



Special Legislative Update ■ June 8, 2020

Urbans Flex for Coordinated Push for Realignment Backfill

As outlined in the [attached](#) advocacy letter, UCC along with individual urban counties launched a coordinated advocacy push on the Realignment backfill on Friday and over the weekend to correspond with concurrent and active budget negotiations taking place. Your UCC advocacy team undertook independent outreach to legislative and budget leadership and activated the urban county lobbyist corps to ensure that the Legislature and Administration understood the impact and import of the proposed \$1 billion to backfill 1991 and 2011 Realignment revenue losses occasioned by the pandemic-induced recession. We thank each of you who has reached out to your delegation to express the significance of this county budget priority and how the backfill will help address the unprecedented and precipitous loss of sales tax and VLF revenues that support a variety of vital county services realigned to counties in 1991 and 2011. UCC also is greatly appreciative of the commitment, engagement, and collaboration among all urban county lobbyists.

The coordinated outreach is especially significant given that the June 15 budget deadline is but one week away and given the Administration's resistance to calls for a backfill, presumably because of the precedent that would be set by committing state General Fund to realigned programs. We will share more as we learn it on this top budget priority.

California Department of Public Health Releases New Guidance

Last Friday, the California Department of Public Health (CDPH) released new guidance for a number of industry sectors, as well as a [County Monitoring List](#) to help Californians monitor individual county data and performance. These items were released as part of the state's general guidance for moving through Stages 2 and 3 of the California Pandemic Resilience Roadmap. A variance county can elect to open a given sector so long as (1) the state has issued guidance for how a given sector can reopen and (2) the local health officer has provided approval for that sector to open in that locality. The state will also work closely with county health officials to more effectively target the public health response to local outbreaks, including identifying drivers of increased transmission, reviewing strategies, discussing additional steps that can be taken, discussing gaps in resources, and reviewing local containment measures.

Effective June 12, new guidance includes:

- [Interim guidance](#) for **schools and school-based programs** to assist communities, school leaders, staff, and parents to plan for the upcoming school year.
- [Updated guidance](#) for **childcare programs and providers**, including resources for parents and for employers supporting employees with childcare needs.
- [New guidance](#) to help **day camps** formulate and implement plans for safe re-opening.
- [Guidance](#) on how to reopen **casinos operated by sovereign tribal nations** with reduced risk of transmission. Tribal [governments](#) should coordinate with local public health officials in the surrounding or neighboring jurisdictions to determine the readiness for reopening.

Music, TV and film production may resume in California, subject to approval by county public health officers within the jurisdictions of operations following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing and testing. To reduce the risk of COVID-19 transmission, productions, cast, crew and other industry workers should abide by safety protocols agreed by labor and management, which may be further enhanced by county public health officers.

Professional sports in California may resume training and competition without live audiences, subject to approval by county public health officers within the jurisdiction of operations following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing and testing. To reduce the risk of COVID-19 transmission, athletes, coaching staff, medical staff, broadcasting staff and others at sporting facilities or events should abide by COVID-19 protocols agreed by labor and management, which may be further enhanced by county public health officers.

Effective June 12, new guidance for counties with attestations include:

- [Campgrounds, RV Parks, and Outdoor Recreation](#)
- [Hotels](#)
- [Cardrooms, Satellite Wagering Facilities and Racetracks](#)
- [Family Entertainment Centers](#)
- [Restaurants, Bars, and Wineries](#)
- [Fitness Facilities](#)
- [Museums, Galleries, Zoos, and Aquariums](#)

Governor and Legislature Call for Additional Criminal Justice Reforms; Congress Looks to Take California Use-of-Force Model Nationwide

Following multiple days of demonstrations nationwide and amid far-reaching calls for change following the killing of George Floyd by Minneapolis police, Governor Newsom and the Legislature appear poised to take additional actions in the 2020 legislative year to reform law enforcement practices and enact broader policy changes to address systemic inequities.

