

**UCC Board of Director's Meeting
Summary
July 23, 2018**

Alameda: Supervisor Keith Carson, Susan Muranishi, Gianna Setoudeh, Ludmyrna Lopez
 Contra Costa: Lara Delaney
 Fresno: Supervisor Buddy Mendes, Jeannie Figueroa
 Los Angeles: Brian Stiger
 Orange: Supervisor Lisa Bartlett, Steve Wallauch, Nicole Wordelman, Peter DeMarco, Amy Jenkins
 Riverside: Supervisor Chuck Washington, Kelly Brooks
 Sacramento: Supervisor Susan Peters, Steve Cruz
 San Bernardino: Supervisor James Ramos, Steve Wallauch, Nicole Wordelman
 San Diego: Geoff Patnoe (Alternate)
 San Francisco:
 San Joaquin: Supervisor Bob Elliott
 San Mateo: Supervisor Carole Groom, Steve Cruz, Devon Anderson, Madison Dwelley
 Santa Clara: Supervisor Ken Yeager, Danielle Christian, Kelly Brooks
 Ventura: Supervisor Kelly Long, Kelly Brooks
 UCC: Jolena Voorhis, Grace Childs-Ferguson
 Guests: Arthur Wylene, RCRC

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 10 Supervisors 1 Alternate present and 13 counties represented at this meeting.

III. Approval of Minutes from the May 16, 2018 UCC Board Meeting – APPROVED

The May 16th 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 | San Bernardino | X | | | |
| Supervisor Carson | Alameda | X | | | |

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| | | | | | |
|----------------------------------|---------------|-----------|--|----------|--|
| Supervisor Glover | Contra Costa | | | X | |
| Supervisor Mendes (Alternate) | Fresno | 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 Elliott | San Joaquin | | | X | |
| Supervisor Yeager | Santa Clara | X | | | |
| Supervisor Long | Ventura | X | | | |
| Vote Total | | 10 | | 4 | |

IV. Items for Consideration

1) State Budget

UCC provided a memo on the State Budget.

Both houses of the Legislature passed the main Budget bill and a few trailer bills on June 14, 2018. The Governor signed the main budget bill and most of the trailer bills on June 27, 2018. There were no line-items vetoes in the main budget bill.

Some of the major proposals in the final Budget include:

- Homeless package of \$500 million, with \$350 million through the Emergency Aid Program going to the Continuums of Care. Other homeless investments including NPLH and CalWORKS programs.
- Reduced funding for child support request down to just \$3 million with Budget Bill language regarding the allocation of the funds.
- Provides mandate repayment on AB 3632 for counties.
- Incompetent to Stand Trial proposal provides \$100 million to counties for diversion of individuals from the IST waiting list.
- New proposal related to employee representation including changes to payroll deductions and mass communication.

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- New proposal for 3 counties (Orange, Los Angeles and Merced) regarding IHSS provider orientation.
- Cap and Trade agreement which provides \$40 million for the Transformative Climate Communities program and \$25 million for organics waste diversion.
- Denied 340 B Drug Pricing Proposal.
- \$15.5 million for county administration in IHSS.
- Continuum of Care Reform – some additional funding for the Resource Family Approval Process and Level of Care Assessment.

Update: There has been a lot of discussion and questions about AB 1810 which is one of the Trailer bills on the Incompetent to Stand Trial and other changes to mental health diversion and we expect another Trailer Bill to provide clean-up in August.

2) Other Emerging or Continuing Legislative Issues

a) Wildfire Response Conference Committee

During this past few months, there has been a lot of legislation to address the wildfires from last year. As part of these discussions, counties have also been aware of a campaign by the utilities to make changes to their liability due to the fact that some of the utilities have been held responsible for setting the fires in Northern California.

On July 2, 2018, the Governor and the Legislative Leadership announced that a Conference Committee would be convened to address many of the aspects of the wildfires which could include the liability issues that UCC and numerous other local governments have been concerned about.

Specifically, the Conference Committee will consider provisions of the plan outlined in March to update rules and regulations for utility services in light of changing climate and the increased severity and frequency of weather events, such as:

- Strengthen fire prevention activities such as vegetation removal, infrastructure maintenance, utility company inspections and temporary shut off of power during extreme weather.
- Continue to ensure that those who cause wildfires are held accountable for damages associated with them.
- Appropriately determine responsibility for a wildfire.
- Ensure fair allocation of wildfire prevention and response costs in a manner that protects ratepayers.

