CSAC EXECUTIVE COMMITTEE

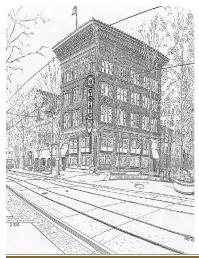
BRIEFING MATERIALS April 06, 2017 10:00am - 1:00pm



Meeting Location: Hahn Interpretive Center 4100 La Cienega Blvd., Los Angeles

California State Association of Counties





CALIFORNIA STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE

Thursday, April 6, 2017, 10:00am – 1:00pm Hahn Interpretive Center, Los Angeles Conference Line (800) 867-2581 code: 7500508#

AGENDA

Note: Agenda times are approximate. Matters may be taken up earlier than the published time.

Presiding: K 10:00am	eith Carson, President PROCEDURAL ITEMS	
1.	Roll Call	Page 1
2.	Approval of Minutes of January 12, 2017	Page 2
3.	SPECIAL PRESENTATIONS Empowerment Congress • Supervisor Mark Ridley-Thomas	Page 7
4.	CSAC Communications: Looking Ahead • Graham Knaus & David Liebler, CSAC staff	video
5.	 ACTION ITEMS Consideration of Proposed CSAC Budget for FY 2017-18 Matt Cate, CSAC Executive Director Supervisor Ed Valenzuela, CSAC Treasurer 	Page 9
6.	Approval of Updated Financial Policies Graham Knaus, CSAC staff 	Page 13
7.	Approval of IRS Form 990 Graham Knaus, CSAC staff	Page 16
8.	 DISCUSSION ITEM Cannabis Issues ➢ CSAC Draft Policy ➢ Regulation, Revenue Collection & Banking Services Alan Fernandes, CSAC Finance Corp. & Cara Martinson, CSAC staff 	Page 19
9.	INFORMATION ITEMS CSAC Finance Corporation Report Alan Fernandes, CSAC Finance Corp. Executive Vice President	Page 27
10.	 CSAC Legislative Update In-Home Supportive Services (IHSS) MOE Transportation 	
	 Affordable Care Act (ACA) Repeal/Replacement Matt Cate & DeAnn Baker, CSAC staff 	Page 29
11.	CSAC Operations and Member Services Update • Graham Knaus, CSAC staff	Page 31
12.	 Information Reports without Presentation ➤ CSAC Litigation Coordination Program Update ➤ CSAC Financial Statement 	Page 36
13. 12:00pm 1:00pm	Other Items LUNCH ADJOURN	

CALIFORNIA STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE 2017

President: 1st Vice President: 2nd Vice President: Immed. Past President: Keith Carson, Alameda Leticia Perez, Kern Virginia Bass, Humboldt Richard Forster, Amador

<u>Urban Section</u> Scott Haggerty, Alameda John Gioia, Contra Costa Mark Ridley-Thomas, Los Angeles Lisa Bartlett, Orange Carole Groom, San Mateo Ken Yeager, Santa Clara Chuck Washington, Riverside (alternate)

Suburban Section Bruce McPherson, Santa Cruz Leonard Moty, Shasta Steve Worthley, Tulare James Gore, Sonoma (alternate)

<u>Rural Section</u> Ed Scofield, Nevada Lee Adams, Sierra Larry Johnston, Mono (alternate)

<u>Ex Officio Member</u> Ed Valenzuela, Siskiyou, Treasurer

<u>Advisors</u> Bruce Alpert, County Counsel Advisor, Butte Helen Robbins-Meyer, CAOAC Advisor, San Diego

As of 1/12/17

CALIFORNIA STATE ASSOCIATION OF COUNTIES EXECUTIVE COMMITTEE January 12, 2017 Capitol Event Center, Sacramento

MINUTES

1. <u>Roll Call</u>

Keith Carson, President Leticia Perez, 1st Vice Pres. Virginia Bass, 2nd Vice Pres. Richard Forster, Immed. Past Pres. Scott Haggerty, Alameda John Gioia, Contra Costa Mark Ridley-Thomas, Los Angeles (audio) Lisa Bartlett, Orange Ken Yeager, Santa Clara Bruce McPherson, Santa Cruz Leonard Moty, Shasta Steve Worthley, Tulare James Gore, Sonoma, alternate Ed Scofield, Nevada Lee Adams, Sierra Larry Johnston, Mono, alternate Ed Valenzuela, Siskiyou (audio) Bruce Alpert, Co. Counsel Advisor Helen Robbins-Meyer, CAO Advisor

2. Approval of Minutes

The minutes of October 6-7 and November 17, 2016 were approved as previously mailed.

3. Executive Committee Orientation

Staff outlined information contained in the briefing materials regarding Executive Committee member roles and responsibilities. The materials also contained information on CSAC staff and affiliate organizations.

4. CSAC Corporate Partnership Update

Staff noted that there are currently 65 corporate partners. The Premier Leadership Forum will take place in San Diego on Feb. 8-10 and all Executive Committee members are invited to attend. Tracy Librea-Asunto from DLR Group spoke about the architecture, engineering, planning and interior design services they offer counties. They specialize in justice and civic design.

5. Report on Governor's Budget for 2017-18

Michael Cohen, Director of the State Department of Finance, presented an overview of the Governor's 2017-18 State Budget proposal that was released last week. He indicated that tax revenues are below what was forecasted in the adopted 2016-17 budget, due to an economic slowdown. The proposed budget seeks to cover what would be a \$1.6 billion deficit in the current budget year and future deficits of \$1-\$2 billion annually. The Governor's \$4.3 billion transportation tax package is reflected in this budget. CSAC's transportation coalition is seeking a \$6 billion package. Cohen announced that the Coordinate Care Initiative (CCI) is being eliminated, which

includes the In-Home Supportive Services (IHSS) maintenance of effort (MOE). This will result in a large cost increase to counties.

Diane Cummins, Special Advisor to the Governor, noted that the budget includes another round of planning grants for the Community Corrections Partnerships (CCPs) to support work associated with ongoing AB 109 implementation efforts. The proposed budget also includes \$11 million for county probation departments to supervise the temporary increase in the average daily population of offenders on Post Release Community Supervision as a result of the implementation of courtordered measures and Proposition 57.

6. Discussion of Budget Impacts

Staff elaborated on the impacts of eliminating the Coordinated Care Initiative (CCI) and the IHSS MOE deal that was enacted in 2012 and 2013. The demise of the county IHSS MOE will result in \$625 million in increased county costs for the IHSS program in 2017-18. This estimate is based on normal program growth costs as well as the new costs recently enacted by the state – minimum wage increase, extension of three paid sick leave days to IHSS workers, and new federal overtime regulations. The CSAC Officers will meet with the Governor to discuss this issue, and staff will continue to work with other county, labor and consumer stakeholders to ensure an equitable and sustainable solution.

Staff discussed the Governor's transportation funding proposal. It is anticipated the \$4.3 billion plan will not be enough to stop the continued deterioration of the local road network. CSAC is continuing to work with a broad coalition of partners in an effort to pass AB 1 (Frazier) and SB 1 (Beall), transportation funding legislation that would provide an additional \$2.2 billion annually to cities and counties to fix local roads.

7. Appointment of Additional CSAC Board of Directors Members

Staff distributed a list of supervisors who were nominated by their respective counties to serve on the CSAC Board of Directors. Per the CSAC Constitution, they must be approved by the CSAC Executive Committee. The following supervisors were approved:

Scott Haggerty, Alameda Richard Forster, Amador Patrick Crew, Amador, alternate Maureen Kirk, Butte, alternate John Hidahl, El Dorado Chris Gallagher, Lassen David Teeter, Lassen, alternate Mark Ridley Thomas, Los Angeles Kathryn Barger, Los Angeles, alternate Max Rodriguez, Madera Tom Wheeler, Madera, alternate Lee Lor, Merced Daron McDaniel, Merced, alternate Patricia Cullins, Modoc Elizabeth Cavasso, Modoc, alternate Bob Gardner, Mono, alternate Luis Alejo, Monterey Mary Adams, Monterey, alternate Chuck Washington, Riverside Mark Medina, San Benito, alternate John Leopold, Santa Cruz, alternate Erin Hannigan, Solano Monica Brown, Solano, alternate Dan Flores, Sutter, alternate Steve Worthley, Tulare Kuyler Crocker, Tulare, alternate Kelly Long, Ventura John Zaragoza, Ventura, alternate Andy Vasquez, Yuba Randy Fletcher, Yuba, alternate

The Executive Committee previously approved a partial list of supervisors prior to the December, 2016 Board of Directors meeting.

 Appointment of CSAC Treasurer, NACo Board & WIR Representatives The CSAC Officers recommended the following appointments: Supervisor Ed Valenzuela for CSAC Treasurer; Supervisors Richard Forster, David Rabbitt and Oscar Villegas for NACo Board of Directors; Supervisor Craig Pederson for NACo WIR Board.

Motion and second to approve CSAC Officer recommendations as noted above. Motion carried unanimously.

