

TO: Members, County of Santa Barbara Legislative Committee

FROM: Cliff Berg, Legislative Advocate  
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RE: 2021 October Update

DATE: October 27, 2021

The California Legislature concluded action on September 10th and recessed until January 2022. There were 2,421 bills introduced in the beginning of the year, the Legislature sent Governor Newsom 836 bills at the end of the session. The Governor had until October 10<sup>th</sup> to sign, veto or let a bill become law without his signature. He signed 770 (92%) and vetoed 66 (7.9%) bills. Some major themes in the veto messages included that the budget process should be used when bills result in costs to the state, the Governor wants state agencies to work with the Legislature on a solution or that the legislation could conflict with existing law.

The County had a busy year with legislative and budget highlights that include:

- *Santa Barbara County Pipeline Clean-Up* – Successfully secured funding for the decommissioning of the County’s abandoned pipelines. The County and the City of Carpinteria worked with Senator Monique Limon on including \$1,050,000 in the state Budget for the old Venoco abandoned pipeline cleanup. Trailer Bill - SB 170 clarified that the County will receive \$550,000 and the City will receive \$500,000 for the abandoned pipeline clean-up, which will be allocated by the California Department of Toxic Substances Control.
  - *Telehealth* – Successfully supported the State Department of Health Care Services (DHCS) to extend telehealth flexibilities, including telephone visits, that were in place during the COVID-19 Pandemic. The language was placed in AB 133, the health trailer bill. AB 133 requires DHCS to seek any federal approvals it deems necessary to extend the approved waiver or flexibility implemented pursuant to those provisions as of July 1, 2021, that are related to the delivery and reimbursement of services via telehealth modalities in the Medi-Cal program, and requires DHCS to implement those extended waivers or flexibilities for which federal approval is obtained for a specified period of time ending December 31, 2022. The bill also requires the DHCS to convene an advisory group to provide recommendations to inform the department in establishing and adopting billing and utilization management protocols for telehealth modalities to increase access and equity and reduce disparities in the Medi-Cal program. The bill authorizes DHCS to enter into contracts, or amend existing contracts, for the purposes of implementing these provisions and would exempt those contracts or amendments from specified provisions of law. AB 133 was chaptered into law on July 27<sup>th</sup>.
  - *Broadband* – The County supported the passage of broadband infrastructure funding in SB 156, which was chaptered into law on July 20<sup>th</sup>. The trailer bill provides for a historic \$6 billion investment in broadband infrastructure. The bill will benefit residents across the state, connecting families and businesses by providing \$2 billion for last-mile network construction in both rural and urban centers of California. Within those designations, the funds will be allocated by the number of unserved and underserved residents, ensuring the funds flow where they are needed most. The County advocated along with CSAC to receive this funding. On October 8<sup>th</sup>, the Governor also signed legislation to improve access to broadband across the state:
- AB 14 by Assemblymember Cecilia Aguiar-Curry (D-Winters) – Extends the California Advanced Services Fund (CASF) program to encourage deployment of broadband service to unserved

Californians, and revising the surcharge collection methodology for interconnected Voice over Internet Protocol service and the Deaf and Disabled Telecommunications Program.

- SB 4 by Senator Lena Gonzalez (D-Long Beach) – Extends the operation of the CASF through 2032, increases the annual funding cap for the CASF, and expands projects eligible for CASF grants to include fund broadband deployment at unserved locations used for emergency response.

- SB 28 by Senator Anna Caballero (D-Salinas) – Expands the authority of the California Public Utilities Commission (CPUC) to collect data to enforce requirements for cable franchises, and authorizes the CPUC to set customer service requirements for cable providers.

- *County Coroners Budget Request* - Santa Barbara County supported Sacramento County’s state budget request for the training and equipment needed to support the work of county coroners. The \$1 million budget request would be for interested counties to participate in training in how to use the rapid DNA tests and to help coroners have a more coordinated response to mass fatalities. The budget included \$1 million in one-time funding for the 2021-22 budget year to the Office of Emergency Services to facilitate mass casualty trainings for coroner offices.
- *340B Program* – The County has been concerned with the potential loss of state 340B funding for county clinics, as a result of the Governor’s executive that creates a single-purchaser system for prescription drugs in California. We have been working to secure a backfill to prevent the loss of 4.2 million dollars. We continue to work with the Administration and other stakeholders to get the backfill funds in the State Budget, as the distribution formula remains unresolved.
- *Criminal Justice Administrative Fees* – Advocated for the County to receive a proper backfill in response to Chapter 92, Statutes of 2020 (AB 1869) which eliminated the ability of state and local agencies to impose certain administrative fees for criminal offenses. AB 143, the courts trailer bill included an allocation methodology for the distribution of the \$65 million included in Chapter 92, Statutes of 2020 (AB 1869).
- *SB 47 (Limon)* – Successfully supported SB 47 by Senator Monique Limon, which authorizes, starting in fiscal year 2022-23, the Geologic Energy Management Division to make expenditures up to \$5 million to plug and abandon hazardous or deserted wells or hazardous or deserted production facilities and extends related reporting requirements. The bill was chaptered into law on September 23, 2021.
- *AB 941 (Bennett)* – Successfully supported AB 941 by Assemblymember Steve Bennett, which requires the Department of Community Services and Development (CSD) to establish a grant program for counties to establish farmworker resource centers that provide farmworkers and their families with services related to, among other things, labor and employment rights, education, housing, immigration and health and human services. The bill was chaptered into law on September 22, 2021.
- *AB 361 (Rivas)* – Successfully worked with the Governor’s Office, the Author’s office and CSAC on helping pass AB 361. The bill provides flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic and will give them the ability to carry out their work while keeping decision-makers, staff and the general public safe. The bill was signed by the Governor on September 16<sup>th</sup>.
- *AB 843 (Aguilar-Curry)* – Successfully worked with the Central Coast Community Energy (3CE) to help pass AB 843, which authorizes Community Choice Aggregators (CCAs) to submit eligible bioenergy projects for cost recovery from electric utility ratepayers, pursuant to the Bioenergy Market Adjusting Tariff (BioMAT) program, if open capacity exists within the 250 megawatts (MW) program limit. The bill was chaptered into law on September 23<sup>rd</sup>.
- *SB 493 (Bradford)* – Successfully opposed SB 493 (Bradford), which would have redirected Juvenile Justice Crime Prevention Act (JJCPA) funds, revised the composition of local Juvenile

Justice Coordinating Councils, and recast various elements of required multiagency juvenile justice plans. In alliance with CSAC, the County of Santa Barbara supports the continued evaluation of the best and most effective ways to address the therapeutic needs of youth in our community but were in our opposition to diverting meaningful and long-standing investments in local systems. The bill did not meet the legislative deadline and became a two-year bill.

- *Worker's Comp* – Santa Barbara opposed two worker's comp bills in alliance with the California Coalition on Worker's Compensation (CCWC), CSAC and a number of other organizations. SB 335 (Cortese) would have fundamentally altered longstanding rules and timeframes for determining eligibility for workers' compensation claims and moves California outside of the mainstream when compared to other states. AB 1465 (Reyes) would have reduced the quality of medical care in California's workers' compensation system, increase costs on employers as they struggle to expand California's economy as we come out of the COVID-19 pandemic, and wipe away important prior reforms that were the subject of negotiations between labor and management. Both bills did not meet the legislative deadlines and are now two-year bills.

This year's Legislative Session continued to be impacted by the COVID-19 pandemic resulting in a limited numbers of bills, limitation on the legislative process, and policy focus on the impact of COVID-19 on public health, jobs, and the economy. The Legislature will reconvene the second year of the 2021-22 session on January 3, 2022.

#### Oil Spill/Environmental Issues

On October 21<sup>st</sup>, the Governor announced that the Department of Conservation's Geologic Energy Management Division (CalGEM) has released a proposed regulation that would prohibit new wells and facilities within a 3,200-foot exclusion area or setback from homes, schools, hospitals, nursing homes and other sensitive locations. It would also require pollution controls for existing wells and facilities within the same 3,200-foot setback area.

Current oil and gas facility operators within the 3,200 foot buffer would need to install emission detection systems, as well as vapor capture and monitoring tools to drastically reduce the number of pollutants released. Diesel engines would also be banned from on-site use, with dust levels and lighting at night also to be greatly reduced. The restrictions would be in place by 2023 at the earliest, assuming the process goes through the normal California environmental scrutiny and many regulators make changes to the draft to compromise with oil and gas companies.

This action comes after the Governor proclaimed a state of emergency in Orange County to support the emergency response to the oil spill off the coast of Huntington Beach that originated in federal waters earlier in October.

On October 5<sup>th</sup>, Governor Gavin Newsom had also signed a package of legislation designed to raise consumer awareness and industry accountability, complementing his \$270 million investment to modernize recycling systems and promote a more circular economy as part of the climate package.

The list of the bills signed by the Governor includes:

- AB 652 by Assemblymember Laura Friedman (D-Glendale) – Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances.
- AB 881 by Assemblymember Lorena Gonzalez (D-San Diego) – Recycling: plastic waste: export.
- AB 962 by Senator Sydney Kamlager (D-Los Angeles) – California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers.

- AB 1200 by Assemblymember Philip Ting (D-San Francisco) – Plant-based food packaging: cookware: hazardous chemicals.
- AB 1201 by Assemblymember Philip Ting (D-San Francisco) – Solid waste: products: labeling: compostability and biodegradability.
- AB 1276 by Assemblymember Wendy Carrillo (D-Los Angeles) – Single-use foodware accessories and standard condiments.
- AB 1311 by Assemblymember Jim Wood (D-Santa Rosa) – Recycling: beverage containers.
- SB 343 by Senator Ben Allen (D-Santa Monica) – Environmental advertising: recycling symbol: recyclability: products and packaging.
- SB 619 by Senator John Laird (D-Santa Cruz) – Organic waste: reduction regulations: local jurisdiction compliance.

On October 19<sup>th</sup>, the Administration issued a proclamation extending the drought emergency statewide and further urging water conservation efforts as the western U.S. faces a potential third dry year.

The proclamation enables the State Water Resources Control Board to ban wasteful water practices, including the use of potable water for washing sidewalks and driveways. The Governor issued an executive order in July calling on Californians to voluntarily reduce water use by 15 percent compared to 2020 to protect water reserves and complement local conservation mandates.

Back in July, Governor Newsom had signed a proclamation expanding the regional drought state of emergency to include nine counties where drought effects are increasingly severe or where state emergency response may be needed: Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara and Santa Cruz.

#### Alisal Wildfire

On October 13<sup>th</sup>, Governor Gavin Newsom announced that California has secured a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency (FEMA) to help ensure the availability of vital resources to suppress the Alisal Fire in Santa Barbara County.

On October 24<sup>th</sup>, Santa Barbara County signed a Proclamation of Local Emergency for the October 2021 storms and requested Governor Newsom to proclaim a state of emergency.

We are working with the County on securing a state of emergency from the State and will continue to work with the County and State on funding resources for the resulted damage, including the material recovery facility (MRF).

#### State Revenues

The Legislative Analyst’s Office (LAO) projects in their October revenue outlook update that there will be a good chance that collections from the state’s main taxes—personal income, sales, and corporation taxes—will exceed the budget act assumption of \$170 billion in 2021-22 by at least several billion dollars.

LAO states that the best estimate is that there will be somewhere between \$8 billion and \$30 billion in unanticipated revenue. As reflected by the width of this range, with so much of the fiscal year ahead there remains significant uncertainty about how much the state ultimately will collect.

## State Budget

Governor Newsom submitted his 2021-22 May Revise to the Legislature on May 14<sup>th</sup>. The Legislature officially submitted their budget on June 14<sup>th</sup> to meet the constitutional deadline. AB 128, the first version of the 2021-22 Budget Act was passed without any agreement with the Administration on a number of spending issues or what the final budget amount should be. The Legislature and the Administration had different priorities and ideas of how to distribute the funding, and the Budget was initially only passed in order to meet the constitutional deadline. The Governor signed AB 128 on June 28<sup>th</sup>.

On June 28<sup>th</sup>, the Legislature adopted a new budget bill - SB 129, that comprehensively amended the first budget bill that was passed on June 14<sup>th</sup>. The amendments contained in SB 129 are the result of negotiations with the administration. The June 28<sup>th</sup> Package builds on priorities put forward in the Assembly's "A Budget of Opportunity" blueprint, the Senate's "Build Back Boldly" plan, and the Governor's May Revision.

The June 28<sup>th</sup> Package reflects total spending of \$262.6 billion, of which \$196.4 is from the General Fund, and total General Fund reserves equaling a record \$25.2 billion. Total Proposition 98 spending is a record, \$93.7 billion, including \$66.4 billion from the General Fund. SB 129 was signed and chaptered on July 12<sup>th</sup>.

In the final weeks of the 2021 California State Legislature's session several additional changes were made to the 2021 Budget Act. Most notably, the 2021 Budget Act set aside billions for several natural resources packages including wildfire prevention, water resiliency, climate resilience, sustainable agriculture, and the circular economy, and the funding for these packages was allocated to specific strategies in the final weeks of the session. In addition to the natural resources packages, additional actions were taken to implement funding for student housing, homelessness, and regional economic development. Two packages related to energy and transportation were deferred until 2022. Discussions surrounding both priority packages will continue through the fall and the Administration and Legislature expect to address them in early 2022.

### ***Santa Barbara County Pipeline Clean-Up***

We are pleased to report that we secured funding for the decommissioning of the County's abandoned pipelines. The County and the City of Carpinteria worked with Senator Monique Limon on including \$1,050,000 in the State Budget for the old Venoco abandoned pipeline cleanup.

Trailer Bill - SB 170 clarified that the County will receive \$550,000 and the City will receive \$500,000 for the abandoned pipeline clean-up, which will be allocated by the California Department of Toxic Substances Control (DTSC). The County is working with DTSC on administering the funding. SB 170 was signed by the Governor on September 23<sup>rd</sup>.

### ***County of Santa Barbara Foothills Forever Project***

SB 170 also includes a \$3 million allocation to the County of Santa Barbara for the benefit of the Foothills Forever Fund.

