

Napa County



Agenda - Final

Monday, March 27, 2023

9:30 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 on Zoom via 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. Comment via Zoom: Zoom via www.zoom.us/join (Meeting ID: 838-9511-4921) or listen on Zoom by calling 1-669-900-6833 (Meeting ID: 838-9511-4921). (please use the raise hand feature)
2. Email your comment to jesus.tijero@countyofnapa.org. Your comment will be shared with the members of the Legislative Subcommittee.

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

- A. Interim County Executive Officer, on behalf of Health & Human Services Director Jennifer Yasumoto, requests the County of Napa submit a letter of support for the \$240.2 million State General Fund requested by the County Welfare Directors Association of California (CWDA) to address underfunding in the In Home Supportive Services (IHSS) program. [23-0516](#)

Attachments: [Napa County Support Letter - IHSS Administrative Funding Request](#)

- B. Interim County Executive Officer, requests County staff provide the Legislative Subcommittee with an update on Napa County's federal funding requests. [23-0521](#)

- C. Interim County Executive Officer requests discussion and possible action on the following state legislation that fall within the “Disaster Recovery, Preparedness and Resiliency” section of Napa County’s State Legislative & Regulatory Platform: [23-0523](#)

(Support):

- AB 297 (Fong) - Wildfires: local assistance grant program: advance payments
- AB 296 (Rodriguez) - Office of Emergency Services: 9-1-1 Public Education Campaign
- AB 619 (Fong) - State government: emergency services: non profit service providers
- AB 1303 (Rodriguez) - California Emergency Services Act: disaster preparedness

(Oppose):

- AB 1108 (Calderon) - County emergency plans

Attachments: [AB 297 \(Fong\)](#)
[AB 296 \(Rodriguez\)](#)
[AB 619 \(Fong\)](#)
[AB 1303 \(Rodriguez\)](#)
[AB 1108 \(Calderon\)](#)

- D. Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors oppose AB 595 by Assembly Member Essayli. [23-0525](#)

Attachments: [AB 595 \(Essayli\)](#)

- E. Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors support SB 706 by Senator Caballero. [23-0526](#)

Attachments: [SB 706 \(Caballero\)](#)

- F. Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors support AB 817 by Assemblymember Blanca Pacheco. [23-0528](#)

Attachments: [AB 817 Fact Sheet](#)

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 24, 2023 BY 9:00 A.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: 3/27/2023

File ID #: 23-0516

TO: Napa County Legislative Subcommittee
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Jesus Tijero, BOS Staff Assistant II
SUBJECT: Letter of Support - IHSS Administrative Funding Request in State Budget

RECOMMENDATION

Interim County Executive Officer, on behalf of Health & Human Services Director Jennifer Yasumoto, requests the County of Napa submit a letter of support for the \$240.2 million State General Fund requested by the County Welfare Directors Association of California (CWDA) to address underfunding in the In Home Supportive Services (IHSS) program.

EXECUTIVE SUMMARY

One of the most critical programs for older adults is the In-Home Supportive Services (IHSS) program. It enables many older adults and disabled adults to remain in the community. The number of Napa County residents accessing IHSS services continues to grow. Likewise, the program continues to see significant changes. The County, through its State Legislative & Regulatory Platform, supports legislative and other efforts to maintain and increase state funding for both provider payments and administrative costs.

The attached letter advocates for the \$240.2 million State General Fund requested by the County Welfare Directors Association of California (CWDA) to address underfunding of social worker and related staffing costs in the In Home Supportive Services (IHSS) program. This funding is necessary to ensure timely access to IHSS services and to meet growing demand by older adults and persons with disabilities.

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

One of the most critical programs for older adults is the In-Home Supportive Services (IHSS) program. It enables many older adults and disabled adults to remain in the community. The number of Napa County residents accessing IHSS services continues to grow. Likewise, the program continues to see significant changes. The County, through its State Legislative & Regulatory Platform, supports legislative and other efforts to maintain and increase state funding for both provider payments and administrative costs.

The attached letter advocates for the \$240.2 million State General Fund requested by the County Welfare Directors Association of California (CWDA) to address underfunding of social worker and related staffing costs in the In Home Supportive Services (IHSS) program. This funding is necessary to ensure timely access to IHSS services and to meet growing demand by older adults and persons with disabilities.



A Tradition of Stewardship
A Commitment to Service

Board of Supervisors

1195 Third St.
Suite 310
Napa, CA 94559
www.countyofnapa.org

Main: (707) 253-4421

Belia Ramos
Chair

March 20, 2023

The Honorable Caroline Menjivar, Chair
Senate Budget & Fiscal Review Sub. No. 3
State Capitol, Room 5019
Sacramento, CA 95814

The Honorable Joaquin Arambula, Chair
Assembly Budget Subcommittee No. 1
State Capitol, Room 6026
Sacramento, CA 95814

**RE: In Home Supportive Services: Increase County Administrative Funding—SUPPORT
\$240.2 million State General Fund Request**

Dear Chair Menjivar and Chair Arambula:

The County of Napa respectfully requests your support for the \$240.2 million State General Fund requested by the County Welfare Directors Association of California (CWDA) to address underfunding of social worker and related staffing costs in the In Home Supportive Services (IHSS) program. This funding is necessary to ensure timely access to IHSS services and to meet growing demand by older adults and persons with disabilities.

