



South Coast Air Quality Management District

South Coast
AQMD

21865 Copley Drive, Diamond Bar, CA 91765-4178
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REVISED

LEGISLATIVE COMMITTEE MEETING

Committee Members

Council Member Judith Mitchell, Chair
Council Member Joe Buscaino, Vice Chair
Dr. William A. Burke
Senator Vanessa Delgado (Ret.)
Supervisor V. Manuel Perez
Supervisor Janice Rutherford

April 10, 2020 ♦ 9:00 a.m.

Pursuant to Governor Newsom's Executive Orders N-25-20 (March 12, 2020) and N-29-20 (March 17, 2020), the Legislative Committee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION AT BOTTOM OF AGENDA

Join Zoom Meeting - from PC or Laptop

<https://scagmd.zoom.us/j/113718569>

Meeting ID: 113 718 569 (applies to all)

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Audience will be able to provide public comment through telephone or Zoom connection.

PUBLIC COMMENT WILL STILL BE TAKEN

AGENDA

Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't. Code Section 54854.3(a)). If you wish to speak, raise your hand on Zoom or press Star 9 if participating by telephone. All agendas for regular meetings are posted at South Coast AQMD Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.

CALL TO ORDER

DISCUSSION ITEMS (Items 1 through 3):

1. Update on Federal Issues
(No Motion Required)
Consultants will provide an oral report on the “Coronavirus Aid, Relief, and Economic Security Act” (CARES) and potential next steps.
[Attachment 1 - Written Reports]

Mark Kadesh
Kadesh & Associates, LLC
pgs 5-7
Gary Hoitsma
Carmen Group
pgs 8-9
Amelia Jenkins
Cassidy & Associates
pgs 10-12
Paul Gonsalves
Joe A. Gonsalves & Son
pgs 13-16
David Quintana
Quintana, Watts and Hartmann
pgs 17-19
Will Gonzalez
California Advisors, LLC
pgs 20-21
2. Update and Discussion on State Legislative Issues
(No Motion Required)
Consultants will provide a brief oral report on State legislative activities in Sacramento.
[Attachment 2 - Written Reports]
3. Update on Legislation Regarding Voting District Authorization for Clean Air
(No Motion Required)
Staff will provide an update regarding South Coast AQMD-sponsored legislation relating to a voting district authorization to allow for potential voter initiative ballot funding measures within the District.

Derrick J. Alatorre
Deputy Executive Officer
Legislative, Public Affairs & Media

OTHER MATTERS:

4. Other Business
Any member of this body, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Govt. Code Section 54954.2)
5. Public Comment Period
At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Legislative Committee’s authority that is not on the agenda. Speakers may be limited to three (3) minutes each.
6. **Next Meeting Date** – Friday, May 8, 2020 at 9:00 am.

ADJOURNMENT

Document Availability

All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the agenda is posted, are available by contacting Stacy Day at (909) 396-2495, or send the request to sday@aqmd.gov.

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the Legislative Committee meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov't Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to South Coast AQMD. Please contact Stacy Day at (909) 396-2495 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to sday@aqmd.gov.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on Mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chairman will announce public comment.

A countdown timer will be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the **“Participants”** button on the bottom of the screen.
- A list of participants will appear on the right side of the screen. At the bottom of the list, please click on the grey **“Raise Hand”** button.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the **“Participants”** button on the bottom of your screen.

- A new screen will pop up with the list of participants. Look for the “**Raise Hand**” button on the screen and click the button.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.

ATTACHMENT 1

South Coast AQMD Report for the April 2020 Legislative Meeting covering March 2020
Kadesh & Associates

March:

March featured two weeks in session for the House followed by a one-week recess which was extended through another week because of COVID-19. The Senate canceled the week of recess and stayed in session to pass the second COVID-19 response package, H.R. 6201 and develop and pass the third package, the CARES Act, H.R. 748.

We were pursuing support in the delegation for the Clean Corridors legislation as well as beginning a delegation support letter for the Targeted Airshed Grants program, but those are by necessity now on hold. You will recall that on May 15, 2019, Congressman Mark DeSaulnier (CA-11) announced legislation to launch a major federal program to accelerate the transition to clean transportation technology. The Clean Corridors Act (H.R. 2616) would direct \$3 billion in federal dollars over the coming decade to construct and install infrastructure to support technologies like hydrogen fuel cell and electric battery-powered vehicles.

