicate updates on SB 10 as they become available. As discussed below, the August package of budget clean-up measures (provisions in identical measures AB 1828 and SB 862) appropriates \$15 million to support start-up activities associated with bail reform, should a related bill be enacted.

2018-19 STATE BUDGET

Prior to the end of session, the Legislature will consider several clean-up measures to correct and/or amend previously approved 2018-19 budget actions. Both full budget committees are scheduled to meet this week to review the slate of bills.

We are aware that the Legislature will consider amendments to the mentally ill diversion program, previously approved in AB 1810, the health trailer bill. Given concerns around eligibility requirements and the overall structure of the Governor's proposal to reduce the Incompetent to Stand Trial (IST) population by way of a diversion-to-treatment program, the Administration has redrafted certain aspects of the program structure. That bill is not yet in print, but our review of the draft language includes the following elements: (1) that the \$100 million in funds appropriated for this purpose over a period

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

of three years will be made available on a competitive basis through a process administered by the Department of State Hospitals; (2) that before a diversion can be granted for individuals charged with felonies, the board of supervisors must adopt a plan with specified local partners (including the district attorney, defense bar, the local defense bar and superior court) to determine eligibility and, if desired, other participation criteria. Given Riverside County's support of this budget item and likely interest in applying for funds, we have been providing regular updates to your staff.

On August 14, language was amended into clean-up measures in several areas, as detailed below. Note that the clean-up to the IST program discussed above is not yet in print, so the Legislature will be asked to act on at least one – but perhaps more – clean-up measures beyond those identified below.

2018-19 Budget /Trailer Bill Clean-up Measures – As of August 15, 2018

<u>AB 862</u>	<u>1828/SB</u>	Budget Bill, Jr.	<ul style="list-style-type: none"> ▪ Makes various amendments to the main 2018-19 spending plan ▪ Gives Judicial Council expenditure authority of up to \$15 million in 2018-19 for start-up costs associated with pre-trial services (bail)
<u>AB 861</u>	<u>1829/SB</u>	Mortgage Settlement	<ul style="list-style-type: none"> ▪ Makes statutory changes related to the National Mortgage Special Deposit Fund established to receive the state's portion of mortgage settlement following the 2009
<u>AB 846</u>	<u>1833/SB</u>	Employment	<ul style="list-style-type: none"> ▪ Makes various technical changes to provisions enacted in SB 857, the 2018-19 trailer bill regarding IHSS provider
<u>AB 867</u>	<u>1835/SB</u>	Legislative Counsel: workplace conduct services	<ul style="list-style-type: none"> ▪ In response to recent sexual misconduct cases in the Capitol, establishes a unit within the Legislative Counsel Bureau to provide advice and investigative services to the Legislature related to workplace misconduct
<u>AB 874</u>	<u>1840/SB</u>	Education finance	<ul style="list-style-type: none"> ▪ Makes various technical changes to provisions necessary for implementing education-related aspects of state
<u>AB 876</u>	<u>1842/SB</u>	Human services	<ul style="list-style-type: none"> ▪ Makes various technical changes and appropriates

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

<p><u>AB 1844/SB 878</u></p>	<p>Taxes: credits: qualified motion pictures</p>	<ul style="list-style-type: none"> ▪ Extends the deadline – from July 1, 2019 to January 1, 2012 – for the Legislative Analyst’s Office to prepare reports related to the effectiveness and administration of previously enacted film tax credits ▪ Amends the California Film Commission’s allocation authority for unused credit ▪ Makes a \$5,000 appropriation to the California Film Commission for work necessary to develop rules associated with
<p><u>AB 1845/SB 879</u></p>	<p>Public safety</p>	<ul style="list-style-type: none"> ▪ Clarifies as declarative of existing law certain limits on the State Auditor’s authority with respect to records disclosure related to investigations of the Commission on Judicial Performance ▪ Revises from 50 to 48 the number of superior court judgeships previously authorized but not yet funded to reflect allocation of two judgeships to the County of Riverside in the 2018-19 Budget ▪ Makes technical change to procedures for licensing participants in Ventura County firefighter training program ▪ Reappropriates and extends encumbrance
<p><u>AB 1846/SB 869</u></p>	<p>Elections</p>	<ul style="list-style-type: none"> ▪ Appropriates federal funds to the Secretary of State for elections security
<p><u>SB 875</u></p>	<p>Public resources</p>	<ul style="list-style-type: none"> ▪ Clarifies an election-related amendment to the County of San
		<ul style="list-style-type: none"> ▪ Makes various technical changes to public resources provisions of the 2018-19 state

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

<p><u>SB 877</u></p>	<p>State Government</p>	<ul style="list-style-type: none"> ▪ Authorizes Department of Housing and Community Development (HCD) to charge a project monitoring fee associated with loans from the Housing for a Healthy California Program ▪ Makes various changes to prevailing wage provisions associated with public works projects, including a requirement that employees affected by a work stoppage be paid the prevailing wage rate for any time lost, not to exceed 10 days ▪ Specifies that an entity awarding a public work contract under specified circumstances without a formal bidding process, such as in an emergency, shall also provide notice to the Department of Industrial Relations; also provides for due process procedures for the processing of citations and issuance of penalties for a failure to provide notice ▪ Exempts contracts related to the 2020 United States Census entered into by the Government Operations Agency or the
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COUNTY-SPONSORED LEGISLATION

On behalf of the County of Riverside, HBE has been working on four County-sponsored measures in 2018, as detailed below.

AB 1946 (Cervantes) – Elder and dependent adult trafficking

AB 1946, by Assembly Member Sabrina Cervantes, was introduced to address an elder and dependent adult trafficking problem in Riverside County. A troubling practice has been identified among certain community care facilities where an elderly or dependent adult is released from a hospital setting into a licensed care facility, only to be moved to an unlicensed facility (run by same provider) that provides substandard care. In collaboration with a small working group of County, City of Riverside, and Department of Justice stakeholders, we worked for months to identify a tailored, constructive approach that would provide the necessary tools to either disincentivize this business practice or to make it outright illegal. However, despite pursuing several legislative approaches to achieve either outcome, each proposed solution encountered substantive legal hurdles or significant opposition. In

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

consultation with the author's office, a decision was made to put the bill on hold this year to allow more time for development of a solution that will secure legislative approval. We will continue to collaborate with the working group of experts, as well as interested stakeholders, to craft a legislative approach for 2019.

- **Status:** As noted in the April update, AB 1946 will not be moving forward this year.
- **Support:** County of Riverside (sponsor)
- **Opposition:** None known.

AB 2137 (Mayes) – Increase to no-bid contracting threshold for Riverside County Regional Parks and Open Space District

This measure, as introduced, would increase from \$25,000 to \$50,000 the no-bid threshold for the Riverside County Regional Park and Open Space District. Previous legislative efforts – all non- controversial – made this same change for the East Bay Regional Park District, the Midpeninsula Regional Open Space District, and the Sonoma County Agricultural Preservation and Open Space District. The objective of AB 2137 is to create savings associated with avoiding the bid preparation process that could be put to better use in advancing the parks district's mission. At the request of the Senate Governance and Finance Committee, the measure was amended on June 19 to increase the no-bid expenditure threshold to \$50,000 for regional parks districts statewide and to grant local districts the ability to apply annual inflationary increases by a vote of the board.