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- Require utilities to annually submit to the state more expansive and detailed wildfire and emergency preparedness plans.

Inverse Condemnation Background

Local governments rely on the law and the courts to make cities and counties, and their constituents and businesses, whole after a disaster caused by a utility. Inverse condemnation is protected by our state's constitution as the flip side of eminent domain, the process by which a government agency can take property for public benefit as long as the property owner is adequately compensated. The inverse means that if property is damaged by a public benefit (i.e. providing electricity), damages can be sought and awarded. The power of eminent domain, along with the potential for inverse condemnation damages, has been extended by the courts and subsequently the Legislature to private utilities. Thus, a utility can't enjoy the power of eminent domain without also bearing the risk of liability in inverse condemnation if its actions damage property.

This legal standard is critically important for several reasons. First, inverse condemnation works to provide a strong incentive for utilities to take action and invest in critical safety and resiliency measures to protect the ratepayers and residents of the areas we collectively serve. Second, local governments and private citizens use inverse condemnation as a legal standing to bring large, well-funded utilities to the table to settle for damages rather than languish in court under negligence suits. Utilities can be held liable under negligence claims, and often are. However, as result of the standing under inverse condemnation liability applicable to wildfires started by utility companies, utilities are more likely to settle large fire-related litigation rather than seek a judgment in court.

Conference Committee

Conference Committee Members were appointed in the last couple of weeks and the Conference Committee is anticipated to meet during the week of July 23rd.

Members:

- Senator Bill Dodd, Co-Chair
- Senator Anthony Canella
- Senator Ben Hueso
- Senator Hannah-Beth Jackson
- Senator Jeff Stone

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- Assemblymember Chris Holden, Co-Chair
- Assemblymember Brian Dahle
- Assemblymember Chad Mayes
- Assemblymember Eloise Reyes
- Assemblymember Jim Wood

The Legislative Conference Committee on Wildfire Preparedness and Response will be holding a hearing on July 25, 2018 to provide an overview on the issues.

Supervisor Long asked if UCC would be planning to testify and staff indicated that they would testify at the hearing.

b) Conservatorship Bill – AB 1971 (Santiago) – NEUTRAL POSITION APPROVED

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.

Bill adds additional requirements for Los Angeles County regarding conservatorship:

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- 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 if 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, if 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 an 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.

Staff Recommendation on AB 1971 as amended:

The recent amendments to AB 1971 have addressed many of the concerns raised by UCC Board members at recent board meetings. Since it is limited to Los Angeles County and requires confirmation of bed space the fiscal concerns with the bill have been addressed.

Therefore, the staff recommendation is to take a Neutral position on the bill.

The Board voted and Approved the Neutral Position on AB 1971 and below is the vote count:

| Member | County | Yes | No | Absent | Not Voting |
|----------------------------|---------------|------------|-----------|---------------|-------------------|
| Supervisor Groom, Chair | San Mateo | X | | | |

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|----------------------------------|----------------|-----------|--|----------|--|
| Supervisor Ramos Vice-Chair | San Bernardino | X | | | |
| Supervisor Carson | Alameda | X | | | |
| Supervisor Glover | Contra Costa | | | X | |
| Supervisor Mendes (Alternate) | Fresno | 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 Elliott | San Joaquin | | | X | |
| Supervisor Yeager | Santa Clara | X | | | |
| Supervisor Long | Ventura | X | | | |
| Vote Total | | 10 | | 4 | |

c) Tribal Cannabis Legislation – AB 924 (Bonta) – NO POSITION APPROVED

AB 924 (Bonta) is a two-year bill that has resurfaced in the last month related to tribal cannabis. Last year, when this bill was introduced it would have allowed tribes to enter into the cannabis market without being regulated by the state or local governments and instead enter into agreements with federally-recognized sovereign Indian tribes to allow for an alternative framework.

Background

Under current law, the State and local governments have limited ability to regulate most activities undertaken by Indian tribes on tribal land - as long as those activities stay on tribal land. For those tribes engaging in cannabis activities off tribal land, they may only sell cannabis to (or purchase cannabis from) a California regulated cannabis business if the tribe obtains a state license. Under current law, this would require a broad waiver of tribal sovereign immunity. As currently applied by the state regulatory agencies, this also requires that the tribe's activities, like those of any other licensee, not violate city or county ordinances.

