

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



ITEM: 2.1  
(ID # 12552)

**MEETING DATE:**  
Tuesday, May 12, 2020

**FROM :** EXECUTIVE OFFICE:

**SUBJECT:** EXECUTIVE OFFICE: Receive and File the Legislative Update Report, All Districts.  
[\$0]

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Receive and File the Legislative Update Report.

**ACTION:**Consent

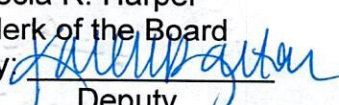
  
Brian Nestande 5/12/2020

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Washington, seconded by Supervisor Hewitt and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: May 12, 2020  
xc: EO

Kecia R. Harper  
Clerk of the Board  
By:   
Deputy

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<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: N/A</b>			<b>Budget Adjustment:</b>	No
			<b>For Fiscal Year:</b>	19/20

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The following are state and federal legislative updates.

**STATE REPORT: TO ACCESS THE FULL REPORT, PLEASE OPEN ATTACHMENT**

**May 4 - 8, 2020 State Legislative Update**

**Renewed Effort for Climate Resiliency Bond**

Assembly Member Eduardo Garcia has amended AB 3256, initially a climate resiliency bond, to broaden the measure to address economic recovery from the COVID-19 pandemic with a focus on climate change. As amended, AB 3256 would enact the Wildfire Prevention, Safe Drinking Water, Climate Resilience, Drought Preparation, and Flood Protection Bond Act of 2020 in the amount of \$6.98 billion.

The Senate has also been working on their own version of a climate resiliency bond and reportedly is considering a similar expansion to include economic recovery.

AB 3256 is scheduled for hearing on May 13 in the Assembly Natural Resources Committee.

**Privacy Measure Proponents Submit Signatures**

Yesterday, proponents of an initiative that redrafts portions of California’s Consumer Privacy Act announced they have submitted more than 900,000 signatures to county elections officials to qualify the measure for the November ballot. Funded by Alastair McTaggart and supported by Senator Bob Hertzberg, the measure seeks to establish a new state regulatory body to enforce the Act, provide additional limitations on the use of sensitive personal information, and triples penalties for violating provisions associated with children’s data.

**FEMA Extends “Great Plates Initiative”**

FEMA has extended funding for an additional month for the Newsom Administration’s “Great Plates Initiative.” The program was announced on April 24 to provide meals from local restaurants to seniors not eligible for other nutrition programs. The FEMA funding for the program was slated to expire May 10. FEMA will continue to cover 75 percent of the program

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costs, the state will pay for approximately 19 percent, and local governments (cities or counties) will pay the remaining 6 percent. According to the Office of Emergency Services, 68 local governments have agreed to participate in the program.

**May 6, 2020 State Legislative Update**

**Governor Newsom Announces New Executive Order on Property Taxes**

Today, Governor Newsom issued Executive Order N-61-20, providing county treasurer-tax collectors with the authority to waive penalties and interest associated with late property tax payments for economic hardship through May 6, 2021. Additionally, business personal property statements slated to be filed with county assessors this week (by May 7) will now be due on May 31, 2020. Please see attached a joint statement from CSAC, UCC, RCRC, and the California Association of County Treasurer Tax Collectors responding to the Governor's order.

**Governor Newsom Announces New Workers' Compensation Provisions for COVID-19**

Governor Newsom also signed Executive Order N-62-20, establishing new workers' compensation provisions for those workers whose employers – in the context of the pandemic – require them to physically go to work or do their job outside of the home. Specifically, an employee who tests positive for COVID-19 or is diagnosed with COVID-19 (and subsequently confirmed with a positive test) by a doctor will be eligible for workers' compensation benefits. The benefit is retroactive to March 19 (the start of the state's shelter-in-place order) and ends on July 5. The presumption that COVID-19 was contracted at work is rebuttable by employers. Recall that a recent study by the Workers' Compensation Insurance Risk Board suggested that workers' compensation costs associated with COVID-19 could be many billions of dollars, an estimated \$11.2 billion in the mid-range.

