



HURST+BROOKS+ESPINOSA

1127 11th Street, Suite 1005 ✦ Sacramento, CA ✦ 95814 ✦ 916-272-0010

Proposal for State Legislative Advocacy Services

*Presented to the Orange County
Housing Finance Trust*

October 2021

Point of contact for further information regarding this RFP is:

Jean Kinney Hurst

Hurst Brooks Espinosa, LLC

1127 – 11th Street, Suite 1005 | Sacramento, CA | 95814

(916) 272-0010 (office) | 916-803-4754 (mobile) | jkh@hbeadvocacy.com



HURST+BROOKS+ESPINOSA

October 18, 2021

Mr. Adam Eliason
Manager
Orange County Housing Finance Trust
1 League #62335
Irvine, CA 92602

**RE: Response to Orange County Housing Finance Trust RFP
State Legislative Advocacy Services**

Dear Mr. Eliason:

Hurst Brooks Espinosa (HBE) is pleased to submit the attached proposal in response to the Orange County Housing Finance Trust's (Trust) solicitation for state legislative advocacy services. We are honored to present our vision of how our team's experience, commitment, and motivation can advance the Trust's state advocacy objectives and influence public policy decisions in the Capitol that will yield important benefits for your community and region – and, most importantly, for those individuals who are experiencing homelessness in Orange County.

Our firm is excited about the opportunity to share our proposed advocacy approach for the Trust in Sacramento. Not only is our policy expertise relevant and useful to championing the Trust's legislative interests, but our previous budget advocacy work also aligns well with the Trust's interest in securing additional resources for affordable housing, regional housing trusts, and the Orange County Housing Finance Trust, in particular, through the state budget process.

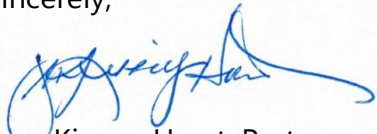
HBE is a full-service, Sacramento-based governmental advocacy firm providing professional services primarily to public sector clients. Our firm is known for ethical, active, and fearless pursuit of our clients' objectives. With more than 65 collective years of representing local governments before the Legislature, HBE's principals are uniquely positioned to provide strategic, well-informed, politically sound, and timely advice on matters of greatest consequence to the Trust, as well as access to key targets in the Newsom Administration, state elected officials, and their staff.

By way of this letter, and as demonstrated in the attached proposal, we affirm that (1) HBE is in good standing in the State of California, (2) the firm's principals are registered lobbyists in compliance with the state's requirements, (3) we possess the licenses and authorizations necessary to perform all responsibilities outlined in the RFP, and (4) we have the capacity to

deliver the required scope of services in accordance with the scope of work and approach discussed herein.

We look forward to an opportunity to discuss our qualifications and commitment in more detail and are pleased to offer references, if necessary. Should you require any additional information, please feel free to contact me by email (jkh@hbeadvocacy.com) or phone (916-803-4754). Thank you.

Sincerely,



Jean Kinney Hurst, Partner
Hurst Brooks Espinosa, LLC

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Section 1 – Executive Summary / Required Elements of Proposal

In this section, we provide the requested information about our firm and the organizational design we believe will best meet the legislative and budget advocacy objectives of the Orange County Housing Finance Trust (Trust). First, we present an executive summary of how we intend to organize our approach to this project, followed by the specific elements required in the RFP.

General Overview/Executive Summary

Hurst Brooks Espinosa, LLC (HBE) is a women-owned firm based in Sacramento with particularized interest and expertise in local agency advocacy. Established in December 2014, HBE began offering legislative advocacy, association management, and consulting services in January 2015. Immediately prior to the founding of HBE, the firm's three founding partners worked as colleagues at the California State Association of Counties (CSAC) for 15 years where they represented the interests of all 58 county boards of supervisors before the California Legislature. In addition to HBE's founding partners – Jean Hurst, Kelly Brooks, and Elizabeth Espinosa, the firm recently expanded and now includes a fourth partner, Josh Gauger, who brings additional diverse and substantive budget and policy expertise. The firm has no employees.

Our firm prides itself on its dedication to developing and influencing sound public policy. We value public service and are committed to helping improve the ways in which state and local governmental entities support and improve the lives of those who are most vulnerable in our society. Each of HBE's four partners has honed analytical and quantitative skills, built broad and diverse networks of contacts across various policy areas, and developed both the tactical and policy-driven aspects of the art of advocacy. Our cumulative advocacy and association management experience directly responsive and relevant to the work being sought under the Trust's RFP totals more than 65 years.

As detailed in the proposal for full-service state legislative advocacy services that follows, HBE will ensure high-quality representation for the Trust before California's executive and legislative branches in Sacramento. We are confident that the Trust will benefit from our team's policy expertise and bipartisan relationships, as well as access to legislative leaders, executive branch officials, and other key decision-makers. Our familiarity with the Trust's priorities coupled with strong relationships with the Orange County legislative delegation and local officials will ensure continuity in the provision of Sacramento advocacy services and avoid a lengthy learning curve.

HBE maintains a single office in Sacramento in very close proximity to the Capitol building. If selected, HBE's work performed on behalf of the Trust – except for direct advocacy (once in-

person access resumes) that will take place in the State Capitol –would be carried out from our Sacramento office. HBE will serve as the single, dedicated contractor, with Jean Hurst serving as team lead. Jean, who has extensive local government advocacy experience and is a founding partner at HBE, will lead all strategic aspects of the Trust’s advocacy effort. She offers extensive subject matter expertise in state-local finance matters, including the state budget, taxation issues, debt financing, economic development, elections, as well as other local governance matters (public records, open meetings, workers’ compensation, to name a few). Jean has also served as the lead lobbyist on issues associated with addressing the homeless crisis, including specific advocacy directed toward the Homeless Emergency Aid Program (HEAP); the Homeless Housing, Assistance and Prevention Program (HHAP); Project Homekey; and Project Roomkey for HBE clients. For the Trust, she will – in close coordination with the designated Trust officials and/or staff – develop and lead advocacy strategies, make outreach to influential policy makers at appropriate and critical junctures in the Capitol decision-making process, and ensure the Trust’s voice and perspective are elevated and amplified.

Our newest partner, Josh Gauger, will also play an active role in this project, should our firm be selected to represent the Trust. Josh most recently served as the lead legislative advocate on homelessness and public safety for CSAC. To capitalize on his extensive state budget experience and networks at the Department of Finance and Governor’s Office, CSAC also created a new position—Legislative and Budget Representative—where he worked across all policy areas to achieve positive state budget outcomes on behalf of counties. The first of such efforts was the HHAP program, which resulted in the first ever direct state funding allocation to all 58 counties for homelessness activities. After building policy knowledge, Josh continued to lead county homelessness advocacy efforts while assuming the public safety portfolio. He worked alongside Jean in her capacity representing urban counties on supplemental COVID-19 emergency homelessness aid funding, Project Roomkey, multiple rounds of Project Homekey, additional rounds of HHAP funding, and sensitive state legislation focused on homelessness. Josh also led county advocacy on state budget items to provide new Public Safety Power Shutoff funding directly to counties, backfill associated with local revenue loss resulting from multiple bills to eliminate criminal justice administrative fees, and provide statewide funding to counties associated with the realignment of the state’s Division of Juvenile Justice.

Additional support for cross-cutting issues will be provided by the firm’s other two principals. Kelly Brooks, whose policy expertise is squarely in the health and human services policy arena, will bring insights and expertise on the supportive services side of homelessness. She can help with general coverage on bigger-picture policy issues and with accessing her extensive network of contacts. Elizabeth Espinosa, HBE’s third founding partner, has extensive subject-matter expertise in public safety issues and will be available to support and assist in all aspects of the advocacy efforts.

Specific Elements Required in RFP

Following are responses to specific elements the RFP requires:

- 1) *Letter of Transmittal* – The required letter of transmittal precedes this narrative and can be found just before the Table of Contents.
- 2) *Contact Person* – Jean Hurst is the contact person for this RFP during the proposal evaluation period. Her information is as follows:

Jean Kinney Hurst, Partner
Hurst Brooks Espinosa, LLC
1127 – 11th Street, Suite 1005 | Sacramento, CA 95814
(916) 272-0010 | jkh@hbeadvocacy.com

- 3) *Validity Period* – HBE affirms that this proposal remains valid for not less than 120 days from the Proposal Submittal Deadline.
- 4) *Subcontractors* – HBE confirms that this proposal does not contemplate engaging any subcontractors and that all work would be handled within our firm.
- 5) *Conflicts of Interest* – The required Conflicts of Interest Disclosure Statement is provided as Attachment 2.

Section 2 – Firm Profile, Staffing Plan, and Demonstrated Experience

In this section, we present information that demonstrates our firm’s capacity to deliver the requested services as well as details describing our structure, expertise, and experience in the provision of state legislative advocacy services.

Firm Profile

HBE is a full-service state legislative advocacy firm located in Sacramento; we are among but a handful of firms that specializes in local government-specific advocacy. Each of the firm’s partners has extensive experience in carrying to successful conclusion an array of legislative measures and budget proposals. We have a sophisticated understanding of both the practical (legislative rules and timelines) as well as the political aspects of these efforts. Our current clients benefit from HBE’s thorough and timely analysis of policy and fiscal issues, as well as assistance in thoughtfully assessing policy matters and developing strategic paths forward. We would bring these assets – along with energy, enthusiasm, and strong attention to detail – to the representation of the Trust.

HBE established itself as a limited liability corporation (LLC) in December 2014 and began formal operations in January 2015. Accordingly, we have been in business offering legislative advocacy, association management, and consulting services for over six years. Immediately prior to starting HBE, the firm’s three founding partners worked as colleagues at the California State Association of Counties (CSAC) where we represented the interests of all 58 county boards of supervisors before the California Legislature. Josh Gauger, our newest partner, most recently served as a legislative advocate at CSAC; his policy assignments included homelessness, public safety issues, and labor and employment. Previously, Josh served in positions of increasing responsibility at the California Department of Finance and the California Department of Corrections and Rehabilitation’s budget office. Our firm has a long history of understanding the policy and financing needs of local governments and have worked effectively at helping local elected officials navigate the state legislative and budget process as well as driving successful outcomes for these officials and the communities they serve.

While HBE provides consulting (non-lobbying) services to a non-profit client as well as a county association, HBE’s lobbying clients are primarily in the public sector, reflecting our firm’s abiding commitment to public service. We maintain one office in Sacramento across the street from the Capitol building. HBE has four partners – Jean Hurst, Kelly Brooks, Elizabeth Espinosa, and Josh Gauger – and no employees. However, to maximize our capacity to provide direct services to clients, we contract for various professional services.

Proposed Staffing Model

In this section, we describe how HBE proposes to staff the Trust's legislative advocacy program. Immediately below, we detail each principal's subject-matter expertise and assign proposed coverage responsibility to the Trust's project.

Jean Hurst [60% coverage of Trust's advocacy project]
<ul style="list-style-type: none">▪ Contract lead; main point of contact; responsible for day-to-day operations regarding Trust's advocacy efforts▪ Policy expertise in areas of:<ul style="list-style-type: none">– State budget issues– General government operations– Housing/homelessness, including the Homeless Emergency Assistance Program (HEAP), the Homeless Housing, Assistance, and Prevention Program (HHAPP), Project Homekey and Roomkey, as well as other housing and homelessness assistance programs provided by various state agencies– Taxation and state/local fiscal issues– Redevelopment/economic development– Debt financing– State mandates– General local governance issues (open meetings, public records, employment issues)
Joshua Gauger [30% coverage of Trust's advocacy project]
<ul style="list-style-type: none">▪ Part of key staff supporting the Trust's advocacy efforts in Sacramento▪ Additional analytical and advocacy capacity working in close coordination with Jean Hurst to meet the Trust's advocacy needs▪ Policy expertise in areas of:<ul style="list-style-type: none">– State budget issues– Housing/homelessness, including the Homeless Emergency Assistance Program (HEAP), the Homeless Housing, Assistance, and Prevention Program (HHAPP), Project Homekey and Roomkey, as well as other housing and homelessness assistance programs provided by various state agencies– State and local public safety programs and funding– Emergency services processes– Employment issues– General government departments
Kelly Brooks [5% coverage of Trust's advocacy project]
<ul style="list-style-type: none">▪ Additional analytical and advocacy capacity▪ Policy expertise in areas of:<ul style="list-style-type: none">– Health and human services programs, including public health, mental health, and substance use disorder treatment– Cross-cutting supportive services for high-need populations, including the unsheltered and those at risk of being unsheltered
Elizabeth Espinosa [5% coverage of Trust's advocacy project]
<ul style="list-style-type: none">▪ Additional analytical and advocacy capacity▪ Policy expertise in areas of:

- Local law enforcement
- Local public safety funding
- Diversion programs and community corrections

We can affirm that we have the capacity to assure a high-quality level of service to the Trust in delivering the scope of services outlined in this RFP. Although Josh joined our firm this month, we have been working with him in close collaboration on issues of mutual county interest over the last several years. Given his budget, finance, and relevant policy experience, he is ready to hit the ground running, and his existing budget contacts and networks will be an important and effective addition to the Trust advocacy team should HBE be selected for this project. Our firm already engages in budget deliberations and policy making on the topics of priority interest to the Trust and can quickly elevate the Trust's positions and policy objectives to key legislators and staff involved in the policy-making process.