 <u>Appointment of CSAC Policy Committee Chairs and Vice Chairs for 2017</u> The CSAC Officers recommended the following policy committee appointments: ADMINISTRATION OF JUSTICE Federal Glover, Contra Costa, Chair Alfredo Pedroza, Napa, Vice Chair

AGRICULTURE, ENVIRONMENT & NATURAL RESOURCES Bruce Gibson, San Luis Obispo, Chair Sheri Brennan, Tuolumne, Co-Vice Chair Phil Serna, Sacramento, Co-Vice Chair

GOVERNMENT FINANCE & ADMINISTRATION Erin Hannigan, Solano, Chair Judy Morris, Trinity, Vice Chair

HEALTH & HUMAN SERVICES Ken Yeager, Santa Clara, Chair Candy Carlson, Tehama, Vice Chair

HOUSING, LAND USE & TRANSPORTATION David Rabbitt, Sonoma, Chair Lisa Bartlett, Orange, Co-Vice Chair Bob Williams, Tehama, Co-Vice Chair

10. State and Federal Legislative Priorities for 2017

Staff presented draft CSAC legislative priorities as contained in the briefing materials. It was noted that the Affordable Care Act (ACA) and cannabis are big issues this year. Staff was directed to amend the federal priorities to include ACA language currently only contained in the state priorities section.

Motion and second to approve 2017 State and Federal Legislative Priorities as amended and recommend adoption by the Board of Directors. Motion carried unanimously.

11. <u>CSAC Finance Corporation Report and Appointment of Board Members</u> CSAC Finance Corporation staff solicited nominations from all suburban and rural supervisors for the two vacant positions on the Finance Corp. Board. Supervisor Leonard Moty from Shasta County expressed interest in the suburban position. The term for this position will expire in April 2017.

Motion and second to appoint Supervisor Leonard Moty to serve as the Suburban County Supervisor representative on the CSAC Finance Corporation Board of Directors until April 2017. Motion carried unanimously.

Supervisors Richard Forster from Amador, Kevin Goss from Plumas, and Judy Morris from Trinity expressed interest in the rural position. The term for this position will expire in April 2018.

Motion and second to appoint Supervisor Richard Forster to serve as the Rural County Supervisor representative on the CSAC Finance Corporation Board of Directors until April 2018. Motion carried.

12. Policy Change for Appointing Finance Corp. Board Members

Over the past few years, there has been an effort to strengthen the relationship between CSAC leadership and the CSAC Finance Corporation. In order to maintain the close connection between the leadership of both organizations, staff recommended that the CSAC Executive Committee amend the CSAC Policies and Procedures to delegate the nominations of supervisor director seats on the Finance Corp. Board to CSAC officers. Specifically, the nomination would come from the officer that represents the caucus where the vacancy occurs. Nominations would be subject to appointment by the Executive Committee.

Motion and second to approve change to policy for supervisor appointments to the Finance Corporation Board as outlined above. Motion carried unanimously.

13. Joint CSAC/League of Cities Homelessness Task Force Report

In May 2016, the CSAC Board of Directors approved the formation of a joint Task Force on Homelessness with the League of California cities. The main goal of the task force is to determine what local governments need to prevent, assist, and reduce the number of homeless individuals and families in communities. Two meetings were held in 2016 that focused on best practices occurring in cities and counties throughout the state. The task force plans to hold at least two additional meetings in 2017, and then publish a final report that will provide counties and cities with resources, data and information on homelessness issues.

14. Information Items

Matt Cate introduced Bill Jasien, Chairman of the NACo Financial Services Center and David Thompson, President of the NACo Financial Services Center. The addressed the Executive Committee regarding the US Communities and Nationwide Retirement Solutions programs.

The briefing materials contained a report on the CSAC Litigation Coordination Program and a copy of the current CSAC Financial Statement.

Meeting adjourned.

EMPOWERMENT CONGRESS 15TH ANNIVERSARY CELEBRATION (1992-2007) The Power of People: Celebrating 15 Years and Counting



FOUNDER'S MESSAGE



THE ETHOS OF EMPOWERMENT

ΒY

SENATOR MARK RIDLEY-THOMAS

Empowerment is a concept and experience that challenges the status quo. Central to the concept of empowerment is the belief that power, in and of itself, does not exist in isolation nor is it inherent in individuals. Power is created in relationships: individual, familial, communal, and political. Empowerment, therefore, is best understood in the context of dynamic relationships geared toward positive change.

During the past quarter century of my involvement in public service I have focused my energies on increased civic participation and citizen empowerment to stimulate and spur the revitalization of urban Los Angeles and the betterment of the greater metropolis. My goal has always been to **educate**, **engage and empower** people and communities. Whether in the areas of policy formulation, living-wage-job creation, voter registration or the promotion of non-violence, I have sought partnering as the vehicle to achieve both self and community actualization with individuals and organizations who believe that our communities are our shared responsibility.

When we work collaboratively - young and old, African American and Latino, Asian Pacific Islander and White, Christian, Muslim and Jew - based on mutual respect - our achievements are all the more meaningful. It is really the only way we can become equal in and accountable for solving the complex issues that face our communities. This nexus of individual and collective responsibility is the bedrock of empowerment.

It was while serving as a Los Angeles City Councilmember for the Eighth District from 1991-2002, that I became more grounded in my belief that empowerment, as both mantra and model, was necessary to effectively serve those who elected me to public office. It was in that office that we refined the concept of empowerment and introduced the Empowerment Congress. This structure became the precursor to the current citywide system of Neighborhood Councils. These Councils are chartered to foster active, meaningful, organized and functional partnerships between City officials and the residents they represent.

At the height of its effectiveness, the Eighth District Empowerment Congress consisted of hundreds of constituent participants, seventy of whom were elected by their peers to positions of leadership in the organization. The Council district was divided into four distinct regions, and the Empowerment Congress was organized into committees to facilitate a telescopic focus on identified issues as well as to increase the potency and efficiency of our collective effort.

EMPOWERMENT CONGRESS 15TH ANNIVERSARY CELEBRATION (1992-2007) The Power of People: Celebrating 15 Years and Counting



Among the overarching issues addressed by the Congress were environmental justice, public safety, economic development and violence prevention. Some constituents chose to focus on very specific projects such as an innovative electronic citizenship project and a groundbreaking pet overpopulation ordinance. We also focused on the more traditionally transparent and publicly debated issues such as City budget priorities and the naming of neighborhoods throughout the City of Los Angeles. Together, we pursued a progressive legislative agenda and built a \$500 million dollar economic development legacy for which every single member of the Empowerment Congress can proudly claim some measure of credit.

This model of empowerment is grounded in an understanding that individuals who gain power by engaging and becoming active in their communities and their government are actually strengthening the power of others rather than diminishing it. Public officials, community organizations, businesses and schools owe a great deal of gratitude to those who individually or collectively come together to effect community engagement. The interconnection and interaction between the individual and community is the very essence of empowerment. It is in this context that individual activism leads to social, political and economic change.

The Empowerment Congress is the first of its kind to be introduced at the state level in California. It is rapidly evolving into the kind of policy-shaping, people-motivating catalyst as its forerunner, the Eighth District Empowerment Congress. Fortunately, the opportunities and challenges presented by the prospect of maintaining existing and establishing new effective working relationships with more neighborhood councils, homeowner associations, block clubs, as well as numerous business associations in the 26th district was tested over the past four years when we established the 48th Assembly District Empowerment Congress in 2003.

From Culver City to West Los Angeles to Silver Lake to Exposition Park to Vermont Knolls the Empowerment Congress is now firmly rooted in the precept that true participatory democracy is where everyone has a voice and a corresponding responsibility to a shared community. Perhaps the best display of the strength, diversity, commitment and purpose of the Empowerment Congress is our 15th Anniversary Celebration that has brought together people of different ages, faiths, orientations and views to dialogue, enjoy fellowship, teach and learn. This is the ethos of empowerment: *The Power of People*.

On behalf of the Empowerment Congress 15th Anniversary Celebration Steering Committee, and the newly installed Empowerment Congress Leadership Council, I thank you for your commitment, participation and support.

Mark Ridley-Thomas currently serves as Senator for the 26th Senate District and is the Chairman of the Committee on Business, Professions and Economic Development. Senator Ridley-Thomas is the founder and chairman of both the California Community Empowerment Foundation and the African American Voter Registration, Education and Participation project. The Senator holds a PhD in Social Ethics and Policy Analysis from the University of Southern California. He is a lifelong resident of Los Angeles and is married to Avis Ridley-Thomas, the Director of the Los Angeles City Attorney's Office Dispute Resolution Center. They are the proud parents of twin sons, Sebastian and Sinclair who are sophomores at Morehouse College in Atlanta, Georgia.



