

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



ITEM: 2.2
(ID # 14975)

MEETING DATE:
Tuesday, April 20, 2021



FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: March 2021 Legislative Update Report , [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Receive and file the Federal and State March-April 2021 Legislative Update Report.

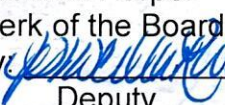
ACTION:Consent

 
Brian Nestande 4/13/2021 Jeff Van Wagenen, County Executive Officer 4/14/2021

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: April 20, 2021
xc: EO

Kecia R. Harper
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: N/A			Budget Adjustment:	NO
			For Fiscal Year:	21/22

C.E.O. RECOMMENDATION: APPROVE

BACKGROUND:

Summary

As per Board Policy A-27, the County's Legislative Advocates provide 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

FEDERAL:

President Biden released his preliminary spending requests for 2022 on Friday, April 9. This is the first step before Congress negotiates the government's budget for the FY22 fiscal year which starts on October 1, 2021. The upcoming budget is also the first time in a decade that lawmakers will be operating without spending caps that were put in place by an agreement between the Obama administration and congressional Republicans. White House officials have described the elimination of those constraints as an opportunity to pursue investments/spending in areas like education, clean energy and public health.

For the 2021 fiscal year, the budget caps were \$671.5 billion for defense spending and \$626.5 billion for domestic agencies, for a total of \$1.298 trillion. Emergency and war spending brought the total discretionary budget to \$1.59 trillion for FY21. The current surface transportation bill expires on September 30. Chairman DeFazio has started the bill drafting process this year and is soliciting earmark requests from his members. He has released guidance and set April 23 as the deadline for Member submissions for member Directed Projects, a separate process from the appropriations committee.

Many members will have their own internal deadlines coming up. The House is expected to draw heavily from last year's Moving Forward Act in crafting its new bill, which we understand Chairman DeFazio intends to markup in May. On the Senate side, Chairman Carper is in the process of soliciting input from members for portions of the bill under the EPW jurisdiction (highways) and has set Memorial Day as his target for introduction of a bill. Senate Banking (transit) and Commerce (rail) have not made similar announcements.

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

The House has already announced its plans for appropriations earmarks, including guidance on which accounts are eligible for earmarks, and the Republican Conference has now agreed to participate. *Note: For more information, please see attached March 2021 Federal Legislative Update Report.

STATE:

The State Legislature wrapped up its first quarter of business focused primarily on new bill introductions, various oversight hearings, and a series of early budget actions. Although the pandemic still greatly limits in-person access to the State Capitol, activities have been running fairly smoothly despite adjustments to the typical deliberation schedule occasioned by social distancing requirements. The Legislature took early action on a number of items in the first quarter of 2021, including extending the moratorium on evictions, granting additional fiscal relief to small business and low-income individuals, supporting school re-opening, and providing emergency paid sick leave for individuals unable to work due to COVID-19, among other topics.

We have identified opportunities where Riverside County may be able to benefit from various state budget proposals, especially in the public health and behavioral health arenas. We will continue to keep you apprised of the latest activities. Riverside County submitted budget letters requesting: 1) support for the \$750 million for behavioral health facilities proposed by the Governor in January and 2) support for \$300 million for public hospitals to assist with unreimbursed costs for Medi-Cal inpatient fee-for-services COVID-19.

Considerable time and effort have been put into the response regarding the Administration's Third-Party Administrator and to highlighting issues around vaccine supply and efforts to assure equity in the state's hardest hit communities. Our advocacy on behalf of Riverside County remains ensuring that the Administration, Legislature, and your delegation, in particular, understand the depth and breadth of the County's responsibilities and considerable efforts you are undertaking to meet your communities' needs.

The gubernatorial recall election is still seven or eight months away, it is evident that efforts to unseat Governor Gavin Newsom will play a part in legislative politics and Sacramento-based deliberations. Supporters of the recall submitted turned in 2.1 million signatures to the Secretary of State by the March 17, 2021, submission deadline. The process of verifying those signatures is underway; the recall will qualify if just shy of 1.5 million of those submitted are deemed valid.

