



Legislative Bulletin

A Publication of the County Executive Office/Legislative Affairs

December 10, 2019
Item No. 28

County of Orange Positions on Proposed Legislation

The Legislative Bulletin provides the Board of Supervisors with analyses of measures pending in Sacramento and Washington that are of interest to the County. Staff provides recommended positions that fall within the range of policies established by the Board. According to the County of Orange Legislative Affairs Procedures adopted by the Board of Supervisors on November 25, 2014, staff recommendations for formal County positions on legislation will be agendaized and presented in this document for Board action at regular Board of Supervisors meetings. When the Board takes formal action on a piece of legislation, the CEO will direct the County's legislative advocates to promote the individual bills as approved by the Board. The Legislative Bulletin also provides the Board of Supervisors with informative updates on State and Federal issues.

The 2019-2020 Legislative Platform was adopted by the Board of Supervisors' on December 4, 2018.

On December 10, 2019, the Board of Supervisors considered the following actions:

RECOMMENDED ACTIONS

- 1. APPROVE – 2020 Legislative Affairs Program Guidelines**
- 2. Receive and File Legislative Bulletin**

RECOMMENDED ACTIONS

1. APPROVE – 2020 Legislative Affairs Program Guidelines (Attachment A)

SUMMARY:

Approving the 2020 Orange County Legislative Affairs Program Guidelines will allow the County to continue to pursue critical policy initiatives in Sacramento and Washington DC.

BACKGROUND INFORMATION:

The Legislative Affairs Program Guidelines (Guidelines) serve as a protocol for the Board of Supervisors (Board), County departments/agencies (Departments), CEO office of Legislative Affairs (CEO-LA), and the County’s Legislative Advocates to follow.

The Guidelines were first adopted by the Board on June 3, 2003 and remained largely in place until a comprehensive review and update of the protocol and procedures was completed and presented to the Board for adoption on November 25, 2014. The motion included a directive that going forward, CEO-LA will annually review the Guidelines before bringing to the Board for approval, prior to the start of the legislative sessions in Sacramento and Washington DC.

The 2020 Legislative Affairs Program Guidelines before the Board for approval contain clarification language, which incorporate existing practices by Departments, CEO-LA and the County’s Legislative Advocates.

INFORMATIONAL ITEMS

1. County Position Matrix: CEO-LA

The tables below list bills the County has taken positions on in 2019.

State Legislation

As of Thursday, December 5, 2019

Bill Number	Author	Subject	Position	Date of Board Action	Status	Notes
<u>AB 132</u>	<u>Cooper</u>	Trial Costs: Joseph James DeAngelo, Jr.	Support	2.26.19	Assembly Public Safety – 2 Year Bill	
<u>AB 139</u>	<u>Quirk-Silva</u>	Emergency and Transitional Housing Act of 2019	Support	3.26.19	Chaptered #335	
<u>AB 141</u>	<u>Cooper</u>	County Reimbursement: Joseph James DeAngelo, Jr. Costs	Support	4.9.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>AB 143</u>	<u>Quirk-Silva</u>	Shelter Crisis: Homeless Shelters: County of Orange	Support	3.12.19	Chaptered #336	
<u>AB 212</u>	<u>Bonta</u>	Counties: Recording Fees	Support	4.9.19	Chaptered #41	

<u>AB 368</u>	<u>Quirk-Silva</u>	Southern California Veterans Cemetery	Watch	6.25.19	Chaptered #284	
<u>AB 516</u>	<u>Chiu</u>	Authority to Remove Vehicle	Oppose	6.4.19	Senate Appropriations – Suspense File: 2 Year Bill	
<u>AB 517</u>	<u>Chen</u>	Orange County Property Crime Task Force	Support	3.12.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>AB 563</u>	<u>Quirk-Silva</u>	Mental Health: Funding	Support	5.7.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>AB 615</u>	<u>Brough</u>	Alcoholism or drug abuse recovery and treatment services: referral	Support	3.26.19	Assembly Public Safety – Failed Passage	
<u>AB 761</u>	<u>Nazarian</u>	State Armories: Homeless Shelters	Support	4.9.19	Chaptered #338	
<u>AB 919</u>	<u>Petrie-Norris</u>	Alcoholism and drug abuse recovery and treatment	Support	6.4.19	Chaptered #811	
<u>AB 920</u>	<u>Petrie-Norris</u>	Substance Use Disorder Services: Advisory Group	Support	7.16.19	Vetoed	
<u>AB 956</u>	<u>Diep</u>	Telecommunications: automatic dialing-announcing devices: residential subscriber information emergency alert notifications	Support	3.26.19	Chaptered #232	
<u>AB 964</u>	<u>Medina</u>	County Jails: Visitation	Oppose	4.9.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>AB 1568</u>	<u>McCarty</u>	Housing Law Compliance: Prohibition on Applying for State Grants	Oppose	4.23.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>SB 12</u>	<u>Beall</u>	Mental Health Services: Youth	Support	5.7.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>SB 40</u>	<u>Wiener</u>	Conservatorship: Serious Mental Illness and Substance Use Disorders	Support	4.23.19	Chaptered #467	
<u>SB 128</u>	<u>Beall</u>	Public contract: Best Value Construction Contracting for Counties Pilot Program	Support if Amended	7.30.19	Chaptered #501	
<u>SB 144</u>	<u>Mitchell</u>	Fees: Criminal Admin Fees	Oppose	5.7.19	Assembly Public Safety – 2 Year Bill	
<u>SB 161</u>	<u>Bates</u>	Controlled Substances: Fentanyl	Support	2.26.19	Senate Public Safety – Failed Passage	

