

CSAC EXECUTIVE COMMITTEE

BRIEFING MATERIALS

Thursday, April 4, 2019

10:00 a.m - 1:30 p.m



Meeting Location:
Capitol Event Center,
1020 11th Street, 2nd Floor, Sacramento
(800) 867-2581 code: 7500508#

California State
Association of Counties



CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE MEETING
Thursday, April 4, 2019 | 10:00 AM – 1:30 PM
Capitol Event Center | 1020 11th Street | Conference Line: (800) 867-2581 Code: 7500508#

AGENDA

Presiding: Virginia Bass, President

8:00 AM **DAIS TO DOME LEGISLATIVE BREAKFAST**

State Capitol | Capitol Basement, Eureka Room

10:00 AM **PROCEDURAL ITEMS**

1. Roll Call Page 1
2. Approval of Minutes from January 17, 2019 Page 2

SPECIAL PRESENTATION

3. Economic Development Opportunity Zones Page 6
 - Gurbax Sahota | CA Association for Local Economic Development, President & CEO
 - Geoff Neill | CSAC, Legislative Representative

ACTION ITEMS

4. Consideration of the CSAC Budget for FY 2019-20 Page 9
 - Graham Knaus | CSAC, Executive Director
 - Manuel Rivas, Jr. | CSAC, Deputy Executive Director, Operations & Member Services
 - Supervisor Ed Scofield | CSAC, Treasurer, Nevada County

12:00 PM **LUNCH**

12:30 PM **INFORMATION ITEMS**

5. CSAC Finance Corporation Report Page 16
 - Supervisor Leonard Moty | CSAC FC, President
 - Alan Fernandes | CSAC FC, Executive Vice President
 - Program Highlights
 - Synoptek Cyber Security
6. CSAC Legislative Update, State & Federal Priorities Page 19
 - Darby Kernan | CSAC, Deputy Executive Director, Legislative Services
 - ACTION ITEM: SB 329 (Mitchell): Housing Opportunities Act
 - Resiliency
 - In-Home Supportive Services
7. CSAC Operations & Member Services Update Page 36
 - Manuel Rivas, Jr. | CSAC, Deputy Executive Director, Operations & Member Services
8. County Delegation China Trip Page 38
 - Dale Christiansen | Bay Area Council, Chief of Global Business Development
9. Upcoming Events
 - CSAC Legislative Conference / Board Meeting | April 24-25 | Sacramento, CA
 - NACo Western Interstate Region Conference
 - 2019: May 15-17 | Spokane, WA
 - 2020: May 13-15 | Mariposa County, CA
 - June Regional Meeting | TBA
10. Information Items without Presentation
 - CSAC Litigation Coordination Report Page 39
 - Executive Committee 2019 Calendar of Events Page 44
11. Public Comment

2:00 PM **ADJOURN**

**If requested, this agenda will be made available in appropriate alternative formats to persons with a disability. Please contact Valentina Dzebic at vdzebic@counties.org or (916) 327-7500 if you require modification or accommodation in order to participate in the meeting.*



CALIFORNIA STATE ASSOCIATION OF COUNTIES

EXECUTIVE COMMITTEE

2019

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

PRESIDENT:	Virginia Bass, Humboldt County
1 ST VICE PRESIDENT:	Lisa Bartlett, Orange County
2 ND VICE PRESIDENT:	James Gore, Sonoma County
IMMEDIATE PAST PRESIDENT:	Leticia Perez, Kern County

URBAN CAUCUS

- Keith Carson, Alameda County
- Carole Groom, San Mateo County
- Kelly Long, Ventura County
- Buddy Mendes, Fresno County
- Mark Ridley-Thomas, Los Angeles County
- Chuck Washington, Riverside County
- Bob Elliott, San Joaquin County (alternate)

SUBURBAN CAUCUS

- Luis Alejo, Monterey County
- Bruce McPherson, Santa Cruz County
- Leonard Moty, Shasta County
- Erin Hannigan, Solano County (alternate)

RURAL CAUCUS

- Ed Valenzuela, Siskiyou County
- Terry Woodrow, Alpine County
- Craig Pedersen, Kings County (alternate)

EX OFFICIO MEMBER

Ed Scofield, Nevada County, Treasurer

ADVISORS

- Bruce Goldstein, County Counsels Association, Past President, Sonoma County
- Birgitta Corsello, California Association of County Executives, President, Solano County

As of 12.19.2018

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
January 17, 2019
Capitol Event Center | Sacramento
Conference line: (800) 867-2581 | Code: 7500508#