California's population of older adults age 65 and older is projected to reach 25 percent of the population, or 8.6 million Californians, by 2030. IHSS is a key strategy in meeting the goals of the Master Plan for Aging to enable older adults to age with dignity and independence. As of October 2022, over 691,000 older adults and persons with disabilities receive in-home care from 600,514 trusted IHSS caregivers in California. Recently enacted expansions in Medi-Cal eligibility, including to undocumented persons aged 50 and older and the removal of the Medi-Cal asset limit test, will allow more older adults and persons with disabilities to qualify for IHSS services to remain safely in their homes and community, avoiding costly hospitalization or institutionalization. These important policy changes are welcomed and align with California's Aging Master Plan.

However, county IHSS programs are not prepared for this influx of older adults into the IHSS program due to inadequate funding of the program's administrative operations. The IHSS program relies on social workers to conduct assessments for older adults applying to the program to determine eligibility and level of need for in-home assistance. Once found eligible for services, IHSS staff assist consumers with identifying and enrolling their provider of choice to deliver personal care services. IHSS staff ensure timely payments to those providers and they carry out many other administrative duties required under both state and federal laws and regulations.

Joelle Gallagher
District 1

Ryan Gregory
District 2

Anne Cottrell
District 3

Alfredo Pedroza
District 4

Belia Ramos
District 5

The current funding gap for IHSS staffing worsens each year as the population of IHSS consumers increases, due to population growth and new laws that broaden eligibility into the program. This is due to the State utilizing an artificially low wage rate for social workers established in 2017-18 which has not been adjusted in five years. Additionally, the methodology does not pay for all the workload associated in processing applications, despite the need to conduct the work to determine if an older adult or person with disabilities is eligible to receive those services. This results in high caseloads for existing IHSS staff which hampers their ability to ensure IHSS applications are processed on a timely basis and that reassessments occur at least every 12 months, as required under state and federal law.

We believe it is critical to address this funding gap now to enable the IHSS program to properly serve the growing population of older adults and persons with disabilities, enabling these Californians to live independently and to age with dignity as articulated in California's Aging Master Plan.

By way of local example, Napa County's IHSS caseload has increased by 17% in the past three years, and with Medi-Cal expanding to include undocumented adults combined with the elimination of the asset test, caseloads throughout the State will continue to increase. Locally, we anticipate more significant caseload growth, given that over 20% of Napa County residents are already age 65 or older (markedly higher than the State average of 15%) and per 2020 Census data, our under-age-65 disabled population is also higher than that of the State (7.5% vs. 6.8%, respectively).

Simply put, the IHSS administrative allocation has not kept pace with the cost to operate this critically important program that serves our most vulnerable residents keeping them in their homes. This is an opportunity for the State to adequately fund this program in alignment with the vision set forth in its Master Plan for Aging, including Goal 3 "Equity & Inclusion, Not Isolation" and Goal 4 "Caregiving That Works."

For these reasons, Napa County urges your support.

Sincerely,

Belia Ramos
Chair, Napa County Board of Supervisors

cc: Members and Staff of the Senate Budget Subcommittee No. 3
Members and Staff of the Assembly Budget Subcommittee No.1
Missy Talbot, County Welfare Directors Association

Joelle Gallagher
District 1

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District 5



Napa County

Board Agenda Letter

Legislative Subcommittee

Agenda Date: 3/27/2023

File ID #: 23-0521

TO: Napa County Legislative Subcommittee
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Jesus Tijero, BOS Staff Assistant II
SUBJECT: Update on Federal Funding Requests

RECOMMENDATION

Interim County Executive Officer, requests County staff provide the Legislative Subcommittee with an update on Napa County's federal funding requests.

EXECUTIVE SUMMARY

County staff will provide the Legislative Subcommittee with an update on Napa County's federal funding requests to the Offices of Congressman Thompson, Senator Padilla, and Senator Feinstein.

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

County staff will provide the Legislative Subcommittee with an update on Napa County's federal funding requests to the Offices of Congressman Thompson, Senator Padilla, and Senator Feinstein.