The Director of the Department of Industrial Relations indicated that the state will be providing additional guidance on the new workers' compensation provisions in the coming days.

**Governor Announces Continued Pursuit of Vaping Tax**

In response to a question from a reporter during today's noon press conference, the Governor gave a preview of his May Revision, indicating that he would continue to pursue a vaping tax. Recall that in his January proposed budget, the Governor had proposed a new nicotine content-based e-cigarette tax. The vaping tax would be effect January 1, 2021 and would impose a \$2 tax for each 40 milligrams of nicotine in the product and be an addition to the existing taxes on e-cigarettes. The Administration estimated at the time that the tax would generate \$32 million in 2020-21, which would – at least as conceived in January – be used for administration, enforcement, youth prevention, and health care workforce programs.

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**Senate Special Committee on Pandemic Emergency Response**

The Senate Special Committee on Pandemic Emergency Response held its first hearing this afternoon – focusing on testing and contact tracing. The agenda and materials can be found here. The first panel, comprised of state and local officials, included an overview of state activities and of the state task force on testing, the role of local public health departments in testing and contact tracing, and testing and contact tracing challenges in rural counties. The second panel focused on academic institutions' response, commercial laboratories, and health disparities.

Senators were very engaged in the discussion with panelists, asking a variety of questions. Topics covered include: 1) whether California has sufficient tests to move to the second phase of the Governor's four-stage re-opening; 2) further clarification from the Administration on privacy issues related to the use of technology to do contact tracing; 3) the lack of availability of testing sites in rural California; 4) challenges to do contact tracing and testing in small rural counties with limited public health department staff; 5) the lack of swabs for testing; 6) testing availability for people who don't drive or don't have access to the internet; 7) sufficient PPE to do the testing; 8) payment mechanisms for community health centers to perform the tests, including PPE costs; 9) how the state plans to address staffing for contact tracing over the long-term; 10) whether public health departments have the capacity to do anything over than COVID-19 testing and tracing in the near term and how they will address other public health functions during the pandemic; 11) interest in whether some of the unemployed Californians can be retrained to become contact tracers and whether this is a workforce development opportunity; 12) essential health worker, including farm worker, guidance; 13) LGBTQ issues; 14) California Medical Association's request for an Executive Order to allow pharmacists to perform testing to expand capacity; and 15) challenges in – and ways to address – testing reluctance on the part of hard-to-serve populations, such as the homeless.

The hearing attracted testimony from the general public, primarily from individuals who appeared to be affiliated with the anti-vaccination movement. They raised concerns with whether the public can opt in or opt out of testing and tracing, data breaches, data privacy, whether testing would be required to resume work or to attend schools, false positives, isolation and quarantine. The County Health Executives Association of California (CHEAC) urged the Legislature to consider rebuilding local public health capacity as part of the effort to address the pandemic, reminding the Committee that public health staff is not a short-term need. Community health centers urged greater collaboration between clinics and local public health and to consider the use of community health center staff as potential contact tracers.

**Legislative Calendars**

The Assembly and Senate released updated legislative calendars today to reflect new deadlines for policy and fiscal committees to hear bills and to pass bills out of the house of origin. The two calendars differ until July 13, when both houses will return from a summer recess. We will share links to the houses' updated calendars once they are available online.

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In today's post, the Legislative Analyst's Office summarizes the various emergency orders and other actions adopted by the Governor, Judicial Council and local courts to make needed operational changes in light of the pandemic.

**FEDERAL REPORT: TO ACCESS THE FULL REPORT, PLEASE OPEN ATTACHMENT**

**Federal Legislative Activity Report      April 2020**

April was focused on emphasizing the County's priorities to our local Congressional Delegation, Congressional Leadership, the Treasury Department and to and with NACo.