- **Status:** AB 2137 passed the Senate on August 13; it is expected to be approved by the Assembly on August 16. Once the latter step occurs, the bill will move to the Governor.
- **Support:** County of Riverside (sponsor); California Special Districts Association; East Bay Regional Park District.
- **Opposition:** None known; previous efforts for other districts did not attract opposition.

AB 2821 (Mayes) – Integrated Health and Human Services System

As introduced, AB 2821, by Assembly Member Chad Mayes, would authorize the County of Riverside – upon approval of the Board of Supervisors – to operate an integrated and comprehensive county health and human services system. The Counties of San Diego and Placer Counties already have this authority. Under this measure, the County of Riverside would have the authority as an integrated agency to:

(1) maintain and evaluate a system of administration that integrates and coordinates the management and support of client services; and (2) maintain a system of

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

reporting and accountability that provides for the combined provision of services without the loss of state or federal funds provided under current law. Further, the measure would give the County flexibility to move funds between health and human services subaccounts within the 2011 Realignment funding structure. The Brown Administration reached out and expressed an interest in working with Riverside County to expand the provisions in

AB 2821 to all counties. The measure was amended June 11 to make that change.

- **Status:** AB 2821 passed the Senate on August 13 and awaits final approval in the Assembly.
- **Support:** County of Riverside (sponsor), California State Association of Counties.
- **Opposition:** None known.

AB 3007 (E. Garcia) – Services for Children of Incarcerated Parents (CIP)

Riverside County has designed a program to deliver a comprehensive set of services meant to boost the resiliency factors and reduce the likelihood of future involvement in the criminal justice system of children whose parents are currently or formerly incarcerated. AB 3007 would authorize the program in the County of Riverside and specify program elements and expected outcomes. The primary objective

behind the measure is to elevate the policy issue and the particularized need of the CIP population among legislator and stakeholders. AB 3007 was amended on June 6 to, among other provisions,

(1) further clarify the County's authority to design eligibility criteria and other program elements that best meet local needs and (2) require the County to coordinate across affected departments for children in the CIP program who also are receiving other County services such as foster care. Although the measure has been unanimously approved throughout the legislative process, the Administration has questioned whether anything in law prohibits the County from implementing the program absent the authority that would be conferred by AB 3007. It is clear that, as a general principle, the Governor is disinclined to approve measures that are not absolutely necessary. Given the uncertainty about the bill's ultimate success, the decision was made to hold the measure on the Assembly Floor.

- **Status:** The bill is on the Assembly inactive file.
- **Support:** County of Riverside (sponsor); California Immigrant Policy Center, Riverside First 5, one individual (a former CIP)
- **Opposition:** None known.

TWO-YEAR BILLS

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

On the County's behalf, we have engaged on several two-year measures that have carried over from the 2017 legislative year. We provide a status update below.

**AB 1250 (Jones-Sawyer) – County Contracting Out Authority
OPPOSE**

As of the time of this writing, the status quo remains on AB 1250, a measure that proposed to considerably restrict county governments' ability to contract out for personal services. The County of Riverside – along with virtually every other county, other statewide county associations, and a significant swath of the non-profit community, among others – opposed the bill in 2017. The bill remains stalled in the Senate Rules Committee, where it has been parked since September of last year, and there are no signals that any movement is planned. It is worth noting that AB 3224 (Thurmond) touches on somewhat related issues. This latter measure seeks to codify existing federal law and county practice with respect to requiring eligibility determinations for Medi-Cal, CalWORKs, and CalFresh be done by county employees. Our analysis indicates that AB 3224 would not impose new requirements or unduly burden counties; CSAC has taken a neutral position on the bill.

- **Status:** AB 1250 remains stalled in the Senate Rules Committee; AB 3224 awaits action by the Governor.
- **Support (AB 1250):** Service Employees International Union (SEIU) and American Federation of State, County and Municipal Employees (AFSCME) – co-sponsors, along with a number of other employee organizations
- **Support (AB 3224):** Western Center on Law and Poverty (sponsor); AFSCME
- **Opposition (AB 1250):** County of Riverside; CSAC; Urban Counties of California; Rural County Representatives of California; Howard Jarvis Taxpayers Association; Retailers Association; American Planning Association, California Chapter; California Business Properties Association; California Chamber of Commerce; dozens of additional individual counties; and hundreds of non-profit organizations and service providers
- **Opposition (AB 3224):** None known.

**SB 38 (Roth)/AB 2446 (Oberholte) – Judgeship Funding
SUPPORT**

Addressing the shortage of judicial resources – both at the trial court and appellate court level – in Riverside County has been a priority for the Board of Supervisors; the magnitude of judgeships shortfall is significant and well-documented. In 2007, 50 trial court judgeships were authorized by the Legislature (AB 159) but have yet to be funded. In its introduced version, SB 38 did the following: 1) authorized and funded one appellate court justice in the 4th District, Division Two (hearing appeals from the

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Riverside, Inyo, and San Bernardino Superior Courts) and 2) funded 10 of the 50 previously authorized trial court judgeships. SB 38 was taken up by the Senate Judiciary Committee and passed unanimously earlier this month. However, the Senate Appropriations Committee stripped out the appropriations from the bill before passing it out of its committee. The sole provision that remains in the bill is the language to statutorily create the appellate court justice. Assembly Member Jay Obernolte – who represents the similarly impacted San Bernardino County – introduced AB 2446, which is nearly identical to SB 38 in its introduced form. The County also supported AB 2446, although it died in May in the Assembly Appropriations Committee. As noted previously in our budget updates, the 2018-19 state budget includes both the authority to establish and ongoing funding for the appellate court justice position as well as funding for two superior court judgeships to be placed in Riverside County.

- **Status:** SB 38 is in the Assembly Appropriations Committee suspense file; AB 2446 was held on the Assembly Appropriations Committee Suspense File in May and will not be moving forward.
- **Support (SB 38):** Judicial Council (sponsor), County of Riverside, California Judges Association, Greater Riverside Chambers of Commerce
- **Support (AB 2446):** County of Riverside, California Judges Association, County of San Bernardino, Judicial Council of California

AB 862 (Maienschein) – Pay for Success Programs

- **Opposition:** None

The County of Riverside is supporting Assembly Member Brian Maienschein's effort to authorize and provide \$5 million in funding to support three additional counties' participation in a pay-for-success (PFS) program. AB 1837 (Atkins, 2014) authorized an initial PFS program administered by the BSCC; three counties successfully competed for the funds and are currently implementing programs that focus on reducing recidivism among a targeted group of the adult criminal justice population. AB 862 would create a pay-for-success funding option for which Riverside County could compete; it is viewed as an opportunity to seek financial support for the County's efforts to establish a program to deliver wrap-around services to reduce risk factors and develop resiliency among children whose parents are incarcerated. The bill now clarifies that the PFS programs authorized under AB 862 are separate and apart from those that were previously authorized in AB 1837.

- **Status:** AB 862 is on the Senate Appropriations Committee suspense file.
- **Support:** Sacramento Regional Builders Exchange (sponsor); County of Riverside; Californians for Safety and Justice; Federation of California Builders Exchanges; Bay Area Builders Exchange; Central California Builders Exchange; Valley Contractors Exchange

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

- **Opposition:** None known.

ADDITIONAL LEGISLATION OF INTEREST

AB 3157 (Bonta and Lackey) – Cannabis taxation SUPPORT

AB 3157, by Assembly Members Rob Bonta and Tom Lackey, would temporarily lower California's total tax on cannabis by decreasing the cannabis excise tax from 15% to 11% and suspending the cultivation tax for three years. According to the authors, this short-term tax reduction would encourage cannabis operators and consumers to enter the legal market and curtail the underground cannabis market. In accordance with the County platform that supports a lower total tax on cannabis, the County supports this measure.