AB 924

While UCC did not take a position on AB 924, both CSAC and RCRC were opposed and it ultimately was never heard in committee last year. A key component of California's regulatory scheme is the requirement that all state licensees comply with local ordinances. The first several versions of AB 924 provided no local government involvement in the agreement process. Tribal governments would be responsible for establishing their own cannabis licensing and regulatory scheme applicable on tribal land.

RCRC Proposed Amendments

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During the past year, RCRC has been in negotiations with the California Native American Cannabis Association (CNACA) discussing potential amendments to address some level of local involvement as well as other aspects of tribal interaction into the California regulated cannabis market. In mid-June, RCRC reached a compromise agreement that provides for a mandatory role and mitigations for local governments affected by tribal cannabis activities. This compromise establishes a local memorandum of understanding (MOU) requirement similar to the current tribal gaming compacts, and would also establish a notice process ensuring local government input at critical junctures.

Specifically, the compromise would require tribes to notify the local government upon commencing agreement negotiations with the Governor, and afterward, would be required to provide additional detailed notification 45 days prior to commencing commercial cannabis activities. Four months after commencing cannabis activities, the tribe would be required to open negotiations with the local government to develop and execute an MOU to mitigate any impacts of the cannabis activities, reimburse the local government for any resulting costs, and address public safety and other issues arising from these activities. However, if no agreement is reached in 90 days, the tribe and a local government would go to binding arbitration, under which each party would submit a final offer and the arbitrator would select the most reasonable one of the two. This selection would then become the operating MOU between the tribe and the local government. The local government and the tribe could mutually agree to alter this process - providing longer or shorter timelines - or could avoid it entirely by reaching an MOU on their own terms at any time.

UCC Policy and Discussion

UCC has policy regarding cannabis and we generally oppose any effort to make exceptions to complying with the state regulatory framework. In addition, we have some policy regarding Indian Gaming.

This measure is intended to only assist those non-gaming tribes due to the federal issues involved related to gaming tribes. Therefore, this measure would probably only affect the following urban counties: Fresno, Riverside, Sacramento, San Joaquin, San Bernardino, and San Diego.

The Chair of the Senate Business and Professions Committee and the sponsors will be working to rewrite the bill during the summer recess.

Options for Consideration:

- Adopt a Support if Amended position if the RCRC amendments are taken in the bill.
- Adopt new policy to help guide us through the last month of session since AB 924 is going to be rewritten in the month of July:
 - Oppose legislation that would completely eliminate any local government input on tribal cannabis operations.
 - Since this only affects a couple of urban counties UCC could take no position and defer to those counties affected.

Staff provided a quick overview of the bill and amendments being discussed. Arthur Wylene from RCRC joined the call to answer any questions the Board had. He noted that the amendments,

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although not perfect, are more favorable than what the Legislature would have come up with next session.

San Diego noted that they have 18 tribal governments and 14 compacts and would be more comfortable with no position since it is unclear what the bill will be in August and wanted to see the amendments in print.

Supervisor Elliott stated that UCC should oppose any legislation that would completely eliminate local government input on tribal cannabis operations.

The Board Voted and Approved a NO POSITION on AB 924 and approved the UCC policy as noted above and below is the vote count:

| Member | County | Yes | No | Absent | Not Voting |
|----------------------------------|----------------|------------|-----------|---------------|-------------------|
| Supervisor Groom, Chair | San Mateo | X | | | |
| Supervisor Ramos Vice-Chair | San Bernardino | | | | X |
| Supervisor Carson | Alameda | X | | | |
| Supervisor Glover | Contra Costa | | | X | |
| Supervisor Mendes (Alternate) | Fresno | 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 Elliott | San Joaquin | X | | | |
| Supervisor Yeager | Santa Clara | X | | | |
| Supervisor Long | Ventura | X | | | |
| Vote Total | | 10 | | 3 | 1 |

d) Legislative Update

Staff provided a list of bills that UCC has positions on and noted that this is the home stretch of the legislative session with one more month to go. Some good news reported was that staff was able to get amendments on many of the bills UCC had oppose positions on. The major remaining bills still being worked on are related to the housing element, and the CEQA infill exemption bill which we support.

V. Proposals for Next Month's Meeting Agenda

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- 1) State Budget
- 2) Legislative Update
- 3) Initiatives
- 4) Conference Committee Update

VI. Public Comment

There was no public comment.

VII. The next meeting will be held via conference call on August 27, 2018.

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