April 6, 2017

1100 K Street To: **CSAC** Officers Suite 101 **CSAC Executive Committee** Sacramento California 95814 From: Ed Valenzuela, CSAC Treasurer Matt Cate, Executive Director Telephone 916.327.7500 Forsimile Re: CSAC Budget 2017-18 916.441.5507

As Treasurer of CSAC, I present to you the proposed budget for the 2017-18 fiscal year. In conjunction with the Executive Director, Matt Cate, the attached revenue and spending plan for the upcoming year is hereby submitted for your adoption. The budget reflects the expenditures needed to advance CSAC's mission of serving California's 58 counties through effective advocacy, training, and member services programs.

Recommendation: Adopt the proposed FY 2017-18 CSAC budget.

CSAC's fiscal condition remains solid. FY 2016-17 year-end fund balance is projected at \$680,000 due to growth in revenues and continued implementation of operational efficiencies. This comes following last year's payoff of the CSAC building loan, eliminating all debt while still meeting the Operating Reserve Policy target of a 6-month reserve.

The proposed budget is designed to meet the following organizational priorities:

- Align expenditures to projected revenues while meeting critical objectives across all areas including advocacy, communications, member services, the corporate program, and the CSAC Institute;
- Support all advocacy priorities, county visits and regional meetings, the Challenge Award program, and the contribution to the California Counties Foundation which supports the CSAC Institute campuses;
- Set-aside five percent of revenues to allow appropriate operating margin and additions to reserves;
- Provide authority to the Executive Director for potential merit increases;
- Establishment of a Capital Improvement Program to better plan for the management of the CSAC building and potential building maintenance costs; and
- Provide funds to support a communications initiative that expands existing capacity to support CSAC communications and allows for direct county communications support during a disaster, to cover regional and county-specific meetings of interest, and to build a network between CSAC and

county local media, public information officers, supervisors and county administrators.

Highlights of the proposed CSAC FY 2017-18 Budget

Revenues

- No dues increase -- dues remain flat for the fifth consecutive year and continues to represent approximately one-third of total revenues to support key priorities and operations.
- Finance Corporation contribution grows to \$3.6 million, nearly 10 percent higher than FY 2015-16.
- Corporate Associates is expected to generate \$382,000 in net revenue. This reflects continued growth in the Corporate Partners Program.

Expenses

- Salaries and benefits are slightly lower than FY 2016-17 due to a more cost effective health plan at the same benefit level in addition to Executive Director authority to increase existing salaries as merited.
- Increase the budgeted contribution to the California Counties Foundation by \$15,000 to \$194,000 to support the continued expansion of the CSAC Institute. This enables sustainable support for an upcoming satellite campus in Northern California as well as authority to expand staff support to ensure sufficient staff capacity to meet existing and anticipated demands.

Reserves

 Projected reserves beginning FY 2017-18 are \$4.6 million which meets the 6-month reserve policy target. In addition to operating reserves, \$500,000 of FY 2016-17 year end fund balance shall be designated to a newly established Capital Improvement Program Fund creating combined reserves of \$5.1 million.

	Actual FY 15-16	Budget FY 16-17	Year End 2016-17	Budget FY 17-18
Revenues:				
Membership Dues Finance Corp Participation Rental Income Administrative Miscellaneous CSAC Conferences CEAC Corporate Associates Litigation Program Total Revenues	3,430,506 4,075,000 171,666 665,081 414,733 146,452 830,249 <u>429,737</u> 10,163,424	3,430,506 3,500,000 168,417 579,800 413,000 159,565 929,000 <u>432,276</u> 9,612,564	3,430,506 3,600,000 172,853 649,938 428,750 160,390 860,750 <u>432,276</u> 9,735,463	3,430,506 3,600,000 178,229 606,400 418,000 163,586 908,000 <u>432,276</u> 9,736,996
Expenditures:				
Salaries/Benefits Staff Outreach Leadership Outreach NACo Meetings & Travel NACo 2nd VP Campaign Public Affairs/Communication: CSAC Conferences Facilities Office Operations Organizational Partnerships CEAC Outside Contracts Corporate Associates Litigation Program CSAC Institute	5,180,847 162,436 56,890 132,201 9,119 47,207 528,099 1,722,171 270,334 139,485 146,452 663,535 496,804 429,737 128,886	5,563,382 166,200 75,000 120,500 10,000 50,350 559,716 284,747 284,310 120,500 159,565 647,000 510,256 432,276 180,728	5,280,745 171,700 89,235 150,984 12,741 50,286 595,098 366,485 255,251 123,293 160,390 653,412 521,323 432,276 191,370	5,552,888 174,700 80,000 140,000 0 77,040 599,545 302,117 252,525 128,000 163,586 656,100 525,187 432,276 194,978
Total Expenditures	10,114,201	9,164,530	9,054,589	9,278,942
YEAR END FUND BALANCE	49,222	448,034	680,874	458,055
Capital Improvement Fund Contribution to Reserves			\$500,000 \$180,874	\$250,000 \$208,055

CSAC End-of-Year Reserve, 2012-13 to 2017-18

\$5.5M	Captial Improve Building Payoff Reserve					\$750,000
\$5.0M				\$1,102,096	\$500,000	
\$4.5M						Required - \$4,341,540
\$4.0M				Required - \$4,134,834	Required - \$4,286,344	
\$3.5M						
\$3.0M						
\$2.5M			\$4,786,830	\$4,391,044	\$4,571,919	\$4,779,973
\$2.0M						
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\$1.0M		\$1,291,376				
\$0.5M	\$1,204,331					
\$0.0M	2012-13	2013-14	2014-15 12	2015-16	2016-17 Projected	2017-18 Projected



1100 K Street Suite 101 Sacramento California 95814 Telephone

916.327.7500 Facsimile 916.441.5507 April 6, 2017

To: CSAC Officers CSAC Executive Committee

From: Ed Valenzuela, CSAC Treasurer Matt Cate, Executive Director Graham Knaus, Deputy Executive Director of Operations and Member Services

Re: CSAC Financial Policies

<u>Recommendation</u>: Adopt revised financial policies to strengthen the fiscal operations of the association and manage its capital assets.

Background: CSAC financial policies are intended to create a strong fiscal foundation for the association, guide management of financial affairs based on organizational priorities, and mitigate potential risks to ensure the long-term stability of CSAC. Financial policies include those related to the CSAC budget, operating reserve, and fiscal operations, and provide the broad framework for the day-to-day accounting and fiscal procedures.

The Operating Reserve Policy was adopted in 2015 to require a 6-month operating reserve to mitigate unexpected fluctuations in revenues and/or expenditures. This threshold has been met each year beginning in 2015-16, and meets the national standard for non-profit organizations. Following implementation of the policy, CSAC has since eliminated all debt including the payoff of the loan on its 1100 K street property, built in 1897.

Maintaining the condition and function of the building, particularly the more than 100 year old original boiler, requires routine maintenance and a delicate touch of our aged, difficult to replace building infrastructure. To most effectively manage the association's capital assets, staff recommends implementing a Capital Improvement Program to prepare for large repair, replacement, and maintenance costs beyond the scope of the Building budget. Doing so would allow for annual prioritization of capital projects as well as resources to mitigate potential risks to capital assets.

The proposed Financial Policies prioritize year-end fund balance to the following purposes:

- Funds needed to meet the required 6-month operating reserve target.
- Contribution to the Capital Improvement Program of up to \$250,000.
- Additional contributions to the Operating Reserve and/or Capital Improvement Program.
- Other association priorities as determined by the Executive Director, in consultation with the Treasurer.

These policies are intended to maximize the ongoing fiscal stability and flexibility of CSAC and ensure funds are prioritized to meet association priorities.

13 See attached CSAC Financial Policies.

CSAC Financial Policies

- 1. CSAC shall implement financial policies to strengthen the fiscal stability of the association through the establishment of operative and capital reserves and to ensure the strongest return on association resources through the establishment of a procurement policy, investment policy, and other policies as needed.
- 2. Operating Reserve and Capital Improvement Program reserves serve to strengthen the fiscal stability of the association, provide resources to fund unanticipated expenses or priorities, as well as plan for appropriate management of its capital assets.
- 3. The Investment Policy guides the management of financial accounts, particularly with respect to the appropriate investment of operating and reserve funds to best protect and grow association revenues.
- 4. The Procurement Policy provides for the most cost effective service delivery model through the competitive procurement of goods and services.
- 5. In any fiscal year ending with a fund balance, funds shall be allocated in the following priority order:
 - a. Funds required to meet the required 6-month operating reserve.
 - b. Up to \$250k of additional fund balance shall be allocated to the Capital Improvement Program.
 - *c.* Additional contributions to the operating reserve and/or capital improvement program.
 - *d. Other association priorities as determined by the Executive Director, in consultation with the Treasurer.*

CSAC Operating Reserve Policy

- 1. The purpose of this Policy is to establish an operating reserve for the California State Association of Counties (CSAC) to ensure long-term fiscal stability of the association.
- 2. CSAC shall maintain an operating reserve of six months of the annual operating budget, less expenditures for the Litigation Program and other restricted expenditures.
 - a. The six-month operating reserve shall be met or exceeded unless there is a significant change in revenues or expenditures or an identified association priority on the use of funds as determined by the Executive Director, in consultation with the Treasurer of CSAC.
 - b. To address significant changes to revenues or expenditures, or to meet association priorities, the Executive Director may utilize reserve funds, in consultation with the Treasurer of CSAC.
 - c. To the extent the operating reserve falls below the six-month target, funds should be replenished to meet the target within three years.
- 3. The operating reserve policy shall be reviewed periodically to ensure it continues to meet association priorities.

