



Agenda

LEGISLATION COMMITTEE

February 25, 2013
3:00 p.m. to 4:00 p.m.
651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair
Supervisor Mary N. Piepho, District III, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. **Introductions**
2. **Public comment** on any item under the jurisdiction of the Committee and not on this agenda. (*Speakers may be limited to three minutes.*)
3. **2013 State Budget and Legislative Matters**– *Presenters: Lara DeLaney, Cathy Christian*
 - a) Consider a recommendation of “Support” for Public Libraries Tax Bill, SCA 7 (Wolk).
 - b) Consider a recommendation of “Support” for Public Safety Services Tax Bill, ACA 3 (Campos).
 - c) Consider providing direction to staff on bills listed in Attachment C.
4. **2013 State Platform:**
 - a) Consider amending policy #43 regarding 2/3 vote threshold to include library and transportation related taxes.
5. **Federal Issues Update** – *Information Only: Lara DeLaney*
6. **NACo Legislative Conference and Meetings in Washington D.C.** – *Discussion Only*
7. **Legislation Committee Meeting Schedule for 2013**
8. **Adjourn** to the next regular meeting scheduled for Thursday, March 7, 2012 at 11:00 a.m.

☺ The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

📁 Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

✉ Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

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Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HIPAA	Health Insurance Portability and Accountability Act
ABAG	Association of Bay Area Governments	HIV	Human Immunodeficiency Syndrome
ACA	Assembly Constitutional Amendment	HOV	High Occupancy Vehicle
ADA	Americans with Disabilities Act of 1990	HR	Human Resources
AFSCME	American Federation of State County and Municipal Employees	HUD	United States Department of Housing and Urban Development
AICP	American Institute of Certified Planners	Inc.	Incorporated
AIDS	Acquired Immunodeficiency Syndrome	IOC	Internal Operations Committee
ALUC	Airport Land Use Commission	ISO	Industrial Safety Ordinance
AOD	Alcohol and Other Drugs	JPA	Joint (exercise of) Powers Authority or Agreement
ARRA	American Recovery and Reinvestment Act	Lamorinda	Lafayette-Moraga-Orinda Area
BAAQMD	Bay Area Air Quality Management District	LAFCo	Local Agency Formation Commission
BART	Bay Area Rapid Transit District	LLC	Limited Liability Company
BCDC	Bay Conservation & Development Commission	LLP	Limited Liability Partnership
BGO	Better Government Ordinance	Local 1	Public Employees Union Local 1
BOS	Board of Supervisors	LVN	Licensed Vocational Nurse
CALTRANS	California Department of Transportation	MAC	Municipal Advisory Council
CalWIN	California Works Information Network	MBE	Minority Business Enterprise
CalWORKS	California Work Opportunity and Responsibility to Kids	M.D.	Medical Doctor
CAER	Community Awareness Emergency Response	M.F.T.	Marriage and Family Therapist
CAO	County Administrative Officer or Office	MIS	Management Information System
CCHP	Contra Costa Health Plan	MOE	Maintenance of Effort
CCTA	Contra Costa Transportation Authority	MOU	Memorandum of Understanding
CDBG	Community Development Block Grant	MTC	Metropolitan Transportation Commission
CEQA	California Environmental Quality Act	NACo	National Association of Counties
CIO	Chief Information Officer	OB-GYN	Obstetrics and Gynecology
COLA	Cost of living adjustment	O.D.	Doctor of Optometry
ConFire	Contra Costa Consolidated Fire District	OES-EOC	Office of Emergency Services-Emergency Operations Center
CPA	Certified Public Accountant	OSHA	Occupational Safety and Health Administration
CPI	Consumer Price Index	Psy.D.	Doctor of Psychology
CSA	County Service Area	RDA	Redevelopment Agency
CSAC	California State Association of Counties	RFI	Request For Information
CTC	California Transportation Commission	RFP	Request For Proposal
dba	doing business as	RFQ	Request For Qualifications
EBMUD	East Bay Municipal Utility District	RN	Registered Nurse
EIR	Environmental Impact Report	SB	Senate Bill
EIS	Environmental Impact Statement	SBE	Small Business Enterprise
EMCC	Emergency Medical Care Committee	SWAT	Southwest Area Transportation Committee
EMS	Emergency Medical Services	TRANSPAC	Transportation Partnership & Cooperation (Central)
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	TRANSPLAN	Transportation Planning Committee (East County)
et al.	et ali (and others)	TRE or TTE	Trustee
FAA	Federal Aviation Administration	TWIC	Transportation, Water and Infrastructure Committee
FEMA	Federal Emergency Management Agency	UCC	Urban Counties Caucus
F&HS	Family and Human Services Committee	VA	Department of Veterans Affairs
First 5	First Five Children and Families Commission (Proposition 10)	vs.	versus (against)
FTE	Full Time Equivalent	WAN	Wide Area Network
FY	Fiscal Year	WBE	Women Business Enterprise
GHAD	Geologic Hazard Abatement District	WCCTAC	West Contra Costa Transportation Advisory Committee
GIS	Geographic Information System		
HCD	(State Dept of) Housing & Community Development		
HHS	Department of Health and Human Services		

Schedule of Upcoming BOS Meetings

Mar. 12, 2013

Mar. 19, 2013

**OFFICE OF THE COUNTY ADMINISTRATOR
CONTRA COSTA COUNTY**

TO: Legislation Committee
Supervisor Karen Mitchoff, Chair
Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: February 21, 2013

SUBJECT: **Agenda Item #3: 2013 State Budget and Legislative Matters**

RECOMMENDATION

ACCEPT the report on State budget matters and legislation of interest and provide direction, as necessary.

REPORT

After several years of deep deficits, the State budget is apparently on much firmer financial ground. In January, the Legislative Analyst's Office (LAO) indicated that the Governor's proposed budget for FY 2013-14 "reflects the significant improvement in the state's finances that our office identified in November. The state has now reached a point where its underlying expenditures and revenues are roughly in balance, meaning that—under our and the administration's fiscal forecasts—state-supported program and service levels established in 2012-13 will generally continue "as is" in 2013-14 and 2014-15."

Despite this good news, the LAO recognized that there are still considerable risks to revenue given uncertainty surrounding federal fiscal policy and the volatility inherent in our revenue system and suggested that the Governor's focus on fiscal restraint and paying off debts was appropriate. The Governor's FY 2013-14 budget contains major proposals in education, including a new formula for funding schools and additional resources for the public university systems, and presents alternatives for implementing the federal health care reform law.

The Assembly Budget Committee held an informational hearing on the FY 2013-14 Budget on January 31. Both the Department of Finance and the Legislative Analyst's Office presented an overview of the budget.

Most of the questions from the Committee members concerned the Governor's proposals on education and providing more local control to school districts. However, a few members raised concerns over the Governor's proposal for the expansion of Medi-Cal and the state-county relationship. Assemblymember Dickinson asked about the Human Services Funding Deficit and if there were any plans to provide counties with the cost of doing business and how that will work in relationship to the savings expected from counties under health care reform. Department of Finance staff indicated that any cuts in previous years were considered "permanent" and that the Governor wants to start over and work from the current base.

The other major issue that was raised at the hearing was Proposition 39 implementation which the LAO stated may not be entirely for the Legislature to use in the General Fund. The LAO also expressed concerns that the Governor's proposal to provide funding to schools may not meet goals of Prop. 39.

On February 19, the LAO further indicated that Governor Brown's budget proposal "raises serious legal concerns" in at least two instances where the Governor wants to use fees to fund potentially unrelated programs. Ever since voters approved an initiative in 2010 that more narrowly defines what fees can pay for - fee-based programs must directly affect the payer - state leaders have faced stricter limits in how they spend money.

The resources and environmental protection report says the Governor wants to use \$649,000 in new carbon emissions fees on businesses to pay for five state employees at the Department of Housing and Community Development. Those workers would review local government housing plans.

The report notes that "the budget proposes to use certain revenues for activities that may not be legally allowable given the revenue source. For example, the administration proposes to use funds generated by the recently enacted fire fee for certain fire-related activities that may not be permissible under existing law. As such, the administration proposes statutory changes to modify this fee into a tax. Similarly, the administration proposes to use revenues from the "AB 32 cost of implementation fee" and cap-and-trade auctions for new administrative activities. Given the legal constraints regarding the use of such revenues, we recommend that the Legislature seek Legislative Counsel's guidance regarding the legal risks of these proposals."

On another matter, the surge of revenue that showed up unexpectedly in state coffers last month may well be offset by a revenue dip in coming months, according to Administration officials. The surprise money has been the source of much speculation in the Capitol. Unanticipated tax receipts filled state coffers with more than \$5 billion beyond initial projections for January. The revenue bump was historic. But the question for budget experts was whether lawmakers could begin allocating the windfall toward government programs and tax breaks — or whether the money amounted to an accounting anomaly.