<u>SB 258</u>	<u>Hertzberg</u>	California Emergency Solutions and Housing Program: grants: homeless shelters: pets and veterinary services	Support	5.21.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>SB 450</u>	<u>Umberg</u>	California Environmental Quality Act exemptions: supportive and transitional housing: motel conversions	Support	5.21.19	Chaptered #344	
<u>SB 465</u>	<u>Bates</u>	San Onofre Nuclear Generating Station: Emergency Planning	Support	5.7.19	Assembly Appropriations: Suspense File	
<u>SB 555</u>	<u>Mitchell</u>	Jails and Juvenile Facilities: Telephone Services: Store	Oppose	6.25.19	Assembly Appropriations – Suspense File: 2 Year Bill	
<u>SB 573</u>	<u>Chang</u>	Homeless Emergency Aid Program: Funding	Support	3.26.19	Assembly Housing and Community Development – 2 Year Bill	
<u>SB 589</u>	<u>Bates</u>	Alcohol and other drug abuse recovery services: advertising and marketing	Support	3.26.19	Vetoed	
<u>SB 665</u>	<u>Umberg</u>	Mental Health Services Fund: County Jails	Sponsor /Support	4.23.19	Assembly Rules	
<u>SB 689</u>	<u>Moorlach</u>	Needle and Syringe Exchange Program	Support	3.12.19	Senate Health – Failed Passage	
<u>SB 736</u>	<u>Umberg</u>	Creative Economy Task Force	Support	5.21.19	Assembly Appropriations – Suspense File: 2 Year Bill	

Federal Legislation

As of Thursday, December 5, 2019

Bill Number	Author	Subject	Position	Date of Board Action	Status	Notes
<u>HR 2995</u>	<u>Levin</u>	Spent Fuel Prioritization Act	Support	6.25.19	House Committee on Energy and Commerce	
<u>S.923</u>	<u>Feinstein</u>	Fighting Homelessness Through Services and Housing Act	Support	5.7.19	Senate Committee on Health, Education, Labor and Pensions	

2. Housing/Homelessness Legislation Update: CEO-LA

The tables below list active legislation from the 2019-20 legislative session relating to housing/homelessness.

State Legislation

As of Thursday, December 5, 2019

Bill No.	Author	Subject	Outside Orgs.	Status	Board Position
<u>AB 11</u>	<u>Chiu</u>	Community Redevelopment Law of 2019.	CSAC – Watch	Assembly Appropriations- 2 Year Bill	
<u>AB 14</u>	<u>Rivas, Luz</u>	Multifamily Housing Program: homeless youths: homeless families.	CSAC – Watch	Assembly Housing and Community Development	
<u>AB 16</u>	<u>Rivas, Luz</u>	Homeless children and youths: reporting.	CSAC – Watch	Vetoed	
<u>AB 22</u>	<u>Burke</u>	Housing: safe and clean shelter for children.	CSAC – Watch	Assembly Housing and Community Development – 2 Year Bill	
<u>AB 58</u>	<u>Rivas, Luz</u>	Homeless Coordinating and Financing Council.	CSAC – Support if Amended	Chaptered #334	
<u>AB 67</u>	<u>Rivas, Luz</u>	Homeless integrated data warehouse	CSAC – Watch	Senate Appropriations – Suspense File: 2 Year Bill	
<u>AB 68</u>	<u>Ting</u>	Land use: accessory dwelling units.	CSAC – Concerns UCC – Concerns	Chaptered #655	
<u>AB 69</u>	<u>Ting</u>	Land use: accessory dwelling units.	CSAC – Support	Senate Floor - 2 Year Bill	
<u>AB 139</u>	<u>Quirk-Silva</u>	Emergency and Transitional Housing Act of 2019	CSAC – Watch	Chaptered #335	Support – 3/26/19
<u>AB 143</u>	<u>Quirk-Silva</u>	Shelter Crisis: Homeless Shelters: County of Orange	CSAC – Watch	Chaptered #336	Support – 3/12/19
<u>AB 146</u>	<u>Quirk-Silva</u>	State highways: property leases: County of Orange.		Assembly Local Government – 2 Year Bill	
<u>AB 307</u>	<u>Reves</u>	Homeless youth: grant program.	CSAC – Support if Amended	Senate Appropriations – Suspense File: 2 Year Bill	
<u>AB 531</u>	<u>Friedman</u>	Foster youth: housing.	CSAC – Support	Senate Appropriations – Suspense File: 2 Year Bill	
<u>AB 599</u>	<u>Maienschein</u>	Housing programs: definitions: workforce housing.	CSAC – Watch	Assembly Housing and Community Development – 2 Year Bill	
<u>AB 671</u>	<u>Friedman</u>	Accessory dwelling units: incentives.	CSAC – Concerns	Chaptered #658	
<u>AB 725</u>	<u>Wicks</u>	General plans: housing element: above moderate-income housing: suburban and metropolitan jurisdictions.		Assembly Housing and Community Development – 2 Year Bill	
<u>AB 728</u>	<u>Santiago</u>	Homeless multidisciplinary personnel teams.	CSAC – Support	Chaptered #337	
<u>AB 761</u>	<u>Nazarian</u>	State armories: homeless shelters.	CSAC – Watch	Chaptered #338	Support – 4/9/19
<u>AB 816</u>	<u>Quirk-Silva</u>	California Flexible Housing	CSAC – Watch	Assembly Appropriations –	

