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UCC Summary Budget 2017-18 June 15, 2017 Version

Both houses of the Legislature passed the main Budget bill and a couple of trailer bills on June 15, 2017. For a full list of the bills and their status please see the attached [chart](#).

This summary includes all Trailer bills in print even though some of these bills have not yet passed and are scheduled for a vote next week.

Some of the major proposals in the final Budget include:

- IHSS MOE provisions.
- 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 public employers to provide mandated employee orientation.
- Changes to the Cannabis regulatory structure including the state verification of local license provisions requested by counties.

A more detailed analysis of the IHSS MOE provisions and the Cannabis Trailer bill will be completed in the next few weeks.

IHSS MOE (SB 90)

This bill would repeal the existing IHSS MOE and replace it with a new County IHSS Maintenance of Effort (MOE) beginning on July 1, 2017.

This bill provides that a portion of IHSS costs that are the counties' responsibility shall be offset using a combination of General Fund monies appropriated in the annual Budget Act and redirected 1991 Realignment Vehicle License Fee growth revenues as follows:

- \$400 million General Fund in 2017-18.
- \$330 million in 2018-19.
- \$200 million in 2019-20.
- \$150 million in 2020-21 and on-going.

Inflation Factors

This bill would include an annual inflation factor on the new MOE base which will be phased in. In the first year, the inflation factor will be zero. Beginning in 2018 the inflation factor will be 5 percent and in 2019 the inflation factor will be 7 percent.

Other Provisions:

BOE Error

This bill would provide that if the Director of Finance determines that the Board of Equalization has allocated more revenue to the Local Revenue Fund 2011 (Realignment) than required during the period of July 1, 2011 to June 30 2016, the total amount of the revenues credited to the Local Revenue Fund for this period shall be considered to have fulfilled the requirements of the allocations.

IMD Rate Freeze

This bill would provide that beginning July 1, 2017, in any year that the Mental Health Subaccount of the Local Revenue Fund does not receive full vehicle license growth funds from the General Growth Subaccount in the VLF Growth Subaccount, the reimbursement rate for services in institutions for mental disease that are licensed and certified as skilled nursing facilities shall be the same as the rates in effect in the prior year.

Collective Bargaining, Mediation and PERB Language

This bill would provide that if a public authority or nonprofit consortium acting as the employer of record, fails to reach agreement on a bargaining contract with its IHSS workers by January 1, 2018, either party may request mediation which shall be mandatory. If the parties fail to agree on a mediator, PERB shall appoint one from the pool of experts. The mediation shall be held no more than 15 business days requested by either party.

This bill would provide that if the parties are unable to effect settlement through mediation, the parties shall then submit their differences through factfinding. If both parties agree, they may bypass the mediation process and move directly to factfinding. The factfinding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only, within 30 days after the panel is appointed by PERB. Within 14 days after the factfinding panel has released its findings of fact and recommended settlement terms, either party may request post-factfinding mediation which shall be mandatory.

PERB shall designate a pool of no more than five qualified individuals to serve as mediators or on a factfinding panel. The pool shall consist of individuals with relevant subject matter expertise. PERB shall select individuals for the pool in consultation with affected employers and employee organizations. Priority shall be given to individuals with knowledge of the IHSS program.

The costs for the services of the factfinding panel and the mediator shall be equally divided between the employer and the employee organization, and shall include per diem fees and actual and necessary travel and subsistence expenses.

This bill would require the Department to report to the fiscal committees of the Legislature on the status of all IHSS bargaining contracts in each county by April 1, 2018.

Reopener

This bill would, as part of the development of the 2019-20 budget, require the Department of Finance in consultation with CSAC, to reexamine the funding structure within 1991 Realignment. DOF is required to report findings and recommendations regarding the new IHSS MOE and other impacts on 1991 Realignment program including but not limited to the following:

- The extent to which revenues available for 1991 Realignment are sufficient to meet program costs that were realigned.
- Whether the IHSS program and administrative costs are growing by a rate that higher, lower, or approximately the same as the maintenance of effort, including the inflation factor.
- The fiscal and programmatic impacts of the IHSS MOE on the funding available for the Health Subaccount, the Mental Health Subaccount, the County Medical Services Subaccount and other social services programs included in 1991 Realignment.
- The status of collective bargaining for the IHSS program in each county.