A report from the Administration now says the extra money was "likely the result of major tax law changes at the federal and state level having a significant impact in the timing of revenue receipts." In other words, taxpayers were paying a share of their bill early, getting income off their books in the hope of limiting exposure to the tax hikes that were recently enacted. The Administration was expecting that money to arrive in April. Now, officials are saying it will not, and that just as January's receipts soared, they will be offset by a spring plunge.

2013 Legislative Session

Staff is currently tracking several major policy areas that are generating discussion at the Capitol and reviewing this year's regular session bills, evaluating their potential implications for County operations and infrastructure.

Contra Costa County routinely takes positions on bills throughout the legislative session. When staff begins tracking a bill, the bill is referred to department staff for input and noted as such in

our bill tracking system until a policy position is taken. Typically, bill positions are taken early in the year on bills for which the County has standing policy. These policy positions can be found in the 2013 State and Federal Legislative Platforms.

For bills that have been identified but for which we have no policy, staff refer the bills to the affected department(s) or to a policy committee of the Board of Supervisors for a policy recommendation and, ultimately, to the Board of Supervisors for a full position. Once a position (support, oppose, etc.) has been identified, protocol requires that the Chair of Board send a letter to the bill author and the Assembly and/or Senate Committee to which the bill is referred, to let them know of our concerns and position.

The last day to introduce bills is Feb. 22, 2013--leaving aside maneuvers like gut-and-amend bills. A snapshot of what this session has brought so far: In the Assembly, the count is approximately 355 bills and eight proposed constitutional amendments. The overall total in the Senate is somewhat lower, with lawmakers in the upper house introducing 268 bills and 11 proposed constitutional amendments. Budget Committee bills related to the Budget Act of 2013 accounted for 39 of those bills in both houses. Both houses have bills related to expanding Medi-Cal coverage in the special health-care session, which is focused on implementing the Affordable Care Act in California.

The following is a list of key subject matters and bills of interest which staff and our lobbyist are tracking.

Health Care Reform: The implementation of the Affordable Care Act is a complex morass that will impact California's 58 counties on wide variety of fronts – from budgetary to service delivery. For most county officials, there are currently more questions than answers.

There has been quite a bit of activity surrounding health care reform recently, as the Legislature began a special session at the end of January and the Department of Health Care Services commenced meetings to explore the optional Medi-Cal expansion. Senate and Assembly Leadership are focused on coordinating for the special session legislation. It appears that the Legislature is leaning toward addressing the Medi-Cal expansion as part of the special session, contrary to the Administration's wishes.

Four bills have been introduced in the Special session thus far – [ABX1 1](#), [ABX1 2](#), [SBX1 1](#), [SBX1 2](#).

ABX1 1 (Pérez) and SBX1 1 (Hernandez) would:

- Expand Medi-Cal coverage for individuals earning up to 138% of the Federal Poverty Level.
- Implement the methodology used to calculate income eligibility – the Modified Adjusted Gross Income (MAGI).
- Eliminate asset tests for individuals whose income is determined based on the MAGI.
- Expand Medi-Cal eligibility for former foster youth until they reach 26.
- Establishes a benefit package as required by federal law.
- Streamlines and simplifies the Medi-Cal eligibility, enrollment, and renewal processes.

ABX1 2 (Pan) and SBX1 2 (Hernandez) address insurance company changes required as part of the Affordable care act, including prohibitions on denying coverage for people with pre-existing conditions and a restriction on health insurance companies from charging premiums based on an individual's health status.

Medi-Cal Expansion: The Department of Health Care Services has been meeting with a large stakeholder group to discuss the optional expansion of Medi-Cal to individuals up to 138% of federal poverty level. In attendance at the first meeting were representatives from CSAC, the County Health Executives Association, the County Mental Health Directors Association, and the California Association of Public Hospitals among many others.

The overarching themes of the meeting were concerns that a county-run Medi-Cal expansion is not workable, the timing of the expansion is a large concern as there will not be much time once legislation is negotiated and passed, and from county representatives, there is a concern about the residual uninsured population once health care reform has been implemented. The Department plans to put up a website, but until then has requested that stakeholders submit comments and questions to CHHSinfo@CHHS.ca.gov.

CSAC has been meeting in smaller private meetings with the Administration each week. Their meetings have focused on the risks to the counties and the state in running the Medi-Cal expansion. Some of the concerns and risks to counties that CSAC presented to the Administration include the following:

- CSAC is concerned that the State's estimates of county savings due to the Affordable Care Act (ACA) may be too high – they're currently estimating \$4 billion, but they've given no details for that estimate.
- Will the revenues keep up with costs?
- There is ongoing litigation in several counties related to section 17000 obligations. Will those lawsuits increase as a result of the ACA?
- There is the risk that in the future, the State or federal government could make changes to the law that will cost counties more.
- Possible pressure to increase provider rates
- Federal government will likely not waive "statewideness" requirements. If this is the case, each county would have to provide the same benefits and eligibility requirements.
- What will happen if some counties are ready before others to implement the expansion?
- How will billing and cash flow work? How long will it take for counties to submit claims to the State, the State to submit claims to the federal government, the federal government to pay the State, and then finally, the State to reimburse counties?
- Will the federal government approve a county-run expansion?
- What ability will there be to modify or change the structure moving forward?
- If the State were to run the expansion and child care were realigned, there are quite a few issues there that are of concern also. There's a high demand for child care programs which have had budget reductions of around 20% in recent years. Unions are interested in creating a child care union – counties would have to deal with collective bargaining and rate setting. Currently the Department of Education and Department of Social Services both implement child care programs. How would that work at a county level?

The state mentioned concerns related to:

- Eligibility and Medi-Cal simplification
- Elimination of the asset test
- Guidance has not come from the federal government yet about who will be considered newly eligible and who will be considered previously eligible
- How will mental health parity be defined?
- How will the Exchange impact Medi-Cal? If the Exchange rates are higher than Medi-Cal there will be pressure to increase the rates.

CSAC has developed an alternative to the Governor's two Medi-Cal options--a third option. That alternative was discussed at the CSAC Health & Human Services Policy Committee on Feb. 15 and will be taken up by the Board of Directors on their Feb. 21, 2013 meeting agenda. (*See Attachment A.*)

The discussion of "savings to the county with ACA implementation" assumes that the new rates for the new Medi-Cal enrollees will be substantial enough to offset what we are currently paying in the Low Income Health Program (LIHP) with County funding. However, we have as yet no idea what those rates will be. Any discussion of recoupment of Realignment funding needs to take this into consideration.

With regard to the State/County option, Contra Costa County may support the "third option," if one exists. This assumes that the State would implement expansion statewide and that we would try to obtain federal CMS approval for up to five "pilot counties" who would want to pursue a local implementation of the Medi-Cal expansion based on the LIHP structure. Contra Costa County would look seriously at this pilot, particularly if we would be able to set the rates and, of course, assuming various protections. However, we would not want to hold up the statewide expansion pending CMS approval of this. And the option may not even be on the table.

The discussion of recoupment of 1991 Realignment funding (VLF and Sales Tax share) by having the counties take over other programs such as Child Care creates many concerns. In addition to the above issue, counties have no real idea yet of how many remaining uninsured would still seek care in our system. At the very least, any consideration of this should await several years of experience with ACA implementation before removing Realignment Health Care funding.

Covered California: Covered California, California's health insurance exchange, released the blueprint for plan standardization on February 13, which will allow individual purchasers of health insurance to compare plans, benefits, and premiums in a single online marketplace.

Those who are not eligible for Medi-Cal or covered by employer-based insurance will have four levels of plans from which to choose: Bronze, Silver, Gold and Platinum. Each level has a set menu of covered benefits and copayments, which allows consumers to choose a plan that best fits their income level and health needs. Some households may also be eligible for financial help in the form of tax credits to purchase plans through Covered California. The online marketplace will be open for business starting October 1 of this year, and coverage will begin on January 1, 2014, when the main provisions of the Affordable Care Act become operative.

California has led the nation in the creation of our online health insurance exchange, and the federal government has poured nearly \$1 billion in grants into Covered California to ensure it is operable by October. To see the blueprint, visit www.CoveredCA.com.

CEQA Reform:

The second policy topic that is dominating discussion at the Capitol these days is CEQA reform. Whether it be commentary on the good CEQA has done protecting the environment, or stories of abuse, lawsuits, and project delays, the battle lines are being drawn as discussions on how to reform or amend CEQA heat up.

The California Environmental Quality Act (CEQA), signed by Governor Ronald Reagan in 1970, is arguably one of the most complicated and controversial policy issues in Sacramento. The groundbreaking law requires proponents of land development and construction projects to document the expected impacts on the surrounding environment and lay out plans to mitigate damage. CEQA is also about public disclosure. The statute provides procedures for governmental agencies to disclose to the public the environmental impacts of projects being considered for approval. Additionally, CEQA gives the public the ability to challenge the decisions of local governments and state regulators.

