

CALIFORNIA LEGISLATURE

2021–22 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 13

INTERIM STUDY RECESS

Assembly Chamber, Sacramento
Monday, November 1, 2021

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2021–22 Regular Session was printed while the Assembly was in Interim Study Recess.

COMMUNICATIONS

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

October 29, 2021

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Rendon: Due to my impending appointment by San Francisco Mayor London Breed to serve as the City Attorney of San Francisco, I respectfully submit my resignation from the California State Assembly effective at 11:59 p.m. on Sunday, October 31, 2021. I plan to take the Oath of Office for the City Attorney of San Francisco on Monday, November 1, 2021.

It has been a true honor to serve the people of California with you and our colleagues in the California State Legislature.

Sincerely,

DAVID CHIU, Assembly Member
Seventeenth District

October 29, 2021

*The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, California*

Dear Governor Newsom: Pursuant to the Government Code and on behalf of the Speaker of the Assembly, Honorable Anthony Rendon, I am forwarding a letter of resignation from Assembly Member David Chiu effective 11:59 p.m. on October 31, 2021. He will be taking the Oath of Office for City Attorney for the City of San Francisco on November 1, 2021.

Sincerely,

SUE PARKER
Chief Clerk

Receipt

Received by: Miroslava De La O

Date and Time: October 29, 2021, 12:00 p.m.

October 14, 2021

*Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Ms. Parker: Please be advised that I have appointed the following membership to the Select Committee on the Orange County Oil Spill for the 2021–22 Regular Session:

Assemblymember Cottie Petrie-Norris, Chair
Assemblymember Steve Bennett
Assemblymember Richard Bloom
Assemblymember Tasha Boerner Horvath
Assemblymember Isaac Bryan
Assemblymember Laurie Davies
Assemblymember Eduardo Garcia
Assemblymember Mike Gipson
Assemblymember Al Muratsuchi
Assemblymember Janet Nguyen
Assemblymember Patrick O'Donnell
Assemblymember Luz Rivas
Assemblymember Robert Rivas
Assemblymember Freddie Rodriguez

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 18, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Ms. Parker: Please be advised that I have appointed Assemblymember Mia Bonta to the Select Committee on Social Housing for the 2021–22 Regular Session.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

November 1, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Ms. Parker: Please be advised that I have made changes to the following committees for the 2021–22 Regular Session:

Arts, Entertainment, Sports, Tourism, and Internet Media

I have removed Assemblymember David Chiu from the Assembly Arts, Entertainment, Sports, Tourism, and Internet Media Committee, creating a Democratic vacancy.

Budget

I have removed Assemblymember David Chiu from the Assembly Budget Committee, creating a Democratic vacancy.

Budget Subcommittee No. 4 on State Administration

I have removed Assemblymember David Chiu from the Assembly Budget Subcommittee No. 4 on State Administration, creating a Democratic vacancy.

Business and Professions

I have removed Assemblymember David Chiu from the Assembly Business and Professions Committee, creating a Democratic vacancy.

Housing and Community Development, Chair

I have removed Assemblymember David Chiu as Chair of the Assembly Housing and Community Development Committee, creating a vacancy.

Judiciary

I have removed Assemblymember David Chiu from the Assembly Judiciary Committee, creating a Democratic vacancy.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

November 1, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Ms. Parker: Please be advised that I have removed Assemblymember David Chiu from the following Select Committees for the 2021–22 Regular Session:

- Select Committee on the 2028 Olympic and Paralympic Games
- Select Committee on the Census
- Select Committee on Corporate Board and California Workforce Diversity
- Select Committee on Cybersecurity
- Select Committee on Regional Transportation Solutions
- Select Committee on Reproductive Health
- Select Committee on Social Housing
- Select Committee on the Status of Boys and Men of Color

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 26, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Richard A. Long to
Committee to Review the Operations and Structure of the
Commission on Judicial Performance

Dear Ms. Parker: I am writing to notify you that I have appointed Mr. Richard A. Long to the Committee to Review the Operations and Structure of the Commission on Judicial Performance. This is a pleasure appointment beginning October 26, 2021.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 26, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Dr. Roger Liu to
California Health Workforce Education and Training Council

Dear Ms. Parker: Please be advised that I have appointed Dr. Roger Liu to the California Health Workforce Education and Training Council. This is a pleasure appointment beginning October 26, 2021 and expiring October 26, 2025. If you have any questions, please feel free to reach out to me or my staff.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 26, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Donald W. Yoo to
California State Board of Optometry

Dear Ms. Parker: Please be advised that I have appointed Mr. Donald Yoo to the California State Board of Optometry. This is a term appointment beginning October 26, 2021 and expiring June 1, 2023. If you have any questions, please feel free to contact me or my staff.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 26, 2021

Sue Parker

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Dr. Katherine Flores to
California Health Workforce Education and Training Council

Dear Ms. Parker: Please be advised that I have appointed Dr. Katherine Flores to the California Health Workforce Education and Training Council. This is a pleasure appointment effective October 26, 2021, and the expiration date is October 26, 2025.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 26, 2021

*Sue Parker**Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Judith Liu to
California Health Workforce Education and Training Council

Dear Ms. Parker: Please be advised that I have appointed Ms. Judith Liu to the California Health Workforce Education and Training Council. This is a pleasure appointment effective October 26, 2021 and the expiration date is October 26, 2025.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

October 25, 2021

*Sue Parker**Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

RE: Appointment of Phillip Chen to
Milton Marks Little Hoover Commission on California State
Government Organization and Economy

Dear Ms. Parker: Please be advised that I have appointed Assemblymember Phillip Chen to the Milton Marks Little Hoover Commission on California State Government Organization and Economy. This is a pleasure appointment effective October 25, 2021. Assemblymember Chen will be replacing Assemblymember Mayes.