COVID-19 novel coronavirus:

At the direction and coordination of South Coast AQMD executive staff, two critical issues were identified and worked on aggressively: the funding for states and local governments in the third COVID bill (CV3) and correcting an injurious provision inserted in the second COVID bill during the “technical amendments” process, namely the prohibition to state and local units of government to use Tax Credits for repayment to employers (i.e. South Coast AQMD) for mandated paid sick leave.

Three COVID-related legislative packages:

CV1- An \$8.3 billion emergency coronavirus spending package enacted into law on March 6. These funds largely backfilled accounts at the Centers for Disease Control and Department of Health and Human Services, provided some funds to international functions and enhanced Small Business Administration's loan authority by \$7 billion.

CV2- H.R. 6201, The Families First Coronavirus Response Act building on CV1 was enacted into law on March 16 expanding access to *Emergency Paid Sick Leave and Family Leave* to as many as 87 million U.S. workers. Both paid leave provisions would take effect no later than 15 days after the bill's enactment and expire on December 31, 2020.

Emergency Paid Sick Leave

Eligibility:

- Employees at companies with fewer than 500 employees (Currently, 89 percent of employees at companies with more than 500 workers have access to paid sick leave.)
- Local, state, and federal government employees.
- Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan.

Benefits:

- Entitled eligible full-time employees up to two weeks (80 hrs) of fully paid time off (up to \$511/day) to self-quarantine, seek diagnosis or preventive care, or receive treatment for COVID-19.
- Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis or preventive care or receive treatment for COVID-19.
- Eligible full-time employees are entitled to two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.
- Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at two-thirds of their typical pay (up to \$200 per day) to care for a

child whose school has closed, or if their childcare provider is unavailable, due to COVID-19.

Who Pays for the Emergency Paid Sick Leave?

Employers initially front the cost of emergency paid sick leave but will be fully reimbursed by the federal government within three months. The reimbursement will cover both the wages paid and the employer's contribution to employee health insurance premiums during the period of leave. Employers will be reimbursed through a refundable tax credit that counts against employers' payroll tax, which all employers pay regardless of non-profit/for-profit status. Employers will submit emergency paid sick leave expenses as part of their estimated quarterly tax payments. If employer's costs more than offset their tax liability, they will get a refund from the IRS.

Emergency Paid Family Leave

In response to prolonged school closures, the Families First Coronavirus Response Act provides protections to ensure that workers can care for their children without sacrificing their paycheck.

Eligibility includes: Employees at companies with fewer than 500 employees; State and local government employees and certain federal government employees; Employees who work under a multiemployer collective agreement and whose employers pay into a multiemployer plan.

Benefits: Eligible full-time employees and part-time employees are entitled to 12 weeks of job-protected leave to take care for their children in the event of a school closure or their childcare provider is unavailable due to COVID-19. The 12 weeks of job-protected leave includes two weeks of unpaid leave, followed by 10 weeks of paid leave. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay.

Who Pays for the Emergency Paid Family Leave?

-Employers initially front the cost of emergency paid sick leave but will be fully reimbursed by the federal government within three months.

-The reimbursement will cover both the wages paid and the employer's contribution to employee health insurance premiums during the period of leave.

-Employers will be reimbursed through a refundable tax credit that counts against employers' payroll tax, which all employers pay regardless of non-profit/for-profit status.

-Employers will submit emergency paid sick leave expenses as part of their estimated quarterly tax payments. If employer's costs more than offset their tax liability, they will get a refund from the IRS.

CV3- The features and benefits of the \$2 trillion CV3 are too numerous to summarize here, but in general CV3: The size of the stimulus package is unprecedented, surpassing the approximately \$800 billion Obama stimulus that passed five months after the 2008 financial crash. Together with Federal Reserve actions, the legislation will amount to an injection of \$6 trillion into the economy, according to White House economic adviser Larry Kudlow, or about 30% of annual gross domestic product. About \$2 trillion would be provided to individuals, businesses, and states, among others, in response to the coronavirus pandemic under the Senate-passed version of H.R. 748. The measure, negotiated between the Senate and administration, includes:

- \$500 billion for loans and assistance to companies and state and local governments, including \$29 billion for loans to U.S. airlines and related businesses. Stock buybacks and executive compensation would be restricted. Additional funds would be provided to aviation workers.