Assembly Member Mike Gipson announced that he will be unveiling language in AB 1196 (now a schools-related measure) to outlaw the use of the carotid artery restraint measure used to detain suspects. Several law enforcement agencies – including the Sacramento and Davis Police Departments – have announced in recent days their intent to abandon this practice in the wake of Mr. Floyd’s death.

Additionally, the California Legislative Black Caucus is promoting a package of measures intended to achieve systemic change; the bills touch on a range of issues including affirmative action, reparations, police oversight, as well as parole and probation reforms:

- **ACA 5 (Weber)** would repeal portions of Proposition 209 (1996), a civil rights initiative that barred government from considering race, ethnicity and sex for public employment, education and contracts. Proponents say the enactment of Prop 209 has resulted in decreased diversity at public universities and fewer economic opportunities for minorities.
- **ACA 6 (McCarty)** would ask the electorate to restore voting rights to parolees with felony convictions.
- **AB 1185 (McCarty)** would permit county governments to expand oversight of sheriff’s departments through civilian review boards and an inspector general.
- **AB 1460 (Weber)** would require California State University campuses to provide ethnic studies courses, which would also become a graduation requirement beginning with the class of 2024-25. The classes would focus on four historically marginalized groups: Native Americans, African Americans, Latinx Americans and Asian Americans.
- **AB 1950 (Kamlager)** would cap probation terms to a maximum of one year for misdemeanor offenses and two years for felony. (Related provisions are in the proposed state budget package.)
- **AB 2342 (McCarty)** would allow a parolee to earn credits by completing education, training or treatment programs in order to reduce parole time.
- **AB 2917 (McCarty)** would require the California Department of Justice to review policies regarding use of deadly force at law enforcement agencies and make recommendations to requesting departments. McCarty, who introduced the bill, said it was inspired by the aftermath of the 2018 shooting of Stephon Clark by Sacramento police. “The Attorney General’s office provided critical analysis to the Sacramento Police Department on best practices, which have improved public trust and reduced local incidents of unnecessary force,” he said.
- **AB 3121 (Weber)** would create a reparations task force to educate Californians about slavery and recommend ways the state can “help remedy generations impacted with inequality and discrimination,” McCarty said.

At his noon press availability on Friday, the Governor spoke extensively about his support for new policing and criminal justice reforms, with a focus on developing a statewide standard for policing peaceful protests and ending the carotid hold.

Finally, Democratic leaders in the U.S. House of Representatives announced plans today to amend the legal standard associated with police use-of-force, similar to the change enacted under California's AB 392 (Weber, 2019), which narrowed the circumstances under which a homicide by a peace officer is deemed justifiable.

Recent Executive Order Tackles Various Issues

Governor Newsom released Executive Order (EO) [N-68-20](#) on Friday, which addresses a variety of issues. Topics of the EO include increasing the availability of over-the-counter drugs, such as hand sanitizer, and medical devices, such as respirators, ventilators and masks, which are in demand due to the COVID-19 pandemic.

The order allows the temporary manufacture of over-the-counter drugs and medical devices by firms not currently licensed by CDPH. The firms must apply for temporary registration and self-certify they are compliant with guidance by the U.S. Food and Drug Administration (FDA).

The order also defers renewal fees to address COVID-19 related economic hardship for manufacturers of drugs, medical devices, food and cosmetics that currently have CDPH licenses, registrations, and certificates.

Additionally, the EO addresses a variety of other issues, including:

- Extends a number of waivers to allow for flexibility in the emergency placement of foster youth and ensure that foster youth have access to critical programs and technology by verifying foster care status for foster youth and wards of the juvenile court whose cases are pending;
- Permits In-Home Supportive Services (IHSS) program caseworkers to continue their work caring for older adults and individuals with disabilities;
- Allows the California Department of Justice to develop procedures to perform name-based background checks to ensure there is no delay processing employment for critical sectors, such as health care services and care and support for vulnerable populations, including developmentally disabled persons until July 31, 2020;
- Extends statutory deadlines by 60 days related to the timeframe of when a petition for reconsideration is deemed to have been denied by the Workers' Compensation Appeals Board, and for the Workers' Compensation Appeals Board to act on decisions by Workers' Compensation judges.