These included COVID funding (CV), the development of CV3.5, inclusion of Independent Special Districts, the covering of Lost Revenue, the use of tax credits to reclaim County spending on Family and Medical Leave benefits in CV2 and ascertaining the range of permitted uses for the County's COVID Relief Fund (CRF, aka state stabilization funds).

CV1: H.R. 6074: Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 — Enacted March 4, 2020. Provided \$8.3 billion in emergency funding for federal agencies to respond to the coronavirus outbreak related to developing a vaccine, medical supplies, grants for public health agencies, small business loans, and assistance for health systems in other countries. Allowed for temporarily waiving Medicare restrictions and requirements regarding telehealth services.

CV2: H.R. 6201: Families First Coronavirus Response Act — Enacted March 18, 2020. Guaranteed free coronavirus testing, established paid family and medical leave, enhanced unemployment insurance, expanded food security initiatives, and increased federal Medicaid funding.

CV3: H.R. 748: Coronavirus Aid, Relief, and Economic Security Act — Enacted March 27, 2020. A \$2 trillion coronavirus relief bill, which will send \$1,200 to each American making \$75,000 a year or less, add \$600/week to unemployment benefits for four months, give \$100 billion to hospitals and health providers, make \$500 billion of loans or investments to businesses, states and municipalities, and \$32 billion in grants to the airline industry, and more.

CV3.5: H.R. 266, Paycheck Protection Program and Health Care Enhancement Act (aka COVID-19 Small Business, Hospital and Testing Funds) The aid package will spend \$483 billion according to the Congressional Budget Office, including:

\$321.3 billion in additional appropriations to support the Paycheck Protection Program, which the bill would modify to set some funds aside to support loans issued by smaller lenders, \$60 billion for separate disaster loans to small businesses, \$75 billion for hospitals and \$25 billion for virus testing. The measure puts off to a future package additional funding sought by Democrats to support states and cities, and it wouldn't change the eligibility rules for businesses to receive loans under the Paycheck Protection Program. The measure is the fourth major package to

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respond to the coronavirus pandemic, but Congressional leaders and the administration have described it as an interim step (CV3.5) as they negotiate the next package, CV4.0.

**Congressional Schedule:**

Congress was largely out of session for April, except to vote on CV3.5, The Senate is now in session as of the first week of May. At the Committee level the Senate is proceeding on biennial water legislation (WRDA). House lawmakers will return to Washington when the next virus aid bill is ready for a floor vote, and that could be as soon as next week, per Majority Leader Steny Hoyer (D-MD). Hoyer says the goal is to have a bipartisan bill, and Speaker Nancy Pelosi will have discussions with the Trump Administration, with the focus of the next bill will on aid to states.

The House's return schedule is going to depend on progress made on the CV4, or what the House is calling CARES 2.0. Hoyer indicated that they may vote the week of May 18. Not coincidentally, this timing lines up with what we have been hearing when CARES 2.0 will be finished. One idea Hoyer is floating is to conduct committee markups in the Capitol Visitor Center rooms and only call Members back for 1-2 days at a time for votes. There has been little movement on the issues of working/voting remotely.

On CARES 2.0, apparently the price tag ballooned to \$3.5t after committee chairs submitted their wish lists earlier this week. Moderates pushed back and reports are that Pelosi is looking at a bill around \$2.0t. The bill will include roughly \$1.0t for state and local government assistance, but still unclear on using it to offset lost revenue -- and another \$1.0t for workforce support, hospital funding, and testing. The legislation is reported to be light on infrastructure -- it may have broadband funding to ensure continuity of operations for business and education -- but this legislation will not include a big infrastructure package. Unclear if any additional Unemployment Insurance, direct payments, or PPP funds, are covered under "workforce support."