MINUTES

1. Roll Call

OFFICERS

Virginia Bass – *President*
Lisa Bartlett – *1st Vice President*
James Gore – *2nd Vice President (remote)*
Leticia Perez – *Immediate Past President*

CSAC STAFF

Graham Knaus – *Executive Director*
Manuel Rivas, Jr. – *Deputy Executive Director,
Operations & Member Services*
Darby Kernan – *Deputy Executive Director, Legislative
Services*

SUPERVISORS

Luis Alejo – *Monterey County*
Keith Carson – *Alameda County*
Kelly Long – *Ventura County*
Leonard Moty – *Shasta County*
Mark Ridley-Thomas – *Los Angeles County (remote)*
Ed Valenzuela – *Siskiyou County*
Chuck Washington – *Riverside County*
Terry Woodrow – *Alpine County*

The presence of a quorum was noted.

2. Approval of Minutes from December 19, 2018

A motion to approve the minutes from December 19 made by Supervisor Moty; second by Supervisor Mendes. Supervisors Elliott and Hannigan abstained; minutes were approved with a majority vote.

3. Report on Governor’s 2019-20 January Proposed Budget

Keely Bosler, Director at the California Department of Finance and Diane Cummins, Special Advisor to the Governor presented the Governor’s proposed budget for 2019-20. She noted that a significant amount of time was spent on ensuring that core programs were funded adequately. The budget contains mostly one-time resources, with a few ongoing funding for specific programs. \$13.6 billion was put into “budget resiliency”, which includes paying out existing state budgetary debt, maintaining and building on the state reserves, and reducing the unfunded liabilities related to retirement. The ongoing funding was allocated to CalWorks, IHSS and firefighting capabilities. The Governor’s office is focused on property tax backfills and debris removal for counties impacted by the wildfires.

Education funding is at the highest level this year at \$80.7 billion, along with other programs intended to benefit schools and public education. The Governor is focused on broad, early childhood 0-5 year programs, including universal preschool for all income-eligible 4 year olds which will be phased in over the next three years and paid family leave for up to 6 months combined for two caregivers/parents. The budget proposed a significant meaningful grant increases for CalWorks for up to 50% of the poverty level to help reduce the number of children living in poverty. The budget is focused on breaking the cycle of poverty, linking higher education systems directly to the needs of the workforce and increasing overall affordability throughout the state.

The budget set aside \$1.25 billion for housing to assist local government to meet short and long-term housing goals. Counties will be incentivized for housing production, and those that don't meet housing goals will lose money from transportation funds. The Governor is focused on improving the housing situation in California and understands that it needs to be a collective effort. The budget also proposed the building of more shelters and navigation centers to address the homelessness crisis. \$25 million of the proposed budget would be allocated to ongoing SSI advocacy to obtain ongoing revenue sources that can get people off the street. The budget reflects the increase in IHSS funding and the Governor is sorting through the general funding. Overall, the budget and Governor's office is focused on housing, homelessness, IHSS and resiliency, all of which reflect CSAC priorities.

4. Discussion of Budget Impacts

Staff presented on CSAC's advocacy plans surrounding the budget. CSAC is working with the Administration on advocating for the emergency response package and getting Authority back for the Department of Finance, which allowed them to release funds in the case of an emergency. The authority expired in December. Staff has already started working on budget letters. CSAC is watching closely how the budget impacts legislators on the local level. The budget contains three of the key priorities that CSAC is advocating on. Overall, staff feels that the budget is extremely positive for counties.

In regards to IHSS, there is an increased state general fund commitment of \$1.6 billion over the next four years in the budget. Staff has been advocating for three key points with the realignment funding: significant growth in available revenues, impacts on health and mental health programs, and that additional funds that are needed are provided in a sustainable way. The proposal addresses all three points in a very positive way for counties, both in the increase of funding as well as reducing the rate of inflation from 7% - 4% and by stopping the redirection of health and mental health growth. CSAC will continue to partner with counties and is grateful for all of the input thus far.

Staff highlighted resiliency issues reflected in the budget relating to emergency preparedness and response. CSAC is working with counties to ensure there are accurate property tax backfill numbers by the May revise. Prior to the release of the budget, staff sent a request letter on an overall disaster response package which included direct fiscal assistance that was proposed, as well as support for the 911 proposal for increased funding for emergency managers and other resiliency issues that are reflected in the budget. The Wildfire Prevention Package that was passed in 2018 included \$1 billion over the next 5 years for fuel reduction, prescribed burns and forest management and resiliency activities. CalFire needs active participation from counties in directing those funds. Staff will work with Counties and RCRC to put together a package to suggest to CalFire and work with them on the resiliency Task Force. The Governor announced that there would be funding directly to local governments for emergency alert systems. The budget contained overall good news on the resiliency side of CSAC's priorities and advocacy.