### ***Economic Development***

The Budget establishes the Community Economic Resilience Fund (CERF) program appropriating \$600 million one-time federal funds to build an equitable and sustainable economic recovery for California's industries, workers, and communities that have been impacted by the COVID-19 Pandemic.

The Fund will provide financial support to regional stakeholder collaboratives to plan and implement region- and industry-specific economic recovery and transition strategies, with a specific focus on supporting high road jobs. These collaboratives will be supported by and linked directly to community capacity building programs, ensuring broad participation in planning and decision-making. By bringing communities together through an inclusive process, these collaboratives will produce a roadmap for economic growth that prioritizes the creation of accessible, high-quality jobs in sustainable industries.

### ***Homelessness***

#### ***Trailer Bill - AB 140 (Committee on Budget)***

The Legislature passed the housing trailer bill - AB 140 (Committee on Budget) prior to adjourning for summer recess. The trailer bill consists of multiple negotiated homelessness provisions which included an investment of \$2 billion in flexible homelessness funding for local governments over the next two years.

The trailer bill expands on the Homeless Housing, Assistance and Prevention (HHAP) Grant Program created through trailer bill AB 101 in fiscal year 2019-20. The \$2 billion in funding for FY 2021-22 and 2022-23 will be used for rounds three and four of HHAP. Allocations for each round will use the same formula as prior HHAP rounds which relies on a county's proportionate share of the total homeless population of the region serviced by the continuum of care (CoC) within which the county is located. Population will be based on the 2019 homeless point-in-time count for round three and the most recent homeless point-in-time count for round four. The bill specifically provides:

- \$224 million to counties (40 percent cap for any single county).
- \$240 million to CoCs (40 percent cap for any CoC).
- \$336 million to large cities with populations over 300,000 (45 percent cap for any single city).
- \$180 million for bonus funds available to cities, counties and CoCs.

In addition to the four designated funding pots the measure describes the parameters for applicants to apply for grants, the Homeless Coordinating and Financing Council's (HCFC) approval process, and reporting requirements. The statutory language passed by the Legislature also reflects discussions related to prioritizing outcome goals and accountability measures. Each applicant will be required to provide outcome goals in consultation with HCFC. AB 140 provides the framework for the creation of the outcome goals and their evaluation. The \$180 million for bonus funds are available for grant recipients who meet those goals. More program details and guidelines will be issued by HCFC.

#### ***Project Homekey***

AB 140 included statutory changes to facilitate the additional round of Project Homekey funds included in the final 2021-22 Budget.

On August 17th, the federal government also announced that the Federal Emergency Management Agency (FEMA) will continue to fully reimburse state and local governments for Project Roomkey costs through December 31, 2021. The County participates in the program.

#### ***Encampment Resolution Funding Program***

The Encampment Resolution Funding program is a competitive grant program for cities, counties and CoCs to support encampment resolution and the transition of individuals into housing. Prioritization for funding will be given to applicants with encampments of 50 or more individuals, the ability to show cross-system collaboration and innovation, and issued to a diverse set of communities including rural,

suburban and urban. An application with program guidelines will be available no later than October 31, 2021. The Family Homeless Challenge Grants and Technical Assistance Program The trailer bill outlines the framework for the \$40 million in one-time funding for the Family Homeless Challenge Grants and Technical Assistance Program. The program is created to fund city, county and CoC efforts to accelerate, expand and develop solutions that target ending family homelessness. Seventy five percent of the funding (\$30 million) will be distributed in two rounds of grants to local governments, another 20 percent (\$8 million) will be set aside for local government technical assistance. An application with program guidelines will be available no later than March 1, 2022.

*SB 129 (Budget Act of 2021) - Homelessness*

The State Budget Bill - SB 129, which was chaptered on July 12<sup>th</sup>, included \$4 billion for the budget year and nearly as much the following year for homelessness. These proposals include:

- Project Homekey – \$1.45 billion (\$1.2 billion federal American Rescue Plan Act – ARPA – funds and \$250 million General Fund) in 2021-22 and \$1.3 billion (\$1 billion federal ARPA funds and \$300 million General Fund) in 2022-23.
- Flexible Local Aid – \$1 billion General Fund in 2021-22 and \$1 billion General Fund in 2022-23, with robust oversight and accountability requirements.
- Family Homelessness challenge Grants and Technical Assistance – \$40 million.
- Encampment Resolution Grants – \$50 million.
- Homelessness landscape assessment – \$5.6 million in funding and placeholder trailer bill language for the Homeless Coordinating and Financing Council (HCFC).
- Project Roomkey – \$150 million one-time General Fund to help transition individuals at Project Roomkey sites to transitional or permanent housing.
- CalWORKs Housing Support Program (HSP) – \$190 million General Fund in 2021-22 and \$190 million General Fund in 2022-23, allowing for use of both appropriations until June 30, 2024. Funds are to be used locally to combat homelessness, including enabling assistance to a family at risk of homelessness prior to the start of an eviction.
- Bringing Families Home (BFH) program – \$92.5 million General Fund in 2021-22 and \$92.5 million General Fund in 2022-23, allowing for use of both appropriations until June 30, 2024. This funding will include a waiver of the county match requirement for the entire three-year period and funding flexibility to serve families at risk of homelessness.
- Housing and Disability Advocacy Program (HDAP) – \$150 million General Fund in 2021- 22 and \$150 million General Fund in 2022-23, allowing for use of both appropriations until June 30, 2024. This funding will include a waiver of the county match requirement for the entire three-year period and allowing the use of funds for prevention.
- Adult Protective Services (APS) Home Safe Program – \$92.5 million General Fund in 2021-22 and \$92.5 million General Fund in 2022-23, allowing for use of both appropriations until June 30, 2024. This funding will include a waiver of the county match requirement for the entire three-year period and funding flexibility in homelessness prevention approaches, including the ability to serve APS clients at risk of homelessness.
- Community Care Expansion (CCE) program –\$805 million (\$352.5 million General Fund) in 2021-22 on a one-time basis. Of the total amount, \$55 million General Fund is appropriated in 2021-22 for a capitalized operating subsidies reserve (COSR) program to benefit Adult Residential Facilities and Residential Care Facilities for the Elderly that serve SSI/SSP recipients, with trailer bill language for these purposes.

## *Administration of Justice*

### *Fines and Fees*

The budget agreement in AB 143, the courts trailer bill, which was chaptered on July 16<sup>th</sup>, included the Administration and Judicial Branch's ability-to-pay program that was proposed in January. This included \$12.3 million General Fund in 2021-22, \$25.1 million in 2022-23, \$47.0 million in 2023-24, and \$58.4 million annually thereafter for the Judicial Branch to support statewide court operations, including processing ability to pay determinations.

The Budget framework also sets aside \$151 million General Fund in 2021-22, \$151 million in 2022-23, \$130 million in 2023-24, and \$120 million in 2024-25 and ongoing to backfill the state and local revenue associated with eliminating additional criminal justice fees. The specific fees have not yet been determined and are subject to further negotiations between the Administration and Legislature.

Lastly, AB 143, the courts trailer bill, included an allocation methodology for the distribution of the \$65 million included in Chapter 92, Statutes of 2020 (AB 1869) which eliminated the ability of state and local agencies to impose certain administrative fees for criminal offenses, such as fees imposed to recover costs related to providing public defense and probation supervision, commencing July 1, 2021. The allocation included the following elements:

- 50% allocated based on the three-year average of each county's adult population compared to that of the state from 2017 to 2019;
- 25% allocated based on the three-year average of each county's total felony and misdemeanor arrests compared to that of the state from 2017 to 2019;
- 25% allocated based on the three-year average of each county's total traffic and nontraffic felony and misdemeanor filings compared to that of the state from 2017 to 2019;
- The Board of Supervisors shall have the authority to determine how funds will be spent;
- The Department of Finance shall determine the by-county allocation by October 1, 2021;
- No later than May 1, 2022, each county's Board of Supervisors receiving funds shall submit a report detailing the actual revenue lost from each individual fee repealed by AB 1869 for each of the three most recent years that a county collected this revenue; and,
- Each county shall submit a report that documents how the backfill allocation was spent. This report shall be submitted no later than January 10 of every year beginning in 2023 for funding that was provided pursuant to this section in the prior year.

### *AB 177 (Committee on Budget) Public Safety*

SB 586 (Bradford) was gutted and amended on September 3<sup>rd</sup> on the Assembly Floor as the negotiations to finalize another round of fee repeals was fully shifted to the budget process. SB 586 transitioned into a smaller scope in AB 177, which effective January 1, 2022, eliminates 17 administrative criminal fees; makes past debt for these fees uncollectible; and allocates backfill funding to counties for the associated loss of revenue from these fee repeals. In 2021-22, the backfill will total \$25 million for counties. In 2022-23 and ongoing, the backfill will increase to \$50 million for counties.

AB 177 also indicates the Legislature's intent to pursue additional legislation by March 1, 2022, to finalize the funding allocation methodology for distribution. AB 177 was chaptered into law on September 23<sup>rd</sup>.

### *Division of Juvenile Justice Realignment – Office of Youth and Community Restoration*

Consistent with the Governor’s May Revision proposal, the state budget included \$7.6 million General Fund in 2021-22 and \$7 million ongoing for the new Office of Youth and Community Restoration (OYCR) under the Health and Human Services Agency. Additionally, the Budget included \$20 million one-time General Fund in 2021-22 to provide technical assistance, disseminate best practices, and issue grants to counties and probation departments for the purpose of transforming the juvenile justice system to improve outcomes for justice involved youth.

The Budget also included \$2.35 million ongoing General Fund and adopts trailer bill to expand and enhance the Pine Grove Youth Conservation Camp.

Lastly, the Budget included \$1.9 million General Fund in 2021-22, and \$1 million 2022-23, to the Department of Justice to convene a working group to submit a plan for the replacement of the Juvenile Court and Probation Statistical System with a modern database, as a part of the realignment of the Division of Juvenile Justice to the counties.

### ***Judicial Branch***

The budget included several investments in the Judicial Branch to improve access to justice:

- \$40 million General Fund in 2021-22, \$30 million in 2022-23 and ongoing to address pandemic-related expenses, the temporary increase in dependency counsel caseloads due to the COVID-19 pandemic, and to correct for any shortfall in federal funding.
- \$16.5 million General Fund in each of 2021-22 and 2022-23 to the County Law Libraries to backfill lost revenue.
- \$50 million General Fund in 2021-22 and \$20 million in 2022-23 and ongoing for legal aid services through the Equal Access Fund.
- \$200,000 one-time General Fund in 2021-22 to the Los Angeles Court Appointed Special Advocacy Program to support youth in the child welfare system.

The budget also included \$53.5 million ongoing General Fund to support maintenance, utility, and lease costs for trial court and the Courts of Appeal facilities and \$188 million General Fund to support deferred maintenance. Lastly, the budget included \$80 million over three years to fund legal aid services for renters and homeowners to avoid eviction and foreclosure and \$60 million one-time General Fund to address civil and criminal backlog of cases resulting from the COVID-19 pandemic.

### *Victims of Crime Act Supplemental Funding*

The Budget included \$100 million one-time General Fund for the California Office of Emergency Services to supplement federal funding supporting a variety of services for domestic violence victims.

### *Community Corrections Performance Incentive Grant program (SB 678)*

The Budget included \$122.9 million to county probation departments for the Community Corrections Performance Incentive Grant program (SB 678). This allocation is based on the highest payment to the individual counties over the prior three fiscal years and would be in lieu of the current statutory formula.

## ***Wildfire, Agriculture, Environment and Natural Resources***

### *Natural Resources Packages*

The 2021 Budget Act includes over \$15 billion (\$13.1 billion General Fund) over the next three years allocated to specific priorities in Chapters 21 and 69, Statutes of 2021 (AB 128 and SB 129 respectively) and SB 170, to support various natural resources packages, including for wildfire and forest resilience, water and drought, climate resilience, zero-emission vehicles, sustainable agriculture, and the circular economy.

### *Wildfire and Forest Resilience Package*

In April, the Legislature passed, and the Governor signed an early action package totaling \$536 million (\$411 million General Fund; \$125 million Cap and Trade) for a broad set of investments that support a statewide strategy on forest health and fire prevention. This funding was designed to start critical projects before the upcoming fire season and launch several new programs. To date, over 85 percent of this funding has been awarded. An additional \$988 million is also allocated for fiscal year 2021-22 (\$758 million General Fund; \$230 million Cap and Trade) in additional wildfire and forest resilience projects and programs. This includes, but is not limited to, funding to create resilient wildlands, support wildfire fuel breaks, advance science-based management and streamlined permitting, and support community hardening.

In total, California is committing \$1.5 billion to support Wildfire and Forest Resilience, which represents the largest investment in state history for these activities. Additionally, the Budget includes statutory changes that establish a \$200 million annual continuous appropriation from the Greenhouse Gas Reduction Fund for wildfire and forest resilience activities, from 2022-23 through 2028-29 to support a sustained commitment to these efforts.

### *Water and Drought Resilience Package*

The Budget includes \$5.2 billion (\$4.7 billion General Fund) over three years to support immediate drought response and long-term water resilience. This includes funding to support drought response; drinking water, wastewater, and water supply reliability; water recycling and groundwater clean up; flood management; restoration of natural areas and ecosystems; Salton Sea; groundwater sustainability; water conveyance; and water and habitat improvement for environmental flows. Of this amount, approximately \$2.9 billion was allocated toward projects in SB 129 and the remaining \$2.3 billion was determined during the final week of the legislative session to support additional water resilience strategies.

### *Climate Resilience Package*

The Budget includes \$3.69 billion General Fund over three years to support investments that address the state's multi-faceted climate risks. These funds will build community resilience and capacity where resources are most needed. Investments will support multi-benefit and nature-based solutions, which includes funding to support climate change impacts on fish and wildlife, habitat restoration, and activities that accelerate climate smart management of California's natural and working lands. Funds are also included to address the impacts of extreme heat, build ocean and coastal resilience, and support California's fifth climate assessment.