CSAC Capital Improvement Program

- 1. The Capital Improvement Program shall be established for the California State Association of Counties (CSAC) to plan for and manage the association's capital assets.
- 2. CSAC shall establish a Capital Improvement Program as a sub-account of Association Reserves.
 - a. The capital improvement program shall receive up to \$250k in available fund balance each year. The contribution shall be met or exceeded unless there is a significant change in revenues or expenditures or an identified association priority on the use of funds as determined by the Executive Director, in consultation with the Treasurer.
 - b. To plan for or address significant capital improvement needs, the Executive Director may utilize reserve funds, in consultation with the Treasurer.
 - c. Capital Improvement funds shall be used for the following purposes:
 - *i.* Large anticipated capital projects required to extend the life of the association's assets such as to replace the roof or the boiler.
 - *ii.* Unanticipated capital projects exceeding \$5,000 not otherwise funded by the budget.
 - *iii.* Other association priorities as determined by the Executive Director, in consultation with the Treasurer.
- 3. The capital improvement program reserve policy shall be reviewed periodically to ensure it continues to meet association priorities.



April 6, 2017

1100 K Street Suite 101 Sacramento California 95814

Telephone 916.327.7500 Facsimile 916.441.5507 To: CSAC Officers CSAC Executive Committee

From: Graham Knaus, Deputy Executive Director of Operations and Member Services

Re: CSAC IRS form 990 tax year 2015

<u>Recommendation:</u> Approve IRS form 990 for the 2015 tax year.

The Form 990 is required by the IRS to be filed annually by nonprofit mutual benefit corporations including CSAC. The intent of the Form 990 is for the IRS to collect information about activities, revenues, and expenses to ensure continued status as a tax-exempt entity.

The Form 990 is completed annually and submitted to the Executive Committee for approval. Once approved by the Executive Committee, it is provided to the Board at its May meeting as an informational item.

The sale of the Ransohoff building in November 2014 resulted in an adjustment to the tax basis that eliminates CSAC's tax liability for multiple years.

In addition to the tax components of the Form 990, we are required to state the hours of the Board, Executive Committee and Officers for the time they devote to the organization. Reported weekly hours currently reflect the following:

	<u>2015 tax year</u>	<u>2014 tax year</u>	<u>2013 tax year</u>
President:	8 hours	8 hours	8 hours
Officers:	8 hours	8 hours	8 hours
Executive Committee:	1.5 hours	1.5 hours	.5 hours
Board:	.5 hours	.5 hours	.5 hours

The 2015 Form 990 summary pages are attached. The full Form 990 is available upon request.

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1100 K Street Suite 101 Sacramento

California

916.327.7500 Facsimile 916.441.5507

95814 Telephone April 6, 2017

To: CSAC Executive Committee

From: Cara Martinson, CSAC Legislative Representative & Federal Affairs Manager

Re: CSAC Draft Cannabis Policy

The CSAC Cannabis Working Group, co-chaired by Supervisors Nate Miley, James Gore, Estelle Fennell and alternate Judy Morris, is proposing the following draft CSAC Cannabis Policy. The policy is in response to the passage of Proposition 64: The Adult Use of Marijuana Act (AUMA) and the Medical Cannabis and Regulatory Safety Act (MCRSA). As the state regulatory agencies begin to draft regulations to implement both laws, CSAC needs additional policy direction to help guide our advocacy efforts. CSAC currently has a very narrow medical cannabis policy focused solely on respecting local control and supporting the enforcement of environmental regulations with respect to cannabis cultivation. Additional policy in a number of areas is needed to address the multitude of issues facing cannabis regulation implementation.

The attached draft policy was developed by the CSAC Cannabis Working Group, which includes broad representation from Supervisors, Agricultural Commissioners, County Counsels, Environmental Health Directors, Planning Directors and Public Health, among others. The policy will go to the CSAC Agriculture, Environment and Natural Resources Policy Committee for review, input and approval before being considered by the CSAC Board of Directors at their meeting during the CSAC Legislative Conference in May 2017.

If you have any questions or would like to provide additional input, please contact Betsy Hammer, CSAC Legislative Analyst at <u>bhammer@counties.org</u>, 916-327-7500, ext. 531, or Cara Martinson, CSAC Legislative Representative and Federal Affairs Manager at <u>cmartinson@counties.org</u>, or 916-327-7500, ext. 504.



1100 K Street

CSAC Cannabis Policy

March 20, 2017 DRAFT

Introduction

Suite 101 Sacramento California 95814 Telephone 916.327.7500 Facsimile 916.441.5507

On November 8, 2016, voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA), legalizing the adult use of cannabis in California. AUMA contains broad local regulatory and taxation authority, allowing local governments to decide how best to regulate – and impose local taxes on – the retail sale and cultivation of cannabis in their respective communities while integrating local regulatory programs within a larger state licensing system. AUMA provides guidelines for several state agencies to develop specific regulations that taken together will create a statewide licensing and regulatory framework for the cultivation, manufacture, transportation, testing, and sale of recreational cannabis. In addition to AUMA, the Governor signed into law the Medical Cannabis and Regulatory Safety Act (MCRSA) in 2015. MCRSA established a similar statewide licensing and regulatory framework specific to medical cannabis. While substantially similar, these two laws contain several differences. As a result, the Legislature and regulatory agencies are working to reconcile several inconsistencies between AUMA and MSCRA as they work to implement both laws.

AUMA and MCRSA respect local police powers, and contain explicit county taxing authority. However, counties have a stake in shaping the broader statewide landscape of cannabis regulation in California as it will undoubtedly have a significant impact on local government operations. As the Legislature and regulatory agencies work to develop regulations to implement both the medical and recreational cannabis laws, counties put forth the following policy principles to guide CSAC positions and advocacy on cannabis regulation in California. This policy shall be used in conjunction with CSAC's policy on medical cannabis.

Policy Principles

Licensing, Regulation and Local Control

- Local government police powers, taxation and fee authority shall be respected in the development of any regulations implementing both medical and recreational cannabis laws.
- Counties support the development of a dual licensing system, which requires the verification of a local license as a condition of the issuance of a state license; and, the development of a strong license revocation policy for violations of license requirements.
- Counties support restrictions and certain prohibitions on the cross-ownerships of licenses.
- Counties urge limitations and/or delay of unlimited licensing (type five licenses) pursuant to AUMA.
- Counties support local access to state licenses.

- Counties urge the state to develop uniform regulations, when feasible, for medical and recreational cannabis.
- Counties support local authority to issue recall of contaminated cannabis and cannabis products.
- Counties support actions to clarify definitions, including ownership and premise.
- Counties support policies that address equity in cannabis, including geographic, socioeconomic, and racial equity.

Cultivation and Environmental Impacts

- Counties support uniform pesticide and other contaminant standards.
- Counties support a statewide track and trace technology system designed with compatibility and full integration with local programs.
- Counties support local access to both the state track and trace system and laboratory test results for cannabis and cannabis products.
- Counties support integration with GIS systems at the local level, especially with respect to cultivation sites. This should include integration and consultation with resource conservation districts and enable integration with Integrated Watershed Management Plans.
- Counties support action to reduce environmental degradation in cannabis cultivation.
- Counties support strong coordination with state agencies to ensure uniform application in environmental enforcement efforts.

Enforcement & Public Safety

- Counties support the development of enforceable standards for impaired driving.
- Counties support employer rights to maintain a drug-free workplace and the ability to impose restrictions on cannabis use by employees.
- Counties support the criminalization of unlicensed actors.
- Counties urge state law enforcement respect of local permits.
- Counties strongly urge the state to fully enforce all aspects of cannabis regulations and to provide resources to local governments for enforcement efforts undertaken by local governments.
- Counties support resources dedicated to the active enforcement of illegal cannabis cultivation on state and federal lands.

Labeling, Testing & Advertising

- Counties support standards for the recognition of a particular appellation of origin of cannabis cultivated in a certain geographical region.
- Counties support strict labeling and testing requirements of all medical and recreational cannabis products. In addition, we urge the state to develop uniform potency standards for cannabis products to ensure user health and safety.

- Counties urge the state to develop packaging requirements that are designed to display no appeal for children and require childproof containers, where feasible.
- Counties urge the state to allow counties to use state run labs for pesticide, heavy metal and biological testing for enforcement purposes.

Resources, Revenue Collection & Banking

- Counties urge the federal government to respect states' rights with respect to cannabis regulation and enforcement.
- Counties urge the federal government to allow banking services for the cannabis industry to help reduce the public safety issue posed by a cash-based industry. Additionally, counties support interim solutions to encourage greater tax compliance.
- Counties support revenue sharing or grants from state revenues to manage the impacts of cannabis growth, including watershed protection.
- Counties support sufficient resources for local code enforcement and environmental health.
- Counties support sufficient funding for adequate staffing at the state level to conduct regular inspections for dispensaries and manufacturing facilities, and to conduct investigations and quickly respond to and resolve complaints.