*Note: for more information on state legislative matters please see attached State Legislative Report.

KADESH & ASSOCIATES

March 2021

Federal Legislative Report for Riverside County

President Biden will release his preliminary spending requests for 2022 on Friday, April 9. This is the first step before Congress negotiates the government's budget for the FY22 fiscal year which starts on October 1, 2021. The document is expected to outline Biden's requests for discretionary spending levels across government departments and agencies. His first full budget proposal, including tax, entitlements and debt figures, is expected later in the year.

The White House initially said it would release the budget numbers last week, which was already by then the latest in modern presidential history. The president also missed a previously announced deadline to deliver an address to a joint session of Congress, a speech he promised in February that has yet to be scheduled. Meantime, he has proposed and signed a \$1.9 trillion pandemic-relief bill – the American Rescue Plan – and released his longer-term, \$2.25 trillion infrastructure-led economic program.

The initial budget request will lack many of the details traditionally included in a presidential budget document, offering only top-line spending proposals and some details about new programs. It won't include details on revenue -- including proposed tax increases to offset expected new spending -- or long-term economic or deficit projections. Biden's spending request will also only deal with about a quarter of the annual federal budget -- discretionary spending set annually by Congress -- leaving out entitlements like Medicare, Medicaid, Obamacare and Social Security.

And the document won't include the infrastructure and jobs plan the president unveiled, though administration officials say the dual proposals are intended to complement one another. The president is expected to unveil a second stand-alone proposal, focused on items like paid-leave and free community college, later this spring, along with the more detailed budget document.

Friday's outline is the opening bid in the annual-appropriations process that lawmakers will try to complete by the October 1 start of the fiscal year to avoid a government shutdown. Republican cooperation on the bills will be needed to enact them, since a fast-track process that bypasses Senate filibusters cannot be used for annual appropriations spending.

Republicans have already said that they are discouraged by reports that Biden will hold defense spending flat while increasing his request for domestic spending priorities.

The upcoming budget is also the first time in a decade that lawmakers will be operating without spending caps that were put in place by an agreement between the Obama administration and congressional Republicans. White House officials have described the elimination of those constraints as an opportunity to pursue investments/spending in areas like education, clean energy and public health.

For the 2021 fiscal year, the budget caps were \$671.5 billion for defense spending and \$626.5 billion for domestic agencies, for a total of \$1.298 trillion. Emergency and war spending brought the total discretionary budget to \$1.59 trillion for FY21.

KADESH & ASSOCIATES

The American Rescue Plan (ARP) has been signed into law. This is the \$1.9 trillion COVID response bill that includes \$65.1b in funding for local government, to include uses for the replacement of lost revenue. The US Treasury is still working with 2020 Census data to determine the exact allocations and are developing regulations urgently to address such issues as the proper comparison time periods to calculate the scale of lost revenue.

The current surface transportation bill expires on September 30. Chairman DeFazio has started the bill drafting process this year and is soliciting earmark requests from his members. He has released guidance and set April 23 as the deadline for Member submissions for member Directed Projects (a separate process from the appropriations committee). Many members will have their own internal deadlines coming up. The House is expected to draw heavily from last year's Moving Forward Act in crafting its new bill, which we understand Chairman DeFazio intends to markup in May. On the Senate side, Chairman Carper is in the process of soliciting input from members for portions of the bill under the EPW jurisdiction (highways) and has set Memorial Day as his target for introduction of a bill. Senate Banking (transit) and Commerce (rail) have not made similar announcements.