- \$349 billion in low-interest small business loans that could be partially forgiven

- Payments of as much as \$1,200 for individual taxpayers, and \$500 per child, phased out when incomes exceed \$75,000 for individuals and \$150,000 for couples filing jointly.

- An additional \$600 per week for those receiving unemployment benefits.

- \$150 billion for aid to state, local, and tribal governments.

- A suspension of Medicare sequestration through the end of the year and the extension of several health programs until December.

The measure would bar businesses controlled by the president, vice president, members of Congress, and heads of executive departments from receiving loans or assistance under the Treasury Department programs. Through an Appropriations Title, the measure would also provide about \$342 billion in emergency supplemental funding, including \$100 billion for hospitals.

State Stabilization Fund in CV3 comprises a fund of \$150 billion to be distributed among the states, counties, local units of government, large cities (500k+ pop.) territories and tribes. The \$150 billion in the Coronavirus Relief Fund is mostly allocated by population, but with \$3 billion reserved for U.S. territories and the District of Columbia and \$8 billion set aside for tribal governments, along with a guarantee that each state receives at least \$1.25 billion even if its population share would otherwise indicate a lesser amount.

Local governments with populations of 500,000 or more are also eligible for aid, and any aid they receive is subtracted from the amount otherwise available to their state's government. This too is apportioned by population, but localities may only receive 45 percent of the amount associated with their population.

To be eligible for federal funding, state expenditures must meet three conditions. First, they must be necessary expenditures incurred due to the COVID-19 public health emergency. Second, they must not be accounted for in the state or locality's most recently approved budget (as of the time of the federal law's enactment). And third, the expense must be incurred between March 1 and December 30, 2020.

Early and unofficial calculations of the maximum amount allocated for each state, using 2019 population figures and making pro rata adjustments of the allocable share once each state is guaranteed at least \$1.25 billion indicate that California may receive as much as \$ 15 billion from this fund. [Sources: CARES Act; Tax Foundation calculations.]

Importantly, the CARES Act also includes \$340 billion in emergency funding to combat the outbreak, \$274 billion going to state and local governments for specific purposes. This is in addition to the \$150 billion distributed to states to cover their own separate efforts and forms a major part of the federal government's plan to assist state efforts. The CARES Act also includes additional federal funding for joint federal-state programs like Medicaid and unemployment compensation, along with other expenditures which will reduce some of the need for states to undertake new COVID-19 spending on their own.

Finally, the Federal Reserve is also engaging in emergency lending, backstopped by \$454 billion in new funding under what is known as the Exchange Stabilization Fund. States and local governments, as well as businesses, may apply for these loans.

Tax Credits use for repayment to employers for paid sick leave in CV2 issue. An injurious provision inserted in CV2 during the "technical amendments" process at the insistence of the Administration, namely the prohibition to state and local units of government to use Tax Credits for repayment to employers (i.e. South Coast AQMD) for mandated paid sick leave. No good reason was offered for this feature of the legislation and many oppose it and seek its removal, including the National Association of Counties (NACo), the League of Cities, the Association of California Water Agencies (ACWA) and others. Speaker Pelosi's alternative legislative bill, offered as a companion to the Senate CV3 bill which became law, would have corrected this injurious feature of CV2. The Speaker and others are already advocating for a CV4 package. Correcting this provision will continue to be a top priority for South Coast AQMD and your advocates in Washington, DC.

Contacts:

Contacts included staff and House Members throughout the CA delegation, especially Leadership and Appropriators who were targeted.

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Carmen Group
I N C O R P O R A T E D

To: South Coast AQMD Legislative Committee
From: Carmen Group
Date: March 26, 2020
Re: Federal Update -- Executive Branch

Federal Agencies Provide Information on Coronavirus: Federal agencies across the board are providing access to a wide array of public information and resources on the coronavirus challenge. Here are links to relevant websites that have been stood up in the last month by several key federal agencies, including those that cover SCAQMD issues.