		Subsidy Pool Program.		Suspense: Held	
<u>AB 847</u>	<u>Grayson</u>	Housing: transportation-related impact fees grant program.	CSAC – Watch	Assembly Housing and Community Development – 2 Year Bill	
<u>AB 881</u>	<u>Bloom</u>	Accessory dwelling units.	CSAC – Pending	Chaptered #659	
<u>AB 995</u>	<u>Ting</u>	Transitional Housing Program-Plus.	CSAC – Watch	Senate Rules – 2 Year Bill	
<u>AB 1074</u>	<u>Diep</u>	Accessory Dwelling Unit Construction Bond Act of 2020.	CSAC – Watch	Assembly Housing and Community Development – 2 Year Bill	
<u>AB 1177</u>	<u>Frazier</u>	Planning and zoning: housing development: streamlined approval.	CSAC – Watch	Assembly Housing and Community Development – 2 Year Bill	
<u>AB 1197</u>	<u>Santiago</u>	California Environmental Quality Act: exemption: City of Los Angeles: Supportive Housing and Emergency Shelters	CSAC – Watch	Chaptered #340	
<u>AB 1235</u>	<u>Chu</u>	Homeless youth prevention centers.	CSAC – Pending	Chaptered #341	
<u>AB 1255</u>	<u>Rivas, Robert</u>	Surplus public land: database.	CSAC – Pending	Chaptered #661	
<u>AB 1279</u>	<u>Bloom</u>	Planning and zoning: housing development: high-resource areas.	CSAC – Concerns	Senate Housing – 2 Year Bill	
<u>AB 1483</u>	<u>Grayson</u>	Housing data: collection and reporting.	CSAC – Oppose Unless Amended	Chaptered #662	
<u>AB 1484</u>	<u>Grayson</u>	Mitigation Fee Act: housing developments.	CSAC - Concerns	Senate Rules	
<u>AB 1485</u>	<u>Wicks</u>	Housing development: incentives.	CSAC – Pending	Chaptered #663	
<u>AB 1561</u>	<u>Garcia, Cristina</u>	Planning and zoning: Housing element	CSAC – Pending	Senate Rules	
<u>AB 1568</u>	<u>McCarty</u>	Housing law compliance: prohibition on applying for state grants.	CSAC – Oppose UCC – Oppose	Assembly Appropriations – 2 Year Bill	Oppose – 4/23/19
<u>AB 1711</u>	<u>Santiago</u>	Homeless populations: disease outbreak.	CSAC – Watch	Assembly Appropriations- 2 Year Bill	
<u>AB 1717</u>	<u>Friedman</u>	Transit-Oriented Affordable Housing Funding Program Act.	CSAC – Watch	Assembly Appropriations – 2 Year Bill	
<u>AB 1763</u>	<u>Chiu</u>	Planning and zoning: density bonuses: affordable housing.	CSAC – Pending	Chaptered #666	
<u>SB 4</u>	<u>McGuire</u>	Housing.	CSAC – Pending	Senate Governance and Finance – 2 Year Bill	
<u>SB 5</u>	<u>Beall</u>	Affordable Housing and Community Development Investment Program.	CSAC – Support	Vetoed	
<u>SB 6</u>	<u>Beall</u>	Residential development: available land.	CSAC – Watch	Chaptered #667	
<u>SB 9</u>	<u>Beall</u>	Income taxes: low-income housing credits: allocation: sale of credits.	CSAC – Support	Assembly Housing and Community Development – 2 Year Bill	
<u>SB 13</u>	<u>Wieckowski</u>	Accessory dwelling units.	CSAC – Oppose	Chaptered #653	

			Unless Amended		
SB 18	Skinner	Keep Californians Housed Act.		Chaptered #134	
SB 48	Wiener	Interim housing intervention developments.	CSAC – Watch	Senate Appropriations – 2 Year Bill	
SB 50	Wiener	Planning and zoning: housing development: incentives.	CSAC – Oppose Unless Amended	Senate Appropriations – 2 Year Bill	
SB 191	Morrell	Land use: housing element.	CSAC – Watch	Senate Rules	
SB 258	Hertzberg	California Emergency Solutions and Housing Program: grants: homeless shelters: pets and veterinary services.	CSAC- Watch	Assembly Appropriations – Suspense File: 2 Year Bill	Support – 5/21/19
SB 282	Beall	Supportive housing for parolees.	CSAC – Watch	Assembly Appropriations – Suspense File	
SB 330	Skinner	Housing Crisis Act of 2019.	CSAC – Oppose Unless Amended	Chaptered #654	
SB 384	Morrell	Housing.	CSAC – Pending	Senate Environmental Quality – Failed Passage	
SB 450	Umberg	California Environmental Quality Act exemption: supportive and transitional housing: motel conversion.	CSAC – Support	Chaptered #344	Support – 5/21/19
SB 532	Portantino	Redevelopment: bond proceeds: affordable housing.	CSAC – Neutral	Vetoed	
SB 573	Chang	Homeless Emergency Aid program: funding.	CSAC – Support If Amended	Assembly Housing and Community Development – 2 Year Bill	Support – 3/26/19
SB 744	Caballero	Planning and zoning: California Environmental Quality Act: permanent supportive housing: No Place Like Home Program.	CSAC – Watch	Chaptered #346	
SCA 1	Allen	Public housing projects.	CSAC – Support	Assembly Rules	

Highlighted sections symbolize a status change

3. Sacramento Legislative Report

Prepared by Precision Advocacy Group LLC

October General Fund Revenues. The Department of Finance (DOF) and the State Controller released reports on General Fund revenues, showing them in comparison to the 2019-20 Budget Act.

Oct 2019 Tax Revenues	<u>DOF Oct</u>	DOF Fiscal Year-to-Date	<u>State Controller Fiscal Year-to-Date</u>
Corporation	\$6 million above forecast	\$688 million above forecast	\$785 million above forecast

Personal Income	\$202 million below forecast	\$622 million below forecast	\$60 million below forecast
Sales and Use	\$74 million below forecast	\$151 million below forecast	\$340 million above forecast
Total Revenues	\$211 million below forecast	\$77 million above forecast	\$1.25 billion above forecast

2020-21 Budget: Fiscal Outlook. The Legislative Analyst's Office (LAO) released their annual report examining California's fiscal outlook utilizing an economic growth and a recession scenario November 20. The LAO notes on multiple occasions that these analyses are fluid and are subject to change based on actions of the federal government, state lawmakers, and voters. A couple of risk factors mentioned by the LAO that could derail the budget include a major natural disaster such as an earthquake or fire, or, to a lesser extent, the federal government rejecting California's managed care organization tax.

This report aims to answer three questions for the Legislature:

1. Does the budget have enough resources available to fund its current commitments in the upcoming fiscal year?
2. Over the longer term, does the budget have capacity to take on new commitments, such as spending increases or tax reductions?
3. In the event of a recession, would reserves be sufficient to cover revenue shortfalls?

The answer to each of these questions appears to be yes, within reason. Due to the long period of economic growth and prior budgetary decisions, California is in a good position to weather some volatility within the state budget.

2019-20 Budget

The LAO estimates that revenues over 2018-19 and 2019-20 will come in \$1.6 billion higher than estimated in the 2019-20 Budget Act, primarily the result of higher than anticipated personal income tax revenues. \$250 million of this amount will be allocated to the Prop 98 education guarantee, leaving \$1.3 billion in discretionary General Fund (GF) revenues that could be allocated by the Legislature.

The LAO assumes reauthorization of the managed care organization (MCO) tax which increases 2019-20 revenues by \$900 million. Costs for Medi-Cal, Cal Grants, and CalWORKs are estimated to be \$450 million lower than anticipated in the 2019-20 Budget Act. In total, the budget surplus is estimated to be approximately \$2.6 billion at the end of the budget year.

