



**Chair**  
 Supervisor James Ramos  
**Executive Director**  
 Jolena L. Voorhis

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## UCC Board of Director's Meeting Summary July 13, 2017

Alameda:  
 Contra Costa: Supervisor Federal Glover  
 Los Angeles:  
 Orange: Cynthia Shintaku, Jessica Witt  
 Riverside: Supervisor Chuck Washington  
 Sacramento: Supervisor Susan Peters, Steve Cruz  
 San Bernardino: Supervisor Ramos, Josh Candelaria  
 San Diego: Geoff Patnoe (Alternate), Cathy Christian, Helen Robbins-Meyer  
 San Francisco:  
 San Mateo: Connie Juarez-Diroll (Alternate), Steve Cruz  
 Santa Clara: Supervisor Ken Yeager, Jill McCaffrey  
 Ventura: Supervisor Kelly Long  
 UCC: Jolena Voorhis, Grace Childs-Ferguson  
 Guests: Jeannie Figueroa (Fresno County)

### I. Call to Order

UCC Chair, Supervisor Ramos convened the meeting and called the members to order.

### II. Roll Call of Counties

There were 6 Supervisors, 2 Alternates and 10 counties represented at this meeting.

### III. Approval of Minutes from the May 17, 2017 UCC Board Meeting – APPROVED

The May 17<sup>th</sup> minutes were approved and below is the vote count:

Member	County	Yes	No	Absent	Not Voting
Supervisor Ramos, Chair	San Bernardino	X			
Supervisor Groom V-Chair (Alternate)	San Mateo	X			
Supervisor Carson	Alameda			X	
Supervisor Glover	Contra Costa	X			
Supervisor Ridley-	Los Angeles			X	

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Supervisor Bartlett	Orange			X	
Supervisor Washington	Riverside	X			
Supervisor Peters	Sacramento				X
Supervisor Horn (Alternate)	San Diego	X			
Vacant	San Francisco			X	
Supervisor Yeager	Santa Clara	X			
Supervisor Long	Ventura	X			
<b>Vote Total</b>		<b>7</b>		<b>4</b>	<b>1</b>

**IV. Items for Consideration**  
**1) State Budget**

Staff provided a Memo on the UCC Summary of the Budget.

Staff reported that on June 27, 2017, the Governor signed the main budget bill and several Budget Trailer Bills as passed by the Legislature. The major items in this package include:

- IHSS MOE provisions. This includes the General Fund contributions, reopener clause, and relief for BOE error.
- Changes to in-person visitation which only applies to counties with conditional awards.
- \$108.9 million for the CalWORKs single allocation in 2017-18.
- Requires that public employers provide mandated employee orientation.
- Changes to the Cannabis regulatory structure including the state verification of local license provisions requested by counties.

Cap and Trade – Still to Come

There is one Trailer Bill that has not yet been released or discussed and that is the Cap and Trade Trailer bill. The Governor’s Budget proposed an expenditure plan as long as the Cap and Trade program was extended which requires a 2/3 vote. It is anticipated that this bill will be heard in the next couple of weeks and staff will update the Board at the meeting.

Staff noted that the Cap and Trade legislation has been introduced. AB 398 (Garcia, E) and AB 617 (Garcia, C). This two-bill package would do the following:

Funding Bill (AB 398)

- Requires ARB to update the coping plan.
- Extends ARB’s authority to operate cap and trade until December 31, 2030.
- Requires ARB to include price ceiling and price containment points in their regulations.
- Reduces the amount of offsets and requires 50% of all offsets to be in California.
- Suspends the SRA fee until 2031 and then repeals it.
- Provides additional tax exemptions for energy generation or production, and electric power.

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## Policy Bill (AB 617)

- Requires ARB to establish a uniform statewide system for stationary sources to report their emissions
- Creates, upon determination by an air district, an expedited schedule for certain facilities covered under the cap and trade program to implement best achievable retrofit control technology.
- Requires ARB to establish a clearinghouse of information on this technology.
- Increases civil and criminal penalties for certain types of emissions.
- Creates community emissions reduction programs.