### *Sustainable Agriculture Package*

The Budget appropriates \$1.1 billion (\$863 million General Fund) over two years in sustainable agriculture investments to support programs that include, but are not limited to: healthy soils, transition to safer sustainable pest management, alternatives to agricultural burning, technical assistance for underserved farmers, the Farm to School incubator program, livestock methane reduction, FARMER, Fresno-Merced Future of Food (F3) Innovation Initiative, and the Climate Catalyst Fund. Of this amount, \$247 million was allocated in SB 129 and the remainder was allocated during the final week of the legislative session.

### *Circular Economy Package*

The Budget includes \$270 million (\$130 million General Fund) to support a circular economy that recognizes waste as a resource shifting the state's focus to a more resilient and renewable economy in California. These funds will support implementation of goals to reduce short lived climate pollutants, including advancing organic waste infrastructure, edible food recovery, and composting opportunities; and support other non-organic recycling opportunities.

### *Cap and Trade Allocations*

The Budget includes \$1.5 billion Greenhouse Gas Reduction Fund to support investments primarily related to the Zero Emission Vehicles, AB 617 implementation, wildfire and forest resilience, sustainable agriculture, and SB 1383 organic waste infrastructure investments. The Cap and Trade Expenditure Plan reflects approximately \$180 million of additional funding associated with higher than projected revenue from the August 2021 auction.

### *Parks*

The Budget sets aside funds for the development and creation of state and local parks. Approximately \$150 million will support urban waterfront parks with a priority for under-resourced, underserved, or park-poor urban communities. Additional legislative actions made a determination to protect the Tesla property from off-highway vehicle use. This property is currently part of the Carnegie State Vehicular Recreation Area. An additional \$30.8 million will support the development of a new Off-Highway Vehicle park and reimburse the Off-Highway Vehicle Trust Fund that was used to purchase and develop the Tesla property.

### *Energy Package – Deferred*

The \$735 million energy package includes investments to accelerate progress on meeting the state's clean energy goals and better position California as a leader in advancing clean technologies. The allocation of this package along with other policy changes and projects has been deferred to 2022. With regard to policy changes included in the 2021 legislative session, SB 155 includes a two-year extension for the Fuel Cell Net-Energy Metering program. This program supports the installation of fuel cells that help reduce greenhouse gas emissions, enhance electric grid reliability, and reduce electric grid infrastructure costs. It allows customers to meet their energy needs with energy produced on-site and provides bill credit for excess electricity exported to the electric grid. Discussions will continue through the fall and the Administration and Legislature expect to address them in early 2022.

### *Hazard Mitigation Grant Program*

The budget included \$100 million to support the local share of the Hazard Mitigation Grant program for disadvantaged communities. The funding is part of a plan to develop and implement a new initiative, “Prepare California,” modeled after the Federal Emergency Management Agency program. The new program is designed to build disaster-resistant communities through state, local, federal, and private sector and nongovernmental organization partnerships. This proposal included paying up to 100% of the local government’s cost share for participating in the federal hazard mitigation program.

### *California Disaster Assistance Act (CDAA)*

The budget authorizes \$100 million one-time General Fund to increase the amount of funding available through the CDAA, which is used to repair, restore, or replace public real property damaged or destroyed by a disaster or to reimburse local governments for eligible costs associated with emergency activities undertaken in response to a state of emergency proclaimed by the Governor. This augmentation increases total CDAA funding available in 2021- 22 to \$162 million.

### *LISTOS Grant Program*

The budget makes permanent a LISTOs grant program to further strengthen connections and build resiliency with all communities. The program would include an on-going \$25 million General Fund grant program and will expand its focus from emergency preparedness to also include emergency response and recovery.

### *Organic Waste and Recycling Infrastructure*

The budget defers action on \$65 million for the Circular Economy Package (reduced from \$130 million in May Revision). This funding was proposed for development of organic waste infrastructure.

### *Cannabis*

The Budget included the consolidation of the functions and positions of the Bureau of Cannabis Control, the Department of Food and Agriculture, and the Department of Public Health into a new stand-alone Department of Cannabis Control within the Business, Consumer Services, and Housing Agency beginning July 1, 2021. This consolidation seeks to simplify participation in the legal market and support the successful and safe operation of cannabis businesses in compliance with state law.

AB 141, the cannabis trailer bill was chaptered on July 12<sup>th</sup>. CSAC along with the California Cannabis Industry Association, League of California Cities, RCRC and the International Cannabis Farmers Association sent a letter to Legislative Leadership and the Budget Chairs on June 29<sup>th</sup> that stated that they were opposed unless amended to AB 141, stating that, “While we support the provisions in the bill to consolidate the three cannabis licensing agencies into a new Department of Cannabis Control, we have significant concerns with the language extending the cannabis provisional license program.”

CSAC’s letter stated that the bill will impose unrealistic timelines placed on local jurisdictions to complete the processing of permit applications. These timelines fail to consider the staffing challenges faced by jurisdictions with high volumes of cannabis applications that add hundreds and, in some cases, thousands of applications on departments already struggling to fulfill the permitting needs of their community. The letter continued to state that this bill also fails to consider the manner in which many local jurisdictions are complying with the State’s rigorous CEQA obligations for cannabis. The language

exponentially also accelerates the environmental compliance timelines required for applicants and licensees seeking cultivation in excess of a medium license type.

SB 160, which was considered the “clean up” trailer bill to AB 141, was signed on July 16<sup>th</sup>. CSAC went neutral on the bill, on the basis of that it addressed their concerns regarding CEQA requirements for future renewals of provisional commercial cannabis licenses. The bill continues to treat larger cannabis cultivators in possession of a provisional license differently than all other provisional license holders by shortening the timeline for these licensees to obtain their annual licenses.

There continues to be some concerns regarding the compressed time frame that would apply to medium and larger cannabis cultivators. There are ongoing discussion about a new trailer bill in January.

### ***Broadband***

The Legislature passed SB 156, which was chaptered into law on July 20<sup>th</sup>. The trailer bill provides for a historic \$6 billion investment in broadband infrastructure. The bill will benefit residents across the state, connecting millions of families and businesses by providing \$2 billion for last-mile network construction in both rural and urban centers of California (\$1 billion each). Within those designations, the funds will be allocated by the number of unserved and underserved residents, ensuring the funds flow where they are needed most.

Last mile investment dollars will be even better leveraged by the \$3.25 billion earmarked to construct a statewide open-access middle mile network, an essential first step towards increasing connectivity and affordability for all by making it easier for more internet providers to provide faster, cheaper service throughout the state. This is especially important for the nearly 15 million Californians who live in a broadband monopoly.

An additional \$750 million will act as a loan loss reserve specifically designed to leverage even greater broadband infrastructure investments by local governments, tribal governments, and non-profits.

This legislation utilizes billions in one-time federal funds to provide a permanent benefit by building broadband infrastructure throughout every region of the state.

SB 156 also makes a number of important reforms to the California Advanced Services Fund (CASF), through which last-mile subsidies are allocated, to level the playing field for counties, nonprofits, tribal governments, and smaller broadband providers.

### ***AB 14 (Aguiar-Curry) and SB 4 (Gonzalez)***

The reforms and one-time funding contained in SB 156 and AB 164 will go a long way to ensuring broadband availability, but as CSAC has stated in their letter, the provisions of AB 14 and SB 4 will close the VoIP loophole, increase low-cost subscription plans, ensure continued services for telecom consumers who are deaf or disabled, facilitate streamlined permitting, and of course extend and expand an important funding stream dedicated to closing the Digital Divide. The bills are currently on the Governor’s desk.

### ***Library Infrastructure Grants***

SB 129, makes a minor change to the \$439 million in for local library infrastructure grants that was included in AB 128. The grants, which would support local library maintenance, capital projects, broadband and technology upgrades, and purchasing of devices, would be prioritized to libraries located

in high-poverty areas of the state. SB 129 increases the maximum grant size to \$10 million from \$2 million.

## ***Health and Human Services***

### *Health and Human Services Suspensions Eliminated*

The budget agreement eliminates the program suspensions for several Health and Human Services (HHS) programs that were in current law. These include the restoration of the seven percent cut in In-Home Supportive Services (IHSS) services hours, Proposition 56 supplemental payment increases, developmental services payment increases, the Family Urgent Response System (FURS), and the Aging and Disability Resource Connections and Senior Nutrition programs.

### *Local Public Health Funding Compromise*

The push and pull between the Legislature and Governor on the California Can't Wait Coalition's request for \$200 million in ongoing state funding for local public health jurisdictions has resulted in an out-year compromise: A commitment to provide up to \$300 million annually starting in 2022-23. The out-year funding commitment is included in SB 129, otherwise known as the Budget Bill Jr., which also included \$3 million for a public health workforce study in 2021-22. Also included for 2021-22 is \$13 million to support investments to end the epidemics of HIV/AIDS, Hepatitis C, and sexually transmitted infections until June 30, 2025.

### *Behavioral Health Continuum Infrastructure Program*

The budget bill signed by the Governor on June 28, SB 129, included \$443,499,000 for the Governor's Behavioral Health Continuum Infrastructure Program until June 30, 2026. Of that amount, \$150 million is earmarked to support mobile crisis infrastructure, \$100 million for justice-involved initiatives through 2024, \$30 million for a Population Health Management service only if legislation is enacted that clarifies its implementation, and \$4.6 million for interoperability or data exchange purposes.

The health trailer bill, AB 133, which was chaptered on July 27<sup>th</sup>, fleshes out some of the details for the infrastructure program, including that it will be administered through competitive grants to construct, acquire, or rehabilitate behavioral health facilities. The grant program requires matching funds or real property, cannot supplant current funding or programs, and any facility or beds created must operate for at least 30 years. It also requires a letter of support from a county or city in which a facility is proposed, and 95 percent of the costs of the project must be covered with public or philanthropic funds. The trailer bill also included some language waiving some California Environmental Quality Act (CEQA) and relaxing contracting standards. While AB 133 provides the above details, a great deal of technical and implementation details remain to be hashed out by the Department of Health Care Services, which will administer the Behavioral Health Continuum Infrastructure Program.

### *Children and Youth Behavioral Health Initiative*

The second budget bill, SB 129, provided funding for the Governor's Children and Youth Behavioral Health Initiative, including \$27.5 million for county-school behavioral health partnerships and \$5.5 million for qualifying Medi-Cal managed care plans to implement school interventions. Millions more is earmarked for other youth behavioral health efforts led by health plans, schools, counties, and community based organizations for Californians aged 0 to 25.

AB 133 provides additional details for the Children and Youth Behavioral Health Initiative, including grants to:

- Provide youth services in rural, urban, and suburban areas and different age cohorts.
- Build youth behavioral capacity and workforce.
- Address behavioral health disparities for youth.
- Develop data sharing practices for prevention and treatment purposes.
- Create an app-based behavioral health services and supports platform to provide behavioral health screenings, online supports, and referrals and direct services to users.

The bill also places a strong emphasis on school-based behavioral health activities and requires health plans to cover school-linked behavioral health services. It also requires a new workgroup to develop and select evidence-based interventions for improving youth behavioral health. As with the infrastructure proposal above, a great deal of technical and implementation details must be settled to implement the Children and Youth Behavioral Health Initiative.

#### *CalAIM Update*

In 2019 and early 2020, DHCS conducted extensive stakeholder engagement for proposed CalAIM initiatives. CalAIM implementation was originally scheduled to begin in January 2021 but was delayed due to the impact of the COVID-19 public health emergency. In light of this delay, on December 29, 2020 DHCS received approval from the Centers for Medicare & Medicaid Services (CMS) for a 12-month extension (through December 31, 2021) of the existing Medi-Cal 2020 Section 1115 demonstration. On June 30<sup>th</sup>, 2021 DHCS submitted the CalAIM Section 1115 to the Centers for Medicare and Medicaid Services for review and approval. Pending negotiations with CMS, the CalAIM initiative is scheduled to begin implementation on January 1, 2022.

The Governor released a multiyear funding plan for CalAIM. In 2021-22, the Governor proposes spending \$532 million General Fund (\$1.1 billion total funds) on CalAIM. Costs in 2021-22 represent a half-year of ongoing CalAIM proposals and certain one-time costs. In 2022-23, funding would ramp up to \$745 million General Fund (\$1.5 billion total funds) to reflect a full year of implementation. CalAIM funding would remain at a similar level as 2023-24. Beginning in 2024-25, funding would be reduced to its ongoing level of \$423 million General Fund (\$846 million total funds). This reduction reflects the expiration of certain limited-term spending components, namely, the managed care plan incentive payments related to ECM and ILOS.

#### *Incompetent to Stand Trial Waitlist*

The Department of State Hospitals (DSH) has struggled with a growing and unconstitutional wait list for felony defendants who are deemed incompetent to stand trial (IST). Under the recent June 15 *Stiavetti v. Clendenin* decision, the wait time for admission into a state hospital must be less than 28 days.

The Governor's May Revision proposed increasing DSH capacity, but also halting intake of county conservatees into state hospitals to create more room for the IST population. The Legislature rejected that proposal, and counties subsequently engaged in nearly two months of negotiations with the state in search of viable solutions to reducing the 1,600-person IST wait list. During that time, SB 129 dedicated \$255 million (and up to \$75 million more upon approval) to allow DSH to contract for additional capacity in the community.

AB 133 included additional language to create a state-led IST Solutions Workgroup tasked with identifying short, medium, and long-term solutions for complying with *Stiavetti*. A report is due by

November 30 on short-term solutions that can be achieved by April 1, 2022, medium-term solutions that can be achieved by January 10, 2023, and long-term solutions that can be achieved by January 10 of 2024 and 2025.

If the waitlist is not in compliance by December 31, 2024, DSH may discontinue admissions of county conservatees, impose a three-year discharge plan whereby felony IST individuals are sent back to the counties regardless of local readiness, and charge 150 percent of the daily bed rate for any patient not transferred to a county.

The health trailer bill also authorizes DSH to contract with local facilities for bed space and strikes an important requirement for DSH to notify conservators when any conservatees are transferred to another facility. Current IST diversion programs will continue as planned and new placements/programs must be additive.

