
MEMORANDUM

To: East Contra Costa Fire Protection District
From: Townsend Public Affairs
Date: July 3, 2020
Subject: Monthly Report for the East Contra Costa Fire Protection District — June 2020

State Legislative Update

In June, the Legislature was focused primarily on passing a State Budget before the June 15 constitutional deadline. While the Legislature met its obligation to pass a budget by June 15, the budget bill did not reflect a finalized deal between the Administration and the Legislature. Subsequently, the Legislature then passed a “Junior Budget Bill” that was negotiated with the Administration, as well as a majority of the budget trailer bills needed to implement the State Budget. On June 29, Governor Newsom signed the \$202 billion State Budget for the upcoming fiscal year.

The Legislature was also actively considering legislation in June to meet several legislative deadlines. June 5 was the last day for policy committees to report non-fiscal bills to the floor, and June 19 was the last day for fiscal committees to hear and report bills to the floor. June 22-26 was dedicated to floor session only for the Senate, and the Assembly was told to return to Sacramento in order to pass the budget. June 25 was also the deadline for the Legislature to pass a measure in time to qualify for the November ballot.

Lastly, Governor Newsom has continued his press briefings to update the State on the status of COVID-19 in California. With counties re-opening across the State, COVID-19 cases, as well as the positivity testing rate, have begun to increase. Specifically, in the last seven days, there has been a 45 percent increase in the number of positive cases, a 5.9 percent increase in the positivity rate, and a 45 percent increase in the number of hospitalizations in the last two weeks. This has resulted in the Governor taking more action to mitigate the spread of the virus by enacting a statewide face-covering order and re-closing certain business sectors in 19 counties throughout the State.

Below are the upcoming deadlines for the Legislature:

July 3 – Independence Day observed

July 13 – Legislature reconvenes from Summer Recess

July 31 – Last day for policy committees to hear and report fiscal bills to fiscal committees

August 7 – Last day for policy committees to meet and report bills

Governor's COVID-19 Action Summary

Below is a summary of the major COVID-19 actions taken by the State Administration in June:

- **July 1 – Stay at Home Order:** Governor Newsom announced that certain sectors are being ordered to close indoor operations, due to the increased likelihood of spread and the ability to mitigate that spread. These closures are to go into effect immediately in the 19 counties that are on the County Monitoring List.
- **June 30 – Eviction Moratorium:** Governor Newsom issued an executive order extending authorization for local governments to halt evictions for renters impacted by the COVID-19 pandemic, through September 30.
- **June 25 – Budget Emergency Declaration:** Governor Newsom issued a proclamation of a budget emergency to make additional resources available to fund the state's ongoing emergency response to the COVID-19 pandemic, ensuring the availability of funding for personal protective equipment, medical equipment and other expenditures as necessary to support a potential hospital surge and provide necessary services to vulnerable populations.
- **June 22 – Recycling:** The order extends a waiver that allows retailers to temporarily pause in-store redemption of beverage containers to mitigate the spread of COVID-19. The order also temporarily suspends the requirement for recycling centers to hold a minimum number of hours of operation.
- **June 18 – Statewide Mask Order:** The California Department of Public Health released guidelines mandating the public to wear face coverings while in public with a limited number of exemptions.
- **June 15 – Executive Order:** Governor Newsom signed an executive addressing a variety of issues in response to the COVID-19 pandemic.
- **June 8 – Respirators:** Governor Newsom announced that California-based BYD North America received certification from the National Institute for Occupational Safety and Health (NIOSH) to produce N95 respirators for the state.
- **June 5 – Personal Protective Equipment:** Governor Newsom signed an executive order that will help increase the availability of over-the-counter drugs, such as hand sanitizer, and medical devices, such as respirators, ventilators and masks, which are in demand due to the COVID-19 pandemic.

2020 State Budget

On June 29, Governor Newsom signed the 2020 State Budget Bill, as well as a majority of the budget trailer bills needed to implement the various portions of the State Budget. The Assembly reconvened from their summer recess on June 26 to vote on the Junior Budget Bill and other measures approved by the Senate on June 25. The measures were sent to the Governor so that he could act on the budget prior to the constitutional deadline.

