

# **Napa County**



## **Agenda - Final** **SPECIAL MEETING**

**Monday, March 13, 2023**

**9:00 AM**

**Board of Supervisors Chambers**  
**1195 Third Street, Third Floor**

### **Legislative Subcommittee**

*Supervisor Anne Cottrell*  
*Supervisor Ryan Gregory*

**How to Watch or Listen to the Napa County Legislative Subcommittee Meetings**

Please watch or listen to the Legislative Subcommittee meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, Suite 305.
2. Watch online at [https://napa.granicus.com/ViewPublisher.php?view\\_id=37](https://napa.granicus.com/ViewPublisher.php?view_id=37), and under Upcoming Events and Under View Event, click the In Progress link.
3. Watch on Zoom via [www.zoom.us/join](http://www.zoom.us/join) (Meeting ID: 838-9511-4921) or listen on Zoom by calling 1-669-900-6833 (Meeting ID: 838-9511-4921).

**If you are unable to attend the meeting in person and wish to submit a general public comment or a comment on a specific agenda item, please do the following:**

1. Leave a voice mail on the public comment line at 707-299-1776 (comments will be limited to three minutes).
2. Email your comment to [publiccomment@countyofnapa.org](mailto:publiccomment@countyofnapa.org).

Your comment will be shared with the members of the Legislative Subcommittee.

For more information, please contact the Clerk of the Board's office at 707-253-4580 or email [clerkoftheboard@countyofnapa.org](mailto:clerkoftheboard@countyofnapa.org).

1. **CALL TO ORDER; ROLL CALL**
2. **APPROVE MINUTES AND CALENDAR**
3. **PUBLIC COMMENT**

In this time period, anyone may address the Legislative Subcommittee of the Napa County Board of Supervisors regarding any subject over which the Subcommittee has jurisdiction, but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this period.

4. **LEGISLATIVE UPDATE BY FEDERAL LEGISLATIVE ADVOCATES FOR NAPA COUNTY**
5. **CONSIDERATION OF FEDERAL LEGISLATION/ISSUES**

- A. Interim County Executive Officer requests discussion and possible action on the 2023 Farm Bill. [23-0450](#)

6. **LEGISLATIVE UPDATE BY STATE LEGISLATIVE ADVOCATES FOR NAPA COUNTY**
7. **CONSIDERATION OF STATE LEGISLATION/ISSUES**

- A. Interim County Executive Officer, on behalf of Supervisor Joelle Gallagher, requests discussion and possible action on AB 99 by Assembly Member Connolly. [23-0443](#)  
**Attachments:** [AB 99 \(Connolly\)](#)
- B. Interim County Executive Officer requests discussion and possible action on AB 400 by Assembly Member Rubio. [23-0446](#)  
**Attachments:** [AB 400 \(Rubio\)](#)
- C. Interim County Executive Officer requests discussion and possible action on SB 706 by Senator Caballero. [23-0448](#)  
**Attachments:** [SB 706](#)
- D. Interim County Executive Officer requests discussion and possible action for Napa County to (1) join the California Can't Wait Coalition to oppose the Governor's proposed cuts to Public Health funding; and (2) submit a letter opposing the proposed cuts. [23-0456](#)

**8. LEGISLATIVE TRACKING**

**9. FUTURE AGENDA ITEMS**

**10. ADJOURN**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON FRIDAY, MARCH 10, 2023 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE COMMISSION AND AVAILABLE FOR PUBLIC INSPECTION.

Jesus Tijero (By e-signature)

JESUS TIJERO, Staff Assistant



# Napa County

## Board Agenda Letter

---

Legislative Subcommittee

**Agenda Date:** 3/13/2023

**File ID #:** 23-0450

---

**TO:** Napa County Legislative Subcommittee  
**FROM:** David Morrison, Interim County Executive Officer  
**REPORT BY:** Jesus Tijero, Staff Assistant II - BOS  
**SUBJECT:** 2023 Farm Bill

---

### **RECOMMENDATION**

Interim County Executive Officer requests discussion and possible action on the 2023 Farm Bill.