Public Education, Outreach and Research

- Counties support sharing best practices, lessons learned, and model ordinances on cannabis regulation and taxation.
- Counties support the development of strong, effective prevention and education campaigns at the state level with input from counties and resources for local education and prevention and comprehensive substance abuse treatment for youth and adults.
- Counties support statewide data collection, additional research and monitoring trends regarding the impacts of cannabis including impacts to public health, crime rates, and childhood exposure to edibles or other cannabis products and health costs associated with cannabis use.
- Counties support continued collaboration with the state, including ongoing dialogue about implementation efforts, tax rates, enforcement issues and other issues of significance.
- Counties support adequate local representation on the state Cannabis Advisory Committee to help inform state regulatory agencies and other stakeholders about local conditions, concerns and issues of significance.
- Counties support widespread communication on the impacts of cannabis on public health, especially related to impaired driving and crash harm risk, fetal/child/teen brain development, mental health issues and health costs associated with cannabis use.



[®] April 6, 2017

To:

CSAC Executive Committee

1100 K Street Suite 101 Sacramento California 95814

From: Alan Fernandes, CSAC Finance Corporation, Executive Vice President Cara Martinson, CSAC Legislative Representative & Federal Affairs Manager

Re: Cannabis Regulation, Revenue Collection & Banking Services

Telephone 916.327.7500 Facsimile 916.441.5507

INTRODUCTION

At the Executive Committee meeting in October 2016, the CSAC Finance Corporation included a discussion item in their new business update on emerging banking, compliance and public safety issues associated with cannabis regulation and taxation in California. The Executive Committee requested the Finance Corporation to continue to investigate opportunities for engagement in this area. Consequently, Finance Corporation staff and CSAC Legislative staff have been working together to explore ideas where CSAC might be able to assist counties with this complex policy issue. The following white paper is an outline of challenges and opportunities regarding cannabis revenue collection and banking in California.

BACKGROUND

<u>Cannabis Regulation in California.</u> On November 8, 2016, voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA), legalizing the adult use of cannabis in California. AUMA contains broad local regulatory and taxation authority, allowing local governments to decide how best to regulate – and impose local taxes on – the retail sale and cultivation of cannabis in their respective communities while integrating local regulatory programs within a larger state licensing system. AUMA provides guidelines for several state agencies to develop specific regulations that taken together will create a statewide licensing and regulatory framework for the cultivation, manufacture, transportation, testing, and sale of recreational cannabis. In addition to AUMA, the Governor signed into law the Medical Cannabis and Regulatory Safety Act (MCRSA) in 2015. MCRSA established a similar statewide licensing and regulatory framework specific to medical cannabis. Both AUMA and MCRSA respect local police powers, and contain explicit county taxing authority. Together these laws establish a broad and robust framework for how cannabis will be regulated in California.

<u>Federal Law.</u> California has now joined seven other states – including Colorado, Washington, Oregon, Alaska, Nevada, Massachusetts, and Maine, as well as the District of Columbia – that have legalized cannabis for recreational use. In addition, 28 states have legalized some form of cannabis for medical use. Despite this significant policy shift at the state level, the federal government continues to consider cannabis a Schedule I drug and the Controlled Substances Act (CSA) makes it illegal under federal law to manufacture, distribute, or dispense cannabis. In 2013, the U.S. Department of Justice Deputy Attorney General under the Obama Administration, James M. Cole, issued a memorandum (the "Cole Memo") to all United States Attorneys providing updated guidance to federal prosecutors concerning cannabis enforcement under the CSA. This guidance directs DOJ attorneys and law enforcement to focus their enforcement resources on persons or organizations whose conduct interferes with a list of specific priorities, including: 1) the prevention of cannabis revenue from going to criminal enterprises, gangs, and cartels, and 2) the prevention of state-authorized cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity.

Likewise, the federal government, through the Department of the Treasury, Financial Crimes Enforcement Network (FinCEN), issued guidance under the Obama Administration to clarify Bank Secrecy Act (BSA) expectations for financial institutions seeking to provide services to cannabis-related businesses. This FinCEN guidance clarifies how financial institutions can provide services to cannabis-related businesses consistent with their BSA obligations, and aligns the information provided by financial institutions in BSA reports with federal and state law enforcement priorities. According to the Department of Treasury, this FinCEN guidance should enhance the availability of financial services for, and the financial transparency of, cannabis-related businesses.

The Cole Memo and FinCEN guidance have together provided some clarity to states on the interaction of state and federal laws regarding cannabis use, and have allowed a path forward – albeit one still surrounded by a fair amount of uncertainty – for states to implement marijuana laws as they deem appropriate.

Congress has also weighed in on this debate. Congress passed a spending bill in 2015 that included the Rohrabacher amendment – a rider to the legislative appropriation that barred DOJ from spending funds on enforcing Controlled Substances Act cannabis prohibitions in states with medical cannabis laws. This action was tested in the courts with *The United States v. McIntosh* after a group of growers in both California and Washington were indicted on a number of federal charges related to cannabis activity. The case was appealed to the 9th Circuit Court of Appeals, where the court ruled that the rider indeed prohibits DOJ from spending funds from relevant appropriations acts to prosecute individuals engaged in conduct permitted by state medical cannabis laws.

Efforts are underway in the 115th Congress to move legislation that respects states' ability to regulate cannabis within their jurisdiction. It remains unclear to what extent the Trump Administration will engage on this issue.

POLICY CONSIDERATIONS

Proposition 64, the Adult Use of Marijuana Act (AUMA), creates a statewide 15 percent excise tax on all marijuana and marijuana products in California, effective January 1, 2018. It also places a tax on cultivators, including \$9.25 per dry-weight ounce of marijuana flower and \$2.75 per dry-weight ounce of marijuana leaves. In addition, AUMA allows cities and counties to impose their own additional fees and taxes on

cannabis products and businesses. Voters in 37 counties and cities approved ballot measures on the November 2016 ballot imposing separate local taxes or fees on both medical and recreational cannabis activities. Out of this number, seven counties – including Calaveras, Humboldt, Inyo, Lake, Mendocino, Monterey, Santa Cruz and Solano – passed tax measures or updated existing measures related to both medical and recreational cannabis in November. While there are varying estimates on the amount of tax revenue that will be generated at both the state and local level, the Legislative Analyst's Office (LAO) predicts that marijuana sales and cultivation will result in up to \$1 billion annually.

As state and local agencies begin to collect taxes on cannabis, tax collectors will begin to experience an influx of cash. This will not only pose a logistical issue, but also have the potential to evolve into a public safety concern as well. Most financial institutions are currently hesitant to accept the risk associated with providing financial services to the marijuana industry, because the financial institutions do not have a cost-effective way to ensure that marijuana industry account holders are complying with federal guidance and "know your client" obligations. In addition, the Board of Equalization and County Treasurer/Tax Collectors are struggling with how to collect taxes and fees on cannabis in a streamlined, cost-effective and safe manner that helps to ensure maximum tax compliance.

NEXT STEPS

In the absence of a comprehensive federal solution, interim progress is necessary in order to accomplish two distinct but critical goals in order to allow counties to efficiently meet their tax-and-fee collection responsibilities:

1) Streamline and improve the cash collection process, and

2) Provide local, state and federal guidelines compliance of licensed and permitted industry participants.

CSAC was been working with a number of stakeholders to explore ways to address these critical issues. CSAC is a member of the California Treasurer's Cannabis Banking Working Group, which includes representatives from law enforcement, regulators, banks, taxing authorities, local government and the cannabis industry and is charged with finding practical and timely ways to address the state-federal conflict surrounding cannabis banking. Through our conversations with a variety of stakeholders and members of this Working Group, CSAC has determined that there is an interest and a need for an interim solution to this challenging and complex issue.

As a result, CSAC and the CSAC Finance Corporation are currently exploring potential solutions to these many challenges.

Our interest in developing a solution is three-fold:

- First, we are focused on the very immediate cash collection situation that counties will be faced with beginning in January 2018. Counties that have passed ordinances to tax and regulate cannabis will be facing significant challenges accepting, processing and remitting cash. Adequate facilities, equipment and staff are necessary to help mitigate public safety issues associated with the collection of significant amounts of cash.
- Second, in order to ensure an effective and robust state and local regulatory system, adequate resources are necessary to fund that system. Therefore, tax compliance is extremely important. Developing solutions to help facilitate the greatest tax compliance at the state and local level is of utmost importance.
- Finally, tracking the money is the most effective way of ensuring that businesses are legitimate actors. Interim solutions to help facilitate banking services to the cannabis industry will help state and local governments ensure that the industry is complying with all state and local laws.

As part of this process, we are looking at other states that have legalized cannabis and how they have dealt with some of these challenges. CSAC will continue to investigate interim solutions to this challenging policy issue and will update the CSAC Executive Committee and Board of Directors as we move forward.