2020-21 Budget

At the close of the 2020-21 budget year, the LAO estimates a \$7 billion surplus based on the following:

- 3.5% GF growth in 2019-20 through 2020-21, totaling \$5.3 billion, \$2 billion of which would be allocated to the Prop 98 guarantee.
- Reauthorization of the MCO tax is approved by the federal government. If it is not approved, the estimated surplus in 2020-21 would be about \$4 billion.
- Growth in overall expenditures remains slow, partially as a result of roughly \$5 billion in one-time programmatic spending that does not continue in 2020-21.

In terms of ongoing commitments, the State is anticipated to have an ongoing surplus of about \$3 billion available for expenditure. However, the LAO recommends that the Legislature budget \$1 billion or less for ongoing purposes in 2020-21. The remaining surplus should be allocated toward building reserves, paying down debt, and providing funding for one-time flexible commitments. The LAO estimates the Budget Stabilization Account (BSA)/rainy-day fund will reach about \$18.3 billion by the end of 2020-21.

Assessing the Budget's Condition through 2023-24 Under Economic Growth

Under the LAO's economic growth scenario, the LAO assumes:

- Job growth continues at a somewhat slower pace than in recent years.
- Wage growth slows, but remains above average in some high-wage industries and in technology.
- The stock market remains relatively flat, growing 3% from 2020 to 2024.
- Revenue growth averages 3.4%, increasing the State's GF revenues from \$146 billion to \$167 billion.

The LAO examines economic growth under a baseline spending scenario as well as an alternative scenario in which some risks that have a large GF impact are realized.

Baseline

- The LAO estimates that overall GF spending will grow nearly \$18 billion (2.9%), based on current laws and policies between 2019-20 through 2023-24. Surpluses will average around \$3 billion annually.
- The costs of several major GF programs are trending down. Medi-Cal growth is expected to decline from 7.5% in 2017 to 5.5%. California Department of Corrections and Rehabilitation costs have declined due to fewer inmates; however, employee compensation costs are growing. The cost of bond debt has declined substantially because the State Treasurer has refinanced much of the state's bond debt to a lower interest rate.

Alternative Funding Scenario

- Surpluses decline below \$1 billion under the alternative expenditure scenario, which assumes the following:
 - Recent draft guidance from the federal government would disallow the MCO tax, however it's possible that it will be approved under existing regulations. If the federal government does not approve the MCO tax, GF Medi-Cal costs will be \$7 billion higher across the outlook period.
 - The federal government is scheduled to reduce funding for hospitals that serve a disproportionate share of Medi-Cal and uninsured patients. Reducing the funding triggers reductions in the required amount of state and local matching funds. If Congress delays the funding cut, state costs would remain \$200 million higher annually.
 - The \$15 billion education bond is approved by voters in March 2020, resulting in increased GF costs of \$500 million in the last year of the outlook.
 - The State faces one major natural disaster.

Assessing the Budget's Condition through 2023-24 Under a Recession Scenario

The LAO's recession scenario assumes that California enters a recession in January 2021:

- The unemployment rate would begin to rise in January 2021, eventually peaking at 8% and declining in 2022.
- Revenue growth would slow in 2020-21 and decline year over year by close to \$8 billion in 2021-22.
- Compared to the economic growth scenario, total revenue loss over the outlook period would be just over \$50 billion.
- The economy would start to recover in 2022, with revenues growing slowly in 2022-23, and more robustly in 2023-24.
- Lower required spending on schools and community colleges would offset \$20 billion of revenue losses. Reserves would be nearly sufficient to hold school funding flat. If the Legislature wanted to mitigate the impact to schools, deficits would be larger.
- Lower debt and infrastructure spending requirements would offset \$7 billion in revenue losses, as the state would suspend required deposits into reserves and stops making infrastructure payments.

- The LAO estimates that reserves would be sufficient to cover deficits. The State would enter the recession with nearly \$23 billion in reserves and ends 2023-24 with \$9 billion in reserves remaining.
- The 2019-20 budget package made a number of ongoing program augmentations subject to suspension on 12/31/21 if the budget is not projected to collect sufficient revenues to fund them. The LAO assumes these augmentations would be suspended.

4. Washington DC Legislative Report

Prepared by Potomac Partners DC

During the week of December 2nd, the House and Senate were in session. Just before the recess, House and Senate Appropriations Committee Chairs Nita Lowey (D-NY) and Richard Shelby (R-AL) announced an agreement on the individual subcommittee spending allocations for fiscal year 2020 (FY20). These spending allocations, called 302(b)s, have not been released. One of the most contentious items still being debated is the President's request for funding dedicated to the construction of new barriers on the Southern Border. On December 3rd, the Senate Appropriations Committee Chairman Shelby (R-AL) discussed the possibility of funding the Department of Homeland Security (DHS) with a Continuing Resolution (CR) to remove the item from negotiations, allowing the remaining 11 bills to proceed before the end of the year. However, this plan comes with the risk that the President will not sign any new spending bills without agreement on a border wall. The President has committed to not signing another 12-bill omnibus spending package. House Majority Leader Steny Hoyer (D-MD) said on Wednesday that while it would be unwise to test the President on this issue, House Democrats would prefer to reach agreement on all 12 bills before December 20th. House Appropriations Committee Chair Nita Lowey (D-NY) has given the Subcommittee Chairs until Friday to submit any sticking points that must be settled, a good sign that Appropriators are serious about trying to avoid another CR in late December.

The House Intelligence Committee released a report on their impeachment inquiry hearings. The report concludes that the President used his position for political gain and that the President has obstructed the House's impeachment inquiry. On December 4th the House Judiciary Committee held a hearing with four academic legal experts to testify on the constitutional grounds for Presidential Impeachment. If House Democrats choose to move forward with Articles of Impeachment, it is most likely that the resolution will be carried from the House Judiciary Committee directly to the House floor. Procedurally, it is possible that the resolution will be considered in the House Rules Committee as well, but this was not the case during the Clinton or Nixon impeachments. If the House votes to impeach, the Senate will hold a trial. It would take 20 Republicans to side with Democrats to remove the President from office, which is unlikely since none have expressed support for the inquiry.

On December 4th the Assistant Secretary of the Navy for Research, Development and Acquisition testified before the Senate Armed Services Committee that a long-term CR would put \$20.5 billion in Navy funding at risk this year alone by freezing programs and forcing cost increases.

