



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Sarah Zárate

**SUBJECT: SPRING INTERGOVERNMENTAL
RELATIONS REPORT**

DATE: March 14, 2022

Approved

Date

3/17/22

RECOMMENDATION

- (a) Accept the Spring Intergovernmental Relations Report.
- (b) Adopt updated City of San José (City) advocacy priorities.
- (c) Reaffirm all City positions summarized in the 2022 Intergovernmental Relations Priority Legislation Log (Attachment A).
- (d) Accept the 2022 Strategic Project List (Attachment B).
- (e) Adopt a City position on Assembly Bill (AB) 1944 (Lee), Brown Act Reform (Attachments D and E).

OUTCOME

The Administration will continue advocacy efforts to advance City priorities.

EXECUTIVE SUMMARY

The Spring Intergovernmental Relations Report provides an update on the City's top advocacy priorities and outlines legislative positions for City Council reaffirmation. The Administration's analysis includes:

- COVID-19 Vaccine Access, Outreach, and Prioritization and COVID-19 Response, Mitigation, and Recovery
 - State Update:
 - COVID-19 Sick Leave Extension
 - California SMARTER Plan
 - Governor's January Budget Proposal: COVID-19 Vaccine Outreach Funding
- Homelessness Funding
 - State Update:
 - Eviction Moratorium
 - Governor's January Budget Proposal: Homelessness Funding

- Funding to Advance Smart, Sustainable, and Reliable Infrastructure
 - Federal Update:
 - Infrastructure Investment and Jobs Act (H.R. 3684) Implementation
 - State Update:
 - Infrastructure Funding Advocacy
 - Strategic Project List
- Other Policy Updates of City Interest
 - Federal Legislation
 - State Legislation
 - State Ballot Measures
- Proposed Updated Advocacy Priorities
- City Positions and Actions Taken on Legislation: December 2021 – March 2022

BACKGROUND

Following City Council direction in November 2018, the Administration provides regular updates on legislative and regulatory advocacy efforts on behalf of the City to ensure the City Council stays informed of actions the City has taken when the United States Congress and/or the California State Legislature is in session.

The City's Intergovernmental Relations team (IGR) last reported to City Council on November 30, 2021 ([Items 3.4, 21-2482; 3.5, 21-2483](#)). City Council accepted IGR's report and approved four top advocacy priorities for 2022: (1) COVID-19 Vaccine Access, Outreach, and Prioritization; (2) COVID-19 Response, Mitigation, and Recovery; (3) Homelessness Funding; and (4) Funding to Advance Smart, Sustainable, and Reliable Infrastructure. City Council also directed City staff to return to City Council with a Strategic Project List. The following analysis is framed around the top advocacy priorities.

ANALYSIS

COVID-19 Vaccine Access, Outreach, and Prioritization and COVID-19 Response, Mitigation, and Recovery

This section summarizes major policy developments and IGR activities related to IGR's first two advocacy priorities: (1) COVID-19 Vaccine Access, Outreach, and Prioritization; and (2) COVID-19 Response, Mitigation and Recovery.

State Update

COVID-19 Sick Leave Extension

On February 9, 2022, Governor Newsom signed Senate Bill (SB) 114 into law. The bill extends the state's supplemental COVID-19 sick leave requirements until September 30, 2022. IGR will continue to monitor COVID-19 sick leave-related policy developments.

California SMARTER Plan

On February 17, 2022, Governor Newsom announced the California [SMARTER](#) Plan, which charts the state's anticipated response for the next phase of the COVID-19 pandemic. The plan forecasts a continued reliance on vaccines, masks, and testing as the state's primary tools for mitigating the virus' spread. It also looks to increased surveillance efforts to identify troubling new variants and stockpiling protective equipment in case of the virus' resurgence. IGR will continue to work to understand the plan's impact on City priorities. The plan is enclosed as Attachment C.

Governor's January Budget Proposal: COVID-19 Vaccine Outreach Funding

In the City's 2022-23 state budget advocacy, the Administration urged the Governor's office to continue the state's focus on equitable vaccine and booster shot distribution and include additional funding for communication and outreach to marginalized communities. The Governor's January Budget Proposal includes over \$182 million (see Figure 1) for vaccine distribution and administration and promises to continue a multilingual, multicultural public education and community outreach campaign. IGR will continue to work to monitor COVID-19-related budget developments and advocate for an inclusive, equitable approach to ongoing vaccine distribution.

Figure 1 – Governor’s 2022-23 January State Budget Proposal: COVID-19-Related Funding

COVID-19 Direct Response Budgeted and Proposed Costs			
COVID-19 Direct Response Activities	2021 Budget Act ^{1/}	2021-22 Proposed Funding Over 2021 Budget Act	2022-23 Proposed Funding
California Department of Corrections and Rehabilitation	\$410,486,000	\$205,547,000	\$424,669,000
Hospital and Medical Surge	\$29,245,000	\$0	\$10,905,000
State Response Operations	\$82,767,000	\$0	\$32,154,000
Statewide Testing	\$198,440,000	\$205,547,000	\$380,109,000
Vaccine Distribution and Administration ^{2/}	\$2,500,000	\$0	\$1,501,000
Temporary Suspension of Prison Intake	\$97,534,000	\$0	\$0
California Department of Public Health	\$904,931,000	\$1,224,710,000	\$760,750,000
Contact Tracing	\$2,408,000	\$18,182,000	\$18,284,000
Hospital and Medical Surge	\$60,849,000	\$478,482,000	\$124,309,000
State Response Operations	\$96,276,000	\$115,327,000	\$0
Statewide Testing	\$625,163,000	\$213,587,000	\$361,934,000
Vaccine Distribution and Administration	\$120,235,000	\$399,132,000	\$182,323,000
Vulnerable Populations and Other Support Services ^{3/}	\$0	\$0	\$73,900,000
Department of State Hospitals	\$69,208,000	\$0	\$64,600,000
State Response Operations	\$54,828,000	\$0	\$50,600,000
Statewide Testing	\$14,380,000	\$0	\$14,000,000
Other Departments	\$360,798,000	\$0	\$0
Grand Total	\$1,745,423,000	\$1,430,257,000	\$1,250,019,000

^{1/} Includes Control Section 11.91 transfers.

^{2/} The 2021 Budget Act did not specifically identify an amount for vaccine distribution and administration for the California Department of Corrections and Rehabilitation (CDCR). Estimated costs for vaccine-related activities were reflected in the broader state response operations assumptions. CDCR currently estimates it will expend \$2.5 million for this purpose in 2021-22, which will be absorbed within existing resources.

^{3/} 2022-23 figure includes funding for Emergency Medical Services Agency for response efforts at the border.

Figure Source: [Governor’s Budget Summary 2022-23, p. 155.](#)

Homelessness Funding

This section summarizes major policy developments and IGR activities related to IGR's third advocacy priority: Homelessness Funding.

State Update

Eviction Moratorium

California state law ([AB 832](#)) imposed an eviction moratorium to prevent and alleviate homelessness during the pandemic by extending protections originally established under the COVID-19 Tenant Relief Act of 2020 (AB 3088). SB 91 further extended this moratorium. Rent debt protections ended for most tenants on September 30, 2021 for rent due between March 1, 2020 to September 30, 2021, although further provisions under AB 832 (COVID-19 Rental Housing Recovery Act) extended some eviction protections until March 31, 2022 under certain circumstances for tenants applying for rental assistance. A description of these protections was provided to the [City Council in September 2021](#). IGR does not expect additional extensions to these statewide eviction protections.

With statewide protections expiring along with the state's preemption on eviction protection measures in response to the COVID-19 pandemic, local jurisdictions are exploring policy solutions to protect tenants. The County of Los Angeles, for example, [recently passed a resolution](#) extending eviction protections through the end of 2022. The City Housing Department is scheduled to discuss this issue in further detail on March 22, 2022 with the City Council. IGR, together with Housing Department staff, will continue to monitor related policy developments at the state level and advocate for the City's policy interests. Additionally, IGR will continue to explore opportunities to support the state's request for additional federal funding for its rental assistance program.

Governor's January Budget Proposal: Homelessness Funding

In the City's 2022-23 state budget advocacy, staff underlined the need for additional, flexible, and ongoing funding to operate the City's homelessness assistance programs. The Governor's January Budget Proposal includes nearly \$8 billion for homelessness programs (see Figure 2 below). This includes appropriating the first tranche of \$1 billion for the Homeless Housing and Assistance Program—a multi-year, flexible grant program available to counties and large cities—announced in last year's budget. It also includes \$500 million in one-time funding for Encampment Resolution grants—similar to the program which awarded the City \$2 million to rehouse 100 homeless residents on February 24, 2022. Staff will continue to monitor homelessness-related budget developments and advocate for additional funding for homelessness programs, especially for capital dollars to build housing solutions alongside programming dollars to holistically address homeless neighbors' needs.

Figure 2 – Governor’s 2022-23 January State Budget Proposal: Homelessness-Related Funding

2022-23 Homelessness Funding at Governor’s Budget (Dollars in Millions)		
Department	Program	Total Funding
Department of Housing and Community Development	Continued Homekey Acquisitions	\$1,300.0
	Federal Funded Programs for Homelessness	\$43.0 ^{1/}
	Foster Youth Housing Navigators	\$5.0
	Transitional Housing Program	\$17.0
California Interagency Council on Homelessness	Flexible Aid	\$1,000.0
	Homeless Landscape Assessment	\$0.6
	Encampment Resolution Efforts	\$500.3
Office of Emergency Services	Various Homeless Youth Programs	\$1.0
	Youth Emergency Telephone Network	\$0.6
Department of Social Services	CalWORKS Housing Support Program	\$285.0
	Housing and Disability Advocacy Program	\$175.0
	Bringing Families Home	\$92.5
	Home Safe Program	\$92.5
Department of Health Care Services	Behavioral Health Continuum Infrastructure Program	\$1,724.7 ^{2/}
	Behavioral Health Bridge Housing	\$1,500.0 ^{3/}
	Community Based Residential Continuum Pilots for Vulnerable, Aging and Disabled Populations	\$287.2 ^{4/}
	Housing and Homelessness Incentive Program	\$644.2 ^{4/}
	Project for Assistance in the Transition from Homelessness	\$8.8
Department of State Hospitals	Acute Bed Capacity Expansion	\$88.5 ^{5/}
	Community-Based Restoration (CBR)	\$78.4 ^{5/}
Department of Transportation	Encampment Relocation Coordinators and Homeless Services Liaisons	\$2.7
	Clean California - additional Hazardous Material Removal	\$25.0
	Hazardous Material Removal at Encampments	\$20.6

Figure Source: [Governor’s Budget Summary 2022-23, p. 150](#)

Funding to Advance Smart, Sustainable, and Reliable Infrastructure

This section summarizes major policy developments and IGR activities related to IGR’s fourth advocacy priority: Funding to Advance Smart, Sustainable, and Reliable Infrastructure. This includes funding advocacy for clean energy, water, transportation, and green infrastructure projects.

Federal Update

Infrastructure Investment and Jobs Act (H.R. 3684) Implementation

During IGR's fall 2021 report to City Council, staff reported on the Infrastructure Investment and Jobs Act's ([H.R. 3684](#)) recent passage into law. This \$1.2 trillion Act reauthorizes existing federal transportation programs and provides roughly \$550 billion for new programs to improve transportation infrastructure, the electric grid, water systems, broadband, and environmental resiliency. The Act's implementation is ongoing but proceeding slower than expected due to stalled federal budget negotiations, which has delayed the rollout of new programs. The City is currently applying to the Act's first discretionary grant program—the Rebuilding American Infrastructure with Sustainability and Equity program—due April 14, 2022.

IGR is closely monitoring the rollout of new federal grant programs and understand the Act's impact on the City's funding priorities. In addition to developing a dynamic database—the Emerging Funding Matrix Tool—as reported to City Council in IGR's fall 2021 report, the IGR team has also sought opportunities for regulatory advocacy to help shape these programs as they are developed. The IGR office also continues to work closely with City departments to identify and access the Act's newly created state and federal grant programs.

State Update

Infrastructure Funding Advocacy

In the City's 2022-23 state budget advocacy, IGR placed heavy emphasis on leveraging federal funding to make transformational investments in public transportation infrastructure, including (1) completing BART's Silicon Valley extension; (2) transforming Diridon Station; (3) connecting high-speed rail to Silicon Valley; (4) electrifying CalTrain; (5) separating highway and rail crossings within the City (grade separation); and (6) a rapid build-out of Vision Zero traffic safety infrastructure.

The Governor's January Budget Proposal allocates \$9.1 billion for transportation-related investments, including \$4.2 billion for high-speed rail, \$2 billion for intercity transit, and \$500 million for the Active Transportation Program (ATP), which funds bicycle and pedestrian infrastructure. It also invests \$325 million in water conservation and drought relief and roughly \$2 billion in clean energy programs.

While these proposed investments are encouraging, IGR is concerned that the current level of intercity transit funding is inadequate to support City priority projects, such as BART's Silicon Valley extension and CalTrain electrification. Staff are advocating for additional investments in intercity transit to fully fund these projects and adjustments to state intercity transit funding guidelines to improve these key projects' competitiveness.

Additionally, while the Governor's proposed \$500 million investment in the ATP is an historic investment, the Governor's current proposal only allows ATP to fund projects submitted during the 2020 funding cycle, which would exclude worthy San José projects. Staff are strongly advocating for ATP to consider newly submitted projects, not just backlogged projects from previous years. In the meantime, IGR has advocated for targeted funding for priority Vision Zero traffic safety projects.

Strategic Project List

Over the years, the City has made significant investments in developing smart, sustainable, and reliable infrastructure. However, far more is needed to meet the challenges of a growing San José, and it must be accomplished within the context of a climate crisis demanding sustainable solutions. Additionally, the City faces the extremely complex challenge of rehabilitating a broad range of aging infrastructure – staff's most recent analysis is a deferred infrastructure maintenance backlog of \$1.7 billion – needed to provide the backbone of day-to-day public services the San José community relies on.

On November 30, 2021, City Council directed IGR to assemble a Strategic Project List of priority infrastructure projects with funding needs ([Items 3.4, 21-2482; 3.5, 21-2483](#)) to help focus staff efforts and connect critical projects to one-time federal and state funding opportunities. To develop the list, IGR facilitated a department-driven, open, and inclusive process in early 2022 that was multi-layered. First, departments submitted potential project proposals representing a broad array of City and partner initiatives. Second, senior City staff engaged in a facilitated prioritization exercise to score the proposed projects on a number of criteria, including: (1) community benefit and equity considerations; (2) the project's urgency; (3) funding availability; (4) mitigation of emerging risks to City residents; and (5) project complexity. Attachment B is the resulting proposed 2022 Strategic Project List.

The Strategic Project List includes a mix of regional and city-specific projects, and its purpose is threefold: (1) define the City's top-priority projects; (2) identify any funding gaps; and (3) articulate an advocacy strategy for closing those funding gaps, connected to emerging state and federal funding opportunities. The list is not intended to be an exhaustive catalog of priority projects; rather, it is intended to be a focused, curated list of efforts in need of additional resources and City advocacy. To successfully close funding gaps, staff across many departments, including IGR, will need to further refine project scope and available funding sources in order to draft effective advocacy strategies. Over the coming weeks and months, working in alignment with other efforts under the City Manager's Enterprise Priority *Smart, Sustainable and Reliable City: 21st Century Infrastructure*, staff will triage this project list with senior City leaders to ensure the projects on the list have a high likelihood of receiving funding considering the state and federal landscape, and to categorize the projects for which 80 percent or more of advocacy capacity will be focused.