Budget Deficit

The budget agreement addresses the State's \$54 billion budget deficit through a combination of cuts, fund deferrals, and temporary revenue increases. The State Budget adopts budgetary cuts to the State's university systems, courts, housing-related programs, and other investments, as well as realizes savings from state employee salary adjustments; however, these cuts can be rescinded if California receives additional federal assistance prior to October 2020. Any future federal aid will restore these specific cuts and deferrals on a one-time basis.

Overall, the State Budget that was approved by the Legislature rejects most of the programmatic cuts that were contained in the Governor's May Revise. The Budget does contain the Governor's "trigger up" structure of cuts but adopts many of the Legislature's preferred means of addressing the budget shortfall. The Budget does not contain the proposed May Revise cuts to education and community colleges, but instead defers billions in education funding to future budget years. The Budget also rejects \$2.2 billion in cuts that were proposed in the May Revise for health and human services programs, including programs for seniors.

Budget Highlights – Local Governments

Included within the budget agreement is federal funding to help address the impacts of the coronavirus pandemic. Specifically, the budget contains \$500 million in Coronavirus Relief Funds for cities, which will be allocated with \$225 million for cities with populations above 300,000 and \$275 million for cities with populations below 300,000. The Department of Finance will be working quickly to disperse these funds, as federal law requires the funds to be expended by the end of the calendar year or else the funding will revert to the federal government.

The Department of Housing and Community Development is receiving \$550 million in CARES Act funding to help secure shelter for homeless individuals who are at risk for contracting COVID-19. Specifically, the funding can be used for acquisition, or acquisition and rehabilitation, of motels, hotels, or hostels; master leasing of properties; acquisition of other sites and assets; and the relocation costs for individuals who are being displaced as a result of rehabilitation of existing units.

An additional \$300 million from the State's General Fund is provided to local governments to address homelessness, building on the state's investments of recent years. This funding will be distributed in the form of Round 2 of the Homeless Housing Assistance Prevention (HHAP) program as follows: \$90 million to Continuums of Care; \$130 million to cities with populations over 300,000; and, \$80 million to counties.

Housing Legislation

Despite the limited number of bills being heard this year compared with other years due to COVID-19 and the modified legislative calendars, the Senate and Assembly are proposing housing packages that aim to increase the amount of housing development throughout the State. Assemblymember David Chiu (D-San Francisco), chair of the Housing and Community Development Committee, and Senate Pro Tempore Toni Atkins (D-San Diego) have released a housing package that includes the following bills:

- **AB 725 (Wicks D)** Amends Housing Element law to require certain jurisdictions to zone for multi-family moderate and above-moderate income housing.

- **AB 1279 (Bloom D)** Requires certain development sites in high resource areas to allow for more density and height and makes these sites subject to "use by-right" approval.
- **AB 1851 (Wicks D)** Allows a religious institution to develop an affordable housing project at a place of worship owned by the religious institution even if the development requires the religious institution to reduce the number of religious-use parking spaces available at the place of worship.
- **AB 2323 (Friedman D)** Expands the application of California Environmental Quality Act (CEQA) exemptions for housing and other projects by permitting community plans to serve as the basis for exemption of residential, mixed-use and employment center projects near transit areas.
- **AB 2345 (Gonzalez D)** Revises Density Bonus Law to increase the maximum allowable density and the number of concessions and incentives a developer can seek.
- **AB 3040 (Chiu D)** Allows cities and counties to receive a specified credit towards meeting their Regional Housing Needs Allocation (RHNA) for rezoning single-family neighborhoods to allow four units per parcel.
- **AB 3107 (Bloom D)** Makes housing an authorized use on commercially zoned land.
- **AB 3279 (Friedman D)** Revises California Environmental Quality Act (CEQA) litigation procedures by reducing the deadline for a court to commence hearings from one year to 270 days.
- **SB 902 (Wiener D)** This bill permits a local government to pass an ordinance to zone any parcel up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site.
- **SB 995 (Atkins D)** This bill extends for four years the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 until 2025; and makes housing projects that meet certain requirements eligible for certification under the Act.
- **SB 1085 (Skinner D)** This bill makes several changes to density bonus law (DBL) and provides additional benefits to housing development projects that include moderate-income rental housing units.
- **SB 1120 (Atkins D)** This bill requires ministerial approval of duplexes and specified parcel maps.
- **SB 1385 (Caballero D)** This bill enacts the Neighborhood Homes Act, which establishes housing as an allowable use on any parcel zoned for office or retail uses.