On December 5th the House Transportation and Infrastructure Committee held a joint hearing entitled "*Where's My Stuff?: Examining the Economic Environmental and Societal Impacts of Freight Transportation*". This hearing is expected to examine the impact of freight movement on climate change.

On December 4th the Department of Agriculture announced a final rule that will restrict the states' ability to exempt single able-bodied adults without dependents from statutory time limits and work requirements to receive Supplemental Nutrition Assistance Program (SNAP) benefits. The rule (found [HERE](#)) is expected to be published on the Federal Register on December 5th and will become effective on April 1, 2020. This regulation was initially included in the 2018 "Farm Bill" passed by the House but was removed after Senate Democrats opposed the change. An estimated 700,000 people currently receiving SNAP could be affected.

On November 25th the Environmental Protection Agency (EPA) released an Advance Notice of Public Rulemaking, found [HERE](#), regarding certain per- and polyfluoroalkyl substances (PFAS) chemicals. The EPA is requesting comment on which PFAS have sufficient toxicity information to warrant inclusion on the list of chemicals that will require public reporting on emissions. This rulemaking was released as part of the EPA's PFAS action plan, found [HERE](#). PFAS chemicals are typically used in firefighting applications in aviation and at airports to make water more effective at dousing fuel fires.

If you or your staff have any questions or require additional information on any of the items in this bulletin, please contact Peter DeMarco at 714-834-5777.



The County of Orange recognizes the need to protect its interests in Sacramento and Washington, DC. To be most effective, the County of Orange has at its disposal the County Executive Office-Legislative Affairs Unit and the County's Legislative Advocates.

Attempts to impact public policy debate are an ongoing challenge. As more entities engage in these debates, the County of Orange must ensure that its Legislative Affairs Program effectively impacts the legislative, administrative and regulatory processes. This document serves as a protocol for the Board of Supervisors (Board), County departments/agencies (Departments), CEO office of Legislative Affairs (CEO-LA), and the County's Legislative Advocates to follow.

I. BOARD

- A. The Board will direct the County's legislative efforts as the elected legislative body with the authority to make policy decisions for the County of Orange.
- B. The Board will adopt a two-year Legislative Platform corresponding to the state and federal legislative session
- C. The Board will adopt a yearly Legislative Priorities document that will direct the County's state and federal legislative efforts.
- D. Any member of the Board may agendize specific issues at any time regarding the County's legislative program or regarding a specific legislative proposal.
- E. Individual Board members may write correspondence and make public their position on a particular public policy issue. They may not, however, state their position as being a position taken by the County unless the matter has come before the entire Board and a majority has approved it.

II. COUNTY EXECUTIVE OFFICE – LEGISLATIVE AFFAIRS PROGRAM***A. Overview***

1. CEO-LA will provide an independent legislative analysis for the Board. Its role is to serve the Board in an advisory role regarding how to best represent the County's interests in Sacramento and Washington, D.C. CEO-LA staff serves under the policy direction of the Board but reports to the CEO.
2. CEO-LA has the primary responsibility to identify and monitor bills of interest and influence the legislative process by administrating the County's legislative affairs program in collaboration with Departments. CEO-LA directs the Board's Legislative Advocates to impact the process through their lobbying efforts in Sacramento and Washington, D.C.
3. CEO-LA will provide the communication link between the Board, Departments, and the Legislative Advocates regarding the progress of the County's goals on bills of interest.
4. CEO-LA will use the Legislative Platform in addition to Board direction to guide legislative affairs efforts.
5. CEO-LA, will monitor Departments to ensure they are operating in a manner consistent with these procedures.
6. CEO-LA will work with designated staff from each Department for the purpose of regularly updating Departments regarding legislative issues. CEO-LA will maintain a list of the designated staff for each Department and will update the list on a regular basis. It is the Departments responsibility to notify CEO-LA of any changes.

B. Legislative Platform

1. Every even numbered year, CEO-LA will draft and the Board will adopt a two-year Legislative Platform that corresponds with the state and federal legislative sessions. The platform will communicate key legislative priorities and policies of the County in Sacramento and Washington, D.C. and provide policy direction and guidance to Departments and staff.
2. CEO-LA will seek input for the platform from the Board, Departments, the Orange County legislative delegation, local elected officials, and area stakeholders.

C. Legislative Priorities

1. Every year CEO-LA will draft, and the Board will adopt a legislative priorities document. The legislative priorities will communicate key issues of importance to the County in Sacramento and Washington, D.C.

D. County Sponsored Bills

Overview:

1. The County of Orange may sponsor legislation as a means of accomplishing its policy and priority goals.
2. Before bringing each legislative proposal before the Board, CEO-LA in collaboration with Departments, Legislative Advocates, and County Counsel, as appropriate, will analyze how each legislative proposal would impact the County.
3. Before each legislative session, the Board will determine the legislative proposal(s) for which the County will seek author(s) in Sacramento and sponsorship in Washington, D.C.
4. Following the Board's decision on which legislative proposals to pursue, CEO-LA in collaboration with Departments, Legislative Advocates and County Counsel will develop bill language/proposal and a background sheet.
5. CEO-LA will work with the County's Legislative Advocates to identify author(s)/sponsor(s) for each legislative proposal approved by the Board.
6. CEO-LA may work with the County's Legislative Advocates on any technical or minor changes to County sponsored legislation. Any substantive changes under consideration must be brought to the Board for approval.
7. CEO-LA will keep the Board and relevant Departments apprised of the status of County sponsored bills.

Role in Sponsored Legislation:

1. Once an author has been identified, CEO-LA and the Legislative Advocates will work with the author's office to ensure:
 - a. The proposal has been submitted to the California State Legislative Counsel or Congressional staff for drafting.

- b. A background sheet for each Committee to which the bill has been assigned has been completed and returned to the author's office.
2. CEO-LA and the Legislative Advocates will also:
 - a. Work to remove any opposition to the bills.
 - b. Work to build support for the bill.
 - c. Work to add co-authors to the bill.
 - d. Communicate with the author's office regarding the bill and provide any additional information or resources necessary.
 - e. Provide the Board with regular updates on the bill's progress.
 - f. Provide affected Department(s) with regular updates on the bill's progress.