- **Status:** AB 3157 was held on the Assembly Appropriations Committee Suspense File and will not be moving forward this year.
- **Support:** County of Riverside; Board of Equalization Member Fiona Ma, 2nd District; California Asian Pacific Chamber of Commerce; California Cannabis Delivery Alliance; California Growers Association; California NORML; California Teamsters; Cannabis Distribution Association; CMG/Caliva Cultivation Technologies; Flow Kana River Collective; Southern California Coalition; WeDrop; Monterey County Board of Supervisors
- **Opposition:** None known.

SB 1043 (Newman) – County Veterans Services Offices SUPPORT

SB 1043 by Senator Josh Newman would, beginning in the 2018-19 fiscal year, continuously appropriate

\$7 million to California counties to fund the activities of County Veterans Services Offices (CVSOs). In accordance with the County platform that seeks to secure full funding of CVSOs, the County supports this measure. Note that Senator Josh Newman was recalled in June and has been replaced by Senator Ling Ling Chang (R-Diamond Bar). Given this development, SB 1043 is stalled.

- **Status:** SB 1043 is not moving, given that Senator Josh Newman was recalled and replaced; the measure no longer has an author and no other member has taken over the bill.
- **Support:** California Association of County Veterans Service Officers (sponsor); County of Riverside; American GI Forum of California American Legion-Department of California; AMVETS- Department of California; California State Commanders Veterans Council; Cities of Blythe and Indian Wells; Military Officers Association of America-California Council of Chapters; Rural County

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

Representatives of California (RCRC); Sacramento County; Vietnam Veterans of America- California State Council

- **Opposition:** None

AB 2598 (Quirk) and SB 1416 (McGuire) – Code Enforcement SUPPORT

In accordance with the platform supporting expansion of tools to assist in code enforcement compliance, the County is supporting two measures in this policy area. AB 2598, by Assembly Member Bill Quirk, would increase the fine amount cities and counties may assess for violations of building and safety codes; it would further create a new fine for specified violations on commercial property.

Secondly, SB 1416, by Senator Mike McGuire, would authorize, until January 1, 2024, cities and counties to collect fines related to the nuisance abatement using a lien or special assessment; it would also require any recovered fines or penalties related to these provisions to be used for supporting local enforcement of state and local building and fire code standards. We have been consulting with your staff on potential amendments that the Administration may request to SB 1416 to put in place

safeguards to ensure the lien authority is not overused. We anticipate additional amendments to the measure before it is sent to the Governor.

- **Status:** AB 2598 awaits action on the Assembly Floor, while SB 1416 remains in the Assembly.
- **Support (AB 2598):** League of California Cities and California Association of Code Enforcement Officers (co-sponsors); County of Riverside
- **Support (SB 1416):** County of Riverside; California Building Officials; California Business Properties Association; California Association of Code Enforcement Officers.
- **Opposition (AB 2598):** American Civil Liberties Union (ACLU) of California; East Bay Community Law Center; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Legal Services for Prisoners with Children; and Western Center on Law and Poverty
- **Opposition (SB 1416):** None known.

**SB 1004 (Wiener) – MHSA: Prevention and Early Intervention NEUTRAL
(OPPOSITION REMOVED)**

SB 1004, by Senator Wiener, would establish priorities for the use of Mental Health Services Act prevention and early intervention (PEI) funds and develop a statewide strategy for monitoring the implementation of PEI programs. Riverside County sent an oppose unless amended letter on an earlier version of the measure, raising concerns

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

that (1) the bill is too narrowly crafted in terms of the types of programs and specific areas of focus for PEI funding; (2) the PEI plan approval process in the bill would result in delays and undermine local investments. HBE worked with the author's office and subsequently amendments were taken on June 25 that directly addressed Riverside County's concerns. The County was able to remove its opposition and is now neutral on SB 1004.

- **Status:** SB 1004 is on the Assembly Appropriations Committee suspense file.
- **Support:** Steinberg Institute (sponsor); California Hospital Association; California Medical Association; California State Student Association; California State University; Disability Rights California; National Center for Youth Law; Children Now; Juvenile Court Judges of California; JERICHO; Children's Defense Fund-California; California Association of Veteran Service Agencies; Californians for Safety and Justice; American Foundation for Suicide Prevention; Jed Foundation; America's Physician Groups; One Mind
- **Opposition:** California Behavioral Health Directors Association (oppose unless amended)

**SB 1303 (Pan) – Office of the County Medical Examiner
OPPOSE**

SB 1303, by Senator Richard Pan, would require counties with a population of more than 500,000 that operate a consolidated sheriff-coroner office – which includes the County of Riverside – to abolish the office of the coroner and establish an independent office of the medical examiner. Some counties have already opted to establish such a model. The County of Riverside opposes this measure given that, under current law, counties have clear and unfettered authority to create a separate office of the medical examiner. As now drafted, SB 1303 would – irrespective of the current circumstances in a given county and without regard to a jurisdiction's capacity to assume new and likely substantial costs associated with operating the office of the medical examiner – eliminate the local boards of supervisors' authority in making an important local governance decision. In the bill's late June hearing in the Assembly Public Safety Committee, the author accepted amendments to give counties the option of either establishing an independent office of the medical examiner or contracting out for cases in which a conflict may exist (e.g., a peace officer-involved shooting). A draft of those amendments surfaced this

week, and the County is evaluating whether the proposed changes alter the County's position on the measure.

- **Status:** SB 1303 is on the Assembly Appropriations Committee suspense file.
- **Support:** California Medical Association (sponsor); AFSCME; AFL-CIO; California Public Defenders Association; California Society of Pathologists;

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

College of American Pathologists; Consumer Attorneys of California; County of Santa Clara

- **Opposition:** County of Riverside; California State Association of Counties; California State Sheriffs' Association; San Joaquin County Board of Supervisors

**AB 1912 (Rodriguez) – Liabilities of Joint Powers Agreements (JPAs)
OPPOSE PRIOR VERSION**

A previous version of AB 1912, by Assembly Member Freddie Rodriguez, would have imposed considerable new burdens and unworkable requirements on local and state agencies regarding JPAs. The bill responds to a circumstance – as recently happened with a JPA in Los Angeles County – when several government agencies form a joint powers authority (JPA), and the JPA dissolves or is otherwise unable to meet its pension obligations, resulting in reductions to retirees' pensions. In its previous version, this measure would have applied retroactive as well as prospective joint and several liability for all retirement-related obligations to any current or former member of a JPA since inception. The County of Riverside joined a coalition of local government entities in opposing this measure, pointing out both fiscal and practical problems with AB 1912. However, the local government associations worked with the sponsors on amendments incorporated into the bill as of July 3. As now drafted, AB 1912 would now only apply to JPAs that intend to dissolve, cease operations, or terminate their retirement contract. Joint and several liability no longer applies to any JPAs. If a JPA were to disband, the agencies must mutually agree on apportioned liability for retirement obligations. If the agencies cannot agree then the retirement agency will apportion liability in a manner based on, among other things, the share of service or populations of each member agency. If agencies cannot agree and wish to contest the retirement agency's determination of apportionment, they will have to enter into binding arbitration at their shared expense. The JPA would be prohibited from dissolving or ceasing operations until liability is agreed to.