These bills will be considered in their respective policy committees later this month. TPA will continue to monitor these bills as the Legislature considers these housing measures for the remainder of the 2020 legislative session.

Social Justice and Equity Legislation

Since the death of George Floyd that has received statewide and national attention last month, the Legislature has been focused on advancing social equity and police reform legislation. Namely, the Legislature has passed ACA 5 (Weber, D-San Diego), a bill that repeals Proposition 209, the State constitutional provision that passed in 1996 that prohibited California from granting preferential treatment to (or discriminating against) any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The bill, which is a constitutional amendment, received a two-thirds vote in both houses and does not require a signature from the Governor to qualify for the ballot.

Additionally, the Legislature is considering AB 1196 (Gipson, D-Carson), a bill that would prohibit a law enforcement agency from authorizing the use of a carotid restraint or a choke hold when making an arrest. The bill has received some bipartisan support and is scheduled to be heard in the Senate once it is referred to a policy committee. Additional social justice and equity bills will be considered in their respective Senate policy committees later this month.

November 2020 Ballot Update

June 25 was the last day for the Legislature to pass measures to qualify for the November 2020 ballot. TPA will be providing a comprehensive update on the qualified ballot measures, but below is a brief summary of these initiatives:

- **1880. (19-0022A1):** Authorizes bonds to continue funding stem cell and other medical research.
- **1864. (19-0003):** Changes requirements for transferring property tax base to replacement property. Expands business property reassessment.
- **1870. (19-0008A1):** Increases funding for public schools, community colleges, and local government services by changing tax assessment of commercial and industrial property.
- **1840. (17-0044):** Restricts parole for non-violent offenders. Authorizes felony sentences for certain offenses currently treated only as misdemeanors.
- **1862. (19-0001):** Expands local governments' authority to enact rent control on residential property.
- **1883. (19-0026A1):** Changes employment classification rules for app-based transportation and delivery drivers.
- **1882. (19-0025A1):** Authorizes state regulation of kidney dialysis clinics. Establishes minimum staffing and other requirements.
- **1879. (19-0021A1):** Amends consumer privacy laws.
- **1856. (18-0009):** Referendum to overturn a 2018 law that replaced money bail system with a system based on public safety risk.

Additionally, the measures below were recently passed by the Legislature and will qualify for the November 2020 ballot.

- **ACA 5 – Government preferences:** The California Constitution, pursuant to provisions enacted by the initiative Proposition 209 in 1996, prohibits the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. The California Constitution defines the state for these purposes to include the state, any city, county, public university system, community college district, school district, special district, or any other political subdivision or governmental instrumentality of, or within, the state. This measure would repeal these provisions.
- **ACA 6 – Elections, disqualification of voters:** Would direct the Legislature to provide for the disqualification of electors who are serving a state or federal prison sentence for the conviction of a felony. This measure would also delete the requirement that the Legislature provide for the disqualification of electors while on parole for the conviction of a felony. The measure would provide for the restoration of voting rights upon completion of the prison term.
- **ACA 11 - The Home Protection for Seniors, Severely Disabled, Families, and Victims of Wildfire or Natural Disasters Act:** This constitutional amendment, a compromise between the California Realtor’s Association and the California Professional Firefighters is aimed to spur housing development, close certain property tax loopholes that prevent seniors from moving and create two funds that will assist underfunded fire districts and protect county services. TPA has closely followed the development of ACA 11 the past month which moved through the legislative process in a matter of two weeks.

Additional information regarding these ballot measures can be found on the Secretary of State’s website.

Additional Legislation

Senate Bill 1312 (McGuire): Undergrounding

This bill would require expedited undergrounding of electrical lines in designated areas to promote fire prevention and reduce PSPS. **This bill is awaiting a hearing date in the Assembly Utilities and Energy Committee.**

SB 1386 (Moorlach): Local government: assessments, fees, and charges: water

This bill would protect fire hydrant system funding and ensure that the City and dozens of other public water suppliers statewide are able to operate sufficiently-sized and -pressurized water systems to supply water to their customers and to fight fires. This measure affirms that existing law allows water suppliers to include the costs of operating and maintaining these systems, as well as the costs associated with fire hydrants and the water served through them, in their property-related service charges. Because of lawsuits that threaten California water providers’ ability to fund water services used in fire protection, this measure is critical to preventing these costs from being passed on to fire protection agencies. **SB 1386 is in the Assembly Local Government Committee.**