Other Policy Updates of City Interest

Federal Legislative Updates

Federal Budget Negotiations

Congress continues to negotiate the final FY 22 federal funding bill. The federal government is currently operating under a Continuing Resolution, which expires on March 11, 2022. Congressional staff expect both the House and Senate to approve the funding bill. Supplemental funding to address the Ukrainian crisis is included, as were the City's FY 2022 Community Project Funding requests. These include:

- \$1 million for the City's Mobile Crisis Assessment Team to help transition the pilot program developed and implemented in collaboration with the County of Santa Clara Behavioral Health Services Department (BHS) into a full-time unit with dedicated officers. The program works to improve officer responses to incidents involving people with mental illness, minimize the victimization of persons in crisis, reduce recidivism among high-risk individuals, and improve public safety through proper intervention. This project was sponsored by Representative Zoe Lofgren.
- \$1.5 million for the San José Library's Family, Friend and Neighbor Caregiver Support Network, which has provided 60 caregivers from San José access to high-quality workforce development training in child development. This increases and enhances quality of childcare environments, providing more equitable outcomes for families seeking care and those providing care. The additional support would enable the existing successful pilot program to continue and allow for expanded digital inclusion and technology support for caregivers to access virtual programming and additional resources to enhance the care they provide. This project was jointly sponsored by Representatives Anna Eshoo and Ro Khanna.

Build Back Better (H.R. 5376)

IGR previously reported on negotiations to pass the Build Back Better Act ([H.R. 5376](#)), an omnibus spending bill that sought to fund new programs on a wide array of public policy issues, including education, affordable housing, health care, child care, and the environment. The House of Representatives passed the Act on November 19, 2021, but negotiations subsequently stalled in the Senate. The bill is unlikely to be resurrected in its original form. But many observers believe there is a window for a much smaller bill to pass, containing only the most popular climate change, education, and health care provisions. The City will continue to monitor these ongoing developments.

State Legislative Updates

Over 2,100 bills have been proposed in the California State Legislature since December 2021. The Administration has a focused list of City-sponsored bills this session. Additionally, a few bills of special City interest are highlighted below. The City's IGR Priority Legislation Log

(Attachment A) further summarizes City positions and actions taken on legislation as of March 2022.

Current Sponsored Bills

- **AB 2164 (Lee) Disability Access Funding.** State law currently requires local governments to collect a \$4.00 fee for business licenses and business permit renewals to fund programs expanding physical accessibility to businesses for individuals with disabilities. Under current state law, this fee drops to \$1.00 on or after January 1, 2024. This projected decrease in available funds—coupled with inflationary pressures and rising costs—threatens cities’ and counties’ abilities to stretch limited resources and continue successful accessibility compliance programs. This bill would (1) remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 fee indefinitely; and (2) clarify local jurisdictions’ ability to use these funds for accessibility-related grants for small businesses.
- **SB 612 (Portantino) on the Power Charge Indifference Adjustment.** The City is working with California Community Choice Association on this bill, which would optimize Investor Owned Utility portfolio costs by creating proportionate access to resources currently controlled by the Investor Owned Utility. The concept is to reduce excess Investor Owned Utility portfolio costs paid for through the Power Charge Indifference Adjustment charge by allowing Load Serving Entities to purchase and benefit from these products.
- **SB 649 (Cortese) on Tenant Preferences to Prevent Displacement.** This bill creates a statewide policy supporting affordable housing preferences that prioritize local residents at risk of displacement. This policy supports residential anti-displacement efforts for lower-income households.

Other Bills of City Interest

- **AB 1721 (Rodriguez) Emergency Services Funding.** This bill would establish the Emergency Medical Services Mutual Aid Program, to be administered by the California Office of Emergency Services, to support local government efforts in responding to surges in demand for emergency medical services and provide effective mutual aid during disasters, as defined. The bill would also require the California Office of Emergency Services to provide noncompetitive grant funding to local governments, special districts, and tribes for the purpose of acquiring emergency medical services. IGR expects this bill to be further amended to establish additional new state funding for local emergency management programs.
- **AB 1814 (Grayson) Transportation Electrification Funds – Community Choice Aggregators.** This bill makes Community Choice Aggregators eligible to participate in current California Public Utilities Commission programs. Community Choice Aggregators would be able to receive funding for transportation electrification programs in their service

areas, helping to accelerate widespread transportation electrification, reduce fossil fuel dependence, improve air quality, and reduce greenhouse gas emissions.

- **AB 1944 (Lee) Brown Act Reform.** Under existing California law, the Ralph M. Brown Act requires—with specified exceptions—that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The act allows for such meetings to occur via teleconferencing from private locations but requires legislative body members to publicly disclose the address of those locations and allow public access. This bill would remove the requirement for local legislative body members to publicly disclose their teleconferencing location or make those locations publicly accessible. It also requires legislative bodies choosing to teleconference to provide (1) a publicly accessible video stream of the meeting’s proceedings; and (2) an audio-visual or call-in option for members of the public to remotely address the body during public comment periods. A copy of AB 1944 and its Fact Sheet are Attachments D and E.
- **AB 2336 (Friedman) Speed Safety Cameras.** This bill creates a five-year pilot program authorizing San José and five other cities to use speed cameras to enforce speed limits on their highest injury streets, in school zones, and on streets with a history of speed contests and motor vehicle exhibitions of speed.
- **Gun Violence Reduction Proposals.** The City is currently monitoring a number of state bill proposals related to gun violence reduction. These proposals include:
 - AB 452 (Friedman) School Safety: Parental Notification of Firearm Safety Laws.
 - AB 2545 (Muratsuchi) Firearms: Stolen Property.
 - AB 2551 (McCarty) Firearms: Mental Health.
 - AB 2552 (McCarty) Prohibiting Firearm Sales on State Property.
 - AB 2883 (Ting) Firearm Owner Notifications.
 - SB 915 (Min) Prohibiting Firearms Sales on State Property.
 - SB 1070 (Melendez) Controlled Substances: Firearm Possession.
- **Hate Crime Proposals.** The City is currently monitoring a number of state bill proposals to address hate crimes and racial harassment. These proposals include:
 - AB 1947 (Ting) Law Enforcement Policies.
 - AB 2282 (Bauer-Kahan) Hate Crimes: Hate Symbols.
 - AB 2549 (Bonta) End Street Harassment.
 - SB 1161 (Min) Public Transit Ridership Safety.

State Ballot Measures

Initiative 21-0042A1—[Taxpayer Protection and Government Accountability Act](#)—will be circulating for potential inclusion on the November 2022 statewide ballot. The ballot measure proposes amendments to the California Constitution that impose sweeping restrictions on state and local government revenue raising. The proposal includes expanding the legal definition of “taxes” to include some charges that state and local governments currently treat as fees and other

charges, and requires that local special taxes be approved by two-thirds of the electorate. In a [recent analysis](#), the California Legislative Analyst’s Office predicted the measure would result in “[l]ower annual state and local revenues, potentially substantially lower, depending on the future actions of the Legislature, local governing bodies, voters, and the courts.” The League of California Cities unanimously opposes this measure and asked for its member-cities to pass resolutions opposing the initiative. On February 23, 2022, the Rules and Open Government Committee passed a motion to oppose the measure, and directed IGR to draft a letter opposing the initiative ([ROGC 22-079](#)).

Updated Advocacy Priorities

When IGR last reported to City Council in November 2021, City Council approved four top advocacy priorities for 2022: (1) COVID-19 Vaccine Access, Outreach, and Prioritization; (2) COVID-19 Response, Mitigation, and Recovery; (3) Homelessness Funding; and (4) Funding to Advance Smart, Sustainable, and Reliable Infrastructure.¹ These four advocacy priorities inform how IGR focuses the City’s advocacy resources and political capital to advance the City’s interests.

Since November 2021, the COVID-19 pandemic response has remained an important City activity. However, the California SMARTER Plan announcement in February 2022 signals a transition to a new phase of the pandemic, and with it, new City priorities related to an endemic response. Additionally, San José’s continued struggle with vehicle crash fatalities has gained additional urgency, with traffic incidents already claiming the lives of 15 people—including eight pedestrians—in the first six weeks of 2022 alone. As the City’s top advocacy priorities demonstrate the areas where the majority of staff resources are focused during a given legislative session, staff recommends updating the City’s top advocacy priorities for 2022 to the following:

(1) **Homelessness Funding:** Work with the Big Cities Mayors Coalition to explore additional homelessness funding opportunities. Advocate for new funding for bridge housing, emergency interim housing, permanent affordable housing, and associated programming funding so that people with high-acuity needs experiencing homelessness can access housing and shelter. Support homeless services programs and outreach to people who are unsheltered as they wait for a housing placement.

(2) **Safety and Vision Zero Initiatives:** Actively work to achieve Vision Zero traffic safety goals. Support proposals, including the federal surface transportation authorization legislation, that provide funding, support, or local discretion for municipal governments to implement traffic safety programs and initiatives consistent with Vision Zero. This includes the ability to utilize Automated Speed Enforcement tools, explore penalties and increased awareness of violations for drivers, and establish speed limits based on context sensitive methods aimed at protecting vulnerable roadway users, such as pedestrians, bicyclists, children, and seniors. Work with the

¹ These four advocacy priorities are not presented in ascending or descending priority order—they are equal in priority.

California City Transportation Initiative to advance transportation policies that provide local cities with additional flexibility to ensure safety and accessibility for all users.

(3) **COVID-19 Recovery and Endemic Response:** Advocate for resources and policies to protect the health, safety, and economic viability of residents and businesses in San José, and particularly to support the City’s most vulnerable populations. Advocate for resources that support the long-term management of and preparedness for COVID-19, and that support activities related to readiness, awareness, and flexibility, including planning, outreach, response, and recovery measures to support populations with access and functional needs. Support measures that allow local government flexibility in regulations, program implementation, and processes due to the COVID-19 pandemic, as needed.

(4) **Funding for Smart, Reliable, and Sustainable Infrastructure:** Advocate for funding for infrastructure projects identified on the City’s Strategic Project List (see Attachment B).

City Positions and Actions Taken on Legislation: December 2021–March 2022

The City’s IGR Priority Legislation Log (Attachment A) summarizes City positions and actions taken on legislation as of March 2022. While the positions and actions taken have already been approved by the City Council through the Annual Legislative Program, City Council is now asked to reaffirm all City positions summarized in the report. Attachment A lists current City positions and is not inclusive of all legislation that the City is watching or monitoring.

CONCLUSION

Between December 2021 and March 2022, the Administration focused its efforts on COVID-19 relief and recovery, housing, homelessness, and transportation infrastructure. At the federal level, the City continues to monitor the rollout of expanded infrastructure grant programs. At the state level, the City continues to advocate for flexible funding in the state budget to address homelessness and priority infrastructure projects.

Additionally, since IGR’s last update to the City Council, there have been staff changes on the team. On March 7, 2022, the team welcomed Zane Barnes as the new deputy director for Intergovernmental Relations.

EVALUATION AND FOLLOW-UP

The Administration will continue to advance the City’s legislative program and will bring legislation forward for City Council’s consideration based on the appropriate legislative position adoption process. The Administration will continue to report on all City legislative positions on a regular basis.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

The Administration will post this memorandum on the City's Council Agenda website for the March 29, 2022 Council Meeting.

COORDINATION

The Administration coordinated this memorandum with the City's state and federal legislative advocates, the City Attorney's Office, the City Manager's Office of Emergency Management, and the departments of Community Energy, Housing, and Transportation.

CEQA

Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment.



SARAH ZÁRATE
Director, City Manager's Office of
Administration, Policy, and
Intergovernmental Relations

For questions, please contact Tom Westphal, Senior Executive Analyst, Intergovernmental Relations, at thomas.westphal@sanjoseca.gov.

- Attachment A: 2022 Intergovernmental Relations Priority Legislation Log
- Attachment B: 2022 Strategic Project List
- Attachment C: The California SMARTER Plan
- Attachment D: AB 1944 (Lee)
- Attachment E: AB 1944 Fact Sheet

2022 IGR PRIORITY LEGISLATION

LEGEND
Signed into law
Vetoed/Dead
Two-year Bill

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Sponsor	State Legislation	SB 612	Portantino	Electrical corporations: allocation of legacy resources	Optimize Investor Owned Utility (IOU) portfolio costs by creating proportionate access to resources currently controlled by the IOU.	Assembly, Committee on Utilities & Energy
Legislative Program	Sponsor	State Legislation	SB 649	Cortese	Local governments: affordable housing: local tenant preference	Would create a statewide policy supporting local tenant preferences for affordable apartments that prioritize local residents at risk of displacement, and therefore support residential anti-displacement efforts for lower-income households.	Senate, Rules
	Sponsor	State Legislation	AB 2164	Lee	ADA	State law currently requires local governments to collect a \$4.00 fee for business licenses and business permit renewals to fund programs expanding physical accessibility to businesses for individuals with disabilities. Under current state law, this fee drops to \$1.00 on or after January 1, 2024. This projected decrease in available funds—coupled with inflationary pressures and rising costs—threatens cities’ and counties’ abilities to stretch limited resources and continue successful accessibility compliance programs. This bill would (1) remove the January 1, 2024 fee sunset, enabling local governments to collect the \$4.00 fee indefinitely; and (2) clarify local jurisdictions’ ability to use these funds for accessibility-related grants for small businesses.	
Legislative Program	Support	State Legislation	AB 15	Chiu	COVID-19 relief: tenancy: Tenant Stabilization Act of 2021	Extension of AB 3088 tenant protection.	Died 2/1/22

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Support	State Legislation	AB 868	Garcia	Emergency services	Would establish an Emergency Funeral Expenses Fund for the State of California. The funeral assistance fund would reimburse low-income families for funeral expenses when the cause of death is directly related to a Governor-declared state of emergency and retroactively provide monetary assistance for COVID -19 related deaths.	Senate Human Services
Legislative Program	Support	State Legislation	SB 922	Weiner	California Environmental Quality Act: exemptions: transportation-related projects.	The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.	
Legislative Program	Support	State Legislation	AB 1814	Grayson	Transportation electrification: community choice aggregators	This bill makes Community Choice Aggregators eligible to participate in current California Public Utilities Commission programs. Community Choice Aggregators would be able to receive funding for transportation electrification programs in their service areas, helping to accelerate widespread transportation electrification, reduce fossil fuel dependence, improve air quality, and reduce greenhouse gas emissions.	
Legislative Program	Support	State Legislation	AB 2236	Friedman	Speed Safety Cameras	This bill creates a five year pilot program authorizing San Jose five other cities to use speed cameras to enforce speed limits on their highest injury streets, in school zones, and on streets with a history of speed contests and motor vehicle exhibitions of speed.	

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Monitor	Federal Legislation	S. 3788	Padilla	Housing for All Act	This bill takes the following actions: (1) Investing in cities response efforts by funding Housing Choice Vouchers, Project-Based Rental Assistance, and the emergency solutions grant program which includes services such as rapid re-housing assistance; (2) Allowing governments to better understand the connections between evictions and homelessness via a study by the Government Analyst's Office; (3) Supporting cities that are taking innovative approaches to addressing homelessness by supporting pilot programs on the local level, and by investing in immediate solutions such as hotel and motel conversions that allow for the creation of additional supportive housing units.	
Legislative Program	Oppose Unless Amended	State Legislation	AB 371	Jones-Sawyer	Shared mobility devices: insurance and tracking	Requires e-scooter companies to maintain commercial general liability insurance and that coverage shall apply to any personal injury or property damage suffered by a pedestrian when the injury involves negligent conduct of the shared mobility device owner or user.	Senate Insurance
Legislative Program	Support	State Legislation	SB 45	Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022	Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Assembly, Pending Assignment
Legislative Program	Monitor	State Legislation	AB 1721	Rodriguez	Emergency Management Funding	This bill would establish the Emergency Medical Services Mutual Aid Program, to be administered by OES, to support local government efforts in responding to surges in demand for emergency medical services and provide effective mutual aid during disasters, as defined. The bill would, upon appropriation by the Legislature, require OES to provide noncompetitive grant funding to local governments, special districts, and tribes for the purpose of acquiring emergency medical services, as specified. The bill would also require OES to provide an annual report to the Legislature regarding the program, as specified.	