- The White House / Centers for Disease Control and Prevention (CDC) / Federal Emergency Management Agency (FEMA)
<https://www.coronavirus.gov>
- Environmental Protection Agency (EPA)
<https://www.epa.gov/coronavirus>
- Department of Transportation (DOT)
<https://www.transportation.gov/coronavirus>
- Department of Energy (DOE)
<https://www.energy.gov/ceser/articles/covid-19-energy-sector-response-efforts-and-frequently-asked-questions>

President Signs Three Major Bills to Address Crisis: In March, President Trump signed three rounds of federal legislation in response to the Coronavirus Disease 2019 (COVID-19) pandemic – legislation informally dubbed as COVID 1, COVID 2 and COVID 3. These include the following:

1. Emergency Supplemental Appropriations -- \$8.3 billion, signed March 6;
2. Families First Coronavirus Response Act – signed March 18; and
3. Coronavirus Aid, Relief, and Economic Security Act (CARES Act) – \$2.2 trillion, to be signed March 27.

Meanwhile, a possible COVID 4 is already being discussed.

CARES Act Notes of Interest: Of possible special interest to South Coast AQMD, the CARES Act includes a \$150 billion “Coronavirus Relief Fund” to provide direct assistance to states and municipalities to help cover expenditures incurred due to the COVID-19 public health emergency in the face of revenue declines. Localities eligible for this direct assistance include: a county, municipality, town, township, village, parish, borough or other unit of government below the State level with a population that exceeds 500,000.

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In addition, the bill includes a \$454 billion “Economic Stabilization Fund” to provide “loans, loan guarantees and other investments” to companies, states and municipalities—including “a political subdivision of a State; and an instrumentality of a municipality, a State, or a political subdivision of a State.” The full meaning and import of these terms and provisions will require further research.

In the run-up to final passage of the CARES Act, Carmen Group assisted the federal consulting team by communicating South Coast AQMD’s views to the Office of the Vice President, among others.

EPA Announces Temporary Enforcement Discretion Policy for COVID-19: The Environment Protection Agency announced March 26 a temporary policy – retroactive to March 13 – regarding EPA enforcement of legal obligations during the COVID-19 pandemic. EPA says “the temporary enforcement discretion policy applies to civil violations during the COVID-19 outbreak”, but emphasizes “the policy does not provide leniency for intentional violations of law.” EPA further explains that “the policy addresses different categories of noncompliance differently. For example, under the policy, EPA does not expect to seek penalties for noncompliance with routine monitoring and reporting obligations that are the result of the COVID-19 pandemic, but does expect operators of public water systems to continue to ensure the safety of our drinking water supplies. The policy also describes the steps that regulated facilities should take to qualify for enforcement discretion.” EPA will provide at least 7 days’ notice prior to terminating this temporary policy.

EPA Announces Review of Ambient Air Standards for Lead: EPA announced in March its intent to initiate the next review of the National Ambient Air Quality Standards for lead, in compliance with the standards and deadlines mandated by the Clean Air Act which calls for completing the five-year air quality standards for each criteria pollutant.

EPA Extends Deadline to Apply for Air Toxics Monitoring Grants: EPA announced in March that it is extending the deadline to apply for the Community-Scale Air Toxics Monitoring grants competition. EPA periodically awards these grants to help air agencies conduct air quality monitoring projects to address specific localized air toxics issues. EPA currently regulates 187 hazardous air toxic pollutants. The new deadline will be May 1, 2020.

Presidential Nomination: **Russell Vought** of Virginia has been officially nominated to be **Director of the White House Office of Management & Budget**, having served as Acting Director since January of 2019. He previously served nearly 20 years on Capitol Hill including four years with Senator Phil Gramm.

Outreach: Relevant contacts included the Office of the Vice President, the office of Senator James Inhofe and representatives of Cummins, PACCAR, Volvo Trucks and the U.S. Chamber of Commerce on issues related to the then-pending CARES Act, including the Economic Stabilization Fund, the FET tax, and energy related tax extenders.

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CASSIDY&ASSOCIATES

607 Fourteenth Street NW, Suite 400
Washington, DC 20005
(202) 585-2300
www.cassidy.com

To: South Coast Air Quality Management District

From: Cassidy & Associates

Date: March 26, 2020

Re: Feb/March Report

Summary

The House and Senate were returning to regular order following a tumultuous impeachment trial that concluded in February. The House took an initial vote on a supplemental funding bill to address Coronavirus on March 9, a second bill on March 18, and a third is currently expected to be signed into law before the end of March. In late February, the Senate Energy and Natural Resources (ENR) Committee released its long-awaited energy reform package which failed to garner enough votes to move forward.