AB 2421 (Quirk): Communications: Standby generators

AB 2421 would assist in requiring backup generator power to cell towers throughout the State to ensure emergency communications capabilities for first responders during Public Safety Power Shutoffs (PSPS), or other power loss events. **This bill is currently in the Senate Governance and Finance Committee.**

Federal Legislative Update

In June, protests related to racial justice and police brutality dominated the federal landscape, while the health and economic impacts of COVID-19 continued to be prominently featured in policy and political circles. The rate of infection increased during the month of June, as many states began various phases of reopening.

Coronavirus Aid Packages

White House Advisor Peter Navarro indicated President Trump wants to see a Phase 4 price tag around \$2 trillion and wants to focus on bringing manufacturing jobs back to the United States. Senate Majority Leader Mitch McConnell has stressed to President Trump that he would prefer a smaller package, no more than \$1 trillion. As a reminder, the House passed a Phase 4 package, the HEROES Act, last month worth \$3 trillion.

The most contentious sticking point in the next coronavirus aid package is expected to be the question of how to help the more than 40 million unemployed Americans. The next coronavirus aid package is expected to move in the coming weeks. Some proposals we have heard discussed among Congressional staff include:

- Continuation of supplemental \$600 per week on top of regular unemployment benefits
 - Senate Majority Leader Mitch McConnell has publicly indicated that Republicans will not support an extension of the \$600 weekly unemployment supplemental that Congress passed in March. Some GOP lawmakers have said they believe the additional aid provides a disincentive to return to work.
 - Most Democrats in the House and Senate have argued that the supplemental unemployment benefits, which are set to expire at the end of July, should be made to last beyond the summer.
- Business payroll subsidies
 - Senator Josh Hawley (R-MO) is going to introduce a bill to have the federal government subsidize business' payrolls during the pandemic.
- Back-to-work bonus
 - Senator Rob Portman (R-OH) is working on a proposal to provide workers with an additional \$450 a week bonus on top of their current wages as an incentive to go back to work
 - President Trump has signaled early support for this idea
- Automatic economic stabilizer
 - Senate Minority Leader Chuck Schumer is considering a push to automatically tie unemployment benefits to the condition of the economy
 - Speaker Nancy Pelosi has also publicly endorsed this idea, saying it would avoid the political wrangling that could otherwise threaten to hold up much-needed aid.
- Tourism
 - In Washington DC there are behind-the-scenes conversations about a potential proposal to boost tourism by providing tax breaks for Americans who travel inside

the United States. It is being actively considered by the White House for inclusion in the next coronavirus stimulus package. Here are some preliminary details that are being discussed:

- The tourism tax incentive would be up to \$4,000 per household.
- It would permit a refund of 50 percent of qualified travel expenses through the end of 2021
- Qualified expenses would be defined as any purchase over \$50 during travel inside the United States on “meals, lodging, recreation, transportation, amusement or entertainment, business meetings or events, and gasoline.”

Another point of contention that has yet to be negotiated is using state and local funding to repair coronavirus-related revenue loss. Several proposals recommend different funding levels and allocation formulas, with no clear front-runner. Ultimately, both Democrats and Republicans seem to recognize the need for additional state and local funding, and will likely allocate additional funding with some restrictions.

Phase 4 negotiations are expected to begin in earnest in the next few weeks, with a package finalized after Independence Day.

Coronavirus Relief Fund Guidance

This month, the Treasury Department released updated FAQs on the Coronavirus Relief Fund, which allocated funds to state and local governments through the CARES Act. New information includes:

- CRF money can be used to offset the 25% matching requirement for FEMA’s Public Assistance Grants.
- If you are using CRF money to fund public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, you are not required to track time of the employees responding to COVID-19.
- CRF money can be given to non-profits to distribute COVID-related assistance
- CRF money can be used towards marketing expenses for local tourism industries. The guidance makes the following stipulations:

Policing Bills

Following protests across the nation, Republicans and Democrats introduced police reform bills in June to address a variety of issues.