Both bills were heard in the Senate Environmental Quality Committee and were approved. Governor Brown was also there to testify in support. Next stop to be heard is on the Floor.

In part of the Cap and Trade discussions is an agreement between the Assembly Democrats and the Governor to pass a package of affordable housing bills and to help fund the housing crisis through Cap and Trade.

While it is unclear which bills will be part of the package, it is staff's understanding that SB 2 (Beall), Housing Bond Bill, SB 3 (Atkins), Fee for permanent source, AB 72, which provides enforcement over the housing element to AG, and AB 678/SB 167, which are companion bills on the housing accountability act will be included. Staff has been involved in negotiations on AB 678 and SB 167 all year and have been told that the amendments we have asked for and that are currently in the bills will be maintained.

## **2) Other Emerging or Continuing Legislative Issues**

### **a) ACA Repeal and Replace Update**

Staff provided a memo on the BCRA.

The Senate Republicans released the language of the BCRA (H.R. 1628) on June 22, 2017. This bill is very similar to the American Health Care Act passed by the House on May 4, 2017. The vote on the BCRA has been delayed until after the July 4<sup>th</sup> recess and could be taken up after July 11, 2017.

### Key Provisions

- Medicaid Cuts. Eliminates the Medicaid expansion in 2020, and completely eliminates the expansion in 2024. The house version.
- Per Capita Caps. Shifts Medicaid financing from a federal matching model to a capped dollar amount for each state. Under the Senate proposal, the per capita cap would begin on October 1, 2019, with States able to choose a consecutive two-year period of Medicaid expenditures for the U.S. Department of Health and Human Services to use when calculating the federal payment limit.
- Pre-existing Conditions. While the Senate bill would not change the current law requirement that insurance plans cover pre-existing conditions, it does allow insurance companies to decline to cover essential health care like hospitalizations.

- Public Health Fund Eliminated. This measure would repeal the Prevention and Public Health Fund. The fund is used by the state and local public health departments to reduce infectious disease and to respond to other public health issues. In fiscal year 2017, the fund allocated \$931 million for those efforts.
- Elimination of Enhanced Funding for IHSS. Eliminates enhanced federal funding of 6% for specific In-Home Supportive Services (IHSS) program costs beginning in 2020. This reduction in funding is estimated to increase state costs by about \$400 million in 2020, growing annually, according to DHCS.
- Eliminates Hospital Presumptive Eligibility. Removes the expanded presumptive eligibility program for hospitals effective in 2020. Approximately 25,000 individuals each month are offered coverage through this process in California. Due to the nature of presumptive eligibility and the removal of this provision, costs will shift to hospitals and individuals that will no longer be found eligible for Medi-Cal. In 2017-18, state expenditures on hospital presumptive eligibility is nearly \$400 million.

#### Provisions intact under the ACA:

- Maintains the ACA's requirement that dependents can be covered on their parent's insurance until they are 26 years of age.
- Allows the state exchanges to continue as provided under the ACA.
- Continues to provide subsidies for premiums that are based on income.
- Maintains the individual mandate but changes the penalty from \$700 per year to a surcharge of up to 30% the next time an individual gets insurance after a lapse in coverage.

#### Other Provisions:

- Repeals the annual fee on health insurance providers.
- Delays the Cadillac Tax implementation by 6 years.

### **Analysis of Impacts**

The Congressional Budget Office's estimate of the size of the cut to Medicaid over 10 years – \$722 billion, or 26 percent overall – proposed by the BCRA represents a massive reduction in funding for low-income children and adults, and aged and disabled Americans.

According to the Department of Health Care Services (DHCS), this proposal represents a significant shift of costs from the federal government to states resulting in nearly \$3.0 billion in costs to California in 2020, growing to \$30.3 billion by 2027. The General Fund share is estimated to be \$3.0 billion in 2020, increasing to \$24.3 billion in 2027. Cumulatively over the period from 2020 through 2027, the impact to California is \$114.6 billion, or \$92.4 billion to the state General Fund.