- **Status:** AB 1912 is on the Senate Appropriations Committee suspense file.
- **Support:** SEIU California (sponsor); Association of California State Supervisors; California Association of Professional Scientists; California State Retirees; LIUNA Local 792; Orange County Professional Firefighters Association, IAFF; Local 3631 Professional Engineers in California Government; Retired Public Employees Association
- **Opposition (to prior version):** County of Riverside; California Association of Joint Powers Authority; California Contract Cities Association; California Special Districts Association; California State Association of Counties; City of Glendora; City of La Canada Flintridge; League of California Cities; Urban Counties of California

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

**AB 3087 (Kalra) – Health Care Cost Containment Commission
OPPOSE**

AB 3087, by Assembly Member Ash Kalra, would establish an independent Health Care Cost, Quality and Equity Commission. Premised on the belief that the high cost of health care is unsustainable, AB 3087 would require the state to set base payment amounts that hospitals, doctors, and other providers can collect from payers. The Commission would use Medicare rates as a floor for determining base amounts for providers and Medicare Advantage rates to set payments to health plans. Providers and health plans would be allowed to appeal for a higher amount based on outstanding factors. A coalition of labor

organizations and consumer groups are co-sponsoring AB 3087. The Assembly Health Committee held a special order of business this week to discuss the measure. Despite many negative comments by most committee members, the measure passed out of committee on a party-line vote.

- **Status:** AB 3007 was held on the Assembly Appropriations Committee Suspense File and will not be moving forward this year.
- **Support:** California Labor Federation (cosponsor); Health Access California (cosponsor); SEIU California (cosponsor); UNITE HERE International Union (cosponsor); Western Center on Law and Poverty; and dozens of labor union and other groups
- **Opposition:** California Hospital Association; California Medical Association; and more than 200 other hospital and health systems and related associations

**Various measures – Definition of Gravely Disabled/New Category of
Conservatorship WATCH**

There are a number of measures before the Legislature relating to “gravely disabled” provisions under Welfare and Institutions Code Section 5150. The 5150 provisions allow for involuntary holds of up to 72- hours for individuals deemed to be a danger to themselves or others. Given the potential for local impacts, we have been monitoring legislative activity in this arena closely. As expected, organizations including ACLU and Disabilities Rights California have weighed in with opposition on those measures that expand the circumstances under which an involuntary hold (AB 1971) or a conservatorship (SB 1045) can be imposed. Details on these measure are provided below.

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

<p>AB 1971 (Santiago (D-Los Angeles), Chen (R-Diamond Bar), and Friedman (D-Glendale))</p>	<p>Seeks to expand the existing definition of "gravely disabled" to include a person's inability to provide for his or her personal needs for "medical treatment," if the failure to receive medical treatment results in a deteriorating physical condition or death. As amended just prior to the July break, AB 1971 does all of the following: (1) changes the gravely disabled definition to read "... unable to provide for his or her... medical treatment, if the failure to receive medical treatment results in a deteriorating physical condition that a medical professional, in his or her best medical judgment, attests in writing, will more likely than not, lead to death within six months"; (2) requires that, prior to a conservatorship under the expanded definition in AB 1971, a court to find that (a) the behavioral health director has made best efforts to provide the proposed conservatee with voluntary treatment for applicable mental health disorders and/or the physical health condition and (b) the proposed conservatee refused the voluntary treatment; and (3) narrows the measure to a five-year pilot in Los Angeles County only with a reporting requirement on outcomes. This measure is sponsored by the</p>
<p>AB 2099 (Gloria, D-San Diego)</p>	<p>Would allow facilities to treat a copy of the document detailing the circumstances of a 5150 hold as an original for specified purposes and under specified circumstances. Under current law, 5150 paperwork with an original signature must accompany the patient as he or she moves through the associated referral/transfer to a 5150 facility. Some patients who are not in possession of the original paperwork have been refused services and treatment. This measure would facilitate access to treatment for those placed on a 5150 hold who have digital, faxed, or other duplicate versions</p>

SB 1045 (Wiener, D-San Francisco)

Would create a new category of conservatorship for a person who is chronically homeless and incapable of caring for his or her own health and well-being due to acute and severe mental illness or a severe substance abuse disorder, as evidenced by specified circumstances. As amended in May, the bill authorizes two specific

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

jurisdictions – the County of Los Angeles as well as the City and County of San Francisco – to opt-in to make use of the provisions in SB 1045.

On the Assembly Appropriations Committee suspense file.



HURST+BROOKS+ESPINOSA

August 15, 2018

To: Brian Nestande, Deputy County Executive Officer
County of Riverside

From: Hurst Brooks Espinosa, LLC

Re: **August 2018 – State Legislative Update**

At the time of this writing, the Legislature has been back in Sacramento for just over a week to complete the 2017-18 session, which ends on August 31.

There are a number of milestone legislative deadlines in the coming weeks. Friday of this week all measures with fiscal impacts must move out of the respective Appropriations Committees. Each house will hold a hearing on August 16 to announce which bills will move off the “suspense file” and advance to the floor in the second house for consideration. The final date for any measure to be amended is Friday, August 24. Finally, the Legislature will dedicate itself exclusively to moving measures off the floors and to the Governor during the last two weeks of session.

Major issues areas that the Legislature will attempt to tackle in the closing weeks of session include wildfire liability, bail reform, net neutrality, a stewardship program for pharmaceutical waste and sharps, and several aspects of peace officer use-of-force reform. We provide additional background on two of these issues below. In the meantime, HBE remains vigilant for “gut-and-amends,” a legislative maneuver often used during the closing days of session whereby the contents of a bill are stripped and replaced with brand new provisions that often represent very significant policy changes. We will continue to keep you apprised of legislative activities on priority bills through the end of session.

EMERGENT ISSUES

Two major policy issues before the Legislature for consideration and likely action before the end of session that may be of interest and consequence to the County are discussed below.

Wildfire Liability

Just prior to the July legislative recess, the Governor and legislative leadership announced the establishment of a conference committee to consider legislation to strengthen disaster preparedness and discuss policies to respond to increasing wildfire danger. The conference committee is charged with updating rules and regulations for utility services in light of increased severity and frequency of weather events and a changing climate, including:

- Strengthening fire prevention activities such as vegetation removal, infrastructure maintenance, utility company inspections and temporary shut off of power during extreme weather;

- Continuing to ensure that those who cause wildfires are held accountable for damages associated with them;
- Appropriately determining responsibility for a wildfire;
- Ensuring fair allocation of wildfire prevention and response costs in a manner that protects ratepayers; and
- Requiring utilities to annually submit to the state more expansive and detailed wildfire and emergency preparedness plans.

SB 901, by Senator Bill Dodd, is serving as the policy vehicle for legislative changes suggested by the committee. Conferees are Senators Bill Dodd (co-chair), Anthony Cannella, Ben Hueso, Hannah-Beth Jackson, and Jeff Stone and Assembly Members Chris Holden (co-chair), Brian Dahle, Chad Mayes, Eloise Reyes, and Jim Wood. Committee information, including hearing agendas, can be found [here](#).

Subsequent to the formation of the conference committee, Governor Brown sent a letter to the Legislature and proposed legislation to address wildfire liability and wildfire prevention, including a proposal to add factors for the court to consider in a civil action for inverse condemnation against an electrical corporation or local publicly owned electric utility seeking damages from an unintended fire when electrical infrastructure is a substantial cause of the fire. The Governor's proposed language would direct the court to balance the public benefit of the electrical infrastructure with the harm caused to private property. The proposal is retrospective in that it would apply to any fire that occurred after January 1, 2018. CSAC has been very vocal on behalf of counties in opposition to the proposed changes to inverse condemnation and challenges the constitutionality of such a change.