The bill would require the findings and recommendations to be provided to the Legislature no later than January 10, 2019.

Wage Rates

This bill would provide that the state participation cap is \$1.10 above the hourly minimum wage for large employers. The cap may rise with inflation once the minimum wage reaches \$15 per hour. For counties at or exceeding the current state cap of \$12.10, the state would participate at its 65 percent share of costs up to a 10 percent increase in wages and benefits over three years.

Program Changes

Employee Relations

Employee Orientation (AB 119)

This bill would require each public employer to provide the exclusive representative mandatory access to its new employee orientations. The exclusive representative shall receive not less than 10 days' notice in advance of an orientation, except that a shorter notice may be provided in a specific instance where there is an urgent need critical to the employer's operations that was not reasonably foreseeable. The structure, time, and manner of exclusive representative access shall be determined through mutual agreement between the employer and the exclusive representative.

This bill would define "Newly hired public employee" as any employee, whether permanent, temporary, full time, part time, or seasonal, hired by a public employer.

Upon request of the employer or the exclusive representative, the parties shall negotiate regarding the structure, time, and manner of the access of the exclusive representative to a new employee orientation. The failure to reach agreement on the structure, time, and manner of the access shall be subject to compulsory interest arbitration.

Mandatory Arbitration

This bill would provide that when negotiating access to a new employee orientation, if any dispute has not been resolved within 45 days after the first meeting of the parties, or within 60 days after the initial request to negotiate, whichever comes first, either party may make a demand for compulsory interest arbitration.

The arbitrator selection process must commence not later than 14 days prior to the end of the negotiation period. A party shall not submit any proposal to compulsory interest arbitration that was not the parties' final proposal during the parties' negotiations. The parties may mutually agree to submit their dispute to compulsory interest arbitration at any time.

The appointment of an arbitrator for compulsory interest arbitration shall be made by the State Mediation and Conciliation Service using its process to obtain a panel of arbitrators. Within seven days of receipt of a request for a panel, the State Mediation and Conciliation Service shall send the parties a list of seven arbitrators selected from its roster. Within seven days following the receipt of the list, the parties shall make their selection. Unless the parties agree on an alternate selection procedure, they shall alternatively strike one name from the list provided by the service until only one name remains. A coin toss shall determine which party shall strike the first name. In lieu of this process, the parties may mutually select any individual to serve as the arbitrator. Interest arbitration shall commence either on the arbitrator's earliest available date or any other date to which the parties agree, and shall be completed within not less than 30 days. The decision of the arbitrator shall be issued within 10 days and shall be final and binding on the parties. The decision shall provide the exclusive representative with reasonable access to new employee orientations.

During the period between the effective date of this section and the expiration of an existing memorandum of understanding or collective bargaining agreement between the parties, a request to meet and confer shall reopen the existing memorandum of understanding or collective bargaining agreement solely for the limited purpose of negotiating an agreement regarding access of the exclusive representative to new employee orientations. Either party may elect to negotiate a side letter or similar agreement in lieu of reopening the existing memorandum of understanding or collective bargaining agreement. This section, however, does not abrogate existing agreements between public agencies and recognized employee organizations.

This bill does not prohibit agreements between a public employer and an exclusive representative that provide for new employee orientations that vary from the requirements of this chapter. If such an agreement is negotiated, the requirements of this bill shall not apply to the extent that they are inconsistent with the agreement. In the absence of a mutual agreement regarding new employee orientations, all of the requirements of this chapter shall apply.