E. Board Direction

1. CEO-LA will work with the Clerk of the Board to place a recurring agenda item (Legislative Bulletin) on the Board's agenda to allow the Board to take immediate action when necessary.
2. CEO-LA will bring before the Board via the Legislative Bulletin any bill deemed by CEO-LA to have a high level of significance due to county impact, Board interest, strategic positioning or coalition building.
3. When recommending action on a particular bill, CEO-LA will provide an analysis and a recommended position.
4. CEO-LA will provide Board offices with copies of any CEO-LA external correspondence pertinent to the County's legislative affairs efforts.
5. When a Board member identifies an issue of importance requiring action and it is approved by the Board, it will be termed a Board Initiative. Such initiatives represent a major legislative or administrative/regulatory issue of importance to the County and include an action plan with a timeline and desired outcome. Board Initiatives will be tracked in accordance with Sec. II. (L).

F. Letter to the Board

1. A letter to the Board is required before consideration of legislation with subject or policy implications that are not included, or are contrary to, the approved Legislative Platform. If the request is made by a Board member, the letter will be placed on the Board's agenda as an attachment to the standing Legislative Bulletin, separate from other legislation under consideration. If the request is generated from a Department, the letter will be evaluated by CEO-LA prior to inclusion in the Legislative Bulletin.
2. The letter can either provide a recommendation on specific legislation by the requesting entity, or it may request that the Board incorporate a new policy into the Legislative Platform on additional matters of importance to the County.
3. CEO-LA will provide an analysis of the legislation or policy as an attachment to the letter.
4. Letters to the Board from Departments must be submitted to CEO-LA at least 14 days prior to a Board meeting.

G. Legislative Tracking

1. CEO-LA will identify all bills which relate to the County's Legislative Platform and which may have a direct and specific impact upon the County of Orange throughout the legislative session. CEO-LA will monitor each bill's status and language in coordination with Departments and Legislative Advocates.
2. The Legislative Bulletin CEO-LA will provide an updated tracking report. Tracking reports included in the Legislative Bulletin include:
 - a. County sponsored legislation
 - b. Legislation the Board has taken a position
 - c. Legislation regarding topics of particular interest to the Board.
3. Through Capitol Track CEO-LA will track legislation taking into account its impact on the County, priority level of the bill and county department it impacts. The categories will be as follows:
 - a. County Sponsored: legislation primarily developed and advocated (or promoted) by the County.
 - b. County Position: bill for which the Board has adopted a position.
 - c. High Watch: bills likely to be recommended for Board consideration or that may have a significant impact on the County.

- d. Watch: bills identified as containing policies that may have an impact on the county but have not risen to the level of high watch.

4. Through Capitol Track Departments will track legislation impacting their Departments.

H. Bill Analysis

1. CEO-LA in consultation with impacted Department(s) will be responsible for the completion of an independent analysis on each bill brought before the Board and for any bill for which a Board office requests an analysis.
2. An analysis of any bill should include the following information as appropriate:
 - a. The bill number
 - b. The name of the bill's author
 - c. The version of the bill analyzed
 - d. CEO-LA recommended Board action
 - e. The policy question related to the bill
 - f. A summary of the legislative proposal
 - g. Arguments in support of the bill
 - h. Arguments in opposition of the bill
 - i. A list of supporters of the bill
 - j. A list of opposition to the bill
 - k. Impact upon the County-fiscal and other
 - l. Orange County delegation votes/position (if available)
 - m. Background
 - n. Any other information deemed necessary

I. Board Positions

The Board will adopt one of the following positions when considering legislation:

1. *Support* – the bill has a favorable fiscal, policy or operational impact on County programs and is consistent with existing County policy. If the bill is amended, this position remains in effect unless the Board modifies its position.
2. *Support if Amended* – the bill could be beneficial to the County, but has a provision or provisions that make it unacceptable in its present form. If the bill is amended as requested, the County's position changes to Support.
3. *Oppose* – the bill mandates unjustified costs, interferes with efficient administration or operations of County programs, and/or is in conflict with policies adopted by the Board.

If the bill is amended, this position remains in effect unless the Board modifies its position.

4. *Oppose unless Amended* – the bill is undesirable, but can be made unobjectionable by amendment. If the bill is amended as requested, the County’s position changes to neutral.
5. *Neutral* – the County has no position.
6. *Watch* – the bill has been introduced as “intent “ language, which may have an impact on the County. If the bill is amended, this position remains in effect unless the Board modifies its position.

J. Board Correspondence

1. After the Board adopts a position on legislation, a letter will be sent by the Chair or designee on behalf of the County to the bill’s author.
2. A copy of the letter will be provided to the Orange County legislative delegation.
3. Throughout the legislative process a letter with the Board’s adopted position will be sent to each committee the bill is assigned to.
4. If the bill is amended after the Board adopts a position and remains consistent with the Board’s position, the CEO or designee, or the Legislative Advocate may send a letter reaffirming the County’s position.
5. Legislative Advocates are responsible for delivering letters to author’s office and committee staff in a timely manner to ensure the Board’s position is reflected in all analyses.

K. Attempts to Impact Legislative Outcomes

1. CEO-LA, to the extent possible, is charged with the task of gaining positive legislative outcomes for the County of Orange.
2. CEO-LA will work to actively seek amendments to legislative proposals for which the Board has taken a “Support if Amended,” or “Oppose unless Amended” position.

3. For legislative measures on which the Board has taken a position, CEO-LA will actively work with the County's Legislative Advocates, trade associations and other stakeholders as appropriate to achieve the desired outcome.
4. CEO-LA may work with the Legislative Advocates to amend legislation prior to Board action if the matter is of an immediate and urgent nature and the requested changes are consistent with the Legislative Platform.

L. Testimony and Comments

1. CEO-LA will work with Legislative Advocates to develop strategies on how best to influence the public policy debate through the testimony of the County and comments on proposed rules and regulations.
2. The following are the only individuals authorized to testify on legislative issues: A member of the Board, the Chief Executive Officer or designee, County Legislative Advocates, and Board or CEO-authorized County staff. Such testimony will be aligned with the Board's position on a specific bill and the Legislative Platform.
3. The Board shall have the first opportunity to testify or comment on legislation, rules, or regulations. If the Board chooses not to do so, CEO-LA will coordinate with County Departments to provide testimony or comment when appropriate.
4. CEO-LA and Legislative Advocates will aid in preparing Board members or appointed County staff for testimony before federal or state governmental agencies and/or legislative, Congressional or decision-making bodies.
5. CEO-LA will work with Departments to ensure that any prepared testimony is consistent with Board policy. CEO-LA will review and approve prepared testimony from Departments prior to presentation.
6. In those instances when a Board member or other County representative is not available, the County's Legislative Advocates will provide testimony on all measures and administrative/regulatory issues on which the County has a position.

