
MEMORANDUM

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs
Date: March 5, 2020
Subject: Legislative Report for East Contra Costa Fire Protection District — February 2020

State Legislative Update

In February, State lawmakers were primarily focused on introducing legislation prior to the February 24 bill introduction deadline. Since the new year, 2,309 bills have been introduced. Additionally, there are 410 two-year bills that can be acted upon in 2020, bringing the total number of active bills in the Legislature to 2,719.

Assembly and Senate Budget Subcommittee have started their work on the Fiscal Year 2020-21 State Budget, beginning with evaluating the Governor's January Budget Proposal. Subcommittees are starting to hold hearings and are requesting additional information from State Departments, the Legislative Analyst Office (LAO), and various stakeholders.

Lastly, vote by mail ballots for the March 3 primary election have been sent out to California voters across the State. Governor Newsom also signed SB 207 (Hurtado, D-Sanger), an urgency bill that took effect on February 13 that allows voters to change their party preference or residence of record on their voter registration within two weeks of election day without having to re-register to vote.

Below is a list of upcoming legislative deadlines:

March 3: 2020 Primary Election Day

April 2: Spring Recess begins

April 13: Legislature reconvenes from Spring Recess

April 24: Last day for policy committees to hear and report to fiscal bills to fiscal committees

Governor's State of the State

On February 19, the Governor delivered his State of the State address to a joint session of the Legislature. Much of the speech was dedicated to homelessness and the State's efforts to combat the issue by increasing funding and streamlining mitigation efforts. Notably for cities, the Governor highlighted new measures that he and his Homeless Task Force would be focused on, including

holding local governments accountable to take action and a “do-it-or-lose-it” policy to hold local governments responsible and accountable for results.

Below is a summary of the Governor’s key points:

- The State is focused on a “crisis-level response,” including executive actions to deploy trailers for homeless individuals that have been sent to various cities and counties.
- The Governor is making 286 state properties, vacant lots, fairgrounds and armories available now to be used by local governments, for free, for homeless solutions.
- The Governor reiterated his focus on working with the Legislature to pass and sign legislation that will expand exemptions to the permitting process for all homeless shelters and supportive housing statewide.
- New homeless and mental health treatment policy framework which includes:
 - Revisiting mental health programs like Laura’s Law and other conservatorships to lower the threshold for those with mental illnesses.
 - A renewed focus on integrating care, boosting preventative healthcare, and expanding the Whole Person Care Pilot programs statewide.
- The Governor stated that there is \$160 million in unspent Proposition 63 money that counties have not spent, and if those dollars were not spent by June 30, the State would be stepping in to spend the money on behalf of counties.
- The Governor stated his commitment to working with the Legislature on passing legislation that will increase housing production, eliminate red tape, eliminate delays for building affordable multifamily homes, and focus on building high-density housing near transit areas.

Housing Update

On February 24, Assemblymembers Grayson, Chiu, Bonta, Gloria, and Gabriel were joined by representatives from Habitat for Humanity and California YIMBY for a press release on development impact fees and housing production. Members emphasized that in 2019, the Legislature was primarily focused on housing protection – 2020 is the year to focus on housing production. The Assemblymembers released a legislative package focused on a variety of housing issues such as density bonuses, impact fees, production, and data. TPA will continue to watch these bills and advocate on behalf of the City’s best interests.

Additionally, on February 26, the Assembly Local Government, Assembly Housing, Senate Governance and Finance, and Senate Housing Committees held an informational hearing to discuss housing and impact fees. Of note, in his opening comments, Senator Wiener emphasized the shortage of all types of housing, from affordable to market rate. The Senator recognized that impact fees are only part of the issue, and perhaps not the main issue in the statewide housing crisis.

Representatives from the LAO, special districts, local governments, and developers testified on the issue. The LAO stated that impact fees cannot be blamed as the only issue resulting in the high cost of housing development. Special district and local government representatives echoed that point while stating that fees are necessary for pre-development costs for cities. Developer representatives pointed out that some fees are too high in certain areas while acknowledging the high costs of construction and the expensive market in California.

These housing bills and hearings will continue to evolve throughout the year, but they indicate potential changes in housing policy for local governments.

Bill Introduction Deadline

February 24 was the bill introduction deadline for lawmakers to introduce legislation to be considered in 2020. Bills that were introduced are not eligible for consideration for 30 days and many of them are “spot” bills which do not contain substantive language yet. Below is a summary of initial priority bills that have been identified by TPA:

AB 1924 (Grayson): Housing Development: fees.