### *Medi-Cal*

The Health Trailer Bill, AB 133, included several additions and restorations of Medi-Cal benefits, including:

- Expanding Medi-Cal benefits to all undocumented adults aged 50 and above;
- Extending full-scope Medi-Cal benefits to pregnant people from 60 days postpartum to 12 months postpartum;
- Restoring coverage for so-called optional benefits, including audiology, optometric services, podiatric services, and incontinence creams and washes; and,
- Restoring pharmacy coverage for cough and cold medicines, and acetaminophen containing drugs

AB 133 also authorizes the Department of Health Care Services (DHCS) to seek federal approval for the continuation of telehealth options for Medi-Cal enrollees.

### *In-Home Supportive Services (IHSS)*

#### *IHSS Collective Bargaining Tools*

The human services trailer bill - AB 135, which was chaptered on July 16<sup>th</sup>, included the CSAC-sponsored proposal to maintain the existing sharing ratio of 35% county 65% state for local wage increases up to the cap. This means that the sharing ratio will no longer flip on January 1, 2022, but will continue forward as it currently operates. In addition, AB 135 included language to maintain the ten percent over three years tool that allows counties to secure state participation above the cap. The bill does contain the final language changes that CSAC asked for to make it clear that all counties are able to use the tool two times for three-year periods that begin on or after January 1, 2022, no matter how many times a county has utilized the tool prior to that date.

Counties were facing significant uncertainty for IHSS collective bargaining with the changes that were set to occur on January 1, 2022.

#### *Collective Bargaining Fiscal Penalty*

AB 135 included the IHSS fiscal penalty proposal that CSAC and counties have opposed. This means that a county without a collective bargaining agreement could be subject to a 1991 Realignment withholding,

but only if certain conditions are met. The conditions are the same and the penalty language is nearly identical to the 2019 penalty provision, with the penalty amount now being at seven percent. With a strong county advocacy effort, CSAC was able to prevent the penalty from being an ongoing penalty and keep it as a one-time penalty, which is significantly better.

The language reenacts the IHSS mediation and fact finding process as of October 1, 2021. A county could then be subject to the withholding only if all of the following four conditions are met: (1) A county and provider union have completed the full IHSS mediation and factfinding process; (2) the factfinding panel has issued recommended settlement terms that are more favorable to the union; (3) the county has an expired IHSS collective bargaining agreement; and (4) the county and union have not reached an agreement within 90 days after the release of the factfinding recommendations. For any county that has already gone through mediation and factfinding with recommended settlement terms issued prior to June 30, 2021, the county will have 90 days to reach an agreement or the withholding will occur on October 1, 2021.

The amount of the withholding will be equivalent to seven percent of a county's 2020-21 IHSS MOE. The withholding will occur through an adjustment to the county's Social Services Realignment base. The Social Services Realignment base will be restored by the amount of the withholding in the next fiscal year. The Public Employment Relations Board is required to notify the county, the provider union, the Department of Finance, and the State Controller of any withholding.

#### *IHSS Hours Restoration*

The budget agreement will eliminate the suspension for the seven percent reduction in IHSS service hours that could have potentially gone into effect as one of the HHS program suspensions.

#### *IHSS Career Pathways*

The budget agreement included a one-time, \$200 million investment for supporting and incentivizing career pathways for IHSS providers. This funding would be appropriated contingent upon legislation being adopted that clarifies the program objectives, implementation design and timelines, data collection, and measurement of outcomes for the program.

#### *Aging Programs*

The budget agreement included several investments for aging programs that are aligned with the implementation of the Master Plan for Aging. These include:

- \$35 million ongoing for the Senior Nutrition Program
- \$40 million for capacity and infrastructure for the Senior Nutrition Program
- \$50 million one-time for a grant program for counties to provide access to technology for older adults
- \$3.3 million ongoing baseline funding increase for the Area Agencies on Aging, and,
- \$2 million ongoing to continue CalFresh Expansion outreach efforts for older adults.

#### *Child Welfare and Foster Care*

The public social services trailer bill - AB 153, which was chaptered on July 16<sup>th</sup>. It included provisions related to increasing the services and supports that are available to those foster youth with complex needs. The final language contains provisions from AB 808, a bill that was sponsored by the County Welfare

Directors Association, as well as priorities of the Legislature related to out-of-state placements. It would be a five-year pilot that would require the creation of several types of crisis stabilization and residential programs, intensive services foster care homes with integrated mental health services, and community based support services that would be available 24/7. The trailer bill also requires the California Health and Human Services Agency to submit a plan to develop the services that are needed for those youth whom counties had difficulty providing services and securing placements. Finally, AB 153 prohibits the placement of youth in out-of-state residential facilities as of July 1, 2021, but provides a one-year exemption if certain conditions are met.

### *Continuum of Care Reform*

The Continuum of Care Reform (CCR) enacted significant changes in the child welfare program that are intended to reduce the use of group homes, increase the availability of trauma-informed services and improve outcomes for foster youth. Current law requires a CCR true-up and a methodology has been developed to determine the appropriate amount of funding owed to counties for increased workload for CCR implementation. The budget agreement included \$85 million in 2021-22 for CCR true-up costs for the Resource Family Approval (RFA) process.

### *Family First Prevention Services Act (FFPSA)*

California continues to move forward with implementation of the federal FFPSA. The May Revision included an investment of \$122.4 million over three years for new prevention services. The budget agreement included the May Revision amount and an additional \$100 million in 2022-23. This funding would help counties establish local services and supports to prevent children and youth from entering foster care.

### *Out of State Youth Returning to California*

In December, the Department of Social Services announced that it was decertifying all out-of state group homes and requiring counties to find a California placement for these youth. The May Revision included \$39.2 million to further support these youth as well as other foster youth with complex needs. The budget agreement approves the May Revision amount and provides an additional \$100 million in 2022-23 for services for complex care needs foster youth, including those youth who recently returned from out-of-state.

### *CalFresh and Nutrition Assistance*

The budget agreement included several investments for CalFresh and other nutrition assistance efforts. These include:

- \$7 million ongoing for county administration for CalFresh changes adopted in the 2020 budget
- \$8.2 million one-time for county administration for CalFresh expansion to students in higher education
- \$80 million one-time for food bank operations
- \$150 million one-time for capacity and infrastructure grants for food banks, and,
- Expansion of the California Food Assistance Program (CFAP) to serve individuals not eligible for CalFresh or the current CFAP.

## *CalWORKs*

The budget agreement included several investments for CalWORKs. These include:

- Providing a 5.3% increase to the Maximum Aid Payment levels;
- Funding to incrementally increase CalWORKs intensive case management services;
- Raising the applicant earned income disregard;
- Restoring a May Revision cut to the CalWORKs eligibility funding in the Single Allocation; and,
- Funding for the Family Reunification CalWORKs Assistance Payment to allow services to continue to be provided for up to 180 days when a child is removed from the home and receiving out-of-home care.

## *Child Support*

The budget agreement approves the Governor's proposals to restore funding for Local Child Support Agencies (LCSA). This action restores funding to the level it was at prior to the cut in 2020-21 and consistent with the new budgeting methodology.

## *Supplemental Security Income (SSI)/State Supplementary Payment (SSP)*

The budget agreement provides funding to restore 50% of the remaining 2009 SSI/SSP grant cut and anticipates the remainder of the cut will be restored in 2023-24.

## ***Housing***

### *AB 140 (Committee on Budget)*

The Legislature passed the housing trailer bill, AB 140 (Committee on Budget) on July 19<sup>th</sup>. The bill invested in various programs to help address the affordable housing crisis across the state. The bill funds key county priorities through additional rounds of regional housing implementation and planning grants and infill infrastructure grants. Specifically, AB 140 establishes the Regional Early Action Planning Grants Program of 2021 to provide regions with \$600 million in funding for transformative housing and infrastructure planning and implementation activities. The bill also authorizes \$250 million for the Infill Infrastructure Grant Program.

AB 140 exempts housing projects receiving federal American Rescue Plan Act funding from certain requirements under Article XXXIV of the California Constitution, authorizes loans to be made through the Housing Rehabilitation Loan Fund, establishes the Excess Sites Local Government Matching Grants Program, and establishes the Foreclosure Intervention Housing Preservation Program.

### *Regional Early Action Planning Grants Program of 2021*

AB 140 establishes the Regional Early Action Planning Grants Program of 2021 to be developed and administered by the California Department of Housing and Community Development (HCD), in collaboration with the Office of Planning and Research, the Strategic Growth Council, and the State Air Resources Board. The Budget Act of 2021 allocates \$600 million to the program for regional agencies to make grants to cities and counties for transformative planning and housing implementation activities.

\$510 million will be allocated to Metropolitan Planning Organizations (MPO) with maximum amounts based on each region's share of the state's population. Two additional pots of \$30 million each are set

aside for a statewide competitive program and a separate competitive program for regions located outside of an MPO. Five percent of the total funding will be available for administration and technical assistance.

Regional agencies will be responsible for determining the use of funds and suballocations within their boundaries in a manner that appropriately addresses their unique housing, land use, transportation, climate change, equity, and other planning priorities in compliance with eligible uses of these funds, which include:

- Providing local agencies with technical assistance, planning, temporary staffing, or consultant needs associated with updating local planning and zoning documents and other actions that accelerate infill housing production.
- Accelerating infill development, through rezoning, updating plans and ordinances, and revamping permitting process to ease housing development.
- Completing environmental clearance to eliminate the need for project-specific review for infill development.
- Establishing and funding an affordable housing catalyst fund, trust fund, or revolving loan fund for location efficient projects.
- Performing infrastructure planning and investing in upgrading infrastructure, including for sewers, water systems, transit, roads, or other public facilities necessary to enable reduction in per capita vehicle miles traveled, including accelerating housing production.
- Encouraging multimodal transportation, including adopting vision-zero policies, developing and implement bicycle and pedestrian infrastructure plans.
- Shifting travel behavior through reduced driving, including studying and implementing road pricing and establishing local vehicle miles traveled impact fees or mitigation banks.
- Accelerating infill housing production near jobs, transit, and resources.
- Increasing transit ridership through seamless transit systems, multimodal access plans, and planning for additional housing near transit.

Until December 31, 2022, the bill authorizes eligible entities to request an allocation of funds by submitting applications that explain how the proposed uses would meet the definition of transformative planning and implementation activities and how the proposed uses would implement and achieve the housing goals leading to a reduction of vehicle miles traveled. AB 140 authorizes HCD to make any remaining unallocated funds, after December 31, 2022, available on a competitive basis.

Entities that receive funding would be required to submit an annual report to HCD and make it publicly available online. By June 30, 2025, recipients of an allocation of funding would be required to submit a final report on the use of those funds to HCD, which would post the information online. It would also require recipients of funds to:

- Post, make available and update, land use maps and vehicle miles traveled generation maps produced in the development of their adopted sustainable communities strategy.
- Collaborate, and share progress, templates, and best practices with HCD and fellow recipients in implementation of funds.
- Expend implementation funds no later than June 30, 2024

### *Infill Infrastructure Grant Program*

AB 140 authorizes HCD to expend \$250 million for the Infill Infrastructure Grant Program based on the framework from AB 101 (Committee on Budget, 2019). It allocates \$160 million of those funds for selected capital improvement projects for large jurisdictions under the program. Consistent with a request from CSAC, RCRC, and the California Coalition for Rural Housing, the bill makes \$90 million available

for over-the-counter grants for capital improvement projects for counties under 250,000 population and the cities located within those counties. This portion of the bill also included a flexible definition of infill to facilitate projects in small and rural jurisdictions.

#### *Leasing State-Owned Property for Housing*

AB 140 requires that at least 20 percent of housing units developed pursuant to current law allowing the state to lease property for housing purposes, be made available for the term of the lease to, and occupied by, lower-income households and very low-income households. It authorizes the California Department of Housing and Community Development (HCD) to prescribe alternative minimum percentage requirements in each income category. AB 140 also authorizes the California Department of General Services to permit commercial development on property leased if HCD determines that it is necessary to provide benefits to the community.

Finally, the bill authorizes HCD to permit phased development or to sell property or portions of a property leased to a lessee for the purposes of affordable homeownership.

#### *Excluding Housing Projects Receiving ARPA Funds from Article XXXIV Requirements*

AB 140 exempts new housing projects receiving funding from the Coronavirus State Fiscal Recovery Fund established by the federal American Rescue Plan of 2021 from the definition of “low-rent housing project” included in Article XXXIV of the California Constitution, which prohibits development, construction, or acquisition of a “low-rent housing project” absent a majority vote of the jurisdiction’s electorate.

#### *Housing Rehabilitation Loan Fund*

The Budget Act of 2021 allocates \$300 million for preservation of existing affordable housing. AB 140 authorizes HCD to make loans or grants available through the Housing Rehabilitation Loan Fund to rehabilitate, capitalize operating subsidy reserves for, and extend the long-term affordability of HCD-funded housing projects that meet any of the following criteria:

- Have affordability restriction that has expired.
- Have affordability restriction with a remaining term of less than 5 years.
- Are at risk of conversion.

#### *Excess Sites Local Government Matching Grants Program*

AB 140 establishes the Excess Sites Local Government Matching Grants Program to be administered by the California Department of Housing and Community Development. The bill removes language that requires state leasing to receive the approval of the governing body of any concerned local agency. It requires HCD to allocate grants of up to \$10 million to develop partners selected under Executive Order N-06-19. This Executive Order authorized the Department of General Services (DGS) to dispose of surplus state property, required the DGS to create a digitized inventory of all excess state-owned parcels, and required DGS, in consultation with the Department of Housing and Community Development, to issue requests for proposals on individual parcels and accept proposals from certain developers of affordable housing.

AB 140 requires HCD to award grant funding based on several factors, including the value of the local government contribution and the creation of new permanent housing. It also authorizes a selected developer and a local government to submit a joint application that included information on the local government’s contribution and a commitment and strategy from the local government to support the developer. The bill limits the total amount of funding awarded under the program to \$30 million and would require HCD to set aside up to five percent of appropriated for program administration.

Foreclosure Intervention Housing Preservation Program AB 140 creates the Foreclosure Intervention Housing Preservation Program to be administered by HCD. The Budget Act of 2021 included \$500 million in funding for the program, which would be intended to preserve affordable housing and promote resident ownership or nonprofit organization ownership of residential property.