### **EXECUTIVE SUMMARY**

Every five years, Congress passes legislation that sets national agriculture, nutrition, conservation, and forestry policy, commonly referred to as the “Farm Bill”. The current farm bill is the Agriculture Improvement Act of 2018 and will expire in 2023. The Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture have formally kicked off its process for the 2023 Farm Bill with field hearings. The County’s Federal Legislative Advocates will provide the Legislative Subcommittee with a status update on the 2023 Farm Bill.

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Every five years, Congress passes legislation that sets national agriculture, nutrition, conservation, and forestry policy, commonly referred to as the “Farm Bill”. The current farm bill is the Agriculture Improvement Act of 2018 and will expire in 2023. The Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture have formally kicked off its process for the 2023 Farm Bill with field hearings. The County’s Federal Legislative Advocates will provide the Legislative Subcommittee with a status update on the 2023 Farm Bill.





# Napa County

## Board Agenda Letter

---

Legislative Subcommittee

**Agenda Date:** 3/13/2023

**File ID #:** 23-0443

---

**TO:** Napa County Legislative Subcommittee  
**FROM:** David Morrison, Interim County Executive Officer  
**REPORT BY:** Jesus Tijero, Staff Assistant II - BOS  
**SUBJECT:** AB 99 (Connolly)

---

### **RECOMMENDATION**

Interim County Executive Officer, on behalf of Supervisor Joelle Gallagher, requests discussion and possible action on AB 99 by Assembly Member Connolly.

### **EXECUTIVE SUMMARY**

AB 99 (Connolly) - Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to adopt a statewide policy to only use integrated pest management, as defined, that does not use herbicides or pesticides on state roads and highways in each county that has adopted an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management. Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment. Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

AB 99 (Connolly) - Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to adopt a statewide policy to only use integrated pest management, as defined, that does not use herbicides or pesticides on state roads and highways in each county that has adopted an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management. Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment. Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

AMENDED IN ASSEMBLY MARCH 1, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 99**

---

---

**Introduced by Assembly Member Connolly**

January 9, 2023

---

---

An act to add ~~Section 98 to the Streets and Highways Article 16.8 (commencing with Section 13178) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to state highways: pesticides.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Connolly. ~~State highways: vegetation management: herbicides and pesticides. Department of Transportation: state roads and highways: integrated pest management.~~

Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the department to ~~develop and~~ adopt a statewide policy to ~~discontinue roadside spraying of herbicides and synthetic pesticides~~ *only use integrated pest management, as defined, that does not use herbicides or pesticides on state roads and highways* in each county where the county board of supervisors *that* has adopted a resolution that opposes the spraying of herbicides and synthetic pesticides in the county, except where no alternative vegetation management practice is feasible or during a state of emergency relating



to wildfire if the spraying is solely for purposes of preventing, combating, or mitigating the risk of wildfire. The bill would require the department, in developing that policy, to consider implementing alternative vegetation management practices, as specified. *an ordinance prohibiting roadside spraying of herbicides and pesticides. The bill would require the department, in developing the statewide policy, to contract with an outside entity that possesses expertise in integrated pest management.*

*Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment.*

*Because a violation of this bill’s requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 16.8 (commencing with Section 13178) is  
2 added to Chapter 2 of Division 7 of the Food and Agricultural  
3 Code, to read:

4  
5 Article 16.8. Integrated Pest Management on State Roads and  
6 Highways

7  
8 13178. For purposes of this article, “integrated pest  
9 management” means a pest management strategy that focuses on  
10 long-term prevention or suppression of pest problems through a  
11 combination of techniques such as monitoring for pest presence  
12 and establishing treatment threshold levels, using nonchemical  
13 practices to make the habitat less conducive to pest development,

1 *improving sanitation, and employing mechanical and physical*  
2 *controls.*

3 *13178.1. (a) It is the policy of the state that effective least toxic*  
4 *pest management practices should be the preferred method of*  
5 *managing pests on state roads and highways and that the state*  
6 *should take the necessary steps to facilitate the adoption of effective*  
7 *least toxic pest management practices on state roads and highways.*