► **Staff Assignments to Trust Project**

Jean Hurst, one of HBE's principals, will be the primary point of contact as well as the Trust contract lead, should our firm be selected for this assignment. She will have primary responsibility for day-to-day activities, drawing from her more than 20 years of experience advocating for local governments to provide policy expertise on legislation and policy development in the areas of local government. Jean offers deep subject matter expertise and policy insights into all major state-local fiscal relationships, debt financing, taxation matters, redevelopment (history, dissolution, and legislative attempts to reimagine a redevelopment structure in California), and other economic development financing tools, including enhanced infrastructure financing districts (EIFDs). Jean can also leverage her expertise and real-time knowledge of legislative developments in all areas of governance, ranging from the California Public Records Act, Brown Act, workers' compensation matters, and other public employer issues. As part of HBE's local government practice, she participates regularly in the Public Employer Advocates – whose members include the statewide associations of cities and counties and their affiliates as well as a variety of special district associations and the joint powers authorities association – for coalition building and advocacy strategies on measures that touch on these important local governance matters. Finally, Jean's state budget expertise, most recently focused on a wide range of fiscal issues associated with the pandemic, provides a comprehensive understanding of budget issues of importance to the Trust and its member agencies, as well as a strong connection to budget policy influencers in the Administration and Legislature. Jean has the capacity and availability to provide the requested level of service to the Trust as outlined in this RFP.

Josh Gauger brings extensive state budget and policy experience that will assist with securing the necessary support to elevate the Trust's voice and perspective within the Legislature and Administration. Having worked on homelessness and housing issues directly with the key legislative staff, Governor's Office staff, and Department of Finance staff, Josh is very familiar

with the priorities and goals of key policy makers at the state level. Additionally, Josh and Jean have routinely partnered in past coalition efforts around homelessness funding and developed a reputation for providing a cohesive, comprehensive, and professional voice on homelessness issues on behalf of local governments.

Although Kelly Brooks and Elizabeth Espinosa bring extensive state-level policy and budget expertise across a range of public sector issues, our hands-on involvement with the Trust project will be brought in on a case-by-case basis as deemed necessary through Jean Hurst. Both can cover bills and budget issues in appropriate hearings and can draw on their networks in the Capitol and various executive branch agencies.

Given that our firm's founding partners have worked as colleagues – over 15 years at CSAC and over six as partners serving HBE's clients – we have developed very open, nimble, and frequent ways of sharing and communicating information gleaned from across three different sets of professional networks based on our individual areas of policy expertise. This Capitol intel gives us a real-time sense of policy developments as well as emergent political challenges and opportunities. Our "finger-on-the-pulse" access yields important benefits for our clients and helps us craft and advance timely, practical, and effective solutions in state budget and legislative forums. Given Josh's previous role interfacing with local government advocates on behalf of the Department of Finance, and his experience working on cross-cutting state budget issues on behalf of CSAC, his relationship and communication with HBE's founding partners is harmonious. He is positioned to make immediate and meaningful contributions as part of our team.

► **Supplemental Information on HBE Principals' Professional Background**

Below, we provide specific information on each of our principals' educational and professional background. Although Jean Hurst will be the contract lead and key point of contact, we have provided supplemental information for all principals as each is likely to contribute to the Trust's overall advocacy plan and strategy. Note that a resume providing additional details on the professional experience of Jean Hurst and Josh Gauger, the key staff to this project, is provided at Attachment 1.

JEAN KINNEY HURST

Jean will serve as the main point of contact for the Trust's advocacy program. She is a founding partner at Hurst Brooks Espinosa, LLC and, accordingly, has been providing direct services to HBE's clients for six and a half years. Her contact information is below.

Partner, Hurst Brooks Espinosa, LLC

1127 – 11th Street, Suite 1005 | Sacramento, CA 95814
916-272-0010 – phone | 916-661-5969 – fax
jkh@hbeadvocacy.com

Jean Hurst brings unique and varied policy expertise in complex state and local fiscal matters. Over the past more than 20 years, she has developed a reputation as a tenacious problem-solver, respected advocate, and effective strategist. She has been intimately involved in all aspects of major local government fiscal policy changes since 1999, including negotiation of the securitization of \$1.2 billion in “borrowed” local agency property taxes in 2009 and negotiation of the constitutional protections for 2011 Realignment contained in Proposition 30 (2012). She also worked to achieve initial repayment to local agencies for pre-2004 mandates of \$100 million in the 2014-15 state budget.

Additionally, Jean has worked on four statewide ballot measure campaigns from pre-campaign activities – including polling, focus group, language development, and legal and fiscal analyses – to campaigns – including fundraising, media strategy, and voter outreach. She has extensive experience working with national, state, and local media, including print, television, and radio interviews. She is a clear communicator with policy expertise that spans a broad variety of subject matters.

Jean has established close working relationships with state legislators, key legislative and budget staff, officials in the Newsom Administration, including the Department of Finance, and staff in the State Controller’s Office and State Treasurer’s Office. She is well-regarded for her expertise in state and local finance, as well as her positive, thoughtful, and ethical approach to legislative and budget challenges.

During her time as a partner with Hurst Brooks Espinosa, LLC, Jean has continued to offer advocacy and strategic advice in the areas of revenue and taxation, land use, and debt financing, including analysis, written communication, and testimony on measures before the State Legislature and on state budget proposals affecting local governments. Further, she advises clients on redevelopment dissolution, elections, and other general government and taxation issues.

Ms. Hurst’s educational background and professional credentials include the following:

- Master of Public Policy and Administration with an emphasis in intergovernmental relations, California State University, Sacramento
- Bachelor of Science, Biological Sciences with an emphasis in Neurobiology, Physiology and Behavior, University of California, Davis, *with honors*
- Registered Lobbyist in the State of California (Lobbyist ID Number: 1263219)

JOSHUA GAUGER

Under the proposed staffing model, Josh will play an integral role in supporting the Trust’s advocacy efforts. He will work in close coordination with Jean Hurst and will lend his budget and relevant homelessness policy expertise to this effort. Although Josh joined HBE relatively recently, he has worked extensively with the firm’s founding partners over the last several years – both in his positions at Department of Finance and at CSAC. His integration into the team will be seamless, and he is eager to put his skills to work on behalf of the Trust and its member agencies. In his role

as a legislative representative at CSAC, Josh has been providing direct advocacy services California counties for two and a half years. His contact information is below.

Partner, Hurst Brooks Espinosa, LLC

1127 – 11th Street, Suite 1005 | Sacramento, CA 95814

916-426-4700 – phone | 916-661-5969 – fax

jdjg@hbeadvocacy.com

Josh Gauger has extensive state and local budget and policy experience. His expertise covers a range of policy areas, including public safety, general government, homelessness, and emergency services. Prior to joining Hurst Brooks Espinosa, LLC, he was a Senior Legislative Representative at the California State Association of Counties (CSAC) working in the policy areas of Administration of Justice, Homelessness, and Labor and Employment. During this time, he represented counties in extensive negotiations with the Administration and Legislature on sensitive proposals such as Division of Juvenile Justice Realignment; the Homeless Housing, Assistance and Prevention grant program; and multiple legislative efforts to eliminate criminal justice administrative fees.

Prior to joining CSAC, Josh held various positions at the California Department of Finance from 2013 to 2019, including Assistant Program Budget Manager. At the California Department of Finance, he provided fiscal policy advice to the Governor and executive leadership and presented to the Legislature complex proposals related to state and local public safety, the Judicial Branch, Department of Justice, Office of Emergency Services, and various general government departments. Josh played a key role for the Department of Finance in the implementation of the Safe Neighborhoods and Schools Act (Proposition 47) and the Public Safety and Rehabilitation Act of 2016 (Proposition 57), while also serving as the principal county contact on all aspects of the implementation of 2011 Public Safety Realignment and AB 109.

Josh also held various roles in the California Department of Corrections and Rehabilitation's budget office from 2007 to 2013 where he managed the overhauling of the department's budget and operations to achieve over \$1.5 billion in budget reductions during the implementation of 2011 Public Safety Realignment.

Mr. Gauger's educational background and professional credentials include the following:

- B.A., Communications, University of California, San Diego Instructor, State Budget 101, CSAC Institute for Excellence in County Government
- Registered Lobbyist in the State of California (Lobbyist ID Number: 1416456)

KELLY BROOKS

Under the proposed staffing model, Kelly will help support the Trust's advocacy efforts on an as-needed basis. She is positioned to lend her expertise regarding the provision of supportive services

to those experiencing homelessness and ways in which existing funding streams can be leveraged to support this population. She also is a founding partner at Hurst Brooks Espinosa, LLC and, accordingly, has been providing direct services to HBE's clients for six and a half years. Her contact information is below.

Partner, Hurst Brooks Espinosa, LLC

1127 – 11th Street, Suite 1005 | Sacramento, CA 95814
916-272-0011 – phone | 916-661-5969 – fax
kbl@hbeadvocacy.com

Kelly is one of the statewide experts on health and human services issues, recognized within the Legislature, Administration, and among counties for her expertise on county issues. She helped negotiate all major fiscal and policy changes in the health and human services landscape over the last decade, including the expansion of Medi-Cal in 2013, and the health and human services portion of 2011 Realignment. Most recently, she has been helping clients prepare for the policy and fiscal changes related to California's 2021 Medi-Cal redesign, CalAIM. Amongst its many components, CalAIM will offer opportunities to expand Medi-Cal reimbursement for services for individuals at risk of and experiencing homelessness.

Kelly has dedicated substantial effort to implementation of the Affordable Care Act in California, including the Medi-Cal expansion to new populations and the expansion of services. As part of that effort, she has spent considerable time working with county and state partners and other stakeholders on the intersection of the Affordable Care Act with the court-involved population – how counties can enroll this population in Medi-Cal, how counties can bill Medi-Cal for inpatient stays while individuals are in a county jail, how counties can work with Medi-Cal managed care plans, and how counties can work across county agencies – mental health, substance abuse, and social services – to improve outcomes for high-need populations. CalAIM will also expand eligibility for individuals in jails for limited services, primarily behavioral health, prior to their release.

With more than 20 years of policy experience in Sacramento – focused exclusively on health and human services issues, Kelly has a sterling reputation and extensive access at the highest levels of state and local governments. She maintains close working relationships with the California Health and Human Services Agency Secretary, the Director of DHCS, and the Director of the California Department of Social Services. She has established positive relationships with county supervisors, county administrative officers and executives, county health directors, county behavioral health directors, and county human services directors. She is widely respected among state and county decision makers for her depth of knowledge and thoughtful strategic advice.

Ms. Brooks' educational background and professional credentials include the following:

- Bachelor of Arts, Government and International Studies and Psychology. University of Notre Dame, *Magna cum laude*
- Executive Fellow, Center for California Studies, California State University, Sacramento
- Registered Lobbyist in the State of California (Lobbyist ID Number: 1263218)

ELIZABETH ESPINOSA

Under the proposed staffing model, Elizabeth would be available to provide supplemental and alternative coverage in support of the Trust's advocacy work. While she will likely not be engaged in day-to-day representation, she will bring to bear her set of contacts within the Capitol to help advance the Trust's objectives. She also is a founding partner at Hurst Brooks Espinosa, LLC and, accordingly, has been providing direct services to HBE's clients for six and a half years. Her contact information is below.

Partner, Hurst Brooks Espinosa, LLC

1127 – 11th Street, Suite 1005
Sacramento, CA 95814
916-272-0012 – phone | 916-661-5969 – fax
ehe@hbeadvocacy.com

Elizabeth is among the state's premier county public safety advocates with broad experience in public safety matters, including 2011 Realignment, court-related issues, public records, and open meetings. Since launching Hurst Brooks Espinosa, LLC in 2015, Elizabeth has lent her expertise to local government clients, foundations, and private industry seeking to benefit from her extensive budget and policy expertise. She provides clients with strategic advice in seeking grant funding opportunities, developing strategies to engage with government officials, and assessing the feasibility of pursuing specific policy objectives.

Elizabeth served as the lead public safety advocate for all 58 counties from 2004 to 2014 and the subject-matter analyst at CSAC for the five years prior. She was the primary author of the Probation Services Task Force report, a comprehensive review and assessment of county probation in California published in 2003. She and Kelly Brooks represented counties on the Oversight Advisory Committee to implement Proposition 36 (2000), the initiative that required treatment in lieu of incarceration for specified drug crimes.

In more recent years, Elizabeth has represented counties in the context of various, complex redesigns of service delivery in the justice system including the far-reaching adult public safety reforms enacted under 2011 Realignment. She has been actively involved in changes to the juvenile justice system, having represented counties in an earlier shift of responsibilities to counties in 2007 and in the realignment of the final piece of the juvenile justice system to local governments that became effective in July 2021. She is skilled at understanding and articulating the perspectives of local governments and in finding ways to design solutions and systems that

facilitate the best outcomes for the affected youth and offer maximum flexibility and protections to local governments.

Prior to her Sacramento-based work, Elizabeth worked as a court management analyst at the Judicial Council. She is one of the few advocates in California that understands and has significant institutional knowledge around the trial court funding reforms begun in the 1980s. She has a wide network of contacts within the law enforcement advocacy community and among county elected officials and administrators. She also brings more than 20 years of strong relationships with high-level state officials in the Department of Finance, California Department of Corrections and Rehabilitation, the Board of State and Community Corrections, and the Judicial Council.

Ms. Espinosa’s educational background and professional credentials include the following:

- M.A., French Literature, Middlebury College
- B.A., English Literature, University of California, Irvine, *Cum laude; Phi Beta Kappa*
- Registered Lobbyist in the State of California (Lobbyist ID Number: 1375407)

► **Current Assignments**

Our current client list features a mix of full-service clients for whom we solely provide state legislative advocacy services, those where we divide contract responsibilities with one or more firms, and those for whom we supplement an in-house lobbying team. Additionally, we have two consulting (non-lobbying) clients for whom we provide policy expertise. Below (organized in these four categories previously described), we attribute for each partner their proportionate contribution to each of our current clients based on current workload; these proportionate shares also can vary year-over-year, particularly with our county clients, depending on how the clients’ selected legislative and budget priorities align with the partners’ areas of policy expertise. Please note that given Josh’s recent addition to the HBE team, we have not included his proportionate contribution to our existing client list, as our workflow will likely evolve in the months ahead. The significance of our team’s expansion is that we will have additional relevant expertise and capacity to bring to bear in the delivery of advocacy services to the Trust and to our other clients.