As the partial government shutdown reached day 27, staff presented on the growing impacts the shutdown is having on California. USDA generally hires and trains staff in the winter, which isn't happening due the shutdown. This is a great cause for concern for the state due to the increased number of wildfires we have had. There is some available funding that California can apply for however the shutdown is making that difficult. CSAC remains in constant contact with the Federal

Lobbying team, Paragon Government Relations, for consistent updates on what is happening on the hill.

5. Appointment of CSAC Treasurer, NACo Board, WIR Representatives & Working Groups

The Executive Committee received the proposed appointments for various positions as recommended by the officers.

A motion to approve the appointments made by Supervisor Moty; second by Supervisor Alejo. The motion carried unanimously.

6. Appointment of CSAC Policy Committee Chairs & Vice Chairs for 2019

The Executive Committee received the proposed appointments for Policy Committee Chairs and Vice Chairs. Supervisor Carole Groom replaced Supervisor Lee Adams in the Agriculture, Environment, and Natural Resources Policy Committee.

A motion to approve the appointments as modified made by Supervisor Long; second by Supervisor Alejo. The motion carried unanimously.

7. CSAC finance Corporation Report & Appointment of Board Members

Supervisor Moty presented that the Finance Corporation continues to do well and will meet in April for their Annual Meeting to discuss the budget and future programs. The Executive Committee reviewed the recommended candidates for the CSAC Finance Corporation Board for approval. The open seats included one county administrative officer position, one Supervisor and two public members.

A motion to appoint David Twa, Supervisor Richard Forster, Vernon Billy and Elba Gonzalez to the CSAC FC Board of Directors as the CAO, Supervisor and Public Members respectively made by Supervisor Moty; second by Supervisor Alejo. The motion carried unanimously.

8. Installation of CSAC 2019 Board of Directors

The CSAC Constitution indicates that each county board shall nominate one or more directors to serve on the CSAC Board of Directors to serve a one-year term, commencing with the Annual Conference. Staff presented a list of nominees received from counties for the representatives and alternates.

A motion to approve the nominated members to the CSAC Board of Directors made by Supervisor Moty; second by Supervisor Long. Motion carried unanimously.

9. Consideration of State & Federal Legislative Priorities for 2019

Staff presented the 2019 CSAC legislative priorities for Executive Committee approval before moving to the Board of Directors. CSAC is focused on advocating for Disaster Resiliency, Housing and Homelessness, In Home Supportive Services, Behavioral Health, the 2020 Census, Bail Reform, and Local Governance and Land Use Authority. The Executive Committee was provided detailed background information on each priority.

A motion to approve the CSAC 2019 State and Federal Legislative Priorities made by Supervisor Long; Second by Supervisor Alejo. The motion carried unanimously.

10. Membership Dues – Options for Consideration

Per staff and officer recommendation, this item will be moved to a later Executive Committee Meeting.

11. Communications Update: Supporting our 2019 Legislative Priorities

The Communications team is focused on supporting the legislative efforts of the CSAC advocacy team. Staff has seen an increase in media requests to use CSAC as a resource, due to the reliable and accurate sources of information the staff continues to provide. The team is working on long term issues and getting the message out about the 2020 Census and other priorities. The Power Minute videos have proven to be extremely beneficial to get traction and interest in major policy issues CSAC is working on. Communications will continue its efforts to inform the public on what counties and CSAC are all about.

12. California Counties Foundation Update

The Institute has launched an online registration system, which provides a streamlined interface, clear navigation and a responsive layout for participants registering for courses. This automation has proven beneficial to the overall operational capacity of the two-person Institute team. There will be a “Moving to the Executive Chair” seminar hosted by the Institute for new and aspiring county department heads on March 6 – 8 in Napa County. Staff has put out a call for potential coaches for this seminar. The Institute operates in five campuses throughout the state and today marks the first class in Santa Cruz County. It is currently in its final year in Shasta County and will end in Tulare County next fiscal year. The Institute remains committed to having campuses in Northern, Coastal and Central California counties. Staff will be meeting with CAOs to gauge interest in hosting campuses through 2022.