Congressional Activities in February

February was a busy month for Congress. The President gave his State of the Union address on February 4 during the Senate impeachment trial, which concluded in early February with just one Republican Senator voting to convict on one of the two articles of impeachment (Senator Mitt Romney R-UT). The Administration sent its Fiscal Year (FY) 2021 budget request to Congress on February 10 and budget hearings began this week.

Government Funding

The House and Senate Appropriations Committees have posted deadlines for Members and Senators to submit funding requests. House appropriators planned to start subcommittee markups for FY 2021 spending bills on April 21. This is obviously delayed as a result of the Coronavirus crisis.

It is unclear how Congress will move forward with the FY 2021 spending bills. It is highly likely that there will be at least one, if not many, continuing resolutions through the end of the calendar year.

Climate

In February, House Minority Leader McCarthy (R-CA) released a package of climate change legislation as the Republican alternative to the Democrats' sweeping climate bill. The package includes legislation to permanently extend the carbon sequestration tax credit, 45Q (Schweikert/Wenstrup); incentivize carbon capture, utilization, and storage technology development (McKinley R-WV) and (Crenshaw R-TX); and the Trillion Trees Act to establish forest management and reforestation practices to sequester greenhouse gases (GHG).

Earlier in January, Democrats in the House released a [framework](#) for a \$760 billion, five-year infrastructure package that emphasizes clean energy and climate resilience while reauthorizing the surface transportation reauthorization bill that expires September 30. The House Transportation and Infrastructure Committee continued working this month on legislative details, though the committee has not publicly released text.

House and Senate Committee Action

In February, the **House Energy and Commerce Committee** held a legislative hearing on “Clearing the Air: Legislation to Promote Carbon Capture, Utilization, and Storage” to examine H.R. 1166, the Utilizing Significant Emissions with Innovative Technologies Act (Reps. Peters D-CA, McKinley (R- WV, Veasey D-TX) which incentivizes carbon capture and storage technology to reduce carbon dioxide emissions.

The **House Natural Resources Committee** held a legislative hearing to examine two bills with two markedly different approaches to tackling climate change. One bill, H.R. 5435 (Chairman Grijalva D- NM) would require net-zero emissions from the nation's public lands and oceans by 2040. The Republican climate alternative, H.R. 5859 (Rep. Westerman R-Ark.) gives the legislative backing to plant 1 trillion trees by 2050.

Congressional Activities in March

The House and Senate began hearings related to the FY 2021 spending bills. However, the House Members returned to their Districts on March 13 due to concerns over Coronavirus. The Senate remained in session to approve two House initiated Coronavirus packages. Following passage of the third bill, the Senate recessed until April 20.

Cassidy & Associates Efforts on Coronavirus III package

Throughout the intense passage of legislation to address the Coronavirus crisis, Cassidy worked with other DC consultants to share information and provide targeted reports to the South Coast AQMD team. Our focus was to ensure South Coast AQMD would be directly eligible for programs opposed to relying on allocations from the state. Cassidy worked very closely with the

South Coast AQMD team to ensure that the state and local government provisions in the third Coronavirus package included “political subdivision of state” language. This work involved closely tracking each version of legislation and engaging Senate Republican leadership staff and House Democratic leaders.

Summary of Congressional Outreach

- ❖ Weekly calls with South Coast AQMD staff
- ❖ Monitoring Clean Trucks Initiative and ongoing Heavy-Duty NOx rulemaking
- ❖ Meeting with Energy and Commerce Committee staff
- ❖ Work with South Coast AQMD on funding in Coronavirus/Economic Stimulus packages

ATTACHMENT 2



Joe A. Gonsalves & Son

Anthony D. Gonsalves

Jason A. Gonsalves

Paul A. Gonsalves

PROFESSIONAL LEGISLATIVE REPRESENTATION

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916 441-0597 · FAX 916 441-5081

Email: gonsalves@gonsalvi.com

TO: South Coast Air Quality Management District

FROM: Anthony, Jason & Paul Gonsalves

SUBJECT: Legislative Update – March 2020

DATE: Thursday, March 26, 2020

Due to the Governor’s Executive Order and action taken by the Assembly and Senate on the Covid-19 outbreak, the Legislature has recessed until April 13, 2020. This is the first time in 158 years that the Legislature has had to abruptly cease operations. The only time lawmakers unexpectedly suspended their meetings was in 1862 when a flood consumed most of Sacramento. Lawmakers missed a few days before reconvening in San Francisco to continue their work

Although the Legislature has recessed until April 13, 2020, they can extend the recess at their discretion. At this point, it is uncertain of how long the Legislature will be in recess. We will continue to keep you and your staff apprised as the Legislature progresses through these uncertain times.