The public employer shall provide the exclusive representative with the name, job title, department, work location, work, home, and personal cellular telephone numbers, personal email addresses on file with the employer, and home address of any newly hired employee within 30 days of the date of hire or by the first pay period of the month following hire, and the public employer shall also provide the exclusive representative with a list of that information for all employees in the bargaining unit at least every 120 days unless more frequent or more detailed lists are required by an agreement with the exclusive representative.

The information identified in this section shall be provided to the exclusive representative regardless of whether the newly hired public employee was previously employed by the public employer. This section does not preclude a public employer and exclusive representative from agreeing to a different interval within which the public employer provides the exclusive representative with the name, job title,

department, work location, work, home, and personal cellular telephone numbers, personal email addresses, and home address of any newly hired employee or member of the bargaining unit.

Cannabis (SB 94)

This trailer bill would make several changes to the regulatory framework for the cannabis law and creates one regulatory system for both medical and adult use. This bill maintains much of the Medical Cannabis Regulation and Safety Act (MCRSA) which was passed in 2015 unless it was in conflict with the Adult Use of Marijuana Act (AUMA) which allows recreational use of marijuana.

Here are some of the major provisions in the bill that were a priority for UCC:

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 form 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.

The licensing authority shall deny an application for a license for commercial cannabis activity that the local jurisdiction has notified the bureau is prohibited and notify the affected local government of this action.

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 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 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.

Health and Human Services

AB 403 Implementation (AB 97)

An increase of \$11.2 million General Fund to implement a higher hourly rate for county social worker and probation staff for certain administrative components, and to provide foster youth placed with relative caregivers the same infant supplement grant and dual agency rate as federally eligible foster youth.

CalWORKs (AB 97, SB 89)

CalWORKs Single Allocation

The Budget provides \$108.9 million for the CalWORKs single allocation and this bill would provide that recommendations for initial changes to the methodology for development of the CalWORKs single allocation for the 2018-19 fiscal year shall be made to the Legislature by January 10, 2018.

Mental Health Services

This bill would require that the county plan to include a plan for the development of mental health employment assistance services, developed jointly by the county welfare department and the county

department of mental health. The plan shall have as its goal the treatment of mental or emotional disabilities that may limit or impair the ability of a recipient to make the transition from welfare-to-work, or that may limit or impair the ability to retain employment over a long-term period. The plan shall be developed in a manner consistent with both the county's welfare-to-work program and the county's consolidated mental health Medi-Cal services plan. The county may use community based providers, as necessary, that have experience in addressing the needs of the CalWORKs population. The county, whenever possible, shall ensure that the services provided qualify for federal reimbursement of the non-state share of Medi-Cal costs.

Subject to specific expenditure authority, mental health services available under this section shall include all of the following elements:

- Assessment for the purpose of identifying the level of the participant's mental health needs and the appropriate level of treatment and rehabilitation for the participant.
- Case management, as appropriate, as determined by the county.
- Treatment and rehabilitation services, that shall include counseling, as necessary to overcome mental health barriers to employment and mental health barriers to retaining employment, in coordination with an individual's welfare-to-work plan.
- In cases in which a secondary diagnosis of substance abuse is made in a person referred for mental or emotional disorders, the welfare-to-work plan shall also address the substance abuse treatment needs of the participant.
- A process by which the county can identify those with severe mental disabilities that may qualify them for aid.

A parent in the assistance unit shall not be sanctioned in connection with her or his child's refusal or failure to participate in mental health services. A child's refusal or failure to participate in mental health services in and of itself does not create a welfare-to-work participation exemption.

Any funds appropriated by the Legislature to cover the nonfederal costs of the mental health employment assistance services required by this section shall be allocated consistent with the formula used to distribute each county's CalWORKs program allocation. Each county shall report annually to the state the number of CalWORKs program recipients who received mental health services and the extent to which the allocation is sufficient to meet the need for these services as determined by the county. DHCS must develop a uniform methodology for ensuring that this allocation supplements, and does not supplant, current expenditure levels for mental health services for this population.