		Hurst	Brooks	Espinosa
Full-service clients	Colusa County	50%	10%	40%
	Santa Cruz County	33.3%	33.3%	33.3%
	Ventura County	30%	30%	40%
	Coalition of Dependency Counsel Providers			100%
	Center for Elders Independence		100%	
	City of San Bernardino	90%	5%	5%
	Lifelong Medical Care		100%	
Shared clients	Riverside County*	60%	20%	20%
	San Diego County Water Authority**	100%		
	Urban Counties of California*	45%	5%	50%

		Hurst	Brooks	Espinosa
Supplemental advocacy clients	Los Angeles County	25%	25%	50%
	Rural County Representatives of California	25%	25%	50%
	Santa Clara County	30%	40%	30%
	California Hospital Association		100%	
	Association of California Health Care Districts	60%	40%	
	California Association of Public Hospitals and Health Systems		100%	
	County Health Executives Association of California		100%	
Consulting (non-lobbying) clients	County Welfare Directors Association		100%	
	California Association of County Executives	30%	10%	60%
	California Health Care Foundation		100%	

* Shared client with Lang Hansen Giroux and Kidane

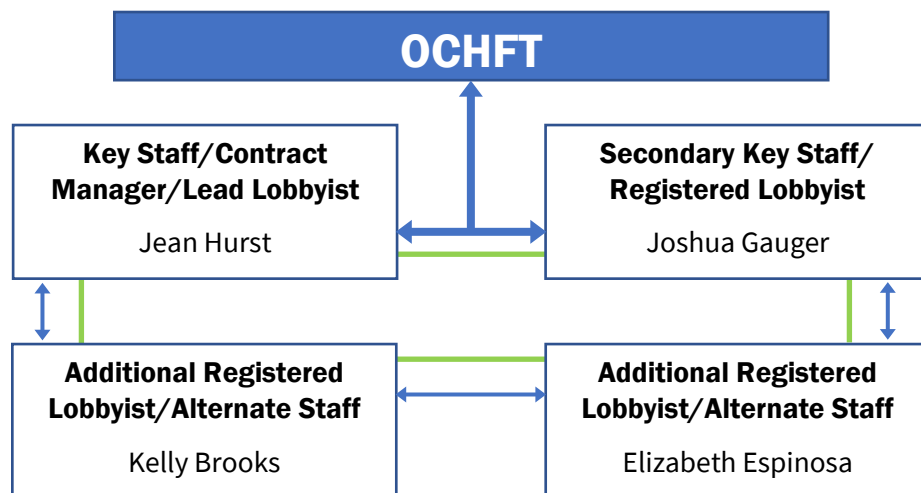
** Shared client with Lang Hansen Giroux and Kidane; California Strategies

► Subcontractors

We do not anticipate using any subcontractors in the performance of the Trust’s legislative advocacy services.

► Organizational Chart, Communication Flow, Commitment of Key Staff

Given the size of our firm and the co-equal nature of our partnership, our organization chart is relatively simple. We detail how we anticipate communication will be addressed and reporting relationships will be organized to the Trust and your staff.



The green line denotes HBE’s organizational structure (four co-equal partners) and proposed staffing relationships for purposes of the Trust’s project. The blue arrows denote the regular, continuous communication flow among the firm’s four principals, with the heavier weighted line between Jean and Josh reflecting their roles as key staff to the trust. As the key staff assigned to the Trust’s project, Jean Hurst and Josh Gauger also will be responsible for direct communication to the Trust.

We hereby affirm that – given their designation as key staff and lead/secondary advocates for purposes of the Trust’s contract – Jean Hurst and Josh Gauger will remain available and fully committed to the delivery of state legislative advocacy services on behalf of the Trust through the duration of the contract period. No change to this arrangement will be made without the previous written concurrence of the Trust.

► **Experience Providing Advocacy Services to Joint Powers Authorities and on Housing-Related Issues**

While working at the California State Association of Counties (CSAC), Jean served on the board of a statewide Joint Powers Authority (California Statewide Communities Development Authority (CSCDA)) that, among other things, provides tax-exempt bond financing for a variety of public benefit projects throughout the state. During her involvement with CSCDA, Jean participated in the day-to-day operations of the Board, as well as engaging in legislative strategy associated with CSCDA’s work.

In his first role as a legislative advocate at CSAC, Josh’s portfolio included labor relations issues. In that capacity, he provided supplemental advocacy services to Public Risk Innovations, Solutions, and Management (PRISM, formerly CSAC Excess Insurance Authority)—a Joint Powers Authority providing insurance solutions and risk management services for members. Josh tracked relevant legislation, presented at legislative committee meetings, and facilitated the committee’s formal positions on legislation. Josh also coordinated Public Employer Advocates (lobbyists representing public employer clients) meetings to build legislative coalitions with entities such as the California Association of Joint Powers Authorities (CAJPA).

Additionally, many of our local agency clients – including the Rural County Representatives of California, the City of San Bernardino, and the County of Los Angeles – are leaders of or participants in joint powers authorities and are keenly interested in legislation associated with joint powers authorities, which we track on their behalf. Most recently, several local agencies are considering developing joint powers authorities to finance and execute deployment of broadband services in unserved and underserved communities in California. Legislative staff has specifically sought out Jean’s input on the ability of local agencies to consider and execute the formation of joint powers authorities for this purpose and how the state can support this effort.

Of course, all our county and city clients are engaged in conversations associated with affordable housing and homelessness. Most recently, HBE’s efforts were focused on securing additional resources for flexible homelessness funding, in addition to more resources dedicated to Project Homekey. Given the state’s considerable budget surplus, the 2021-22 state budget includes \$1 billion for each of two years for a third and fourth round of HHAPP, as well as \$1.45 billion (\$250 million state funds and \$1.2 billion in federal funds) in 2021-22 and \$1.3 billion (\$300 million state funds and \$1 billion in federal funds) in 2022-23 to continue Project Homekey.

As a component of HHAPP, local agencies must prepare a homelessness action plan and specific outcome goals that include activities focused on the prevention and reduction of homelessness over a three-year period. While we recognized the state's desire to include local "accountability" into any program that offered more flexible local funding for homelessness, we communicated to the Legislature our concern about having reasonable accountability and timing provisions that would set up local agencies for success. Provisions in the final trailer bill reflect an ability for HHAPP recipients to develop local plans and outcome goals in a collaborative manner that meet their communities' unique needs.

Our clients have been generally supportive of Project Homekey because it provides a unique opportunity to quickly establish new housing units. While the initial program included a challenging timeline, we communicated support for including elements such as "by-right," Article 34, and California Environmental Quality Act exemptions in the final trailer bill that could aid local agencies in meeting the ambitious goals. With the added flexibility of funding streams associated with subsequent rounds of Project Homekey, we communicated the importance of allowing capitalized operating subsidies for new units, which was included in the final trailer bill alongside elements from the first round.

► **Experience Performing Similar Services/Accomplishments in Meeting Required Elements of Clients' Scopes of Service**

The Trust's RFP requirements and scope of service are squarely in line with our firm's core competencies and are largely identical to what we provide for our current county and association clients on a daily basis. Again, given our firm's organizational structure, each principal is actively engaged at every phase of our clients' advocacy efforts. We can attest that each of us has extensive experience in all elements identified in the Trust's desired scope of service. Below, we provide – and incorporate by way of reference each of the activities spelled out in the Trust's five-part scope of service – a plan for carrying out the Trust's advocacy objectives; this list of activities also reflects the types of services we provide to our existing clients. Each of HBE's partners, including Jean Hurst who will serve as the key staff to the Trust's legislative advocacy efforts if our firm is selected, has unmatched experience and successes in undertaking all of these activities.

Our firm's core belief is that a successful and sustainable legislative advocacy program requires both practical and technical expertise but, more importantly, is driven through a collaborative and communicative client-firm relationship. Elevating the Trust's voice and profile in the Capitol and delivering budgetary and policy gains on your behalf can be achieved by undertaking this highly coordinated and responsive lobbying approach.

<p>Client Services</p>	<ul style="list-style-type: none"> ▪ Provide energetic and responsive advocacy services to the Trust. ▪ Coordinate closely with Trust Manager and key staff on all activities associated with the Trust’s legislative agenda and policy platform. ▪ Meet regularly with the Trust Manager and designated staff to provide relevant and timely updates and renew/revise advocacy strategies, as needed. ▪ Provide updates as requested/needed directly to the Trust’s Board of Directors. ▪ Provide input into development and/or amendment of the Trust’s state legislative platform. ▪ Respond expeditiously to inquiries from the Trust’s legislative delegation members, bill requests, and other outreach. ▪ Fulfill registration and reporting requirements as required by law. ▪ Provide weekly (if not more frequent) updates through HBE’s <i>This Week in Sacramento</i> e-newsletter, which highlights activities in Sacramento and other developments affecting the policy making process.
<p>Direct Advocacy</p>	<ul style="list-style-type: none"> ▪ Work in collaboration with the Trust Manager and key staff to advance near- and long-term advocacy objectives. ▪ Identify appropriate junctures in legislative and budget processes for key meetings with Governor, legislative leadership, budget chairs, and officials with other relevant boards and commissions to advance advocacy priorities; secure associated meetings with identified policy targets. ▪ Arrange for appointments and meetings for Trust officials in Sacramento to further regulatory, legislative and budget priorities; prepare background materials, talking points, and leave-behind materials, as needed. ▪ Coordinate introduction of any Trust-sponsored legislation and provide for coordinated, full-service advocacy strategy to ensure its passage. ▪ Undertake necessary actions to advance Trust-sponsored budget proposals, as directed by the Trust’s Manager. ▪ Collaborate with key contacts, build strategic allies and coalitions, analyze and identify potential threats/challenges. ▪ Make recommendations for the Trust’s direct and active engagement in priority measures and those with the greatest consequence on the Trust’s mission, finances, and operation.

	<ul style="list-style-type: none"> ▪ Provide strategic advice on political landscape and consideration of alternatives. ▪ Engage in direct lobbying both for highest priority legislation as well as for support and opposition on other measures affecting the Trust. ▪ Develop compelling, meaningful, and substantive arguments to support the Trust’s positions on priority legislative measures and budget issues. ▪ Draft letters for measures with active positions for relevant policy and budget committees. ▪ Provide testimony at legislative and budget hearings on priority bills and budget issues. ▪ Meet with legislators, legislative leadership, budget/policy staff, and state agency staff to present the Trust’s legislative agenda; maintain regular communication about additional issues of interest to the Trust. ▪ Negotiate amendments on behalf of the Trust with appropriate parties, including members and stakeholders. ▪ Maintain regular communication with Governor’s Office and other staff in the Administration on priority issues; engage in direct lobbying particularly as bills move to the Governor’s Desk. ▪ Make recommendations, when necessary and appropriate, to the Trust Manager and other key staff regarding timing and content of direct outreach to legislative members or leadership and help execute this direct lobbying strategy. ▪ Analyze options and execute best advocacy approach to block passage of bills or budget proposals the Trust opposes. ▪ Participate in and represent the Trust perspective in coalitions, working groups, and other policy conversations, as appropriate. ▪ Serve as a liaison with other statewide groups and stakeholders in coordination with Trust staff.
<p>Client Communication</p>	<ul style="list-style-type: none"> ▪ Maintain regular, timely and relevant communication (written and verbal) with the Trust Manager and other key staff regarding priority bills and positions; ensure legislative strategy and approach remains aligned with the Trust’s objectives. ▪ Review and circulate introduced legislation and amendments on all measures of likely impact. ▪ Provide timely reports on introduced and amended legislation in priority issue areas.

	<ul style="list-style-type: none"> ▪ Transmit relevant committee analyses of bills, white papers, and background research on critical policy issues. ▪ Provide policy background for legislative staff and new members on priority the Trust issues. ▪ Participate in and provide accurate, timely, and well-informed updates to the Trust Manager and key staff on an ad hoc basis as emergent issues may arise.
<p>Relationship and Coalition Building</p>	<ul style="list-style-type: none"> ▪ Maintain regular contact with the Trust’s legislative delegation and, where necessary, budget committees. ▪ Sustain positive relationships with the Administration officials, including the Governor's Office; Department of Finance; Business, Consumer Services, and Housing Agency; Department of Housing and Community Development, and staff. ▪ Actively work to build coalitions with allies and other stakeholders on legislation supported by the Trust. ▪ Participate in relevant stakeholder meetings; coordinate and collaborate with other relevant associations, municipalities, and stakeholders with shared interests. ▪ Participate in Public Employee Advocates (PEA), a coalition of public employers that reviews and frequently weighs in on local governance measures. ▪ Participate regularly in relevant briefings and meetings as necessary.

We approach the activities enumerated above as we approach all our assignments – with high standards of professionalism, attention to detail, and an abiding commitment to the vital services our clients provide. At HBE, we work closely with our existing clients on drafting written materials under deadline, preparing letters, and crafting legislation. We are very familiar with the legislative and budget calendars, understand relevant deadlines, and can anticipate how to prepare for milestone events within the legislative and budget cycles. We subscribe to a proprietary bill-tracking system to monitor legislation and assist with identifying bills of interest to our clients. We are confident we would exceed the Trust’s expectations – as we do with our existing clients – in these aspects of state advocacy services.

We individually and collectively have developed extensive experience in crafting highly relevant and effective written advocacy materials, providing expert testimony before policy and budget committees, and undertaking traditional direct lobbying in the Capitol. HBE will bring energy and creativity to the legislative and budget advocacy services outlined in the RFP, and the Trust will benefit from our commitment to a highly collaborative, coordinated, and communicative process. This approach will extend, of course, to our interactions with Trust leadership and staff,

legislative members and staff, and state officials. Our methods and shared style will focus on productivity and problem solving, minimizing the need for adversarial action in our efforts to advance the Trust's priorities.