The following will provide you with information of interest to the District:

LEGISLATIVE RESPONSE TO COVID-19

Prior to the Legislature adjourning for recess due to the Covid-19 outbreak, they passed 2 bills to the Governor to help address immediate needs, SB 117 and SB 89.

SB 89 appropriates \$500 million to be used by the Governor for disaster relief, including funding for increased hospital capacity and any activities included in the Governor’s March 4th proclamation declaring a state of emergency. An additional \$500 million may be appropriated for the same purpose upon notification to the Joint Legislative Budget Committee. SB 89 also includes language stating the Legislature’s intent that the Administration work with stakeholders to develop strategies to provide assistance to individuals, small businesses, and nonprofits experiencing economic hardship as a result of the pandemic. This language merely notes the Legislature’s desire to address issues in substantive legislation in the coming weeks. In

discussing this language on their respective floors, the Assembly and Senate Budget Chairs noted that the Legislature would be reviewing how Federal relief legislation would impact the state. SB 117 provides for the continued support for schools in the state, ensuring schools do not lose funding during this time, with an additional \$100 million for cleaning and protective equipment.

The Senate adopted a Resolution which, among other things, amended their House Rules to allow Senators to participate in Legislative proceedings remotely. In presenting the resolution, Pro Tem. Atkins stated that she hoped the new authority would only be used rarely. The legality of remote voting and exactly how this would be implemented in practice are open questions.

Lastly, the Senate and Assembly adopted a joint resolution, ACR 189, sending the Legislature into recess until April 13 unless leadership from each house calls them back into session sooner. There was some discussion of potentially extending the recess, depending on how things develop. It remains to be seen what this will mean for the Legislature's schedule and the several thousand bills introduced at the beginning of the year.

In addition to the actions taken by the Legislature, Governor Newsom has taken action on numerous Executive Orders to help Local Agencies and Boards comply with current law. On March 19, 2020, the Governor issued a stay at home order to protect the health and well-being of all Californians. This required all "non-essential" employees to stay at home. This action led to many challenges throughout the State's many sectors. In response, Governor Newsom has issued several Executive orders to address these challenges. For example, the Governor issued an Executive Order addressing the Bagley-Keene and Brown Act. The order authorizes a local or state legislative body to hold public meetings via teleconferencing and waived the physical presence requirement under the Brown Act.

GOVERNOR'S APPOINTMENTS

Alexander Sherriffs has been reappointed to the San Joaquin Valley Air Pollution Control District, where he has served since 2011. Sherriffs has been a health science clinical professor at the University of California, San Francisco Fresno Campus since 2008 and a staff physician at the Central California Faculty Medical Group since 1984. He was a staff physician at Fowler Community Health Center, Adventist Health from 2003 to 2017. Sherriffs was an expert reviewer for the Medical Board of California from 1996 to 2018. He was an associate clinical professor volunteer at the University of California, San Francisco from 1992 to 2007. Sherriffs was medical director for the Skilled Nursing District at Selma Community Hospital from 1990 to 2004. He was a private practice physician from 1983 to 2003. Sherriffs is president of the Yale University Alumni Association of the Central Valley and a member of the California Air Resources Board, California Medical Association, the Fresno Madera Medical Society, the California Academy of Family Physicians, the American Academy of Family Physicians and the Alumni Schools Committee at Yale University. Sherriffs earned a Doctor of Medicine degree from the University of California, Davis School of Medicine. This position requires Senate confirmation.