CalWORKs Outcomes and Accountability Review Act of 2017

DSS must establish, by July 1, 2019, the California CalWORKs Outcomes and Accountability Review (Cal-OAR) to facilitate a local accountability system that fosters continuous quality improvement in county CalWORKs programs and the collection and dissemination by the department of best practices in service delivery. These activities are funded with \$600,00 General Fund in 2017-18.

The Cal-OAR shall cover CalWORKs services provided to current and former recipients, including those who are in sanction or exempt status or who are unengaged, and shall include the programmatic elements that each county offers as part of its CalWORKs service array as well as any local program components, and shall consist of performance indicators, a county CalWORKs self-assessment process, and a county CalWORKs system improvement plan.

By October 1, 2017, the department shall convene a workgroup comprised of representatives from county human services agencies, legislative staff, interested welfare advocacy and research organizations, current and former CalWORKs recipients, organizations that represent county human services agencies and county boards of supervisors, representatives of community colleges, tribal organizations, and the workforce investment system, and any other state entities that the department deems necessary. The workgroup members shall also include individuals with expertise related to domestic violence, substance abuse, and mental health.

At a minimum, in establishing the work plan, the workgroup shall consider existing CalWORKs performance indicators being measured, additional, alternative, or additional and alternative process and outcome indicators to be measured, development of uniform elements of the county CalWORKs self-assessment and the county CalWORKs system improvement plans, timelines for implementation, recommendations for reducing the existing CalWORKs services data reporting burden in light of new requirements established by the act that added this section and the resulting Cal-OAR, recommendations for financial incentives to counties for achievement on performance measures, and an analysis of the county and state workload associated with implementation of the requirements of this section.

The Cal-OAR shall consist of the following three components: performance indicators, a county CalWORKs self-assessment, and a county CalWORKs system improvement plan. The Cal-OAR performance indicators shall be consistent with programmatic goals for the CalWORKs program, and shall include both process and outcome measures. These measures shall be established in order to provide baseline and ongoing information about how the state and counties are performing over time and to inform and guide each county human services agency's CalWORKs self-assessment and CalWORKs system improvement plan.

Outcome measures shall include measures of employment, educational attainment, program exits, and program reentries, and may include other indicators of family and child well-being as determined by the department, in consultation with the workgroup.

Performance indicator data available in existing county data systems shall be collected by counties and provided to the department, and performance indicator data available in existing state department data systems shall be collected by the department and provided to counties. The data shall be reported in a manner and on a schedule to be determined by the department, in consultation with the workgroup, but no less frequently than semiannually.

During the first three-year Cal-OAR cycle, performance indicator data, as reported by each county, shall be used to establish both county and statewide baselines for each of the process measures. After the first review cycle, the department shall, in consultation with the workgroup, establish standard target thresholds for each of the process measures established by the workgroup.

The county CalWORKs self-assessment process shall be completed every three years by the county in consultation and collaboration with local stakeholders and submitted to the department.

The county CalWORKs system improvement plan shall consist of uniform elements to be developed by the workgroup. It shall, at a minimum, describe how the county will improve its CalWORKs program performance in strategic focus areas based upon information learned through the county CalWORKs self-

assessment process. The county CalWORKs system improvement plan shall be approved in public session by the county's board of supervisors or, as applicable, chief elected official, and submitted to the department. The county CalWORKs system improvement plan shall be completed every three years by the county, approved in public session by the county's board of supervisors or, as applicable, chief elected official, and be submitted to the department.

The county CalWORKs system improvement plan shall include a peer CalWORKs services review element, the purpose of which shall be to provide additional insight and technical assistance by peer counties for each county.

Child Care Bridge

The Emergency Child Care Bridge Program for Foster Children is hereby established, to be implemented at the discretion of each county, for the purpose of stabilizing foster children with families at the time of placement by providing a time-limited payment or voucher for child care following the child's placement, or for a child whose parent is in foster care, and by providing the family with a child care navigator to assist the family in accessing long-term subsidized child care.

The Emergency Child Care Bridge Program for Foster Children shall be administered by county welfare departments that choose to participate in the program.