The HBE team engages regularly with the delegations of our clients. Our experience in the Capitol and with a variety of legislators and their staffs has resulted in what we would describe as trusted relationships with our clients' delegations. We have established informal "check-ins" – even in a COVID context that still limits in-person visits – with offices to make sure staff has the latest news from our clients and that legislators are kept up to speed about challenges and achievements. These relationships have become invaluable to our work and are critical to meeting the goals of the client.

HBE regularly attends local government (city and county) caucus meetings, advocacy and membership meetings of numerous other county statewide associations, and policy discussions and briefings that supplement our understanding of the policy and political dynamic on a variety of issues. We are frequently called on to serve as speakers at conferences and as faculty to the CSAC Institute for County Excellence. On a more informal basis, we maintain active relationships with a variety of thought leaders that influence the broader policy discussions in California across an array of topics – homelessness, health care, fiscal matters, and corrections, among others.

Again, drawing on our extensive experience working in and for statewide associations, we are prepared to coordinate activities associated with Trust travel to Sacramento – once the Capitol re-opens for in-person visits – for delegation and state agency meetings, including agenda setting, scheduling meetings, and developing briefing materials and leave-behinds. We have a professional services contract with an individual who is responsible for bill tracking, distribution of advocacy materials, and meeting logistics. She will be available to assist in meeting arrangements.

Finally, HBE would be prepared to travel to Orange County at least once annually, but more frequently if requested or required based on emergent issues. It is important that the Trust's voice in Sacramento also be present for and responsive to local conversations and public deliberations. Our firm has extensive experience with formal presentations before Boards of Supervisors and appreciates the value in the direct exchange with the Trust's Board members, executive officer, and other key staff.

► **Experience Working with State Legislature**

As seasoned local government advocates, each of our firm's principals has extensive experience working directly with the State Legislature in advancing policy and budgetary objectives on behalf of our clients. We have successfully sponsored legislation, stopped measures that would have been detrimental to our clients, and secured direct investments in priority projects and

programs. In this section and the one that immediately follows, we offer numerous examples where we have helped achieve meaningful legislative and budgetary successes. For purposes of the Trust's desired efforts, we believe your road to success requires positive, collaborative, and communicative relationships with the Orange County delegation, but it also will require broadening advocacy strategies to include chairs, members, and staff of relevant policy and budget committees. Our experience positions us very well to hit the ground running on your behalf if we are selected to represent you. From our perspective, legislative accomplishments are best delivered with the assistance of honest, ethical, energetic, and well-informed advocates. HBE can assure the Trust would receive the highest level of quality services.

Given that tangible, beneficial advocacy outcomes result from direct, active advocacy with the State Legislature, we present some examples of recent positive achievements HBE secured on behalf of our public sector clients:

- \$2.5 million in the 2021-22 budget for the refurbishment of the California Theatre in San Bernardino.
- \$10 million in one-time 2021-22 funding to address unanticipated pandemic-related costs and \$30 million in ongoing funding to address shortfalls in expected federal funding to support dependency counsel providers (i.e., attorneys who represent children in the juvenile dependency system and their parents).
- More than \$240 million in funding for county costs associated with administration of the 2021 gubernatorial recall election.
- State property tax backfill for local agency losses associated with catastrophic wildfires (2021-22, 2020-21, 2019-20, 2018-19).
- State funding for the Rapid Response program for Riverside County to address needs associated with a surge in asylum seekers crossing the border (2021-22, 2019-20).

► **Examples of Legislative/Budget Accomplishments Over Last Six Years**

Given HBE's focused local government practice, we can offer numerous examples of our successes in securing wins for our public sector clients over the last six years. In addition to the examples provided in the section immediately above, we offer more detailed descriptions of work we have carried out to successful completion on behalf of our clients.

- *LifeLong Medical Care* – Kelly Brooks worked tirelessly on behalf of HBE's client (LifeLong Medical Care) and their housing partner, Alameda Point Collaborative, for two years on finding solutions to bring the Alameda Wellness Center to fruition. The Wellness Center is a pioneering project that will create a 3.6-acre wellness campus in Alameda County for homeless adults with complex health conditions. The project will be one of the first in the nation to co-locate the following: 100 units of supportive housing for seniors who have experienced homelessness; a 50-bed medical respite program; a Federally Qualified Health Center operated by LifeLong Medical Care; and a drop-in resource center. The

medical respite will provide post-acute care for homeless patients who need further medical or hospice care after hospital discharge or as identified through street outreach. The senior housing will provide stable housing and supportive services combined with on-site medical, behavioral health care, in-home support, and palliative and hospice care.

In 2020, the coalition worked on potential state solutions to a CEQA lawsuit brought by a neighborhood group. Once CEQA litigation settled in 2020, we refocused our legislative efforts in 2021 on securing financial support in the state budget. HBE worked to identify the correct state agency to fund a medical respite and primary care clinic co-located with the senior housing project. Budget work included developing a budget ask (including an appropriate funding amount), developing materials and documents for budget committees, working closely with Senator Nancy Skinner (whose district includes the project), identifying two Assembly Member budget champions to submit letters (the project is in former Assembly Member Bonta's district, and we knew he could be appointed Attorney General before the budget process concluded, so therefore needed a second Assembly champion). Additionally, as the project was being vetted in the Legislature, we developed a target list of state agencies and met with State Treasurer's Office (who provides funding to health facilities), the California Health and Human Services Agency, and the Governor's Office to educate state agencies and leaders about the project and associated funding request. This advocacy effort was complex, required extensive education efforts across the Legislature and Executive Branch, and called for a change in tactics mid-stream. The \$15 million successfully secured in the 2021-22 state budget covers approximately half of the outstanding amount necessary to fully fund the Alameda Wellness Center, which is anticipated to break ground in 2022.

- *Urban Counties of California/County of Santa Clara/County of Los Angeles/Rural County Representatives of California* – Jean Hurst led a coalition of local government organizations – and, for this project, specifically represented several HBE clients referenced here – to address COVID-related delays in conducting assessment appeals hearings by extending the deadline for decisions in pending assessment appeals cases. Initially, the coalition sought an Executive Order for immediate relief, which was eventually signed by Governor Newsom. While short in duration, the extension allowed proponents to collect data and experience from county assessment appeals boards about practical challenges associated with conducting these quasi-judicial hearings during stay-at-home orders. As a result, the coalition sought legislative support for extending the deadline for pending assessment appeals cases beyond the Executive Order to March 31, 2021. The statute additionally provided explicit statutory authority to conduct assessment appeals hearings remotely. These important provisions allowed counties to safely conduct assessment appeals hearings and ensure that boards were able to finalize rulings on appeals that were nearing the statutory deadline, ensuring that

local governments would not be financially impacted by any delay. The attached support letter, drafted by Jean Hurst on behalf of a broad local government coalition, makes the case for extending the deadline for decisions in pending assessment appeals cases beyond the Governor's Executive Order and offering explicit statutory authority to conduct assessment appeals hearings remotely. After difficult conversations with a variety of state and private sector stakeholders, including Senate and Assembly leadership and budget staff, the Department of Finance, and the State Board of Equalization, the extension was enacted in a 2020-21 budget trailer bill. Further, when it became apparent that counties would need an additional extension beyond the March 31, 2021 deadline, Jean once again led the effort for an additional extension to December 31, 2021, which was included as part of the Governor's May Revision and approved in the general government trailer bill in the 2021-22 state budget.

- *Urban Counties of California//Rural County Representatives of California* – When Governor Newsom embraced an effort to make diapers and feminine hygiene products tax-free in his first May Revision, few Capitol watchers balked. The partners at HBE, however, with our background in negotiating the provisions of 2011 Realignment and its relevant constitutional protections as outlined in Proposition 30 (2012), knew that not only would there be a local fiscal impact associated with the proposal, but a resulting constitutional obligation for the state to backfill losses of funds dedicated to 2011 Realignment. Jean Hurst brought the issue to the attention of the Department of Finance and challenged their assertion that the tax exemption did not obligate the state to backfill the losses. This coalition letter, drafted by Jean Hurst, successfully established the argument that the state's efforts to eliminate sales and use taxes on diaper and feminine hygiene products must be accompanied by a backfill of revenue losses to counties. Accompanied by a direct lobbying effort, this letter helped local governments secure the constitutionally required backfill, which initially was not acknowledged when the exemption proposal surfaced. Further, when the Governor proposed making the diaper and feminine hygiene product tax exemption permanent, we made certain that the backfill would continue.

It is important to note that while the statewide fiscal impact of this proposed tax exemption was relatively small, establishing the precedent that the state was obligated to backfill revenue losses associated with 2011 Realignment was a significant priority. If counties had lost this fight, it would have been considerably more difficult to achieve state backfill for any subsequent sales tax exemption, regardless of size, thus undermining the constitutional revenue protections and stability that we had worked so hard to achieve in 2011.

- *Los Angeles County* – In the lead-up to the 2017 passage of a local ballot initiative to levy a quarter-cent sales tax for purposes of funding services for the homeless, HBE provided extensive strategic and technical advice. It was a complicated effort, as many of the cities

within the County were already at the statutory sales tax rate cap. Jean advised the County during the drafting of the measure and after its passage, given that the State Board of Equalization (BOE) refused to implement the measure without additional statutory direction. Regrettably, this development emerged at the same time the BOE was under considerable legislative scrutiny due to inappropriate use of public funds and accusations of nepotism, among other concerns, making discussions with the BOE especially challenging. Jean assisted the County in working through the issue with the BOE staff, engaging the legislative delegation, and ultimately securing approval of statutory direction to BOE that was included in a budget trailer bill. This success would have not been possible without regular consultation with key state decision makers at the appropriate junctures.

- *Various statewide association and county clients* – In 2017, HBE assisted various statewide association clients – including the California State Association of Counties, the Rural County Representatives of California, the County Welfare Directors Association, the County Health Executives Association of California along with individual counties – on the In-Home Supportive Services cost shift. This issue was of significant statewide consequence to counties and grew out of a complex legislative and fiscal history that few understood. Activities included extensive lobbying within the Legislature on the \$600 million IHSS cost shift and the Brown Administration, assistance with data analysis, strategic political advice, and creative problem solving. For example, one of our partners suggested to the Brown Administration and CSAC that the recently identified Board of Equalization accounting errors be forgiven as part of the deal. That provision, which saved counties several hundred million dollars, was incorporated into the final solution (SB 90, Senate Committee on Budget and Fiscal Review – Chapter 25, Statutes of 2017). Given that Kelly Brooks was a primary architect of the 2012 IHSS MOE, she was one of the few advocates in Sacramento to bring a historical perspective, as well as an in-depth understanding of the 1991 Realignment funding structure and interactions. Without this knowledge, our clients would not have received the timely, technical, fiscal, and policy advice to achieve the best resolution given the difficult circumstances.
- *Los Angeles County* – On behalf of the County, Elizabeth Espinosa led a coalition of diverse stakeholders in successfully securing passage of a two-thirds vote measure (AB 2765, S. Weber – Chapter 767, Statutes of 2016) that offers additional time for individuals to petition for resentencing under the provisions of Proposition 47 (2014). It was a daunting task because in order to reach the two-thirds vote threshold, a number of Republican votes had to be secured, despite the caucus' strident opposition to the goals of Proposition 47. Given these dynamics, the coalition had to develop a finely tuned, nimble, and thoughtful strategy to articulate the problem and the rationale for the time extension proposed in the measure. The coalition lobbied every member of the Legislature to ensure successful passage of the bill.

► **Relationships with State Legislators and Key Administration Staff**

<p>Assembly Member Cecilia Aguiar-Curry Chair, Assembly Local Government Committee</p>	<p>Jean Hurst and Kelly Brooks work closely with Assembly Member Aguiar-Curry on county and special district issues before Assembly Local Government and Health Committees.</p>
<p>Assembly Member Cottie Petrie-Norris Orange County Delegation</p>	<p>Kelly Brooks worked with Assembly Member Petrie-Norris on a sponsored bill for a non-county client.</p>
<p>Assembly Member Janet Nguyen</p>	<p>All the firm’s principals have interacted with Assembly Member Nguyen, including during her time as Orange County Supervisor (when we were staff at CSAC), Senator, and now in her current role as an Assembly Member.</p>
<p>Senator Josh Newman Previous Chair, Senate Human Services Committee Orange County Delegation</p>	<p>Kelly Brooks interacted extensively with Senator Newman when he served as chair of the Senate Human Services Committee. Jean has worked with his office primarily on issues associated with elections.</p>
<p>Senator Mike McGuire Chair, Senate Governance and Finance Committee</p>	<p>Jean Hurst works closely with Senator McGuire on a range of local agency issues before Senate Governance and Finance Committee.</p>
<p>Senator Pat Bates</p>	<p>All the firm’s principals have interacted with Senator Bates in her current role, in her previous roles as Senate Republican Leader, Assembly Member, and Orange County Supervisor. We also have a strong and mutually respectful working relationship with her Chief of Staff.</p>
<p>Ana Matosantos Cabinet Secretary</p>	<p>All the firm’s principals have worked closely with Ana Matosantos on major policy issues, including an early 2000s effort to implement Medi-Cal expansion, redevelopment dissolution, and 2011 Realignment.</p>
<p>Keely Bosler Director of Finance</p>	<p>The firm has worked with Keely Bosler in her current position as Director of Finance and in her previous positions both in Finance and as Senate budget committee staff.</p>

While existing relationships are certainly critical in driving positive results on behalf of our clients, what is also important is how by reputation and practice our firm has the capacity to quickly establish new, effective relationships with members and their staff. We can leverage our existing and rather extensive network of contacts within and outside the Capitol, draw on our high-level access to key decision makers in the Newsom Administration, and – importantly – have immediate access to high-level staff in relevant policy and budget committees. We are confident that our industry experience, demonstrated delivery of results for our public sector clients, and directly relevant expertise will result in elevating the voice of the Trust and securing policy and budgetary successes on your behalf.