The bill requires HCD to provide eligible borrowers loans and grants to pay the acquisition costs and associated transaction costs of property purchased through a trustee's sale, as specified, subject to a pre foreclosure intervention sale or subject to a foreclosure risk intervention sale.

Any funds that remain uncommitted or are returned as of December 31, 2025 would be made available for purposes of the Housing Preservation Program. AB 140 requires that loan principal and interest payments be deposited into the Housing and Rehabilitation Loan Fund to be used for loans or grants to pay for repairs, maintenance, or improvements on properties acquired pursuant to the program.

### *Student Housing*

The 2021 Budget Act includes \$2 billion for student housing with the goal of expanding the availability of affordable student housing. The Budget establishes the Higher Education Student Housing Grant program that will provide one-time grants for the California Community Colleges, California State University, and University of California to construct student housing or to acquire and renovate commercial properties into student housing for low-income students. In 2021-22, \$500 million one-time General Fund will support grants for student housing projects and California Community College planning grants for student housing, with specific projects and planning grants to be identified in subsequent legislation. Additional General Fund resources are allocated in 2022-23 and 2023-24, for a total of \$2 billion for student housing over the three-year period.

The Budget also establishes the Higher Education Capacity Expansion Grant program to provide one-time grants, subject to appropriation, for capacity expansion projects to support future California resident enrollment growth at the University of California and the California State University.

### *Transportation Package - Deferred*

The Budget conditionally appropriated \$3.4 billion General Fund for a variety of transportation projects, including \$1 billion to deliver critical projects in advance of the 2028 Olympic games and \$1 billion to enhance connectivity through clean transportation investment in priority transit and rail projects to improve rail and transit connectivity throughout the state (See complete list below). These transportation funds in the 2021 Budget Act were contingent on an allocation schedule being set in legislation by October 10, 2021. While no agreement was reached regarding these allocations, further discussions are ongoing as to these funds and for the \$4.2 billion in bond funds that are specifically set aside for California's High Speed Rail project. Discussions surrounding the transportation package will continue through the fall and the Administration and Legislature expect to address them in early 2022.

The Budget investments included:

- \$1.1 billion for State Highway Operations and Protection Program projects from interest earnings on dedicated state transportation revenues, including \$316 million earned to-date on SB 1-related revenues and additional interest to be accrued for those programs between 2020-21 and 2027-28.
- \$1 billion in General Fund for projects related to the 2028 Olympics in Los Angeles.
- \$1 billion in General Fund for rail and transit projects.
- \$500 million General Fund for city and county active transportation project grants.

- \$500 million in General Fund for grade separation projects through the Transit and Intercity Rail Capital Program.
- \$400 million in General Fund for a new state and local transportation infrastructure climate adaptation grant program, pending approval of authorizing legislation.
- \$396.7 million from the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) to be allocated to regional transportation planning agencies for regional and local projects.
- \$23.5 million from Highway Infrastructure Program funding for city and county bridge projects.

### *SB 1 Maintenance of Effort Requirement*

The Governor signed AB 149 (Committee on Budget), on July 16<sup>th</sup>. This trailer bill included limited relief for city and county maintenance of effort (MOE) requirements from SB 1 (Beall, 2017). Specifically, due to the impacts of the COVID-19 pandemic, AB 149 waives the MOE requirement for 2019-20, and in 2020-21 and 2021-22, allows each local agency's SB 1 MOE to be prorated downward based on reductions in taxable sales from 2018-19 to 2020-21 and 2021-22, respectively. For 2021-22, a jurisdiction where Transient Occupancy Tax (TOT) revenue exceeds Sales and Use Tax revenue may petition the Controller to use TOT as the basis for the MOE reduction calculation. No city or county's MOE will be increased pursuant to these provisions.

### *Clean California Initiative*

The budget included \$418 million over three years for Caltrans litter removal, as well as \$328.9 million for state and local beautification projects. The transportation trailer bill (AB 149/SB 149) creates the Clean California Local Grant Program of 2021 to award local and regional public agencies up to \$5 million per grant for community litter abatement projects, events, and educational programming as well as greening and landscaping projects on local streets and roads, tribal lands, parks, pathways, transit centers, and other public spaces. The bill requires Caltrans to develop guidelines, including project selection criteria and program evaluation metrics. Local matching funds of up to 50% will be required, although Caltrans can reduce or waive the requirements for disadvantaged communities. The program will require a process for allocating 50% of the program funds to projects to benefit underserved communities, to be defined by Caltrans. The trailer bill prohibits grants for projects that displace persons experiencing homelessness.

### ***Federal Infrastructure Bill***

On August 10<sup>th</sup>, the United States Senate approved a five-year \$550 billion infrastructure package (HR 3684) that was negotiated by a bipartisan group of 22 senators and agreed to by President Biden. The legislation, entitled the *Infrastructure Investment and Jobs Act*, includes a full surface transportation reauthorization bill, as well as funding for the electric grid, broadband, water infrastructure, wildfire mitigation, resiliency, environmental remediation, and more.

The Senate bill increases the off-system bridge set-aside from the Surface Transportation Block Grant program and includes new dedicated funding for bridge project. If passed by Congress, additional advocacy will be needed to ensure that locally owned bridges benefit from the new funding when California implements the bill.

We set up a virtual meeting with CSAC to discuss strategy on how we can maximize funding for bridges for local governments. If passed, California will need to implement the new program as part of the overall

federal reauthorization. That process is when we'll need to advocate at the state and regional levels by involving stakeholders and our delegation.

### 340B Program

Last year's State Budget restored, by rejecting the withdrawal of the January 2020 budget proposal, \$52.5 million (\$26.3 million General Fund and \$26.3 million federal funds) to provide supplemental payments to nonhospital 340B clinics.

We have confirmed with the Department of Finance that the 340B supplemental payments are included in the Governor's 2021-22 Budget on an ongoing basis. This proposal is part of Medi-Cal Rx, the pharmacy carveout from managed care, so fiscal year 2020-21 costs reflect the transition of Medi-Cal Rx.

We received an update on July 30<sup>th</sup> that Medi-Cal Rx transition is back on. On July 27, 2021, DHCS announced that it accepted a Conflict Avoidance Plan submitted by its Medi-Cal Rx vendor, Magellan Medicaid Administration (MMA), Inc., a subsidiary of Magellan Health, Inc. (Magellan), to mitigate conflicts associated with the proposed acquisition of Magellan by Centene Corporation. As a result of the acceptance of the Conflict Avoidance Plan, DHCS has determined that full Medi-Cal Rx implementation will begin on January 1, 2022. The Conflict Avoidance Plan is posted on the DHCS website.

Based upon the information we received, the State is contemplating a distribution formula and we have set up virtual meetings to reconnect with the Administration, CA Department of Finance, our local Delegation, Legislative budget staff, the California Health and Human Services Agency and the new Director of the Department of Health Care Services to advocate for the County to get its correct share of the funds.

### Brown Act

Executive Order N-29-20, which was already extended once in June, currently provides flexibility to state and local agencies and boards to conduct their business through virtual public meetings during the COVID-19 pandemic, and gives agencies the ability to carry out their work while keeping decision-makers, staff and the general public safe.

On September 16, 2021, California Governor Gavin Newsom signed AB 361 into law, effective immediately. AB 361 amends the Ralph M. Brown Act to include new authorization for remote meetings, including remote public comment, for all local agencies. The new authorization, which largely extends the provisions of the Governor's Executive Order N-29-20 (signed March 17, 2020) and Executive Order N-35-20 (signed March 21, 2020), is effective until January 1, 2024. AB 361 contains corresponding changes to other public meeting laws, such as the Bagley-Keene Act.

On September 20<sup>th</sup>, Governor Gavin Newsom signed an executive order waiving the application of AB 361 until October 1, 2021, when the provisions of a prior executive order that established certain requirements for public agencies to meet remotely during the COVID-19 emergency will expire.

The order signed specifies that for any meetings held to determine if remote meetings are justified beyond September 30, local legislative bodies must follow the statutory requirements established by AB 361. The executive action provides clarity for local legislative and state bodies about the applicable requirements for holding remote meetings.

## 2021 Executive Orders and Actions

Governor Gavin Newsom has issued a number of executive orders addressing a variety of issues in response to the COVID-19 pandemic, as well as other important issues.

### *Executive Orders and Actions Timeline*

October 20 – Governor Newsom signed an executive order that supports communities impacted by recent wildfires by extending various prohibitions on price gouging in impacted counties through December 31, 2021.

October 20 – Governor Newsom issued an Executive Order that directs state agencies to develop longer-term proposals that support port operations and goods movement for consideration in the January 10 Governor’s Budget.

October 19 - Governor Newsom issued a proclamation extending the drought emergency statewide and further urging Californians to step up their water conservation efforts as the western U.S. faces a potential third dry year.

October 13 – Governor Gavin Newsom announced that California secured a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency (FEMA) to help ensure the availability of vital resources to suppress the Alisal Fire in Santa Barbara County.

October 4 - Governor Newsom proclaimed a state of emergency in Orange County to support the emergency response to the oil spill off the coast of Huntington Beach that originated in federal waters.

October 1 - Governor Newsom announced plans to add the COVID-19 vaccine to the list of vaccinations required to attend school in-person when the vaccine receives full approval from the Food and Drug Administration (FDA) for middle and high school grades, making California the first state in the nation to announce such a measure.

September 29 - CDPH issued a public health order requiring COVID-19 vaccinations for workers in adult and senior care facilities and those employed in in-home direct care settings by November 30.

September 27 - Governor Gavin Newsom proclaimed a state of emergency for Shasta County to support the response to the Fawn Fire, which has to date burned 8,559 acres, destroying homes and causing the evacuation of thousands of residents.

September 24 - The Western States Scientific Safety Review Workgroup completed its review of the federal process and has recommended a booster dose of the Pfizer-BioNTech vaccine at least six months after their primary vaccination series for people older than 65 and people at higher risk for severe illness from COVID-19. The Workgroup provided its confirmation to the governors of California, Nevada, Oregon and Washington.

September 23 – In response to the FDA authorizing the Pfizer-BioNTech COVID-19 vaccine for boosters for those over the age of 65 and high-risk individuals, Governor Newsom released a COVID-19 Vaccine Action Plan that outlines how the state will be able to immediately begin administering doses to eligible Californians.

September 22 - U.S. Food and Drug Administration (FDA) authorizing the PfizerBioNTech COVID-19 vaccine for boosters for those over the age of 65 and high-risk individuals.

September 20 – Governor Newsom signed an executive order waiving the application of AB 361 until October 1, 2021, when the provisions of a prior executive order that established certain requirements for public agencies to meet remotely during the COVID-19 emergency will expire. The action provides clarity for local legislative and state bodies about the applicable requirements for holding remote meetings.

AB 361 extends the flexibilities provided in the Governor’s prior executive order to local and state bodies to hold public meetings electronically beyond the executive order’s September 30, 2021 expiration date. The order signed today specifies that for any meetings held to determine if remote meetings are justified beyond September 30, local legislative bodies must follow the statutory requirements established by AB 361.

August 23 - The U.S. Food and Drug Administration granted full approval of the COMIRNATY/Pfizer-BioNTech COVID-19 Vaccine. Governor Newsom requested a Presidential Major Disaster Declaration to assist state and local wildfire response and recovery efforts in Lassen, Nevada, Placer, Plumas, Shasta, Siskiyou, Tehama and Trinity counties.

August 18 - CDPH strengthened requirements already in effect for mega events in the Beyond the Blueprint Framework, announcing that proof of vaccination, or a negative COVID-19 test within 72 hours before an event starts, will be required for indoor gatherings where 1,000 or more participants or spectators are attending. The U.S. Department of Health and Human Services (HHS) announced a plan for administering Covid-19 booster shots later this fall, pending final Food and Drug Administration (FDA) evaluation and recommendations from the Centers for Disease Control and Prevention’s (CDC’s) Advisory Committee on Immunization Practices (ACIP).

August 16 - Governor Gavin Newsom signed an executive order to ensure the state’s health care facilities continue to have the staffing and resources needed to prevent potential strain on the state’s health care delivery system and to provide staffing flexibility for schools to ensure continuity of in-person instruction for all students. California Department of Public Health (CDPH) issued a new public health order requiring hospitals statewide to accept transfer patients from facilities with limited ICU capacity when clinically appropriate. The order will take effect August 18, 2021.

August 11 - The California Department of Public Health (CDPH) today issued a new public health order requiring all school staff to either show proof of full vaccination or be tested at least once per week.

August 5 - In response to increasing COVID-19 hospitalizations and ICU patients due to the highly contagious Delta variant, and to further protect vulnerable Californians and health care workers, the California Department of Public Health (CDPH) issued two new public health orders.

The first order requires workers in health care settings to be fully vaccinated or receive their second dose by September 30, 2021. The second public health order directs hospitals, skilled nursing facilities, and intermediate care facilities to verify that visitors are fully vaccinated or have tested negative for COVID-19 in the prior 72 hours before indoor visits. Updates to guidance for visitors to other long-term care facilities is expected in the near future.

July – 30 Governor Newsom issue emergency proclamation to free up energy supply to meet demand during extreme heat events and wildfires that are becoming more intense and to expedite deployment of clean energy resources this year and next year.

July 26 - California implements First-in-the-Nation measures to encourage state employees and health care workers to get vaccinated.

July 22 – Governor Newsom signed budget trailer bill AB 148 to expedite the state’s response to severe drought conditions and announced the procurement of 12 additional firefighting aircraft this week for exclusive use in its statewide response efforts. Governor Newsom boosted CAL FIRE’s aerial fleet to more than 60 fixed and rotary wing aircraft, augmenting what is already the largest civil aerial firefighting fleet in the world. 12 additional firefighting aircraft join CAL FIRE’s world-renowned aviation program, which responds to thousands of wildland fires throughout California each year.

July 8 - Governor Newsom signed an Executive Order calling on all Californians to voluntarily reduce their water use by 15 percent compared to 2020 levels.

Governor Newsom also signed a proclamation expanding the regional drought state of emergency to include nine additional counties where drought effects are increasingly severe or where state emergency response may be needed: Inyo, Marin, Mono, Monterey, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara and Santa Cruz.