Staff noted that a new version of the BCRA was introduced today by the Senate in hopes of getting more Senators to vote yes. Below are some of the major provisions:

- Inclusion of Amendment by Senator Cruz to allow for cheaper, limited plans to be offered along with the ACA plans.
- Makes ACA expansion options for states after 2019.
- Provides more funding to non-expansion states both for hospitals and safety net funding.
- \$45 million for opioid treatment.

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- Continues taxes on the wealthy.
- Continues significant cuts to Medicaid.
- Delays Cadillac Tax until 2026 and eliminates the individual mandate and the employer mandate.
- Provides funding to states who submit an application to help high-risk individuals, stabilize premiums, or reduce premiums.

The Senate has delayed their August recess until the 3<sup>rd</sup> week in August to try and work out a compromise measure on the ACA Repeal and Replace.

Supervisor Washington asked if there was a total of tax cuts stated. Staff said not yet, but once that information becomes available it will get sent to the board. The next day staff sent out an analysis by the Center for Budget and Policy Priorities (CBPP) which notes that there are still \$400 billion in tax cuts.

## **b) Cannabis Regulations and Trailer Bill**

Staff provided a memo on the Cannabis Regulations and Trailer Bill.

### **Cannabis Trailer Bill Signed**

The Administration released a new version of the Trailer Bill in June, which instead provided both the MCRSA statutes (with some changes) and the AUMA provisions.

Key Issues in the Trailer Bill:

#### **State Verification of Local Licenses**

This bill would provide for the process for the state verification of licenses and much of this language was drafted by county counsels with agreement by the cities and the Governor's Office.

Specifically, this bill would provide that an applicant may voluntarily provide proof of a license, permit, or other authorization from the local jurisdiction verifying that the applicant is in compliance with the local jurisdiction.

A local jurisdiction shall provide to the Bureau a copy of any ordinance or regulation related to commercial cannabis activity and the name and contact information for the person who will serve as the contact for state licensing authorities regarding commercial cannabis activity within the jurisdiction. If a local jurisdiction does not provide a contact person, the Bureau shall assume that the clerk of the legislative body is the contact person.

Prior to issuing a state license for commercial cannabis activity:

- The licensing authority shall notify the contact person for the local jurisdiction of the receipt of an application for commercial cannabis activity in their jurisdiction.
- A local jurisdiction may notify the licensing authority that the applicant is in compliance or not in compliance with a local ordinance or regulation.
- If the local jurisdiction does not provide notification of compliance or noncompliance with applicable local ordinances or regulation, or otherwise does not provide notification indicating

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that the completion of the local permitting process is still pending, within 60 business days of receiving the inquiry from a licensing authority, the licensing authority shall make a rebuttable presumption that the applicant is in compliance with all local ordinances and regulations.

- At any time after expiration of the 60-business-day period, the local jurisdiction may provide written notification to the licensing authority that the applicant or licensee is not in compliance with a local ordinance or regulation.

### Local Control

This bill maintains the local control provisions under the MCRSA and specifically provides that this measure does not limit the authority or remedies of a city or county under any provision of law.

### Advertising and Technology Platforms

This bill requires that a technology platform ensure that a licensee include their license number on any advertisement.

### State Medical ID Card Program.

The State ID program is retained as outlined under existing law. The previous version of this TBL would have repealed this program.

### Transportation of Cannabis

This bill provides that the driver of a vehicle transporting cannabis or cannabis products must be directly employed by a license authorized to transport cannabis or cannabis products. This bill also provides that all vehicles transporting cannabis for hire must be required to have a valid motor carrier permit. This bill also requires transporters to have a physical copy of the shipping manifest and other requirements outlined by the CHP.

### Monopoly and Excessive Concentration

This bill maintains the excessive concentration language provided in the AUMA and applies other existing laws to all licenses to address monopoly concerns from stakeholders.

### Quality Assurance and Compliance Monitoring

This bill creates a quality assurance compliance monitor to be employed by the Bureau that would be required to conduct random quality control inspections and verify compliance with the packaging and labeling standards.

### Co-location and Definition of Premises

"Premises" is defined as the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial activity will be or is conducted. The premises must be a contiguous area and shall only be occupied by one licensee.