Fueling the call for reform has been the efforts of moderate Democratic Senator Michael Rubio of the Central Valley. Senator Rubio took on CEQA reform last year at the end of session, but momentum stalled in the waning days of session due in part to significant opposition from the environmental community. Work continued over the legislative recess with Senate President Pro Tem Darrell Steinberg's establishment of a CEQA reform working group, and Governor Brown brought about renewed focus on the issue in January with his comments in his State of the State, calling for legislators "to rethink and streamline our regulatory procedures, particularly the California Environmental Quality Act. Our approach needs to be based on consistent standards that provide greater certainty and cut needless delays."

It is clear that there is again momentum to take a look at CEQA, with organizations on both sides of the aisle calling for some type of reform. CSAC is joining the ranks of many others in Sacramento and entering the fray in an attempt to identify opportunities for enhancing key areas of CEQA, to improve its effectiveness and the efficiency of the environmental review process while also ensuring environmental protection and public involvement. As practitioners of the law, counties have the ability to provide meaningful input into the process. CSAC's focus will be to identify issues that will improve our delivery of public works and other critical projects associated with county service delivery as well as identify areas in the overall process that enhance CEQA in ways that apply precious resources to actions that protect the environment.

In the first week of February, the Public Works Coalition (an alliance of public agencies, which collectively represents nearly every school, county and special district in California) met and heard a presentation from the CEQA Working Group, which is made up of business groups and has adopted principles on CEQA reform. It was reported at that meeting that Senators Steinberg and Rubio were meeting often and discussing the framework for the CEQA reform package. While not much is known regarding the actual language, it is anticipated that a bill will be introduced with high level concepts with the details to be worked out as the bill moves forward.

(See Attachment B for a letter from the Public Works Coalition to Senator Steinberg and Speaker Perez regarding proposed CEQA “updates.”)

AB 109 Allocations

The County Administrative Officers Association of California (CAOAC) Realignment Allocation Committee (RAC) has been meeting to discuss growth allocations and the potential for changing the current formula due to concerns raised by the Central Valley.

The Administration has asked for a formula on the distribution of growth before the May Revision and has also asked for a more permanent formula for the AB 109 allocation that was adopted last year and is effective through 2014-15.

The CAOs reported that there were two areas of agreement:

1. To set-aside \$1 million for statewide data collection to be run by a third party think tank.
2. To develop a growth response and to have each county’s unique circumstances considered by the RAC.

The CAOAC RAC will be meeting regularly to review new data and formula options presented by the various counties and to finalize the growth allocations for the Administration.

2013 Bills of Interest (as of Feb. 20, 2013)

A. PUBLIC LIBRARIES, SCA 7 (WOLK)
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SUMMARY: Amends the constitution relative to public libraries. Relates to ad valorem tax rates. Creates a certain exception to a specified limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities. Authorizes the imposition, extension, or increase of a special tax imposed for the purpose of funding public libraries.

SCA 7, as introduced, Wolk. Local government financing: public libraries: voter approval.

(1) The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable.

(2) The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of 2/3 of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize the imposition, extension, or increase of a special tax by a city, county, city and county, or special district for the purpose of funding public libraries, upon the approval of 55% of its voters voting on the proposition, and would also make conforming changes to related provisions.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of 2/3 of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund public libraries.

Status: 12/03/2012 INTRODUCED.
02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

Consider a position of “Support” on this bill, as recommended by staff.

B. LOCAL GOVERNMENT FINANCE: PUBLIC SAFETY SERVICES, ACA 3 (CAMPOS)

SUMMARY: Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.

ACA 3, as introduced, Campos. Local government financing: public safety services: voter approval.

(1) The California Constitution prohibits the general ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions.

This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment, that is approved by 55% of the voters of the city, county, or special district, as applicable.

(2) The California Constitution conditions the imposition of a special tax by a city, county, or special district upon the approval of the voters of the city, county, or special district voting on that tax, and prohibits these entities from imposing an ad valorem tax on real property or a transactions or sales tax on the sale of real property.

This measure would authorize the imposition, extension, or increase of a special tax by a city, county, or special district for the purpose of providing supplemental funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting on the proposition, and would prohibit the revenues derived from such a tax from being expended to supplant any other funding source for the provision of these services. This measure would also make conforming changes to related provisions.

(3) The California Constitution prohibits specified local government agencies from incurring any indebtedness exceeding in any year the income and revenue provided in that year, without the assent of the voters and subject to other conditions. In the case of a school district, community college district, or county office of education, the California Constitution permits a proposition for the incurrence of indebtedness in the form of general obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities, to be adopted upon the approval of 55% of the voters of the district or county, as appropriate, voting on the proposition at an election.

This measure would similarly lower to 55% the voter-approval threshold for a city or county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment.

STATUS: 01/22/2013 INTRODUCED.

Consider a position of “Support” on this bill, as recommended by staff. This bill is similar to one introduced in 2012 by Assemblymember Swanson, ACA 18. ACA 18, which failed in the Assembly by a vote of 43-27, proposed an amendment to the Constitution to condition the imposition, extension, or increase of a parcel tax by a city, county, or special district for the purpose of funding the maintenance or improvement of fire protection services or police protection services, or both, upon the approval of a majority of its voters voting on the proposition. The Board of Supervisors voted to support the bill if amended to change the vote threshold to 55%.

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The various other bills that staff and our lobbyist are monitoring are listed on *Attachment C*.

Articles of Interest:

Analyst says California should expand Medicaid

By JUDY LIN Associated PressAssociated Press

Posted: 02/19/2013 02:30:21 PM PST

February 20, 2013 12:35 AM GMTUpdated: 02/19/2013 04:35:29 PM PST

SACRAMENTO, Calif.—The benefits of expanding health care for California's poor under the Affordable Care Act far outweigh the costs to the state, according to a report released Tuesday by the nonpartisan Legislative Analyst's Office.

Legislative analyst Mac Taylor urged lawmakers to adopt an optional Medicaid expansion that features an enhanced cost match from the federal government, meaning Uncle Sam will pick up most of the tab and send billions of dollars flowing into the state.

Taylor says the additional money can be used improve health care in California even though the state will take on additional costs down the road. The report estimated that by taking on new enrollees, the state could be on the hook for between \$300 million and \$1.3 billion a year starting in 2020.

Gov. Jerry Brown has committed to expanding Medicaid, known as Medi-Cal in California, for people who make up to 138 percent of the federal poverty line, or about \$15,400 a year for an individual. The analyst estimated the expansion will bring 1.2 million new enrollees by 2017.

The program already serves about 8 million adults and children, nearly 1 of every 5 California residents. The legislative analyst said that expanding Medi-Cal is not only good policy but improves the health of the poor.

"Despite the significant uncertainty about the long-term costs and savings associated with the expansion, on balance, we believe the policy merits of the expansion and the fiscal benefits that are likely to accrue to the state as a whole outweigh the costs and potential fiscal risks," Taylor wrote.

Starting in 2014, California will help the uninsured gain access to health care in two key ways under the federal health care overhaul: through a new insurance marketplace—or exchange—that will offer subsidies and tax credits to individuals and small business; and by expanding Medicaid, the federal-state health program for low-income people.

The analyst's report is meant to guide state lawmakers as they implement the law's changes. Democrats who control the Legislature are expected to approve the expansion over the next several weeks as part of a special legislative session that started Tuesday. Democrats say the state needs to act quickly in order to be ready for open enrollment on Oct. 1 with coverage starting in 2014.

While the health insurance exchange is designed to be self-sustaining, Republicans are concerned about expanding Medi-Cal because the program already consumes 20 percent of the state's \$97.6 billion general fund budget, even as the state splits roughly half the cost with the federal government.

The federal government will pay the full cost of the Medicaid expansion until 2020, when it will start paying 90 percent. The estimates of how much California will have to pay beyond that vary based on the number of people who will sign up for coverage under the expansion, how much health care they use and how many services the federal government will cover.

Republican Assemblyman Dan Logue of Linda said the Democratic-controlled Legislature should hold off on approving any expansion until later in the year because Congress could still reduce matching rates. He recommended a sunset or review clause.

"There's no protection in the bill if they change the threshold from Washington, then California is on the hook," he said. "Do we get the money from education? Law enforcement? Where do we go to get the money?"

Sen. Mark Leno, D-San Francisco and chair of the Senate budget committee, called the expansion a "rare opportunity" to enroll more than a million people, particularly low-income single men who lack health coverage. Rejecting the expansion means the state will be leaving federal "money on the table."



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February 6, 2013

TO: CSAC Board of Directors

FROM: Matt Cate, Executive Director
Kelly Brooks-Lindsey, Senior Legislative Representative

Re: Health Reform Implementation and County Issues – ACTION ITEM

Many major provisions of the federal Affordable Care Act (ACA) become effective on January 1, 2014 – including the requirement of states to offer consumers the ability to purchase health insurance through an exchange, new rules for calculating income for Medicaid eligibility, and the state option to expand Medicaid to adults not otherwise eligible for the program today.