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
	Monitor	State Legislation	AB 2237	Friedman	Active Transportation Programs	This bill requires the Strategic Growth Council, by January 31, 2022, to complete an overview of the California Transportation Plan and all sustainable communities strategies and alternative planning strategies, an assessment of how implementation of the California Transportation Plan, sustainable communities strategies, and alternative planning strategies will influence the configuration of the statewide integrated multimodal transportation system, and a review of the potential impacts and opportunities for coordination of specified funding programs.	
	Monitor	State Legislation	AB 2197	Mullin	CalTrain Electrification	This bill appropriates \$260,000,000 for the purpose of completing the Caltrain Electrification Project.	
	Monitor	State Legislation	AB 2181	Berman	VTA Reform	Changes VTA directors' terms from 2 to 4 years	

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
	Monitor	State Legislation	AB 2325	Rivas	Homelessness Response	Existing law requires the Governor to establish the California Interagency on Homelessness, formerly known as the Homeless Coordinating and Financing Council, and to appoint specified members of that coordinating council. Existing law requires agencies and departments administering state programs created on or after July 1, 2017, to collaborate with the council to adopt guidelines and regulations to incorporate core components of Housing First, as defined. Existing law establishes the goals of the council, which include identifying mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California. This bill would require the council, on or before September 30, 2023, to convene a funder's workgroup to accomplish specified goals related to ending homelessness. The bill would require the workgroup to include council staff, staff working for agencies or departments represented on the council, and representatives from specified committees. The bill would require the Deputy Secretary on Homelessness to oversee the work of the funder's workgroup and to report on at least a quarterly basis to the council on progress made on specified goals. The bill would also require the council, as part of its goals, to develop and implement a statewide strategic plan on homelessness that establishes measurable objectives and strategies to enhance state-level accountability, coordination, and best practices.	

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
	Monitor	State Legislation	AB 2339	Bloom	Housing Element: Emergency Shelters	The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city that includes a housing element. Existing law requires that the housing element identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and make adequate provision for the existing and projected needs of all economic segments of a community. Existing law also requires that the housing element include an analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels. This bill would revise the requirements of the housing element, as described above, in connection with zoning designations that allow residential use, including mixed use, where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The bill would prohibit a city or county from establishing overlay districts to comply with these provisions. The bill would delete language regarding emergency shelter standards structured in relation to residential and commercial developments and instead require that emergency shelters only be subject to specified written, objective standards. The bill would specify that emergency shelters for purposes of these provisions include other interim intervention, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.	
Legislative Program	Support	State Legislation	AB 452	Friedman	School Safety: Firearms Notification	This bill would require school boards to notify parents of their rights and responsibilities to ensure safe storage of firearms. School boards would consult with the Department of Justice to provide educational materials regarding firearm safety.	
Legislative Program	Support	State Legislation	SB 878	Skinner	School Transportation	Commencing January 1, 2023, the bill would require a pupil attending a public, noncharter school to be offered free transportation to and from their neighborhood school. The bill would require a school district, county office of education, entity providing services under a school transportation joint powers agreement, or regional occupational center or program that does not currently provide transportation to all pupils in the local educational agency to implement a plan to ensure that all pupils attending the local educational agency are offered free transportation to and from school. The bill would require these plans to be developed in consultation with specified stakeholders.	

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Support	Federal Legislation	H.R. 1177 (S. 348)	Sánchez (Menendez)	U.S. Citizenship Act of 2021	President Biden's immigration reform plan. Includes an earned pathway to citizenship for 11 million undocumented immigrants, expands the refugee resettlement program, expands benefits for Deferred Action for Childhood Arrivals (DACA) recipients, and ends the public charge rule.	House Judiciary (Senate Judiciary)
Legislative Program	Support	Federal Legislation	H.R. 1603	Lofgren	Farm Workforce Modernization Act of 2021	Establishing a "certified agricultural worker" immigration status and changing the H-2A temporary worker program.	Senate Judiciary
Legislative Program	Support	Federal Legislation	H.R. 6	Royball-Allard	American Dream and Promise Act of 2021	This bill provides certain aliens with a path to receive permanent resident status and contains other immigration-related provisions. Would expand the Special Focus Facility program under the Centers for Medicare & Medicaid Services and ensure that all facilities nominated for the program receive additional oversight, enforcement, and technical assistance.	Houses (Judiciary; Education and Labor) Senate (Judiciary)
Standard	Support	Federal Legislation	H.R. 1985	Pascrell	Nursing Home Reform Modernization Act	Establishes a dedicated working group to set data collection and reporting standards for key health indicators, with a particular focus on the social determinants of health. Develops common data standards for the highest-priority COVID data elements.	House Ways and Means; Energy and Commerce
Standard	Support	Federal Legislation	H.R. 831	Peters	Health STATISTICS Act of 2021	Requires the Federal Communications Commission (FCC) to update and modernize the national broadband plan.	House Subcommittee on Health
Legislative Program	Support	Federal Legislation	H.R. 870	Eshoo	National Broadband Plan for the Future Act of 2021	Requires the Federal Communications Commission (FCC) to update and modernize the national broadband plan.	House Subcommittee on Communications and Technology

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Support	Federal Legislation	S. 1530	Sanders	Universal School Meals Program Act of 2021	Would allow school breakfast and lunch to be offered at no charge to all children.	Senate Agriculture, Nutrition, and Forestry
Legislative Program	Support	Federal Legislation	S. 747 (H.R. 1909)	Padilla, Warren, Castro, Lieu	Citizenship for Essential Workers Act	Would create an expedited pathway to citizenship for the more than 5 million essential workers without permanent legal status, which includes many who provided essential work during the pandemic.	Subcommittee on Immigration, Citizenship, and Border Safety
Legislative Program	Oppose	State Legislation	AB 1091	Berman	Santa Clara Valley Transportation Authority: board of directors	Replaces the current twelve-member Board with a nine-member Board of appointed professional citizens serving for four years, explicitly prohibiting elected officials from serving on the Board.	Died 2/1/22
Legislative Program	Support	State Legislation	AB 1321	Lackey	Gaming establishments	Would exclude an increase in the number of tables authorized in existing gambling establishments from the prohibition on expansion of gaming and would explicitly authorize a city, county, or city and county to expand, by ordinance, the number of tables permitted in a gambling establishment.	Died 1/31/22
Standard	Support	State Legislation	AB 1400	Kaira	Universal Health Care	Establishes universal health care for all Californians, regardless of citizenship status	Died 2/1/22
Legislative Program	Support	State Legislation	AB 568	Rivas	Early learning and care: complaints about discrimination and exclusion of children: Early Learning and Care Dashboard	coalescing existing and new data in a way that will help state and local policy makers identify and address the structural and systemic barriers that prevent Black and Hispanic families and children from receiving equitable access to services	Died 1/31/22

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Support	State Legislation	AB 812	Garcia, Low	Rape of a Spouse	Expands the definition of rape and the criteria of what is defined as spousal rape as well as the prosecutorial efforts of spousal rape.	Died 1/31/22
Legislative Program	Sponsor	State Legislation	AB 987	Low	Electrical corporations: reporting	Requires Investor-Owned Utilities to provide additional reporting on the safety of IOU distribution equipment.	Died 1/31/22
Legislative Program	Support	State Legislation	SB 30	Cortese	Building decarbonization	Natural gas ban for state agencies.	Senate, Pending Assignment
Legislative Program	Support	State Legislation	SB 31	Cortese	Building decarbonization	Directs State Energy Resources Conservation and Development Commission to identify programs to promote building decarbonization.	Senate, Pending Assignment
Legislative Program	Support	State Legislation	SB 508	Stern	Mental health coverage: school-based services	Authorizes an LEA to have an appropriate mental health professional provide brief initial interventions at a school campus when necessary for all referred pupils, including pupils with a health care service plan, health insurance, or coverage through a Medi-Cal managed care plan, but not those covered by a county mental health plan.	Senate, Pending Assignment
Legislative Program	Support	State Legislation	SB 530	Cortese	Rape of a Spouse	Expands the definition of rape and the criteria of what is defined as spousal rape as well as the prosecutorial efforts of spousal rape.	Senate, Pending Assignment
Legislative Program	Oppose	State Legislation	SB 576	Archuleta	Gambling: local moratorium	Authorizes an amendment allowing to increase the number of gambling tables that can be operated in a gambling establishment by 2 tables each calendar year, up to a maximum of 10 additional tables.	Assembly, Pending Assignment
Legislative Program	Oppose Unless Amended	State Legislation	SB 6	Caballero	Local planning: housing: commercial zones	Allows housing in commerical and retail areas.	Assembly, Committee on Housing & Comm. Dev.

CITY APPROVAL PROCESS PATH: - Standard - Expedited - Legislative Program - Delegation Request	CITY POSITION	TYPE	BILL #	LEAD AUTHOR	TITLE	TOPIC	STATUS (House & Committee Location)
Legislative Program	Support	State Legislation	SB 692	Cortese	Local control and accountability plans: state priorities: least restrictive environment	Incentivize school districts to serve students with disabilities in the most inclusive environment that is appropriate to the child’s circumstances.	Assembly, Appropriations
Legislative Program	Oppose Unless Amended (tentative)	State Legislation	SB 839	Dodd	Energy Demand Response	This bill codifies and mandates a troubling recent CPUC decision that encourages PG&E to offer DR services to existing SJCE commercial and industrial customers. If PG&E enrolls SJCE customers in their DR programs it will interfere with our ability to enroll these customers in SJCE DR programs and interferes with our ability to manage our SJCE customer load profile and accurately project our future load. It also interferes with our business relationship with our commercial and industrial customers.	Senate, Energy Utilities & Communications
Standard	Monitor	State Legislation	AB 1944	Lee	Brown Act Reforms	This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.	Introduced 2/10/22
	Monitor	State Legislation	SB 915	Min	Firearms: Banning Gun Sales on State Property	It will be a misdemeanor to violate the laws that regulate the transfer of firearms. This bill would prohibit state officers, employees, operators, from allowing the sale of any firearm.	
	Monitor	State Legislation	SB 1070	Melendez	Controlled Substances: Firearm Possession	This bill makes it a crime to possess firearms while in possession of oxycodone and/or fentanyl.	

Attachment B – 2022 Strategic Project List

City of San José Strategic Project List -- March 2022

Background & Purpose

On November 30, 2021, Council directed the IGR to assemble a “Strategic Project List” of priority infrastructure projects with funding needs ([Items 3.4, 21-2482; 3.5, 21-2483](#)). Below is the Administration’s proposed “Strategic Project List,” developed with a group of inter-departmental senior staff. The list includes a mix of regional partner and city-specific projects. The purpose of this list is threefold: (1) define the City’s top-priority projects; (2) identify any funding gaps; and (3) articulate an advocacy strategy for closing those funding gaps, connected to emerging state and federal funding opportunities.

The list is not intended to be an exhaustive catalog of priority projects--rather, it is intended to be a focused, curated list of ten efforts in need of additional resources and City advocacy. The projects below are not listed in any particular order.

Partner Project List

Large regional projects driven by City partners have the potential to bring enormous benefits to City residents. The IGR team routinely engages with regional partners and supports their advocacy in a variety of forums. Below are detailed entries for the following four projects: (1) Complete BART’s Silicon Valley Extension, (2) Complete CalTrain Electrification, (3) Valley Water’s Shoreline Levee Project, and (4) Transform Diridon Station.

Partner Project #1: Complete BART’s Silicon Valley Extension

Lead Entity: Bay Area Rapid Transit (BART) District

Partner Organizations: City of San José; Valley Transit Authority (VTA)

Lead City Department: Department of Transportation

Description: Phase I of this project—bringing BART from Fremont to Berryessa/North San José Station—completed in 2020. Phase II of the BART Silicon Valley project would complete the “ring of rail” around the Bay by bringing BART to stations for East San José, Downtown, Diridon Station, and the City of Santa Clara. The 16-mile BART Silicon Valley extension is projected to carry roughly 105,000 daily trips by 2040. Though this project has already been supported by federal funding, state support from the Transit and Intercity Rail Capital Program (TIRCP), and four voter-approved regional and local funding measures, pandemic-related cost escalation has created a significant funding gap. Should this gap remain unfilled, the project cannot begin construction and could lose its federal funding.

Current Funding Gap: \$750 million

Likely Funding Sources:

- State Funding Source: Transit and Intercity Rail Capital Program

Attachment B – 2022 Strategic Project List

Partner Project #2: Complete CalTrain Electrification

Lead Entity: CalTrain

Partner Organizations: City of San José; California High-Speed Rail Authority; San Mateo County; City and County of San Francisco; Santa Clara County

Lead City Department: Department of Transportation

Description: Caltrain Electrification is a key component of the Caltrain Modernization (CalMod) Program and will electrify the corridor from San Francisco’s 4th and King Caltrain Station to San José’s Tamien Caltrain Station. The project’s primary purpose is to reduce greenhouse gas emissions and improve train performance.

Current Funding Gap: \$410 million over the next five years.

Likely Funding Sources:

- State Funding Source: Transit and Intercity Rail Capital Program

Partner Project #3: Valley Water’s Shoreline Levee Project

Lead Entity: Valley Water

Partner Organizations: City of San José; City of Santa Clara; City of Palo Alto; City of Sunnyvale; City of Mountain View

Lead City Department: Environmental Services Department

Description: This project would construct a continuous series of seawalls along the San Francisco Bay’s southern shore, protecting homes, businesses, and critical infrastructure in low-lying parts of Palo Alto, Mountain View, Sunnyvale, and San José from rising sea levels. The project will also restore 25 square miles of rare coastal wetland habitat for threatened and endangered species. Though this project previously secured federal funding, in November 2020 the U.S. Army Corps of Engineers (USACE) reinterpreted its agreement and partially withdrew financial support, creating a substantial funding gap. Should this project remain stalled, rising sea levels could flood the disadvantaged Alviso neighborhood and the San José-Santa Clara Regional Wastewater Facility—which serves over 1.5 million Bay Area residents and 20,000 businesses—leading to catastrophic environmental disaster and failure of essential services.

Current Funding Gap: \$169 million

Likely Funding Sources:

- State Funding Source: Member Request
- State Funding Source: FY22-23 State Budget Climate Resilience Package
- Federal Funding Source: Unallocated FY22 USACE funding

Partner Project #4: Transform Diridon Station

Lead Entity: Joint Partnership

Partner Organizations: CalTrain; Valley Transit Authority (VTA); California High-Speed Rail Authority; Metropolitan Transportation Commission

Lead City Department: Department of Transportation

Description: Diridon Station in downtown San José could be the “Grand Central Station of the West”—where BART, Caltrain, High Speed Rail, a connection to Mineta San José International Airport, and other transit and rail services converge. San José and its partners are seeking to reshape Diridon Station to accommodate more than 100,000 passengers, optimize transit and passenger experience, and support future development.

Current Funding Gap: Immediate need for \$200 million environmental planning and right-of-way acquisition.

Attachment B – 2022 Strategic Project List

Likely Funding Sources:

- State Funding Source: Member Request
- Federal Funding Source: Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program

City Projects List

City Projects are led by City departments, often in collaboration with community and regional partners. Below are detailed entries for six City projects: (1) Bicycle and Pedestrian Mobility and Safety Infrastructure (Vision Zero); (2) Water Recycling; (3) San José-Santa Clara Regional Wastewater Facility (RWF) Capital Improvement Program (CIP); (4) Green Stormwater Infrastructure; (5) Emergency Housing; and (6) Infrastructure Backlog.