## **Cannabis Regulations**

On April 28, 2017, the State released the first draft of the regulations on cannabis which are available at [www.cannabis.ca.gov](http://www.cannabis.ca.gov). There are three sets of regulations by three licensing agencies:

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The Bureau of Medical Cannabis Regulation (Bureau), California Department of Food and Agriculture (CDFA), and the Department of Public Health (DPH). County associations are having these proposed regulations reviewed by county counsels so that we can collectively submit comments by the 45-day deadline.

Here are some of the major issues addressed in the proposed regulations:

- **Local Control/Authorization of licenses (Bureau).** For an applicant to be in good standing, they must provide the name of the local jurisdiction that issued the license, permit or other authorization, name and contract information for the person authorized by the local jurisdiction to sign on its behalf, signature of person authorized to sign on behalf of the local jurisdiction and a statement that the named party is in good standing.
- **General Provisions (All):** Definition of premises, security requirements (including personnel and 24 hour video surveillance) and definition of ownership.
- **Delivery (Bureau).** All deliveries of medical cannabis must be performed by a delivery employee of a licensed dispensary.
- **Cultivation Licenses (CDFA).** Requires cultivation plans of all applicants, new license type for those not growing but drying and curing plants, and environmental protections.
- **Dispensary Licenses (Bureau).** Requires purchases to be in exit packaging, limitations on hours of operation, daily limits on sales to patients, no free samples allowed.
- **Distributor Licenses (Bureau).** Requires distributors to conduct testing of products, and outlines quality assurance requirements and requirements for destruction of the product.
- **Manufacturing Licenses (DPH).** Adds two new license types for infused products and businesses that only do packaging and labeling.
- **Product Limitations/Labeling and Packaging (DPH).** No products with infusions of alcohol, nicotine and caffeine; list of all ingredients in the labeling, THC levels for edibles and other products.

### Next Steps

With the Cannabis TBL now signed, it is anticipated that state departments will reissue regulations and combine medical and adult use in one set of regulations. However, it is our understanding that the comments submitted on the medical regulations will be used to craft the new set of regulations.

Supervisor Long asked if the jurisdiction is the same for cities as it is for counties. Staff replied yes. Supervisor Ramos inquired about the ordinance to ban process and whether counties need only notify the state. Staff replied yes.

### **c) Legislative Update**

Staff provided a memo on HOT bills and the list of all bills we have taken a position on. There are two major bills moving through the Legislature that UCC is strongly opposed to and working on to stop their progress.

### AB 1250 (Jones-Sawyer) – Contracting

This bill would restrict counties ability to contract out for services by requiring additional requirements: before we enter into a contract or renew or extend an existing contract with a “firm”

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for personal services, unless it makes specific findings including demonstrating the contract will result in cost savings, contract does not cause the displacement of county employees, the contract does not cause vacant positions to remain unfilled, the potential for future economic risk to the county from rate increases is minimal.

There are several exemptions in the bill for various industries, but this bill will make contracting out for services that are critical to counties next to impossible, including hospitals, homeless outreach, foster care and adoptions, behavioral health services, and timely emergency response. This could also significantly impact our ability to implement No Place Like Home since many counties are contracting for technical assistance to comply with all of the requirements.

This bill is scheduled for hearing in the Senate Governance and Finance Committee on July 12, 2017.

Staff noted that AB 1250 passed Senate Governance and Finance on a vote of 3-2 with the Chair not voting. Amendments were adopted to exempt the Santa Clara Health and Hospital system from the bill. There was a lot of opposition at the hearing including numerous non-profits and counties with Supervisor Leticia Perez testifying in opposition.

This bill now heads to Rules and expected to head to Appropriations next.

Supervisor Long asked how they can be exempt like Santa Clara. Staff explained that Santa Clara was only exempt due to the fact that they are in Covered California.

#### SB 649 (Hueso) – Wireless Facilities

This bill would require cities and counties to lease to the wireless industry all vertical infrastructure (street lights, poles, and similar structure) at a cost of \$250 per pole per year. In addition, the permits for this activity would be ministerial in nature with limited ability for the public and the county to conduct design review. In addition, this bill states that if a local government wants to use that vertical infrastructure they must pass a Board resolution with substantial findings to obtain access to their own property. It would also prohibit a local government from requiring an in-kind or public benefit on the permit.