June 28 - Governor Gavin Newsom signed legislation to extend the state’s eviction moratorium through September 30, 2021 and clear rent debt for low-income Californians that have suffered economic hardship due to the pandemic.

June 25 - Governor Newsom and legislative leaders announced eviction moratorium extension and increased compensation for rent relief.

June 15 - California Reopens. Restrictions such as physical distancing, capacity limits and the county tier system end.

June 11 - Governor Newsom announces plans to lift pandemic executive orders. That includes terminating the Stay-at-Home Order and retiring the Blueprint for a Safer Economy. Effective June 15, restrictions such as physical distancing, capacity limits and the county tier system will end.

June 7 - CDPH launches campaign to reach parents in pandemic’s hardest hit areas about K-12 schools and safety leading up to Fall 2021 school year.

June 3 – Governor Newsom announced extension of regulatory relief that allows restaurant and bars to continue expanded outdoor operation through the end of 2020.

May 27 – Governor Newsom announced Vax for the Win – California’s vaccine incentive program.

May 24 - Governor highlighted his \$2 billion budget proposal for wildfire preparedness and disaster resiliency.

May 21 – The state updated the Beyond the Blueprint Framework for the state’s June 15 reopening. Beginning on June 15, all industry and business sectors listed in the current Blueprint Activities and Business Tiers Chart may return to usual operations with no capacity limits or physical distancing requirements, with limited exceptions for mega events.

May 20 – Governor Gavin Newsom announced an executive order extending the state’s prohibition on price gouging for the following counties impacted by wildfires in August and September 2020: Butte, Napa, Santa Cruz, Sonoma, Fresno, Lassen, Mendocino, Monterey, Shasta, Siskiyou, Solano, Trinity and Tulare. The Governor also announced the state’s new Employer Vaccination Toolkit, which will ease the

process for employers to request a workplace clinic or local provider partner, making COVID-19 vaccines even more accessible for their employees.

May 17 – Governor Gavin Newsom announced that California would update masking guidelines when the state reopens on June 15th. This four-week period will give Californians time to prepare for this change.

May 13 - Governor Gavin Newsom unveiled California Roars Back, which represents the largest small business relief program in the nation.

May 11 - Governor Newsom announced historic \$12 billion package to confront the homelessness crisis.

May 10 - Governor Newsom expanded drought emergency to Klamath River, Sacramento-San Joaquin Delta and Tulare Lake Watershed Counties. Governor Newsom announced \$5.1 billion package for water infrastructure and drought response.

May 4 – Governor Newsom announced a series of initiatives building on the state’s work to vaccinate California’s hard-to-reach communities against COVID-19, address vaccine hesitancy and drive innovative efforts in the communities hardest hit by the pandemic. New efforts focus on direct appointment assistance; community outreach including neighborhood canvassing, phone banking and text banking; at-home vaccinations and transportation services; and an additional \$33 million in funding, bringing the total to \$85.7 million, to support community-based organizations.

May 3 - Governor Newsom issued a proclamation declaring May 2-8, 2021 as “Wildfire Preparedness Week” in the State of California. CDPH issued revised guidance for face masks and fully vaccinated people.

April 30 - California Launches New Statewide TV Ads “This Moment” and “Cambiar” to Empower and Inspire Residents to Get Vaccinated.

April 29 - Governor Newsom signed a bill that will give small businesses hit hardest by this pandemic a \$6.2 billion tax cut over the next six years.

April 28 - CDPH has released guidance for water parks, which supports a safe, clean environment for workers and customers. Attendance at water parks is limited based on county risk levels.

April 27 - Centers for Disease Control and Prevention to update masking guidance for fully vaccinated Americans. CDPH issued a statement supporting new masking recommendations and indicated they were working quickly to align California’s guidance. Governor Newsom announced lifesaving oxygen equipment to India as that country faces a devastating and fast-spreading surge of COVID-19 cases.

April 24 - Western States Scientific Safety Review Workgroup recommends resuming use of Johnson & Johnson Vaccine.

April 23, FDA and CDC Lift Recommended Pause on Johnson & Johnson (Janssen) COVID-19 Vaccine Use Following Thorough Safety Review.

April 21, Governor Newsom issued a State of Emergency Proclamation regarding drought conditions.

April 16, Governor Newsom announced partnerships with nearly 200 faith-based organizations to expand the state’s vaccine outreach and equity efforts.

April 15, All Californians 16 and older are eligible to receive vaccinations.

April 13, Governor Newsom signs \$536 million wildfire package accelerating projects to protect high-risk communities. CDPH announced it would be following the FDA's and CDC's recommendation to direct healthcare providers to pause the use of the Johnson & Johnson vaccine. The FDA and CDC recommend pausing the use of the Johnson & Johnson vaccine, while it is reviewing data involving six cases of blood clots in individuals that had received the vaccine.

April 12, FEMA began accepting applications for funeral assistance and reimbursement through its COVID-19 Funeral Assistance Helpline. Community Vaccination Centers (CVC) in Oakland and Los Angeles begin transition from state-run, federally supported to local operation. The City Los Angeles has agreed to manage the Los Angeles operation. Alameda and Contra Costa Counties will run the Oakland CVC.

April 8, Governor Newsom, Senate President pro Tempore Toni G. Atkins and Assembly Speaker Anthony Rendon announced a \$536 million funding plan to help improve California's resilience to wildfires. The state updated the Blueprint for a Safer Economy, outlining that the weekly tier assessment will consider both a county's adjusted case rate and test positivity, as well as hospitalization data, in determining whether a county should remain in a less restrictive tier.

April 7, FEMA announced it will continue to assist state, local, Tribal Governments and Territorial Governments, and some private nonprofits to ensure a safe reopening during the COVID-19 pandemic.

April 6, Governor Newsom announced that California aims to fully reopen on June 15, if vaccine supply is sufficient for Californians 16 years and older who wish to be inoculated and if hospitalization rates are stable and low. CDPH modified Blueprint thresholds on April 6, after the state successfully met its second vaccine equity milestone of 4 million administered vaccine doses in some of the state's hardest hit communities. Cal OES announced FEMA has approved a 4-month direct housing assistance extension for victims of the Camp Fire. Governor Newsom announced extension of Oakland Coliseum mass vaccination site. CDPH updated its Outdoor and Indoor Youth and Recreational Adult Sports Guidance related to spectators and observers, and inter-team competitions, meets and races.

April 5, Cal OES announced a \$1 million donation from technology company DoorDash in the form of \$25 DoorDash gift cards that will be distributed via community-based organizations partnering with Cal OES as part of the state's vaccination operations.

April 2, State updates Blueprint to allow additional outdoor activities with modifications. Updates to gatherings, receptions, conferences, and indoor live events and performances are effective April 15. The CDC updated guidance for vaccinated and unvaccinated travelers.

April 1, California expands vaccine eligibility to all Californians over 50 years of age. The state issued an updated travel advisory, removing the previous recommendation that Californians not travel more than 120 miles from ones' place of residence. Californians should continue to avoid non-essential travel outside of California. Non-essential travelers from other states or countries are strongly discouraged from entering California and should follow CDC travel guidance related to testing and self-quarantine.

March 30, Governor Newsom has approved \$80.74 million for 1,399 additional firefighters to bolster fuels management and wildfire response efforts.

Cal OES announced guidance on reimbursement for eligible Project Roomkey activities. The Federal Emergency Management Agency (FEMA) is providing 100 percent federal cost share reimbursement for public agencies participating in Project Roomkey.

March 26, CDPH released updated guidance for amusement and theme parks, outdoor live events and graduation ceremonies.

March 25, Governor Newsom announced expanded vaccine eligibility to 50+ Californians starting April 1 and all individuals 16+ on April 15, based on expected supply increases.

March 24, CDPH announced changes to the Cohort Guidance. The Cohort Guidance now only applies to counties in the Purple Tier and is frequently referenced for operations at day camps, before and after school programs, and childcare centers.

March 22, CDPH updated guidelines to allow band, drumline, choir and drama as low contact youth recreational activities under the state's youth and adult recreational sports guidelines.

March 20, CDPH updated K-12 Schools Guidance to align with the latest science, as reflected by yesterday's update from the Centers for Disease Control and Prevention (CDC).

March 19, CDPH released updated sport guidance for sideline cheer, as well as data on COVID-19 outbreaks and Seroprevalence. Governor Newsom announced that California will eliminate their tiered system for vaccination in early May, due to increased supply.

March 18, Governor Newsom and State Superintendent Thurmond Announce Deployment of Up to 3 Million Free Rapid COVID-19 Antigen Tests to Help High-Needs Schools Safely Reopen Classrooms.

March 17, CDPH announced launch of "Let's Get to ImmUnity" campaign to boost COVID-19 vaccine acceptance, a multi-million dollar statewide effort to help Californians address questions and concerns regarding COVID-19 vaccinations.

March 16, The California Business, Consumer Services and Housing Agency (BCSH) announced the launch of the COVID-19 Rent Relief Program. The program provides rental reimbursement to landlords and relief to eligible tenants for unpaid rent accrued between April 1, 2020 and March 31, 2021.

March 15, CDPH announced that 2 million doses of COVID-19 vaccine have been administered to Californians in some of the state's hardest-hit communities, increasing immunity where the state's transmission rates and disease burden have been the highest during the pandemic.

March 11, President Biden signs the \$1.9 trillion American Rescue Plan. CDPH announced updates to public health guidance in the Blueprint for a Safer Economy to allow for additional safe and sustainable reopening activities in the state.

March 8, CDC issues first set of guidelines on how fully vaccinated people can visit safely with others. Governor Newsom announced that California has nearly tripled its goal for vaccinating education workers – over 200,000 teachers, school staff and childcare workers were vaccinated, exceeding the estimated 75,000 vaccines per week target.

March 5, Governor Newsom signs \$6.6 billion package to return kids to the classroom and bolster student supports. State Updates Blueprint to allow additional activities that can be conducted outdoors and with consistent masking, which reduces risk of COVID-19 spread for safe and sustainable reopening.

California Volunteers, Office of the Governor launches volunteer recruitment campaign to accelerate COVID-19 vaccinations.

March 4, State introduced vaccine equity metric to update Blueprint for a Safer Economy based on vaccinating the state's hardest hit communities against COVID-19. CDPH released updated masking guidance that includes recommendation on double masking. CDPH also released an update to its outdoor and indoor youth and recreational adult sports guidance which specifies the conditions under which youth and adult recreational sports may resume practice with contact and competition under the Blueprint for a Safer Economy.

March 3, Governor Newsom Announces Federal Approval of Medicaid Funding for Expanded COVID-19 Testing for Low-Income Students. The first-in-the-nation waiver approved by Biden-Harris Administration to allow Medicaid funding for voluntary COVID19 testing in schools.

March 1, Governor Newsom, Pro Tem Atkins and Speaker Rendon Highlight New \$6.6 Billion Package to Reopen Schools and Deepen Student Supports. The \$6.6 billion budget package accelerates the safe return to in-person instruction across California and empower schools to immediately expand academic, mental health and social-emotional supports, including over the summer.

February 26, Governor Newsom Highlighted New Central Valley Vaccine Initiatives, Expanded Statewide Network of Community-Based Organizations for COVID-19 Education and Outreach in Vulnerable Communities

February 25, Governor Newsom announced Equity-Centered Plan to Accelerate Access to COVID Vaccines for Education Workers.

February 23, Governor Newsom signed into law a comprehensive package of immediate actions that will speed needed relief to individuals, families and businesses suffering the most significant economic hardship due to COVID-1.

February 22, Governor Newsom announced that the state is partnering with OptumServe and local counties to open up to 11 vaccination sites within the next week to serve some of the hardest-hit or most at-risk communities in the Central Valley, in addition to other steps to bolster vaccination efforts in the region.

February 19, CDPH released updated guidance for youth and recreational adult sports. Governor Gavin Newsom also announced effective March 1st, 10% of first doses would be set aside for educators and childcare workers.

February 17, Governor Gavin Newsom, Senate President pro Tempore Toni G. Atkins and Assembly Speaker Anthony Rendon announced that they reached agreement on a package of immediate actions that will speed needed relief to individuals, families and businesses suffering the most significant economic hardship from the COVID-19 Recession.

February 16, California Governor Gavin Newsom and the Biden-Harris Administration announced the opening of the nation's first community vaccination sites in Oakland and Los Angeles.

February 12, The CDC released the Operational Strategy for Reopening Schools. Governor Newsom launched the Safe Schools for All Hub as a one-stop shop for information about safe in-person instruction. For more information on the transparency, accountability and assistance measures related to California's Safe Schools for All plan, visit the Safe Schools for All Hub.

February 11, The California Department Consumer Affairs waived restrictions on administering COVID-19 Vaccines:

- o Dental Hygienists
- o Optometrists
- o Podiatrists
- o Post Graduates

The California Department of Public Health announced that beginning March 15, healthcare providers may use their clinical judgement to vaccinate individuals aged 16-64 who are deemed to be at the very highest risk for morbidity and mortality from COVID-19 as a direct result of one or more of the severe health conditions included in this provider bulletin.

February 4, Governor Newsom met virtually with small business owners receiving support through the first round of California's Small Business COVID-19 Relief Grant Program.

February 3, California Governor Gavin Newsom and the Biden-Harris Administration announced a pilot project to establish community vaccination sites based at the Oakland-Alameda Coliseum and California State University, Los Angeles.

February 2, President Biden directed the Federal Emergency Management Agency (FEMA) to fully reimburse states for the cost of National Guard Personnel and emergency costs.

January 29 Governor Gavin Newsom signed legislation to extend the state's landmark eviction moratorium through June 30, 2021, protecting millions of Californians struggling as a result of the economic hardships brought on by the COVID-19 pandemic.

January 27, Governor Gavin Newsom signed an executive order to bolster the state's efforts to vaccinate as many Californians as possible, as quickly as possible.

January 26, The Newsom Administration announces creation of a statewide vaccine delivery network to simplify and standardize the vaccination process with equity as a core focus.