► **Firm's Approach to Representing the Trust in Sacramento**

Given HBE's extensive local government expertise and decades of service representing the interests of California counties, we are in a position to identify issues, opportunities, and potential challenges to our local agency clients during each period of the legislative cycle. HBE is prepared to ensure advocacy coverage on behalf of the Trust for both budget and legislative matters, participate in policy conversations tied to the Trust's priority issues, and – where necessary and with the Board's direction – craft and advance practical, effective solutions in state budget and legislative forums. Further, our firm has strong, positive, and collaborative relationships with a variety of similarly situated stakeholders and potential partners in Sacramento. These connections often prove to be critically important in responding quickly and effectively to legislative and/or budget proposals that would have an impact on the Trust's legislative and budgetary goals. Informal and formal coalition efforts can amplify the Trust's voice and facilitate access to broad networks of Capitol connections that can be important in achieving shared goals.

Further, given the considerable interest in dedicating resources and facilitating best practices to address the state's burgeoning homeless crisis across the state, we feel strongly that a key component of our advocacy approach is to share the Trust's story, alerting state officials and members of the Legislature outside the Orange County delegation to the vital and helpful work being undertaken by the Trust. While consistent communication and collaboration with the Orange County legislative delegation are critical to this effort, we also want to establish the Trust as a valuable and effective state partner more broadly to ensure that its work is viewed in the most positive, productive light. In doing so, we will be able to help facilitate good will, improve trust and credibility, and become a reliable source of information and innovation in an exceptionally complex policy area, which promises to result in additional resources to continue the Trust's efforts.

Specifically, we want to help demonstrate that the formation and work of the Trust exemplifies the city-county homelessness collaboration and "regionalization" commonly called for by Governor Newsom and outspoken voices in the Legislature. Our firm has the existing relationships and contacts to connect members of the Trust, and the story of the Trust, with decision makers in the Governor's Office; leaders at the Department of Housing and Community Development, Homeless Coordinating and Financing Council, and Department of Social Services; architects of state and federal funding programs; and legislative staff and members of budget, policy, and select committees on homelessness to share experiences and best practices that can inform the state's broader policy and budget decisions.

A comprehensive legislative and budget strategy would include a multi-year effort to engage in policy discussions on affordable housing and homelessness, as well as budget deliberations, in concert with specific requests and needs for the Trust.

► Past Reports and Informational Materials

One of the areas in which HBE excels is in our drafting and presentation of written documents. We pride ourselves on our ability to distill complex information and present it in a way that is accessible, relevant, and appropriate to a specific audience. We have provided several examples of our written materials at Attachment 5, including a recent copy of our popular *This Week in Sacramento*, a weekly newsletter we produce for our clients. We are pleased to furnish the following examples of our written advocacy and informational materials, which reflect the quality and depth of our analytical capacity as well as our ability to develop compelling and meaningful written materials to accompany direct lobbying efforts. It's important to note that our advocacy letters provided are but one piece of our lobbying efforts, which of course include a targeted lobbying strategy designed for the issue and appropriate policy makers.

- **September 28, 2021 Edition of HBE's *This Week in Sacramento*** – HBE writes an update weekly during the legislative session and on an as-needed basis during the legislative recess. The example provided is our most recent publication; the content varies each week depending on where we are in the legislative cycle and what other relevant current events are at play that affect policy development and deliberations of interest to our clients. If selected for this contract, the Trust and any designated staff would receive our weekly newsletter as well as any other analyses and summaries we produce. Notable among the latter documents are detailed budget materials we provide to our clients at key junctures of the state budget process: the release of the January budget, the May Revision, the final budget package, and summaries of consequential trailer bills.
- **April 2021 Advocacy Letter on Redirection of Juvenile Justice Funding** – This county coalition letter, drafted by Elizabeth Espinosa, sets out a detailed argument in opposition to a measure that proposed to redirect juvenile justice resources realigned in 2011 and therefore subject to constitutional protections under Proposition 30 (2012). Despite extensive support among community-based organizations as well as civil rights and reform groups for the bill, we were successful in stopping the measure's forward progress given our ability to clarify the underlying 2011 Realignment fiscal structures and associated constitutional protections. The bill was held in the first house Appropriations Committee.
- **August 2020 Floor Alert on Extension of Deadline for Assessment Appeals and Authority to Conduct Remote Hearings** – The attached floor alert, drafted by Jean Hurst on behalf of a broad local government coalition, reflects the legislative achievement described in detail above relative to HBE's work to extend the statutory deadline for conducting certain assessment appeals. This achievement is also described in further detail in the accomplishments section of page 21.
- **May 2019 Advocacy Letter on Sales and Use Tax Loss Associated with Diaper and Menstrual Product Exemption** – This coalition letter, drafted by Jean Hurst, successfully

established the argument that the state's efforts to eliminate sales and use taxes on diaper and feminine hygiene products must be accompanied by a backfill of revenue losses to counties associated with 2011 Realignment under the provisions of Proposition 30 (2012). This achievement also is described in further detail in the accomplishments section on page 22.

- **August 2018 Summary of Bail Reform Legislation** – Our county clients had a particular interest regarding the local impacts of bail reform legislation. This detailed bill summary represents our capacity to summarize and contextualize major policy reforms of interest to our clients.

We look forward to discussing our proposal with you further. Please don't hesitate to contact us if you require additional information.

Attachment 1 – Resumes for Key Staff

JEAN KINNEY HURST

Highlights

- More than 20 years of professional experience on behalf of county governments, including unique policy expertise in complex state and local fiscal matters.
- A recognized problem-solver, advocate, and strategist.
- A clear communicator and quick learner, with policy experience that spans a broad variety of subject matters.

Professional Experience

Hurst Brooks Espinosa, LLC
January 2015 – present

Sacramento, California

Partner

- Partner in a women-owned, Sacramento-based advocacy and consulting firm. Provide targeted, issue-specific analysis, and legislative and state budget advocacy for a variety of clients. Representative examples of work include:
- Lobbyist for California counties, cities, special districts, and related statewide associations with a focus on state and local finance, general government, and revenue and taxation.
- Consultant on state and local fiscal matters to statewide associations and non-profits.
- Managing partner for Hurst Brooks Espinosa, LLC with responsibilities for finance, compliance, and contracts.

California State Association of Counties
March 2004–December 2014

Sacramento, California

Senior Legislative Representative/Legislative Representative, Revenue and Taxation

- Served as lead advocate for revenue and taxation in the state Legislature, Administration, and other state agencies on behalf of California's 58 counties, including developing strategy and response for priority legislative issues; regular oral and written testimony before the state Legislature on legislative and budget matters; routinely met with legislators and key legislative and administrative staff on county issues; identified and engaged with stakeholders and participated in coalitions on advocacy issues; and managed the Association's annual legislative and budget priorities.
- Worked with a variety of county officials including county supervisors, county executive and administrative officers, county legislative coordinators, county auditor-controllers, and other department heads in a variety of venues, such as CSAC policy committees and work groups, CSAC Institute courses, affiliate associations, and coalition and stakeholder groups.
- Participated in a number of ballot measure campaigns, including Proposition 1A (2004), Proposition 90 (2006), Propositions 98 and 99 (2008), and Proposition 30 (2012). Activities include crafting pre-campaign strategy, including polling, focus groups, and drafting of measures; preparing campaign materials, and post-qualification activities, including campaign strategy, fundraising, and grassroots activities.
- Respond to media inquiries, including print and television interviews for major state and national news media outlets.
- Key achievements in this role included: negotiation of the securitization of \$1.2 billion in "borrowed" local agency property taxes (2009); securing ongoing commitment for state reimbursement of insufficient ERAF to reimburse counties and cities for losses associated with the Triple Flip (ongoing); negotiation of the constitutional protections for 2011 realignment contained in Proposition 30 (2012); securing initial repayment of \$900 million in pre-2004 mandate payments (2014).

October 1999–February 2004

Senior Legislative Analyst/Legislative Analyst, Revenue and Taxation

- Analyzed and developed positions on legislative measures relating to state and local revenues, budgets, and other fiscal issues important to counties. Authored position letters to state legislators on measures of importance to California counties.
- Compiled and prepared regular communications on state budget issues of importance to counties in the CSAC Budget Action Bulletin.
- Provided fiscal analyses on legislative proposals, as needed. Annually collected and analyzed county data on ERAF, property and sales tax, vehicle license fee revenues, and other local agency revenues.
- Prepared weekly updates on revenue and taxation legislation of interest to counties in the CSAC *Legislative Bulletin*.
- Developed agenda, secured speakers, and prepared background materials twice annually for CSAC's Government Finance and Operations Policy Committee meetings.
- Prepared white papers on significant policy issues, including *CSAC's Annual Rating Agency Report*, the *CSAC Guide to County Programs and Services*, and *The Motor Vehicle License Fee: Why the VLF Matters to California Counties*.

Yolo County Board of Supervisors

Woodland, California

November 1996–November 1999

Administrative Aide

- Assisted Supervisor Tom Stallard in resolving constituent complaints and concerns.
- Prepared all correspondence from the Supervisor, including press material, and maintain office files.
- Represented the Supervisor at various meetings, including serving as liaison to the Board of Supervisors on the Yolo Transportation Management Association, the Yolo County 150 Committee, and the Yolo County Women's History Month Project.
- Facilitated and promoted county relationships with other agencies, including the California State Association of Counties, the Sacramento Area Council of Governments, the University of California, Davis, the Cities of Woodland and West Sacramento, and the California State Legislature.
- Assisted the Supervisor in preparing and coordinating response to legislative actions and pending bills.

Education

Master of Public Policy and Administration with an emphasis in intergovernmental relations, California State University, Sacramento, May 2001.

Bachelor of Science, Biological Sciences with an emphasis in Neurobiology, Physiology and Behavior, University of California, Davis, June 1996.

Distinctive achievements include graduation with honors, Golden Key National Honor Society, and Order of Omega Greek Honor Society.

Activities

Member, Delta Delta Delta National Sorority

Member, Cal Aggie Alumni Association, University of California, Davis

Board member, Sacramento Ballet Association Board of Directors

JOSHUA GAUGER

Highlights

- Extensive record of professional success based on highly developed collaborative, analytical, and quantitative skills.
- Skilled at navigating sensitive and complex policy and budget issues and offering practical, achievable solutions.
- Experience working with elite professionals – including executive branch leaders, legislators, county supervisors and executives, sheriffs, and other elected officials.

Professional Experience

Hurst Brooks Espinosa, LLC
October 2021 – present

Sacramento, California

Partner

- Partner in a Sacramento-based advocacy and consulting firm with a primary focus on public sector clients.
- Support firm's clients by bringing to bear extensive budget and policy experience across diverse policy areas including public safety, homelessness, emergency management, employment, labor, and state budget issues.

California State Association of Counties
March 2019 – October 2021

Sacramento, California

Senior Legislative Representative

- Led county advocacy for homelessness, public safety, and labor relations in the state Legislature, Governor's Office, Department of Finance, and other state agencies. Regularly provided oral testimony and written correspondence with legislative members and staff to detail county positions on legislative and budget matters.
- Built partner coalitions to develop holistic advocacy strategies for sensitive budgetary requests related to the Homeless Housing, Assistance and Prevention program, Project Homekey, and multiple rounds of state backfill funding during the elimination of criminal justice administrative fees.
- Negotiated key amendments, statutory protections, and funding increases in response to the state's budget proposal to realign the Division of Juvenile Justice to county responsibility.
- Organized statewide symposiums focused on county responses to homelessness and state funding opportunities.
- Worked with county supervisors, administrative officers, executive officers, and staff to set statewide advocacy priorities and communicate state and county-level policy developments.

California Department of Finance
August 2017 – March 2019

Sacramento, California

Assistant Program Budget Manager

- Negotiated budget compromises and amendments to policy legislation with legislative members and staff.
- Testified in budget hearings to present and defend the most complex and sensitive proposals. Met with legislative advocates on budget proposals and briefed external stakeholders on budget details.
- Managed a team of budget supervisors and analysts; provided fiscal and policy advice to the Governor, state's budget director, and Governor's Office executives in the primary areas of local public safety, state prisons, Department of Justice, Judicial Branch, and Emergency Services.

January 2013 – August 2017

Principal/Finance Program Budget Analyst

- Advised senior Administration officials on correctional policy, primarily responsible for issues including local public safety, 2011 Public Safety Realignment, and over \$10 billion in expenditures on the state prison system.
- Analyzed legislation and proposals for additional resources, evaluated their consistency with the Administration's goals, and made recommendations to the state's budget director and other senior officials.
- Implemented Department's key responsibilities associated with Proposition 47 (Safe Neighborhoods and Schools Act) and Proposition 57 (Public Safety and Rehabilitation Act) approved by voters.
- Presented and defended proposals to the Legislature in budget hearings.
- Supervised a team of analysts and provided comprehensive training regarding analysis and presentation skills.
- Served as primary point of contact for key stakeholders including statewide public safety associations and city and county departments.

California Department of Corrections and Rehabilitation

Sacramento, California

March 2010 – January 2013

Budget Manager

- Led multiple units responsible for budget and personnel control for adult institutions and headquarters programs.
- Implemented new fiscal policies and procedures and prepared and presented training to headquarters executives and institution managers.
- Represented the department in a cross-agency initiative to achieve over \$1.5 billion in 2011 Public Safety Realignment savings. Served as liaison to the Office of State Audits and Evaluations and the Office of the Inspector General for project implementation audits.
- Supervised budget analysts responsible for institutions, rehabilitative programs, and other department-wide projects.
- Represented the Budget Office on a departmental task force that analyzed structural funding deficiencies that were driving unanticipated funding needs, resulting in a successful \$400-million budget proposal.