Would require that a fee levied or imposed on a housing development project by a city be proportionate to the square footage of the proposed unit or units. **This bill has been referred to the Assembly Local Government and Housing and Community Development Committees.**

AB 2093 (Gloria): Public records: writing transmitted by electronic mail: retention

This bill would require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail. This is a re-introduction of AB 1184 from last year that was vetoed by the Governor. **This bill has been referred to the Assembly Judiciary Committee.**

AB 2107 (Rodriguez): Securitized limited obligation bonds

Current law, until December 31, 2019, authorizes a special district to issue, as specified, securitized limited obligation notes for the acquisition or improvement of land, facilities, or equipment. This bill would extend that authorization to December 31, 2024. **This bill has been referred to the Assembly Local Government Committee.**

Assembly Bill 2131 (Rodriguez)

This bill would require private emergency ambulance providers to provide employees who request it with mental health treatment for critical incident stress management or post-traumatic stress disorder. **This bill has yet to be assigned to a committee.**

AB 3145 (Grayson): Local government: housing development projects: fees and exactions cap

Would prohibit a city or county from imposing a fee on a proposed housing project if the total dollar amount of the fee that a city or county would impose on a proposed housing development is greater than 12 percent of the city’s or county’s median home price unless otherwise approved by the Department of Housing and Community Development. **This bill has not yet been assigned to a Committee.**

District Proposals

Last year the District produced a number of legislative proposals. TPA is currently working with stakeholders to building a coalition to address how to move these measures forward. Upon drafting legislative language to serve as a discussion point, Chief Helmick and TPA will work to share the language and amend the language as necessary to further legislative action this year and in the future.

Federal Legislative Update

Congress concluded the impeachment trial of President Trump in February. The House voted to send the impeachment articles against the President to the Senate, which heard testimony from House-appointed managers as well as lawyers for President Trump. After nearly two weeks of deliberation from both sides, the Senate voted to acquit President Trump on the two articles of impeachment. The acquittal clears him of the impeachment charges.

Senate Democrats fell well short of the 67 votes, or two-thirds majority, required to impeach the President. The votes were mostly along party lines but included Senator Mitt Romney (R-UT) voting to convict the President on abuse of power charge. Senator Romney's vote marks the first time in history that a Senator voted to remove a President from the same party from office.

The acquittal is the final act in a trial that has spanned nearly four months. With the end of this segment, Congress returns to regular duties, including the federal appropriations process and a multitude of priorities that may face impending delays in a Presidential election year.

Fiscal Year 2021 Appropriations

In February, the Trump Administration released its FY 2020-21 budget proposal, outlining the President's tax and spending priorities over the next decade. Overall, domestic discretionary spending as a percentage of the U.S. economy would be cut in half over the course of a decade. Under President Trump's budget proposal, the Department of Commerce, Environmental Protection Agency and State Department would see the steepest cuts. The Administration estimates that the \$4.8 trillion dollar budget would balance the federal deficit in 15 years and put debt on a downward path after 2022.

It should be noted that the President's budget request is not legislation and is not typically considered as-is by Congress. Congress will not adopt the recommended cuts wholesale and will be debating this during the Appropriations season for months to come.

Program	FY 2020 Enacted	FY 2021 President's Request	FY 2021 House	FY 2021 Senate	FY 2021 Enacted
Assistance to Firefighters (AFG) Grants	\$355 million	\$344.3 million			
Staffing for Adequate Fire and Emergency Response (SAFER) Grants	\$355 million	\$344.3 million			
Disaster Relief Fund (including FEMA Pre-Disaster Mitigation Grant Program)	\$17.35 billion	\$5.1 billion			

PFAS/PFOA Update

In February, the U.S. Environmental Protection Agency (EPA) continued its quest to implement the Agency's PFAS Action Plan by proposing regulatory determinations for perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) in drinking water. The initial determinations highlight an important breakthrough in EPA's extensive efforts under the PFAS Action Plan to help communities address per- and polyfluoroalkyl substances (PFAS).

With this most recent announcement, EPA is requesting public comment on its proposed regulatory determinations for eight contaminants listed on the fourth Contaminant Candidate List in the Action Plan. Additionally, the Agency is proposing to regulate two contaminants: PFOS and PFOA. EPA is also asking for information and data on other PFAS substances, as well as seeking comment on potential monitoring requirements and regulatory approaches EPA is considering for PFAS chemicals. EPA will seek comment on these preliminary determinations for 60 days after the notice is published in the Federal Register.