City Project #1: Bicycle and Pedestrian Mobility and Safety Infrastructure (Vision Zero)

Lead City Department: Department of Transportation

Description: San José believes that one traffic-related death is one too many. The City’s Vision Zero Action Plan and Better Bike Plan 2025 aim to make our streets safer for pedestrians and cyclists, allowing people safe, affordable access to the places they need to go and reducing reliance on fossil fuels. Such investments pay dividends towards community resiliency and health. This effort is closely connected with (1) expanding the urban tree canopy; and (2) green stormwater infrastructure.

Current Funding Gap: \$45 million over three years for immediate “quick-build” safety investments; \$140 million long-term funding gap (exclusive of signals funding); approx. \$300 million for full build-out of the Better Bike Plan 2025.

Likely Funding Sources:

- State Funding Source: Member Requests
- State Funding Source: Active Transportation Program
- Federal Funding Source: Consolidated Rail Infrastructure and Safety Improvements (CRISI) program

City Project #2: Water Recycling

Lead City Department: Environmental Services Department

Description: The City confronts an increasingly constrained water supply, exacerbated by persistent drought, climate change, and the draining of the Anderson Reservoir. To meet this challenge, the City seeks to extend existing recycled water infrastructure as noted in the South Bay Water Recycling (SBWR) Master and Strategic Planning reports. This includes constructing new reservoirs and pump stations. This project will add recycled water to schools, playgrounds, parks, golf courses, and community gardens, allowing potable water to be redirected to other uses and effectively adding an additional 10,000 acre-feet per year to the City’s water supply.

Current Funding Gap: \$250 million

Likely Funding Sources:

- State Funding Source: Urban and Multibenefit Drought Relief Funding
- State Funding Source: Water Recycling Funding Program
- Federal Funding Source: WaterSMART Program

Attachment B – 2022 Strategic Project List

City Project # 3: San José-Santa Clara Regional Wastewater Facility (RWF) Capital Improvement Program (CIP)

Lead City Department: Environmental Services Department

Description: The RWF serves over 1.4 million residents by treating about 110 million gallons of wastewater per day, protecting public health and the environment. The City approved the Plant Master Plan (PMP) ten years ago, which identified more than 100 capital projects costing \$2.1 billion to rebuild and upgrade the RWF. Over this time, the City has made significant progress on several critical rehabilitation projects. During the past year the CIP has identified, evaluated, and prioritized projects for the next ten years. These future projects include those identified in the PMP as well as gap projects identified in additional studies to address anticipated regulatory changes and electrical reliability/sustainability.

Estimated Funding Gap: \$1.5 billion long-term funding gap.

Likely Funding Sources:

- State Funding Source: Clean Water State Revolving Fund

City Project #4: Green Stormwater Infrastructure

Lead City Department: Environmental Services Department

Description: Green Stormwater Infrastructure (GSI) projects use vegetation, soils, and natural processes like rain gardens and bioretention areas to reduce and filter runoff pollutants, improve water quality. These GSI projects can recharge groundwater or provide additional water sources for recycling water. As California continues to face significant droughts, it is imperative to implement smart technology to effectively manage stormwater infrastructure. Additional funding is needed to support “green street” projects, which use GSI, mixed-use landscapes, or diverse greenways within the public right-of-way to capture runoff to support adjacent trees and landscapes while improving water quality. Green Streets can be designed to have co-benefits for City pedestrians and bicyclists, thereby promoting community health, resiliency, and sustainability. The BayKeeper Consent Decree requires that the City of San José invest at least \$100 million in GSI projects. Measure T and state grants have funded approx. \$28.2 million to date, resulting in a funding gap of approximately \$72M. This effort is closely connected with (1) bicycle and pedestrian mobility and safety infrastructure; and (2) expanding the urban tree canopy.

Current Funding Gap: \$72 million

Likely Funding Sources:

- State Funding Source: Urban Greening Grants
- Federal Funding Source: San Francisco Bay Water Quality Improvement Fund

City Project #5: Emergency Housing

Lead City Department: Department of Housing

Description: Since COVID-19's onset, the City has dramatically expanded temporary housing and shelter capacity, constructing five Emergency Interim Housing and Bridge Housing sites, with two additional sites in the pipeline. The City also operates safe overnight parking and warming locations, and seeks to leverage California's Project HomeKey to provide hundreds of additional housing units for unsheltered residents. All of these efforts are in immediate need of additional operating funding to stay open.

Current Funding Gap: Ongoing unfunded operating costs of up to \$34 million a year, inclusive of all interim housing sites and three proposed project HomeKey acquisitions.

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Likely Funding Sources:

- State Funding Source: California Interagency Council on Homelessness' Homeless Housing and Assistance Program

City Project #6: Infrastructure Backlog

Lead City Department: Department of Public Works

Description: The City has a large backlog of deferred maintenance on deteriorating City infrastructure. This includes but is not limited to parks, community centers, cultural facilities, streets, and sewers. The 2022 estimate is currently being finalized to report to T&E in April. More information regarding the 2021 backlog is available on [page 3 of this link](#). Over time, deferred maintenance can lead to dramatically higher repair costs and/or critical failures in vital City services.

Current Funding Gap: \$1.7 billion

Likely Funding Sources:

- This category contains enormous variation and hundreds of projects with unique characteristics.



CALIFORNIA SMARTER

THE NEXT PHASE OF CALIFORNIA'S COVID-19 RESPONSE



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Introduction

Californians have led the nation's fight against the COVID-19 pandemic with early public health measures that saved lives. We have been led by science and data, and know more today than we did two years ago.

The release of the *California SMARTER Plan: The Next Phase of California's COVID-19 Response* is critically timed. We are recovering from the intense Omicron variant surge when millions of Californians were infected. It is clear the virus will remain with us for some time, if not forever. It is less clear how often and how much it will continue to impact our health and well-being. However, we know what works, and have built the necessary tools over the last two years that allows us to learn and hone our defenses to this virus as it evolves.

As we enter the next phase with COVID-19, which may include future surges and new variants, we will continue to be the nation's model for preparedness, ready to build on what we have learned over the past two years to meet the COVID-19 challenges that lie ahead.

In our approach to this next phase, we will be smarter than ever before, using the lessons of the last two years to approach mitigation and adaptation measures through effective and timely strategies. Throughout the pandemic we have leaned on science and relied on tools that create protection. This includes vaccines, masks, tests, quarantine, improving ventilation, and new therapeutics. Moving forward, based on the evolving conditions of the virus, we will be prepared to use these different strategies in more precise and targeted ways all along the way, integrating new innovations and information to protect our state.

Federal, state and local leaders must continue to prepare for the future, even though we cannot fully predict it. But California's path forward will also be predicated on our individual, smarter actions, that will collectively yield better outcomes for our neighborhoods, communities, and state.

S

Shots- Vaccines are the most powerful weapon against hospitalization and serious illness.

M

Masks- Properly worn masks with good filtration help slow the spread of COVID-19 or other respiratory viruses.

A

Awareness- We will continue to stay aware of how COVID-19 is spreading, evolving variants, communicate clearly how people should protect themselves, and coordinate our state and local government response.

R

Readiness- COVID-19 isn't going away and we need to be ready with the tools, resources and supplies we will need to quickly respond and keep public health and the health care system well prepared.

T

Testing- Getting the right type of tests - PCR or antigen - to where they are needed most. Testing will help California minimize the spread of COVID-19.

E

Education- California will continue to work to keep schools open and children safely in classrooms for in-person instruction.

R

Rx- Evolving and improving treatments will become increasingly available and critical as a tool to save lives.

The SMARTER Plan Includes

- With the COVID-19 Assessment and Action Unit the state will monitor the data and frontline conditions in real-time to ensure California is ready to respond to new and emerging variants and changing conditions.
- Building upon a robust, regionally based waste-water surveillance and genome sequencing network to have early and rapid insights into the **changing nature of the virus and early identification of variants. This network can be scaled up to support identification of future infectious diseases.**
- Work with external partners and the federal government to launch **the first-in-the-nation impacts of COVID-19 longitudinal cohort study** to look at and follow the direct and indirect impacts of COVID-19 on individuals and communities over time.
- Pursue of a public-private partnership with a test manufacturer to drive down the costs of at-home tests while securing a reliable and timely supply chain for California.
- Take steps to ensure our health care facilities can continue to ramp up with additional staff and resources to respond to surges to minimize the strain on our health care systems.

The SMARTER Plan reflects upon what we have done as a state and how we have learned to manage COVID-19. Our lessons and experiences inform our approach to manage what lies ahead. We will stay prepared for whatever COVID-19 might bring our way next and we will continue to lean on the tools that worked to reduce spread, minimize infection and keep our community safe.

SMARTER is not just for or during COVID-19. The preparation, the flexibility and the systems we have developed make us SMARTER and better prepared for future emergencies. Our state will continue to learn and iterate in our response to the virus. California has always been a state that learns fast and adapts – it is in our DNA and will guide us moving forward.

The SMARTER Plan in Action

As California maintains focus on communities disproportionately impacted, the SMARTER Plan outlines specific steps to prepare and be ready for the next covid-19 threat.

To put this into practice, imagine a California county through its wastewater surveillance system picks up a signal indicating a higher level of transmission of COVID-19 than normal. Californians should expect the following six efforts to kick into action:

1. Sequence the circulating strain, and answer the question: “Is the circulating strain a variant we know or is it new?” If it does not match a known strain, rapidly expedite whole genome sequencing of clinical specimens in that area to identify the genotype of the circulating viral strain.
2. If it is a new variant, within 30-45 days in partnership with the Federal Government, the state will seek to:
 - a. Understand if the circulating strain responds to the existing therapeutics.
 - b. Understand if currently available tests pick up the strain reliably.
 - c. Understand if there is immune escape from prior infection and/or vaccines.
3. Utilizing our statewide stockpiles, the state will quickly deploy testing supplies to regions picking up signals of increasing transmission allowing time for local and private testing efforts to be mobilized and scaled.
4. Deploy additional staff that have been secured through new staffing contracts for vaccine administration to regions picking up signals of increasing transmission allowing time for local and private testing efforts to be mobilized and scaled.
5. State will help facilitate the deployment of surge staff for facilities in impacted regions via state coordinated staffing contracts to ensure hospitals are prepared especially in impacted communities.
6. State will work with local partners, health experts, community-based organizations and others to develop messaging and communication to ensure that the public is well informed in a culturally appropriate manner using authentic community messengers. Also, make data available to ensure visibility and transparency.

SMARTER by the Numbers

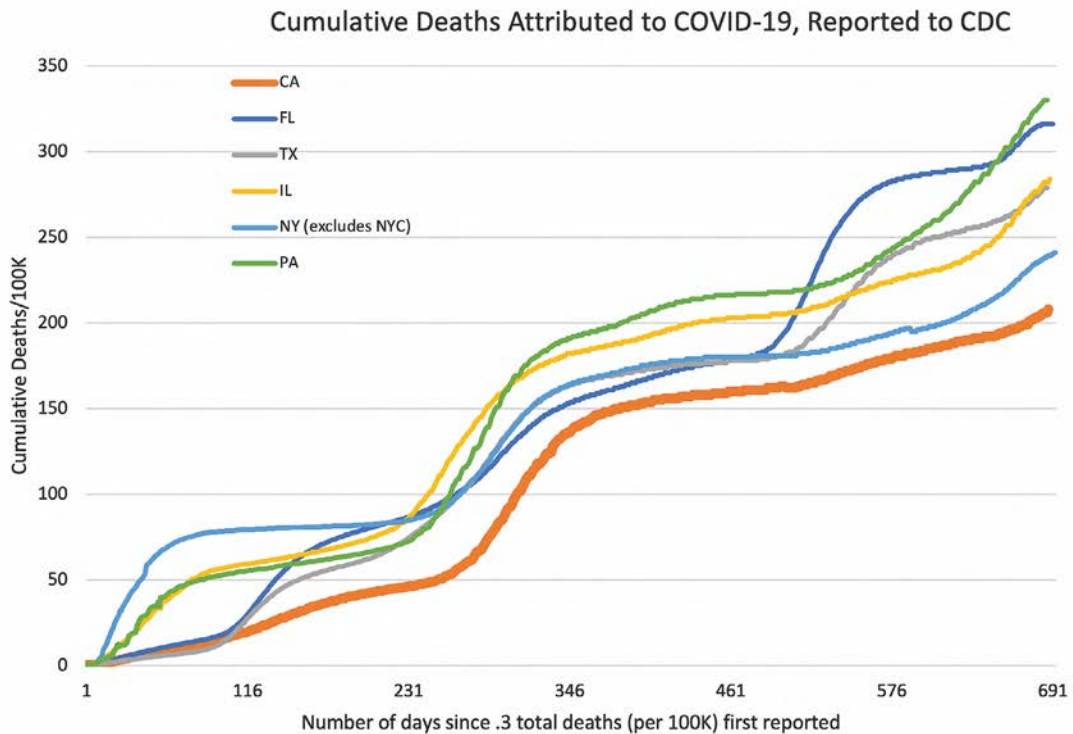
Our smarter path will enable us to be fully prepared and respond to the changing nature of the COVID-19 pandemic. The specific metrics of preparedness below will help focus our efforts to ensure we have the necessary resources and capabilities in place.

SMARTER	METRICS OF PREPAREDNESS
<p>Shots Vaccine administration</p>	Capacity to administer at least 200,000 vaccines per day on top of existing pharmacy and provider infrastructure.
<p>Masks Personal protective equipment distribution</p>	Maintain a stockpile of 75 million high quality masks and the capability to distribute them as needed.
<p>Awareness Communications</p>	Maintain capability to promote vaccination, masking and other mitigation measures in all 58 counties and support engagement with at least 150 community-based organizations .
<p>Readiness Surveillance and surge staffing</p>	Maintain wastewater surveillance in all regions and enhance respiratory surveillance in the healthcare system while continuing to sequence at least 10% of positive COVID-19 test specimens. Ability to add 3,000 clinical staff within 2 - 3 weeks of need and across various health care facility types.
<p>Testing</p>	Maintain commercial and local public health capacity statewide to perform at least 500,000 tests per day - a combination of PCR and antigen.
<p>Education Expand vaccination rates among kids</p>	Expand by 25% school-based vaccination sites supported by state to increase vaccination rates as eligibility expands and vaccination requirements are enacted.
<p>Rx Therapeutics</p>	Maximize order for the most clinically effective therapeutic available through the federal partnerships. Ensure allocations of effective therapeutics are ordered within 48-hours .

As we have learned throughout the pandemic, each surge and each variant brings with it unique characteristics relative to our neighborhoods and communities specific conditions (e.g., level of immunity). Therefore, instead of laying out specific thresholds or triggers, California will continue to evaluate the data quickly and nimbly to determine how to best handle future changes in the behavior of the virus. The SMARTER Plan does lay out specific response metrics that will ensure our preparedness and guide our work moving forward. Critical to this is the idea that governmental public health will remain vigilant.

Putting Our Work Into Context

Our collective and individual actions have saved tens of thousands of lives. Though many have lost loved ones to this disease, California has among the lowest cumulative death rate among large states.



Our collective work has resulted in a whole-of-government response that led the nation in providing resources to local and community partners.



70+ million COVID-19 vaccines administered.



7,500+ COVID-19 testing sites established.



870+ million COVID-19 N-95 and surgical masks distributed.



28,000+ state supported staff deployed to **800+** health care facilities.



140+ million COVID-19 tests administered.



33 million+ at-home COVID-19 antigen tests distributed.

700+

community-based organizations partnered with and supported.

Our individual actions have saved tens of thousands of lives. Though many have lost loved ones to this disease, California has among the lowest cumulative death rate among large states.

Remaining Nimble and Adaptable



Throughout the COVID-19 pandemic, Californians have adapted as we learned more about the virus and the most effective strategies to manage it. From the initial stay-at-home orders to the recent need to reinstate temporary and limited mitigation requirements during this Omicron surge, our adaptability has saved lives.