The Democrats’ preferred bill, the “Justice in Policing Act” (H.R. 7120), is sponsored by Congressional Black Caucus Chairwoman Karen Bass (D-CA) and Judiciary Committee Chairman Jerry Nadler (D-NY) in the House. Senators Cory Booker (D-NJ) and Kamala Harris (D-CA) are the leaders of the effort in the Senate.

The bill would do the following:

- Drop the threshold for defining police misconduct from “willfully” violating constitutional rights to doing so with knowing or reckless disregard.
- Weaken the qualified immunity that broadly shields police officers from being liable for damages for rights violations.

- Ban choke-holds like the one used by police in the death of George Floyd, as well as no-knock warrants, which led to the death of Breonna Taylor in Louisville in March.
- Make lynching a federal crime for the first time.
- Create a national registry of police violations
- Require Federal officers to wear body cameras.
- Place new limits on federal funding for local and state police
- Require bias training and the use of de-escalation tactics in order for grants to be approved.
- Curtail the transfer of military weaponry to state and local police.

The bill passed the House and awaits movement in the Senate. Additionally, Congressional Republicans, led by Senator Tim Scott (R-SC), released their own bill, the “Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act” (S. 3985).

A summary of the JUSTICE Act is as follows:

- Requires reports on no-knock warrants
- Creates compliance assistance grants
- Incentivizes banning of chokeholds
- Criminalizes falsifying police incident reports
- Establishes a new Body-Worn Cameras grant program
- Requires law enforcement agencies to maintain and appropriately share disciplinary records for officer hiring consideration
- Makes lynching a federal crime
- Establishes a Commission on the Social Status of Black Men and Boys
- Requires DOJ to develop and provide training on de-escalation and implementation and fulfilment of duty to intervene policies.
- Establishes a National Criminal Justice Commission
- Allows COPS grants to be used by law enforcement agencies to hire personnel reflective of the communities they serve
- Urges consensus development of best practices for policing tactics, employment processes, community transparency and administration. Studies on community Use of Force review boards, law enforcement officer engagement on issues related to mental health, homelessness, and addiction, and proposals on improving accountability for DOJ grants.
- Makes it unlawful for a federal law enforcement officer to engage in a sex act while serving or with an individual who is under arrest, in detention, or in an officer’s custody.

Although both the Republican and Democratic bills address police violence, there are relatively few similar provisions between the two bills – both bills would make lynching a federal crime, but take different approaches to police misconduct tracking and penalties, qualified immunity, choke-holds, no-knock warrants, body cameras, and federal funding.

The Democrats, in opposition to the Republicans’ version of policing reform, blocked consideration of the bill in the Senate. This created an impasse between both sides of the aisle on police reform, and a path forward is not clear.

Infrastructure

This month, Speaker Nancy Pelosi announced the House's plan to package several typically unrelated bills into one massive "infrastructure" package, which will include more than \$1.5 trillion in funding. Deemed the "Moving America Forward Act" (H.R. 2), House leadership indicated the bill will focus on resiliency, job creation, commerce, and restoring the economy.

The Moving America Forward Act will center primarily around the Investing in a New Vision for the Environment and Surface Transportation in America Act (INVEST Act), which serves as the House's version of the Surface Transportation Reauthorization. This legislation, which provides nearly \$500 billion in highway and transportation funds over 10 years, has been discussed for finalization by the House Transportation Committee over the past two days. In addition to the INVEST Act, the Moving America Forward Act also will incorporate the following inclusions:

- \$100 billion for low-income schools
- \$100 billion for affordable housing
- \$100 billion for broadband
- \$70 billion for the electric grid
- \$65 billion for water projects, including \$2.25 billion for PFAS grants
- \$30 billion for hospitals
- \$25 billion for the Postal Service

The "Moving America Forward Act" is currently being amended on the House floor and is expected to pass. TPA has worked with Congress to ensure the inclusion of programs like Community Block Development (CDBG) and INFRA Grants, continued funding for programs such as EPA's Brownfields Program, aircraft noise mitigation, and water infrastructure.

TPA has also worked to ensure passage of key amendments such as Congresswoman Lizzie Fletcher's (D-TX) amendment submission, which amends the legislation to designate funds allocated through the Highway Trust Fund for undergrounding public utilities. This bill language is critical, as it would help to mitigate the cost of recurring damages from extreme weather events, wildfire or other natural disasters.