Staff Contact. For more information, please contact Cara Martinson, CSAC Legislative Representative & Federal Affairs Manager at 913-327-7500 ext. 504, or <u>cmartinson@counties.org</u>.



April 6, 2016To:CSAC Executive CommitteeFrom:Matt Cate, Acting President/Vice President
Alan Fernandes, Executive Vice PresidentRE:CSAC Finance Corporation Update

A. CSAC Finance Corporation Board Meeting

The annual CSAC Finance Corporation Board Meeting will take place in Monterey County later this month the week of April 18th – April 21st. At the annual meeting we elect officers, affirm and update our business plan, and receive reports from all of our business partners and programs. The following is a very brief summary of some of the information that will be presented.

B. California Statewide Communities Development Authority (CSCDA)

With over a year since the transition to a new administrator, the CSCDA continues to flourish both in services and benefits provided to our county communities, but also as it relates to cost saving for 57 out of 58 counties and revenues generated for its association partnerships, which include the CSAC Finance Corporation. Some of the highlighted programs are the New Market Tax Credit and continued growth in PACE financings.

C. U. S. Communities

Recently, the U.S. Communities Foundation Board, the governing body for the U.S. Communities program, met in Washington D.C. for its semi-annual board meeting. However, in addition to the business as usual board meeting, the Board dedicated an entire day to strategic planning and visioning in an effort to maintain the program's place atop an increasingly competitive pooled purchasing marketplace. Steady growth of the program continues as suppliers such as Amazon Business are added to fill gaps that had existed for certain products and services in areas such as office supplies and other areas.

D. Nationwide

Our Nationwide Deferred Compensation Program continues to offer promising growth within our county membership, but also among our many other public agency partners. New local governments such as the County of San Luis Obispo and the City of Sacramento are making the change to Nationwide not only because of their competitive pricing but also because of their commitment to providing unmatched customer service to our public employees. New potential markets within various counties are on the horizon and offer an exciting opportunity for continued growth.

E. CalTRUST

Like the CSAC Finance Corporation Board, the annual board meeting for CalTRUST will take place in Monterey County later this month, the week of April 18th – April 21st. This year expects to be a pivotal year for the organization, as its Board will be making decisions on providers for many of the essential services CalTRUST provides. As the contracted administrator for CalTRUST operations, the CSAC Finance Corporation has been dedicating a lot of time to ensuring that CalTRUST continues to offer an outstanding option for cash management and public fund investing for our counties and other public and non-profit agencies in California.



CALIFORNIA STATE ASSOCIATION OF COUNTIES



CALIFORNIA ASSOCIATION OF PUBLIC HOSPITALS AND HEALTH SYSTEMS



COUNTY BEHAVIORAL HEALTH DIRECTORS ASSOCIATION



COUNTY HEALTH EXECUTIVES ASSOCIATION OF CALIFORNIA



COUNTY MEDICAL SERVICES PROGRAM



COUNTY WELFARE DIRECTORS ASSOCIATION March 22, 2017

Dear California Congressional Delegation:

The undersigned California county associations strongly oppose the American Health Care Act (AHCA). If enacted, the bill would shift billions of dollars in costs to counties and reverse the significant progress our state has made in providing health care coverage to millions of our residents.

Among our numerous concerns are the following:

- The bill eliminates the Medicaid expansion in 2020, which has enabled counties to cover 3.7 million new individuals in Medi-Cal;
- The measure places a per-capita cap on federal Medicaid spending, ending the federal state and county partnership that has lasted 50 years and penalizing our state's efforts to keep costs low through managed care and low provider rates;
- The legislation institutes a number of administrative changes to Medicaid that would make it more difficult to maintain health coverage;
- The AHCA eliminates the enhanced federal match California uses to ensure persons with disabilities and older Americans are able to stay in their homes with In-Home Supportive Services (IHSS); and,
- The bill ends the \$90 million a year the state has received under the Prevention and Public Health Fund, which is used by local health departments to invest in public health prevention activities protecting all Californians.

Since the enactment of the Affordable Care Act, the state's uninsured rate has been cut by nearly two-thirds - - to 7.1 percent, according to the Centers for Disease Control and Prevention. Last week's Congressional Budget Office (CBO) estimate confirms our deep concern that the bill would seriously harm the residents of our state. According to CBO, over the next ten years:

• 14 million fewer individuals would be insured through Medicaid -- a reduction of roughly 17 percent relative to the number projected under current law;

- Federal contributions to Medicaid would be cut by 25 percent (\$880 billion); and,
- The national safety net of public hospitals and health systems, including county systems, would be under further stress with 14 million more people uninsured next year, rising to 24 million by 2026.

Finally, the Manager's Amendment to be considered in the House Rules Committee would further erode health coverage for low income families. Providing states with the options to select a Medicaid block grant and/or require work for coverage would shift even more costs to states and increase the uninsured rate. For these reasons, we urge you to vote 'no' on the American Health Care Act.

Sincerely,

Mother Z. Cate

Matt Cate Executive Director California State Association of Counties (CSAC)

Erica Murray President and Chief Executive Officer California Association of Public Hospitals and Health Systems (CAPH)

Michelle Gibbons Executive Director County Health Executives Association of California (CHEAC)

Kirston Barlow

Kirsten Barlow Executive Director County Behavioral Health Directors Association of California (CBHDA)

mcca

Frank Mecca Executive Director County Welfare Directors Association of California (CWDA)

Konth

Kari Brownstein Administrative Officer County Medical Services Program (CMSP)



April 6, 2017

	Re:	CSAC Operations and Member Services Update
Telephone 916.327.7500 Facsimile 916.441.5507		David Liebler, Director of Public Affairs & Member Services Jim Manker, Director of Corporate Relations Kelli Oropeza, Chief of Financial Operations
Sacramento California 95814	From:	Graham Knaus, Deputy Executive Director of Operations and Member Services
1100 K Street Suite 101	То:	CSAC Officers CSAC Executive Committee

This memorandum highlights key activities and initiatives occurring within CSAC operations and member services.

Corporate Partnership Program

The Corporate Partnership Program has continued its growth pattern from the last few years. 2016-17 began with 56 partners, including 24 Premier, 6 Executive, and 26 Associate. Since our last report, we are now at 70 Partners, with 27 Premier, 8 Executive and 35 Associate. Our latest addition at the Premier Level is the Western States Petroleum Association. The most updated partner roster is included in the pages following this report.

CSAC Executive Committee Leadership Forum

We completed our Leadership Forum in San Diego, February 8-10. This was our largest Forum to date with over 50 in attendance. A majority of you were there in addition to most of our Premier Partners. We were able to participate in discussion around public private partnerships and other issues key to county leadership and success. We have been receiving tremendous feedback on this event.

Regional Meetings

We just completed our Central/Southern California Counties Regional Meeting in Kern County, March 8-9. 45 county leaders and corporate partners participated in a robust agenda about water policy including groundwater management, water quality, and water infrastructure needs. Staff is greatly appreciative to CSAC 1st VP Leticia Perez for hosting and facilitating our first ever regional meeting in Kern County.

Our next Regional Meeting is scheduled for June 28-29 in Humboldt County which CSAC 2nd VP Virginia Bass has graciously agreed to host. We are anticipating another full house and an exciting agenda on cannabis.

2017 CSAC Legislative Conference Mini-Expo

In addition to the CSAC Annual meeting, our partners really look forward to interacting with you at the CSAC Legislative Conference. Thank you in

advance for stopping by the mini-expo booths on Wednesday May 17 and for engaging our partners in conversation throughout the two-day Legislative Conference.

Thank you again for your support of our Partnership Program.

CSAC Corporate Program twitter page, please follow us! <u>www.twitter.com/CsacCorp</u>

Member Services and Communications

Following is a brief summary of CSAC Communication Unit activities and successes during the first quarter of 2017. Significant emphasis continues to be placed on usage of social media tools as well as earned media to meet a number of our communications goals for the year.

CSAC Legislative Conference

Planning is under way for the 2017 CSAC Legislative Conference, scheduled for May 17-18 in Sacramento – just days after the release of the Governor's May Budget Revision. The conference will provide attendees with a clearer picture of California's fiscal condition and how that will impact California counties, including the IHSS cost shift and transportation funding.

The conference lineup will also include a conversation with Legislative Leadership as well as focus on a number of other important issues impacting counties including cannabis regulation, and the new administration in Washington D.C. and its implications for the Golden State. County officials will have an opportunity to help set policy through CSAC's five Policy Committees and Board of Directors – all which will be meeting during the two days of events. Key state elected officials are also being invited to provide insight on myriad issues.

Challenge Awards/County Best Practices

Staff undertook video shoots of eight programs in six Southern California counties during a seven-week period. At the same time, we began producing and releasing videos and blogs every other week. Starting in January, this promotion of California Counties' best practices will run through June. In total, we are releasing 14 videos and blogs spotlighting award-winning programs during the six-month period.