As determined by the county welfare department, and consistent with guidance issued jointly by the State Department of Social Services and the State Department of Education, counties may establish local priorities and may either provide payment directly to the family or child care provider, or contract with a local alternative payment program to distribute voucher for child care.

Family placements eligible to receive payment or a voucher for child care include all of the following:

- Approved resource families and families that have a child placed with them in an emergency or for a compelling reason.
- Prior to January 1, 2020, licensed foster family homes or certified family homes.
- Prior to January 1, 2020, approved homes of relatives.
- Parents under the jurisdiction of the juvenile court, including, but not limited to, nonminor dependent parents.

A participating county welfare department may provide a payment or voucher if work or school responsibilities preclude resource families from being at home when the child for whom they have care and responsibility is not in school or for periods when the family, is required to participate, without the child, in activities associated with parenting a child that are beyond the scope of ordinary parental duties, including, but not limited to, attendance at administrative or judicial reviews, case conferences, and family training.

Each child receiving a monthly child care payment or voucher shall be provided with a child care navigator, who shall work directly with the child's family, social worker, and the child and family team to assist in accessing child care at the time of placement as well as long-term subsidized child care of the child, as necessary.

Each child receiving a monthly child care payment or voucher shall be eligible to receive the payment or voucher for up to six months. If the child and family access long-term, subsidized child care prior to the end

of the six-month period covered by the payment or voucher, eligibility for the monthly payment or voucher shall terminate upon enrollment in long-term, subsidized child care.

Eligibility for the monthly payment or voucher may be extended beyond the initial six-month period for an additional six-month period, not to exceed 12 months in total, at the discretion of the county welfare department, if the child and family have been unable to access long-term, subsidized child care during the initial six-month period.

Medi-Cal (AB 113)

Coordinated Care Initiative Reauthorization

This bill would eliminate the Coordinated Care Initiative as it previously existed and reconstitute the program without the IHSS component. The new CCI program would include the Cal Medi-Connect program, mandatory managed care for dual eligible, and long-term services and supports. Specifically, this bill would do the following:

- Repeal the requirements that the state develop a Universal Assessment Tool.
- Requires DHCS to notify a dual eligible who is mandated to enroll in managed care that they are eligible for the Program of All Inclusive Care (PACE).
- Codifies efforts underway to create standards of care for consumers of the Multipurpose Senior Services Program (MSSP).

Graduate Medical Education Program (AB 97, AB 113)

This bill provides that additional Medi-Cal payments should be made to designated public hospitals in recognition of the Medi-Cal managed care share of graduate medical education costs.

This bill provides that the Graduate Medical Education Program (GME) payments shall consist of the following components:

- Direct graduate medical education payments made in recognition and support of the direct costs incurred in the operation of the GME programs, which may include salaries, benefits, physician oversight and allocated overhead costs incurred for interns and residents in medicine, osteopathy, dentistry, podiatry, nursing, and allied health and paramedical programs.
- Indirect graduate medical education payments made in recognition and support of the increased operating and patient care costs associated with teaching programs.

The GME payments shall support, recognize and enhance the role of designated public hospitals and their affiliated government entities in the training of interns, residents and fellows who are enrolled in accredited medical or dental programs, nursing or other programs.

Medicaid Rule Changes

This bill makes several changes for public hospitals to comply with federal Medicaid regulations adopted in 2017.

Medically Tailored Meals Pilot Program

This bill would create the Medically Tailored Meals Pilot Program and would provide medically tailored meal intervention services to Medi-Cal participants with one or more of the following health conditions: congestive heart failure, cancer, diabetes, chronic obstructive pulmonary disease, or renal disease. Each

participant in the program shall receive a standard intervention as determined by DHCS of up to 21 meals per week for 12 to 24 weeks.

This pilot program shall be conducted in the following counties: Alameda, Los Angeles, Marin, San Diego, San Francisco, San Mateo, Santa Clara and Sonoma.