While we learn more about how to live with COVID-19, California must support the ongoing ability of our state to adapt during the coming months and years:

- We must continue to identify and interpret the data we need to keep people safe. For example, if we have another highly infectious but not as virulent variant in the future, we may focus on hospital numbers to gauge whether and how the state should react. On the other hand, if the virulence is high, we may again make decisions based on case numbers, as preventing a case may mean saving a life.
- Individuals who have tested positive for COVID-19 should continue to stay home for the period recommended by the federal Centers for Disease Control (CDC) and California Department of Public Health (CDPH). This time period may be different at different times in the future depending on the dominant variant circulating at a given time. The difference is because each variant has a distinct incubation and replication period. Because of this difference, the length of time an infected person remains likely to spread the infection to another person changes. For individuals who feel sick, they too should stay home until they feel well. If an individual has been exposed to someone who tested positive, they should consider getting tested and masking until they are sure they are not infected.
- With masking, there may be conditions that warrant temporary, targeted and risk-based masking requirements. These can be loosened once conditions improve.
- We must also adapt to the emergence of new interventions and innovations. For example, the development of new pharmaceutical agents for COVID-19, the way our communities are built with a greater emphasis on spending time outdoors, the way we receive our healthcare with rapidly improving innovations in telehealth.

Our state's ability to be ready and remain flexible will not only make us better and smarter at managing COVID-19, but it will also make us better altogether.

Maintaining and Expanding Focus on Equity

The COVID-19 pandemic has impacted each of us over the last two years. However, there are some communities, mainly underserved, low-income communities of color as well as older and disabled Californians, that have been more disproportionately impacted. Much more work is required to tackle these disparities. The SMARTER Plan coupled with our fiscal investments are intentionally and directly addressing historical and systemic inequities. Our focus on equity and our efforts to support these communities with targeted interventions and outreach has significantly closed disparities in infection and death rates. Although much more work is required to tackle these disparities, our focus on equity has been fundamental to building a Healthy California for ALL.

As we enter this next phase, it is important for us not to forget that COVID-19 disproportionately affected our low-income, Latino, Black, Native American and Pacific Islander communities, individuals in rural parts of the state, as well as workers in high-risk settings. It will be equally important for us not to lose sight of the impact the COVID-19 pandemic has had on our older and disabled Californians. We must accelerate change to address these longstanding inequities.

Committed to a Healthy California for All, we developed an equity measure to sharpen the data-driven focus on curbing transmission in communities most impacted. Then we directed resources to those communities to address COVID-19's unequal impact on health outcomes. Additionally, we published a [COVID-19 Health Equity Playbook for Communities](#) to support local communities in building an equitable recovery. Furthermore, each county was required to develop a plan demonstrating targeted investments around testing and other COVID-19 mitigations to eliminate disparities in levels of COVID-19 transmission and promote equitable recovery.

We must continue to work to build the mindset and awareness of inequity across our state. That if significant surges in cases and risk for death return, we can immediately implement community level approaches to ensuring gaps in outcomes emerge. For example, the ability to provide targeted testing strategies, the ability to unleash appropriate education and messaging, and to distribute high quality PPE. The tendency for some groups to experience a greater impact is avoidable. But with a transformation of our health systems and proposed expansions of coverage and access to all income eligible Californians a hallmark of Governor Newsom's 2022-23 Budget, California is making short- and long-term investments to reduce the likelihood of such inequities. As a result, no state more than California is prepared to avoid the tragic inequities we have sought to close throughout this pandemic.

Despite our efforts, there is much more work ahead of us and the following data are important in anchoring our work:

Death rate for Latinos is **17%** higher than statewide rate

Deaths per **100K** people:
221 Latino • **189** all ethnicities

Case rate for Pacific Islanders is **75%** higher than statewide rate

Cases per **100K** people:
32,389 NHP • **18,469** all ethnicities

Death rate for Blacks is **16%** higher than statewide rate

Deaths per **100K** people:
219 Black • **189** all ethnicities

Case rate for communities with median income **<\$40K** is **24%** higher than statewide rate

Cases per **100K** people:
22,975 income **<\$40K**
18,469 all income brackets

Over **90%** of deaths were age **50** or older and **12%** of all deaths were among residents of skilled nursing facilities.

The SMARTER Plan

We have come a long way in our journey with COVID-19. To use an analogy, we started our journey driving on an unfamiliar road with low visibility, heavy rain, worn-down brakes, and no windshield wipers. In contrast, today, we are driving on a road that we have mostly driven before with good weather conditions, and in a car with new brakes and windshield wipers. There are still potential hazards on the road ahead, but we are much better equipped to anticipate and react to them.

These upgraded capabilities have come through hard fought lessons, timely and significant investments, and a data-driven approach guiding our response.

S

Shots- Vaccines are the most powerful weapon against hospitalization and serious illness.

M

Masks- Properly worn masks with good filtration help slow the spread of COVID-19 or other respiratory viruses.

A

Awareness- We will continue to stay aware of how COVID-19 is spreading, evolving variants, communicate clearly how people should protect themselves, and coordinate our state and local government response.

R

Readiness- COVID-19 isn't going away and we need to be ready with the tools, resources and supplies we will need to quickly respond and keep public health and the health care system well prepared.

T

Testing- Getting the right type of tests - PCR or antigen - to where they are needed most. Testing will help California minimize the spread of COVID-19.

E

Education- California will continue to work to keep schools open and children safely in classrooms for in-person instruction.

R

Rx- Evolving and improving treatments will become increasingly available and critical as a tool to save lives.



SHOTS

We have administered more than 70 million doses of COVID-19 vaccine, and nearly 80% of those over 12 have been fully vaccinated. Early vaccine efforts to prioritize the most vulnerable and most at-risk Californians have been followed by a persistent focus to close gaps among communities of color. The ongoing need for us to maintain our immunity in the face of new variants and the anticipated waning of immunity without boosters will require continued investments in vaccine distribution efforts, especially for older individuals and those who are immunocompromised. Most immediately, we will continue to focus on closing stubborn equity gaps which started at roughly a 26% difference in adult vaccine administration between higher income and lower income neighbors, currently this difference is at 16%, a 40% reduction. This same equity gap for kids ages 5-17 is at 27%, so we will also intensify our efforts to vaccinate those under 18 years of age, and prepare for those under 5 to become eligible soon. The need to improve vaccination rates among our youngest Californians will support our broader efforts to keep in person instruction across the state.

Furthermore, battling mis- and dis-information that has deepened hesitation among unvaccinated Californians will continue to be critical. We will maintain the widely distributed network of trusted local providers who are in place to quickly vaccinate Californians in anticipation of any additional focused efforts, such as another booster dose. Having demonstrated the capability to administer over 400,000 doses in a single day during initial peak demand, keeping this network in place to deliver at least 200,000 shots through state-partners in counties, health facilities and pharmacies should well position the state for future needs.

SHOTS (continued)

California built its own Digital COVID-19 Vaccine Record, a tool that is a convenient option for Californians who received a COVID-19 vaccination to access their record from the state's immunization registry systems. It was launched in June 2021, and has issued 13.3 million records to more than 7.2 million individuals. Our open source code builds on the SMART Health Cards framework for vaccination verification. Today, 13 states, along with Puerto Rico and Washington, DC, support SMART Health Cards, and at least another 5 states are expected to launch soon. SMART Health Cards have become the de facto standard for COVID-19 vaccine verification in the United States.

What's Next?

We will expand messaging on vaccinations and shift to the concept of staying “Up-To-Date” on vaccination, like other vaccines. Specifically, our work will focus on the following:

Prepare for the approval of vaccines for kids under 5 years old – including targeted messaging and ensuring the pediatric providers (pediatricians and family practitioners) are prepared to administer these vaccines.

- Continue to educate Californians about the benefits of boosters and ensure they are available in broad and equitable ways.
- Continue assessing the growing evidence and data on the strength of hybrid immunity - immunity both from vaccine and prior infection - and consider this information as we look at vaccine requirements in California.
- As the 7-12th grade immunization requirement is coming, we will work to be clear about the message and ensure parents are educated and have their questions answered.
- Ensure that health care workers can stay up to date on their vaccines.
- Work to decrease disparities in vaccination rates and ensure that all Californians can remain up to date on their vaccines.
- Remain focused on current vaccine disparities so all Californians have ample opportunities to maintain their immunity.



MASKS

The data have clearly demonstrated that properly worn masks with good filtration are an effective mitigation tool that not only protects the wearer but minimizes the transmission of COVID-19. Use of masks should be supported by all who want to use them and should be required in high-risk settings or in other public indoor settings during periods of high transmission or when a variant emerges with potentially high virulence.

On the supply side, we now have procured and distributed over 250 million N-95 respirators, and over 600 million surgical masks. We have forged new and innovative partnerships directly with vendors and manufacturers. When national mask supplies were short, we procured enough not only for our state needs but for those of other states. This strategy of partnering with federal agencies AND ensuring we have other options to meet our needs will continue.

Depending exclusively on the federal government for immediate supplies and resources proved challenging throughout the pandemic. Since the beginning we have turned to our own capabilities to meet our needs, whether with masks, testing supplies, other personal protective equipment (PPE), or life-saving tools like ventilators.

We will leverage our broad purchasing powers to procure critical supplies like masks and testing supplies or making them easily available to counties and communities for needs related to COVID-19 and other emergencies such as wildfires.

What's Next?

Masking as a mitigation tool has proven effective in helping minimize transmission, moving forward we will lean on the below. Public health officials will continue to assess the science and the data as we have been, and as appropriate, make changes to current masking guidance.

- Maintain a strong strategic stockpile with the goal to have 75 million high quality masks in the stockpile with the capability to distribute them across the state on an as-needed basis.
- Strongly recommend properly worn, high-quality masks in public indoor settings, especially in high-risk settings.
- Emphasize and encourage mask use messaging for the following settings:
 - High-risk settings where vulnerable individuals live or are cared for (hospitals, nursing homes, prisons)
 - Public transportation and air travel, per federal guidance
 - Public indoor settings that are crowded
- Emphasize mask use messaging for the following individuals:
 - Unvaccinated, per the CDC
 - At-risk for severe disease (elderly, underlying medical conditions)
 - Decreased immunity
 - With known significant exposure to COVID-19
- Continue outreach during winter respiratory virus season so our communities increase voluntary mask use when viruses most commonly circulate.



AWARENESS

To remain aware, we must watch how COVID-19 is spreading, better understand the long-term impact of COVID-19, and further leverage our coordinated, whole-of-government response.

Our public health response has evolved throughout the pandemic. We began with 61 loosely coordinated local health jurisdictions moving at different speeds, with different resources and different objectives. Using well established emergency management protocols, California's State Operations Center has been the connection between local communities, the state and the federal government. While local communities will continue to have flexibility to develop more specific regional approaches, the state will continue to provide the infrastructure to drive objective metrics and deliverables throughout the pandemic.

Our efforts to augment and expand local disease investigation and surveillance capabilities have allowed the state to be a leader in tracking the virus and its impacts. The early investments in new information technology systems, data modeling and whole genome sequencing have created a robust system to track and monitor transmission. We now have the surveillance and disease tracking infrastructure in place to ensure we can respond to COVID-19 and outbreaks of other infectious diseases. Similarly, we will continue to leverage academic and research partners to assess COVID-19

impacts over weeks, months, years and decades. Just as California identified the first U.S. case of the Omicron variant, our new statewide COVID-19 Assessment and Action Unit will bring together the tools we have built to keep us ready and help inform the development of future interventions such as care delivery models and clinical care best practices and standards.

Directly communicating with Californians was a critical pillar in our overall response. We invested in community outreach, that has included direct appointment and referral assistance, and public education. Despite the rapidly evolving nature of the pandemic response, our consistent messaging framework has been that California is prepared and will take necessary actions to save lives.

What's Next?

We know COVID-19 is a global challenge that plays out locally. Our experts across various disciplines (technology, public health, laboratory, and infectious disease) have all it takes to be vigilant for the next variant or early signs that a surge is rearing its nasty head once again.

- Build on the California COVID-19 Assessment Tool (CalCAT) which brings the best COVID-19 models together in one place to support policy and public health action, while developing ensemble estimates of critical COVID-19 metrics from a variety of models, giving us the ability to facilitate comparisons about trends.
- Focus on continuing to build a robust, regionally based waste-water surveillance and genome sequencing network to have early and rapid insights into the changing nature of the virus and variants. This network can be scaled up to support identification of future infectious diseases.
- With the COVID-19 Assessment and Action Unit the state will monitor the data and frontline conditions in real-time to ensure the state is ready to respond to new and emerging variants and changing conditions.
- Work with external partners and the federal government to launch the first-in-the-nation impacts of COVID-19 longitudinal cohort study to look at and follow the direct and indirect impacts of COVID-19 on individuals and communities over time.
- Continue to support and amplify local and community-based partnerships through the newly proposed Office of Community Partnerships and Strategic Communications.
- Maintain the monthly COVID-19 California survey that has engaged the diversity of the state on their beliefs and perspectives on a wide range of COVID-19 related issues.
- Leverage existing infrastructure to deepen the understanding of COVID, especially the effectiveness and safety of vaccines. Support community-based organizations to build upon the state's equity work.
- Continue to maintain regular coordination activities through the State Operation Center to mobilize an all-of-state-government response to future needs, and facilitate local and federal engagement, reliably.
- Promote the ability of CA Notify, a free exposure notification system for smartphones, to alert individuals if they have been exposed to COVID-19 so Californians have the information they need to act.

READINESS

We cannot predict the future, but we can take what we've learned to better prepare for it. That means continuing to bolster our public health infrastructure, preparing for potential future hospital surges, maintaining sufficient stockpiles of PPE and working to improve air quality and ventilation in schools and other public settings.

Early in the pandemic, we moved quickly to develop surge capacity outside the health care delivery system by building up two new surge hospitals as well as other alternate care sites across the state to ensure every Californian could have access to the health care they needed. Over time, experience showed a better approach was to increase capacity at existing health facilities that leveraged established core services and resources. California's public health leaders recognized early on that COVID-19 is an airborne pathogen that spreads readily indoors when air circulation is not optimized. This understanding guided our actions since the earliest days of our response. This fact drove many efforts, including regulatory relief for businesses, to encourage Californians to meet, dine and play outdoors; to keep a door open and windows up to help circulate fresh air indoors.

The pandemic has taught us that improvements to air quality do not always require massive infrastructure investments or take years to implement. There are cost effective, immediate tools available. Californians also spent a great deal more time outdoors, enjoying the fresh air and nature.

California has built a sustainable and reliable logistics pipeline in response to COVID-19. This includes a robust supply of PPE and other critical supplies available for rapid deployment to the medical/health sector, first responders, front line workers, and communities in need. Items such as N95 respirators, surgical and cloth masks, face shields, goggles, surgical gowns, coveralls, and gloves are included in this critical capability.

To date, the state has distributed over 1.6 billion individual items of PPE to support the pandemic. At the height of pandemic response, the state managed a comprehensive distribution system consisting of all facets of procurement from production to ordering and delivery, warehousing, and direct shipments from vendors.



Governor Newsom proclaimed a State of Emergency based on the unprecedented threat of COVID-19 and its variants to the health and safety of all Californians. As we saw with the Omicron surge that is only now subsiding, COVID-19 is still very much with us. Through the state of emergency and limited number of executive orders that remain in effect, the state was able to act quickly and get millions of tests and PPE into the hands of our students and Californians across the state, expand vaccination efforts, and bolster our healthcare system capacity. The Governor will continue to assess the necessity of each open Executive Order provision and terminate provisions as they cease to be necessary.

What's Next?

Our work moving forward will enable us to be ready to respond to any changes in our conditions.