8 *(b) It is the intent of the Legislature that all Department of*  
9 *Transportation personnel who apply herbicides or pesticides on*  
10 *state roads and highways be trained in integrated pest management*  
11 *and the safe use of herbicides and pesticides in relation to the*  
12 *unique nature of state roads and highways.*

13 *13178.2. (a) The Department of Transportation shall adopt a*  
14 *statewide policy to only use integrated pest management that does*  
15 *not use herbicides or pesticides on state roads and highways in*  
16 *each county that has adopted an ordinance prohibiting roadside*  
17 *spraying of herbicides and pesticides.*

18 *(b) In developing the statewide policy, the department shall*  
19 *contract with an outside entity that possesses expertise in*  
20 *integrated pest management, such as the University of California*  
21 *Statewide Integrated Pest Management Program.*

22 *SEC. 2. No reimbursement is required by this act pursuant to*  
23 *Section 6 of Article XIII B of the California Constitution because*  
24 *the only costs that may be incurred by a local agency or school*  
25 *district will be incurred because this act creates a new crime or*  
26 *infraction, eliminates a crime or infraction, or changes the penalty*  
27 *for a crime or infraction, within the meaning of Section 17556 of*  
28 *the Government Code, or changes the definition of a crime within*  
29 *the meaning of Section 6 of Article XIII B of the California*  
30 *Constitution.*

31 ~~SECTION 1. Section 98 is added to the Streets and Highways~~  
32 ~~Code, to read:~~

33 ~~98. (a) (1) The department shall develop and adopt a statewide~~  
34 ~~policy to discontinue roadside spraying of herbicides and synthetic~~  
35 ~~pesticides in each county where the county board of supervisors~~  
36 ~~has adopted a resolution that opposes the spraying of herbicides~~  
37 ~~and synthetic pesticides in the county, except as specified in~~  
38 ~~paragraph (2):~~

39 ~~(2) The policy shall not apply in either of the following~~  
40 ~~circumstances:~~

1 ~~(A) Where no alternative vegetation management practice is~~  
2 ~~feasible.~~

3 ~~(B) During a state of emergency, as defined in Section 8558 of~~  
4 ~~the Government Code, relating to wildfire if the roadside spraying~~  
5 ~~of herbicides and synthetic pesticides is being performed solely~~  
6 ~~for purposes of preventing, combating, or mitigating the risk of~~  
7 ~~wildfire.~~

8 ~~(b) In developing the policy pursuant to subdivision (a), the~~  
9 ~~department shall consider implementing alternative vegetation~~  
10 ~~management practices, including, but not limited to, all of the~~  
11 ~~following:~~

- 12 ~~(1) Using organic pesticides.~~
- 13 ~~(2) Mulching.~~
- 14 ~~(3) Tarping.~~
- 15 ~~(4) Improving irrigation systems.~~
- 16 ~~(5) Altering landscape designs.~~
- 17 ~~(6) Using compost tea and turf aeration.~~

O



# Napa County

## Board Agenda Letter

---

Legislative Subcommittee

**Agenda Date:** 3/13/2023

**File ID #:** 23-0446

---

**TO:** Napa County Legislative Subcommittee  
**FROM:** David Morrison, Interim County Executive Officer  
**REPORT BY:** Jesus Tijero, Staff Assistant II - BOS  
**SUBJECT:** AB 400 (Rubio)

---

### **RECOMMENDATION**

Interim County Executive Officer requests discussion and possible action on AB 400 by Assembly Member Rubio.

### **EXECUTIVE SUMMARY**

AB 400 (Rubio) Local agency design-build projects: authorization - Existing law authorizes local agencies, as defined, to use the design-build procurement process for specified types of projects, as prescribed. Existing law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely. By extending the design-build authorization, the bill would expand the crime of perjury, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

AB 400 (Rubio) Local agency design-build projects: authorization - Existing law authorizes local agencies, as defined, to use the design-build procurement process for specified types of projects, as prescribed. Existing law, among other requirements for the design-build procurement process, requires specified information submitted

by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025. This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely. By extending the design-build authorization, the bill would expand the crime of perjury, thereby imposing a state-mandated local program. This bill contains other related provisions and other existing laws.