M. Use of Associations and Coalitions

1. CEO-LA will work to establish coalitions with other legislative units and other associations on legislative issues of interest to the Board.
2. CEO-LA will work to build grassroots support for County positions and County sponsored bills.

N. Informational Service

1. CEO-LA will provide the following informational reports to the CEO and the Board:
 - a. Legislative Bulletin – Provides recommended action to the Board on legislation, and updates on County sponsored measures or bills of specific interest to the Board.
 - b. Report on Final Legislative Action on State and Federal Bills of Interest to Orange County – prepared by the County’s Legislative Advocates at the end of each legislative session to summarize the legislative actions taken on County sponsored and position bills.
 - c. Special Report and Memos – Prepared, as requested or assigned by the Board, on major legislative subject areas.
 - d. A weekly legislative update on key issues occurring in Sacramento and Washington, D.C.
 - e. A Board Initiative matrix provided as requested.
2. CEO-LA will coordinate the development of the following with the CEO-Budget Office:
 - a. State Budget Analysis – Prepared as a preliminary analysis of the State Budget.
 - b. State Budget Updates – Prepared, as needed, to update the Board on the latest budget developments.
 - c. State Budget Adoption Analysis – Prepared upon the budget’s adoption to analyze the consequences of the State’s adopted budget on the County’s General Fund and programs.

O. Other Services

CEO-LA will:

1. Administer central contracts for Legislative Advocates; prepare evaluations of County Legislative Advocates with input from the Board and file contract recommendations for consideration by the Board; and, in conjunction with the Sacramento Legislative Advocate, file quarterly reports on lobbying activities with the Secretary of State.

2. Schedule meetings as requested between the Legislative Advocates and the Board.
3. Plan, arrange, and attend meetings of the Board with the Orange County Federal and State delegation as requested.

P. Comments on Regulations and Proposed Rule-Makings

1. CEO-LA will seek input from Departments regarding the impact of a proposed rule/regulations on the County.
2. If necessary, requests for comments on state or federal rules or regulations will be vetted through the Board to determine whether Members wish to provide comment or testify.

III. LEGISLATIVE ADVOCATES

A. Legislative Advocates represent the County in Sacramento and Washington, DC, before State and Federal legislative bodies and executive agencies for the general purposes of:

1. Representing the County and serving as a liaison between Congress/California State Legislature, the President/Governor, Federal/State administration officials, and other Federal/State Department representatives.
2. Leading the County in developing and implementing an effective advocacy strategy and annual legislative program to:
 - a. Influence legislation, regulatory activity, administrative rule-making counsel and grant support and policies as they relate to County priorities, programs and operations, including enacting legislation which accomplish specific County goals.
 - b. Identify opportunities to increase funding for County priorities, programs and operations. County advocates will be proactive in opposing legislation or statutes that may have a negative impact on funding.
3. Researching and providing information to the County on such matters as:
 - a. Budget: Prepare written reports of analysis of budget actions and their impact on the County.

- b. Legislation and laws: Monitor legislation affecting County programs and alert the County Executive's Office and appropriate departmental staff.
- c. Funding opportunities and availability.
- d. Congressional/Legislative hearings, reports and testimony.
- e. Federal/State regulations, guidelines, directives and other administrative policies, both proposed and adopted.
- f. Technical memoranda and reports impacting County operations.

B. The specific duties of the County's Legislative Advocates include:

1. Assist the County in developing strong relations with the County's congressional/legislative delegation, congressional/legislative leaders and the Administration. This includes developing a target list of key influencers from both parties in Congress/the Legislature and proactively developing relationships between these members and County leaders.
2. Assist in the development of the County's annual legislative platform and prioritization of Federal/State legislative efforts.
3. Provide ongoing program development support to CEO-LA including, but not limited to, Legislative Platform development, legislative coordinator training, support in development of program guidelines including identification of best practices and metrics to monitor success of County's advocacy program.
4. Implement the legislative objectives approved by the Board, including (if necessary) obtaining sponsorship of bill(s) or amendment(s) to bill(s) consistent with the legislative agenda and Legislative Platform approved by the Board.
5. Provide logistical support to arrange appointments and meetings with members of Congress/the Legislature, Administration, and Federal/State agencies, as needed. This includes preparing talking points and/or briefing materials as needed.
6. Monitor all bills of interest to the County and take action on legislation as directed by the Board. For bills or amendments passed into law that affect the County, the Legislative Advocates shall monitor the implementation of those laws and advise the County on the action needed to ensure proper implementation and compliance.

7. Identify and report to the County on proposed legislation, policies, regulations, and administrative actions, which would or potentially could impact County governments generally and/or Orange County specifically.
8. Provide support to Legislative Affairs Unit in identification of bills of interest/concern and weekly bill tracking.
9. Provide weekly written updates to be presented to the Board at scheduled Board of Supervisors meetings and individual briefings as requested.
10. Participate in weekly (or more frequent) teleconference briefings with the CEO or designee, Legislative Affairs Unit and/or Board of Supervisors staff.
11. Maintain regular, routine communication with the Board, their staff, the CEO and CEO-LA regarding issues of importance to the Board, CEO, and Department Directors.
12. Provide assistance to County staff and private contractors employed by the County in drafting testimony on proposed federal/state legislation, policies or regulations which could impact the County of Orange.
13. Distribute correspondence, briefing papers, fact sheets and other materials necessary to assist in advocacy efforts on behalf of the County.
14. Testify on behalf of the Board's adopted positions on proposed legislation when appropriate.
15. Provide written monthly reports with each professional services invoice to the County detailing the nature and extent of the services or actions taken and status on behalf of the County, as well as reporting on issues in Washington, DC/Sacramento that may impact County governments in general or Orange County government specifically.
16. Make presentations to the Board or other elected officials as requested.
17. Coordinate County legislative efforts with other advocacy groups and individuals.
18. Serve as the liaison to the National Association of Counties/California State Association of Counties, and, as requested, to other federal/state professional organizations.