- Maintain an up-to-date, strategic stockpile that allows California to independently respond to local needs.
- Work with local public health departments to develop, support, and implement these strategies to be ready for the next surge and the next infectious disease emergency.
- Allocate state appropriated resources to further accelerate the building of a 21st Century public health system. The Governor's 2022-23 Blueprint proposes:
 - \$300 million ongoing for state and local public health to build up capacity and transform California's public health system.
 - Requiring 25% of a non-profit hospital's community benefit funds be allocated toward community-based public health organizations that address the social drivers of health. This 25% equates to roughly \$500 million each year.
 - \$1.7 billion over three years to recruit, train, hire, and advance an ethnically and culturally inclusive health and human services workforce, with improved diversity, wages, and health equity outcomes.
- Establish three key efforts for health care facilities preparing for or responding to surges so, at any time, we can bring up to 3,000 additional staff to facilities across the state within 2-3 weeks of the need:
 - Support the local county or regional expansion of existing Medical Reserve Corps teams;
 - Maintain master contract agreements with 3-5 national registry companies that can be directly accessed by health systems; and
 - Monitor facility registry/traveler staff use data throughout the year to determine when staffing needs are highest and establish strategies to best support facility demand.
- Scaling back Executive Order provisions and terminating provisions as they cease to be necessary.
- Work with long-term care facilities to provide technical assistance and guidance regarding infection control protocols.
- Issue an Innovation Award to urge the development of low cost, effective ways to improve indoor air quality via improved filtration and air circulation and develop standards for high-risk settings.

TESTING

We have come an incredibly long way since the earliest days of the COVID-19 pandemic, when doing more than a thousand tests in a day was an accomplishment of note. After nationwide challenges with supplies and collection strategies coalesced to eventually hamper California's ability to track and respond to the first surge of cases in the summer and fall of 2020, we were the first and only state in the nation to build our own high-throughput testing laboratory.

The state has increased testing availability in communities at highest risk for contracting COVID-19 such as essential workers, those in congregate care settings, and communities of color. State facilities have performed more than 8.4 million tests on samples from a network of more than 4,700 specimen collection sites developed with churches, schools, clinics, essential workplaces and community-based organizations.

California laid the essential groundwork of building up testing capacity across our communities with more than 7,500 sites established and, over time, expanded to help keep us prepared to track COVID-19. This work created deeper and wider access to testing. Roughly 65 percent of tests performed for PCR-only specimens are among racial minorities with 32 percent in the most disadvantaged neighborhoods based on the California Health Places Index (HPI) Quartile 1 and 26 percent in Quartile 2.

More than 4,800 schools have state-supported testing programs, nearly 200 OptumServe sites exist across California's communities, and more than 2,800 community-based entities supported sites are offering antigen or PCR testing or both. Our understanding for how to use the various modalities of testing to help manage the pandemic has grown, as well.

Leveraging antigen tests as an additional tool has helped navigate the latest COVID-19 surge. We have procured and distributed over 33 million at-home COVID-19 antigen tests. Our capacity on PCR testing has helped keep communities and families safe when the trajectory of the disease was uncertain, allowing us to identify early on those who are infected, even before they become symptomatic. During the Omicron surge, California used the testing groundwork of the last 20 months to keep our businesses open and our schools in person.

The effort to buy and distribute over 13 million at-home antigen tests for use by school staff and students during the recent return from winter break is in no small part the reason California has made up less than 1% of the nation's overall school closures in January 2022, despite having 12% of the national student population. We also distributed at-home antigen tests to long-term care facilities and hospitals allowing us to keep residents safe and staff working as much and as safely as possible.

In addition to these school efforts, California demonstrated its capability to quickly scale up testing capacity at an unprecedented speed during the Omicron surge—deploying the California National Guard, expanding hours and access to testing sites, and ensuring 90% of Californians are within a 30-minute drive of a state sponsored or supported testing site.

California was the first in the nation to detect an Omicron variant case, largely due to our robust whole genomic sequencing network. COVIDNet is a statewide network of more than 40 partners across the state including local public health laboratories, academic centers, private, and commercial laboratories. Over 450,000 specimens have been sequenced in California, and between March -November 2021, at least 15% of positive COVID-19 samples per month have been sequenced. We have developed advanced bioinformatics capabilities to provide data visualization, dashboards at the state and county level, an alert system for monitoring detection of emerging variants, tools to inform outbreak investigations, and linkage between sequence and epidemiologic data that can further characterize variants and inform public health investigation and response.

What's Next?

California will continue to prioritize testing, not only to get through the remainder of the current surge but also ensure we are ready to respond to new COVID-19 challenges down the road. Moving forward, these key efforts will position California to pivot and move in whatever way we are required:

- Maintain the ability to perform at least 500,000 tests per day - a combination of PCR and antigen tests
- Ongoing procurement of additional at-home tests with nearly 30 million more on order or already delivered;
- Ongoing expansion of testing sites in the community and efforts to ensure these sites are “built in” to the health care delivery system already in place in California; and
- Ensuring trusted community sites and schools have the capability to continue serving their communities with convenient testing options.
- Provide greater clarity on the role of testing, particularly in supporting disease surveillance, supporting isolation, and early identification of the disease for patients who are most likely to benefit from treatment and therapeutics.
- Release a Request for Innovative Ideas to pursue a public-private partnership with a test manufacturer to disrupt the testing market to drive down the costs of at-home tests while securing a reliable and timely supply chain for California and leveraging existing state assets.
- Continue the important genomic surveillance testing, network, and genomic epidemiology analysis for SarsCoV2, and use the infrastructure built to monitor evolving variants, expand genomics for other infectious diseases of public health significance, and be prepared for the next pandemic.





EDUCATION

California leads the nation in keeping children safely in classrooms. California has made up less than 1% of the nation's school closures in the 2021-22 school year, despite educating over 12% of the nation's students. This school year, we weathered two COVID-19 surges, all the while successfully prioritizing in-person instruction and the safety of students and staff. Hospitalizations for COVID-19 (including pediatric hospitalizations) and disruptions to in-person learning, although never inconsequential, have been substantially lower than in comparable states.

This is due to collective efforts of Californians to protect school communities. Roughly 1.3 million youth ages 5-11 have stepped up and received one dose and more than 1 million are fully vaccinated. Billions invested into school safety protocols. In the last two months, 28 million high-quality masks have been delivered to schools. Over 4,400 school-based COVID testing sites have been supported by the state at no cost and, in the last two months, more than 15 million at-home tests have been distributed to school communities.

California's response to conditions in schools has adapted to the dynamic challenges of the pandemic, based on science and humility. Emerging evidence continues to suggest that the Omicron variant is milder than prior variants. That future variants will be similarly mild is neither inevitable nor predictable, and we must remember the lessons learned from the Alpha and Delta variants, both of which came after and were more deadly than the original strain.

As we collectively move beyond the Omicron surge, the next phase of mitigation in schools focuses on long-term prevention and preserves safe in-person schooling, which is critical to the mental and physical health and development of our children.

What's Next?

The goal remains to preserve safe and in-person schooling. Presented below is a summary of mitigation strategies for K-12 schools. For additional information, please visit [Safe Schools for All](#).

- Continue to promote childhood vaccination efforts, including school-located events with sustained emphasis on ensuring equitable access to COVID-19 vaccines. K-12 schools should prepare for forthcoming vaccine requirements which will help protect the most vulnerable among us and keep schools safe and classrooms open.
- Focus on improving indoor air quality in schools to protect students and staff against COVID-19 and many other respiratory infections and sources of unhealthy air, including emissions, seasonal allergens and wildfire smoke. California will continue to provide guidance and technical assistance to schools leveraging state and federal funds to make cost-effective improvements to ventilation and air filtration systems.
- Emphasize tools, such as updated group tracing guidance, so students who are not ill can remain in school and monitor for symptoms. Multi-layered mitigation in K-12 schools, along with declining case rates and improving community immunity, allow for an ongoing transition away from quarantining students. Evidence demonstrates that students potentially exposed to COVID-19 can remain safely in-school when mitigation protocols are followed.
- Continue to address the stigma and trauma children have experienced from this collective experience and much more. \$4.4 billion has been devoted to improving mental and behavioral health for California's children and youth, and a recent partnership with the Child Mind Institute on the launch of the California Healthy Minds, Thriving Kids Project to provide free, evidence-based resources for kids, educators and caregivers.
- Prepare for the eventual change to universal school masking in schools, which include ensuring equitable access to vaccination, testing, and individual protections for students, families, and school staff. Universal indoor masking has been the cornerstone of the state and national strategy to keep schools open. The goal of such efforts remains to preserve the sanctity and safety of in-person schooling.
- Continue working with federal partners to procure and distribute COVID-19 tests to schools. As resources allow, the state will also support a transition toward increasing use of over-the-counter (OTC) test in school settings, with particular attention to equity.
- Support outbreak investigations in schools with state and local public health resources through consultation and deployment of testing and vaccination resources.

RX

Throughout the COVID-19 pandemic we have utilized and benefited from all modes of managing the virus by embracing the value and impact of treatments for those who have been infected. We are home to some of the leading scientists and clinicians who helped develop therapeutics that are now available. Once these life-saving interventions became more widely available, California was an early partner with the federal government to stand up specialized infusion sites capable of delivering therapies to thousands of infected Californians, saving more lives through treatment.

At 25 state-supported sites, California has continued to ensure these resources are available to our communities, even when federal resources have been withdrawn. For every newly available medication or intervention, our clinical leaders work with local teams to ensure our distribution is led by equity and is efficient. We will always back the science but never fear early adoption and use of a lifesaving intervention. Moving forward, we will double down our collective work to have those who test positive start effective treatments quickly to spare burden on our health systems and, most importantly, reduce avoidable morbidity and mortality.

What's Next?

Just as we have disrupted the pricing of other medications, California will work to ensure lifesaving pharmaceuticals are not only available but also affordable.

- Connecting those who test positive for COVID-19 with the appropriate clinical assessment and medication supplier.
- Ensure allocations of effective therapeutics are ordered within 48 hours by local entities.
- Leveraging technology and telehealth specifically to accelerate this work and save more lives. The rapid expansion of virtual care and telehealth tools in California throughout the pandemic make the possibility of linking treatments to eligible infected individuals more likely.
- Continue to provide continuing education and real-time information to health care providers on new therapeutics.



Building on Experience

Over the last two years, California took action to keep people safe, and make investments that will continue to benefit our state into the future. Below are some additional changes and improvements the state has made since the initial outbreak of COVID-19.

State-Level Coordination

Under the leadership of the Governor's Office of Emergency Services, we activated our response systems early on, working closely with federal and local governments on the initial repatriations of Americans from Wuhan, China and the docking of the Grand Princess in Oakland, and we have maintained a significant infrastructure to drive objective metrics and deliverables throughout the pandemic. Using well established emergency management protocols, California's State Operations Center has been activated and managing the pandemic for over two years.

Coordinated Response

Our public health response has evolved throughout the pandemic. We began with 61 loosely coordinated local health jurisdictions moving at different speeds, with different resources and different objectives. Although localism is still determinative, there is a connectedness and increased attention to regional approaches across our state's counties that did not exist before.

Our efforts to augment and expand local disease investigation and surveillance capabilities have allowed the state to be a leader in tracking the virus and its impacts. The early investments in new information technology systems and in staff training and standardized reporting functions, allowed us to transform a brittle set of disease investigation tools into a robust system to track and monitor transmission. Thousands of state workers were recruited and trained to support contact tracing efforts, ultimately working at the community level to help slow the spread of the virus. Additionally, the state is increasingly using technology to leverage automated notifications, such as CA Notify, a free exposure notification system for smartphones, to alert individuals if they have been exposed to COVID-19. Finally,

having reported more than 143 million COVID-19 test results and more than 8 million COVID-19 cases, we have done more than any other state. As a result, we have a foundation and the infrastructure as we move into the next phase of our surveillance and disease tracking efforts, ensuring we can respond to COVID-19 and outbreaks of other infectious diseases.

Bringing together early efforts with effective wastewater, hospital, and sentinel surveillance, growing a whole genome sequencing program along with local state-supported outbreak investigation efforts, anchored in an updated platform to report and monitor trends, Californians should feel confident in our state's ability to see what's coming with as much clarity and precision as possible. We also initiated data modeling and advanced analytics through the development of the California COVID-19 Assessment Tool or CalCAT, partnering with academics and data scientists early in the COVID-19 pandemic to inform projections and policies, and invested in a team to continue these efforts. Just as California identified the first U.S. case of the Omicron variant, our new statewide COVID-19 Assessment and Action Unit will bring together the tools we have built to keep us ready.

Hospital Surge

Over time, experience showed a better approach was to increase capacity at existing health facilities that leveraged established core services and resources. Following this model and based on a hospital burden score that looks at a composite of measures to assess hospital need, the state currently supports 31 surge hospitals and six surge skilled nursing facilities. The state has also funded the expansion of beds with state funded staff, adding more than 1,200 new surge beds throughout the state. There are also 22 state-supported ambulance patient offload

programs, helping emergency departments accept patients more quickly, allowing ambulances back into communities. In total, there are currently over 3,500 staff deployed to 217 facilities statewide and over 28,000 staff have been deployed throughout the pandemic to over 800 health care facilities.

Recognizing the tremendous toll the pandemic has had on California's health care delivery system and incredible health care workers, the Governor's 2022-23 Budget proposal has proposed a \$1.7 billion investment to further build up our health and human services workforce. Ensuring we have a diverse and well-trained health and human services workforce to serve and support Californians has been a state priority well before COVID-19. But now more than ever, the need to make these investments, to support maintaining nation-leading nurse-to-patient ratios and ensuring protections of our workforce so they can thrive at work and in their communities, will remain top of mind for the foreseeable future.

Communications and Community Partnerships

At the beginning of the pandemic, we launched the Your Actions Save Lives campaign, which has served as the umbrella for the state's pandemic communications initiatives. We primarily leveraged in-kind donations, engaged influencers, and partnered with philanthropy. As we built up our infrastructure, we recognized directly communicating with Californians was a critical pillar in our overall response. We invested in community outreach, that has included direct appointment and referral assistance, and public education.

As a result, we built a web of communications efforts throughout the pandemic to educate Californians about complex public health guidance and interventions and help citizens understand the overall goals in managing the virus and how to best use the tools to mitigate its spread. Despite the rapidly evolving nature of the pandemic response, our consistent messaging framework has been that California is prepared and will take necessary actions to save lives. Leveraging the infrastructure of the State's 2020 Census outreach effort, we were able to

quickly build a model that centered most of our communications approaches around community engagement and focused on issues of equity.

Leading this effort is the Vaccinate ALL 58 campaign, which has engaged more than 700 community-based organizations in partnership with philanthropy and dozens of Community Ambassadors. Additionally, the campaign has partnered with over 250 ethnic media outlets and utilized innovative tactics to meet people where they are, in the language they speak. The campaign has proactively engaged other state departments and agencies, truly taking a whole-of-government approach. All of these efforts have supported our commitment and proactive approach to tackling mis- and dis-information.

Overall, the community engagement efforts have led to California successfully implementing masking efforts in a wide variety of settings to reduce transmission of the virus, closing equity gaps in the administration of vaccines with nearly 75% of eligible Californians fully vaccinated, and supporting the most robust testing program in the nation, which averaged half-a-million tests per day during the height of the Omicron surge. The future approach to communications and community engagement will advance existing efforts, focus on keeping immunity high and promote the most effective use of masking. An added focus will be on the role, availability and benefits of timely treatment options, especially for those at highest risk for serious complications and death from COVID-19 infections. The overall focus will continue to be on equity and investing in communications and deepening community engagement.

The approach of leaning on our local partners through ongoing direct investments into hundreds of community-based organizations, which support and advance our public health preparedness and response efforts, will be supported through the newly proposed Office of Community Partnership and Strategic Communications. The proposed new Office will continue to build upon the data driven and equity centered approach and offer a centralized state entity to support coordination

and collaboration across state government and philanthropy. These investments will support the important community role in advancing public health, among other things, and be critical to our future success. In the end, California will not shy away from focusing in on the simple, well understood actions that make the biggest difference. Communicating these messages simply, clearly, and consistently will continue to be our north star.