Led by Senate Majority Leader Mitch McConnell, Senate and House Republicans want liability shield language but, so far Democrats are opposed and will not agree to anything that would supersede personal injury law in all 50 states. There may be room to negotiate with regard to the "Good Samaritan" provisions being floated to protect health care companies from liability if and when they apply novel concepts such as shared ventilators in extreme cases, but that is not a done deal. Expect this to be one of the major sticking points. Pelosi planned to drop language this Friday, but instead this will likely be just be a summary or outline of a bill instead of actual text.

**Other news:**

Senate Appropriations assigned subcommittee allocations which will allow those bills to get started. Chairman Shelby (R-AL) and Ranking Democrat Leahy (D-VT) seek a "no riders" agreement to facilitate these bills moving, but there are no deadlines so far.

House Appropriations are moving ahead and several subcommittees are close to being "ready to go." Without a plan to markup, or floor time after that, though, the committee is expected to slow walk these bills until the schedule becomes clearer. The thinking is that the House will pass its FY21 bills by August.

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House National Defense Authorization Act is also very close to being finished, but – like House appropriations – they are unwilling to move forward until they have Floor time. (Reportedly, Hoyer will not guarantee them floor time until they mark up, so the sides appear to be talking past each other for now.)



## **Special Legislative Update ■ May 4, 2020**

### **Entering Phase 2: Governor Newsom Announces Specific Steps Toward Phased Re-Opening Later this Week**

At his noon briefing on May 4, Governor Newsom offered details on specific steps the state is taking toward easing certain aspects of the stay-at-home order that has been in place since mid-March. The Governor issued this [report card](#) detailing how the state has progressed in comparison to the six indicators used to measure the state's progress in fighting and containing COVID-19.

With specific written guidelines expected to be released on May 7, the Governor's modified stay-at-home order will permit the state to move into Stage 2. The relaxed order, effective this Friday, will allow for reopening certain retail sectors, such as bookstores, clothing stores, florists, and sporting goods stores as well as the manufacturing and logistics companies that support them. Reopening will be permitted only for those establishments able to implement the guidelines released on Thursday. The Governor also clarified that other Stage 2 sectors – including offices, shopping malls, schools and dine-in restaurants – will open later in Stage 2, depending on continued progress toward meeting the six indicators.

The Governor made clear that counties have the discretion to leave more stringent provisions in place should that be necessary. Additionally, the Governor's announcement outlined accommodation for regional variation among counties. If a jurisdiction demonstrates it can move more quickly through Stage 2 given local conditions, it can choose to do so subject to a self-certification process and the submission of a readiness plan. To facilitate this step, the Governor signed Executive Order [N-60-20](#) today giving direction to the State Public Health Officer to establish criteria for allowing local health officers to implement public health measures less restrictive than the statewide public health directives.

Finally, the Governor announced a partnership with UCLA and UCSF to begin remote training of workers in contact tracing. The first 20-hour training course will begin this Wednesday; the state has identified a goal of training 20,000 contact tracers in the next two months.

### **Assembly Returns; Hosts HHS Budget Subcommittee Hearing**

The Assembly returned to Sacramento today to resume activities after a more than six-week hiatus. However, it will not be "business as usual" in the Capitol for the foreseeable future: only three hearing rooms will be available for meetings, greatly limiting the house's capacity for public



deliberations. Today, two hearings were held. The Assembly Transportation Committee met in the Assembly Chambers to take up nine bills and a handful of resolutions.

This morning, the Assembly Budget Subcommittee No. 1 on Health and Human Services kicked off what ended up being a nearly six-hour hearing to discuss health and social services impacts of COVID-19. Assemblymember Joaquin Arambula, chair of the subcommittee, noted that although the hearing covered just two issues – health care workforce and safety net programs – several additional issues have emerged that require attention. He specifically mentioned nursing homes and the need to build public health infrastructure and workforce. He went on to say that the Legislature is “working on these challenges outside these limited processes.”

