



Chair
 Supervisor Carole Groom
Executive Director
 Jolena L. Voorhis

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**UCC Board of Director's Meeting
 Summary
 August 27, 2018**

Alameda: Supervisor Keith Carson, Amy Shrago
 Contra Costa: Lara Delaney
 Fresno: Supervisor Buddy Mendes, Supervisor Nathan Magsig
 Los Angeles:
 Orange: Peter DeMarco (Alternate), Nicole Wordelman
 Riverside: Supervisor Chuck Washington
 Sacramento: Supervisor Susan Peters, Steve Cruz
 San Bernardino: Josh Candelaria (Alternate), Nicole Wordelman
 San Diego: Geoff Patnoe (Alternate)
 San Francisco:
 San Joaquin: Katie Paterson
 San Mateo: Supervisor Carole Groom, Connie Juarez-Diroll, Steve Cruz, Devon Anderson
 Santa Clara:
 Ventura:
 UCC: Jolena Voorhis, Grace Childs-Ferguson

I. Call to Order

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

II. Roll Call of Counties

There were 5 Supervisors 3 Alternates and 10 counties represented at this meeting.

III. Approval of Minutes from the July 23, 2018 UCC Board Meeting – APPROVED

The July 23rd minutes were Approved and below is the vote count:

Member	County	Yes	No	Absent	Not Voting
Supervisor Groom, Chair	San Mateo	X			
Supervisor Ramos Vice-Chair (Alternate)	San Bernardino	X			
Supervisor Carson	Alameda	X			
Supervisor Glover	Contra Costa			X	
Supervisor Mendes	Fresno	X			

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Supervisor Ridley-Thomas	Los Angeles			X	
Supervisor Bartlett (Alternate)	Orange	X			
Supervisor Washington	Riverside	X			
Supervisor Peters	Sacramento	X			
Supervisor Horn (Alternate)	San Diego	X			
Vacant	San Francisco			X	
Supervisor Elliott	San Joaquin			X	
Supervisor Yeager	Santa Clara			X	
Supervisor Long	Ventura			X	
Vote Total		8		6	

IV. Items for Consideration

1) State Budget

UCC provided a memo on the State Budget.

While the State Budget passed in June 2018, several Budget Trailer Bills have been introduced and are currently pending before both houses of the Legislature.

The Budget Trailer bills address some of the following issues:

- AB 1810 (Cmte on Budget) Clean-up. AB 1810 provided for the Incompetent to Stand Trial program for counties and also provided for a diversion program. There has been concern raised about the diversion program from public safety groups and there is language that has been posted by the Department of Finance to address these issues.
- Continuum of Care Reform Clean-up. Minor and technical changes to the Continuum of Care Reform passed in June.
- Bail Reform Funding. The Budget Bill junior includes funding for the start-up costs for bail reform should SB 10 pass the Legislature.

Staff noted that the AB 1810 clean-up is provided for in SB 215 (Beall), and only addressed removing some of the felonies that would be ineligible for the diversion program.

2) Other Emerging or Continuing Legislative Issues

a) Wildfire Response Conference Committee

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Staff reported that since our last Board meeting the Wildfire Preparedness and Response Conference Committee has met four times and discussed inverse condemnation, vegetation management, biomass, safety issues.

UCC, along with CSAC, RCRC and the League of California Cities have been opposed to the Governor's proposal that would change Inverse Condemnation and the strict liability standard.

Governor's Proposal

On July 24, 2018, the Governor released his proposal to address the wildfire issues. This included making some changes to Inverse Condemnation. Specifically, the Governor's proposal would change existing law on inverse condemnation in two critical ways. First, it would eliminate strict liability for inverse condemnation claims against publicly owned electric utilities, and would instead direct the courts to consider a number of factors related to the utility's conduct and the harm to the property. Second, it would limit an award of compensation in inverse condemnation to the utility's proportionate fault. Taken together, the proposal would change inverse condemnation from a system that provides just compensation (i.e., typically market value) to a property owner, to one that strongly resembles a tort claim in which comparative fault of the utility determines the damages award.

UCC, and our local government partners believe the Governor's proposal on Inverse Condemnation is unconstitutional and have noted the following concerns:

- This proposal is unconstitutional. We do not believe the Legislature has the power to "interpret" the constitution contrary to established judicial precedent. Providing just compensation for damage to property caused by public projects, including investor-owned and public electrical utilities, through inverse condemnation actions is a constitutionally-guaranteed property protection.
- The Governor's proposal does not address the issue regarding the utilities debt and the potential for bankruptcy as has been mentioned by the Investor Owned Utilities. In addition, the proposal does not address the certainty of cost recovery for IOUs, and does not provide the needed guidance to the California Public Utilities Commission (CPUC) to address this issue.
- Inverse condemnation provides a strong incentive for utilities to invest in safety, while providing a quick and fair resolution for victims. Our liability laws level the playing field, bringing billion-dollar companies to the table with less-powerful victims. Any prospective changes to liability laws undertaken in response to one set of fires will have a lasting impact on current and future events and our ability to be made whole after disasters.

Inverse Condemnation – Off the Table

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On Friday, August 17, 2018, the Legislative Leadership and the leaders of the Conference Committee announced that Inverse Condemnation was off the table for discussions this year and that the focus of the Conference Committee would be primarily on three policy issues: vegetation management and safety plans by the utilities, securitization of debt for PG&E, and ratepayer protections.