October 2007 – March 2010

Budget Analyst

- Analyzed, reviewed, and coordinated the completion of complex budget processes.
- Participated as the budget expert in high-priority projects, including reorganization of headquarters offices and implementation of a \$250-million unallocated program reduction.
- Monitored spending for institutions and other offices to maintain expenditures within operational budgets.
- Responded to inquiries from staff of the Legislative Analyst's Office, Department of Finance, and Legislature.

Education

Bachelor of Arts, Communications, University of California, San Diego, 2007

Activities

Instructor, CSAC Institute for Excellence in County Government
State Budget 101—What Counties Need to Know
Realignment 101—The Basics of 1991 and 2011 Realignment

Attachment 2

Conflict of Interest Disclosure Statement

Disclosure Policy

It is the policy of the Trust to ensure that firms and individuals providing services to the Trust are not subject to organizational conflicts affecting their objectivity or their ability to provide impartial assistance or advice to the Trust. This form requires certain relationships to be disclosed to the Trust so that it may determine whether a potential organizational conflict exists and whether mitigation measures may be implemented so as to allow the firm or individual to perform services notwithstanding such potential conflict. Relationships with the following entities must be disclosed:

- 1) Any firm, individual, partnership, corporation, association, or other legal entity currently retained for services by a developer of affordable housing or service provider for families and individuals at risk of or experiencing homelessness.
- 2) Any firm currently retained or which may be retained for services by the County of Orange or any member city of the Trust or other public entity within Orange County, California (see list of member agencies below).

Disclosure

- 1) X* Consultant **IS NOT** currently retained for services as defined in the Disclosure Policy above. [See explanation for relationship to the County of Orange below in 2(c).]
- 2) Consultant **IS** currently retained for services as defined in the Disclosure Policy above.
 - a) Consultant is retained for services by the following member agencies of the Trust

<u> </u> County of Orange	<u> </u> City of Lake Forest
<u> </u> City of Aliso Viejo	<u> </u> City of Laguna Beach
<u> </u> City of Anaheim	<u> </u> City of Laguna Hills
<u> </u> City of Buena Park	<u> </u> City of Laguna Niguel
<u> </u> City of Costa Mesa	<u> </u> City of La Habra
<u> </u> City of Dana Point	<u> </u> City of Mission Viejo
<u> </u> City of Fountain Valley	<u> </u> City of Newport Beach
<u> </u> City of Fullerton	<u> </u> City of Orange
<u> </u> City of Garden Grove	<u> </u> City of Placentia
<u> </u> City of Huntington Beach	<u> </u> City of San Juan Capistrano

_____ City of Santa Ana
_____ City of Stanton

_____ City of Tustin
_____ City of Westminster

- b) Consultant is retained for services by the following other public agencies and public or private entities within Orange County, California. (List individually.)
- c) Please describe briefly those services potentially affected by this Disclosure:

* Although HBE is not directly engaged by Orange County as described above, we feel it is important to disclose that Orange County is a member of two of our county association clients.

The County is one of the high-population counties belonging to the Urban Counties of California (UCC), an organization for which HBE provides direct legislative advocacy and association management services. Supervisor Lisa Bartlett sits on the UCC Board of Directors. UCC is a consensus member organization, so the advocacy work we carry out is at the direction of the entire 14-member association. Our work is focused on elevating the urban county specific voice and perspective in Sacramento rather than to advance the views and priorities of a single urban county.

Additionally, as the County's Executive Officer, Frank Kim is a member and currently serves as President of the California Association of County Executives (CACE), an organization for which HBE provides policy expertise and consulting. Our firm is not registered to lobby for nor does it engage in advocacy work on behalf of the organization.

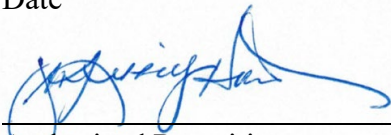
Consultant is required to disclose to the Trust, in writing, any services relationship which may be entered into during the term of the Contract, which violates or appears to violate the intent of this Disclosure:

Jean Kinney Hurst

Consultant

10/18/2021

Date



Authorized Repetitive

Partner, Hurst Brooks Espinosa, LLC

Title

Attachment 3

Compensation Proposal

Enter below the proposed price for full compensation to proposer for full and complete performance of the Services identified in the RFP Scope of Services. Prices shall include direct costs, indirect costs, profit, and any other costs associated with providing the services as described in this RFP.

Monthly Fee: \$ 6,000

Annual Not-to-Exceed Expenses*: \$ 0

*Trust-approved expenses include travel, lodging, subsistence, and mileage. Mileage reimbursement shall be based on the business standard mileage rate published annually by the IRS. No other expenses are allowable under this contract.

Proposer Name: Hurst Brooks Espinosa, LLC

Address: 1127 - 11th Street, Suite 1005

Sacramento, CA 95814

Phone Number: 916-272-0010

Signature: 

Printed Name: Jean Kinney Hurst

Title: Partner

Date: 10/18/2021

Attachment 4

Disclosures of Contributions

To be completed with the submission of any proposal.

Prime Firm's Name: Hurst Brooks Espinosa, LLC

Party's Name: Jean Kinney Hurst

Party's Address: 1127 - 11th Street, Suite 1005

Street

Sacramento CA

City State

95814 (916) 272-0010

Zip Code Phone Number

Board Member(s) to whom you and/or your agent made campaign contributions and dates of contribution(s) in the 12 months preceding August 25, 2021 (see attached lists):

Name of Member: _____

Name of Contributor (if other than Party): _____

Date(s): _____

Amounts(s): _____

Name of Member: _____

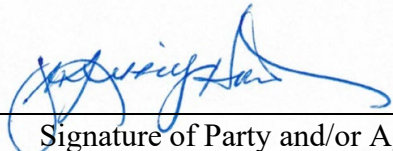
Name of Contributor (if other than Party): _____

Date(s): _____

Amounts(s): _____

If no contributions are noted above, I hereby certify that no contributions have been made by the Party identified above to any of the Trust's Board of Directors.

Date: 10/18/2021



Signature of Party and/or Agent

Attachment 5 – Examples of Past Reports and Informational Materials

On the following pages, please find these representative examples of HBE's written work:

- **September 28, 2021 Edition of HBE's This Week in Sacramento**
- **April 2021 Advocacy Letter on Redirection of Juvenile Justice Funding**
- **August 2020 Floor Alert on Extension of Deadline for Assessment Appeals and Authority to Conduct Remote Hearings**
- **May 2019 Advocacy Letter on Sales and Use Tax Loss Associated with Diaper and Menstrual Product Exemption**
- **August 2018 Summary of Bail Reform Legislation**

A note to our readers...

During the Legislature's fall recess, HBE will publish the TWIS on an as-needed rather than a weekly basis. The houses return to Sacramento for the second year of the session on January 3, 2022. Thank you!



HURST+BROOKS+ESPINOSA

This Week in Sacramento

INFORMATION & INSIGHTS FROM HURST BROOKS ESPINOSA ■ SEPTEMBER 28, 2021

Governor Signs Final Round of 2021-22 Budget-Related Bills

On Thursday of last week, Governor Newsom signed the final round of 2021-22 budget and trailer bills. At the links that follow, feel free to peruse HBE's summaries of the main provisions of the full set of 49 (!) measures that represent the totality of **expenditure** (budget bill and budget bill, jrs. – five total) and **implementing** (trailer bills – 44 total) measures necessary to enact the extraordinary 2021-22 state budget. A summary of the first round of measures enacted in July can be found [here](#); the summary of the final round of budget-related bills voted on in September and signed into law last week can be read [here](#).

Worth Noting: Governor Issues Telehealth Executive Order

Governor Gavin Newsom signed Executive Order [N-16-21](#) on Monday to extend the provisions of a prior order that facilitates telehealth services by enabling medical providers to conduct routine and non-emergency medical appointments through telehealth without the risk of being penalized.

The executive order extends the previous order's provisions relaxing certain state privacy and security laws for medical providers, which were set to expire on September 30, 2021, through the end of the state of emergency or until the original order is rescinded or modified.

LAO Issues New Monthly State Revenue Report... And the News is Good!

This week, in a new [report](#), the Legislative Analyst's Office (LAO) suggests that California state revenues will beat budget projections again this fiscal year by an estimated \$5 billion to \$25 billion. The LAO has developed a [model](#) to provide a monthly update of the forecast of current year collections from the state's "big three" revenues (personal income, sales, and corporation taxes) to help improve forecast accuracy.

The LAO tempers its rosy forecast by noting that income tax volatility continues to make forecasting state revenues challenging.

In related news, the Department of Finance released its monthly [Finance Bulletin](#) for September, noting that General Fund cash receipts for the first two months of the 2021-22 fiscal year were \$3.527 billion above the 2021-22 Budget Act forecast. Cash receipts for the month of August were \$1.986 billion above forecast. Personal income tax revenues for the month were \$1.344 billion above budget estimates. Sales and use tax revenues for August were \$628 million above budget estimates. Corporation tax receipts for August were \$46 million below forecast.

Finally! Census Bureau Data Released

State and local officials tasked with redistricting breathed a sigh of relief recently when the Statewide Database released the official redistricting database for 2021.

The official redistricting database is now publicly available on the Statewide Database's [website](#) and contains the following datasets:

- Census data from the P.L.94-171 Redistricting Data File that were adjusted to reflect the reallocation of data from certain incarcerated persons to their last residential address.,
- Citizen Voting Age Population data from the 2015-2019 release of the American Community Survey on 2020 Census Blocks
- Statement of Registration and Statement of Vote Data from statewide elections on 2020 Census Blocks

The P.L. 94-171 redistricting data is a tabulation from the decennial census that includes counts of population by race, ethnicity (Hispanic or Latino origin), voting age, housing occupancy status, and group quarters population, all at the census block level.

Governor Newsom Signs Slew of Elections Bills

Governor Gavin Newsom recently signed a number of elections-related bills, including [AB 37](#), by Assembly Member Marc Berman, which makes vote-by-mail permanent for every California registered voter. In addition, the Governor also signed [SB 594](#), by Senator Steve Glazer, which provides statutory direction for elections officials to adjust deadlines based on any future changes to deadlines associated with final map approval by the California Citizens' Redistricting Commission and includes provisions that clarify that county supervisorial and city council district maps approved by resolution or ordinance take effect immediately.

Last week, the California Supreme Court set a deadline of December 27, 2021 for the California Citizens' Redistricting Commission to finalize district maps for Congress, State Senate and Assembly, and State Board of Equalization districts. Recall that the Commission had sought an extension of their deadline to January 14, 2022 due to delays in receiving data from the United States Census Bureau. California Secretary of State Dr. Shirley Weber, along with a number of county elections officials, opposed that request based on the practical challenges such a delay would impose on conducting the June 2022 statewide primary election. The updated writ of mandate can be found [here](#).

Telehealth Advisory Workgroup Meets

The Department of Health Care Services (DHCS) kicked off its Telehealth Advisory Workgroup on September 22. Pursuant to AB 133, the 2021-22 health trailer bill, DHCS is required to convene an advisory group consisting of consultants, subject matter experts, and other affected stakeholders to provide recommendations to inform DHCS in establishing and adopting billing and utilization management protocols for telehealth modalities to increase access and equity and reduce disparities in the Medi-Cal program.

The first workgroup meeting focused on the purpose and scope of the workgroup, an overview of Medi-Cal telehealth coverage and data, and a review and discussion of DHCS's guiding principles for telehealth. DHCS noted that the scope of the workgroup does not include: 1) telehealth beyond existing covered benefits, 2) payment parity and reimbursement, 3) additional telehealth modalities.

While DHCS recognizes the benefits of telehealth, they noted several concerns, including: 1) expanded access to telehealth could perpetuate health inequities and disparities, 2) improved

access could lead to unnecessary or duplicative care, 3) inability of telehealth providers to conduct physical exams or diagnostic testing could pose quality and patient safety risks without appropriate guardrails, 4) expansive coverage of telehealth could increase risks of fraud and abuse, 5) limited research exists regarding the quality of care for individuals who receive telehealth v. in-person care. These concerns are driving DHCS's focus on developing utilization management, coding and billing, and monitoring policies and protocols for telehealth.

DHCS will be posting meeting materials on its Telehealth Advisory Workgroup [website](#). The Workgroup members, future dates, and meeting agendas and materials can be found on the website. However, the September 22 meeting materials (including the guiding principles) have not been posted as of the time of this writing. The next meetings are scheduled for October 6 and 20.

Incompetent to Stand Trial (IST) Solutions Subgroups Begin Meeting

As previously reported, the Incompetent to Stand Trial (IST) Solutions Workgroup has divided into subgroups focused on three areas: 1) early access to treatment and stabilization for individuals found IST on felony charges (Working Group 1), 2) diversion and community-based restoration for felony ISTs (Working Group 2), and 3) initial county competency evaluations (Working Group 3). Those working groups have begun meeting to brainstorm and discuss potential recommendations.

Working Group 1 met September 21 and will be meeting again September 28 and October 26. The goal of the working group is to identify short-term solutions (that can be implemented by April 1, 2022) to provide early access to treatment and stabilization in jail or via jail-based competency treatment (JBCTs) in order to maximize re-evaluation, diversion or other community-based treatment opportunities and reduce length of stay.

Working Group 2 met September 24 and will meet again October 1 and 22. The goal of the working group is to identify short-term (able to be implemented by April 1, 2022), medium-term (able to be implemented by January 10, 2023) and long-term (able to be implemented by January 10, 2024 or January 10, 2025) strategies to implement diversion and community-based restoration programs.

Working Group 3 met September 17 and 24 and will meet again October 15. The goal of this group is to reduce the number of individuals found IST by strengthening the quality of the initial county competency evaluation (aka Alienist Evaluations).