Staff has also revamped the Challenge Awards entry process. Entries will now be judged in specific issue categories, as well as population categories. The Call for Entries for the 2017 awards is set to be released in early April.

Blogs

CSAC continues to publish at least one blog every week. Content so far this year has covered a wide variety of topics, from Challenge Award-winning programs and the drought to transportation and fundraising by county employees. We have also increased our usage of submissions from county supervisors, including running articles from Supervisors Keith Carson, Vito Chiesa, Ken Yeager, Diane Dillon and Don Nottoli since the beginning of the year. We look to continue this practice in the months ahead.

Videos

Beyond the Challenge Awards videos that are being produced every other week, Communications staff utilized our Youtube channel

<u>https://www.youtube.com/user/CSACCounties</u> to compliment key advocacy priorities, such as transportation, IHSS and the ACA repeal. Videos were produced from a variety of source material, including video-recorded CSAC webinars, Capitol testimony and county member comments. Staff also filmed a video spotlighting our 2017 CSAC President.

Social Media

CSAC Communications staff continues to place significant emphasis on our social media outlets as a way to tell the county story, support CSAC advocacy efforts, promote CSAC events and spotlight issues of importance to our members. <u>Twitter</u> has been especially effective during the past few months; in fact, February was our most impactful month as we had more than 300,000 impressions. Much of that was due to CSAC playing a role in getting the word out to Northern California residents about the Oroville Dam Spillway near-disaster. Staff also continues to post on our <u>Facebook</u> and Instagram accounts on a regular basis.

Earned Media

CSAC's earned media success so far this year has centered on the transportation funding issue. Staff was able to place a joint op-ed from Matt Cate and the League of Cities new Executive Director Carolyn Coleman in the Sacramento Bee on the day the Legislature returned to session. Through CSAC's work with the Fix Our Roads coalition, there has been a steady drumbeat of editorials, op-eds and straight news stories about the poor state of our roads and the legislation that will provide more funding. News conferences were also held in a number of areas round the state.

Communications staff has also had success with the CCI/IHSS issue. While staff has deliberately kept its media efforts low key, we have been successful in raising awareness of this issue through strategic contact with the media, answering questions and conducting interviews as needed.

County Visits

During the first three months of the year, CSAC's Communications team visited 11 counties for Challenge Award video shoots, a regional meeting on water policy, and one-on-one meetings.

California Counties Foundation

The California Counties Foundation (Foundation), the non-profit foundation of CSAC that houses the CSAC Institute, the Results First partnership with PEW Charitable Trusts, Inc., and manages charitable contributions and grants to improve educational opportunities for county supervisors, county administrative officers, and senior staff.

CSAC Institute

The CSAC Institute continues its remarkably successful evolution to meet county professional development needs through policy-based and leadership-focused courses and activities. The CSAC Institute offers courses at the main campus in Sacramento, and satellites located in Contra Costa County, Merced County, and Riverside County. In addition, the Institute is working through the details of a Northern California satellite that is targeted to begin January 2018.

Results First

The CSAC/Results First Partnership began in 2015 and is centered on evidencebased and cost-effective criminal justice programming at the local level. The goal of the CSAC/Results First partnership is to develop county capacity to make evidencebased policy decisions that produce the best outcomes for residents with the highest rate of return for taxpayers. The effort began with the pilot counties of Kern, Santa Barbara, Fresno, and Santa Cruz and has been expanded to Santa Clara and Ventura counties.

The pilot counties have implemented numerous policy changes in their adult criminal justice systems and have expanded to other policy areas such as Juvenile Justice and Behavioral Health. The effort also equips counties with the tools to require community based organizations to perform at an evidence-based practice standard and collect data to better analyze future programing.

CSAC/Results First continues to receive interest from various counties (rural, urban suburban) and the program's help desk is currently open for interested counties in learning about what works in programing. Program staff has also created a Results First Clearinghouse that includes programs and practices tested through the rigorous Results First data model and proven to work successfully for addressing criminal justice needs within limited funds for both adults and juveniles.

With one dedicated staff, the program is at capacity and continues to look for potential long-term funding to increase capacity and expand into more interested counties.

Fiscal Operations

The proposed CSAC budget continues to grow revenues and distribute them in alignment of organization priorities including our strong advocacy presence in California and in Washington D.C., expanding communications and member services to celebrate the great work being accomplished in counties as well as provide direct support when needed, contributing to the California Counties Foundation and its CSAC Institute, and growing publicprivate partnership opportunities through the relationship with the Finance Corporation and through the Corporate Partnership Program.

As a follow-up to payoff of the CSAC building loan and elimination of all debt, staff is proposing updated Financial Policies to prioritize the use of

year-end fund balance as well as establish a Capital Improvement Fund to assist in managing capital assets.

Staff Contacts: Please contact Graham Knaus (gknaus@counties.org or (916) 650-8109), David Liebler (dliebler@counties.org or (916) 327-7500 x530), Jim Manker (jmanker@counties.org or (916) 327-7500 x528), or Kelli Oropeza (koropeza@counties.org or (916) 327-7500 x544) for additional information.



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MEMORANDUM

То:	Supervisor Keith Carson, President, and Members of the CSAC Executive Committee
From:	Jennifer Henning, Litigation Coordinator
Date:	April 6, 2017
Re:	Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's new case activity since your last regular meeting in January 2017. Recent CSAC court filings are available on CSAC's website at: <u>http://www.csac.counties.org/csac-litigation-coordination-program</u>. The following jurisdictions are receiving amicus support in the new cases described in this report:

COUNTIES	CITIES	OTHER AGENCIES
San Francisco	Palo Alto	Ramona Municipal Water District
Siskiyou	San Diego	

City of Palo Alto v. PERB (International Assn of Firefighters, Local 1319) 5 Cal.App.5th 1271 (6th Dist. Nov. 23, 2016)(H041407), petition for review denied (Mar. 15, 2017)(S239282)

STATUS: Review Denied; Case Closed

In 2010, the city planned to place a measure before the voters that would repeal interest arbitration procedures in the City Charter for police and firefighter employees. The local union demanded to meet and confer with the city about the rule modifications. The City refused, claiming that interest arbitration was a permissive, not a mandatory, subject of bargaining, and the meet and confer obligations therefor did not apply. The union filed a charge with PERB, which held that the city failed to meet and consult in good faith under section 3507 by refusing to meet with the union. PERB found that the duty to consult under section 3507 is the same as the meet and confer duties under section 3505, and therefore while there is no requirement for employers to meet and confer regarding impasse procedures under section 3505, employers must meet and consult on these subjects under section 3507. The city filed a writ petition in the Third Appellate District. The court determined that "PERB's conclusion that [the union] sufficiently requested to meet and consult with the City is supported

by substantial evidence and [] the constitutional issues raised by the City are meritless. Nonetheless, PERB's order directing the City Council to rescind its resolution violated the doctrine of separation of powers by ordering a legislative body to take legislative action. We therefore annul PERB's decision and remand the matter back to PERB with directions to strike this remedy." The city sought California Supreme Court review, which CSAC supported, but review was denied.

County of Siskiyou v. Superior Court (Environmental Law Foundation) Pending in the Third Appellate District (filed Oct. 17, 2016)(C083239) STATUS: CSAC Amicus Brief Due April 20, 2017

This case alleges that Siskiyou County's management of groundwater has led to a degradation of the Scott River in violation of the public trust doctrine. The trial court ruled against the county, finding that the public trust doctrine protects navigable water ways from harm caused by groundwater extraction, and the county is required to consider the public trust in regulating ground water and issuing well permits. The county sought reconsideration in light of the Legislature's enactment of the Sustainable Groundwater Management Act (SGMA), which occurred just two months after the trial court's order, but that motion was denied. The trial court then moved on to the second component of the lawsuit—whether the State Water Resources Control Board can step in and impose groundwater regulations under the public trust doctrine. The trial court found that the SWRCB has the authority and duty under the public trust doctrine to regulate groundwater extractions that affect public trust uses of surface water. The court rejected the county's argument that SGMA's enactment precludes SWRCB regulation of groundwater under the common law through adoption of a local regulatory system. Instead, the court concluded that there is no evidence that the Legislature intended SGMA to occupy the field of groundwater regulation or to supplant common law doctrines like public trust. CSAC will file a brief in support of Siskiyou County because even if the public trust doctrine applies to county groundwater management, compliance with SGMA should meet the requirements of the doctrine. Otherwise, there will be two regulatory systems running parallel, SGMA and common law public trust obligations, which would defeat the purposes of SGMA, including the local control elements negotiated into the Act.

Plantier v. Ramona Municipal Water District

Pending in the Fourth Appellate District (filed February 21, 2016)(D069798) STATUS: Fully briefed; case pending

This case raises an important Prop. 218 procedural issue: Whether Prop. 218's protest procedures provide an administrative remedy that must be exhausted prior to filing a class action lawsuit challenging the methodology of calculating fees under Prop. 218's substantive requirements. In the case, plaintiffs filed a class action alleging that the District's sewer services charges, which utilized an Equivalent Dwelling Unit ("EDU") billing system, violates Prop. 218's proportionality requirement because it arbitrarily assigns EDUs to parcels based on assumed usage, and ignores available data regarding actual usage. Plaintiffs filed the complaint, but none of the named plaintiffs filed written protests or appeared at any of the Prop. 218 hearings held by the District. Plaintiffs all admitted they received notices of the hearings and were aware of the written protest process, but declined to participate because they did not believe it would make a difference.