The meeting was adjourned in honor and memory of fallen police officer, Natalie Corona from Yolo County. Natalie was the daughter of Supervisor Merced Corona of Colusa County. The next Executive Committee Meeting will take place on April 4 in Sacramento, CA.



April 4, 2019

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TO: CSAC Executive Committee
FROM: Geoff Neill | Legislative Representative
SUBJECT: **The Promise of Opportunity Zones in California**

What Are Opportunity Zones?

Opportunity Zones are a new investment incentive designed to funnel private investment and development to low-income areas. Congress created Opportunity Zones as part of the Tax Cuts and Jobs Act of 2017 and the US Department of the Treasury has been issuing regulations related to them over the past year.

The zones are not a federal program, but instead give investors considerable tax breaks on capital gains earned on investments in designated areas. The tax incentive grows the longer the investment is left in the Opportunity Zone, up to ten years, at which point the capital gains can be realized with no federal income tax. The investments must be made through a Qualified Opportunity Fund, which are in turn subject to certain compliance requirements.

One of the attractive aspects of Opportunity Zones is the wide range of projects that could be eligible for the tax break. Almost any kind of new investment in property or business qualifies, including housing, energy projects, creative-sector businesses, tech hubs, industrial development, hospitality, or retail.

Where Are California's Opportunity Zones?

Each county in California except one is home to at least one census tract designated as an Opportunity Zone (see map).

Each state was limited in the number of census tracts that could be designated as Opportunity Zones, but was given significant discretion as to which tracts they were, as long as they were low-income. In California, of the several thousand tracts that qualified as low-income, only 879 could be designated, so the state made its decision based on poverty level, whether the tract already had some business activity, and geographic diversity.

Stacking Incentives

In the his January budget proposal, the Governor proposed conforming the state's treatment of capital gains, but only for investments in to affordable housing and green technology. The Governor and the Legislature have also suggested communities pair Opportunity Zones with other economic development programs, like Enhanced Infrastructure Financing Districts. SB 128, by Senator Jim Beall, would make EIFDs easier to use by removing the 55 percent vote requirement for selling associated with them. Another bill, SB 25, by Senator Anna Caballero, would provide CEQA streamlining for certain Opportunity Zone projects.

How to Prepare

Qualified Opportunity Funds will have no shortage of projects to choose from. Some of the designated census tracts are in areas that were already primed from investment and development, so other communities, especially those that are rural, severely disadvantaged, or both will still have to make their case for attracting projects that will in turn attract Opportunity Zone investors.