California is in the midst of implementing the ACA but has many policy choices to make. The Governor convened a Special Session of the Legislature on health care at the end of January. The two houses have introduced bills and will begin policy discussions the week of February 18. The Legislature will be focusing on the following issues in Special Session:

- Private insurance market changes required under the ACA
- Implementing the new eligibility and enrollment for Medi-Cal
- Creation of a Medicaid Bridge Program for people whose income varies and causes them to be eligible for the Exchange and Medi-Cal at different points in time
- Expansion of Medi-Cal to adults not otherwise eligible for the program today

Counties will be at the front and center of discussions because of the Administration's desire to have counties share in the risks associated with the Medi-Cal expansion. Please note that the Administration wants to have discussions about the Medi-Cal expansion over a longer time horizon than the Special Session, more closely aligning to the budget timeframe.

This memo lays out background on county roles in health care, an overview of the Governor's two Medi-Cal expansion options, and county risks associated with those two options.

COUNTY ROLES IN PROVIDING HEALTH CARE

California counties have a number of roles in the health care system and the provision of services to Medi-Cal recipients:

- Counties are providers, operating hospitals, health systems and clinics;
- Counties administer the eligibility systems that will enroll people in public programs; and,
- Counties provide and fund carved-out Medi-Cal mental health and substance use disorder treatment services.

The fiscal impact of the implementation of the ACA on counties is uncertain and there will be significant county-by-county variation. Counties fulfill their indigent care responsibilities differently – and the impact will depend on whether a county contracts with providers, whether a county is in the County Medical Services Program (35 counties are), and whether a county owns and operates hospitals, clinics or health systems. Differences also arise between counties as to whether they have

implemented a Low-Income Health Program (LIHP) and at what income level they set eligibility for the LIHP.

Counties that contract out entirely for the provision of indigent health care services are positioned differently than counties that provide services directly through their existing health care infrastructure. Counties that own and operate hospitals, health systems and clinics, are essential Medi-Cal providers with large financial commitments to health care safety-net infrastructure. During health reform implementation and beyond, it will be crucial that the State not only retain this existing infrastructure, but build upon it so that access to care for all Medi-Cal beneficiaries is strengthened. Additionally, counties with county hospitals utilize current funding to support the non-federal share of Medi-Cal inpatient days, which would otherwise be paid by the State.

GOVERNOR'S MEDI-CAL EXPANSION PROPOSALS

The Administration proposes to expand Medi-Cal to adults with incomes under 138% of the Federal Poverty Level (FPL) who are not currently Medicaid eligible, as allowed under the ACA. The budget document presents two options to expand Medi-Cal to these adults – a state-based approach and a county-based approach.

State-Based Approach. Build on the existing state-administered Medicaid program and managed care delivery system. The state would offer a standardized, statewide benefit package comparable to what is available today in Medi-Cal, excluding long-term care coverage.

Under this option the Administration would divert existing 1991 health realignment funds to pay for new human services program responsibilities. The budget document specifically mentions subsidized child care; other options may include CalWORKs, CalFresh administration, child support, Supplemental Security Income (SSI), and In-Home Supportive Services (IHSS). The counties would fund those new responsibilities with savings from indigent adults receiving coverage through Medi-Cal.

County-Based Approach. Under this option, the expansion would be built on the existing Low Income Health Programs (LIHPs). Counties would maintain their current responsibilities for indigent health care services. Counties would need to meet statewide eligibility requirements, and a statewide minimum in health benefits consistent with benefits offered through Covered California. Counties could offer additional benefits, except for long-term care.

Counties would act as the fiscal and operational entity responsible for the expansion and would build on their LIHPs as the basis for operating the expansion. Counties would be responsible for developing provider networks, setting actuarially based rates, and processing claims. The state still would like to engage counties in a discussion of savings and some diversion of 1991 health realignment funds. This option requires federal approval and specified waivers.

RISKS FOR COUNTIES

Will revenues and new program responsibilities match? Part of the formula for a successful realignment of responsibilities to counties has been a commitment by the state to align resources with new responsibilities. The Constitution provides local governments protections against new shares of cost for state programs without funding. To date, the Administration has not addressed how either their state or county option functions within existing mandate protections or whether they propose to change state law or the Constitution to effectuate a realignment without risk of mandate claims.

Recall that the 2011 Realignment conversations between the state and counties began with a frank conversation about constitutional protections. Counties agreed to new risks in exchange for constitutionally protected revenues and protections against future programmatic changes – by the state, the federal government, or the courts.

Future state and federal legislative actions. Whether counties take on a new share of cost for Medi-Cal (under the county option) or a new share of cost for a human services program(s) (under the state option), counties will be vulnerable to state and federal law changes. As counties have experienced in 1991 realignment, state and federal law changes can increase program costs beyond what was originally projected.

Litigation. Whether counties take on a new share of cost for Medi-Cal (under the county option) or a new share of cost for a human services program(s) (under the state option), counties will be at risk for court decisions associated with litigation over program provisions. For example, if counties administer the Medi-Cal expansion, due process and network adequacy will become county responsibilities and will be at risk for legal challenge for failing to comply with state and federal law.

Residual responsibilities. The state's premise for giving counties new responsibilities is that there will be savings to county indigent programs from the Medi-Cal expansion. However, the 1991 health realignment funds are used to provide services for indigent adults and public health services. In best case scenarios, 3 to 4 million Californians will remain uninsured in 2019. County indigent programs will continue to exist and to serve uninsured Californians. In addition, public health will remain a county responsibility. Will the state's proposals take into account the residual county responsibilities and provide resources for these services?

Any diversion of funds from these health care delivery systems before a full assessment of the near-term and longer-term impacts of the ACA are determined and analyzed has the potential to undermine the very systems the State will need to rely on to serve the expanded Medi-Cal and other publicly sponsored populations.

Additionally, increased coverage to low-income individuals may not translate to savings to all county health systems. If covered patients are no longer seen at county health care facilities, counties that operate these facilities could lose significant Medi-Cal and federal funds and be left serving the most complex and expensive uninsured patients. Additionally, it is unknown at this time how the federal Disproportionate Share Hospital cuts will impact California's public hospital systems.

Counties also provide critical public health functions, most of which will remain a county responsibility after implementation of the ACA. Traditional public health functions focus on the overall health of our communities in ways that are usually beyond the scope of health insurance. Local public health agency responsibilities include monitoring, investigating and containing communicable and food-borne disease outbreaks; planning for and responding to local disasters; ensuring our water supplies are safe; educating the public about emerging health risks and prevention measures and tracking the health status of our communities in order to develop community based responses.

Welfare and Institutions Code §17000. Under existing law, counties are responsible for providing health care services to indigent adults. There is a robust body of case law related to §17000 and how counties provide services. Counties are at risk today for lawsuits that increase their costs for providing services. It is very difficult to assess how courts will view §17000 eligibility and benefit levels after implementation of the ACA.

RECOMMENDED ACTION

Because of the risks outlined above, there are significant issues for counties with both the state and county options. Staff is evaluating a third option that marries the more desirable elements of the each option, which may be available prior to the Board meeting.



January 28, 2013

The Honorable Darrell Steinberg
Pro Tempore, California State Senate
State Capitol
Sacramento, CA 95814

The Honorable John Pérez
Speaker, California State Assembly
State Capitol
Sacramento, CA 95814

RE: Public Works Coalition Initial CEQA Commentary

Dear Senator Steinberg and Speaker Pérez,

As we communicated in our October 22, 2012 letter regarding CEQA Stakeholder Meetings, the Public Works Coalition (PWC) is a broad alliance of public agencies, which collectively represents nearly every school, county and special district in California. We have a unique and critical perspective on the California Environmental Quality Act (CEQA), and we are eager to work with you and your colleagues on legislation that would update CEQA in important respects.

The PWC and its members have a large stake in any proposed CEQA legislation. Our agencies build and provide the state's vital public infrastructure projects, including schools, streets, highways, transit and other transportation facilities, mosquito abatement, water and wastewater pipelines and treatment plants, fire and police stations, civic centers and other public buildings, and parks, among many others. We routinely provide land-use, permit, and/or other approvals to residential, commercial, and industrial projects that are proposed by private developers. Perhaps most importantly, our agencies are "lead agencies" that actually conduct the CEQA review required for both public and private projects. We believe that we offer a wealth of experience and expertise in the practice of CEQA review, and we appreciate the opportunity to provide our input.

Challenges Experienced Implementing CEQA

It is widely recognized that many of CEQA's key requirements are fundamentally uncertain. No matter how much time and how many resources have been invested to disclose all significant project impacts, feasible mitigation, and, when required, feasible project alternatives, a project opponent can craft arguments as to why a lead agency

failed to fully comply with CEQA. As a result, it is very difficult for lead agencies to effectively execute CEQA decisions that can be upheld in court if they are challenged.