The first panel – “The Future of Our Health Care Workforce: California’s Economic Engine” – focused on impacts to the health care delivery system due to the pandemic. Representatives from the California Hospital Association (CHA) and the California Medical Association (CMA) spoke to the impacts on providers. CHA noted that the toll on hospitals is different than on other health care providers. Although hospitals are losing revenue, they remain open and fully staffed. CHA asked for immediate help in 1) bringing insurance companies and health plans to the table in meaningful ways to help address cash flow (quicker claims payments and/or advance payments) and 2) immediate budget help, asking for \$1 billion in the current year to address immediate financial losses for hospitals.

CMA estimates that 10-15% of physician practices may close after the pandemic. CMA also cautioned that physicians may not be able to make up for lost revenues given the practical realities of how their operations will have to accommodate new public health requirements. There are only so many hours in a day, so additional cleaning and sanitizing between appointments will decrease the number of patients able to be seen in a day, and social distancing within the facilities also will constrain the number of patients able to be seen. The doctors’ representatives raised concerns with physician retirement and practice consolidations; asked for reduced regulatory and administrative burdens, including telehealth parity, elimination of prior authorizations and credentialing; and suggested retooling Proposition 56 funds to focus on keeping physician practices open. CMA also asked for assistance in getting commercial payers to come to the table to discuss supporting providers.

Subcommittee members were particularly interested in the role of state regulators in ensuring network adequacy of health plans and enforcing medical loss ratios. It is clear from the discussion that some Assembly Members would like to see health plans support providers in a more robust way during the pandemic, especially given the pause in health care procedures (and health plan costs). The California Association of Health Plans pushed back on the uncertainties faced by health plans given unknown costs of pent-up health care demand and unknown costs if a second surge of the pandemic materializes.

The Service Employees International Union (SEIU) State Council focused their comments around: 1) developing a state long-term plan for personal protective equipment (PPE), 2) workforce

development to upscale workforce, including linking workers to new career paths and prioritizing behavioral health workforce, and 3) investment in county public health workforce.

The second panel focused on our safety net programs. The Subcommittee heard from representatives of the Departments of Social Services, Developmental Services, and Aging. The panel also included Frank Mecca of the County Welfare Directors Association (CWDA), a CalWORKs recipient, and SEIU. State panelists discussed the needs for food assistance; work assistance; child welfare and adult protective services impacts; In-Home Supportive Services (IHSS) impacts; challenges with slowdown in court proceedings that, in turn, impact child welfare; homelessness; developmental services needs; and older adults.

For those of you following the Master for Plan for Aging, the Administration's process with stakeholders will resume with a meeting on May 28. The Administration had temporarily paused the Master Plan in March to focus on rapid response recommendations for seniors – issues such as isolation, PPE, testing, residential facilities. The Master Plan will be refocusing and may incorporate some of the COVID lessons.

CWDA Executive Director Frank Mecca provided comments on several safety net programs. He highlighted the often-permanent damage of deep poverty to children, as a lesson learned from the Great Recession. He also talked about the damaged human services infrastructure from the last recession that made it difficult to meet the demand for services. He highlighted targeted employment services as a way to help businesses back on their feet, by reducing the risk and cost to re-employ people. CWDA will be making recommendations to simplify and streamline subsidized employment programs that are part of CalWORKs. Mr. Mecca also emphasized that counties are fearful that abuse and neglect – of children and adults – is flourishing in isolation, without the eyes and ears of the community. There has been a nearly 50% reduction in calls to child welfare hotlines. He also highlighted the connection between county realignment funding and programs to protect children and seniors. When realignment was created in 1991 and 2011, the architects never anticipated as steep a decline in revenue year-over-year as the state may face this year. He advocated for the state and counties to work together to buttress realignment revenues and programs, warning that, without revenue stabilization efforts, services will inevitably be cut.

SEIU pushed for backfilling realignment funds, a commitment to revenue options – including maximizing federal funds. They also voiced concerns with counties contracting out to save money during economic downturns.