By the end of this week, the Conference Committee will have met five times to discuss a range of issues associated with wildfires, including safety and reliability of the grid, inverse condemnation and liability of utility companies for costs associated with wildfires, forest management, and issues associated with related debt management on the part of utilities. As it relates to the Conference Committee's conversation on inverse condemnation, opinions were extremely diverse, with many conference committee members appearing troubled by changing the strict liability standard now in law. Yesterday, Senate Republicans released a press statement suggesting that the Legislature defer discussion of inverse condemnation and focus instead on safety and forest management issues, given the few remaining days in the legislative session.

Additional conference committee hearings are expected prior to the end of session.

Bail Reform

SB 10, by Senator Robert Hertzberg and Assembly Member Rob Bonta, is a measure introduced in 2017 that seeks to significantly reform the state's bail system. The policy changes being sought are meant to address concerns with the current cash bail system that relies on wealth-based release decisions versus risk-based decisions. As currently in print, SB 10 would require (1) establishment of county-level pretrial services agencies, (2) use of a risk assessment tool to determine an arrestee's likelihood to reoffend and return to court, and (3) preparation of a pretrial services report with recommendations for conditions of release for – with certain exceptions – persons arrested and booked into jail. At the end of August last year, Governor Brown, Chief Justice Tani Cantil-Sakauye, and the authors of SB 10 jointly announced a

commitment to continue discussions on bail reform over last Fall and into 2018 in order to work on both operational and cost elements of the measure.

The bill has remained in the Assembly Appropriations Committee with no activity emerging until last week. SB 10 is now set for a fiscal hearing on August 15. It is expected that the measure will move to the suspense file, with likely passage off the suspense file the following day. Negotiations are ongoing behind the scenes, which are expected to result in a significantly revised programmatic design that will give the courts (rather than counties) a new set of pre-trial responsibilities. It has been reported that the courts would have the authority to contract with counties to perform risk assessments and possibly carry out other related services. We will communicate updates on SB 10 as they become available. As discussed below, the August package of budget clean-up measures (provisions in identical measures AB 1828 and SB 862) appropriates \$15 million to support start-up activities associated with bail reform, should a related bill be enacted.

2018-19 STATE BUDGET

Prior to the end of session, the Legislature will consider several clean-up measures to correct and/or amend previously approved 2018-19 budget actions. Both full budget committees are scheduled to meet this week to review the slate of bills.

We are aware that the Legislature will consider amendments to the mentally ill diversion program, previously approved in AB 1810, the health trailer bill. Given concerns around eligibility requirements and the overall structure of the Governor’s proposal to reduce the Incompetent to Stand Trial (IST) population by way of a diversion-to-treatment program, the Administration has redrafted certain aspects of the program structure. That bill is not yet in print, but our review of the draft language includes the following elements: (1) that the \$100 million in funds appropriated for this purpose over a period of three years will be made available on a competitive basis through a process administered by the Department of State Hospitals; (2) that before a diversion can be granted for individuals charged with felonies, the board of supervisors must adopt a plan with specified local partners (including the district attorney, defense bar, the local defense bar and superior court) to determine eligibility and, if desired, other participation criteria. Given Riverside County’s support of this budget item and likely interest in applying for funds, we have been providing regular updates to your staff.

On August 14, language was amended into clean-up measures in several areas, as detailed below. Note that the clean-up to the IST program discussed above is not yet in print, so the Legislature will be asked to act on at least one – but perhaps more – clean-up measures beyond those identified below.

2018-19 Budget /Trailer Bill Clean-up Measures – As of August 15, 2018

<p><u>AB 1828/SB 862</u></p>	<p>Budget Bill, Jr.</p>	<ul style="list-style-type: none"> ▪ Makes various amendments to the main 2018-19 spending plan ▪ Gives Judicial Council expenditure authority of up to \$15 million in 2018-19 for start-up costs associated with pre-trial services (bail) reform, conditioned on passage of a bail reform measure; estimates annual implementation costs of \$200 million
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<u>AB 1829/SB 861</u>	Mortgage Settlement	<ul style="list-style-type: none"> ▪ Makes statutory changes related to the National Mortgage Special Deposit Fund established to receive the state's portion of mortgage settlement following the 2008 financial crisis
<u>AB 1833/SB 846</u>	Employment	<ul style="list-style-type: none"> ▪ Makes various technical changes to provisions enacted in SB 857, the 2018-19 trailer bill regarding IHSS provider orientation
<u>AB 1835/SB 867</u>	Legislative Counsel: workplace conduct services	<ul style="list-style-type: none"> ▪ In response to recent sexual misconduct cases in the Capitol, establishes a unit within the Legislative Counsel Bureau to provide advice and investigative services to the Legislature related to workplace misconduct ▪ Makes a related appropriation
<u>AB 1840/SB 874</u>	Education finance	<ul style="list-style-type: none"> ▪ Makes various technical changes to provisions necessary for implementing education-related aspects of state budget
<u>AB 1842/SB 876</u>	Human services	<ul style="list-style-type: none"> ▪ Makes various technical changes and appropriates \$10,000 for specified administrative activities
<u>AB 1844/SB 878</u>	Taxes: credits: qualified motion pictures	<ul style="list-style-type: none"> ▪ Extends the deadline – from July 1, 2019 to January 1, 2022 – for the Legislative Analyst's Office to prepare reports related to the effectiveness and administration of previously enacted film tax credits ▪ Amends the California Film Commission's allocation authority for unused credit ▪ Makes a \$5,000 appropriation to the California Film Commission for work necessary to develop rules associated with the programs established under specified film tax credits
<u>AB 1845/SB 879</u>	Public safety	<ul style="list-style-type: none"> ▪ Clarifies as declarative of existing law certain limits on the State Auditor's authority with respect to records disclosure related to investigations of the Commission on Judicial Performance ▪ Revises from 50 to 48 the number of superior court judgeships previously authorized but not yet funded to reflect allocation of two judgeships to the County of Riverside in the 2018-19 Budget ▪ Makes technical change to procedures for licensing participants in Ventura County firefighter training program ▪ Reappropriates and extends encumbrance deadline for a portion of Peace Officer Training Funds previously allocated in 2015-16
<u>AB 1846/SB 869</u>	Elections	<ul style="list-style-type: none"> ▪ Appropriates federal funds to the Secretary of State for elections security

		<ul style="list-style-type: none"> ▪ Clarifies an election-related amendment to the County of San Diego charter
<u>SB 875</u>	Public resources	<ul style="list-style-type: none"> ▪ Makes various technical changes to public resources provisions of the 2018-19 state budget
<u>SB 877</u>	State Government	<ul style="list-style-type: none"> ▪ Authorizes Department of Housing and Community Development (HCD) to charge a project monitoring fee associated with loans from the Housing for a Healthy California Program ▪ Makes various changes to prevailing wage provisions associated with public works projects, including a requirement that employees affected by a work stoppage be paid the prevailing wage rate for any time lost, not to exceed 10 days ▪ Specifies that an entity awarding a public work contract under specified circumstances without a formal bidding process, such as in an emergency, shall also provide notice to the Department of Industrial Relations; also provides for due process procedures for the processing of citations and issuance of penalties for a failure to provide notice ▪ Exempts contracts related to the 2020 United States Census entered into by the Government Operations Agency or the Office of Planning and Research from specified provisions of the Public Contract Code applicable to state agencies ▪ Extends by two years the amount of time local mass transit providers have to repay a specified loan

COUNTY-SPONSORED LEGISLATION

On behalf of the County of Riverside, HBE has been working on four County-sponsored measures in 2018, as detailed below.