Sincerely,

ANTHONY RENDON
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Elections, to convene jointly with the Senate Committee on Elections and Constitutional Amendments, on Thursday, October 28, 2021, at 1 p.m., in Room 4202;

Health, to convene jointly with Judiciary, on Wednesday, December 15, 2021, at 9 a.m., in Room 4202;

Select Committee on Ports and Goods Movement, to convene jointly with the Senate Select Committee on Ports and Goods Movement, on Wednesday, November 3, 2021, at 9:30 a.m., in Room 4202;

Select Committee on Police Reform, on Thursday, December 16, 2021, at 9 a.m., in Room 4202;

Select Committee on the Social Determinants of Health, on Wednesday, December 1, 2021, at 9 a.m., in the Auditorium Conference Center at Grossmont's Healthcare District, San Diego;

Select Committee on the State of Hate, on Tuesday, November 16, 2021, at 5 p.m., at the Junipero Serra State Building, Los Angeles;

Select Committee on Technology and the Future of California's Agricultural Workforce, on Wednesday, December 1, 2021, at 11 a.m., in Room 4202;

Agriculture, on Wednesday, December 1, 2021, at 2:30 p.m., in Room 4202.

REPORTS

The following letters of transmittal were presented by the Speaker and ordered printed in the Journal:

California State Auditor

2021-807
October 14, 2021

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: This follow-up audit report provides an update on the city of Montebello's efforts to address the concerns from our December 2018 report that determined Montebello is a high-risk city because of significant financial and operational risks.

This report concludes that Montebello continues to face challenges related to its financial stability. Montebello's financial situation grew worse in fiscal year 2019–20, spending nearly \$11 million more from its general fund than it received in revenue. Moreover, in August 2021, we updated our local high-risk dashboard, which measures the fiscal health of California cities, and determined that in fiscal year 2019–20 Montebello was one of California's 10 cities at greatest risk of financial distress. Montebello currently projects that its fiscal situation will improve, partly due to a new voter-approved sales tax, but it will need to continue to ensure that its spending aligns with revenues.

Though Montebello has attempted to improve its operations in multiple areas since the 2018 audit, such as by updating competitive bidding requirements in its municipal code and improving its golf course operations, we identified continued operational deficiencies related to the management of city-owned hotels and its procurement processes. In one instance, Montebello likely violated state open meeting laws when the city council approved a loan to pay for upgrading one of its hotels without properly notifying the public in advance. Further, Montebello did not always adhere to competitive bidding requirements in its municipal code, and we identified purchases for which city staff did not follow the city's new petty cash and credit card policies and likely violated state law prohibiting the gift of public funds.

To address these concerns, we present several recommendations in this report, such as ensuring that city council agendas include all matters of fiscal policy that the city council will consider in public sessions, and creating a policy to formally document situations where a valid reason exists for staff to deviate from procurement requirements in Montebello's municipal code, when allowed to do so.

Respectfully submitted,

ELAINE M. HOWLE, CPA
California State Auditor

Above report referred to the Committee on Local Government.

California State Auditor2021-614
October 19, 2021

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As authorized by state law, my office conducted a state high-risk audit of the California Department of Education's (Education) management of the federal funding it received to help local educational agencies (LEAs) respond to the COVID-19 pandemic. The following report details our conclusion that Education must improve its oversight of these funds from the Elementary and Secondary School Emergency Relief Fund (ESSER) and the Governor's Emergency Education Relief Fund (GEER) to ensure that LEAs spend the funding before the associated deadlines and comply with relevant requirements.

Education has not ensured that LEAs consistently submit required quarterly reports that include the amounts they have spent on various allowable categories. Without these reports, Education lacks the data it needs to administer the funds and to adequately oversee how LEAs are using the funds to mitigate the effects of the pandemic. Ensuring that LEAs report all data will be especially important going forward because of the significantly larger additional allocations that LEAs recently received from ESSER and GEER.

Furthermore, Education has not used the spending data it did receive to identify and provide assistance to LEAs that may be at risk of not spending all of their initial ESSER and GEER allocations before the January 2023 spending deadline. Almost one-fifth of the LEAs that received ESSER or GEER funds through initial allocations had spent 20 percent or less of their allocations as of the end of June 2021. Assuming these LEAs continue to spend at this slow rate, we project that they may forfeit as much as \$160 million of their initial ESSER and GEER allocations.