The House has already announced its plans for appropriations earmarks, including guidance on which accounts are eligible for earmarks, and the Republican Conference has now agreed to participate. Many Members have already set their internal deadlines for earmark requests and the full committee has set a late April deadline for Member requests under the "Community Project Funding" initiative. We understand Senate Appropriations leaders Leahy and Shelby have reached an earmark agreement, supported by leadership on both sides, but a sizeable component of Senate Republicans are opposed to the plan. Until that impasse is resolved, Senate earmarks will continue to be moving target.

The House Energy & Commerce Committee has begun to consider its sweeping climate bill, the CLEAN Future Act, which includes numerous provisions of interest, including funding to reduce air pollution at ports and in nearby communities, and vehicle emission policy and funding.

The prospects for President Joe Biden's economic agenda could be enhanced by a ruling from the Senate parliamentarian that opens the door to passing multiple additional bills this year without any Republican support. Senate Parliamentarian Elizabeth MacDonough has ruled Democrats could enact another reconciliation package by revising the budget blueprint the Democratic Congress adopted earlier this year. The American Rescue Plan (ARP) -- Biden's \$1.9 trillion coronavirus relief package -- passed using the budget reconciliation process, which bypasses the 60-vote rule required to pass most legislation in the Senate.

###



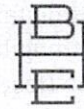
Lang

Hansen

Giroux &

Kidane

*Governmental
Relations*



HURST+BROOKS+ESPINOSA

April 7, 2021

To: Brian Nestande
Deputy CEO, County of Riverside

From: Lang, Hansen, Giroux & Kidane
Hurst Brooks Espinosa

RE: State Legislative Update – April 2021

The Legislature has just wrapped up its first quarter of business in Sacramento where they focused primarily on new bill introductions, various oversight hearings, and a series of early budget actions. Although the pandemic still greatly limits in-person access to the Capitol, activities have been running fairly smoothly despite adjustments to the typical deliberation schedule occasioned by social distancing requirements.

In this memo, we update your Board on what's ahead with the state budget, major policy issues before the Legislature, and other policy matters impacting deliberations in the Capitol.

State Budget Update

The Legislature took early action on a number of items in the first quarter of 2021, including extending the moratorium on evictions, granting additional fiscal relief to small business and low-income individuals, supporting school re-opening, and providing emergency paid sick leave for individuals unable to work due to COVID-19, among other topics. Although we expected the Legislature to advance two measures as part of the early budget package to facilitate the implementation of SB 823 (2020) – the measure that shifts responsibility beginning July 1, 2021 to counties for the care and custody of youth now eligible for the Division of Juvenile Justice – final action has not yet been taken.

The Legislature hosted a series of budget subcommittee hearings over the last two months. For the most part, no action was taken. Given limitations on hearing room capacity due to ongoing social distancing and sanitation requirements, the Legislature is solely focused on bill hearings for now. Anticipate renewed budget activity as May approaches. The Governor's May Revision will be released no later than Friday, May 14. As we have reported previously, both the state and federal tax

deadlines have been pushed out a month to mid-May, making it more challenging to assess the state's fiscal condition. (In "normal" years, the May Revision reflects the state's financial footing after tallying state income tax receipts due in mid-April.) In the meantime, all indicators suggest continued economic strength and performance among the major tax revenues. Further, the passage of the federal American Rescue Plan will bring significant federal funding into state coffers to the tune of an estimated \$80 billion. While a considerable amount of these new resources will be dedicated to individual relief (primarily, unemployment), the Administration and the Legislature will have a considerable amount of work to do associated with the appropriation of federal relief resources, some of which comes with broad flexibility in terms of use of funds.

We anticipate additional early action in two priority areas: wildfire prevention and drought relief. On wildfire prevention, specifically, legislative leaders and the Newsom Administration are reportedly nearing agreement on a \$500 million package that would allow the state to conduct prescribed burns, remove brush, and clear defensible space around buildings prior to what is anticipated to be a particularly active fire season. While details are not yet available, sources have suggested that a combination of General Fund and cap-and-trade funding will be utilized and at least some funds will be dedicated to conservancies in Southern California, including the Santa Monica Mountains Conservancy, the San Diego River Conservancy, and Lower Los Angeles Rivers and Mountains Conservancy. A drought relief package being championed in the Senate would utilize about \$2 billion in state and federal funds to put to immediate use for projects that address water quality, storage, and conservation. As reported in the Los Angeles Times this week, Senate President pro Tem Toni Atkins has proposed the package as a means to get ahead of what is likely to be a challenging water year.

