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March 13, 2020

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

RE: Local Government Workforce Needs During Coronavirus Emergency

Dear Governor Newsom,

California's 58 counties are working around the clock during this unprecedented public health emergency related to the Coronavirus and the disease it causes, COVID-19. The California State Association of Counties (CSAC), representing elected County Supervisors in all 58 counties, has identified critical continuity of operation issues as a result of this prolonged emergency situation.

Counties are implementing continuity of operation plans, activating emergency operations centers, answering a deluge of public inquiries, conducting core public health strategies to mitigate the impact of the virus on vulnerable populations, and preparing for the challenge of continuing to serve the constituents we all share. Our county employees have admirably performed their duties despite intense public pressure, and our county leaders are working to ensure the safety of all county employees. As a result, we have developed several requests for temporary county operations and workforce flexibility.

Increasing Capacity to Serve the Public

Counties are identifying a need to bring in more workers, both for immediate public health and communications duties, but also county-wide as exposures increase and employees balance caregiving responsibilities. Specifically counties are requesting:

- The same flexibility provided to the state in your Executive Order N-25-20 (Section 7) to waive certain Public Employees' Pension Reform Act work hour limitations for retired annuitants, permanent, and intermittent personnel.
- To waive reinstatement and work hour limitations, as well as time limitations within Government Code and the California Code of Regulations.
- To waive the current hour threshold under which temporary workers qualify for CalPERS or other retirement benefits to ensure adequate workforce.

Adapting Operations

Counties appreciate the flexibility you have already granted through Executive Order N-25-20 to help us conduct the public's business in an open, transparent manner. We have since identified additional needs, including:

- Allowing counties to suspend or modify meet and confer obligations over COVID-19 related emergency personnel policies (telework, safety leave, advances on sick leave, etc.), while preserving the obligation to provide just notice to our labor unions and employees.
- Allow counties to waive the Brown Act requirement for providing a physical public space during official county meetings. Specifically, counties are seeking the authority to conduct public meetings via phone, video, or other means, as some cannot comply with state guidance regarding social distancing within Board chambers. Counties acknowledge the inalienable right of the public to monitor and comment during public meetings, and seek the flexibility to create modified and widely accessible commenting options, such as allowing public comment and questions to be submitted via email or telephonically and read into the public record.
- Grant extensions to response times for Public Record Act requests if, and only if, a county's workforce is reduced or diverted to emergency response duties.
- Allow all county board members to participate in necessary county and state emergency updates without violating the Brown Act prohibition on three or more elected members gathering in a single area. We ask that this apply to in-person meetings, telephonic meetings, video meetings, and any other mode by which county administrators and emergency managers employ to keep the Board apprised of emergency operations and impacts on their constituents. To be clear, we are not requesting that county boards deliberate or engage in decision making during these updates, but rather to simply allow them to gather to receive critical emergency information in real time.
- Grant a statewide extension for county election canvassing and recount timelines (Elections Code Sections 10262 and 15701). Building closures and lack of staffing may interfere with each county's ability to complete the current March 3 election count. A statewide emergency extension would allow counties the flexibility they may need without individually petitioning a local superior court for relief.
- Suspend the timelines around permitting processes, such as automatic permit approvals and automatic appeal approvals under the Permit Streamlining Act and Tax Assessment Appeals Board process if operations are closed or staffing is drastically reduced, or appeals hearings cannot be held due to social distancing/quarantine.

Please note that we are requesting these modifications only during the time period of the current declared state emergency. Granting these flexibilities will allow counties to continue to effectively meet the needs of all Californians and preserve the public's health and safety. Thank you for your consideration of these requests and for your ongoing partnership during this emergency.

Respectfully,



Graham Knaus
CSAC Executive Director