**ASSEMBLY BILL**

**No. 400**

---

---

**Introduced by Assembly Member Blanca Rubio**

February 2, 2023

---

---

An act to repeal Section 22169 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 400, as introduced, Blanca Rubio. Local agency design-build projects: authorization.

Existing law authorizes local agencies, as defined, to use the design-build procurement process for specified types of projects, as prescribed. Existing law, among other requirements for the design-build procurement process, requires specified information submitted by a design-build entity to be certified under penalty of perjury. These provisions authorizing the use of the design-build procurement process are repealed on January 1, 2025.

This bill would remove the January 1, 2025, repeal date, thereby making these provisions operative indefinitely. By extending the design-build authorization, the bill would expand the crime of perjury, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22169 of the Public Contract Code is  
2 repealed.

3 ~~22169. This chapter shall remain in effect only until January~~  
4 ~~1, 2025, and as of that date is repealed.~~

5 SEC. 2. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution because  
7 the only costs that may be incurred by a local agency or school  
8 district will be incurred because this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.

O



# Napa County

## Board Agenda Letter

---

Legislative Subcommittee

**Agenda Date:** 3/13/2023

**File ID #:** 23-0448

---

**TO:** Napa County Legislative Subcommittee  
**FROM:** David Morrison, Interim County Executive Officer  
**REPORT BY:** Jesus Tijero, Staff Assistant II - BOS  
**SUBJECT:** SB 706 (Caballero)

---

### **RECOMMENDATION**

Interim County Executive Officer requests discussion and possible action on SB 706 by Senator Caballero.

### **EXECUTIVE SUMMARY**

SB 706 (Caballero) Public contracts: progressive design-build: local agencies - Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to three (3) capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Existing law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. Existing law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Existing law requires the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury. This bill would remove the 15 project maximum and would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028. This bill contains other related provisions and other existing laws.



**ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**BACKGROUND AND DISCUSSION**

SB 706 (Caballero) Public contracts: progressive design-build: local agencies - Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to three (3) capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project. Existing law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. Existing law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Existing law requires the design-build entity and its general partners or joint venture members to verify specified information under penalty of perjury. This bill would remove the 15 project maximum and would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028. This bill contains other related provisions and other existing laws.

**Introduced by Senator Caballero**February 16, 2023

---

---

An act to amend Sections 22170, 22171, and 22172.5 of the Public Contract Code, relating to public contracts.

## LEGISLATIVE COUNSEL'S DIGEST

SB 706, as introduced, Caballero. Public contracts: progressive design-build: local agencies.

Existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to 3 capital outlay projects, as jointly determined by the Department of General Services and the Department of Finance, and prescribes that process. Existing law defines “progressive design-build” as a project delivery process in which both the design and construction of a project are procured from a single entity that is selected through a qualifications-based selection at the earliest feasible stage of the project.

Existing law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services.

Existing law requires a local agency that uses the progressive design-build process to submit, no later than January 1, 2028, to the appropriate policy and fiscal committees of the Legislature a report on the use of the progressive design-build process containing specified information, including a description of the projects awarded using the progressive design-build process. Existing law requires the design-build

entity and its general partners or joint venture members to verify specified information under penalty of perjury.

This bill would remove the 15 project maximum and would authorize all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028.

By expanding the projects that may use the progressive design-build process and thus expanding the crime of perjury, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 22170 of the Public Contract Code, as  
2 added by Section 1 of Chapter 243 of the Statutes of 2022, is  
3 amended to read:

4 22170. For purposes of this chapter, the following definitions  
5 apply:

6 (a) (1) “Best value” means a value determined by evaluation  
7 of objective criteria that may include, but are not limited to, price,  
8 features, function, life-cycle costs, experience, and past  
9 performance.