January 25, Officials with the California Department of Public Health (CDPH) ended the Regional Stay at Home Order, lifting the order for all regions statewide, including the three regions that had still been under the order. Additionally, Governor Gavin Newsom announced a series of improvements to the state's vaccination plan. Incorporating lessons learned from efforts to increase the pace of vaccination. Finally, he along with legislative leadership issued a joint statement on the extension of the eviction moratorium to protect Californians impacted by COVID-19.

January 20, California State Epidemiologist Dr. Erica Pan issued a statement advising providers that they can immediately resume the administration of lot 41L20A of the Moderna COVID-19 vaccine, which was temporarily paused on Sunday due to possible allergic reactions.

January 17, California State Epidemiologist Dr. Erica S. Pan issued a statement recommending providers pause the administration of lot 41L20A of the Moderna COVID-19 vaccine due to possible allergic reactions that are under investigation.

January 14, Governor Gavin Newsom announced the launch of transparency, accountability and assistance measures related to the Safe Schools for All Plan. The Safe Schools for All Hub –

[schools.covid19.ca.gov](https://schools.covid19.ca.gov) – was launched as a one stop shop for information about safe in-person instruction, and will be updated frequently.

January 13, The Governor announced a new system to let people know if they are eligible to receive a vaccine, and if not yet eligible, to register for a notification via email or text when they are eligible. That system is expected to launch next week. This comes on the heels of the CDC’s decision to expand the pool of those eligible to receive the vaccine to individuals 65 and older.

January 11, Governor Gavin Newsom submitted his 2021-22 State Budget proposal to the Legislature – a \$227.2 billion fiscal blueprint that provides funding for immediate COVID-19 response and relief efforts where Californians need it most while making investments for an equitable, inclusive and broad-based economic recovery.

January 6, Governor Newsom Announces Golden State Stimulus, a budget proposal to help low-income Californians through \$600 rapid cash payments, and calls for extension of eviction moratorium.

January 5, Governor Gavin Newsom previewed his Equitable Recovery for California’s Businesses and Jobs plan, the business and workforce recovery elements of his 2021-22 State Budget that will help California through the COVID19 pandemic and advance an equitable, broad-based recovery. The state issued a public health order ensuring distribution of health care resources across the state to ensure patients get life-saving care as ICU capacity is strained.

January 1, the California Governor's Office of Emergency Services began collaborating with the United States Army Corps of Engineers in the Los Angeles area hospitals to assess and upgrade oxygen delivery systems.

#### Public Banking, IBank and Banking Issues

AB 1177 (Santiago) was amended on August 26<sup>th</sup> to rename the program “CalAccount” instead of “BankCal”. This bill will establish a nine member CalAccount Blue Ribbon Commission, to be composed of all of the following members: the Treasurer, the Commissioner of the Department of Financial Protection and Innovation, an individual with banking expertise appointed by the Senate Rules Committee, a public banking advocate appointed by the Senate Rules Committee, an individual with economic and racial justice and cultural competence expertise appointed by the Speaker of the Assembly, a consumer representative or advocate appointed by the Speaker of the Assembly, an employee representative appointed by the Governor, an individual with expertise in banking or consumer financial services affiliated with an academic institution appointed by the Governor, and an individual with banking expertise appointed by the Governor. The bill is set to sunset on January 1, 2032. The bill was chaptered into law on October 4, 2021.

Before being amended down to a study bill, on March 29<sup>th</sup>, the State Controller issued a letter in opposition to AB 1177, stating that the bill provides, upon appropriation, unlimited General Fund dollars for startup and administrative costs to be continued in the annual Budget Act for at least the first six years of the program and indefinitely, unless the program generates a sufficient amount of revenue to sustain the program...As California’s chief fiscal officer responsible for paying the state’s obligations, I believe it is fiscally imprudent for the state to run a Public Bank as it would expose the state to excessive unknown financial and legal liability...Moreover, there are multiple less risky and costly alternatives that exist to accomplish the bill’s goals.

This bill is co-sponsored by the California Public Banking Alliance, the California Reinvestment Coalition, and SEIU California and supported by a number of community organizations, and consumer advocacy groups. This bill is opposed by a number of organizations representing the financial services and business sector in California.

AB 310 (Lee), was gutted and amended into the wealth tax bill that would impose an annual tax at a rate of 1% of a resident of this state's worldwide net worth in excess of \$50,000,000, or in excess of \$25,000,000 in the case of a married taxpayer filing separately. The bill would also impose an additional tax at a rate of 0.5% of a resident's worldwide net worth in excess of \$1,000,000,000, or in excess of \$500,000,000 in the case of a married taxpayer filing separately. AB 310 is now a two year bill.

### CSB Position Bills

#### *AB 32 (Aguiar-Curry) Telehealth*

The bill would require the State Department of Health Care Services (DHCS) to extend the telehealth flexibilities, including telephone visits, in place during the COVID-19 Pandemic. Additionally, AB 32 ensures patients will continue to have access to care by maintaining parity in reimbursement for telehealth services for Medi-Cal managed care plans. The County is in support of this bill. The bill became a two-year bill because the administration will continue flexibilities for one more year. The language is in AB 133, the health trailer bill. The author's office has stated that they will continue to work on a more permanent solution after session.

AB 133 requires the department to seek any federal approvals it deems necessary to extend the approved waiver or flexibility implemented pursuant to those provisions as of July 1, 2021, that are related to the delivery and reimbursement of services via telehealth modalities in the Medi-Cal program, and, subject to approval by the Department of Finance, would require the department to implement those extended waivers or flexibilities for which federal approval is obtained for a specified period of time ending December 31, 2022. The bill would also require the department to convene an advisory group to provide recommendations to inform the department in establishing and adopting billing and utilization management protocols for telehealth modalities to increase access and equity and reduce disparities in the Medi-Cal program. The bill would authorize the department to enter into contracts, or amend existing contracts, for the purposes of implementing these provisions and would exempt those contracts or amendments from specified provisions of law. AB 133 was chaptered into law on July 27<sup>th</sup>.

On September 27<sup>th</sup>, the Governor also signed an executive order to extend the provisions of a prior order that facilitates telehealth services by enabling medical providers to conduct routine and non-emergency medical appointments through telehealth without the risk of being penalized. The executive order extends the previous order's provisions relaxing certain state privacy and security laws for medical providers, which were set to expire on September 30, 2021, through the end of the state of emergency or until the original order is rescinded or modified. These expanded protections for medical providers are similar to the U.S. Department of Health and Human Services Office for Civil Rights waiver regarding federal privacy and security laws.

#### *AB 339 (Lee) State and local government: open meetings.*

AB 339 (Lee), would have required, instead of allowed, city councils and boards of supervisors in jurisdictions with populations over 250,000 to provide both in-person and teleconference options for the public to participate in meetings.

CSAC's letter states that the bill explicitly requires in-person meetings during declared states of emergency, at least for members of the public, even when providing an in-person location is unsafe for

the public and for any staff required to attend. This undercuts the safety-oriented provisions of AB 361 by Assemblymember Robert Rivas and unnecessarily endangers the lives of local agency workers. Collectively, we share the author's commitment to access and transparency and recognize how key those values are to local democracy. However, AB 339 fails to consider the practical impacts of unlimited remote public comment on local agencies ability to both deliberate and act on agenized items.

The County originally joined CSAC and the League of Cities to oppose the bill. The bill was vetoed by the Governor on October 7<sup>th</sup>, with a veto message stating: I am returning Assembly Bill 339 without my signature. This bill requires, until December 31, 2023, that city councils and boards of supervisors in jurisdictions with over 250,000 residents provide both in-person and teleconference options for the public to attend their meetings. While I appreciate the author's intent to increase transparency and public participation in certain local government meetings, this bill would set a precedent of tying public access requirements to the population of jurisdictions. This patchwork approach may lead to public confusion. Further, AB 339 limits flexibility and increases costs for the affected local jurisdictions trying to manage their meetings. Additionally, this bill requires in-person participation during a declared state of emergency unless there is a law prohibiting in-person meetings in those situations. This could put the health and safety of the public and employees at risk depending on the nature of the declared emergency. I recently signed urgency legislation that provides the authority and procedures for local entities to meet remotely during a declared state of emergency. I remain open to revisions to the Brown Act to modernize and increase public access, while protecting public health and safety. Unfortunately, the approach in this bill may have unintended consequences.

*AB 361 (Rivas) Open meetings: local agencies: teleconferences*

This bill will provide additional flexibility for local city councils, boards, commissions, and other agencies to meet remotely via phone or videoconference during a Governor-declared emergency that makes meeting in person unsafe, while still maintaining high levels of public access and transparency. The bill has an urgency clause. The County supported the bill. The bill was chaptered into law on September 16<sup>th</sup>.

*AB 538 (Muratsuchi) California Aerospace Commission: establishment.*

The bill would enact the California Aerospace and Aviation Act of 2021 (Act), which establishes the 15-member California Aerospace Commission (Commission) for the purpose of serving as a central point of contact for related industries and supporting the health and competitiveness of these industries in California. The County is in support of the bill. The bill was held on the Senate Appropriations Committee Suspense File and is now a two-year bill.

*AB 821 (Cooper) Sexually violent predators: placement outside county of domicile: notice and hearing.*

Current law requires a sexually violent predator who is conditionally released to be placed in the county that was the person's county of domicile prior to the person's incarceration, unless extraordinary circumstances exist requiring placement outside the county, as specified. This bill would require advance notice, as specified, if a sexually violent predator is to be released to a county other than their county of domicile. The bill would require the local jurisdiction to give public notice of the intended release and allow for public comment, as specified. The bill would require the court to hold an evidentiary hearing to determine if extraordinary circumstances exist. The County is supporting the bill. The hearing in the Assembly Public Safety Committee was cancelled at the request of the author, and the bill is now a two-year bill.

*AB 843 (Aguiar-Curry) California Renewables Portfolio Standard Program: renewable reed-in tariff*

This bill authorizes Community Choice Aggregators (CCAs) to submit eligible bioenergy projects for cost recovery from electric utility ratepayers, pursuant to the Bioenergy Market Adjusting

Tariff (BioMAT) program, if open capacity exists within the 250 megawatts (MW) program limit. The bill was chaptered into law on September 23<sup>rd</sup>.

*AB 941 (Bennett) Farmworker assistance: resource centers.*

This bill requires, upon appropriation by the Legislature, the Department of Community Services and Development (CSD) to establish a grant program for counties to establish farmworker resource centers that will provide farmworkers and their families information and access to services related to, among other things, labor and employment rights, education, housing, immigration, and health and human services, as specified. This bill also requires the CSD to convene and facilitate a workgroup to assist in the establishment and administration of the grant program. The County is in support of this bill. AB 941 was chaptered into law on September 22<sup>nd</sup>.

*AB 1465 (Reyes) Worker's compensation: medical provider networks study.*

The bill would reduce the quality of medical care in California's workers' compensation system, increase costs on employers as they struggle to expand California's economy as we come out of the COVID-19 pandemic, and wipe away important prior reforms that were the subject of negotiations between labor and management. The County is a part of a large coalition opposing the legislation. The bill didn't meet deadline to pass the policy committee and became a two-year bill.

*SB 9 (Atkins) Housing development: approvals.*

This bill authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as specified. Assembly amendments on August 16<sup>th</sup>, authorized an ordinance adopted pursuant to this section to extend beyond the sunset date of January 1, 2029; provide that this bill does not apply to any local restriction enacted or approved by a local initiative that designates publicly owned land as open space or for park or recreational purposes; provide that if the ordinance adopted by this bill supersedes a local initiative, it shall only take effect if adopted by 2/3 of the members of the legislative body; and provide that this bill does not apply to a project located on a parcel that is zoned under this bill and then subsequently rezoned without regard to this bill, as specified. The County is in opposition to this bill. The bill was chaptered into law on September 16<sup>th</sup>.

*SB 47 (Limon) Oil and gas: hazardous and idle-deserted wells and production facilities: expenditure limitations.*

This bill authorizes, starting in fiscal year 2022-23, the Geologic Energy Management Division to make expenditures up to \$5 million to plug and abandon hazardous or deserted wells or hazardous or deserted production facilities and extends related reporting requirements. The County is in support of the bill. The bill was chaptered into law on September 23<sup>rd</sup>.

*SB 74 (Borgeas) Keep California Working Act.*

This bill, the Keep California Working Act, would establish the Keep California Working Grant Program. The act would require the Small Business Advocate to administer the program and award grants, as specified, to small businesses and nonprofit entities that meet specified criteria, including that the entity has experienced economic hardship resulting from the COVID-19 pandemic.

The Governor' and Legislature's early budget action agreement in trailer bill SB 87 would establish the California Small Business COVID-19 Relief Grant Program within CalOSBA to assist qualified small businesses affected by COVID-19 through administration of grants. The bill would require CalOSBA to provide grants to qualified small businesses, as defined, in accordance with specified criteria, including geographic distribution based on COVID-19 restrictions, industry sectors most impacted by the pandemic, and underserved small businesses. The bill would repeal these provisions on January 1,

2024. This bill would appropriate \$2,075,000,000 from the General Fund to the Golden State Stimulus Emergency Fund to be transferred to the Office of Small Business Advocate for purposes of the program, and would allocate \$50,000,000 of those funds for eligible nonprofit cultural institutions, as defined.

The hearing in the Senate Business and Professions Committee was cancelled at the request of the author, and SB 74 is now a two-year bill.

*SB 335 (Cortese) Workers' compensation: liability.*

This bill reduces the time period an employer has to deny liability for a workers' compensation claim from 90 to 45 days, or 30 days for a workers' compensation claim for specified presumptive injuries. This bill further requires that a compensation claim which has been unreasonably delayed or refused have its award increased by 10%. The County is a part of a large coalition opposing the legislation. The bill failed passage in the Assembly Insurance Committee and was granted reconsideration. The bill is now a two-year bill.