Protecting Workplaces

We took early actions to make our workplaces safer. Through executive action we ensured that qualified workers receive the care and support they need through worker's compensation benefits if they contracted COVID-19 at work. We took this same approach to allow our most vulnerable workers to take time off when sick from COVID-19. We partnered with the Legislature to codify these policies into statute.

To inform employers about new laws and workers about their rights, we developed training and workshops, including resources such as a model COVID-19 Prevention Plan, workplace postings, and infographics. Over 55,000 employers were reached through these activities. Our approach leveraged technology to make information more accessible, including an online Training Academy for employers and workers to access video and written training materials and an online wage claim portal to ensure workers are compensated for taking their paid sick leave.

Worker and Workplace Outreach and Education

Given the increased risk to workers in essential industries, we developed the Safer at Work Campaign to assist workers and employers in better understanding and implementing the workplace health and safety and paid sick leave laws. This included a public awareness media campaign, outreach funding to more than 70 community-based organizations, and development of innovative navigator tools to simplify access and understanding of the laws and rules developed in response to the pandemic. Ultimately, this campaign reached over 20 million individuals through

radio, programmatic display and social media. Through the community engagement effort, we reached over a million workers in interactive engagements, such as training, meetings, phone calls, and canvassing.

Through the Reaching Every Californian campaign we partnered with community organizations, schools and legal service providers to offer more than 70 outreach presentations for workers in high-risk sectors on sick leave for COVID-19. Through the Workplace Rights Ambassador Project, which seeks to build a bridge to disenfranchised and vulnerable workers, we partnered with community organizations to provide in-depth training and support to community leaders (promotoras) to educate their members about sick leave and assist them in exercising their rights. Through our Business Engagement Program, we held dozens of web-based trainings and reached tens of thousands of employers with information on workplace laws.

Our Farmworker Rights Caravans partnered with community organizations to take an audiovisual message in Spanish and indigenous languages on worker protections directly to the fields in thirteen counties.

The Caravans also reached farmworkers and their families in community gathering places and at COVID-19 testing and vaccination clinics. Nearly 8,000 farmworkers were reached. We also ensured employers in this sector had the information they needed to comply with the law by communicating regularly and holding in-person meetings with dozens of growers and contractors around the state. Through media outreach for the Farmworker Rights Caravans, we reached over 5.7 million views of messaging in targeted agricultural regions.

Long-Term Care Facilities

By mid-year 2020, nursing homes had become ground zero for the pandemic. Two key factors coalesced to create a high-risk environment for infections and ultimately high morbidity and mortality: (1) facility residents are among our community's most vulnerable and at-risk

populations due to their often older age and underlying chronic conditions and (2) the congregate, communal, nature of the facilities themselves with the variable degrees of infection control between staff and residents. Like the rest of the nation, California experienced a sweeping spread of COVID-19 in nursing homes. However, an immediate and intense focus on reducing the risk for residents of nursing home and other congregate care facilities quickly led to numerous changes and interventions: infection control standards were increased and supported through technical assistance; staff were augmented and trained to do their jobs with a focus on minimizing transmission primarily by advancing more protective, standardized and universally applied use of PPE; state initiated programs like Hotels for Health Care Workers launched to provide staff an opportunity to avoid broader community mixing and better personnel and resident protections; California invested in creating data platforms to better track testing, infections, PPE supplies and monitor compliance with infection control measures.

Together, California's facilities made accelerated improvements that have remained and been improved. These tools that focus on the needs of long-term care residents and facilities must also be examined through higher level improvements in our overall expectations of nursing homes and their operators. While there is certainly a need to stabilize and preserve our capacity, we must also push for transformations in how the facilities are supported and monitored. California will continue to work with partners across the state to maintain our advantage over the virus in long term care facilities while remaining prepared for potential challenges that soon may emerge.

Veterans Homes

Additionally, California's eight Veterans Homes reacted very quickly and were well-prepared to respond to the COVID-19 pandemic. This approach was characterized by early action; proactive infection control practices; strong coordination throughout the system; and excellent teamwork at all levels – including with local, state, and federal partners. CalVet took

key steps prior to and early on in the pandemic, including updating infection control protocols used for a severe flu season and restricting visitations even before the stay-at-home order went into effect.

Over the last two years, the Veterans Homes have adapted rapidly as circumstances, guidance, and requirements have evolved and has received national recognition for their efforts. Staff and residents of the Veterans Homes have been instrumental in these efforts, which is evident in their high rates of vaccination. As of February 7, 2022, 94.5% of residents and 89.8% of staff are fully vaccinated, and 94.5% of residents and 70.3% of staff have received a booster shot.

Ventilation

California's public health leaders recognized early on that COVID-19 is an airborne pathogen that spreads readily indoors when air circulation is not optimized. This understanding guided our actions since the earliest days of our response. This fact drove many efforts, including regulatory relief for businesses, to encourage Californians to meet, dine and play outdoors; to keep a door open and windows up to help circulate fresh air indoors.

Over the course of the last 15 months, Californians have come together to make innovative improvements to indoor air quality in several settings. For example, many restaurants made investments in air circulation and filtration by upgrading HVAC filters, windows and doors remained opened to freshen air more regularly and effectively across a host of small and large businesses, and many schools used COVID-19-related funding to invest in inexpensive, but effective, devices to improve the circulation and filtration of air in classrooms and other spaces protecting staff and students. The pandemic has taught us that improvements to air quality do not always require massive infrastructure investments or take years to implement. There are cost effective, immediate tools available. Californians also spent a great deal more time outdoors, enjoying the fresh air and nature.

Emergency Response

Governor Newsom proclaimed a State of Emergency based on the unprecedented threat of the COVID-19 pandemic to the health and safety of all Californians. Of the 561 Executive Order provisions issued throughout the course of the pandemic response, fewer than 15% remain operative.

These open provisions ensure continued flexibility from statutory or regulatory requirements that remain critical to support our ongoing COVID-19 response, for example, ensuring hospital and medical staffing in the face of the Omicron surge, maintaining the State's robust testing program, waivers of state contracting rules to ensure quick access to critical masks and test kits, and maintaining effective workplace safety standards. None of the operative provisions directly impact or restrict the activities of the general public.

As one specific example, without the state contracting flexibility, California would have

been unable to move swiftly to procure the more than 13 million home test kits distributed to county offices of education across the state in December and early January to support the safe return to in-person learning as students returned from winter break. Likewise, other provisions ensure that the home addresses of public health officials remain confidential amidst unprecedented personal threats to these public servants and direct that the California Office of Emergency Services can utilize state fairgrounds and other property as needed to support the ongoing pandemic response.

The foregoing examples illustrate why maintaining the State of Emergency and keeping certain Executive Order provisions in place was critical to getting through the Omicron surge and remains critical to our ongoing response in the immediate term. Nonetheless, the Governor will continue to assess the necessity of each open Executive Order provision and terminate provisions as they cease to be necessary.



Investments to Fight COVID-19

California has led the nation's fight against COVID-19, implementing first-in-the-nation public health measures that have saved tens of thousands of lives. The state has administered over 70 million vaccinations and boosters and has maintained one of the lowest death rates among large states.

Last year's budget appropriated \$1.7 billion to fight against COVID-19. Now, Governor Newsom's \$3.2 Billion Emergency Response Package will protect Californians by continuing that fight, focusing on keeping our schools open and our economy moving. The package includes \$1.9 billion in funding that has already been approved to immediately equip California's health care system with supplies and staffing.

Bolster Testing

- Expand hours and capacity at testing sites throughout the state to help slow the spread of the virus.
- Distribute millions of COVID-19 antigen tests to local health departments, community clinics and county offices of education and schools.
- Support the state's testing facilities, including specimen collection and expanding capacity in order to meet demand.
- Assist state departments in testing their staff and congregate populations.

Getting more Californians Vaccinated and Boosted

- Continue the "Vaccinate all 58" public education campaign to provide reliable information and build vaccine confidence while combating misinformation, all of which is in partnership with 250 ethnic media outlets.
- Maintain a robust community outreach and direct appointment assistance campaign by conducting door-to-door canvassing, phone banking and texting with over 700 CBOs and community partners in partnership with philanthropy.
- Support in-home vaccination and testing programs and transportation arrangement, for those unable to travel, to meet Californians where they're at.
- Provide free transportation to vaccination appointments throughout the state to help get more Californians vaccinated and boosted.

Support Our Frontline Workers and Health Care Systems

- Support and distribution of critical personnel resources for health care systems to help protect frontline workers, patient care and hospital surge capacity as well as additional staffing for vaccination sites.

Maintain State Response Operations

- Enhance the state's emergency response and public health capacities, including staffing and information technology at California Department of Public Health, Office of Emergency Services and Emergency Medical Services Authority.

Support Mutual Aid, Bolster Public Health Investigation Efforts, Procure Personal Protective Equipment

- Provide mutual aid to support local governments.
- Continue statewide priority public health investigation activities to help keep Californians safe and slow the spread.
- Procure additional personal protective equipment, including children's N95 and surgical masks, and other durable equipment

The Governor's Comeback Plan (2021 Budget Act) and the Governor's Blueprint (2022-23 Budget proposal) present a once-in-a-generation opportunity to equitably improve the lives of All Californians, by investing in programs and services that are designed to lift all boats, but especially those which need to be lifted higher. The Comeback Plan provided us an opportunity to invest in programs and efforts that deepen our focus on the whole person while also promoting equity across all facets of society in response to challenges COVID-19 laid bare.

The Governor's Blueprint provides the opportunity to make additional bold investments to protect our most vulnerable communities—such as providing housing for individuals with serious behavioral health conditions who are experiencing homelessness — and to make investments that will address the upstream causes of health and human services needs in communities that have been deeply impacted by COVID-19—such as building up our public health infrastructure.

As we move forward, we will leverage the multiyear investments made to build up and strengthen the foundations of a Healthy California for All.

Conclusion

This January marked two years since we worked with the federal government to welcome the first flight of 221 U.S. citizens and diplomats who were being repatriated from Wuhan, China into California due to the emergence of a Novel Coronavirus that rapidly spread, infecting hundreds in a matter of days.

In hindsight, this gave us some early insights into the initial behavior of the virus, provided us with early data on secondary exposure, and gave us the opportunity to understand the non-pharmaceutical interventions (e.g., masking and physical distancing) that could help mitigate the spread of the virus.

Two years later, we are continuing to iterate on our response and learn about the evolving behavior of the virus. The initial days taught us to be nimble and humble. This is true now more than ever before. California has been a state that learns fast and adapts. It is in our DNA and will guide us moving forward.



[COVID19.CA.GOV](https://www.covid19.ca.gov)

Your Actions Saves Lives



Attachment D

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1944

Introduced by Assembly Members Lee and Cristina Garcia

February 10, 2022

An act to amend Section 54953 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 1944, as introduced, Lee. Local government: open and public meetings.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined.

Existing law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a

declared state of emergency is in effect, or in other situations related to public health.

This bill would specify that if a member of a legislative body elects to teleconference from a location that is not public, the address does not need to be identified in the notice and agenda or be accessible to the public when the legislative body has elected to allow members to participate via teleconferencing.

This bill would require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period through an audio-visual or call-in option.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

- 1 SECTION 1. Section 54953 of the Government Code, as
- 2 amended by Section 3 of Chapter 165 of the Statutes of 2021, is
- 3 amended to read:
- 4 54953. (a) All meetings of the legislative body of a local
- 5 agency shall be open and public, and all persons shall be permitted
- 6 to attend any meeting of the legislative body of a local agency,
- 7 except as otherwise provided in this chapter.
- 8 (b) (1) Notwithstanding any other provision of law, the
- 9 legislative body of a local agency may use teleconferencing for
- 10 the benefit of the public and the legislative body of a local agency

1 in connection with any meeting or proceeding authorized by law.
2 The teleconferenced meeting or proceeding shall comply with all
3 otherwise applicable requirements of this chapter and all otherwise
4 applicable provisions of law relating to a specific type of meeting
5 or proceeding.

6 (2) Teleconferencing, as authorized by this section, may be used
7 for all purposes in connection with any meeting within the subject
8 matter jurisdiction of the legislative body. All votes taken during
9 a teleconferenced meeting shall be by rollcall.

10 (3) If the legislative body of a local agency elects to use
11 teleconferencing, it shall post agendas at all teleconference
12 locations and conduct teleconference meetings in a manner that
13 protects the statutory and constitutional rights of the parties or the
14 public appearing before the legislative body of a local agency.
15 Each teleconference location shall be identified in the notice and
16 agenda of the meeting or proceeding, and each teleconference
17 location shall be accessible to the ~~public~~. *public, except as provided*
18 *in subparagraph (A)*. During the teleconference, at least a quorum
19 of the members of the legislative body shall participate from
20 locations within the boundaries of the territory over which the
21 local agency exercises jurisdiction, except as provided in
22 subdivisions (d) and (e). The agenda shall provide an opportunity
23 for members of the public to address the legislative body directly
24 pursuant to Section 54954.3 at each teleconference ~~location~~.
25 *location, except as provided in subparagraph (A)*.

26 (A) *If a member of a legislative body elects to teleconference*
27 *from a location that is not public, the address does not need to be*
28 *identified in the notice and agenda or be accessible to the public*
29 *when the legislative body has elected to allow members to*
30 *participate via teleconferencing.*

31 (B) *If a legislative body elects to use teleconferencing, they shall*
32 *provide both of the following:*

33 (i) *A video stream accessible to members of the public.*

34 (ii) *An option for members of the public to address the body*
35 *remotely during the public comment period through an audio-visual*
36 *or call-in option.*

37 (4) For the purposes of this section, “teleconference” means a
38 meeting of a legislative body, the members of which are in different
39 locations, connected by electronic means, through either audio or

1 video, or both. Nothing in this section shall prohibit a local agency
2 from providing the public with additional teleconference locations.

3 (5) *For the purposes of this section, “video streaming” means*
4 *media in which the data from a live filming or a video file is*
5 *continuously delivered via the internet to a remote user, allowing*
6 *a video to be viewed online by the public without being downloaded*
7 *on a host computer or device.*

8 (c) (1) No legislative body shall take action by secret ballot,
9 whether preliminary or final.

10 (2) The legislative body of a local agency shall publicly report
11 any action taken and the vote or abstention on that action of each
12 member present for the action.

13 (3) Prior to taking final action, the legislative body shall orally
14 report a summary of a recommendation for a final action on the
15 salaries, salary schedules, or compensation paid in the form of
16 fringe benefits of a local agency executive, as defined in
17 subdivision (d) of Section 3511.1, during the open meeting in
18 which the final action is to be taken. This paragraph shall not affect
19 the public’s right under the California Public Records Act (Chapter
20 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
21 inspect or copy records created or received in the process of
22 developing the recommendation.

23 (d) (1) Notwithstanding the provisions relating to a quorum in
24 paragraph (3) of subdivision (b), if a health authority conducts a
25 teleconference meeting, members who are outside the jurisdiction
26 of the authority may be counted toward the establishment of a
27 quorum when participating in the teleconference if at least 50
28 percent of the number of members that would establish a quorum
29 are present within the boundaries of the territory over which the
30 authority exercises jurisdiction, and the health authority provides
31 a teleconference number, and associated access codes, if any, that
32 allows any person to call in to participate in the meeting and the
33 number and access codes are identified in the notice and agenda
34 of the meeting.