Napa County

Board Agenda Letter

Legislative Subcommittee

Agenda Date: 3/27/2023

File ID #: 23-0523

TO: Napa County Legislative Subcommittee
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Jesus Tijero, BOS Staff Assistant II
SUBJECT: Consideration of State Legislation

RECOMMENDATION

Interim County Executive Officer requests discussion and possible action on the following state legislation that fall within the “Disaster Recovery, Preparedness and Resiliency” section of Napa County’s State Legislative & Regulatory Platform:

(Support):

- AB 297 (Fong) - Wildfires: local assistance grant program: advance payments
- AB 296 (Rodriguez) - Office of Emergency Services: 9-1-1 Public Education Campaign
- AB 619 (Fong) - State government: emergency services: non profit service providers
- AB 1303 (Rodriguez) - California Emergency Services Act: disaster preparedness

(Oppose):

- AB 1108 (Calderon) - County emergency plans

EXECUTIVE SUMMARY

The County’s State Lobbyists and Napa County Risk & Emergency Services Manager Kerry Whitney, will report on the following state legislation:

(Support):

- AB 297 (Fong) - Wildfires: local assistance grant program: advance payments
- AB 296 (Rodriguez) - Office of Emergency Services: 9-1-1 Public Education Campaign
- AB 619 (Fong) - State government: emergency services: non profit service providers
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(Oppose):

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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 County's State Lobbyists and Napa County Risk & Emergency Services Manager Kerry Whitney, will report on the following state legislation:

(Support):

- AB 297 (Fong) - Wildfires: local assistance grant program: advance payments
- AB 296 (Rodriguez) - Office of Emergency Services: 9-1-1 Public Education Campaign
- AB 619 (Fong) - State government: emergency services: nonprofit service providers
- AB 1303 (Rodriguez) - California Emergency Services Act: disaster preparedness

(Oppose):

- AB 1108 (Calderon) - County emergency plans

ASSEMBLY BILL

No. 297

Introduced by Assembly Member Vince Fong

January 26, 2023

An act to amend Section 4124.5 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 297, as introduced, Vince Fong. Wildfires: local assistance grant program: advance payments.

Existing law requires the Department of Forestry and Fire Protection to establish a local assistance grant program for fire prevention and home hardening education activities. Under existing law, the Director of Forestry and Fire Protection may, until January 1, 2024, authorize advance payments from a grant program award, not to exceed 25% of the total grant award, except as specified.

This bill would extend the director's authority to authorize advance payments from a grant program award to January 1, 2034.

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

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

- 1 SECTION 1. Section 4124.5 of the Public Resources Code is
- 2 amended to read:
- 3 4124.5. (a) The department shall establish a local assistance
- 4 grant program for fire prevention and home hardening education
- 5 activities in California. Groups eligible for grants shall include,
- 6 but are not limited to, local agencies, resource conservation

1 districts, fire safe councils, the California Conservation Corps,
2 certified community conservation corps as defined in Section
3 14507.5, University of California Cooperative Extension, the Board
4 of Commissioners under California Volunteers described in Section
5 8411 of the Government Code, Native American tribes, and
6 qualified nonprofit organizations. The department may establish
7 a cost-share requirement for one or more categories of projects.

8 (b) (1) The local assistance grant program shall establish a
9 robust year-round fire prevention effort in and near fire threatened
10 communities that focuses on increasing the protection of people,
11 structures, and communities. To the maximum extent practicable,
12 the grants shall be designed to be durable and adaptively managed
13 so that while improving resiliency to wildfire, the projects, when
14 on forest land, retain a mixture of species and sizes of trees to
15 protect habitat values. The department shall prioritize, to the extent
16 feasible, projects that are multiyear efforts.

17 (2) For purposes of this subdivision, “fire threatened
18 communities” means those communities in high and very high fire
19 hazard severity zones, identified by the director pursuant to Section
20 51178 of the Government Code, or Article 9 (commencing with
21 Section 4201) of this code, or on the “Fire Risk Reduction
22 Community” list maintained by the board pursuant to Section
23 4290.1.

24 (c) Eligible activities shall include, but not be limited to, all of
25 the following:

26 (1) Development and implementation of public education and
27 outreach programs. Programs may include technical assistance,
28 workforce recruitment and training, and equipment purchases.

29 (2) Fire prevention activities as defined in Section 4124.

30 (3) Projects to improve compliance with defensible space
31 requirements as required by Section 4291 through increased
32 inspections, assessments, and assistance for low-income residents.

33 (4) Technical assistance to local agencies to improve fire
34 prevention and reduce fire hazards.

35 (5) Creation of additional “Firewise USA” communities in the
36 state or other community planning or certification programs
37 deemed as appropriate by the department.

38 (6) Projects to improve public safety, including, but not limited
39 to, access to emergency equipment and improvements to public
40 evacuation routes.

1 (7) Vegetation management along roadways and driveways to
2 reduce fire risk. Where appropriate, the Department of
3 Transportation shall be consulted if state infrastructure will be
4 affected. Those projects shall remain consistent with paragraph
5 (1) of subdivision (b).

6 (8) Public education outreach regarding making homes and
7 communities more wildfire resilient, including defensible space
8 training.

9 (9) Projects to reduce the flammability of structures and
10 communities to prevent their ignition from wind-driven embers.

11 (10) Development of a risk reduction checklist for communities
12 that includes defensible space criteria, structural vulnerability
13 potential, and personal evacuation plans.