We have identified opportunities where Riverside County may be able to benefit from various state budget proposals, especially in the public health and behavioral health arenas. We will continue to keep you apprised of the latest activities. Riverside County submitted budget letters requesting: 1) support for the \$750 million for behavioral health facilities proposed by the Governor in January and 2) support for \$300 million for public hospitals to assist with unreimbursed costs for Medi-Cal inpatient fee-for-services COVID-19.

Major Policy Bills

Among the areas of primary focus for the Legislature this year are measures to address additional responses to the pandemic recovery, housing and homelessness, policing reform, as well as vast proposed investments in various infrastructure initiatives. Additionally, we have been working with your in-house legislative team to develop positions on various measures now before the Legislature. In the meantime, we are providing you with brief summaries of major pieces of legislation with significant consequence for counties.

General Government

AB 339 (Lee): Open Meetings

This measure – one of many measures dealing with the Brown Act - would add significant unfunded mandates on local public agencies by requiring public agencies to provide both call-in and internet-based options, in addition to in-person options, for members of the public to attend and comment during any public meeting. The measure further requires extensive translation services in real-time during public meetings and of extensive and often technical meeting materials, additionally burdening local agencies with significant costs.

AB 428 (Mayes): Local Government: Boards of Supervisors

This measure would establish a minimum of two terms for county boards of supervisors that are subject to term limits in both general law and charter counties. The bill further clarifies that boards of supervisors are responsible for setting their own compensation. AB 428 is in response to San Bernardino County's recently approved Measure K.

SB 594 (Glazer): Elections: Local Redistricting

This bill is the vehicle by which the Legislature will include statutory changes to effectively implement the local redistricting process, given the considerable delay in receipt of final Census data from the US Census Bureau. Stakeholders have been discussing options to ensure appropriate public outreach and deliberation for preparing updated district maps, as well as ensure sufficient time for elections officials to effectively conduct the primary election in 2022.

General Public Safety

SB 262 (Hertzberg/Skinner): Bail reform

This bill would seek to advance bail reform in the wake of the recently successful referendum (Proposition 25) to block implementation of SB 10 (2018). This measure would establish presumptive zero-dollar bail for misdemeanors and low-level felonies, eliminate county-based bail schedules in favor of a statewide schedule to be established by the Judicial Council, and define various circumstances under which bail is to be refunded. Additional amendments to the bill may be occasioned by the Supreme Court's recently released decision in the *Humphrey* case.

SB 493 (Bradford): Redirection of JJCPA Funds

This bill would make various statutory changes to the Juvenile Justice Crime Prevention Act (JJCPA), a local assistance program authorized in 2000 that provides support to counties' juvenile probation efforts. The program was included in the 2011 Realignment, with accompanying constitutional protections. Specifically, SB 493 would redirect 95% of funds through a solicitation process to community-based organizations or non-law enforcement public agencies, revise the composition of local Juvenile Justice Coordinating Councils, and recast various elements of required multiagency juvenile justice plans.

SB 586 (Bradford): Elimination of Criminal Justice Fees and Fines

This measure would revisit the elimination of court and county authority to charge a variety of court-related fines and fees and would prohibit collection of any associated past-due debt. (Note that AB 1869 (2020), which is effective starting July 1, 2021, eliminated about two dozen criminal justice fees and provided for a statewide county revenue backfill of \$65 million.) The author indicates he plans to advance a budget proposal associated with SB 586 to provide for a backfill.