What often compromises the virtues of CEQA are individuals and groups with ulterior motives who exploit CEQA's uncertainties through litigation, or the threat of litigation, to achieve objectives that have nothing to do with environmental protection. Businesses have filed suits under CEQA against competitors' projects; property owners in eminent domain proceedings have counter-sued condemning agencies under CEQA in order to leverage a better sale price; and others have used litigation and the threat of litigation under CEQA to pressure project proponents into making purely financial concessions unrelated to the environment.

Each misuse and abuse of CEQA not only wastes scarce public resources that would otherwise fund essential public services, it also damages the integrity of meaningful environmental protection causes and their most important statute—CEQA. If California is to revitalize its core infrastructure and restore its economy, we must find solutions to these well-known challenges.

Proposed Solutions

Our coalition is engaged in an ongoing process to identify the CEQA updates that we can collectively strive toward. Upon our initial review, the following solutions would address a few of the most troublesome uncertainties we have thus far identified under CEQA, without in any way sacrificing the important goal of environmental protection. We urge you to give these solutions serious consideration, and we look forward to sharing additional input and further engaging in the legislative process as our work continues within our coalition and within our respective associations.

Provide Clear Guidance on Cumulative Impacts Review

Under CEQA, an agency must find that a project has a significant effect if the project's effects are "cumulatively considerable" when viewed in connection with other past, present, and probable future projects. Under the CEQA Guidelines, a cumulative impacts analysis can be based on a list of projects with similar impacts. Unfortunately, there are no clear standards as to the scope of such a list, geographic, chronological or otherwise. Thus, a project opponent can seemingly always argue that the agency should have considered one or more additional projects. In order to provide greater certainty in the assessment of cumulative impacts, the PWC proposes adding the following language to the CEQA statute:

Probable future projects may be limited to those projects requiring public agency approval for an application which has been received at the time the notice of preparation is released, unless abandoned by the applicant; projects included in an adopted capital improvements program, general plan, regional transportation plan, or other similar plan; projects included in a summary of projections of projects (or development areas designated) in a general plan or a similar plan; projects anticipated as later phase of a previously approved project (e.g. a subdivision); or those public agency projects for which money has been budgeted.

Another key uncertainty is how to treat the significance of an impact when a project will contribute in a very small way to a large existing environmental problem. A 1990 decision suggested that *any* contribution by a project to an already significant environmental impact, even “one molecule,” *must* be cumulatively considerable.¹ A later court greatly confused the issue by holding that an agency cannot dismiss a small contribution as “de minimis,” while at the same time proclaiming that the “one molecule rule” is not the law.²

In order to provide greater certainty in the assessment of cumulative impacts, the PWC proposes adding the following language to the CEQA statute:

A lead agency may determine that the incremental impacts of a project are not cumulatively considerable when they are so small that they make only a “de minimis” contribution to a significant cumulative impact caused by other projects that would exist in the absence of the proposed project.

The Resources Agency added the language from both of the above solutions to the CEQA Guidelines in 1998, but a court struck the language down in 2002 based on an assertion the Governor’s Office of Planning and Research overstepped its scope of authority.³

Make Significance Thresholds More Predictable and Rational

In order to determine whether a particular impact is “significant,” an agency must first identify a quantitative or qualitative threshold of significance—the level at which an impact becomes significant. In 1998, the Resources Agency attempted to provide greater predictability and rationality in the selection of significance thresholds by adding essentially this language to the CEQA Guidelines:

A change in the environment is not a significant effect if the change complies with a regulatory standard adopted through a public review process for the purpose of environmental protection.

In 2002, a court struck this language down. However, we note that, in 2009, this concept was endorsed by the Court of Appeal when it expressly found that a lead agency properly relied on a project’s compliance with state building standards to determine that a project’s energy impact was not significant.⁴

In order to provide more certainty to the selection of a significance threshold, the PWC proposes that this language be added to the CEQA statute.

¹ *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3rd 692

² *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98

³ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98

⁴ *Tracy First v. City of Tracy* (2009) 177 Cal App.4th 912

Make Categorical Exemption Determinations More Reliable

Under CEQA, an agency may not rely on a categorical exemption for a particular activity if there is a "reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." Neither the CEQA Guidelines nor the case law provides any clear standards as to what constitutes "unusual circumstances" within the meaning of this exception. This issue is important for public agencies because the categorical exemptions cover a vast array of routine activities that agencies undertake or approve every day. The vague language in the CEQA Guidelines, combined with the vague "fair argument" standard of review, makes it very difficult for agencies to rely on a categorical exemption with any certainty that its action would withstand a legal challenge. Thus, PWC proposes that CEQA should be amended to state as follows:

The substantial evidence standard applies in any challenge to an agency's determination that no "unusual circumstances" exist in connection with a categorical exemption.

Facilitate an Effective and Thorough Comment Process

Negative declarations and EIRs must be circulated for public review and comment for a specified period before they are given to an agency's governing body for approval. Under current law, however, would-be petitioners do not have to raise their arguments during the public comment period in order to preserve them for review in court—comments can be raised at any time up until the agency takes final action at the hearing on the project. Comments submitted after the close of the public comment period, often at the public hearing to approve the project, do not provide the agency an adequate opportunity to consider the comments and respond.

PWC proposes that CEQA be amended to provide that, in order to raise an issue in court, the issue with a Draft EIR must have been raised during the Draft EIR public comment period. PWC further proposes requiring lead agencies to circulate their CEQA findings and Statement of Overriding Considerations at least 10 calendar days prior to the final approval hearing on a project. Also, PWC proposes requiring all written comments on the Final EIR, CEQA Findings and Statement of Overriding Consideration be submitted to the lead agency at least five calendar days before any final approval hearing unless the lead agency provides otherwise.

Conclusion

While the above solutions do not embody the sum of all potential CEQA updates which the individual members of our coalition may deem worthy of consideration, they do represent an important initial collaboration on valuable updates that we respectfully present for your consideration. We ask that, as this process moves forward, you consider us as key stakeholders in the ongoing dialogue and as a resource to you and your staff. We will continue to compile and share information as our internal efforts proceed.

Sincerely,

Statewide associations:

Association of California Healthcare Districts
Association of California School Administrators
California Association of Sanitation Agencies
California Association of School Business Officials
California School Boards Association
California Special Districts Association
California's Coalition for Adequate School Housing
Mosquito & Vector Control Association of California
Small School Districts' Association
Rural County Representatives of California
Urban Counties Caucus

Individual Agencies:

Clovis Unified School District
Cucamonga Valley Water District
El Dorado Irrigation District
Los Angeles Unified School District
Municipal Water District of Orange County
Three Valleys Municipal Water District

CC: The Honorable Edmund G. Brown, Jr.
The California State Senate, all members
The California State Assembly, all members
Martha Guzman-Aceves, Office of Governor Jerry Brown
Ken Alex, Office of Governor Jerry Brown

**Master List of Bills Monitored
By Contra Costa County
As of Feb. 20, 2013**

CA AB 41	<p>AUTHOR: Buchanan [D] TITLE: Kindergarten-University Public Education Facilities Act FISCAL no COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 12/07/2012 DISPOSITION: Pending LOCATION: ASSEMBLY SUMMARY: States the intent of the Legislature to enact legislation that would create the Kindergarten-University Public Education Facilities Bond Act of 2014, a state general obligation bond act that would provide funds to construct and modernize education facilities. STATUS: 12/07/2012 INTRODUCED.</p>
CA AB 48	<p>AUTHOR: Skinner [D] TITLE: Firearms: Ammunition: Sales FISCAL yes COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 12/20/2012 LAST AMEND: 02/04/2013 DISPOSITION: Pending LOCATION: Assembly Public Safety Committee SUMMARY: Makes it a misdemeanor, punishable by a fine, imprisonment in a county jail, or by both, to knowingly manufacture, import, keep for sale, offer or expose for sale, or give or lend any device that is capable of converting an ammunition feeding device into a large-capacity magazine. Relates to a readily restorable disassembled large-capacity magazine. Relates to an ammunition feeding device. Exempts an individual who sells, transfers, or furnishes ammunition to certain specified law enforcement individuals. STATUS: 02/04/2013 From ASSEMBLY Committee on PUBLIC SAFETY with author's amendments. 02/04/2013 In ASSEMBLY. Read second time and amended. Re-referred to Committee on PUBLIC SAFETY. NOTES: AM Skinner has requested support.</p>
CA AB 139	<p>AUTHOR: Holden [D] TITLE: Domestic Violence: Fees FISCAL no COMMITTEE: URGENCY no CLAUSE:</p>

INTRODUCED: 01/17/2013
DISPOSITION: Pending
LOCATION: Assembly Public Safety Committee
SUMMARY:

Amends existing law that imposes a fee on every person who is granted probation for a crime of domestic violence. Clarifies that the payment is a fee, not a fine, and that the fee is not subject to reduction for time served. Authorizes 8% of the moneys deposited in the county domestic violence programs special funds to be used for administrative costs. Authorizes the collection of the fee by the collecting agency or the agency's designee after the termination of the period of probation.