14 (d) The department may consider the fire risk of an area, the
15 geographic balance of projects, and whether the project is
16 complementary to other fire prevention or forest health activities
17 when awarding local assistance grants.

18 (e) (1) Until January 1, ~~2024~~, 2034, the director may authorize
19 advance payments from a grant awarded pursuant to this section.
20 The advance shall not exceed 25 percent of the total grant award.
21 The director may authorize a greater amount, not to exceed 50
22 percent of either the total grant award or the cost of equipment,
23 whichever amount is less, for the purpose of purchasing necessary
24 equipment.

25 (2) The grantee shall expend the funds from the advance
26 payment within 6 months of receipt, unless the department waives
27 this requirement.

28 (3) The grantee shall file an accountability report with the
29 department four months from the date of receiving the funds and
30 every four months thereafter.

31 (f) Until July 1, 2025, the department may authorize advance
32 payments on a grant awarded under this section in accordance with
33 subdivision (d) of Section 11019.1 of the Government Code.

34 (g) The department may expand or amend an existing grant
35 program to meet the requirements of this section.

36 (h) Funding for the local assistance grant program created
37 pursuant to this section shall be made upon appropriation by the
38 Legislature.

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ASSEMBLY BILL

No. 296

Introduced by Assembly Member Rodriguez

January 26, 2023

An act to add Article 6.1 (commencing with Section 53123) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL’S DIGEST

AB 296, as introduced, Rodriguez. Office of Emergency Services: 9-1-1 Public Education Campaign.

Existing law establishes the Office of Emergency Services within the office of the Governor. Existing law makes the office responsible for the state’s emergency and disaster response services for natural, technological, or man-made disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits “911” to be the primary emergency telephone number within the system. Existing law requires the office, with the advice and assistance of the Attorney General, to coordinate the implementation of systems, to assist local public agencies and local public safety agencies in obtaining financial help to establish emergency telephone service, and to aid agencies in the formulation of concepts, methods, and procedures that will improve the operation of those systems and that will increase cooperation between public safety agencies.

This bill would establish the 911 Public Education Campaign, to be administered by the office, for the purpose of educating the public on when it is appropriate to call 911 for assistance. The bill would include in the goals of the campaign, among others, reducing the number of unnecessary calls to 911 call centers and reducing delays in the 911 system caused by nonemergency calls being placed. The bill would authorize the office to use federal preparedness grant funds or funds appropriated by the Legislature for these purposes to implement these provisions.

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

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

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) Knowing when to call and when not to call 911 for
3 emergency services can possibly save someone's life.

4 (b) Emergency resources are valuable, and knowing how to
5 properly use the 911 emergency service is extremely important.

6 SEC. 2. Article 6.1 (commencing with Section 53123) is added
7 to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
8 Code, to read:

9

10 Article 6.1. 911 Public Education Campaign

11

12 53123. (a) The 911 Public Education Campaign is hereby
13 established, to be administered by the Office of Emergency
14 Services, for the purpose of educating the public on when it is
15 appropriate to call 911 for assistance.

16 (b) The goals of the 911 Public Education Campaign include
17 all of the following:

18 (1) Raise public awareness of when to call and when not to call
19 9-1-1.

20 (2) Reduce the number of unnecessary calls to 911 call centers.

21 (3) Reduce delays in the 911 system caused by nonemergency
22 911 calls being placed.

23 (4) Reduce the frequency of first responder resources being held
24 or delayed at hospital emergency departments as a result of
25 inappropriate 911 calls.

1 (c) The Office of Emergency Services may use federal
2 preparedness grant funds or funds appropriated by the Legislature
3 for the purposes of this article to implement this article.

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ASSEMBLY BILL

No. 619

Introduced by Assembly Member Vince Fong

February 9, 2023

An act to add Section 8596.1 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 619, as introduced, Vince Fong. State government: emergency services: nonprofit service providers.

Existing law, the California Emergency Services Act, authorizes the Governor to declare a state of emergency during conditions of disaster or extreme peril to persons or property. Existing law authorizes the Governor, during a state of emergency, to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, including provisions relating to eligibility to receive unemployment compensation benefits, if the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency. Existing law requires each department, division, bureau, board, commission, officer, and employee of this state to render all possible assistance to the Governor and to the Director of Emergency Services in carrying out the act.

This bill would authorize a nonprofit entity that provides services pursuant to a contract with a state agency, during a state of war emergency or a state of emergency, to request the state agency to allow that nonprofit to modify the method in which it provides those services so long as the purpose of the contract is served. The bill would require

the state agency and the nonprofit entity, if the state agency agrees to that modification, to prepare and sign an addendum to the contract establishing the terms and conditions of the modification.

The bill would require the nonprofit entity to notify each state agency from which it receives funding of a closure or of an impacted program, including whether a closure is location specific or due to executive order, and why the service level may be impacted. The bill would further require the nonprofit entity to identify and thoroughly document all expenditures associated with the closed program and retain documentation to justify expenses and to support claiming continued state funding, as specified. The bill would require a state agency that receives notification from a nonprofit entity pursuant to these provisions to ensure that funding is available to pay for canceled services, closed programs, or reduced service levels.