Health & Human Services

AB 1457 (Cervantes): Public Level IV Neonatal Intensive Care Unit: University of California

This measure would appropriate an unspecified sum from the General Fund to the Regents of the University of California each fiscal year, commencing with the 2021–22 fiscal year, to be expended only for the creation, construction, and establishment of a public Level IV neonatal intensive care unit in the County of Riverside administered by the University of California. This bill has been referred to Assembly Higher Education Committee but has not been set for hearing yet.

AB 808 (Stone): Children's Continuum Pilot Program

This bill creates the Children's Crisis Continuum Pilot Program to meet the needs of youth with complex care needs who have historically been sent out-of-state for treatment. AB 808 will create an integrated continuum of intensive and highly individualized treatment settings to support stabilization and step-down to home-based care. The bill has been referred to Assembly Human Services and Health Committees; hearing dates have not been set in either committee.

AB 636 (Malenschein): Financial Abuse of Elder or Dependent Adults

This bill would allow Adult Protective Services to share information with code enforcement agencies and their attorney for the purpose of addressing substandard care in Independent Living

Facilities, as well as clarify the list of law enforcement agencies charged with the investigation of elder or dependent adult abuse that can access information in cases where they have jurisdiction.

Housing, Land Use, Transportation

AB 816 (Chiu): State and Local Agencies: Homelessness Plan

This measure would, among other things, require the state and local governments to develop actionable homelessness plans and meet benchmark goals to reduce homelessness.

AB 602 (Grayson): Development Fees: Impact Fee Nexus Study

This measure would impose a number of new mandates and requirements on local agencies regarding the imposition of development impact fees, connection and capacity charges and other exactions.

AB 1401 (Friedman): Residential and Commercial Development: Parking Requirements

This measure would prohibit a local government from imposing a minimum automobile parking requirement, or enforcing a minimum automobile parking requirement, on residential, commercial, or other development if the development is located on a parcel that is within one-half mile walking distance of public transit.

SB 261 (Allen): Regional Transportation Plans: Sustainable Communities Strategies

This bill would set new greenhouse gas reduction targets for regional transportation plans and mandate certain obligations for local agencies associated with SB 375, the Sustainable Communities Strategy law.

Other Policy Topics of Note

Local Pandemic Response and Recovery – Counties remain on the front lines of the pandemic response and, for the last several months, have been collectively engaged in policy development and advocacy to support a manageable and thoughtful vaccination roll-out. Considerable time and effort have been put into the response regarding the Administration's Third Party Administrator and to highlighting issues around vaccine supply and efforts to assure equity in the state's hardest hit communities. Our advocacy on your behalf remains ensuring that the Administration, Legislature, and your delegation, in particular, understand the depth and breadth of the County's responsibilities and considerable efforts you are undertaking to meet your communities' needs.

With the Governor's announcement yesterday that 20 million doses of vaccines – including 4 million in high-priority communities to address issues of equity – as well as decreasing hospitalizations, there is now a plan and timeframe for effectively eliminating the tiers in the Blueprint for a Safer Economy and reopening the state. Per the Governor's announcement, the state will fully open the economy – with certain public health precautions, including masking, still in place – on June 15 under two conditions (1) supply is sufficient to inoculate as many individuals over the age of 16 who wish to receive the vaccine and (2) hospitalization rates remain low. Recall that starting April 15, vaccination eligibility will be open to all persons aged 16 or older.

Gubernatorial Recall Efforts – While the likely gubernatorial recall election is still seven or eight months away, it is evident that efforts to unseat Governor Gavin Newsom will play a part in legislative politics and Sacramento-based deliberations. Supporters of the recall submitted turned in 2.1 million signatures to the Secretary of State by the March 17, 2021, submission deadline. The process of verifying those signatures is underway; the recall will qualify if just shy of 1.5 million of those submitted are deemed valid. Most Capitol observers assume that the recall will qualify, and an election will take place later this fall.

Please reach out to any of us on the advocacy team with questions.