AB 1946 (Cervantes) – Elder and dependent adult trafficking

AB 1946, by Assembly Member Sabriña Cervantes, was introduced to address an elder and dependent adult trafficking problem in Riverside County. A troubling practice has been identified among certain community care facilities where an elderly or dependent adult is released from a hospital setting into a licensed care facility, only to be moved to an unlicensed facility (run by same provider) that provides substandard care. In collaboration with a small working group of County, City of Riverside, and Department of Justice stakeholders, we worked for months to identify a tailored, constructive approach that would provide the necessary tools to either disincentivize this business practice or to make it outright illegal. However, despite pursuing several legislative approaches to achieve either outcome, each proposed solution encountered substantive legal hurdles or significant opposition. In consultation with the author’s office, a decision was made to put the bill on hold this year to allow more time for

development of a solution that will secure legislative approval. We will continue to collaborate with the working group of experts, as well as interested stakeholders, to craft a legislative approach for 2019.

- **Status:** As noted in the April update, AB 1946 will not be moving forward this year.
- **Support:** County of Riverside (sponsor)
- **Opposition:** None known.

AB 2137 (Mayes) – Increase to no-bid contracting threshold for Riverside County Regional Parks and Open Space District

This measure, as introduced, would increase from \$25,000 to \$50,000 the no-bid threshold for the Riverside County Regional Park and Open Space District. Previous legislative efforts – all non-controversial – made this same change for the East Bay Regional Park District, the Midpeninsula Regional Open Space District, and the Sonoma County Agricultural Preservation and Open Space District. The objective of AB 2137 is to create savings associated with avoiding the bid preparation process that could be put to better use in advancing the parks district's mission. At the request of the Senate Governance and Finance Committee, the measure was amended on June 19 to increase the no-bid expenditure threshold to \$50,000 for regional parks districts statewide and to grant local districts the ability to apply annual inflationary increases by a vote of the board.

- **Status:** AB 2137 passed the Senate on August 13; it is expected to be approved by the Assembly on August 16. Once the latter step occurs, the bill will move to the Governor.
- **Support:** County of Riverside (sponsor); California Special Districts Association; East Bay Regional Park District.
- **Opposition:** None known; previous efforts for other districts did not attract opposition.

AB 2821 (Mayes) – Integrated Health and Human Services System

As introduced, AB 2821, by Assembly Member Chad Mayes, would authorize the County of Riverside – upon approval of the Board of Supervisors – to operate an integrated and comprehensive county health and human services system. The Counties of San Diego and Placer Counties already have this authority. Under this measure, the County of Riverside would have the authority as an integrated agency to: (1) maintain and evaluate a system of administration that integrates and coordinates the management and support of client services; and (2) maintain a system of reporting and accountability that provides for the combined provision of services without the loss of state or federal funds provided under current law. Further, the measure would give the County flexibility to move funds between health and human services subaccounts within the 2011 Realignment funding structure. The Brown Administration reached out and expressed an interest in working with Riverside County to expand the provisions in AB 2821 to all counties. The measure was amended June 11 to make that change.

- **Status:** AB 2821 passed the Senate on August 13 and awaits final approval in the Assembly.
- **Support:** County of Riverside (sponsor), California State Association of Counties.
- **Opposition:** None known.

AB 3007 (E. Garcia) – Services for Children of Incarcerated Parents (CIP)

Riverside County has designed a program to deliver a comprehensive set of services meant to boost the resiliency factors and reduce the likelihood of future involvement in the criminal justice system of children whose parents are currently or formerly incarcerated. AB 3007 would authorize the program in the County of Riverside and specify program elements and expected outcomes. The primary objective

behind the measure is to elevate the policy issue and the particularized need of the CIP population among legislators and stakeholders. AB 3007 was amended on June 6 to, among other provisions, (1) further clarify the County's authority to design eligibility criteria and other program elements that best meet local needs and (2) require the County to coordinate across affected departments for children in the CIP program who also are receiving other County services such as foster care. Although the measure has been unanimously approved throughout the legislative process, the Administration has questioned whether anything in law prohibits the County from implementing the program absent the authority that would be conferred by AB 3007. It is clear that, as a general principle, the Governor is disinclined to approve measures that are not absolutely necessary. Given the uncertainty about the bill's ultimate success, the decision was made to hold the measure on the Assembly Floor.

- **Status:** The bill is on the Assembly inactive file.
- **Support:** County of Riverside (sponsor); California Immigrant Policy Center, Riverside First 5, one individual (a former CIP)
- **Opposition:** None known.

TWO-YEAR BILLS

On the County's behalf, we have engaged on several two-year measures that have carried over from the 2017 legislative year. We provide a status update below.

AB 1250 (Jones-Sawyer) – County Contracting Out Authority

OPPOSE

As of the time of this writing, the status quo remains on AB 1250, a measure that proposed to considerably restrict county governments' ability to contract out for personal services. The County of Riverside – along with virtually every other county, other statewide county associations, and a significant swath of the non-profit community, among others – opposed the bill in 2017. The bill remains stalled in the Senate Rules Committee, where it has been parked since September of last year, and there are no signals that any movement is planned. It is worth noting that AB 3224 (Thurmond) touches on somewhat related issues. This latter measure seeks to codify existing federal law and county practice with respect to requiring eligibility determinations for Medi-Cal, CalWORKs, and CalFresh be done by county employees. Our analysis indicates that AB 3224 would not impose new requirements or unduly burden counties; CSAC has taken a neutral position on the bill.

- **Status:** AB 1250 remains stalled in the Senate Rules Committee; AB 3224 awaits action by the Governor.
- **Support (AB 1250):** Service Employees International Union (SEIU) and American Federation of State, County and Municipal Employees (AFSCME) – co-sponsors, along with a number of other employee organizations
- **Support (AB 3224):** Western Center on Law and Poverty (sponsor); AFSCME
- **Opposition (AB 1250):** County of Riverside; CSAC; Urban Counties of California; Rural County Representatives of California; Howard Jarvis Taxpayers Association; Retailers Association; American Planning Association, California Chapter; California Business Properties Association; California Chamber of Commerce; dozens of additional individual counties; and hundreds of non-profit organizations and service providers
- **Opposition (AB 3224):** None known.

SB 38 (Roth)/AB 2446 (Obernolte) – Judgeship Funding

SUPPORT

Addressing the shortage of judicial resources – both at the trial court and appellate court level – in Riverside County has been a priority for the Board of Supervisors; the magnitude of judgeships shortfall is significant and well-documented. In 2007, 50 trial court judgeships were authorized by the Legislature (AB 159) but have yet to be funded. In its introduced version, SB 38 did the following: 1) authorized and funded one appellate court justice in the 4th District, Division Two (hearing appeals from the Riverside, Inyo, and San Bernardino Superior Courts) and 2) funded 10 of the 50 previously authorized trial court judgeships. SB 38 was taken up by the Senate Judiciary Committee and passed unanimously earlier this month. However, the Senate Appropriations Committee stripped out the appropriations from the bill before passing it out of its committee. The sole provision that remains in the bill is the language to statutorily create the appellate court justice. Assembly Member Jay Obernolte – who represents the similarly impacted San Bernardino County – introduced AB 2446, which is nearly identical to SB 38 in its introduced form. The County also supported AB 2446, although it died in May in the Assembly Appropriations Committee. As noted previously in our budget updates, the 2018-19 state budget includes both the authority to establish and ongoing funding for the appellate court justice position as well as funding for two superior court judgeships to be placed in Riverside County.