STATUS:

01/24/2013 To ASSEMBLY Committee on PUBLIC SAFETY.

NOTES: Devorah is reviewing

CA AB 141

AUTHOR: Gorell [R]
TITLE: Elections: Write-in Candidates
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/17/2013
DISPOSITION: Pending
LOCATION: Assembly Elections and Redistricting Committee
SUMMARY:

Requires that a write-in candidate for a voter-nominated office receive votes at the direct primary election equal in number to at least 1% of all votes cast for the office at the last preceding general election at which the office was filled in order for his or her name to be placed on the general election ballot as a candidate for that office.

STATUS:

01/24/2013 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING.

CA AB 158

AUTHOR: Levine [D]
TITLE: Solid Waste: Single Use Carryout Bags
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/22/2013
DISPOSITION: Pending
LOCATION: Assembly Natural Resources Committee
SUMMARY:

Prohibits specified stores from providing a single-use carryout bag to a customer. Requires specified stores to provide a plastic bag collection bin for their customers, for the purpose of collecting and recycling single-use plastic bags and reusable bags. Imposes these prohibitions and requirements on convenience food stores, foodmarts, and certain other specified stores, except for the requirement to provide plastic bag collection bins. Requires the submission of a biennial certification and fee.

STATUS:

01/31/2013 To ASSEMBLY Committee on NATURAL RESOURCES.

- CA AB 185 **AUTHOR:** Hernandez R [D]
TITLE: Open and Public Meetings: Televised Meetings
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:
Provides that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed 2 years after the recording. Requires a local agency that collects a franchise fee from the holder of a state franchise that provides PEG channels to televise open and public meetings of its legislative body and any of its advisory committees, if financially feasible, and to only use the franchise fees for that purpose.
STATUS:
02/07/2013 To ASSEMBLY Committee on LOCAL GOVERNMENT.
NOTES: CCTV is reviewing
- CA AB 195 **AUTHOR:** Hall [D]
TITLE: Counties: Construction Projects: Design-Build
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:
Extends provisions of existing law that authorizes counties to use alternative procedures, known as design-build, for bidding on specified types of construction projects in the county in excess of a specified amount, in accordance with specified procedures, and provides that the procedures include a requirement for contracts awarded after a certain date that a county board of supervisors pay a fee into the State Public Works Enforcement Fund.
STATUS:
02/07/2013 To ASSEMBLY Committee on LOCAL GOVERNMENT.
NOTES: Support position in Platform
- CA AB 229 **AUTHOR:** Perez J [D]
TITLE: Infrastructure and Revitalization Financing Districts
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/04/2013
DISPOSITION: Pending
LOCATION: Assembly Local Government Committee
SUMMARY:
Authorizes the creation of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district for up to 40 years and the issuance of debt with a final maturity date of up to 30

years. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.

STATUS:

02/15/2013 To ASSEMBLY Committee on LOCAL GOVERNMENT.

NOTES:

Sent to DCD for review

CA AB 244

AUTHOR:

Bonilla [D]

TITLE:

Vehicles: License Plates: Veterans

FISCAL

yes

COMMITTEE:**URGENCY**

no

CLAUSE:**INTRODUCED:**

02/06/2013

DISPOSITION:

Pending

LOCATION:

ASSEMBLY

SUMMARY:

Authorizes a veterans organization to participate in a special interest license plate program to provide special license plates to veterans of the United States Armed forces. Prohibits an applicant from being issued these special license plates unless he or she establishes, by satisfactory proof, that he or she is a veteran. Requires these special interest license plates be subject to the additional fees and that the revenue be deposited in the Veterans Service Office Fund.

STATUS:

02/06/2013 INTRODUCED.

CA ACA 3

AUTHOR:

Campos [D]

TITLE:

Local Government Finance: Public Safety Services

FISCAL

no

COMMITTEE:**URGENCY**

no

CLAUSE:**INTRODUCED:**

01/22/2013

DISPOSITION:

Pending

LOCATION:

ASSEMBLY

SUMMARY:

Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.

STATUS:

01/22/2013 INTRODUCED.

CA ACA 8

AUTHOR:

Blumenfield [D]

TITLE:

Local Government Financing: Voter Approval

FISCAL

no

COMMITTEE:**URGENCY**

no

CLAUSE:**INTRODUCED:**

02/13/2013

DISPOSITION:

Pending

	LOCATION:	ASSEMBLY
	SUMMARY:	Creates an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable.
	STATUS:	02/13/2013 INTRODUCED.
CA SB 24	AUTHOR:	Walters [R]
	TITLE:	Public Employees' Retirement: Benefit Plans
	FISCAL	yes
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	12/03/2012
	DISPOSITION:	Pending
	LOCATION:	Senate Public Employment and Retirement Committee
	SUMMARY:	Authorizes a local agency public employer or public retirement system that offers a defined benefit pension plan to offer a benefit formula with a lower benefit factor at normal retirement age and that results in a lower normal cost than the benefit formulas that are currently required, for purposes of addressing a fiscal necessity.
	STATUS:	01/10/2013 To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT.
CA SB 40	AUTHOR:	Pavley [D]
	TITLE:	Safe, Clean, and Reliable Drinking Water Supply Act
	FISCAL	no
	COMMITTEE:	
	URGENCY	no
	CLAUSE:	
	INTRODUCED:	12/10/2012
	LAST AMEND:	01/17/2013
	DISPOSITION:	Pending
	LOCATION:	Senate Natural Resources and Water Committee
	SUMMARY:	Changes the name of the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 to the Safe, Clean, and Reliable Drinking Water Supply Act of 2014. Declares the intent of the Legislature to amend the act for the purpose of reducing and potentially refocusing the bond.
	STATUS:	01/31/2013 Re-referred to SENATE Committees on NATURAL RESOURCES AND WATER and RULES.
	NOTES:	Water Bond-- spot bill
CA SB 42	AUTHOR:	Wolk [D]
	TITLE:	Clean, Secure Water Supply and Delta Recovery Act
	FISCAL	yes
	COMMITTEE:	

	<p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 12/11/2012</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Natural Resources and Water Committee</p> <p>SUMMARY: Enacts the Clean, Secure Water Supply and Delta Recovery Act of 2014. Authorizes the issuance of general obligation bonds for the Sacramento-San Joaquin Delta Recovery.</p> <p>STATUS: 01/10/2013 To SENATE Committee on NATURAL RESOURCES AND WATER.</p> <p>NOTES: Senator Wolk's bond bill</p>
CA SB 47	<p>AUTHOR: Yee [D]</p> <p>TITLE: Firearms: Assault Weapons</p> <p>FISCAL yes</p> <p>COMMITTEE:</p> <p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 12/18/2012</p> <p>LAST AMEND: 01/24/2013</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Public Safety Committee</p> <p>SUMMARY: Revises provisions of existing law regarding the prohibition against the possession or transfer of assault weapons and defines assault weapon. Revises the meaning of such weapon and a fixed magazine. Excludes a person who owned an assault weapon prior to a specified date from illegal possession criminal penalties. Requires that defined assault weapons that were possessed during a specified time period to be registered with the Department of Justice by a specified date.</p> <p>STATUS: 02/07/2013 Re-referred to SENATE Committee on PUBLIC SAFETY.</p>
CA SB 53	<p>AUTHOR: De Leon [D]</p> <p>TITLE: Ammunition: Purchase Permits</p> <p>FISCAL yes</p> <p>COMMITTEE:</p> <p>URGENCY no</p> <p>CLAUSE:</p> <p>INTRODUCED: 12/20/2012</p> <p>DISPOSITION: Pending</p> <p>LOCATION: Senate Public Safety Committee</p> <p>SUMMARY: Requires the Attorney General to also maintain copies of ammunition purchase permits. Provides that the term vendor, for purposes of ammunition sales, means ammunition vendor. Requires verification of identity.</p> <p>STATUS: 01/10/2013 To SENATE Committee on PUBLIC SAFETY.</p>
CA SB 54	<p>AUTHOR: Hancock [D]</p> <p>TITLE: Retirement: County Employees</p> <p>FISCAL no</p>

COMMITTEE:
URGENCY yes
CLAUSE:
INTRODUCED: 12/21/2012
LAST AMEND: 02/13/2013
DISPOSITION: Pending
LOCATION: ASSEMBLY
SUMMARY:

Authorizes the Alameda County Board of Supervisors to adopt a resolution that would provide service retirement allowances based on a specified formula for general members hired after approval of the resolution.