The expectation is that the Working Groups will provide concrete recommendations to the larger IST Solutions Workgroup by the end of October, informing the recommendations to advance alternatives to placements in the Department of State Hospitals restoration of competency programs. Those recommendations – including short, medium, and long-term – are due by November 30 to the California Health and Human Services Agency and Department of Finance.

Upcoming Homekey NOFA Webinar

The California Department of Housing and Community Development (HCD) announced the release of \$1.45 billion in Homekey grant funds earlier this month. Recall that Homekey grant funding will be made available to cities and counties, public housing authorities, and Tribal Entities within California. Funding can be used to create a broad range of housing types, including but not limited to hotels, motels, single-family homes, multifamily apartments, manufactured housing, commercial properties, and other existing buildings, and to convert them to Permanent or Interim Housing for the target population.

Registration is now open for a Notice of Funding Availability [webinar](#) scheduled for Thursday, September 30 from 10:00 a.m. to 12:00 p.m.

Please feel free to contact any one of us at Hurst Brooks Espinosa with questions ...

JEAN HURST
916-272-0010 | jkh@hbeadvocacy.com

KELLY BROOKS
916-272-0011 | kbl@hbeadvocacy.com

ELIZABETH ESPINOSA
916-272-0012 | ehe@hbeadvocacy.com



April 27, 2021

The Honorable Anthony Portantino
Chair, Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

**RE: SB 493 (Bradford) – Redirection of Juvenile Justice Crime Prevention Act Resources
As amended 3/23/2021 – OPPOSE
Set for hearing 5/3/2021 – Senate Appropriations Committee**

Dear Senator Portantino:

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we write to jointly express our respectful yet unequivocal opposition to SB 493, by Senator Steven Bradford. This measure proposes to redirect Juvenile Justice Crime Prevention Act (JJCPA) funds, revise the composition of local Juvenile Justice Coordinating Councils, and recast various elements of required multiagency juvenile justice plans. While our associations certainly have considerable concerns about the policy and operational implications of this measure, we highlight for purposes of this committee's fiscal assessment the ways in which SB 493 would abridge the constitutional protections enacted in Proposition 30 (2012) afforded to programs – JJCPA among them – and associated funding realigned in 2011.

JJCPA, enacted statutorily in 2000 and funded for just over a decade through the state General Fund, was designed to provide local resources for investment in a continuum of juvenile prevention and intervention programs. Subsequently, JJCPA – along with a variety of other local assistance services and programs – was statutorily incorporated into the 2011 Public Safety Realignment fiscal structure¹ where it now is guaranteed a minimum level of Vehicle License Fee (VLF) funding and enjoys constitutional protections approved in Proposition 30 (2012)². These developments require careful analysis and understanding of the constitutional implications of potentially repurposing or redirecting nearly the entirety of JJCPA funds as contemplated in SB 493. We have identified the following problems with SB 493 as drafted relative to violations of or unacknowledged interactions with constitutional provisions.

¹ Government Code Sections 30025-30029.12.

² California Constitution – Article XIII, Section 36.

First, under the provisions of Proposition 30, legislation enacted after September 2012 that increases the costs already borne by, or increases the level of service associated with, a program in 2011 Realignment must be accompanied by funding. In the absence of state funding to cover the increased local cost or to support the higher level of service, local agencies are not compelled to provide the new program or service obligation.³ The proposed redirection of JJCPA funds amounts to an increase in local costs to provide an existing level of service, given that these funds are inextricably linked – both in practice and statutory construction – to funding that accompanied the 2007 shift, pursuant to SB 81, of responsibility to counties for all youth except those adjudicated for Welfare and Institutions Code 707(b) offenses. Counties continue to receive Youth Offender Block Grant (YOBG) funding, a program also realigned in 2011 and subject to constitutional protections, to support SB 81 responsibilities. A review of the underlying statutory authority for both JJCPA (Government Code Section 30061) and YOBG (Welfare and Institution Code 1950-1956) makes clear that YOBG implementation intentionally relied – and continues to rely – upon the local response continuum developed with the JJCPA investment. Diverting JJCPA funds away from local probation departments would (1) effectively dismantle the foundation on which YOBG is built, (2) disrupt the very service structure and funding continuum that is relied upon in fulfilling the requirements of SB 81, and (3) require a like investment to ensure the existing service levels for realigned programs can be maintained.

Secondly, and more fundamentally, we also would point out that the Constitution requires that funding dedicated to support programs realigned in 2011 – a portion of the VLF and a specified percentage of the state’s sales and use tax – “be **exclusively** used to fund the provision of Public Safety Services **by local agencies** as specified by the 2011 Realignment Legislation⁴.” Prohibiting the lead county agency responsible for juvenile justice responses from accessing long-standing, foundational revenues is wholly inconsistent with the letter and the spirit of the Proposition 30 constitutional protections.

Finally, we would note that in the drafting SB 493 appears to capture other prosecution and front-line law enforcement programs that are statutorily linked to JJCPA. There is no reasonable way for these activities to be carried out by community-based organizations or non-law enforcement departments, and a redirection of this allied category of funds – also realigned in 2011 – would run afoul of the same constitutional provisions outlined above.

While our organizations support the continued evaluation of the best and most effective ways to address the needs of youth in our community, we are steadfast in our opposition to diverting

³ Article XIII, Section 36, (c)(4)(A); (c) (4) (A) Legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation shall apply to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies shall not be obligated to provide programs or levels of service required by legislation, described in this subparagraph, above the level for which funding has been provided

⁴ Article XIII, Section 36, (c)(2)

SB 493 (Bradford) – Redirection of JJCPA Resources

CSAC, UCC, and RCRC – OPPOSE

Page 3

meaningful, long-standing, and constitutionally protected investments in local systems, particularly when implementation of interrelated juvenile justice reforms (SB 823, 2020) is now underway. Counties can and do partner with community-based organizations in meeting the therapeutic and rehabilitative needs of the young people in our communities. We will continue to do so but believe the strongest and most responsive approaches are those built on partnership and collaboration.

For these reasons, CSAC, UCC, and RCRC must respectfully but firmly oppose SB 493. Please feel free to contact Josh Gauger at CSAC (jgauger@counties.org), Elizabeth Espinosa at UCC (ehe@hbeadvocacy.com), or Sarah Dukett at RCRC (sdukett@rcrcnet.org) for any questions on our associations' perspectives. Thank you.


Sincerely,



Josh Gauger
Legislative Representative
CSAC



Elizabeth Espinosa
Legislative Representative
UCC



Sarah Dukett
Legislative Advocate
RCRC

Cc: Members and Consultants, Senate Appropriations Committee



FLOOR ALERT

August 30, 2020

To: Members of the Legislature

From: Geoff Neill, California State Association of Counties
Jean Kinney Hurst, Urban Counties of California
Paul A. Smith, Rural County Representatives of California
Don H. Gaekle, President, California Assessor’s Association
Matt Siverling, California Association of Clerks and Elections Officials
Anthony J. Tannehill, California Special Districts Association
Brian J. Stiger, County of Los Angeles
Natasha Drane, Government Relations and Legislative Officer, County of Sacramento
Supervisor Warren Slocum, President, San Mateo County Board of Supervisors
Michael Rattigan, County of Santa Clara
Jonathan Clay, County of San Diego

Re: **AB 107 (Committee on Budget): Extension of Deadline for Assessment Appeals and Authorization for Conducting Appeals Hearings Remotely – SUPPORT**

On behalf of the California State Association of Counties (CSAC), the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), the California Assessors’ Association (CAA), California Association of Clerks and Elections Officials (CACEO), the California Special Districts Association (CSDA), and the Counties of Los Angeles, Sacramento, San Diego, San Mateo, Santa Clara, and Ventura, we write in support of AB 107, the general government budget trailer bill, which includes language to extend the deadline for decisions in pending assessment appeals cases beyond the Governor’s recent Executive Order to March 31, 2021 and provides explicit statutory authority to conduct assessment appeals hearings remotely. These important provisions will allow counties to safely conduct assessment appeals hearings and ensure that boards are able to finalize rulings on appeals that are nearing the statutory deadline.

As you know, county Boards of Equalization and Assessment Appeals Boards are tasked by the Constitution with hearing and settling local property tax valuation disputes. The Boards are required to render a ruling on each dispute within two years after the assessment appeal application was filed. If a County Board does not meet this deadline, the “opinion of value” provided by the applicant becomes

the official assessed value by default, regardless of how the applicant determined that value or whether it is supported by data.

The COVID-19 pandemic and its associated state and public health orders have made it challenging for counties to conduct assessment appeals hearings, leaving a backlog of hearings in counties throughout the state. While the 40-day extension provided by the State Board of Equalization and the Governor's Executive Order N-72-20 provided short-term relief, counties need additional time to fully address the backlog of hearings. Further, counties appreciate the explicit statutory authority to conduct hearings remotely to ensure that hearings can be conducted in a manner that protects the public's health and safety.

Counties take seriously their responsibility to provide for robust, fair, and efficient assessment appeals. While the COVID-19 pandemic has made this task considerably more challenging, counties are committed to ensuring the appeals process is as timely and effective as possible. We greatly appreciate the assistance of your staff and the Administration in recognizing the challenging circumstances facing county assessment appeals boards and respectfully urge your support of AB 107.

cc: Consultants, Senate Budget and Fiscal Review Committee
Consultants, Assembly Budget Committee
Karen French, Office of Senate President pro Tem Toni Atkins
Katie Kolitsos, Office of Assembly Speaker Anthony Rendon
Colin Grinnell, Senate Governance and Finance Committee
Rose Marie Kinnee, Assembly Revenue and Taxation Committee
Keely Bosler, Director, Department of Finance
Erika Li, Program Budget Manager, Department of Finance
Ronda Pascal, Office of Governor Gavin Newsom



California State Association of Counties
 1100 K Street, Suite 101
 Sacramento, CA 95814
 (916) 327-7500



Rural County Representatives of California
 1215 K Street, Suite 1650
 Sacramento, CA 95814
 (916) 447-4806



Urban Counties of California
 1100 K Street, Suite 101
 Sacramento, CA 95814
 (916) 327-7531

May 15, 2019

The Honorable Gavin Newsom
 Governor, State of California
 State Capitol
 Sacramento, CA 95814

Re: Local Impacts of Proposed Sales and Use Tax Exemption for Diapers and Menstrual Products

Dear Governor Newsom:

On behalf of the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC), and the Urban Counties of California (UCC), we write to respectfully request that you include funding in the 2019-20 state budget to backfill counties for losses associated with the proposed sales and use tax exemptions for diapers and menstrual products. While we acknowledge the important policy considerations associated with the exemptions, the revenue loss to counties will directly reduce funding for programs serving many of the same women and families the exemptions are designed to assist.

As you are aware, counties receive funding from components of the state sales and use tax rate, in addition to the local Bradley-Burns rate and local transactions and use taxes, as follows:

State Rate:	3.9375%	State General Fund
	1.0625%	2011 Realignment (Local Revenue Fund 2011)
	0.50%	1991 Realignment (Local Revenue Fund)
	0.50%	Proposition 172 (Local Public Safety Fund)
	1.25%	Bradley-Burns Local Rate (1.0%) and County Transportation (0.25%)
	7.25%	Total State Rate

Of course, total sales and use tax rates vary by jurisdiction due to locally approved transactions and use taxes that are added onto the base state rate outlined above.

The estimated local revenue losses associated with the diaper and menstrual product exemptions are around \$21.5 million for 2019-20 and \$41 million for the following year, a considerable loss for local public assistance, health care, behavioral health, human services, public safety, and other vital local services. As proposed, the exemptions do not contemplate the complex financial relationships that exist between the state and counties on many policy fronts and the partnership that the state and counties share to provide services to the most vulnerable.

When counties partnered with the state on 2011 realignment, we worked hard to ensure that the framework for the realignment of nearly \$6 billion in programs and services from the state to counties incorporated fair constitutional protections for revenue predictability and stability, program certainty and flexibility, and a balanced approach to fiscal risk. Those constitutional protections – enshrined in the constitution via the enactment of Proposition 30 in 2012 – were the cornerstone of counties’ support for 2011 realignment. Proposition 30 contains language to ensure that the revenues dedicated to 2011 realignment (relevant here, 1.0625% of the state sales and use tax rate) were protected as those statutes existed on July 1, 2011. As a result, counties assert that the state is obligated to backfill revenue losses associated with sales and use tax exemptions for 2011 realignment.

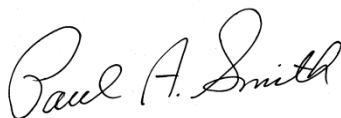
The backfill for losses related to the parts of the sales tax, while not constitutionally obligated, are nevertheless similar in purpose. Counties have obligations to the state and to their own communities that they rely on the revenue from the sales tax to fund. While the state is working to decide the best way to use its record revenues to both provide services and prepare for the inevitable economic downturn, three-fourths of counties are struggling with the even more vexing decisions of how to continue delivering services and preparing for the next recession but without even having returned to pre-recession revenue levels, when measured per capita in real dollars. The state budget’s spectacular emergence from the Great Recession is matched only by the failure of most county budgets do the same, so the decision to reduce a tax that affects counties to a greater degree than it affects the state, without recognizing the effect on local programs or on many of the state’s own programs, is troubling.

The state certainly has the authority to determine the appropriate investment of state funds; however, in this instance, the proposed exemption also imposes a considerable revenue loss to local governments. As a result, we respectfully urge you to consider backfilling local revenue losses associated with the proposed diaper and menstrual product sales and use tax exemptions. Please reach out if we can provide additional assistance.