- **Status:** SB 38 is in the Assembly Appropriations Committee suspense file; AB 2446 was held on the Assembly Appropriations Committee Suspense File in May and will not be moving forward.
- **Support (SB 38):** Judicial Council (sponsor), County of Riverside, California Judges Association, Greater Riverside Chambers of Commerce
- **Support (AB 2446):** County of Riverside, California Judges Association, County of San Bernardino, Judicial Council of California
- **Opposition:** None

AB 862 (Maienschein) – Pay for Success Programs

SUPPORT

The County of Riverside is supporting Assembly Member Brian Maienschein's effort to authorize and provide \$5 million in funding to support three additional counties' participation in a pay-for-success (PFS) program. AB 1837 (Atkins, 2014) authorized an initial PFS program administered by the BSCC; three counties successfully competed for the funds and are currently implementing programs that focus on reducing recidivism among a targeted group of the adult criminal justice population. AB 862 would create a pay-for-success funding option for which Riverside County could compete; it is viewed as an opportunity to seek financial support for the County's efforts to establish a program to deliver wrap-around services to reduce risk factors and develop resiliency among children whose parents are incarcerated. The bill now clarifies that the PFS programs authorized under AB 862 are separate and apart from those that were previously authorized in AB 1837.

- **Status:** AB 862 is on the Senate Appropriations Committee suspense file.
- **Support:** Sacramento Regional Builders Exchange (sponsor); County of Riverside; Californians for Safety and Justice; Federation of California Builders Exchanges; Bay Area Builders Exchange; Central California Builders Exchange; Valley Contractors Exchange
- **Opposition:** None known.

ADDITIONAL LEGISLATION OF INTEREST

AB 3157 (Bonta and Lackey) – Cannabis taxation

SUPPORT

AB 3157, by Assembly Members Rob Bonta and Tom Lackey, would temporarily lower California's total tax on cannabis by decreasing the cannabis excise tax from 15% to 11% and suspending the cultivation tax for three years. According to the authors, this short-term tax reduction would encourage cannabis operators and consumers to enter the legal market and curtail the underground cannabis market. In accordance with the County platform that supports a lower total tax on cannabis, the County supports this measure.

- **Status:** AB 3157 was held on the Assembly Appropriations Committee Suspense File and will not be moving forward this year.
- **Support:** County of Riverside; Board of Equalization Member Fiona Ma, 2nd District; California Asian Pacific Chamber of Commerce; California Cannabis Delivery Alliance; California Growers Association; California NORML; California Teamsters; Cannabis Distribution Association; CMG/Caliva Cultivation Technologies; Flow Kana River Collective; Southern California Coalition; WeDrop; Monterey County Board of Supervisors
- **Opposition:** None known.

SB 1043 (Newman) – County Veterans Services Offices

SUPPORT

SB 1043 by Senator Josh Newman would, beginning in the 2018-19 fiscal year, continuously appropriate \$7 million to California counties to fund the activities of County Veterans Services Offices (CVSOs). In accordance with the County platform that seeks to secure full funding of CVSOs, the County supports this measure. Note that Senator Josh Newman was recalled in June and has been replaced by Senator Ling Ling Chang (R-Diamond Bar). Given this development, SB 1043 is stalled.

- **Status:** SB 1043 is not moving, given that Senator Josh Newman was recalled and replaced; the measure no longer has an author and no other member has taken over the bill.
- **Support:** California Association of County Veterans Service Officers (sponsor); County of Riverside; American GI Forum of California American Legion-Department of California; AMVETS-Department of California; California State Commanders Veterans Council; Cities of Blythe and Indian Wells; Military Officers Association of America-California Council of Chapters; Rural County Representatives of California (RCRC); Sacramento County; Vietnam Veterans of America-California State Council
- **Opposition:** None

AB 2598 (Quirk) and SB 1416 (McGuire) – Code Enforcement

SUPPORT

In accordance with the platform supporting expansion of tools to assist in code enforcement compliance, the County is supporting two measures in this policy area. AB 2598, by Assembly Member Bill Quirk, would increase the fine amount cities and counties may assess for violations of building and safety codes; it would further create a new fine for specified violations on commercial property. Secondly, SB 1416, by Senator Mike McGuire, would authorize, until January 1, 2024, cities and counties to collect fines related to the nuisance abatement using a lien or special assessment; it would also require any recovered fines or penalties related to these provisions to be used for supporting local enforcement of state and local building and fire code standards. We have been consulting with your staff on potential amendments that the Administration may request to SB 1416 to put in place

safeguards to ensure the lien authority is not overused. We anticipate additional amendments to the measure before it is sent to the Governor.

- **Status:** AB 2598 awaits action on the Assembly Floor, while SB 1416 remains in the Assembly.
- **Support (AB 2598):** League of California Cities and California Association of Code Enforcement Officers (co-sponsors); County of Riverside
- **Support (SB 1416):** County of Riverside; California Building Officials; California Business Properties Association; California Association of Code Enforcement Officers.
- **Opposition (AB 2598):** American Civil Liberties Union (ACLU) of California; East Bay Community Law Center; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; Legal Services for Prisoners with Children; and Western Center on Law and Poverty
- **Opposition (SB 1416):** None known.

SB 1004 (Wiener) – MHSA: Prevention and Early Intervention NEUTRAL (OPPOSITION REMOVED)

SB 1004, by Senator Wiener, would establish priorities for the use of Mental Health Services Act prevention and early intervention (PEI) funds and develop a statewide strategy for monitoring the implementation of PEI programs. Riverside County sent an oppose unless amended letter on an earlier version of the measure, raising concerns that (1) the bill is too narrowly crafted in terms of the types of programs and specific areas of focus for PEI funding; (2) the PEI plan approval process in the bill would result in delays and undermine local investments. HBE worked with the author's office and subsequently amendments were taken on June 25 that directly addressed Riverside County's concerns. The County was able to remove its opposition and is now neutral on SB 1004.

- **Status:** SB 1004 is on the Assembly Appropriations Committee suspense file.
- **Support:** Steinberg Institute (sponsor); California Hospital Association; California Medical Association; California State Student Association; California State University; Disability Rights California; National Center for Youth Law; Children Now; Juvenile Court Judges of California; JERICHO; Children's Defense Fund-California; California Association of Veteran Service Agencies; Californians for Safety and Justice; American Foundation for Suicide Prevention; Jed Foundation; America's Physician Groups; One Mind
- **Opposition:** California Behavioral Health Directors Association (oppose unless amended)

SB 1303 (Pan) – Office of the County Medical Examiner

OPPOSE

SB 1303, by Senator Richard Pan, would require counties with a population of more than 500,000 that operate a consolidated sheriff-coroner office – which includes the County of Riverside – to abolish the office of the coroner and establish an independent office of the medical examiner. Some counties have already opted to establish such a model. The County of Riverside opposes this measure given that, under current law, counties have clear and unfettered authority to create a separate office of the medical examiner. As now drafted, SB 1303 would – irrespective of the current circumstances in a given county and without regard to a jurisdiction's capacity to assume new and likely substantial costs associated with operating the office of the medical examiner – eliminate the local boards of supervisors' authority in making an important local governance decision. In the bill's late June hearing in the Assembly Public Safety Committee, the author accepted amendments to give counties the option of either establishing an independent office of the medical examiner or contracting out for cases in which a conflict may exist (e.g., a peace officer-involved shooting). A draft of those amendments surfaced this

week, and the County is evaluating whether the proposed changes alter the County's position on the measure.