STATUS:
02/15/2013 In SENATE. Read third time, urgency clause adopted.
Passed SENATE. *****To ASSEMBLY. (32-0)

CA SB 133

AUTHOR: DeSaulnier [D]
TITLE: Enterprise Zones: Applications
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
LOCATION: Senate Transportation and Housing Committee
SUMMARY:

Provides that, for any application for an enterprise zone designation submitted on or after January 1, 2014, if any portion of the proposed zone is within, or was previously within, the boundaries of a previously designated zone, of if any portions of the proposed zone are within, or previously were within, the boundaries of 2 or more previously designated enterprise zones, the bill prohibits the proposed enterprise zone from exceeding a specified aggregate size.

STATUS:
02/07/2013 To SENATE Committee on TRANSPORTATION AND HOUSING.
NOTES: Sent to DCD for review

CA SB 135

AUTHOR: Padilla [D]
TITLE: Earthquake Early Warning System
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
LOCATION: Senate Governmental Organization Committee
SUMMARY:

Requires the Office of Emergency Services to develop a comprehensive statewide earthquake warning system in California.

STATUS:
02/07/2013 To SENATE Committees on GOVERNMENTAL ORGANIZATION
and NATURAL RESOURCES AND WATER.
NOTES: Sent to Rick Kovar for review

CA SB 199 **AUTHOR:** De Leon [D]
TITLE: Probation: Community Corrections
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/07/2013
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Relates to local community corrections partnerships. Adds a rank-and-file deputy sheriff or a rank-and-file police officer and a rank-and-file probation officer or a deputy probation officer to the membership of a community corrections partnership.
STATUS:
02/07/2013 INTRODUCED.

CA SB 225 **AUTHOR:** Emmerson [R]
TITLE: Imprisonment: Sentences Punishable in State Prison
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 02/11/2013
DISPOSITION: Pending
LOCATION: SENATE
SUMMARY:
Requires a sentence to be served in state prison when the defendant is convicted of a felony otherwise punishable in a county jail and is sentenced to more than a specified number of years.
STATUS:
02/11/2013 INTRODUCED.

CA SCA 4 **AUTHOR:** Liu [D]
TITLE: Local Government Transportation Project: Voter Approval
FISCAL no
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 12/03/2012
DISPOSITION: Pending
LOCATION: Senate Governance and Finance Committee
SUMMARY:
Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a specified percentage of voters voting on the proposition.
STATUS:
02/14/2013 To SENATE Committees on GOVERNANCE AND FINANCE and RULES.

CA SCA 7	<p>AUTHOR: Wolk [D] TITLE: Public Libraries FISCAL no COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 12/03/2012 DISPOSITION: Pending LOCATION: Senate Governance and Finance Committee SUMMARY: Amends the constitution relative to public libraries. Relates to ad valorem tax rates. Creates a certain exception to a specified limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities. Authorizes the imposition, extension, or increase of a special tax imposed for the purpose of funding public libraries. STATUS: 02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS. NOTES: Library requests that we support it</p>
CA SCA 11	<p>AUTHOR: Hancock [D] TITLE: Local Government: Special Taxes: Voter Approval FISCAL no COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 01/25/2013 DISPOSITION: Pending LOCATION: Senate Governance and Finance Committee SUMMARY: Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition. Makes conforming and technical, nonsubstantive changes. STATUS: 02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.</p>
CA AB 1 a	<p>AUTHOR: Perez J [D] TITLE: Medi-Cal Eligibility: Expansion FISCAL yes COMMITTEE: URGENCY no CLAUSE: INTRODUCED: 01/28/2013 DISPOSITION: Pending LOCATION: Assembly Appropriations Committee SUMMARY: Implements various provisions of the federal Patient Protection and Affordable Care Act by modifying provisions relating to determining eligibility for certain groups. Extends Medi-Cal eligibility to specified adults and requires that income eligibility be determined based on modified adjusted gross income. Prohibits the use of an asset or resources test for individuals whose financial eligibility for</p>

Medi-Cal is determined based on the application of income.

STATUS:

02/19/2013 From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

CA AB 2 a

AUTHOR: Pan [D]
TITLE: Health Care Coverage
INTRODUCED: 01/29/2013
DISPOSITION: Pending
COMMITTEE: Assembly Health Committee
HEARING: 02/20/2013 10:30 am
SUMMARY:

Requires a health plan or insurer to offer, market, and sell all of the plan's or insurer's health benefit plans that are sold in the individual market to all individuals and dependents in each service area in which the plan or insurer provides or arranges for the provision of health care services. Prohibits these plans from imposing any pre-existing condition upon any individual.

STATUS:

02/20/2013 From ASSEMBLY Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

CA SB 1 a

AUTHOR: Hernandez E [D]
TITLE: Medi-Cal: Eligibility
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
COMMITTEE: Senate Health Committee
HEARING: 02/27/2013
SUMMARY:

Implements various provisions of the federal Patient Protection and Affordable Care Act by modifying provisions relating to determining eligibility for certain groups. Extends Medi-Cal eligibility to specified adults. Requires that income eligibility be determined based on modified adjusted gross income. Prohibits the use of an asset or resources test for individuals whose financial eligibility for Medi-Cal is determined based on the application of income.

STATUS:

02/07/2013 Re-referred to SENATE Committee on HEALTH.

CA SB 2 a

AUTHOR: Hernandez E [D]
TITLE: Health Care Coverage
FISCAL yes
COMMITTEE:
URGENCY no
CLAUSE:
INTRODUCED: 01/28/2013
DISPOSITION: Pending
COMMITTEE: Senate Appropriations Committee
HEARING: 02/21/2013
COMMITTEE: Senate Health Committee
HEARING: 02/20/2013

SUMMARY:

Requires a plan or insurer to offer, market, and sell all of the plan's or insurer's health benefit plans that are sold in the individual market for policy years on or after a specified date, to all individuals and dependents in each service area in which the plan or insurer provides or arranges for the provision of health care services. Relates to open and special enrollment periods. Modifies small employer enrollment periods and coverage effective dates. Modifies guarantee issue requirements.

STATUS:

02/20/2013

From SENATE Committee on HEALTH: Do pass to Committee on APPROPRIATIONS.

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OFFICE OF THE COUNTY ADMINISTRATOR
CONTRA COSTA COUNTY

TO: Legislation Committee
Supervisor Karen Mitchoff, Chair
Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: February 21, 2013

SUBJECT: **Agenda Item #4: 2013 State Platform--Proposed Amendment**

RECOMMENDATION

CONSIDER recommending to the Board of Supervisors an amendment to the adopted 2013 State Legislative Platform, with regard to policy #43 concerning the 2/3 vote threshold for locally-approved special taxes, to include “library” and “transportation” related taxes, and to specify the vote approval requirement of 55%.

REPORT

At its January 22, 2013 meeting, the Board of Supervisors considered the Draft 2013 State Legislative Platform and approved the Platform, as amended. The amendments adopted by the Board of Supervisors at the January meeting included changes to policy #43.

Policy #43 in the *Draft* 2013 State Platform was:

43. SUPPORT a reduction in the 2/3 vote requirement for special taxes that fund a comprehensive community plan developed by the county, cities and school districts that improves health, education and economic outcomes and reduces crime and poverty.
--

The Board of Supervisors approved an amended policy that now reads in the Adopted 2013 State Platform:

43. SUPPORT a reduction in the 2/3rd vote requirement for locally-approved special taxes that fund health, education, economic, stormwater and/or public safety programs and services.
--

Discussion by some members of the Board of Supervisors suggested including the policy areas of “library” and “transportation” taxes in the mix of tax measures for which the Board of Supervisors would support lowering the vote threshold. An additional suggestion was to specify the reduction in the 2/3rd vote requirement to be 55% for approval of a measure.

Currently pending in the Legislature are the following bills related to a reduction in the 2/3rd vote requirement for special taxes:

SCA 4

AUTHOR: Liu (D)

TITLE: Local Government Transportation Project: Voter Approval

INTRODUCED: 12/03/2012

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a specified percentage of voters voting on the proposition.

STATUS:

02/14/2013 To SENATE Committees on GOVERNANCE AND FINANCE and RULES.

SCA 3

AUTHOR: Leno (D)

COAUTHOR(S): Wolk (D), Pavley (D), Hill (D), Buchanan (D), Ammiano (D), Corbett (D), Price (D), DeSaulnier (D), De Leon (D), Evans (D), Yee (D), Gordon (D)

TITLE: Taxation: Educational Entities: Parcel Tax

INTRODUCED: 12/03/2012

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Conditions the imposition, extension, or increase of a parcel tax by a school district, community college district, or county office of education upon the approval of voters if the proposition meets specified requirements.

STATUS:

02/07/2013 To SENATE Committees on GOVERNANCE & FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

SCA 7

AUTHOR: Wolk (D)

COAUTHOR(S): Leno (D), Williams (D)

TITLE: Public Libraries

INTRODUCED: 12/03/2012

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Amends the constitution relative to public libraries. Relates to ad valorem tax rates. Creates a certain exception to a specified limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund public library facilities. Authorizes the imposition, extension, or increase of a special tax imposed for the purpose of funding public libraries.