19. Keep County staff apprised of legislative events including, but not limited to, open houses, special events, etc. and if requested attend on behalf of the County of Orange.
20. Draft correspondence, briefing papers, talking points, and other materials necessary to assist in advocacy efforts on behalf of the County.
21. Coordinate with CEO-LA to assess and identify grant opportunities and develop strategies to secure support for the County's grant applications.
22. Disclose potential conflicts of interest as soon as possible.
23. Immediately notify the CEO or designee and the Board if being investigated by any government agency, under threat of a lawsuit, or subject to actual litigation that has been filed.
24. Perform other related duties as mutually agreed upon.

C. Legislative Advocates will serve at the policy direction of the Board but will report to the CEO.

IV. COUNTY COUNSEL

- A. County Counsel advises the County Executive Office, Departments, the Legislative Advocates and the Board on the legal aspects of legislative matters affecting the County. This support includes:
 1. Advise the County Executive Office on procedural matters and application of the Brown Act with respect to special meetings of the Board with Federal or State legislative delegations.
 2. Review proposed legislation submitted by Departments, advise the County Executive Office on any legal issues identified, and draft proposed legislation behalf of the County in conjunction with the County Executive Office.
 3. Provide legal support to the County Executive Office and Departments on legal issues surfaced through adopted/pending legislation or in support of County sponsored legislation.
 4. Review language after County sponsored bills are introduced.
 5. Provide guidance as needed on coordination associated with advocacy events.

V. COUNTY DEPARTMENTS

A. Overview

1. No action may be taken by a Department on any legislation which is in conflict with Board policy, Legislative Affairs Program Guidelines, or the Legislative Platform.
2. A County elected official as an individual member may write letters or make public their position on a particular legislative issue. They shall make the Board aware of all actions they intend to take with respect to legislative and major administrative/regulatory issues. They may not, however, state their position as being that of the County at large. CEO-LA is available to assist in providing this information to the Board via the Legislative Bulletin or other means.
3. Departments will monitor and alert CEO-LA of critical rules, regulations, and legislation introduced in Sacramento or Washington, DC that will impact their Department.
4. Appointed Department heads and/or designees will coordinate all requests for assistance from the County's Legislative Advocates through CEO-LA.
5. Departments shall work through CEO-LA regarding all positions on legislation.
6. Departments will submit an analysis of any legislative proposal to CEO-LA 14 days prior to the desired date of Board consideration. If a Department wishes the Board to take action on a legislative issue, the analysis must be approved by the Department Director.
7. Appointed Department heads may not retain a legislative advocate without Board approval.
8. Departments may provide comments on non-legislative matters that affect the operations, both procedural and technical, of their Departments, without prior Board authorization.
9. Department staff traveling to Sacramento or Washington DC on official business will notify the CEO or designee in advance and will work with CEO-LA as needed to identify opportunities to promote County legislative and administrative/regulatory goals.

B. Written Correspondence Policy for Departments

1. Written correspondence on behalf of the County to elected officials at the federal, state or local level should be transmitted over the signature of the Board. Departments should route such written correspondence through CEO-LA.

2. The Board may delegate authority to originate and transmit letters in support of or in opposition to pending State and Federal legislation only if:
 - a. The Board has taken a specific position that the correspondence addresses.
 - b. It has been reviewed and approved by the County Executive Office in advance.
 - c. Copies must be provided to the Board and CEO-LA by the originating Department before its distribution.
3. If a rule or regulation is deemed significant, CEO-LA will coordinate with Departments on correspondence for Board consideration.

C. Testimony

1. All testimony on legislation, rules, or regulations must be aligned with the Board's position and the Legislative Platform.
2. All scheduled testimony of any kind must be communicated to and coordinated with the Board and CEO-LA prior to the date of the presentation. CEO-LA will notify the Board and the Legislative Advocates when appropriate.
3. County staff is authorized to present information of a non-policy nature (information of a technical, operational or factual nature) without prior Board authorization to members, committees, and staffs of the Legislature and Congress, and local regional or State governmental decision-making bodies and organizations and associations of which a Department is a member.
4. Department and County staff seeking to testify regarding legislation or major rules/regulations will seek CEO or Board approval.
5. Departments and staff will submit a written report to CEO-LA regarding the testimony given. This report will include a summary of the testimony, questions asked and answers provided.

D. Seeking County Sponsored Legislation or Administrative/Regulatory Changes

1. If a Department would like the County to consider whether to sponsor a legislative proposal or an administrative/regulatory change, the Department will contact CEO-LA and request that they place the proposal on the agenda for Board consideration.

2. It is the Department's responsibility to provide a background sheet and an analysis for any proposal for which the Department is seeking Board consideration at least 14 days prior to the desired date of Board consideration. The background sheet and analysis will be provided to CEO-LA before the item comes before the Board.
3. Departments will adhere to County and Department goals, objectives, and priorities and the Legislative Platform when developing legislative proposals and administrative/regulatory changes for which they plan to seek County-sponsorship.

VI. LEGISLATIVE ADVOCACY BY COUNTY ADVISORY BOARDS AND COMMISSIONS

- A. A County advisory board or commission may not make a recommendation on pending legislation or on legislative issues to any legislative body other than the Board.
- B. Those advisory boards or commissions which are specifically mandated to advise certain legislators under the government codes or laws establishing them are exempt from the above provisions. They may forward their recommendations per the requirements of their mandates, and provide a copy to CEO-LA.

VII. ADVOCACY WITHIN PROFESSIONAL ORGANIZATIONS/ASSOCIATIONS

- A. Departments have the authority to work within the framework of County/regional/State/Federal organizations or professional associations to affect pending legislation if in advocating, staff represent a position that is consistent with Board policy and priorities and the Legislative Platform.
- B. Positions taken by statewide and federal associations on pending legislation, which differ from official County positions, should be brought to the attention of the CEO-LA.
- C. County personnel who become officers of statewide, regional, or federal professional associations should notify CEO-LA and the Board of their titles and responsibilities.
- D. Staff and appointed Department heads should coordinate with CEO-LA prior to advancing a position with an organization or professional association of which they are a member.