- **Status:** SB 1303 is on the Assembly Appropriations Committee suspense file.
- **Support:** California Medical Association (sponsor); AFSCME; AFL-CIO; California Public Defenders Association; California Society of Pathologists; College of American Pathologists; Consumer Attorneys of California; County of Santa Clara
- **Opposition:** County of Riverside; California State Association of Counties; California State Sheriffs' Association; San Joaquin County Board of Supervisors

AB 1912 (Rodriguez) – Liabilities of Joint Powers Agreements (JPAs) OPPOSE PRIOR VERSION

A previous version of AB 1912, by Assembly Member Freddie Rodriguez, would have imposed considerable new burdens and unworkable requirements on local and state agencies regarding JPAs. The bill responds to a circumstance – as recently happened with a JPA in Los Angeles County – when several government agencies form a joint powers authority (JPA), and the JPA dissolves or is otherwise unable to meet its pension obligations, resulting in reductions to retirees' pensions. In its previous version, this measure would have applied retroactive as well as prospective joint and several liability for all retirement-related obligations to any current or former member of a JPA since inception. The County of Riverside joined a coalition of local government entities in opposing this measure, pointing out both fiscal and practical problems with AB 1912. However, the local government associations worked with the sponsors on amendments incorporated into the bill as of July 3. As now drafted, AB 1912 would now only apply to JPAs that intend to dissolve, cease operations, or terminate their retirement contract. Joint and several liability no longer applies to any JPAs. If a JPA were to disband, the agencies must mutually agree on apportioned liability for retirement obligations. If the agencies cannot agree then the retirement agency will apportion liability in a manner based on, among other things, the share of service or populations of each member agency. If agencies cannot agree and wish to contest the retirement agency's determination of apportionment, they will have to enter into binding arbitration at their shared expense. The JPA would be prohibited from dissolving or ceasing operations until liability is agreed to.

- **Status:** AB 1912 is on the Senate Appropriations Committee suspense file.
- **Support:** SEIU California (sponsor); Association of California State Supervisors; California Association of Professional Scientists; California State Retirees; LIUNA Local 792; Orange County Professional Firefighters Association, IAFF; Local 3631 Professional Engineers in California Government; Retired Public Employees Association
- **Opposition (to prior version):** County of Riverside; California Association of Joint Powers Authority; California Contract Cities Association; California Special Districts Association; California State Association of Counties; City of Glendora; City of La Canada Flintridge; League of California Cities; Urban Counties of California

AB 3087 (Kalra) – Health Care Cost Containment Commission OPPOSE

AB 3087, by Assembly Member Ash Kalra, would establish an independent Health Care Cost, Quality and Equity Commission. Premised on the belief that the high cost of health care is unsustainable, AB 3087 would require the state to set base payment amounts that hospitals, doctors, and other providers can collect from payers. The Commission would use Medicare rates as a floor for determining base amounts for providers and Medicare Advantage rates to set payments to health plans. Providers and health plans would be allowed to appeal for a higher amount based on outstanding factors. A coalition of labor

organizations and consumer groups are co-sponsoring AB 3087. The Assembly Health Committee held a special order of business this week to discuss the measure. Despite many negative comments by most committee members, the measure passed out of committee on a party-line vote.

- **Status:** AB 3007 was held on the Assembly Appropriations Committee Suspense File and will not be moving forward this year.
- **Support:** California Labor Federation (cosponsor); Health Access California (cosponsor); SEIU California (cosponsor); UNITE HERE International Union (cosponsor); Western Center on Law and Poverty; and dozens of labor union and other groups
- **Opposition:** California Hospital Association; California Medical Association; and more than 200 other hospital and health systems and related associations

Various measures – Definition of Gravely Disabled/New Category of Conservatorship WATCH

There are a number of measures before the Legislature relating to “gravely disabled” provisions under Welfare and Institutions Code Section 5150. The 5150 provisions allow for involuntary holds of up to 72-hours for individuals deemed to be a danger to themselves or others. Given the potential for local impacts, we have been monitoring legislative activity in this arena closely. As expected, organizations including ACLU and Disabilities Rights California have weighed in with opposition on those measures that expand the circumstances under which an involuntary hold (AB 1971) or a conservatorship (SB 1045) can be imposed. Details on these measure are provided below.

<p><u>AB 1971</u> (Santiago (D-Los Angeles), Chen (R-Diamond Bar), and Friedman (D-Glendale))</p>	<p>Seeks to expand the existing definition of “gravely disabled” to include a person’s inability to provide for his or her personal needs for “medical treatment,” if the failure to receive medical treatment results in a deteriorating physical condition or death. As amended just prior to the July break, AB 1971 does all of the following: (1) changes the gravely disabled definition to read “... unable to provide for his or her... medical treatment, if the failure to receive medical treatment results in a deteriorating physical condition that a medical professional, in his or her best medical judgment, attests in writing, will more likely than not, lead to death within six months”; (2) requires that, prior to a conservatorship under the expanded definition in AB 1971, a court to find that (a) the behavioral health director has made best efforts to provide the proposed conservatee with voluntary treatment for applicable mental health disorders and/or the physical health condition and (b) the proposed conservatee refused the voluntary treatment; and (3) narrows the measure to a five-year pilot in Los Angeles County only with a reporting requirement on outcomes. This measure is sponsored by the County of Los Angeles. <i>On the Senate Appropriations Committee suspense file.</i></p>
<p><u>AB 2099</u> (Gloria, D-San Diego)</p>	<p>Would allow facilities to treat a copy of the document detailing the circumstances of a 5150 hold as an original for specified purposes and under specified circumstances. Under current law, 5150 paperwork with an original signature must accompany the patient as he or she moves through the associated referral/transfer to a 5150 facility. Some patients who are not in possession of the original paperwork have been refused services and treatment. This measure would facilitate access to treatment for those placed on a 5150 hold who have digital, faxed, or other duplicate versions</p>

	of the otherwise required paperwork. This measure is sponsored by the American College of Emergency Physicians (California Chapter). <i>Awaiting action on the Senate Floor.</i>
SB 1045 (Wiener, D-San Francisco)	Would create a new category of conservatorship for a person who is chronically homeless and incapable of caring for his or her own health and well-being due to acute and severe mental illness or a severe substance abuse disorder, as evidenced by specified circumstances. As amended in May, the bill authorizes two specific jurisdictions – the County of Los Angeles as well as the City and County of San Francisco – to opt-in to make use of the provisions in SB 1045. <i>On the Assembly Appropriations Committee suspense file.</i>

Finally, we have attached a status report of all active bills in the legislative process where the County has weighed in, but does not include measures HBE is actively monitoring where the Board has taken no official position. We will continue to monitor legislative activity closely in the final weeks of the 2018 legislative year and communicate updates regularly. Please do not hesitate to contact us with any questions on these or other topics of interest. Thank you.