STATUS:

02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

SCA 8

AUTHOR: Corbett (D)

TITLE: Transportation Projects: Special Taxes: Voter Approval

INTRODUCED:12/14/2012

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Provides that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition.

STATUS:

02/14/2013 To SENATE Committees on GOVERNANCE AND FINANCE and RULES.

SCA 9

AUTHOR: Corbett (D)

TITLE: Local Government: Economic Development: Special Taxes

INTRODUCED:12/18/2012

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.

STATUS:

02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

ACA 3

AUTHOR: Campos (D)

TITLE: Local Government Finance: Public Safety Services

INTRODUCED:01/22/2013

DISPOSITION: Pending

LOCATION: ASSEMBLY

SUMMARY: Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.

STATUS:

01/22/2013 INTRODUCED.

SCA 11

AUTHOR: Hancock (D)

TITLE: Local Government: Special Taxes: Voter Approval

INTRODUCED: 01/25/2013

DISPOSITION: Pending

LOCATION: Senate Governance and Finance Committee

SUMMARY: Makes conforming and technical, nonsubstantive changes to provisions relative to special taxation. Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.

STATUS:

02/07/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

Dan Walters: Parcel tax changes could be big battle in California Legislature

dwalters@sacbee.com

Published Monday, Jan. 07, 2013

The Legislature's Democratic leaders want to use their newly minted supermajorities to do things that they could not do before, but are leery of doing things that might alienate voters and jeopardize those supermajorities.

They prefer, therefore, an incremental approach to using their two-thirds legislative votes, thus slowly warming voters to the exercise of their new power, rather than shocking them.

One likely way they'll wield their new authority is a constitutional amendment to reduce the voter approval margin for local government and school district parcel taxes from two-thirds to either a simple majority or 55 percent.

It appears to be popular and they see it as an extension of lowering the vote requirement on school bonds from two-thirds to 55 percent some years back, and also a small, if significant, erosion of Proposition 13, the iconic 1978 ballot measure that made it tougher for state and local governments to levy new taxes.

Parcel taxes are a form of property tax, but instead of being based on property value, they generally impose the same dollar amount of tax on every property parcel, regardless of size or value.

Many school districts, faced with stagnant or even declining state support, have been asking local voters to approve parcel taxes with varying degrees of success.

There is, however, a complicating factor – a new state appellate court ruling that spans school districts for deviating from the one-size-fits-all concept of parcel taxes.

Some districts have successfully asked their voters to approve differing levels of tax on different kinds of property – lower ones for homes and higher ones for commercial properties and/or taxes based on square footage of properties.

Those variations have made some parcel taxes more closely resemble value-based levies of traditional property taxes. In a case involving the Alameda Unified School District, the 1st District Court of Appeal said those taxes violate a law requiring "uniform" rates of parcel taxes.

If the ruling prevails in the state Supreme Court, Alameda Unified and other districts that adopted parcel tax variations may have to refund many millions of dollars in revenues to commercial landowners.

They want the Legislature, therefore, to not only lower the threshold for approving parcel taxes, but validate the more creative, albeit illegal, ways in which such taxes have been levied and, perhaps, protect them from having to make the refunds.

Responding to those demands would make writing a parcel tax amendment much more complicated because it would bring business interests, seeing it as an assault on Proposition 13, into the political equation.

It could become, in brief, the high-octane supermajority dust-up that legislative leaders want to avoid.

**OFFICE OF THE COUNTY ADMINISTRATOR
CONTRA COSTA COUNTY**

TO: Legislation Committee
 Supervisor Karen Mitchoff, Chair
 Supervisor Mary N. Piepho, Vice Chair

FROM: Lara DeLaney, Interim Senior Deputy County Administrator

DATE: February 20, 2013

SUBJECT: **Agenda Item #5: Federal Issues Update**

RECOMMENDATION

ACCEPT the report on federal issues and provide direction, as necessary.

REPORT

On February 12, President Obama delivered his State of the Union address before a joint session of Congress. The President highlighted the need to act on several major issues, including **immigration reform, climate change, and gun control**. President Obama also stressed, among other things, the need for action on the looming across-the-board spending cuts, known as sequestration, that are set to begin on March 1. He called on Congress to avert the budget reductions with a blend of targeted spending cuts and new revenue, avoiding the “meat cleaver approach” to reducing the deficit. (As of the writing of this report, no deal has been struck to avoid the implementation of sequestration.)

Senator Marco Rubio (R-FL) delivered the GOP’s official response in which he criticized the President’s plan to replace the sequester cuts. He also spoke about the need for a balanced budget amendment and addressed the importance of protecting the integrity of entitlement programs, such as Medicare. For his part, House Speaker John Boehner (R-OH) expressed similar concerns. In fact, Boehner and Senate Minority Leader Mitch McConnell (R-KY) have asked the administration to provide Congress with a detailed list of budget reductions and entitlement reforms that the administration would support.

In a related development, House appropriators are finalizing a stopgap spending bill to prevent a government shutdown after March 27. The measure, which could see action in the coming weeks, will likely continue the current level of spending through the remainder of the fiscal year. It would not, however, address sequestration, specifying that the \$85 billion in reductions for fiscal year 2012 would go forward unless it is separately turned off.

Responding to President Obama's call for action on **climate change**, Senators Barbara Boxer (D-CA) and Bernard Sanders (I-VT) unveiled legislation on February 14 that would impose a fee on carbon and methane emissions. The funds generated from the fees would be used for a variety of activities including efficiency and renewable-energy technologies, worker-training and transition programs, as well as debt reduction. Boxer, who chairs the Environment and Public Works

(EPW) Committee, has vowed to move the climate legislation through her committee by summer. This will be no easy task, however, as Ranking Member David Vitter (R-LA) and other prominent senators from both parties have expressed opposition to a carbon tax.

Aside from climate change legislation, Chairwoman Boxer also announced that the EPW committee would consider legislation as early as March to reauthorize the **Water Resources and Development Act (WRDA)**. Senator Boxer's current WRDA draft bill includes a section on **levee vegetation**, supported by CSAC, that would require the Secretary of the Army to undertake a comprehensive review of the U.S. Army Corps of Engineers' levee vegetation removal policy. For his part, House Transportation and Infrastructure Committee Chairman Bill Shuster (R-PA) also intends to pursue a WRDA reauthorization measure, but he has not established a timeline for his committee.

In other developments, the Senate approved legislation on February 12 that would reauthorize for five years the **Violence Against Women Act**. Specifically, the bill (S 47) would renew programs aimed at combating domestic violence, sexual assault, and stalking. It should be noted that the House and Senate passed competing reauthorization bills in the 112th Congress, but negotiations broke down late in the year.

Regarding the issue of **immigration reform**, the Senate Committee on the Judiciary met on Wednesday, February 13, 2013 to discuss the merits of comprehensive immigration reform, including an earned path to citizenship and tying overall immigration reform to stronger border enforcement. Issued discussed at the hearing included:

- Despite the immigration plan formed by the bipartisan Senate working group last month, some on the panel expressed an interest in decoupling increased border enforcement from a pathway to citizenship for illegal immigrants. There was also an emphasis on the need for any immigration measure to make it easier for high-tech workers and for relatives of legal permanent residents to stay in the country.

- Secretary Napolitano criticized a "border security first" strategy to immigration reform because it "fails to recognize that immigration reform promotes border security" and that "ignores" the progress already made. She emphasized the current record of border control agents and billions of dollars that has funded border enforcement in recent years. In turn, Border Patrol apprehensions have decreased 49 percent over the past four years. Additionally, she praised the plan to make electronic employee verification mandatory and the proposed earned path to citizenship.

Later Wednesday, Sen. Marco Rubio (R-FL), a member of the bipartisan Senate working group, criticized Napolitano's position and reiterated that tougher border security is a prerequisite to any immigration deal.

Finally, President Obama recently nominated Sally Jewell, the CEO of outdoor gear retailer REI, to be his next **Interior Secretary**. Jewell is the first woman Obama has recommended to fill a second-term department-head opening.



Schedule

LEGISLATION COMMITTEE

11:00 to 12:30 p.m.
651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair
Supervisor Mary N. Piepho, District III, Vice Chair

2013 Meeting Schedule

DATE/AGENDA	ROOM	TIME
February 25, 2013* (<i>changed from regularly scheduled time</i>)	101	3:00 pm
March 7, 2013	101	11:00 am
April 4, 2013	101	11:00 am
May 2, 2013	101	11:00 am
June 6, 2013	101	11:00 am
July 24, 2013* (<i>changed from regularly scheduled time</i>)	101	1:30 pm
August 1, 2013	101	11:00 am
September 25, 2013* (<i>changed from regularly scheduled time</i>)	101	1:30 pm
October 3, 2013	101	11:00 am
November 7, 2013	101	11:00 am
December 5, 2013	101	11:00 am

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📁 Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

✉ Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

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