The bill would also permit a nonprofit entity, when a disruption occurs that prohibits that entity from providing services pursuant to a contract but a state of emergency or state of war emergency is not declared, to submit a request to the applicable state agency for flexibility with respect to services and funding pursuant to the contract. The bill would authorize a state agency to approve the written request if it determines that doing so is reasonable under the circumstances described by the nonprofit agency.

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

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

- 1 SECTION 1. Section 8596.1 is added to the Government Code,
- 2 to read:
- 3 8596.1. (a) During a state of war emergency or a state of
- 4 emergency, a nonprofit entity that provides services pursuant to a
- 5 contract with a state agency may request the state agency to allow
- 6 that nonprofit to modify the method in which it provides those
- 7 services so long as the purpose of the contract is served. If the state
- 8 agency agrees to that modification, the state agency and nonprofit
- 9 entity shall prepare and sign an addendum to the contract
- 10 establishing the terms and conditions of the modification.
- 11 (b) The nonprofit entity shall notify each state agency from
- 12 which it receives funding of a closure or of an impacted program,

1 including whether a closure is location specific or due to executive
2 order, and why the service level may be impacted.

3 (c) (1) The nonprofit entity shall identify and thoroughly
4 document all expenditures associated with the closed program.
5 The nonprofit entity shall retain documentation to justify expenses
6 and to support claiming continued state funding in accordance
7 with the following requirements:

8 (A) Fixed and regular costs that continue to be incurred shall
9 be paid normally.

10 (B) Hourly employees, including those who would not otherwise
11 be paid when a program is not operating, shall be paid the
12 anticipated wage during the closure.

13 (C) If there are any expenses that will not be incurred due to a
14 program closure, those expenses shall be identified and excluded
15 from invoicing. If the costs occurred prior to the closure, those
16 costs shall be paid by the contracting state agency.

17 (2) While contract expenditures may be billed using a regular
18 monthly invoice template, the expenses related to a closure shall
19 be documented and provided separately to the state agency.

20 (A) A nonprofit entity with a cost reimbursement contract shall
21 invoice for the month, but shall be flexible and responsive to the
22 applicable state agency's requests for additional documentation
23 about expenditures during closure, which may include
24 documentation of specific services that were expected but unable
25 to be delivered, and costs associated with those services.

26 (B) A nonprofit entity with a fee-for-service contract shall
27 invoice for the month by calculating one-twelfth of the contracted
28 units of service, and shall provide documentation of specific
29 services that were expected but unable to be delivered.

30 (d) A state agency that receives notification from a nonprofit
31 entity pursuant to subdivision (b) shall ensure that funding is
32 available to pay for canceled services, closed programs, or reduced
33 service levels.

34 (e) When a disruption occurs that prohibits a nonprofit entity
35 from providing services pursuant to a contract with a state agency,
36 but a state of emergency or a state of war emergency is not
37 declared, the nonprofit entity may submit to the impacted state
38 agency for approval a written request for flexibility with respect
39 to services and funding pursuant to the contract. The state agency
40 may approve the written request if it determines that doing so is

- 1 reasonable under the circumstances described by the nonprofit
- 2 agency.

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ASSEMBLY BILL

No. 1303

Introduced by Assembly Member Rodriguez

February 16, 2023

An act to add Section 8607.3 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1303, as introduced, Rodriguez. California Emergency Services Act: disaster preparedness.

Existing law, the California Emergency Services Act, establishes the Office of Emergency Services, which is responsible for the state's emergency and disaster response services for natural, technological, or human-induced disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters on people and property. Under existing law, the Office of Emergency Services, in coordination with all interested state agencies with designated response roles in the state emergency plan and interested local emergency management agencies, is required to jointly establish by regulation a standardized emergency management system for use by all emergency response agencies.

This bill would require the California State Warning Center, within the Office of Emergency Services, to develop a process for private-sector fuel transporters to voluntarily share information, as specified, for the purpose of providing fuel to local and state public-safety agencies actively involved in responding to or recovering from a disaster.

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

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

- 1 SECTION 1. Section 8607.3 is added to the Government Code,
2 to read:
3 8607.3. The California State Warning Center, within the Office
4 of Emergency Services, shall develop a process for private-sector
5 fuel transporters to voluntarily share the following information for
6 the purpose of providing fuel to local and state public-safety
7 agencies actively involved in responding to or recovering from a
8 disaster:
9 (a) Amount of fuel being transported or scheduled to be
10 transported.
11 (b) Location of fuel available to be transported.

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ASSEMBLY BILL

No. 1108

Introduced by Assembly Member Calderon

February 15, 2023

An act to amend Section 8593.9 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as introduced, Calderon. County emergency plans.