The trial court ruled in favor of the District based on plaintiffs' failure to exhaust administrative remedies. CSAC filed a brief in support of the water district on appeal.

T-Mobile v. City and County of San Francisco

3 Cal.App.5th 334 (1st Dist. Sept. 15, 2016)(A144252), petition for review granted (Dec. 21, 2016)(S238001)

STATUS: CSAC's amicus brief is due April 12, 2017

In 2011, San Francisco adopted a personal wireless service facilities ordinance that required service providers to obtain a permit to place their facilities in the right-of-way. The ordinance included several requirements, but the element relevant to this appeal is a provision conditioning a permit for larger equipment on an aesthetic review. T-Mobile and other personal wireless providers challenged that requirement, relying on Public Utilities Code section 7901, which gives telecom providers the ability place their equipment in the public right-of-way so long as the equipment does not "incommode the public use of the road." Plaintiffs argue that since aesthetic considerations are not relevant to whether their equipment obstructs travel, the ordinance is preempted. The trial court ruled in the city's favor, and the First Appellate District affirmed, finding "Nothing in section 7901 explicitly prohibits local government from conditioning the approval of a particular siting permit on aesthetic concerns. In our view, 'incommode the public use' means 'to unreasonably subject the public use to inconvenience or discomfort; to unreasonably trouble, annoy, molest, embarrass, inconvenience; to unreasonably hinder, impede, or obstruct the public use." The Supreme Court has granted review, and CSAC has filed a brief in support.

Union of Medical Marijuana Patients v. City of San Diego

4 Cal.App.5th 103 (4th Dist. Div. 1 Oct. 14, 2016)(D068185), petition for review granted (Jan. 11, 2017)(S238563)

STATUS: CSAC's amicus brief is due May 2, 2017

The city adopted an ordinance regulating medical marijuana cooperatives within the city. The city concluded that the ordinance was not a "project" under CEQA, finding that the potential impacts were speculative, and that subsequent individual facility applications would involve a discretionary process the would trigger CEQA review. Petitioner argued that the adoption of a zoning ordinance is a "project" under CEQA because it had the potential to cause environmental impacts as a result of traffic, air pollution, and effects from home cultivation sites around the city. The trial court denied the petition. The Fourth District Court of Appeal affirmed, concluding that the ordinance did not constitute a project within the meaning of CEQA, and therefore CEQA review was not required to the ordinance's adoption. The Supreme Court has granted review, and CSAC will file a brief in support of the city.

United Auburn Indian Community of the Auburn Rancheria v. Brown

4 Cal.App.5th 36 (3d Dist. Oct. 13, 2016)(C075126), petition for review granted (Jan. 25, 2017)(S238544)

STATUS: Briefing Underway at California Supreme Court

Under the Indian Gaming Regulatory Act (IGRA), land can be taken into trust for the benefit of a tribe if the Secretary of Interior finds it is in the best interest of the tribe and not detrimental to the community, and the Governor concurs. In California, the Governor is designated by the California Constitution and the Government Code as the officer responsible for negotiating and executing tribal compacts. But the question presented here is whether a specific statutory delegation is needed for the Governor to concur in the Secretary findings to take land into trust. In the case, the Secretary made the requisite findings to take land into trust in Yuba County for the Enterprise Rancheria of Maidu Indians of California, and the Governor concurred. Plaintiff, a competing tribe, brought this action alleging that concurrence is a legislative act, and that absent a specific legislative delegation to the Governor, concurrence should be made by the Legislature. The Third District disagreed, holding that concurrence is an executive act that does not require legislative delegation. On December 2, 2016, the Fifth District reached the opposite conclusion, finding that the Governor did not have the authority to concur with the Secretary in a decision to take land into trust for the North Fork Rancheria of Mono Indians for an off-reservation casino. (Stand Up for California! v. State of California) CSAC filed a letter supporting California Supreme Court review to get clarity on the important issue of how land is taken into trust. However, now that the Court has agreed to hear the case, CSAC will not file a brief on the merits, but rather await the outcome of the Court's decision.

California State Association of Counties® Financial Statement July-February 2016-17

	FY 2016-17	FY 2016-17	FY 2016-17
	Budget	Actual	Percent
Revenues:			
Momborabin Duos	3,430,506	3,430,506	100%
Membership Dues	3,500,000	2,500,000	71%
Finance Corp Participation		, ,	
Rental Income	168,417	114,563	68%
Administrative Miscellaneous	579,800	495,383	85%
CSAC Conferences	413,000	335,515	81%
CEAC	159,565	81,543	51%
Corporate Associates	929,000	831,250	89%
Litigation	<u>432,276</u>	<u>432,276</u>	100%
Total Revenues	\$9,612,564	\$8,221,035	86%
Expenditures:			
Salaries/Benefits	5,563,382	3,393,893	61%
Staff Outreach	166,200	120,675	73%
Leadership Outreach	75,000	74,544	99%
NACo Meetings & Travel	120,500	89,350	74%
NACo 2nd VP Campaign	10,000	12,741	127%
Public Affairs/Communications	50,350	39,090	78%
CSAC Conferences	559,716	430,454	77%
Facilities	284,747	216,613	76%
Office Operations	284,310	189,269	67%
Donations	120,500	115,000	95%
CEAC	159,565	81,543	51%
Outside Contracts	647,000	391,333	60%
Corporate Associates	510,256	392,711	77%
Litigation	432,276	257,365	60%
Institute Contribution	<u>180,728</u>	<u>160,000</u>	89%
Total Expenditures	\$9,164,530	\$5,964,583	65%

2017 CSAC Calendar of Events Executive Committee

January

- 4 Urban Counties of California (UCC) Board Conference Call
- 11 CSAC Executive Committee Orientation Dinner, Sacramento 6:30pm Reception, 7:15pm Dinner, Esquire Grill, 13th & K Streets, Sacramento
- 12 CSAC Executive Committee Meeting, Sacramento <u>10:00am – 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento</u>
- 18 Rural County Representatives of California (RCRC) Board Meeting & Installation of Officers Reception, Sacramento

February

- 1 Urban Counties of California (UCC) Board Conference Call
- 8-10 CSAC Premier Corporate Partner Forum, San Diego County
- 16 CSAC Board of Directors Meeting, Sacramento 10:00am – 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento
- 25-1 NACo Legislative Conference, Washington, D.C.

March

- 1 Urban Counties of California (UCC) Board Conference Call
- 15 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

April

- 5 Urban Counties of California (UCC) Board Conference Call
- 6 CSAC Executive Committee Meeting, Los Angeles County
 - 10:00am 1:30pm, Hahn Interpretative Center, 4100 La Cienega Blvd., Los Angeles
- 19-21 CSAC Finance Corporation Board Meeting, Monterey County
- 26-27 Rural County Representatives of California (RCRC) Board Meeting, Tehama County

Мау

- 17 Urban Counties of California (UCC) Board Meeting, Sacramento
- 17-18 CSAC Legislative Conference, Hyatt Regency Hotel, Sacramento
- 18 CSAC Board of Directors Meeting, Sacramento 12:30pm – 4:00pm, Hyatt Regency, 1209 L Street, Sacramento

 24.26 Negetar Interacted Design Conferences Desclutes County (
- 24-26 NACo Western Interstate Region Conference, Deschutes County (Sunriver), Oregon

June

21 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

July

- 5 Urban Counties of California (UCC) Board Conference Call
- 21-24 NACo Annual Conference, Franklin County/Columbus, Ohio

August

- 2 Urban Counties of California (UCC) Board Conference Call
- CSAC Executive Committee Meeting, Sacramento
 <u>10:00am 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento
 </u>
- 16 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

September

- 6 Urban Counties of California (UCC) Board Conference Call
- 7 CSAC Board of Directors Meeting, Sacramento
 - 10:00am 1:30pm, Capitol Event Center, 1020 11th Street, 2nd Floor, Sacramento
- 13-15 CSAC Finance Corporation Board Meeting, Santa Barbara County
- 27-29 Rural County Representatives of California (RCRC) Annual Meeting, El Dorado County

October

- 4 Urban Counties of California (UCC) Board Conference Call
- 4-6 CSAC Executive Committee Retreat, Location TBD

November - December

- 27-1 CSAC 123rd Annual Meeting, Sacramento Convention Center
- 29 Urban Counties of California (UCC) Board Meeting, Sacramento
- 30 CSAC Board of Directors Meeting, Sacramento <u>2:00pm – 4:00pm</u>

December

- 6 Rural County Representatives of California (RCRC) Board Meeting, Sacramento
- 13-15 CSAC Officers' Retreat, Napa County

As of 3/9/2017