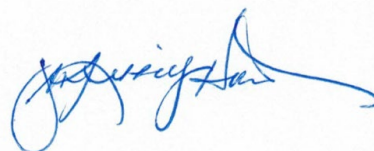
Sincerely,



Geoff Neill
Legislative Representative
CSAC



Paul A. Smith
Vice President, Government Affairs
RCRC



Jean Kinney Hurst
Legislative Representative
UCC

cc: The Honorable Holly Mitchell, Chair, Senate Budget and Fiscal Review Committee
Members and Consultants, Senate Budget and Fiscal Review Committee
The Honorable Phil Ting, Chair, Assembly Budget Committee
Members and Consultants, Assembly Budget Committee
Keely Bosler, Director, Department of Finance
Chris Woods, Chief Fiscal Policy Advisor, Office of the Senate President pro Tempore
Jason Sisney, Budget Director, Office of the Assembly Speaker



HURST+BROOKS+ESPINOSA

Pretrial Detention Reform Summary of major provisions* – SB 10 (Hertzberg) As amended 8/20/2018

*This summary reflects our initial review of the measure; we plan to update and refine as needed.

Summary

SB 10 fundamentally transforms the bail system in California, shifting pretrial release decisions from a wealth-based (i.e., whether someone can afford to post bail) to a model that assesses flight and public safety risks. Unlike previous versions of SB 10, the measure before the Governor eliminates the direct mandate that counties establish a local pretrial services agency. Key provisions associated with the reconstituted pretrial reform measure are outlined below.

Status (as of 8/23/2018)

SB 10 passed the Assembly floor on August 20 and the Senate floor on August 21. It awaits review and action by the Governor who has indicated a willingness to sign a pretrial reform measure. A limited clean-up vehicle – SB 1054 (Hertzberg) – would make several narrow corrections to the measure. Given the complexity of SB 10 and the fact that implementation is pushed out to October 2019, there will be an opportunity to further refine provisions in 2019.

Main Elements of SB 10

BROAD OVERVIEW

- Effectively eliminates – as of October 1, 2019 – current cash bail system, replacing it with a release decision making model based on risk assessment (“pretrial assessment”)
- Expands existing articulation of probation duties (Government Code §27771) to include the responsibility for preparing new pretrial assessment reports (Penal Code [PC] §1320.15)
- Sets forth various new, relevant definitions related to pretrial assessment (PC §1320.7)
 - Among other terms, defines Pretrial Assessment Services as the entity, division, or program that is assigned the responsibility to assess the risk level of persons charged with a crime, report the results of the risk determination to the court, make recommendations for conditions of release, and implement risk-based determination regarding release and detention; specifies that employees of said entity or division must be public (court or other) employees (see additional detail on pg. 5)
- Provides process for funding new responsibilities through the annual state budget process, although no specific funding source is identified (presumed to be state General Fund)
- Prohibits monetary conditions of pretrial release in all instances
- Grants the Judicial Council and local courts considerable policy making authority

RELEASE DECISIONS (PC §1320.8-§1320.10)

- Specifies cohort of misdemeanants who must be released within 12 hours following arrest, with exceptions as specified
- Specifies, for persons not subject to book-and-release, all of the following:

- Required information Pretrial Assessment Services must obtain
 - Reasonable effort must be made by district attorney to contact victim for comment
 - Preparation of a report on recommended conditions of release
- Defines circumstances under which those deemed low risk – who are otherwise eligible – must be released; releases must be made without review by the court and with the least restrictive nonmonetary conditions possible
- Allows, in accordance with release standards specified via a local rule of court, for either a release or detention option for those deemed medium risk
- Prohibits pretrial release of all individuals determined to be high risk through the use of a validated risk assessment tool
- Prohibits pretrial release of other classes of arrestees based on the seriousness of the crime and criminal history, as specified
- Requires review of release decisions of within 24 hours of booking for individuals deemed low risk (but not eligible for immediate release) and medium risk who are detained, with provisions allowing for good cause extension of up to 12 hours
- For persons subsequently released on own recognizance, requires signed release agreement with specified elements

ROLE OF JUDICIAL COUNCIL/LOCAL COURT (PC §1320.11-1320.14)

- Requires Judicial Council to adopt a rule of court that sets forth review and release standards for pretrial risk assessment services, with specific elements, including expanding the list of exceptions for which pre-arraignment release for medium risk is not permitted
 - Additional details provided in section below outline additional administrative responsibilities of Judicial Council (starting pg. 4)
- Requires local superior court, in consultation with local pretrial assessment services and other stakeholders, to adopt a local rule of court, consistent with the standards in the statewide rule of court adopted by the Judicial Council
 - Among other provisions, the local rule may expand the list of offenses and factors for which pre-arraignment release for medium risk persons is not permitted
 - Requires annual review of local rule of court
- Sets forth authority for court to conduct pre-arraignment reviews and granting of release decisions, with exceptions as specified
- Requires Judicial Council to establish a rule of court setting forth options for conditions of release
- Allows local court to decline release of a person pending arraignment if there is a substantial likelihood that no condition or combination of conditions of pretrial supervision can assure public safety, where specified offense-related or criminal history circumstances exist
- Gives court authority where good cause is shown to modify conditions of release with 24 hours' notice (or sooner, if such notice is not feasible)
- Gives Judicial Council authority to establish a rule of court detailing relevant information that can be considered in preventive detention hearings

DETERMINATION OF RELEASE OR DETENTION (PC §1320.15-1320.18) / PREVENTIVE DETENTION (PC §1320.19-1320.24)

- Specifies information Pretrial Assessment Services must furnish to the court for purposes of determining release or detention at arraignment, including
 - Results of risk assessment based on use of validated instrument
 - Criminal charge associated with arrest, criminal history, and – for three preceding years – the individual's history with respect to failures to appear

- Any supplemental information related to the individual's risk to public safety or risk for flight
 - Recommendations to the court for conditions of release
- Requires prosecution to give victims notification of the arraignment and, if requested, any other hearing where custody status of the defendant will be determined
 - Gives victim reasonable opportunity to be heard
 - Requires prosecution to make reasonable effort to contact victim for comment on the defendant's custody status
 - Gives victim opportunity to submit comments on the defendant's custody status in writing in the event the victim is unable or does not wish to be present at the arraignment
- Gives the court the option, if requested by the prosecution or defense, to review or modify the conditions of the defendant's release at arraignment
- If defendant is released on his or her own recognizance or supervised release, court must offer the least restrictive nonmonetary condition or combination of conditions to reasonably assure public safety and the defendant's return to court
- Gives prosecution authority to file a preventive detention motion, if specified circumstances exist about the current offense, defendant's criminal history, or other factors
- Requires court to hold preventive detention hearing, with additional direction on related court procedures
 - Requires hearing to be heard within three court days after motion is filed
 - Gives defense and prosecution authority to seek continuance for good cause
 - Grants the defendant the right to counsel at the hearing, including a right to appointed counsel if financially unable to obtain representation
 - Sets forth similar victim rights and notification requirements as noted above
- Establishes a rebuttable presumption, under certain circumstances – tied to the seriousness of the crime, risk assessment, and other factors – that a person shall be preventively detained
- Sets forth what the prosecution must establish and what the court must consider when making its decision
 - Permits court to order preventive detention **only if** it is permitted under the U.S. and California Constitution and the court determines by clear and convincing evidence that no nonmonetary condition or combinations of conditions of pretrial supervision will reasonably assure public safety and the defendant's return to court
 - Requires the court to state reasons on the record if preventive detention is ordered
 - Requires, if prosecution or defense requests, provision of a transcript of the preventive hearing within two court days following any such request
 - Permits filing of writ to challenge the decision and requires court of appeal to expeditiously consider any such writ
- Sets forth procedures for release if the court determines there is insufficient basis to preventively detain the defendant
 - Details what information the court may take into account for purposes of making preventive detention decisions, including nature and circumstances of crime associated with arrest, pretrial risk assessment, criminal history, impact of detention on defendant's family, and other factors
- If a defendant subsequently is released from preventive detention, requires court to outline conditions of release and any penalties for/other consequences associated with violation of those terms
- Gives prosecution authority to file motion to reopen preventive detention hearing if new evidence is discovered or there is a material change in circumstances

- Allows court to reopen preventive detention hearing if it receives new information or evidence by Pretrial Assessment Services
- Authorizes court to issue a warrant for a defendant on pretrial release based on *ex parte* application showing that a violation of release conditions has occurred
- Sets forth procedures for defendants who fail to appear in court

ADDITIONAL ADMINISTRATIVE RESPONSIBILITIES OF JUDICIAL COUNCIL (PC §1320.24-1320.25)

- Directs the Judicial Council to adopt a California Rule of Court and associated forms to do all of the following:
 - Prescribe the proper use of pretrial risk assessment information
 - Describe elements of validation with respect to risk assessment tools, address the necessity and frequency of validation of such tools, and address identification and mitigation of implicit bias in assessment instruments
 - Prescribe standards for review, release, and detention by Pretrial Assessment Services and the court, including a standard authorizing pre-arraignment detention if flight or public safety risks are too high
 - Prescribe parameters of local rule of court
 - Prescribe imposition of pretrial release conditions, including the designation of risk levels or categories
- Identify and define minimum data required to be reported twice annually by courts, with certain mandatory data elements specified
- Authorize the court to require any pretrial assessment services entity to provide data reporting, where appropriate
- Require annual reporting of certain elements of local pretrial assessment services, including length of time for certain relevant proceedings and the validated risk assessment tool being used locally
- Compile and maintain a list of validate pretrial risk assessment tools, upon consultation with Pretrial Assessment Services and other stakeholders
- Conduct data collection, as specified
- Train judges on the use of pretrial risk assessment information
- Consult with the Chief Probation Officers of California (CPOC) regarding development of contracts with local public entities regarding provision of pretrial assessment services
- Submit a report by January 1, 2021 and annually thereafter to the Governor and Legislature regarding program implementation and data outcomes; initial report will focus on implementation and subsequent reports will focus on outcomes based on collection of required data elements, as specified
- Estimate, with the assistance of local courts, the amount of time taken at arraignment to make release or detention determination, along with other specified activities
- Convene a panel of experts and judicial officers for purposes set for the below and make information available to the courts
 - Designate “low,” “medium,” and “high” risk levels based on use of validated tools
 - Composed of seven members – three judicial officers as well as four individuals with expertise in scoring pretrial risk assessment instruments, one of whom must have expertise in the potential impact of bias

STRUCTURE/GOVERNANCE OF PRETRIAL ASSESSMENT SERVICES (PC §1320.26)

- Requires local court to establish pretrial assessment services (as defined in 1320.7(g)) to be performed by court employees or contracted with a qualified local agency with relevant experience (i.e., probation)

- Requires that if the court decides not to enter into a contract with the qualified public agency, as defined, it shall make certain findings regarding the agency's lack of capacity or resources to perform the function
- Permits the court – if it and the qualified public agency opt not to perform the function – to contract with a new agency established specifically for this role
- Disqualifies any local entity that has primary responsibility for making arrests and detention from performing the function
- Reiterates that the function shall be performed by public employees
- Establishes authority specific to the contract between the local court and the pre-existing Office of Pretrial Services in the County of Santa Clara
- Requires each court's presiding judge or the county's chief probation officer (or – in the instance of the County of Santa Clara – the director of the Office of Pretrial Services) to inform the Judicial Council by February 1, 2019 the local public agency that will be responsible for providing pretrial assessment services
- Specifies that supervision of persons released pretrial is outside of pretrial assessment services

PROVISIONS RELATING TO FUNDING (PC §1320.27-1320.29)

- Sets forth, as part of the annual state budget process, procedures for estimating the level of funding needed for three separate elements of implementation:
 - **Pretrial assessment services** – Department of Finance, in consultation with the Judicial Council and the CPOC, shall estimate level of funding needed to adequately support pretrial assessment services, based on a methodology (jointly arrived at by Finance and Judicial Council) that will incorporate data elements as specified
 - Allocation of pretrial assessment funds to 58 courts, once appropriated by the Legislature, shall be made in consultation with key stakeholders, including court executives, representatives of employees, and the CPOC
 - Additional direction – regarding, for example, base amounts that shall take into account regional variances – shall be provided by the Judicial Council; the final allocation schedule must be adopted by the Judicial Council in a public meeting and published
 - Sets forth allowable expenditures (i.e., direct and indirect costs associated with delivery of services) and specifies that all funds received must be passed through the court to the contracting entity
 - Requires separate accounting for these funds
 - Specifies that funds must supplement and not supplant current funding to support pretrial assessment services
 - **Pretrial supervision services** - Department of Finance, in consultation with the Judicial Council and the CPOC, shall estimate level of funding needed to adequately support pretrial supervision services, with costs elements identified
 - Directs Department of Finance to allocate funds, upon appropriation, to local probation departments
 - Requires Department of Finance to consider various factors in making allocation determinations
 - Requires base portion for each county and additional amounts based on – at a minimum – the county's population of adults (aged 18-50) and local arrest rates
 - Requires Department of Finance to consult with stakeholders, including Judicial Council and CPOC, in developing allocation methodology

- Requires separate accounting for these funds
- Authorizes allocation only to local public entities that also are contracting with a court for provision of pretrial assessment services
- Specifies that funds must supplement and not supplant current funding to support pretrial supervision services
- **Judiciary workload** - Department of Finance, in consultation with the Judicial Council, shall estimate level of funding needed to adequately support associated judicial workload, with relevant cost elements identified

OTHER PROVISIONS (PC §1320.30-1320.34)

- Requires Board of State and Community Corrections, upon an appropriation, to contract with an academic institution or other research entity for an independent evaluation of the new pretrial structure, especially as it relates to impacts based on race, ethnicity, gender, and income level
 - Evaluation due to Legislature by January 1, 2024.
- Specifies that beginning in 2019-20, all funds allocated for pretrial services and associated purposes must supplement and not supplant local fund
- Expresses legislative intent that the priority for all available jail capacity is the post-conviction population; makes other findings
- Specifies that any person released on bail before October 1, 2019 shall remain on bail pursuant to the terms of their release
- Makes all pretrial release provisions operative beginning October 1, 2019