Existing law, the California Emergency Services Act, among other things, creates the Office of Emergency Services, which is responsible for the state's emergency and disaster response services, as specified. Existing law requires the Governor to coordinate the State Emergency Plan and the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state. Existing law defines the terms "political subdivision" and "emergency plans" for purposes of emergency services provided by local governments. Existing law requires the governing body of each political subdivision of the state to carry out the provisions of the State Emergency Plan. Existing law requires the office to establish best practices for counties developing and updating a county emergency plan and a process for a county to request that the office review a county's emergency plan by January 1, 2022.

This bill would require each county to review and update its emergency plan at least every 2 years. Because the bill would require local officials to perform additional duties, the bill would impose a state-mandated local program. The bill would remove the date by which the office is required to update the best practices referenced above.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 8593.9 of the Government Code is
2 amended to read:
3 8593.9. (a) *Each county shall review and update its emergency*
4 *plan at least every two years.*
5 ~~(a)~~
6 (b) The Office of Emergency Services ~~shall, by January 1, 2022,~~
7 *shall* develop best practices for counties developing and updating
8 a county emergency plan.
9 ~~(b)~~
10 (c) The Office of Emergency Services ~~shall, by January 1, 2022,~~
11 *shall* establish a process for a county to request the office to review
12 the county's emergency plan. Upon the conclusion of the review
13 process, the office shall provide technical assistance and feedback
14 regarding the sufficiency of the county's emergency plan with the
15 following elements:
16 (1) Whether the plan is consistent with the office's proposed
17 best practices.
18 (2) Whether the plan protects and accommodates vulnerable
19 populations during natural disasters.
20 (3) Whether the plan has established procedures for alerting,
21 evacuating, and sheltering individuals during an emergency.
22 (4) Any other necessary and appropriate element, as determined
23 by the office.
24 SEC. 2. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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Napa County

Board Agenda Letter

Legislative Subcommittee

Agenda Date: 3/27/2023

File ID #: 23-0525

TO: Napa County Legislative Subcommittee
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Jesus Tijero, BOS Staff Assistant II
SUBJECT: AB 595 (Essayli)

RECOMMENDATION

Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors oppose AB 595 by Assembly Member Essayli.

EXECUTIVE SUMMARY

AB 595 (Essayli) Animal shelter: 72-hours public notice: euthanasia: study.

Existing law declares that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Existing law also declares that it is the policy of the state that no treatable animal should be euthanized. Existing law provides that a violation of the Food and Agricultural Code is a misdemeanor, unless a different penalty is expressly provided. This bill, Bowie's Law, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing any animal and include the date that an animal is scheduled to be euthanized, except as provided. By creating new requirements regarding this public notice, the violation of which would be a crime, and by imposing new requirements on a public animal control agency or shelter, the bill would constitute 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 595 (Essayli) Animal shelter: 72-hours public notice: euthanasia: study.

Existing law declares that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Existing law also declares that it is the policy of the state that no treatable animal should be euthanized. Existing law provides that a violation of the Food and Agricultural Code is a misdemeanor, unless a different penalty is expressly provided. This bill, Bowie's Law, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing any animal and include the date that an animal is scheduled to be euthanized, except as provided. By creating new requirements regarding this public notice, the violation of which would be a crime, and by imposing new requirements on a public animal control agency or shelter, the bill would constitute a state-mandated local program. This bill contains other related provisions and other existing laws.

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 595

Introduced by Assembly Member Essayli

(Coauthors: Assembly Members Alanis, Wendy Carrillo, Chen, Dixon, Flora, Friedman, Gallagher, Hoover, Jackson, Lackey, Low, Mathis, Joe Patterson, Waldron, and Wallis)

(Coauthors: Senators Newman, Seyarto, and Wilk)

February 9, 2023

An act to add Section 32004 to, and to add and repeal Section 32005 of, the Food and Agricultural Code, relating to animal shelters.

LEGISLATIVE COUNSEL'S DIGEST

AB 595, as amended, Essayli. Animal shelters: 72-hour public notice: euthanasia: study.

Existing law declares that it is the policy of the state that no adoptable animal should be euthanized if it can be adopted into a suitable home. Existing law also declares that it is the policy of the state that no treatable animal should be euthanized. Existing law provides that a violation of the Food and Agricultural Code is a misdemeanor, unless a different penalty is expressly provided.

This ~~bill~~ *bill*, *Bowie's Law*, would require all animal shelters, as defined, to provide public notice on their internet website at least 72 hours before euthanizing ~~an adoptable dog or cat, as defined, any animal~~ and include the date that ~~an adoptable dog or cat animal~~ is scheduled to be euthanized, *except* as provided. By creating new requirements regarding this public notice, the violation of which would be a crime, *and by imposing new requirements on a public animal control agency or shelter*, the bill would constitute a state-mandated local program.

The bill would also require the Department of Food and Agriculture to conduct a study on the overcrowding of California's animal shelters, the ways in which the state might address animal shelter overcrowding, and the feasibility of a statewide database of ~~adoptable dogs or cats, as specified.~~ *dogs and cats that provides public notice and information at the statewide level, as specified.* The bill would require the department to, on or before January 1, 2026, submit a report on its study findings to the Legislature, as provided. The bill would repeal these study and reporting requirements on January 1, 2027.