10 (2) A best value determination may involve the selection of the  
11 lowest cost proposal meeting the interests of the local agency and  
12 the objectives of the project.

13 (b) “Construction subcontract” means each subcontract awarded  
14 by the design-build entity to a subcontractor that will perform work  
15 or labor or render service to the design-build entity in or about the  
16 construction of the work or improvement, or a subcontractor  
17 licensed by the State of California that, under subcontract to the  
18 design-build entity, specially fabricates and installs a portion of  
19 the work or improvement according to detailed drawings contained  
20 in the plans and specifications produced by the design-build team.

1 (c) “Design-build entity” means a corporation, limited liability  
2 company, partnership, joint venture, or other legal entity that is  
3 able to provide appropriately licensed contracting, architectural,  
4 and engineering services as needed pursuant to a design-build  
5 contract.

6 (d) “Design-build project” means any project ~~that treats, pumps,~~  
7 ~~stores, or conveys water, wastewater, recycled water, advanced~~  
8 ~~treated water, or supporting facilities~~ using the progressive  
9 design-build construction procurement process described in this  
10 chapter.

11 (e) “Design-build team” means the design-build entity itself  
12 and the individuals and other entities identified by the design-build  
13 entity as members of its team. Members shall include the general  
14 contractor and, if utilized in the design of the project, all electrical,  
15 mechanical, and plumbing contractors.

16 (f) “Guaranteed maximum price” means the maximum payment  
17 amount agreed upon by the local agency and the design-build entity  
18 for the design-build entity to finish all remaining design,  
19 preconstruction, and construction activities sufficient to complete  
20 and close out the project.

21 (g) “Local agency” means a city, county, city and county, or  
22 ~~special district authorized by law to provide for the production,~~  
23 ~~storage, supply, treatment, or distribution of any water from any~~  
24 ~~source.~~ *district.*

25 (h) “Progressive design-build” means a project delivery process  
26 in which both the design and construction of a project are procured  
27 from a single entity that is selected through a qualifications-based  
28 selection at the earliest feasible stage of the project.

29 (i) “Qualifications-based selection” means the process by which  
30 the local agency solicits for services from the design-build entities  
31 and that price is not the sole factor as the basis of award.

32 SEC. 2. Section 22171 of the Public Contract Code, as added  
33 by Section 1 of Chapter 243 of the Statutes of 2022, is amended  
34 to read:

35 22171. A local agency may procure progressive design-build  
36 contracts and use the progressive design-build contracting process  
37 described in this chapter for ~~up to 15~~ public works projects in  
38 excess of five million dollars (\$5,000,000) for each project.

1 SEC. 3. Section 22172.5 of the Public Contract Code, as added  
2 by Section 1 of Chapter 243 of the Statutes of 2022, is amended  
3 to read:

4 22172.5. (a) Notwithstanding Section 10231.5 of the  
5 Government Code, no later than ~~January 1, 2028~~, *December 31,*  
6 *2028*, a local agency that uses the progressive design-build process  
7 pursuant to this chapter shall submit to the appropriate policy and  
8 fiscal committees of the Legislature a report on the use of the  
9 progressive design-build process.

10 (b) The report shall include, but is not limited to, the following  
11 information:

12 (1) A description of the project or projects awarded using the  
13 progressive design-build process.

14 (2) The contract award amounts.

15 (3) The design-build entities awarded the project or projects.

16 (4) A description of any written protests concerning any aspect  
17 of the solicitation, bid, or award of the contracts, including the  
18 resolution of the protests.

19 (5) A description of the prequalification process.

20 (6) The number of specialty subcontractors listed by construction  
21 trade type, on each project, that provided design services, but did  
22 not meet the target price for their scope of work, and therefore did  
23 not perform construction services on that project.

24 (7) Whether or not any portion of a design prepared by the  
25 specialty subcontractor that did not perform the construction work  
26 for that design was used by the local agency.

27 (8) The number of specialty subcontractors listed by construction  
28 trade type, on each project, that meet the definition of a small  
29 business, as specified in paragraph (1) of subdivision (d) of Section  
30 14837 of the Government Code.