Erin Curtis has been appointed deputy secretary for communications and external affairs at the California Environmental Protection Agency. Curtis has been assistant regional director for external affairs at the U.S. Fish and Wildlife Service in Sacramento since 2019. She was public affairs officer for the Bureau of Reclamation, Mid-Pacific Region from 2017 to 2019 and 2014 to

2015, deputy state director for communications at the Bureau of Land Management's Idaho state office from 2015 to 2017 and chief of the Office of Communications, Bureau of Land Management's Alaska state office from 2013 to 2014. She was public affairs specialist/public affairs lead for the Bureau of Land Management's California state office from 2010 to 2013 and public affairs specialist for the Bureau of Land Management's Western Colorado office from 2009 to 2010. Curtis held multiple positions for the Coast Community College District, including associate vice chancellor for educational services and external affairs from 2005 to 2007 and public affairs director from 2001 to 2005. Curtis earned a Master Public Administration degree from California State University, Long Beach. This position does not require Senate confirmation.

2020 LEGISLATIVE CALENDAR:

As the Legislature and Governor continue to address the immediate impact of Covid-19, it remains uncertain of what the Legislative calendar will look like and what it means to the roughly 2000 bills that remain. Please note, any deadline noted below that is established by a Joint Rule can be changed by the Legislature with a rule waiver. Constitutional deadlines, however, cannot be changed by the Legislature and would require a Constitutional amendment. I have highlighted the Constitutional deadlines below in red:

March Deadlines

Mar. 27 Cesar Chavez Day observed.

April Deadlines

Apr. 2 Spring Recess begins upon adjournment (J.R. 51(b)(1)).

Apr. 13 Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).

Apr. 24 Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).

May Deadlines

May 1 Last day for **policy committees** to meet and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).

May 8 Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).

May 15 Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 1 (J.R. 61 (b)(9)).

May 25 Memorial Day.

May 26-May 29 Floor session only. No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).

May 29 Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

June Deadlines

June 1 Committee meetings may resume (J.R. 61(b)(12)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 25 Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040).

June 26 Last day for **policy committees** to hear and report fiscal bills to fiscal committees (J.R. 61(b)(13)).

July Deadlines

July 2 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).

Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 3 Independence Day observed.

August Deadlines

Aug. 3 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17-31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 21 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)). Final Recess begins upon adjournment (J.R. 51(b)(3)).

RESOLUTE^{*}

To: South Coast Legislative Committee
From: David Quintana
Subject: Monthly Legislative Report
Date: 26 March, 2020

The Calendar

Existing Calendar Deadlines per Constitution: As of the Legislature's recess, it appears that all legislative deadlines for this year that are created by Joint Rules are in flux. Ergo, House of Origin Deadline, Deadline for Policy Bills to be Heard, et. al., are all likely going to be re-set by the Legislature. There are two deadlines that cannot be changed because they are set out in the California Constitution, those are:

- **June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c))
- **August 31** Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).
Final Recess begins upon adjournment (J.R. 51(b)(3)).

Therefore, expect when the Legislature returns, based upon the time of that return, for leadership to hold organizational meetings to create a new schedule for the remainder of the year.

The Legislature's Recess and Return

On March 16th, the Assembly (with Senate concurrence) voted to recess the legislative session (ACR 189) from March 13 through April 13. Pro Tem Atkins stated in her concurrence speech, "The legislature will stay open for the state's business. We cannot entirely drop all the other issues and we will continue to work on them. Our work is essential"

The provisions of ACR 189 are below:

- (a) Either house may recall itself from the joint recess.
- (b) The Legislature may recall itself from the joint recess by joint proclamation of the President pro Tempore of the Senate and the Speaker of the Assembly.

(c) The Legislature may extend the joint recess by joint proclamation of the President pro Tempore of the Senate and the Speaker of the Assembly.

(d) If the Governor or the Governor's designee declares that continued home isolation is, or similar preventative measures are, necessary to address the current state of emergency, the joint recess shall be extended until the Legislature recalls itself from the joint recess.

Executive Order Loosening Brown Act and Bagley-Keene

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, of which paragraph 11 suspends provisions of the Brown Act and Bagley-Keene Act to allow for greater flexibility to hold public meetings via telephone conference. Specifically, paragraph 11 of the Executive Order states as follows:

... a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events.

Governor Issues Stay at Home Order

On March 19th the Governor changed everything when he, followed the lead of SF Mayor Breed and L.A. Mayor Garcetti and issued Executive Order N-33-20, a Stay at Home Order for the State of CA. This stay at home order is to stay in effect until "further notice".