UCC is part of a growing coalition in opposition including the League of California Cities, RCRC, CSAC, Planners, and numerous individual cities and counties.

This bill was heard in the Assembly Local Government Committee on July 28, 2017, and the hearing took approximately 3 hours with several County Supervisors and City Council members testifying in opposition to the bill.

However, the Chair agreed to move the bill with some amendments and the bill passed on a 6-2 vote with Assembly Member Ridley-Thomas and Assembly Member Caballero voting no, and Assembly Member Bloom not voting on the bill. Several of the members did state that they could not support the bill without clarification on the ability of local governments to maintain their design review, the ability to negotiate with the wireless industry for other public benefits, and some clarification on the rate cap in the bill.

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Amendments include:

- Removing Section 2 which would have allowed for evergreen contracts for any wireless facility and would have overturned a court decision that was made in favor of a city.
- Clarify that the \$250 per attachment amount is part of the rate cities and counties may charge for the use of their infrastructure, and that permit fees would be separate and not included in the \$250 cap.
- Clarify that agreements can include an attachment rate that is different from the fees or rates in this bill.
- Clarify the language in the grandfather clause to ensure that the existing contracts and agreements will be maintained.
- Clarify the language related to utility poles.

However, this will still retain the mandatory leasing, the limitation on rates, prohibition on in-kind contributions, and limitations on design review.

The next stop for the bill is in the Communications and Conveyance Committee on July 12, 2017.

To date, 10 of the 12 urban counties have taken an oppose position. Staff continues to encourage Board members to contact their legislators and to vote NO on this bill.

Staff noted that SB 649 passed out of the Communications and Conveyance Committee on an 8-0 vote with three members not voting: Rodriguez, Holden and Eduardo Garcia. It was another 3 hour hearing with a lot of discussion and questions regarding the provisions.

Our lead testimony was provided by City Councilwomen from City of Pasadena, City Planner from San Francisco, and Supervisor Rex Bohn from Humboldt County.

The bill now heads to Appropriations and we do not expect it to be heard until after the summer recess which begins on July 21<sup>st</sup>. We continue to meet with members and the Governor's Office to try and stop this bill.

#### **d) Workplan**

Staff provided an updated version of the UCC Workplan.

### **3) Fresno County Request to Join UCC Action Item -- APPROVED**

On May 30, 2017, UCC received official notice of Fresno County's interest in joining the Urban Counties of California. This new membership was one of the action items put forward by the UCC Restructuring Committee.

According to the UCC By-Laws, any county designated as "urban" by CSAC may become a member of UCC upon written request by the County's Board of Supervisors, approval by the UCC Board of

Directors, and payment of dues. Since the Fresno County Board adopted a resolution to join UCC on May 16, 2017, the next step is for the UCC Board to approve the request for membership.

Staff Recommendation:

Approve the request for membership by Fresno County.

The Board voted and approved Fresno County to join UCC and below is the vote count:

<b>Member</b>	<b>County</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Not Voting</b>
Supervisor Ramos, Chair	San Bernardino	X			
Supervisor Groom V-Chair (Alternate)	San Mateo	X			
Supervisor Carson	Alameda			X	
Supervisor Glover	Contra Costa	X			
Supervisor Ridley- Thomas	Los Angeles			X	
Supervisor Bartlett	Orange			X	
Supervisor Washington	Riverside	X			
Supervisor Peters	Sacramento	X			
Supervisor Horn (Alternate)	San Diego	X			
Vacant	San Francisco			X	
Supervisor Yeager	Santa Clara	X			
Supervisor Long	Ventura	X			
<b>Vote Total</b>		<b>8</b>		<b>4</b>	

**V. Proposals for Next Month’s Meeting Agenda**

- 1) State Budget
- 2) Homelessness
- 3) Legislative Update
- 4) Cap and Trade Update

**VI. Public Comment**

There was no public comment.

**VII. The next meeting will be held on **September 6, 2017**, via conference call.**

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