31 (9) The number of specialty subcontractors listed by construction  
32 trade type, on each project, that meet the definition of a  
33 microbusiness, as specified in paragraph (2) of subdivision (d) of  
34 Section 14837 of the Government Code.

35 (10) If a project awarded under this chapter has been completed,  
36 an assessment of the project performance, including, but not limited  
37 to, a summary of any delays or cost increases.

38 (c) The report submitted pursuant to subdivision (a) shall be  
39 submitted in compliance with Section 9795 of the Government  
40 Code.

1 SEC. 4. No reimbursement is required by this act pursuant to  
2 Section 6 of Article XIII B of the California Constitution because  
3 the only costs that may be incurred by a local agency or school  
4 district will be incurred because this act creates a new crime or  
5 infraction, eliminates a crime or infraction, or changes the penalty  
6 for a crime or infraction, within the meaning of Section 17556 of  
7 the Government Code, or changes the definition of a crime within  
8 the meaning of Section 6 of Article XIII B of the California  
9 Constitution.

O



# Napa County

## Board Agenda Letter

---

Legislative Subcommittee

**Agenda Date:** 3/13/2023

**File ID #:** 23-0456

---

**TO:** Napa County Legislative Subcommittee  
**FROM:** David Morrison, Interim County Executive Officer  
**REPORT BY:** Jesus Tijero, Staff Assistant II - BOS  
**SUBJECT:** Public Health Funding Cuts

---

### **RECOMMENDATION**

Interim County Executive Officer requests discussion and possible action for Napa County to (1) join the California Can't Wait Coalition to oppose the Governor's proposed cuts to Public Health funding; and (2) submit a letter opposing the proposed cuts.

### **EXECUTIVE SUMMARY**

The Governor's January budget plan proposes to slash \$49.8 million of the Public Health Equity & Readiness Opportunity (PublicHERO) initiative funds dedicated to workforce development and training programs and also proposes to sustain \$200 million for public health infrastructure.

Today's action would allow Napa County to join the California Can't Wait Coalition to oppose the Governor's proposed cuts to Public Health funding; and to submit a letter opposing the proposed cuts.

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

The California Can't Wait Coalition is a broad-based group of organizations dedicated to protecting the health and safety of our communities and delivering health equity. Led by local public health departments, county

governments, frontline workers, and community advocates, the Coalition urges the California Legislature to:

- Sustain the \$200 million General Fund Annual Investment in Public Health Infrastructure
- Protect Public Health Workforce Training and Development Programs against proposed cuts in the Governor's January Budget Plan

Governor Newsom's January budget plan proposes to slash \$49.8 million GF of the Public Health Equity & Readiness Opportunity (PublicHERO) Initiative funds dedicated for the following workforce development and training programs:

- California Public Health Pathways Training Corps to provide early career professionals in disadvantaged communities paid fellowships and internships at local health departments to gain experience to support permanent placements.
- Incumbent Worker Upskill Training to support training and continuing education to allow the existing public health workforce opportunities for advancement.
- California Microbiologist Training to provide microbiologists the training and experience needed to be eligible to take the certification exam, allowing them to conduct specialized infectious and communicable disease testing in public health laboratories.
- Public Health Lab Aspire to train the next generation of public health lab directors, as many are nearing retirement.
- California Epidemiologic Investigation Service Training to expand epidemiologist training placements in CDPH and local health departments.

The Governor's budget plan also proposes to sustain the \$200 million annual investment for public health infrastructure.

By joining the California Can't Wait Coalition to urge the Legislature and Administration to reject the Governor's proposed \$49.8M in cuts to PublicHERO workforce development and training programs and to sustain the ongoing \$200M for public health infrastructure, Napa County will:

1. Be published as a partner on: [cheac.org/california-cant-wait-coalition/](https://cheac.org/california-cant-wait-coalition/)
2. Receive updates on the budget process, including requests to send letters, engage legislators, and/or requests to testify in budget hearings against the proposed cuts.
3. Receive social media toolkits to help amplify efforts.