35 (2) Nothing in this subdivision shall be construed as
36 discouraging health authority members from regularly meeting at
37 a common physical site within the jurisdiction of the authority or
38 from using teleconference locations within or near the jurisdiction
39 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 (3) For purposes of this subdivision, a health authority means
4 any entity created pursuant to Sections 14018.7, 14087.31,
5 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
6 and Institutions Code, any joint powers authority created pursuant
7 to Article 1 (commencing with Section 6500) of Chapter 5 of
8 Division 7 for the purpose of contracting pursuant to Section
9 14087.3 of the Welfare and Institutions Code, and any advisory
10 committee to a county-sponsored health plan licensed pursuant to
11 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
12 Health and Safety Code if the advisory committee has 12 or more
13 members.

14 (e) (1) A local agency may use teleconferencing without
15 complying with the requirements of paragraph (3) of subdivision
16 (b) if the legislative body complies with the requirements of
17 paragraph (2) of this subdivision in any of the following
18 circumstances:

19 (A) The legislative body holds a meeting during a proclaimed
20 state of emergency, and state or local officials have imposed or
21 recommended measures to promote social distancing.

22 (B) The legislative body holds a meeting during a proclaimed
23 state of emergency for the purpose of determining, by majority
24 vote, whether as a result of the emergency, meeting in person
25 would present imminent risks to the health or safety of attendees.

26 (C) The legislative body holds a meeting during a proclaimed
27 state of emergency and has determined, by majority vote, pursuant
28 to subparagraph (B), that, as a result of the emergency, meeting
29 in person would present imminent risks to the health or safety of
30 attendees.

31 (2) A legislative body that holds a meeting pursuant to this
32 subdivision shall do all of the following:

33 (A) The legislative body shall give notice of the meeting and
34 post agendas as otherwise required by this chapter.

35 (B) The legislative body shall allow members of the public to
36 access the meeting and the agenda shall provide an opportunity
37 for members of the public to address the legislative body directly
38 pursuant to Section 54954.3. In each instance in which notice of
39 the time of the teleconferenced meeting is otherwise given or the
40 agenda for the meeting is otherwise posted, the legislative body

1 shall also give notice of the means by which members of the public
2 may access the meeting and offer public comment. The agenda
3 shall identify and include an opportunity for all persons to attend
4 via a call-in option or an internet-based service option. This
5 subparagraph shall not be construed to require the legislative body
6 to provide a physical location from which the public may attend
7 or comment.

8 (C) The legislative body shall conduct teleconference meetings
9 in a manner that protects the statutory and constitutional rights of
10 the parties and the public appearing before the legislative body of
11 a local agency.

12 (D) In the event of a disruption which prevents the public agency
13 from broadcasting the meeting to members of the public using the
14 call-in option or internet-based service option, or in the event of
15 a disruption within the local agency's control which prevents
16 members of the public from offering public comments using the
17 call-in option or internet-based service option, the body shall take
18 no further action on items appearing on the meeting agenda until
19 public access to the meeting via the call-in option or internet-based
20 service option is restored. Actions taken on agenda items during
21 a disruption which prevents the public agency from broadcasting
22 the meeting may be challenged pursuant to Section 54960.1.

23 (E) The legislative body shall not require public comments to
24 be submitted in advance of the meeting and must provide an
25 opportunity for the public to address the legislative body and offer
26 comment in real time. This subparagraph shall not be construed
27 to require the legislative body to provide a physical location from
28 which the public may attend or comment.

29 (F) Notwithstanding Section 54953.3, an individual desiring to
30 provide public comment through the use of an internet website, or
31 other online platform, not under the control of the local legislative
32 body, that requires registration to log in to a teleconference may
33 be required to register as required by the third-party internet
34 website or online platform to participate.

35 (G) (i) A legislative body that provides a timed public comment
36 period for each agenda item shall not close the public comment
37 period for the agenda item, or the opportunity to register, pursuant
38 to subparagraph (F), to provide public comment until that timed
39 public comment period has elapsed.

1 (ii) A legislative body that does not provide a timed public
2 comment period, but takes public comment separately on each
3 agenda item, shall allow a reasonable amount of time per agenda
4 item to allow public members the opportunity to provide public
5 comment, including time for members of the public to register
6 pursuant to subparagraph (F), or otherwise be recognized for the
7 purpose of providing public comment.

8 (iii) A legislative body that provides a timed general public
9 comment period that does not correspond to a specific agenda item
10 shall not close the public comment period or the opportunity to
11 register, pursuant to subparagraph (F), until the timed general
12 public comment period has elapsed.

13 (3) If a state of emergency remains active, or state or local
14 officials have imposed or recommended measures to promote
15 social distancing, in order to continue to teleconference without
16 compliance with paragraph (3) of subdivision (b), the legislative
17 body shall, not later than 30 days after teleconferencing for the
18 first time pursuant to subparagraph (A), (B), or (C) of paragraph
19 (1), and every 30 days thereafter, make the following findings by
20 majority vote:

21 (A) The legislative body has reconsidered the circumstances of
22 the state of emergency.

23 (B) Any of the following circumstances exist:

24 (i) The state of emergency continues to directly impact the
25 ability of the members to meet safely in person.

26 (ii) State or local officials continue to impose or recommend
27 measures to promote social distancing.

28 (4) For the purposes of this subdivision, “state of emergency”
29 means a state of emergency proclaimed pursuant to Section 8625
30 of the California Emergency Services Act (Article 1 (commencing
31 with Section 8550) of Chapter 7 of Division 1 of Title 2).

32 (f) This section shall remain in effect only until January 1, 2024,
33 and as of that date is repealed.

34 SEC. 2. Section 54953 of the Government Code, as added by
35 Section 4 of Chapter 165 of the Statutes of 2021, is amended to
36 read:

37 54953. (a) All meetings of the legislative body of a local
38 agency shall be open and public, and all persons shall be permitted
39 to attend any meeting of the legislative body of a local agency,
40 except as otherwise provided in this chapter.

1 (b) (1) Notwithstanding any other provision of law, the
2 legislative body of a local agency may use teleconferencing for
3 the benefit of the public and the legislative body of a local agency
4 in connection with any meeting or proceeding authorized by law.
5 The teleconferenced meeting or proceeding shall comply with all
6 requirements of this chapter and all otherwise applicable provisions
7 of law relating to a specific type of meeting or proceeding.

8 (2) Teleconferencing, as authorized by this section, may be used
9 for all purposes in connection with any meeting within the subject
10 matter jurisdiction of the legislative body. All votes taken during
11 a teleconferenced meeting shall be by rollcall.

12 (3) If the legislative body of a local agency elects to use
13 teleconferencing, it shall post agendas at all teleconference
14 locations and conduct teleconference meetings in a manner that
15 protects the statutory and constitutional rights of the parties or the
16 public appearing before the legislative body of a local agency.
17 Each teleconference location shall be identified in the notice and
18 agenda of the meeting or proceeding, and each teleconference
19 location shall be accessible to the ~~public~~ *public, except as provided*
20 *in subparagraph (A)*. During the teleconference, at least a quorum
21 of the members of the legislative body shall participate from
22 locations within the boundaries of the territory over which the
23 local agency exercises jurisdiction, except as provided in
24 subdivision (d). The agenda shall provide an opportunity for
25 members of the public to address the legislative body directly
26 pursuant to Section 54954.3 at each teleconference ~~location~~.
27 *location, except as provided in subparagraph (A)*.

28 (A) *If a member of a legislative body elects to teleconference*
29 *from a location that is not public, the address does not need to be*
30 *identified in the notice and agenda, or be accessible to the public*
31 *when the legislative body has elected to allow members to*
32 *participate via teleconferencing.*

33 (B) *If a legislative body elects to use teleconferencing, they shall*
34 *provide both of the following:*

35 (i) *A video stream accessible to members of the public.*

36 (ii) *An option for members of the public to address the body*
37 *remotely during the public comment period through an audio-visual*
38 *or call-in option.*

39 (4) For the purposes of this section, “teleconference” means a
40 meeting of a legislative body, the members of which are in different

1 locations, connected by electronic means, through either audio or
2 video, or both. Nothing in this section shall prohibit a local agency
3 from providing the public with additional teleconference locations

4 (5) *For the purposes of this section, “video streaming” means*
5 *media in which the data from a live filming or a video file is*
6 *continuously delivered via the internet to a remote user, allowing*
7 *a video to be viewed online by the public without being downloaded*
8 *on a host computer or device.*

9 (c) (1) No legislative body shall take action by secret ballot,
10 whether preliminary or final.

11 (2) The legislative body of a local agency shall publicly report
12 any action taken and the vote or abstention on that action of each
13 member present for the action.

14 (3) Prior to taking final action, the legislative body shall orally
15 report a summary of a recommendation for a final action on the
16 salaries, salary schedules, or compensation paid in the form of
17 fringe benefits of a local agency executive, as defined in
18 subdivision (d) of Section 3511.1, during the open meeting in
19 which the final action is to be taken. This paragraph shall not affect
20 the public’s right under the California Public Records Act (Chapter
21 3.5 (commencing with Section 6250) of Division 7 of Title 1) to
22 inspect or copy records created or received in the process of
23 developing the recommendation.

24 (d) (1) Notwithstanding the provisions relating to a quorum in
25 paragraph (3) of subdivision (b), if a health authority conducts a
26 teleconference meeting, members who are outside the jurisdiction
27 of the authority may be counted toward the establishment of a
28 quorum when participating in the teleconference if at least 50
29 percent of the number of members that would establish a quorum
30 are present within the boundaries of the territory over which the
31 authority exercises jurisdiction, and the health authority provides
32 a teleconference number, and associated access codes, if any, that
33 allows any person to call in to participate in the meeting and the
34 number and access codes are identified in the notice and agenda
35 of the meeting.

36 (2) Nothing in this subdivision shall be construed as
37 discouraging health authority members from regularly meeting at
38 a common physical site within the jurisdiction of the authority or
39 from using teleconference locations within or near the jurisdiction
40 of the authority. A teleconference meeting for which a quorum is

1 established pursuant to this subdivision shall be subject to all other
2 requirements of this section.

3 (3) For purposes of this subdivision, a health authority means
4 any entity created pursuant to Sections 14018.7, 14087.31,
5 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
6 and Institutions Code, any joint powers authority created pursuant
7 to Article 1 (commencing with Section 6500) of Chapter 5 of
8 Division 7 for the purpose of contracting pursuant to Section
9 14087.3 of the Welfare and Institutions Code, and any advisory
10 committee to a county-sponsored health plan licensed pursuant to
11 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
12 Health and Safety Code if the advisory committee has 12 or more
13 members.

14 (e) This section shall become operative January 1, 2024.

15 SEC. 3. The Legislature finds and declares that Sections 1 and
16 2 of this act, which amends Section 54953 of the Government
17 Code, further, within the meaning of paragraph (7) of subdivision
18 (b) of Section 3 of Article I of the California Constitution, the
19 purposes of that constitutional section as it relates to the right of
20 public access to the meetings of local public bodies or the writings
21 of local public officials and local agencies. Pursuant to paragraph
22 (7) of subdivision (b) of Section 3 of Article I of the California
23 Constitution, the Legislature makes the following findings:

24 This act is necessary to ensure minimum standards for public
25 participation allowing for greater public participation in
26 teleconference meetings.

27 SEC. 4. (a) The Legislature finds and declares that during the
28 COVID-19 public health emergency, certain requirements of the
29 Ralph M. Brown Act (Chapter 9 (commencing with Section 54950)
30 of Part 1 of Division 2 of Title 5 of the Government Code) and the
31 Bagley-Keene Open Meeting Act (Article 9 (commencing with
32 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
33 the Government Code) were suspended by Executive Order No.
34 N-29-20. Audio and video teleconference were widely used to
35 conduct public meetings in lieu of physical location meetings, and
36 public meetings conducted by teleconference during the COVID-19
37 public health emergency have been productive, have increased
38 public participation by all members of the public regardless of
39 their location in the state and ability to travel to physical meeting
40 locations, have protected the health and safety of civil servants

1 and the public, and have reduced travel costs incurred by members
2 of state bodies and reduced work hours spent traveling to and from
3 meetings.

4 (b) The Legislature finds and declares that Sections 1 and 2 of
5 this act, which amend Section 54953 of the Government Code,
6 imposes a potential limitation on the public's right of access to the
7 meetings of public bodies or the writings of public officials and
8 agencies within the meaning of Section 3 of Article I of the
9 California Constitution. Pursuant to that constitutional provision,
10 the Legislature makes the following findings to demonstrate the
11 interest protected by this potential limitation and the need for
12 protecting that interest:

13 By removing the requirement for each teleconference location
14 to be identified in the notice and agenda, including the member's
15 private home address, this act protects the personal, private
16 information of public officials and their families while preserving
17 the public's right to access information concerning the conduct of
18 the people's business.



AB 1944

ASSEMBLYMEMBER ALEX LEE

THIS BILL

This bill would allow members of a local legislative body, upon majority vote, to waive the Brown Act requirements of publishing their private address on the meeting agenda and making this address open to members of the public. It would also require a remote participation option for members of the public to address the body.

BACKGROUND

The Ralph M. Brown Act passed in 1953 requires local government business to be conducted at open and public meetings, except in certain limited situations. Existing law allows the legislative body of a local agency to use teleconferencing as long as a quorum of the members participate from locations within the boundaries of the agency's jurisdiction.

In order to teleconference, each teleconference location is required to be identified in the notice and agenda of the meeting, as well as be accessible to the public.

On March 2020, Governor Newsom issued Executive Order N-29-20 which waived the teleconference requirements for local agencies during the COVID-19 pandemic. This order has since expired.

AB 361 (Rivas, 2021) permits local agencies to continue to meet virtually and remotely during a state-declared emergency without having to meet a quorum and other requirements of teleconference meetings under the Brown Act. Local legislative bodies may continue to meet virtually pursuant to AB 361 until the end of the current state of emergency and during any future state of emergency up until January 1, 2024. The legislative body is required to take a majority vote every 30 days in order to continue allowing members to participate virtually without meeting existing Brown Act requirements.

PROBLEM

Given the last few years of the COVID-19 pandemic, many members of Brown Act bodies have participated remotely in official business, and have shown effective leadership while keeping themselves and their families healthy and safe. However, even with existing legislation, the protections are only in place during a declared state of

emergency. In addition, if there is no majority vote every 30 days, members who choose to teleconference are required to make private addresses publicly known and accessible.

Since there are many members of Brown Act bodies who have families that may be immunocompromised or may need to teleconference from a private location that cannot be made accessible to the public, there are still many concerns with existing legislation.

For example, if outside of the pandemic a local elected is teleconferencing from a hospital room after giving birth, she would be forced to either reveal the location she is teleconferencing from or make the room publicly available, or she would not be able to attend the meeting and partake in her official duties.

Another example is if a Planning Commissioner is immunocompromised, or has immunocompromised family members at home, they may choose to teleconference into meetings. However, they would be required to share their private home address and make it publicly accessible.

SOLUTION

AB 1944 would ensure that:

- Brown Act bodies can vote to allow their members to teleconference into a meeting without having to reveal private addresses or make private addresses accessible to the public, to continue performing their official duties
- Livestreams of meetings are required whenever members teleconference into meetings so the public has access to observe and participate in meetings
- Members of the public can address their elected officials either through a call-in or video option, ensuring that they are able to participate in government

SUPPORT

City of Santa Clara
Bay Area Air Quality Management District
First 5 Solano Children and Families Commission
Peninsula Clean Energy
Silicon Valley Clean Energy
Solano County Board of Supervisors
Sonoma Clean Power

Gilroy City Councilmember Zach Hilton
Pinole Mayor Pro Tem Devin T. Murphy
Santa Clara School Board Member Vickie Fairchild
Santa Clara School Board Member Bonnie Lieberman
Seaside City Councilmember Jon Wizard
South San Francisco Councilmember James Coleman
San Bruno Park District Trustee Andriana Shea
Santa Ana City Councilmember Jessie Lopez
Sacramento City Councilmember Katie Valenzuela
South San Francisco Unified School District Board of
Trustees John Baker
North Westwood Neighborhood Councilmember Andrew
Lewis

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