Nearly 40 separate organizations spoke during public comment. Assembly Member Arambula closed the hearing acknowledging the growing and intensifying needs of vulnerable Californians. He also expressed his hope to put families and children first during the upcoming budget discussions.

## **Friday Executive Order on CalWORKs**

Governor Newsom released Executive Order N-59-20 over the weekend focused on the CalWORKs program. Specifically, the Executive Order includes provisions that:

- Allow pregnant CalWORKs applicants who do not have another needy child in the family to satisfy the requirement to provide medical verification of pregnancy by means of a sworn statement, or, if necessary, verbal attestation that they are pregnant. Medical verification of pregnancy must be submitted within 30 working days following submittal of the sworn statement or verbal attestation for benefits to continue.
- Suspend the requirement that the California Department of Social Services (CDSS) implement an identity verification method for CalWORKs applicants who are not able to present photo identification in person.
- Permit county welfare departments to accept a CalWORKs applicant's oral affirmation of belief they are eligible for CalWORKs if the county is unable to accept, or the applicant is unable to provide, a physical signature.
- Suspend the requirement that CalWORKs applicants undergo an interview before being granted public assistance
- Suspend requirements that would require a county to consider Federal Pandemic Unemployment Compensation received by a recipient as income in determining eligibility for the CalWORKs program
- Specify that the Executive Orders expires June 30, 2020; if CDSS finds it necessary to comply with federal requirements, they may re-impose any of the waived requirements before June 30.

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Leader Steny Hoyer (D-MD). Hoyer says the goal is to have a bipartisan bill, and Speaker Nancy Pelosi will have discussions with the Trump Administration, with the focus of the next bill will on aid to states.

The House's return schedule is going to depend on progress made on the CV4, or what the House is calling CARES 2.0. Hoyer indicated that they may vote the week of May 18. Not coincidentally, this timing lines up with what we have been hearing when CARES 2.0 will be finished. One idea Hoyer is floating is to conduct committee markups in the Capitol Visitor Center rooms and only call Members back for 1-2 days at a time for votes. There has been little movement on the issues of working/voting remotely.

On CARES 2.0, apparently the price tag ballooned to \$3.5t after committee chairs submitted their wish lists earlier this week. Moderates pushed back and reports are that Pelosi is looking at a bill around \$2.0t. The bill will include roughly \$1.0t for state and local government assistance, but still unclear on using it to offset lost revenue -- and another \$1.0t for workforce support, hospital funding, and testing. The legislation is reported to be light on infrastructure -- it may have broadband funding to ensure continuity of operations for business and education -- but this legislation will not include a big infrastructure package. Unclear if any additional Unemployment Insurance, direct payments, or PPP funds, are covered under "workforce support."

Led by Senate Majority Leader Mitch McConnell, Senate and House Republicans want liability shield language but, so far Democrats are opposed and will not agree to anything that would supersede personal injury law in all 50 states. There may be room to negotiate with regard to the "Good Samaritan" provisions being floated to protect health care companies from liability if and when they apply novel concepts such as shared ventilators in extreme cases, but that is not a done deal. Expect this to be one of the major sticking points. Pelosi planned to drop language this Friday, but instead this will likely be just be a summary or outline of a bill instead of actual text.

Other news:

Senate Appropriations assigned subcommittee allocations which will allow those bills to get started. Chairman Shelby (R-AL) and Ranking Democrat Leahy (D-VT) seek a "no riders" agreement to facilitate these bills moving, but there are no deadlines so far.

House Appropriations are moving ahead and several subcommittees are close to being "ready to go." Without a plan to markup, or floor time after that, though, the committee is expected to slow walk these bills until the schedule becomes clearer. The thinking is that the House will pass its FY21 bills by August.

House National Defense Authorization Act is also very close to being finished, but -- like House approps -- they are unwilling to move forward until they have Floor time. (Reportedly, Hoyer will not guarantee them floor time until they mark up, so the sides appear to be talking past each other for now.)