CARES Act Passed

On March 27, the CARES Act was signed into law by President Trump. CARES Act provides a bit over \$2 trillion to individuals and states affected by COVID 19

Specifically, for CA, \$10 billion will be allocated by the stimulus bill just passed in Congress

- \$5.5 billion will go directly to state
- Remainder will go to cities and counties
- Includes a \$600 dollar increase *a week* on unemployment benefits since shutdown/quarantine

The Return

I have spoken with a number of legislators and top staffers. Here is what I am hearing on when they shall return or what they will be doing when they return.

- The April 13th date is still in play as to whether it will be extended and for how long. Since the cases and deaths have continued to climb in California, it appears likely from all I spoke with that even if they do “return” on that date, it is likely to be in a manner that still needs to be worked out. In other words, what was believed to be, “business as normal” on the 13th is definitely not going to happen.
- All I speak with tell me that it is very likely that the Gov will call a Special Session to specifically address COVID recovery issues. There appears to be momentum growing behind a Special Session and also for a CA “stimulus bill.” We will continue to follow both of these items as they either grow or diminish.
- Bills: One of the biggest issues of contention is how many bills each legislator will be allowed to carry assuming they return. At first, I was being told that in the Assembly they were discussing that the chairs of each committee would choose how many bills would be heard in their committees. This was greeted with pushback by the members. Last I heard was that the Assembly was discussing a specified number of bills to be heard for each member. I spoke with a very high-ranking person in Senate leadership and they told me that this has never even been discussed by the Senate and that any plan such as this would have to be a JOINT decision between the houses. So, rest assured that this issue is still evolving and will continue to evolve for the next couple of weeks.

Resiliency/Water Bond

I had a long discussion with the chief of staff for Asm. Eduardo Garcia and the legislative director for Sen. Ben Allen on the prospects for the bond. Both told me that they are working 110% on moving the bond forward every day until they are told NOT to do so. They believe that under a worst case scenario, they will have to “re-brand” the bond as one which is emphasizing “recovery and jobs” and roll it into COVID recovery efforts. Therefore, I suggest we continue to engage in all bond conversations.



CALIFORNIA ADVISORS, LLC

South Coast AQMD Report
California Advisors, LLC
April 10, 2020 Legislative Committee Hearing

General Update

The global pandemic of COVID-19 has caused numerous challenges and obstacles to the Legislative process. On March 4th the Governor declared a State of Emergency because of the threat COVID-19 posed to the state. Then on March 16th both the Assembly and the Senate agreed to take a three-week joint recess, beginning Thursday, March 19th and lasting through April 13th. This means that all budget and policy committees would be postponed until after they return from this recess. Before they adjourned, they did pass two pieces of emergency legislation related to the COVID-19 response. The first bill authorized the Governor \$500 million to spend in responding to the pandemic and that amount can increase up to \$1 billion if this crisis persists. The second bill was to ensure that schools would remain fully funded even though all school districts have been physically closed.

With the statewide shelter in home being announced, the Capitol and other legislative buildings have been closed. However, Legislators and staff have continued to work remotely and are adapting to the challenging times. It remains unclear how long the Legislature will remain on recess and how that will affect legislative deadlines when they return. There is some thought that this year will only focus on the response to this pandemic and a few key priorities.

Given that there is no definitive end date to the shelter in home orders the Legislature has not provided any specifics on what the timelines will look like for the budget process or legislation. Assuming the Legislature reconvenes in April or May, the June 15th budget deadline would loom large. The revenue estimates will be much lower than the state was projecting and there will need to be cuts made across the entire state budget. After the budget deadline, the Legislature's focus will shift to legislation. The deadline for bills to pass the Legislature is August 31st.

Elected Officials Contacted on Behalf of South Coast AQMD:

California Advisors met with the following legislators or their offices on behalf of the South Coast Air Quality Management District:

Senate:

Ben Allen (SB 732), Toni Atkins (SB 732), Ben Hueso (back-up generator bills), Lena Gonzalez (SB 732, AB 617 Funding), Holly Mitchell (AB 617 Funding)

Assembly:

Cristina Garcia (AB 617 Funding), Anthony Rendon (AB 617 Funding), Laura Friedman (back-up generator bills), Eloise Reyes (SB 732), Phil Ting (AB 617 Funding)