Staff noted that the Conference Committee met and provided an outline of the conference committee report which included 9 major points:

- Utility Fire Prevention and Planning
- Forestry and Landscape Management
- CPUC Reasonableness Review
- IOU Ratepayer Protection Bonds (Securitization)
- Mutual Aid
- IOU Executive Compensation – prohibit ratepayer funds for bonuses
- Jobs and Worker Protections
- Investment for fire and carbon reduction activities
- Blue Ribbon Commission

While staff has seen a draft of the proposed language, it is not the final version. Staff reiterated that Inverse is not included in the package and the focus is to ensure that the package gets approved which includes securitization before the end of session.

b) Conservatorship Bill – AB 1971 (Santiago) – NO ACTION/WITHDRAWN

At the last board meeting, the Board requested a detailed list of the other resources that could be used to pay for the additional conservatorships that could be referred under AB 1971.

AB 1971 – Los Angeles County Sponsored Bill

This bill would expand the definition of gravely disabled under the LPS act to include medical treatment. Recent amendments to the bill also define medical treatment as follows: means the administration or application of remedies for a mental health condition as identified by a licensed mental health professional or a physical health condition, as identified by a licensed medical professional.

The Los Angeles Board of Supervisors requested this change to the gravely disabled definition in order to help those homeless individuals that are mentally ill and have a medical issue that needs

immediate treatment. Under the LPS Act, medical treatment is not one of the issues that can trigger a conservatorship.

Los Angeles County believes this is just a clarification and would allow them to help more individuals and get the individual into treatment.

Recent Amendments Limit Scope of Bill

AB 1971 was heard by the Senate Judiciary Committee on June 26, 2018, at which the committee requested the following amendments:

- Limit the provisions to Los Angeles County for a pilot project of 5 years.

Adds additional requirements for Los Angeles County regarding conservatorship:

- Provide that in order to conserve an individual that a licensed medical professional, in his or her best medical judgment, attests in writing, that not conserving will more likely than not, lead to death within six months.
- The establishment of a conservatorship is subject to a finding by the court that the behavioral health director of the county or the city and county has met both of the following criteria:
 - The behavioral health director of the county has offered and has made best efforts to provide the proposed conservatee with voluntary treatment for applicable mental health disorders and the proposed conservatee refused the voluntary treatment or the voluntary treatment failed to treat the person's mental illness; and,
 - The behavioral health director of the county has offered and has made best efforts to provide the proposed conservatee with proposed treatment for the physical health condition included in the proposed conservatee's individual personal services plan, and the proposed conservatee refused that voluntary physical health treatment.

Background on Conservatorship/LPS Act

Under the Lanterman-Petris-Short (LPS) act, a person with specified mental health disorders may be involuntarily committed or submitted for treatment if the person is a danger to themselves or others or is gravely disabled. Those allowed to conserve an individual include a peace officer, member of a crisis team, certain county personnel, emergency room personnel, and the courts.

The LPS Act sets up the guidelines for involuntarily committing individuals. Existing law also establishes different types of conservatorships including a Probate Conservatorship and a LPS Conservatorship.

The funding of the conservatorship program and the public conservator and public guardian is 100% funded by county general fund. Each county is organized differently and funded differently.

c) Cannabis Regulations – Mobile Delivery

On July 12, 2018, the Bureau of Cannabis Control (BCC), released another set of emergency regulations with changes to some areas adopted in the previous versions.

One of the surprises was new language that stated: “a delivery employee may deliver to any jurisdiction within the State of California.” UCC is strongly opposed to this new language, along with many local government partners.

Proposition 64 and MCRSA Background

As part of the negotiations under both the Medical Marijuana package in 2010 and after Proposition 64 passed and was codified, local governments strongly advocated for local control and the ability to ban cannabis. This was maintained under Proposition 64 and Trailer Bills which codified the medical and recreational use in 2017. This included only one provision related to mobile delivery which stated that a local jurisdiction shall not prevent delivery of cannabis on public roads by a licensee acting in compliance with regulations and local laws.

SB 1302 (Lara) – Mobile Delivery

In 2018 SB 1302 was introduced, which would have allowed mobile delivery of cannabis in any jurisdiction regardless of whether that jurisdiction had banned cannabis delivery. UCC was opposed to SB 1302, along with several local government partners. It failed to pass the Senate due to the 2/3 vote requirement to change Proposition 64.

Proposed Regulations

The proposed regulations released by the BCC added one sentence related to mobile delivery which states, “a delivery employee may deliver to any jurisdiction within the State of California.”

UCC is strongly opposed to this change and believes it is unconstitutional to make this change in regulations and would need a 2/3 vote of the legislature.

d) Legislative Update

Staff provided a list of bills UCC has positions on and noted that this is the home stretch of the legislative session. UCC has been able to get amendments on many of the bills we were opposed to. There have been some gut & amends and staff is still reviewing those amendments.

Bail reform – SB 10 passed both houses, which removes mandate on counties and eliminates cash bail.

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V. Proposals for Next Month's Meeting Agenda

- 1) State Budget
- 2) Legislative Update
- 3) Ballot Initiatives

VI. Public Comment

There was no public comment.

VII. The next meeting will be held via conference call on **Tuesday, September 25, 2018** at **4:00PM.**