*SB 467 (Wiener) Oil and gas: hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming: prohibition: job relocation.*

The bill would revise the definition of "well stimulation treatment" to include steam flooding and water flooding. The bill would prohibit the issuance or renewal of a permit to conduct hydraulic fracturing, acid well stimulation treatment, steam flooding, water flooding, or cyclic steaming for the extraction of oil and gas beginning January 1, 2022, and would prohibit new or repeated hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming, except as conducted pursuant to a permit lawfully issued before that date. The bill would prohibit all hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, cyclic steaming, or other well stimulation treatments beginning January 1, 2027. The County is in support of this bill. The bill was heard in the Senate Natural Resources and Water Committee on April 13 but failed passage, the bill was granted reconsideration. The bill is now a two-year bill.

*SB 493 (Bradford) Local government financing: juvenile justice.*

Would revise and recast required components of the multiagency juvenile justice plan to, among other things, additionally require a plan to include an assessment of existing community-based youth development services, identification and prioritization of areas of the community that face significant public safety risk from crime, documentation of the effectiveness of the programs funded under these provisions, and a description of the target population funded under these provisions. The bill would require programs and strategies funded under these provisions to, among other things, be modeled on trauma-informed and youth development approaches and in collaboration with community-based organizations. The County is opposed to the bill. The bill was held on the Senate Appropriations Suspense File and is now a two-year bill.

*SB 612 (Portantino) Electrical corporations and other load-serving entities: allocation of legacy resources.*

This bill requires electric investor-owned utilities (IOUs) to offer an allocation of certain electrical resources to other load-serving entities (LSEs), specifically, community choice aggregators (CCAs) and electric service providers (ESPs), that serve departing load customers who bear cost responsibility for those resources. These electrical resources include product attributes to comply with resource adequacy (RA), Renewable Portfolio Standard (RPS) program, and others. The County is in support of the bill. The bill didn't meet deadline to pass the policy committee and became a two-year bill.

*SB 712 (Hueso) Local government duties relative to California tribes*

This bill prohibits a local government from adopting or enforcing a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application, and requires

a local government to take specified actions when it opposes a fee-to-trust application. The County doesn't have a position on the bill. The bill was chaptered into law on September 24<sup>th</sup>.

*SB 743 (Bradford) Housing developments: broadband adoption: grant program*

The bill would establish a grant program for broadband adoption programs in public housing, including digital literacy and computer lab programs, to reduce the digital divide. The County is in support of the bill. The bill was held on the Assembly Appropriations Committee Suspense File and is now a two-year bill.

*SB 765 (Stern) Accessory dwelling units: setbacks.*

This bill repeals the existing prohibition on a city or county imposing a requirement of a setback for an accessory dwelling unit (ADU) of more than four feet from the rear and side lot lines. The County is in support of this bill. The bill didn't pass the deadline to move out of the first policy committee and is now a two-year bill.

Other Bills that may be of Interest to the County

*SB 1 (Atkins) Coastal resources: sea level rise*

This bill establishes the California Sea Level Rise Mitigation and Adaptation Act of 2021 (Act) and declares the purpose of the Act is to establish new planning, assessment, funding, and mitigation tools for California to address and respond to sea level rise. Requires the California Coastal Commission (Commission) to take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, mitigate the adverse effects of sea level rise. The bill was chaptered into law on September 23<sup>rd</sup>.

Although the County does not have an official position on this bill, the County was supporting the Santa Barbara County's Planning and Development Department's request for the League of Cities or CSAC to request an amendment to address the definition of "existing structures" within Coastal Act Section 30235. No request for amendment was ever made.

*AB 9 (Wood) Wildfires*

This bill establishes the Regional Forest and Fire Capacity Program (RFFCP) in the Department of Conservation (DOC), creates a deputy director of Community Wildfire Preparedness and Mitigation (deputy director) within the Office of the State Fire Marshal (OSFM), and transfers and delegates certain duties related to fire safety and wildfire prevention from the Department of Forestry and Fire Protection (CAL FIRE) and the Director of CAL FIRE to the OSFM and the State Fire Marshal (SFM), as provided. The bill was chaptered into law on September 23<sup>rd</sup>.

*AB 455 (Wicks)*

This bill was a potential bill that could have been amended into the proof of vaccination proposal. The draft language called for Californians to show proof that they are vaccinated to enter many indoor businesses and required both public and private sector workers to be fully vaccinated or regularly tested.

We received confirmation that Assemblymember Wicks will not be moving forward with AB 455 this year. She remains committed to working on the issue in the next legislative year.

AB 1102 by Assemblymember Low did not move forward either, the bill was a potential bill that could have clarified that employers may require vaccines if they so choose, and that if an employer chose to mandate vaccines, the bill could have provided certain parameters for that mandate. It also could have

clarify that an employer may not be liable if an employee presents a fraudulent vaccination document as long as the document appeared reasonably genuine, the same standard as for I-9 documents.

*AB 503 (Stone) Wards: probation.*

The bill would have created statutory guidelines to protect youth on non-custodial warship probation by tailoring the length of time youth spend on probation to their individual needs, and ensuring that probation conditions are individually tailored, developmentally appropriate, proportional, and not excessive. The bill was put on the inactive file and is now a two-year bill.

*AB 537 (Quirk) Communications: Wireless Telecommunications and Broadband Facilities*

The bill updates existing law establishing a timeline and process through which wireless telecommunication siting facility permits are deemed approved. AB 537 was signed by the Governor on October 4<sup>th</sup>.

*AB 731 (Bauer-Kahan) County jails: recidivism: reports.*

This bill would have required the sheriff in each county to compile and submit specified data related to their educational opportunities, rehabilitative opportunities, exercise opportunities and success rates in reducing recidivism to the Board of State and Community Corrections (BSCC) and to require the BSCC to compile that data into a report to be submitted to the Legislature. The bill was put on the inactive file and is now a two-year bill.

*AB 896 (Bennett) Oil and gas wells: hazardous or idle-deserted wells and facilities: liens: collections unit.*

This bill would authorize the division, before performing work ordered by the supervisor or district deputy, to impose a lien against the real or personal property of the operator in an amount equal to an estimate of the cost of the work based on a bid from a contractor or previous costs to perform comparable work. The bill would require the division's accounting of actual or estimated costs to perform work ordered to be served upon the operator by personal service or certified mail. The bill would require the supervisor, on or before July 1, 2022, to establish a collections unit within the division to be responsible for identifying persons responsible for specified charges, locating assets belonging to those persons, and fully implementing all of the division's authorities for collecting the amounts owed. The bill was chaptered into law on October 8, 2021.

*AB 1138 (Rubio) Unlawful cannabis activity: civil enforcement.*

This bill provides an additional enforcement mechanism against unlicensed cannabis activities. This bill establishes a civil penalty for high-level control persons who knowingly aid and abet unlicensed cannabis activities, as defined, of up to \$30,000 per violation, with each day of unlicensed cannabis activity constituting a separate violation. The civil penalty may be sought by city attorneys and prosecutors, and county attorneys, in jurisdictions of 750,000, in addition to the Attorney General. The bill was chaptered into law on October 5, 2021.

*AB 1500 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.*

This bill is the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, it is a \$7.08 billion bond. AB 1500 includes \$1.1 billion for wildfires, \$1.16 billion for coastal and ocean climate risks, \$1.775 billion for safe drinking water/drought preparation/flood protection, \$940 million protecting fish, wildlife, and natural areas, \$320 million for protecting farms, ranches, and working lands, \$725 million for extreme heat, and \$1.06 billion for Regional Climate Resilience. AB 1500 is in the Assembly Rules Committee,

and hasn't moved since May 20, 2021. The climate package was addressed through the state budget, a budget trailer bill - SB 170 and a number of bills were signed by the Governor on September 23<sup>rd</sup>.

*ACA 1 (Aguiar-Curry) Local government financing: affordable housing and public infrastructure: voter approval.*

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 that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements. This bill was referred to the Assembly Local Government Committee but hasn't moved since April 22, 2021. The bill is now a two-year bill.

*SB 10 (Wiener) Planning and zoning: housing development: density.*

This bill authorizes a city or county to pass an ordinance to zone any parcel for up to 10 units of residential density, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area or an urban infill site, as specified. Assembly amendments authorized an ordinance adopted pursuant to this section to extend beyond the sunset date of January 1, 2029; provided that this bill does not apply to any local restriction enacted or approved by a local initiative that designates publicly owned land as open space or for park or recreational purposes; provided that if the ordinance adopted by this bill supersedes a local initiative, it shall only take effect if adopted by 2/3 of the members of the legislative body; and provided that this bill does not apply to a project located on a parcel that is zoned under this bill and then subsequently rezoned without regard to this bill, as specified. This bill was chaptered into law on September 16<sup>th</sup>.

*SB 16 (Skinner) Peace officers: release of records*

This bill expands the categories of police personnel records that are subject to disclosure under the California Public Records Act (CPRA); and modifies existing provisions regarding the release of records subject to disclosure. The bill was chaptered into law on September 30, 2021.

*SB 45 (Portantino) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.*

This bill enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which authorizes the sale of \$5.595 billion in general obligation bonds, upon approval by voters at the November 2021 statewide general election. Bond funds will be used for projects related to wildfire prevention, safe drinking water, drought preparation, and flood protection. This bill is on the inactive file per the request of the author. The climate package was addressed through the state budget, a budget trailer bill - SB 170 and a number of bills were signed by the Governor on September 23<sup>rd</sup>.

*SB 52 (Dodd) State of emergency: local emergency: sudden and severe energy shortage: planned power outage.*

This bill defines a "deenergization event" as a planned power outage, as specified, and includes a deenergization event in the list of conditions constituting a local emergency, with prescribed limitations. The bill was chaptered into law on October 6, 2021.

*SB 84 (Hurtado) Oil and gas wells: hazardous or idle-deserted wells and facilities.*

Requires additional reporting on specified oil and gas wells and production facilities including the location of the applicable wells and facilities. The bill was chaptered into law on October 9, 2021.

*SB 477 (Wiener) General plan: annual report*

The bill would have significantly increased reporting burdens for counties and cities submitting Housing Element Annual Progress Reports. CSAC requested the Governor's veto after the author rejected their proposed amendments, which would have streamlined the reporting requirements and exempted small, rural counties from the new reporting requirements. The bill was vetoed by the Governor on October 5<sup>th</sup> with the following veto message: I am returning Senate Bill 477 without my signature. This bill would require a city or county planning agency to include specified information for proposed housing development projects within its jurisdiction in its annual report. I strongly agree that in order to solve California's housing crisis, we must require more accountability at every level of government. That's why I signed AB 1483 (Chapter 662, Statutes of 2019) to require the Department of Housing and Community Development to develop a data strategy as part of the statewide housing plan - implementation is currently underway and the Department will produce its recommendations in January, on-time. As HCD continues its work to implement AB 1483, I am directing the Department to consider including data on the effectiveness of various housing laws, as this bill contemplates. Building this analysis into the existing data process is the more appropriate approach to this issue, as opposed to creating a new requirement while the Department is mid-stream on implementing the thoughtful provisions of AB 1483. As the Department completes this important work, further statutory changes may be necessary to implement any recommendations. I look forward to working with the Legislature next year to enact potential improvements identified by the Department.

*SB 556 (Dodd) Street light poles, traffic signal poles: small wireless facilities attachments.*

This bill establishes permitting requirements for the placement of small wireless facilities on street light and traffic signal poles owned by local governments, including specified timelines for approving and attaching infrastructure, limitations on fees for attachments, and restrictions on local governments' ability to prohibit small wireless facility attachments. Assembly Amendments require wireless telephone providers to annually report to the Legislature, until the end of the 2025 calendar year, specified information about their efforts to improve broadband access on a census tract basis. The amendments also authorize mobile telephony service providers to aggregate and submit that information through a third party. The bill was vetoed by the Governor on October 4<sup>th</sup> with the following veto message: I am returning Senate Bill 556 without my signature. This bill would restrict the ability of local governments and publicly-owned electric utilities to regulate the placement of small cell wireless facilities on public infrastructure and limit the compensation that may be collected for use of these public assets. In 2018, the Federal Communications Commission (FCC) adopted many of the requirements that this bill seeks to codify. The provisions of this bill, however, conflict with and complicate some of the FCC requirements. Further, it would be imprudent to codify these requirements in state law in the event the FCC revises them. There is a role for local governments in advancing our broadband efforts. Part of our achievements laid out in the broadband budget bill, SB 156 (Chapter 112, Statutes of 2020), enables and encourages local governments to take an active role in last mile deployment and, in doing so, drive competition and increase access. My Administration has worked closely with the Legislature on broadband. I look forward to further discussions as we continue to make a meaningful impact on achieving our collective broadband efforts.

*SB 586 (Bradford) Criminal Fees.*

The bill in its original form, would have eliminated 67 criminal justice related fines and fees. The measure aimed to reduce the disproportionate impact that the current system of criminal justice fines and fees has on low-income individuals. However, the bill did not provide sustainable backfill funding to counties.

SB 586 was gutted and amended on September 3<sup>rd</sup> on the Assembly Floor as the negotiations to finalize another round of fee repeals was fully shifted to the budget process. SB 586 transitioned into a smaller

scope in AB 177, which effective January 1, 2022, eliminates 17 administrative criminal fees; makes past debt for these fees uncollectible; and allocates backfill funding to counties for the associated loss of revenue from these fee repeals. In 2021-22, the backfill will total \$25 million for counties. In 2022-23 and ongoing, the backfill will increase to \$50 million for counties. Given the inclusion of this funding, CSAC submitted a letter of support for this legislation.

AB 177 also indicates the Legislature's intent to pursue additional legislation by March 1, 2022, to finalize the funding allocation methodology for distribution. AB 177 was chaptered into law on September 23<sup>rd</sup>.

*SB 735 (Rubio) Vehicles: speed safety cameras*

This bill authorizes automated traffic enforcement systems to enforce speed limits in school zones. The bill failed to meet deadline to pass out of the first policy committee and is now a two-year bill.

Conclusion

The Governor has acted upon all 2021 legislation that went to his desk. The Legislature will convene for the second year of the 2021-22 session on January 3, 2021. All two-year bills must clear the house of origin by the end of January, and new bills may be introduced by February 18, 2022. The Governor will present his state of the state address and release his budget proposal in early January.

We look forward to continuing our discussions on county priorities for the next legislative year and will continue to work with staff and keep the committee and Board updated. As always, should you or your staff have any questions, please don't hesitate to let us know.