Primary Election Summary

On Tuesday, March 3rd, millions of Californians cast their ballot in the State's Primary Election. As of this morning, over 5.3 million ballots have been cast in races across the State, with millions of provisional, damaged, and late absentee ballots still to be tabulated prior to the election being certified on April 2nd.

Below you will find a summary of the key races from Tuesday's Primary Election, including the current returns for the nominees for President, congressional, and legislative races. It should also be noted that over the next several weeks, counties will be reporting their uncounted ballots, which, in some counties, could comprise over twenty percent of the total votes cast. It is likely that there will be nearly 4 million ballots left to be counted across the state; as a result, the outcome of some close contests will likely not be known for several weeks.

Federal Outcomes

Presidential Primary

As polling predicted, Senator Bernie Sanders won the largest share of votes in the California Democratic Party primary with 33.6 percent as of this morning. While this was the highest number of votes for any one candidate in the race, this is a decrease over Senator Sanders' total vote count from 2016, in which he won 46 percent of the vote in a two-person race against former Secretary Hillary Clinton.

Second in the race was former Vice President Joe Biden, who received 24.9 percent of votes cast. Senator Elizabeth Warren and former New York City Mayor Mike Bloomberg also competed in the race, but, as of now, neither have reached the required 15 percent threshold to receive statewide delegates. Senator Amy Klobuchar, South Bend Mayor Pete Buttigieg, and businessman Tom Steyer all dropped out of the race over the weekend but remained on the ballot in accordance with California law.

Although Senator Sanders claimed a victory in California, it was Vice President Biden who had the strongest showing nationwide. The Vice President is currently projected to win 10 of the 15 states and territories holding primaries on Super Tuesday. Senator Sanders secured wins in 4 other states, while Michael Bloomberg received a majority of the votes cast in American Samoa. With 19 states having already allocated their delegates through primaries or caucuses, Vice President Joe Biden now has the highest number of delegates in the field, followed by Senator Bernie Sanders.

After his strong showing on Super Tuesday, Vice President Biden has become the frontrunner in the race for the Democratic Party nomination. He holds a narrow overall delegate lead over Sanders, and both have delegate totals that essentially make it a two-candidate race. It was a

disappointing night for the campaigns of Senator Warren and former Mayor Mike Bloomberg, both of whom had hoped to use Super Tuesday to catapult their presidential bids. On Wednesday morning, Michael Bloomberg announced he would be ending his Presidential bid and endorsing Vice President Biden. This marks the fourth Democratic candidate to drop out of the race in the last week, three of whom endorsed the Vice President. Meanwhile, Senator Warren struggled to keep afloat, losing both her home state of Massachusetts and birth state of Oklahoma. She remains in the race with approximately a tenth of the delegates of either Vice President Biden or Senator Sanders.

It will be days or weeks before exact delegate counts in California for each candidate are known, with absentee vote tallying stretching into April. Allocating delegates by district will continue into the coming days, but at this point it appears that both Senator Sanders and Vice President Biden will secure delegates from all California congressional districts.

The next Democratic primary contests will be held this coming Tuesday, when Idaho, Michigan, Mississippi, Missouri, North Dakota and Washington all vote. Arizona, Illinois, Florida and Ohio hold their state primaries on March 17th. Primaries for the remaining states will continue to take place until early June, ahead of the mid-July Democratic National Convention where the party will officially nominate its candidate to run against President Trump for the presidency.

House of Representatives Primary

Voters also weighed in on primaries for every seat in the U.S. House of Representatives, with the top two vote earners going on to the general election in November, regardless of party.

In the race for Congressional District 9, Jerry McNerney received 53.5% of the vote. He will face off with Antonio Amador who received 32.5% of the vote in November.

State Outcomes

Legislative Primary

At yesterday's election, voters considered candidates in all 80 of the State Assembly districts, and half of the 40 State Senate districts, in addition to a special election to fill a vacancy in Senate District 28. Many of these races were routine outings in which the incumbent received more than 65 percent of the total votes cast and can be expected to win in the November General Election. Over a dozen legislative incumbents did not have a challenger on the ballot. There are a few notable races that have yet to be called, the outcome of these races has the opportunity to shape the partisan makeup of the Legislature come November.

In Assembly District 11, incumbent Assemblymember Jim Frazier ran unopposed and will therefore retain his seat.

In Senate District 7, incumbent Senator Steve Glazer currently has 48.2% of the tallied votes. Senator Glazer will face Republican Julie Mobley in the November General Election.

For all of the races, there are a significant number of ballots that remain to be counted. The counties will continue to process the remaining ballots over the coming weeks, and at that point, the top two finishers in each of the legislative races will advance to the November General Election.