Finally, Education needs to improve its monitoring of LEAs' compliance with relevant requirements. For fiscal year 2020–21, Education monitored only 15 LEAs, or less than 1 percent of the approximately 1,700 LEAs that received ESSER or GEER funds. Education secured additional staffing to review 50 LEAs for fiscal year 2021–22; however, it has not used the spending data it collects from LEAs to identify and select those that may be at higher risk of mispending funds or miscategorizing their expenditures. As a result, Education is missing an opportunity to improve its monitoring of LEAs' use of these funds.

Respectfully submitted,

ELAINE M. HOWLE, CPA
California State Auditor

Above report referred to the Committee on Budget.

California State Auditor2021-613
October 28, 2021

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As authorized by state law, my office conducted a state high-risk audit of the California Department of Social Services' (CDSS) management of federal funds related to the COVID-19 pandemic (pandemic). CDSS is responsible for managing these federal COVID-19 funds as a part of two food assistance programs: the Supplemental Nutrition Assistance Program (SNAP) and the Pandemic Electronic Benefit Transfer (P-EBT) program. SNAP is a food assistance program that existed before the pandemic for lower-income households and, during the pandemic, these households have been eligible for additional SNAP payments. P-EBT issues payments to families whose children qualify for reduced-price meals at a school or child-care site but who have not received those meals due to pandemic-related closures.

CDSS has effectively overseen the distribution of additional SNAP payments and it initially succeeded in quickly distributing P-EBT payments during the early months of the pandemic. However, CDSS has not delivered additional P-EBT payments in a timely manner. Families have had to wait an average of more than 200 days to receive payments that replaced missed meals from school year 2020–21. Nevertheless, the key reasons for delays in P-EBT payments were outside of CDSS's control. Delays were primarily caused by the timing of federal legislation and guidance, unclear federal expectations, and constraints related to CDSS's electronic benefit transfer card vendor and food retailers.

Furthermore, about 500,000 of the P-EBT cards—the physical cards through which the P-EBT payments are issued to families—that CDSS issued for school year 2019–20 have not been used. Some of these cards may remain unused because of undeliverable mail or confusion among families about the program. CDSS could reduce the risk that families unknowingly miss out on P-EBT payments by notifying schools when families do not use their payments and encouraging schools to follow up with those families.

Respectfully submitted,

ELAINE M. HOWLE, CPA
California State Auditor

Above report referred to the Committee on Budget.

California State Auditor2021-616
October 21, 2021

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: As authorized by state law, my office conducted a state high-risk audit of the Board of State and Community Corrections' (Community Corrections) management of federal funds related to the COVID-19 pandemic (pandemic). Community Corrections administers the Coronavirus Emergency Supplemental Funding (CESF) program and received \$59 million in federal funding to prevent, prepare for, and respond to the pandemic. The following report details our conclusions that Community Corrections unnecessarily delayed, unfairly awarded, and inadequately monitored CESF funds. As a result, the State risks having to return unspent or misused funds to the federal government.

Despite telling the U.S. Department of Justice that it would use a grant to award CESF funds to state, county, city, and tribal agencies, Community Corrections deviated from this approach. Specifically, Community Corrections provided \$22 million in CESF funds to the California Department of Corrections and Rehabilitation (CDCR) outside of the grant process and without assessing CDCR's specific COVID-19-related needs or the associated costs. In addition, Community Corrections did not make funds available to cities and tribes, and it failed to consider the impact of COVID-19 when it allocated funds to the counties. Moreover, Community Corrections delayed CESF funding to counties for nearly one year, depriving them of emergency assistance during the height of the pandemic throughout 2020. Had Community Corrections considered the impact of COVID-19 and the urgency of these funds, it could have provided greater assistance to the counties most affected by COVID-19 and as much as eight months earlier.

We also found that Community Corrections' grant requirements were overly burdensome. Specifically, Community Corrections required counties to form local advisory committees and pass 20 percent of the funds through to community-based organizations—requirements that were time- and resource-consuming when counties faced an unprecedented pandemic. In fact, nearly half of the eligible counties did not apply for CESF funds, and representatives from some counties we interviewed attributed the burdensome requirements as their reasons for not applying. Further, Community Corrections unfairly awarded funds to some counties that did not meet all of the requirements, without informing all counties that it would provide leniency with certain requirements. Finally, Community Corrections has neither effectively monitored recipients' use of CESF funds, nor appropriately submitted the required fiscal, progress, and transparency reports to the federal government.

Contributing to the shortcomings we identified is that Community Corrections lacks robust grant policies and procedures, which we recommended that it improve. To mitigate the risk of the State having to return unspent or misused funds to the federal government, we also recommended that Community Corrections immediately develop and implement a plan to monitor and report CDCR's and the counties' use of CESF funds.

Respectfully submitted,

ELAINE M. HOWLE, CPA
California State Auditor

Above report referred to the Committee on Budget.

ANTHONY RENDON, Speaker

TAMMY WEIS, Assistant Minute Clerk

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