Mental Health Services Act (AB 114/SB 98)

Reversion of MHSA Funds

Under existing law, other than funds placed in reserve in accordance with an approved plan, any funds allocated to a county that have not been spent for their authorized purpose within three years shall revert to the state and be deposited into the fund and available for other counties in future years provided that funds for capital facilities, technological needs, or education and training may be retained for up to 10 years before being reverted to the state.

This bill would provide that after July 1, 2017, funds unspent within three-years (urban counties) would be reallocated to other counties for the purposes for which the unspent funds were initially allocated to the original county. For funds unspent in previous years, those funds would remain with the original county. Any funds allocated to a county with a population less than 200,000 that have not been spent within five years shall revert to the state.

This bill requires DHCS, in consultation with the counties and other stakeholders, to prepare a report to the Legislature identifying the amounts that were subject to reversion prior to July 1, 2017. Prior to the preparation of the report DHCS must provide to counties the amounts it has determined are subject to reversion, and provide a process for counties to appeal this determination.

By July 1, 2018, each county with unspent funds subject to reversion that are deemed reverted and reallocated shall prepare a plan to expend these funds on or before July 1, 2020.

Proposition 56 (AB 120)

This bill provides that Proposition 56 funds must be expended consistent with criteria established in the bill including authorizing up to the following:

- \$50 million for Women’s Health Supplemental Payments.
- \$27 million for Intermediate Care Facilities for the Developmentally Disabled.
- \$4 million for HIV/AIDs waiver provider payments.
- \$325 million for supplemental payments for physician services.
- \$140 million for supplemental payments on dental services.

This bill also provides that DHCS would be directed to adjust supplemental provider payments up to a total of \$800 million for the following fiscal year.

Local Government (AB 111, SB 96)

Community-Based Transitional Housing Program (AB 111)

The Community-Based Transitional Housing Program was created last year and provides 25 million to help cities and counties permit hard-to-site facilities. The Community-Based Transitional Housing Program is to be administered by the Department of Finance (DOF). Eligibility to apply to participate in the program shall

be limited to cities, counties, and cities and counties. In order for a city, county, or city and county to receive funds pursuant to the program, the facility for which it has approved a conditional use permit or other local entitlement must meet all of the following criteria:

- The facility shall provide transitional housing for a period of not less than 10 years to persons who have been released from a state prison or county jail after serving a sentence for one or more felony or misdemeanor convictions.
- The facility shall provide, or contract with another provider for two or more additional services to residents. These services may include, but need not necessarily be limited to, life skills training, employment counseling, vocational training, continuing education, psychological counseling, anger management training, substance abuse treatment and counseling, or cognitive behavioral therapy.
- The facility operator and any entity with which it contracts for the provisions of services shall be in valid possession of all licenses required by state law and local rules, regulations, or ordinances.

This bill would allow funds to be used for the following additional purposes:

- Providing to facility residents services including through the transfer of program funds from the city or county to the facility operator.
- Any other purposes that the board of supervisors or city council determines will enhance outcomes for facility residents or enhance public safety in and around the facility.

Elections (SB 96)

This bill provides \$5 million to county elections officials to pay for the costs of state recall election, including expenses for verifying signatures, printing ballots and voter information guides, and operating poll places. Any funds that are not allocated by June 30, 2018, shall revert to the General Fund.

Public Safety (AB 103)

Immigration Detention

This bill provides that a city, county, local law enforcement agency that does not, as of June 15, 2017, have a contract with the federal government or any federal agency to detain adult noncitizens for purposes of civil immigration custody, is prohibited from entering into a contract with the federal government or any federal agency, to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. This bill also provides that counties cannot renew or modify that contract in such a way as to expand the maximum number of contract beds that may be utilized to house or detain in a locked detention facility noncitizens for purposes of civil immigration custody. This prohibition would also apply to minors.

This bill does not apply to temporary housing of any accompanied or unaccompanied minor in less restrictive settings when the State Department of Social Services certifies a necessity for a contract based on changing conditions of the population in need and if the housing contract is temporary in nature.