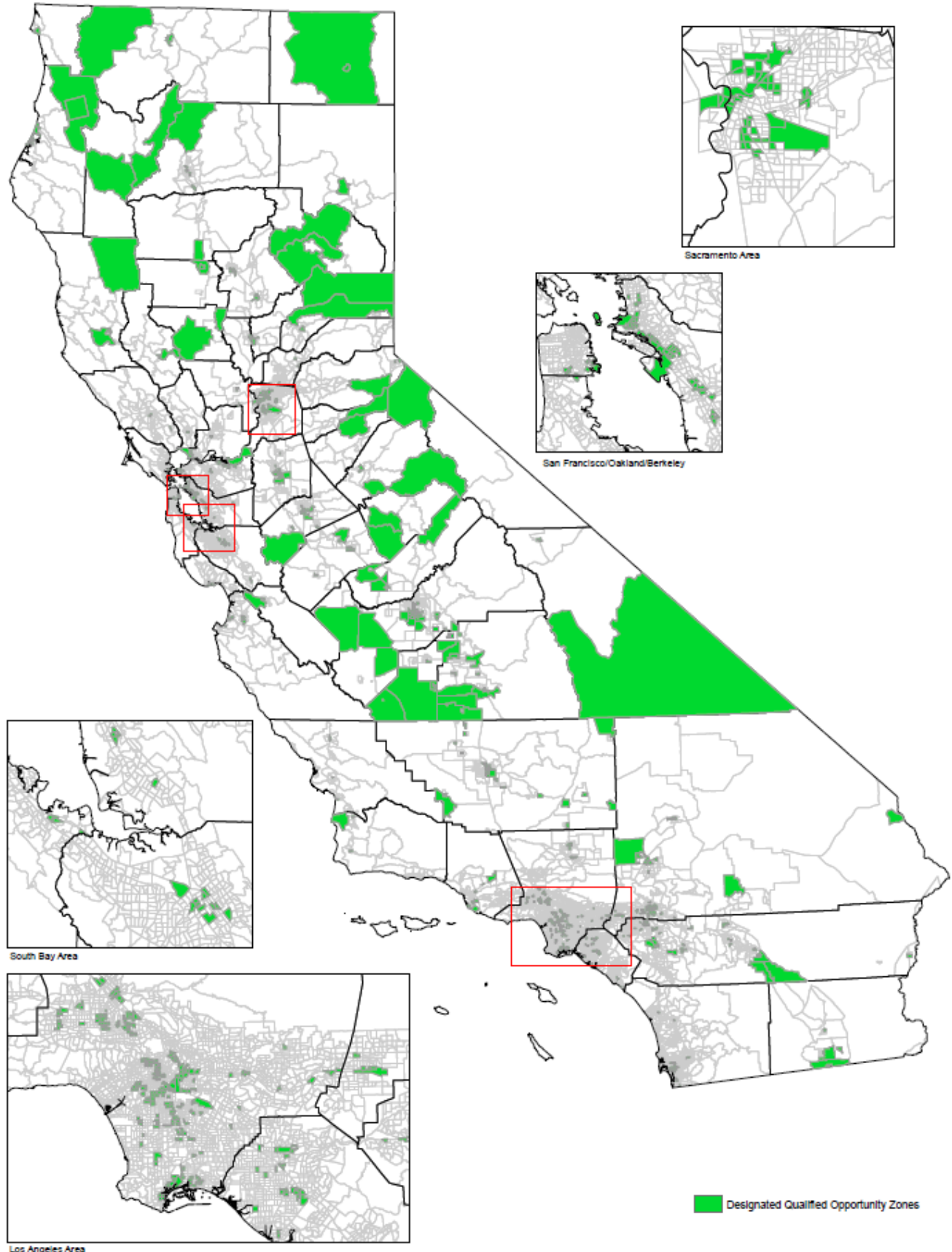
Counties can help pave the way for Opportunity Zone investors by updating their economic development plans, reviewing specific plans and zoning in their Opportunity Zones, and knowing the type of projects that are most likely to succeed in their communities. Even more important, counties should designate a lead coordinator who can organize efforts not only within the county structure, but also in the broader community.

Resources

To learn more about Opportunity Zones and how to attract investment, counties can visit:

- California Opportunity Zones
<https://opzones.ca.gov/>
- CALED (California Association for Local Economic Development)
<https://caled.org/opportunity-zone-resources/>
- GO-Biz (Governor's Office of Business and Economic Development)
www.business.ca.gov/Programs/Opportunity-Zones
- California Department of Finance
http://dof.ca.gov/Forecasting/Demographics/opportunity_zones/

Designated Qualified Opportunity Zones



Map Produced by California Department of Finance, Demographic Research Unit.



April 4, 2019

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TO: CSAC Officers
CSAC Executive Committee

FROM: Ed Scofield | CSAC Treasurer
Graham Knaus | CSAC Executive Director
Manuel Rivas, Jr. | CSAC Deputy Executive Director, Operations & Member Services

SUBJECT: CSAC FY 2019-20 Proposed Budget

As the Board-appointed Treasurer, I present to you the CSAC Proposed Budget for Fiscal Year 2019-20. In conjunction with the Executive Director, Graham Knaus, we hereby submit for your consideration and approval the proposed revenue and spending plan for the upcoming year.

The FY 2019-20 Proposed Budget reflects the expenditures needed to advance CSAC's mission to serve California's 58 counties by developing and equipping county leaders to better serve their communities; effectively advocating and partnering with State and Federal governments for appropriate policies, laws and funding; and communicating value of the critical work being accomplished by counties.

Recommendation: Approval of the CSAC FY 2019-20 Proposed Budget.

Overall, CSAC's fiscal condition remains solid. The proposed budget plan continues to build on initiatives implemented over the past couple of years to ensure that the Association's fiscal condition is strengthened through the development and implementation of sound policies such as the Operational Reserve Policy, establishment of the Capital Improvement Fund, and other fiscal and accounting procedures to improve internal controls.

The FY 2019-20 Proposed Budget maintains membership dues at the same level for the sixth consecutive year. In addition, of significant note, the increase in projected year-end fund balance for FY 2018-19 and FY 2019-20 reflect the success of the aforementioned policies and operational efficiencies and the continued strong performance by the CSAC Finance Corporation. The budget plan proposes a \$250,000 contribution to the Capital Improvement Fund and projects the Operational Reserve to be \$5.7 million by the end of FY 2019-20.