~~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.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. This act shall be known, and may be cited, as
- 2 Bowie's Law.
- 3 ~~SECTION 1.~~
- 4 SEC. 2. Section 32004 is added to the Food and Agricultural
- 5 Code, to read:
- 6 32004. (a) ~~At~~ Except for an animal irremediably suffering
- 7 from a serious illness or severe injury pursuant to Section 17006,
- 8 newborn animals that need maternal care and have been
- 9 impounded without their mothers pursuant to Section 17006, and
- 10 dogs with a history of vicious or dangerous behavior documented
- 11 by the agency charged with enforcing state and local animal laws

pursuant to subdivision (b) of Section 31108.5, an animal shelter shall provide public notice on their its internet website at least 72 hours before euthanizing an adoptable dog or cat any animal and shall include information that includes, but is not limited to, the date that an adoptable dog or cat an animal is scheduled to be euthanized.

(b) As used in this section, the following terms have the following meanings: "animal shelter" means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(1) "Adoptable dog or cat" means a dog or cat eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, has manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk, and has manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal's health in the future.

(2) "Animal shelter" means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group.

(3) "Rescue group" means a for-profit or not-for-profit entity or a collaboration of individuals that removes dogs or cats, or both, from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter, or rehomes a dog or cat, or both, that has been previously owned by any person other than the original breeder.

SEC. 2.

SEC. 3. Section 32005 is added to the Food and Agricultural Code, to read:

32005. (a) The department shall conduct a study on all of the following topics:

(1) The overcrowding of California's animal shelters.

(2) The ways in which the state might address animal shelter overcrowding.

(3) The feasibility of a statewide database of adoptable dogs or cats that provides public notice and information at the statewide level in a manner consistent with Section 32004, including, but not limited to, by pursuing a public-private partnership.

(b) On or before January 1, 2026, the department shall submit a report on its study findings pursuant to subdivision (a) to the Legislature in compliance with Section 9795 of the Government Code.

(c) As used in this section, ~~the following terms have the following meanings:~~ “animal shelter” means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane society shelter.

(1) ~~“Adoptable dog or cat” means a dog or cat eight weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, has manifested no sign of a behavioral or temperamental defect that could pose a health or safety risk, and has manifested no sign of disease, injury, or congenital or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect the animal’s health in the future.~~

(2) ~~“Animal shelter” means a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group.~~

(3) ~~“Rescue group” means a for-profit or not-for-profit entity or a collaboration of individuals that removes dogs or cats, or both, from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, or humane shelter, or rehomes a dog or cat, or both, that has been previously owned by any person other than the original breeder.~~

(d) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

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

~~SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction,~~

1 *eliminates a crime or infraction, or changes the penalty for a crime*
2 *or infraction, within the meaning of Section 17556 of the*
3 *Government Code, or changes the definition of a crime within the*
4 *meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 *However, if the Commission on State Mandates determines that*
7 *this act contains other costs mandated by the state, reimbursement*
8 *to local agencies and school districts for those costs shall be made*
9 *pursuant to Part 7 (commencing with Section 17500) of Division*
10 *4 of Title 2 of the Government Code.*

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Napa County

Board Agenda Letter

Legislative Subcommittee

Agenda Date: 3/27/2023

File ID #: 23-0526

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

RECOMMENDATION

Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors support 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 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 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 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 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.

AMENDED IN SENATE MARCH 21, 2023

SENATE BILL

No. 706

Introduced by Senator Caballero

February 16, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

SB 706, as amended, 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

1 the work or improvement according to detailed drawings contained
2 in the plans and specifications produced by the design-build team.

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

8 (d) “Design-build project” means any project using the
9 progressive design-build construction procurement process
10 described in this 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.

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

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

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

33 ~~22171.— A local agency may procure progressive design-build~~
34 ~~contracts and use the progressive design-build contracting process~~
35 ~~described in this chapter for public works projects in excess of~~
36 ~~five million dollars (\$5,000,000) for each project.~~

37 ~~SEC. 3.—~~

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

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

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

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

(2) The contract award amounts.

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

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

(5) A description of the prequalification process.

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

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

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

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

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

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

~~SEC. 4.~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because

1 the only costs that may be incurred by a local agency or school
2 district will be incurred because this act creates a new crime or
3 infraction, eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section 17556 of
5 the Government Code, or changes the definition of a crime within
6 the meaning of Section 6 of Article XIII B of the California
7 Constitution.

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Napa County

Board Agenda Letter

Legislative Subcommittee

Agenda Date: 3/27/2023

File ID #: 23-0528

TO: Board of Supervisors
FROM: David Morrison, Interim County Executive Officer
REPORT BY: Leah Doyle-Stevens, Aide to Board of Supervisors
SUBJECT: AB 817- Open Meetings: Teleconferencing: Non-Decision-Making Bodies

RECOMMENDATION

Interim County Executive Officer requests discussion and possible action to recommend that the Napa County Board of Supervisors support AB 817 by Assemblymember Blanca Pacheco.