In-Person Visitation

This bill would provide that any funding conditionally awarded by the Board of State and Community Corrections pursuant to *Chapter 3.11, Chapter 3.13, or Chapter 3.131*, to a participating county for the construction or renovation of a local jail facility or adult local criminal justice facility after the effective date of the legislation that added this section, shall be used to construct or renovate a facility that meets or

surpasses the minimum number of weekly visits as specified by the BSCC through the use of in-person visitation space. This bill would also provide that for any proposals previously submitted to the BSCC that only provided for video visitation, the board shall require the participating county to submit a scope change to include in-person visitation prior to the board's approval of the conditional award.

This bill would also provide the following:

- A local detention facility that offered in-person visitation as of January 1, 2017, may not convert to video visitation only.
- A local detention facility shall not charge for visitation when visitors are onsite and participating in either in-person or video visitation. For purposes of this subdivision, "onsite" is defined as at the location where the inmate is housed.
- If a local detention facility offered video visitation only as of January 1, 2017, on-site video visitation shall be offered free of charge, and the first hour of remote video visitation per week shall be offered free of charge.

These changes would only affect those counties currently applying for funds or that have received a conditional award. For those urban counties like Orange, Riverside, San Mateo and San Bernardino who have already constructed or in the process of constructing a facility the only provision that would apply would be the first hour of free visitation. These changes are prospective only and would only require in-person visitation for those that have received a conditional award.

Chief Probation Officer

This bill would provide that a chief probation officer shall be appointed in every county. He or she shall be nominated by the juvenile justice commission or regional juvenile justice commission of the county in the same manner as the presiding judge, in a county with two judges, or a majority of the judges, in a county with more than two judges, shall prescribe, and shall thereafter be appointed by the presiding judge or majority of judges. The salary for the position shall be established by the board of supervisors of the county. He or she may be removed for good cause as determined by the presiding judge or majority of judges.

In counties with charters that provide for appointment and tenure of office for the chief probation officer, the provisions of the charter shall control as to those matters and, in counties that have established or hereafter establish merit or civil service systems governing the methods of appointment and the tenure for the chief probation officer, the provisions of the merit or civil service systems shall control as to those matters. In all other counties, appointment and tenure of the chief probation officer shall be controlled exclusively by the provisions of this bill.

This bill also provides that the office of chief probation officer shall not be consolidated with any other office, nor shall the services provided by the chief probation officer be integrated with or reorganized into any other office or department of the county.

This bill would provide that the chief probation officer shall perform the duties and discharge the obligations imposed on the office by law or by order of the superior court, including the following:

- Community supervision of offender's subject to the jurisdiction of the juvenile court.
- Operation of juvenile halls.
- Operation of juvenile camps and ranches.

- Community supervision of individuals subject to probation.
- Community supervision of individuals subject to mandatory supervision.
- Community supervision of individuals subject to post-release community supervision.
- Administration of community-based corrections programming.
- Serving as chair of the Community Corrections Partnership.
- Making recommendations to the court, including, but not limited to, pre-sentencing investigative reports.

A deputy or assistant to the chief probation officer shall not have authority to act until his or her appointment has been approved by the juvenile justice commission or regional juvenile justice commission and by the presiding judge or majority of judges. The term of office of a deputy or assistant shall expire with the term of the chief probation officer who appointed the deputy or assistant, but the chief probation officer may revoke and terminate the appointment at any time.

County Jail Inspections

This bill would require inspection of local detention facilities to be conducted biennially and requires that the inspection include, but not be limited to, the following:

- The types and availability of visitation, including, but not limited to, the mode of visitation, visitation hours, time inmates are allowed for visitation, and any restrictions on inmate visitation.
- Whether the county in which the facility is located received state funding for jail construction. For counties that received funding, whether the county and facility are in compliance with the applicable requirements and restrictions of that funding.