EXECUTIVE SUMMARY

AB 817 would increase civic engagement by allowing members of non-decision-making legislative bodies that do not have the ability to take final action to participate in two-way virtual teleconferencing without posting their personal addresses while teleconferencing. Counties and other local governments have faced an ongoing challenge to recruit and retain members of the public on advisory bodies, boards, and commissions. Challenges associated with recruitment have been attributed to participation time commitments, time and location of meetings, physical limitation, conflicts with childcare, and work obligations, to name just a few.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Click or tap here to enter text.

BACKGROUND AND DISCUSSION

Currently, there is no law that governs Brown Act Bodies specific to legislative subcommittees, boards, and commissions.

Assembly Bill 2449 (Stats. 2022, Chapter 285) permits a full Brown Act legislative body to permit remote participation for a minority of local government officials for just cause or emergency circumstances.

Assembly Bill 361 (Stats. 2021, Chapter 165) until January 1, 2024, permits the full legislative body to

participate remotely without posting physical location when the Governor has issued a specified state of emergency. This bill was narrowly crafted to tie to Executive Order N-29-20 which will be lifted on February 28, 2023.

AB 931 (Stats. 2019, Chapter 819) sought to ensure equal gender representation on local boards and commissions. While provisions were invalidated by the court, the legislative declarations recognize these local bodies establish a pathway to other governmental leadership positions and that California must take affirmative steps to remedy the injustices resulting from underrepresentation in leadership positions.



AB 817- OPEN MEETINGS: TELECONFERENCING: NON- DECISION-MAKING BODIES

BACKGROUND

Local governments across the state have faced an ongoing challenge to recruit and retain members of the public on advisory bodies, boards, and commissions. Challenges associated with recruitment have been attributed to participation time commitments; time and location of meetings; physical limitation, conflicts with childcare, and work obligations.

The COVID-19 global pandemic has driven both hyper-awareness and concerns about the spread of infectious diseases, as well as removed barriers to local civic participation by allowing remote participation. This enabled individuals who could not otherwise accommodate the time, distance, or mandatory physical participation requirements to engage locally.

Diversification in civic participation at all levels requires careful consideration of different protected characteristics as well as socio-economic status. The in-person requirement to participate in local governance bodies presents a disproportionate challenge for those with physical or economic limitations,

including seniors, persons with disability, single parents and/or caretakers, economically marginalized groups, and those who live in rural areas and face prohibitive driving distances. Participation in local advisory bodies and appointed boards and commissions often serves as a pipeline to local elected office and opportunities for state and federal leadership positions.

Existing law (Stats. 1991, Ch. 669) declares "a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees." Under the Local Appointments List, also known as Maddy's Act, this information must be publicly noticed and published. However, merely informing the public of the opportunity to engage is not enough: addressing barriers to entry to achieve diverse representation in leadership furthers the Legislature's

declared goals of equal access and equal opportunity.

EXISTING LAW

Assembly Bill 2449 (Stats. 2022, Chapter 285) permits a full Brown Act legislative body to permit remote participation for a minority of local government officials for just cause or emergency circumstances.

Assembly Bill 361 (Stats. 2021, Chapter 165) until January 1, 2024, permits the full legislative body to participate remotely without posting physical location when the Governor has issued a specified state of emergency. This bill was narrowly crafted to tie to Executive Order N-29-20 which will be lifted on February 28, 2023.

AB 931 (Stats. 2019, Chapter 819) sought to ensure equal gender representation on local boards and commissions. While provisions were invalidated by the court, the legislative declarations recognize these local bodies establish a pathway to other governmental leadership positions and that California must take affirmative steps to remedy the injustices resulting from underrepresentation in leadership positions.

Staff Contact

Kierra Paul

Email: Kierra.Paul@asm.ca.gov

Phone: 916.319.2064

PROBLEM

Currently, there is no law that governs Brown Act Bodies specific to legislative subcommittees, boards, and commissions.

SOLUTION

- **AB 817** would provide a narrow exemption under the Ralph M. Brown Act for non-decision-making legislative bodies currently governed by Act, such as advisory bodies and commissions, to participate in two-way virtual teleconferencing without posting physical location of members.
- **AB 817** would remove barriers to entry for appointed and elected office by allowing non-decision-making legislative bodies to participate virtually as long as they do not have the ability to take final action on legislation, regulations, contracts, licenses, permits, or other entitlements.

SUPPORT

- California Association of Recreation and Park Districts (CARPD) - **Sponsor**
- League of California Cities (CalCities) - **Sponsor**
- Urban Counties of California (UCC) - **Sponsor**
- Rural County Representatives of California (RCRC) - **Sponsor**
- California State Association of Counties (CSAC) - **Sponsor**

March 13, 2023