State Agencies – Tax Changes

Board of Equalization Changes (AB 102)

The Board of Equalization (BOE), shall continue to only have the following duties, powers, and responsibilities:

- The review, equalization, or adjustment of a property tax assessment pursuant to Section 11 of Article XIII of the California Constitution, and any duty, power or responsibility conferred by statute on the board in connection with that review, equalization, or adjustment.
- The measurement of county assessment levels and adjustment of secured local assessment rolls pursuant to Section 18 of Article XIII of the California Constitution, and any duty, power or responsibility conferred by statute on the board in connection with that measurement and adjustment.
- The assessment of pipelines, flumes, canals, ditches, and aqueducts lying within two or more counties and property, except franchises, owned or used by regulated railway, telegraph, or telephone companies, car companies operating on railway, telegraph, or telephone companies, car companies operating on railways in the state and companies transmitting or selling gas or electricity, and any duty, power or responsibility conferred by statute on the board in connection with that assessment.

- The assessment of taxes on insurers and any duty, power or responsibility conferred by statute on the board in connection with that assessment.
- The assessment and collection of excise taxes on the manufacture, importation, and sale of alcoholic beverages in this state, and any duty, power or responsibility conferred by statute on the board in connection with that assessment and collection.
- The board shall retain the duty to adjust the rate of the motor vehicle fuel tax for the 2018-19 fiscal year.

The board shall retain all employees serving in the state civil service, including temporary employees, who are engaged in the performance these functions. The status, positions and rights of those persons shall not be affected by their retention and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service.

This bill also provide the following related to BOE board members:

- A board member shall have no authority to appoint, remove, discipline, assign, reassign, promote, demote or issue orders to any employee of the board, including, but not limited to, the career executive assignment positions and other non-civil service managers.
- A board member shall not modify or approve a budget change proposal for the board or the California Department of Tax and Fee Administration. The executive director shall modify or approve all budget change proposals for the board.
- A board member shall not interfere with or influence the process of the board's or the California Department of Tax and Fee Administration's legislative analyses, revenue analyses or any other form of technical assistance requested by the Governor or the Legislature.
- All board members procurements shall be processed through the Department of General Services.
- A member of the board shall not represent a person in a hearing before the board before one year after the expiration of the member's term on the board or one year after separation from the board.
- The staff of a member of the board shall not represent a person in a hearing before the board before one year after separation from employment with that member.

New California Department of Tax and Fee Administration (DTFA)

DTFA would be transferred to all of the duties, powers and responsibilities of the BOE except for property tax board. All laws prescribing the duties, powers and responsibilities of the BOE to which the department succeeds, together with all lawful rules and regulations established under those laws, are expressly continued in force, including, but not limited to, existing processes and remedies available to a taxpayer or fee-payer such as settlement options and appeals processes.

Any permit, registration or other authorization issued by the board and in effect on June 30, 2017, shall be deemed on and after July 1, 2017, to be a permit, registration or other authorization of the department.

Transportation

SB 1 Changes (AB 115)

This bill would make several changes to SB 1 (Beall, 2016), which enacted the Road Repair and Accountability Act of 2017. Here are the major revisions:

- Provides that Caltrans may use the Construction Manager/General Contractor methods on no more than 12 projects. Two of the additional projects shall be authorized for projects in the County of Riverside and the Riverside County Transportation Commission.
- Provides that if a county is also responsible for delivery of a project that county may utilize the cost-plus-time bidding procedure.
- Under SB 1, the CTC is required to develop guidelines for the Active Transportation Program. This bill provides that the guidelines shall allow streamlining of project delivery by authorizing an implementing agency to seek commission approval of a letter of no prejudice that will allow the agency to expend its own funds for a project programmed in a future year of the adopted program of projects and to be reimbursed at a later time for eligible expenditures.
- Provides that for any guidelines adopted by Caltrans to implement SB 1, the guidelines may only be adopted after the state agency has posted formal draft guidelines on the agency's Internet Web site and conducted at least two public workshops or hearings on formal draft guidelines no sooner than 30 days after the formal draft guidelines are posted.