Specifically, the FY 2019-20 Proposed Budget is designed to meet the following organizational priorities:

- Aligns the Association's expenditures with projected revenues while meeting critical objectives across all areas including advocacy, communications, member services, and the California Counties Foundation;
- Supports all CSAC advocacy priorities, conferences, county visits and regional meetings, the Challenge Awards program, and a financial contribution to the California Counties Foundation which supports the CSAC Institute and its five campuses;
- Sets aside 5% of revenues to allow appropriate operating margin and additions to reserves;
- Provides authority for potential merit increases; and
- Contributes to the Capital Improvement Program to better plan, manage and maintain the CSAC building.

Highlights of the CSAC FY 2019-20 Proposed Budget

Revenues

- No dues increase -- dues remain flat for the sixth consecutive year and continue to represent approximately one-third of total revenues to support key priorities and operations.
- Finance Corporation Participation Program contribution increases to \$4.3 million.
- Corporate Associates Program is expected to generate \$525,000 in net revenue.
- Projected increase of \$125,000 in administrative revenue fees for staff and resources for county welfare data systems management support.

Expenses

- Salaries and employee benefits reflect increased retirement contribution rates, a 10% increase in health care plans, nominal cost of doing business increases to other employee benefits, and Executive Director authority to approve salary increases as merited.
- Sets aside funding to establish an Employee Professional Development Initiative to continue investing in staff retention, professional growth and continuing education,
- Continues to fund the CSAC Internship Program to develop new talent and spark interest in local government public service.
- Includes a \$40,000 increase in the budgeted contribution to the California Counties Foundation to support the continued growth of the CSAC Institute. This will enable sustainable support for the main Sacramento campus, as well as our rotating satellite campus model to increase accessibility of leadership and professional development in counties throughout the State. For FY 2019-20, the Foundation will fund operate satellite campus locations in Shasta-Tehama Counties, Tulare County, Santa Cruz County, and a new campus in San Diego County.

Reserves

- The Operating Reserve at the beginning of FY 2019-20 is projected at \$5.3 million which exceeds the 6-month reserve policy target.
- In addition to operating reserves, the Capital Improvement Program Fund is projected at \$1.0 million beginning in FY 2019-20.

California State Association of Counties[®]
FY 2019-20 Proposed Budget

	FY 2017-18 Adopted Budget	FY 2018-19 Adopted Budget	FY 2018-19 Projected Year End	FY 2019-20 Proposed Budget
Revenues:				
Membership Dues	\$ 3,430,506	\$ 3,430,506	\$ 3,430,000	\$ 3,430,000
Finance Corp Participation	3,750,000	4,075,000	4,575,000	4,300,000
Finance Corp Corporate Associates	382,812	525,000	525,000	525,000
Rental Income	178,229	195,008	195,000	200,000
Administrative Miscellaneous	606,400	713,000	710,000	838,000
CSAC Conferences	418,000	460,000	456,000	460,000
CEAC	163,586	193,060	193,000	205,000
Litigation Program	432,276	432,276	432,000	450,000
Total Revenues	\$ 9,361,809	\$ 10,023,850	\$ 10,516,000	\$ 10,408,000
Expenditures:				
Salaries/Benefits	\$ 5,552,888	\$ 5,970,190	\$ 5,598,000	\$ 5,990,000
County Visits & Outreach	174,700	172,200	172,000	182,000
Leadership Outreach	80,000	110,000	116,000	110,000
NACo Meetings & Travel	140,000	140,000	120,000	155,000
Public Affairs/Communications	77,040	51,638	51,000	52,000
CSAC Conferences & Regional Meetings	599,546	726,534	726,000	748,000
Facilities	302,118	372,109	370,000	383,000
Office Operations	252,525	285,832	317,000	290,000
Organizational Partnerships	128,000	93,000	93,000	93,000
Outside Contracts	656,100	769,000	925,000	795,000
CEAC	163,586	193,060	193,000	205,000
Litigation Program	432,276	432,276	432,000	450,000
California Counties Foundation/Institute	194,978	223,588	224,000	264,000
Initiative Contributions	0	0	750,000	0
Total Expenditures	\$ 8,753,757	\$ 9,539,427	\$ 10,087,000	\$ 9,717,000
YEAR END FUND BALANCE	\$ 608,052	\$ 484,422	\$ 429,000	\$ 691,000
Initiative	\$ 250,000	\$ -	\$ -	\$ -
Capital Improvement Fund	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000
Contribution to the Operating Reserve	\$ 108,052	\$ 234,422	\$ 179,000	\$ 441,000

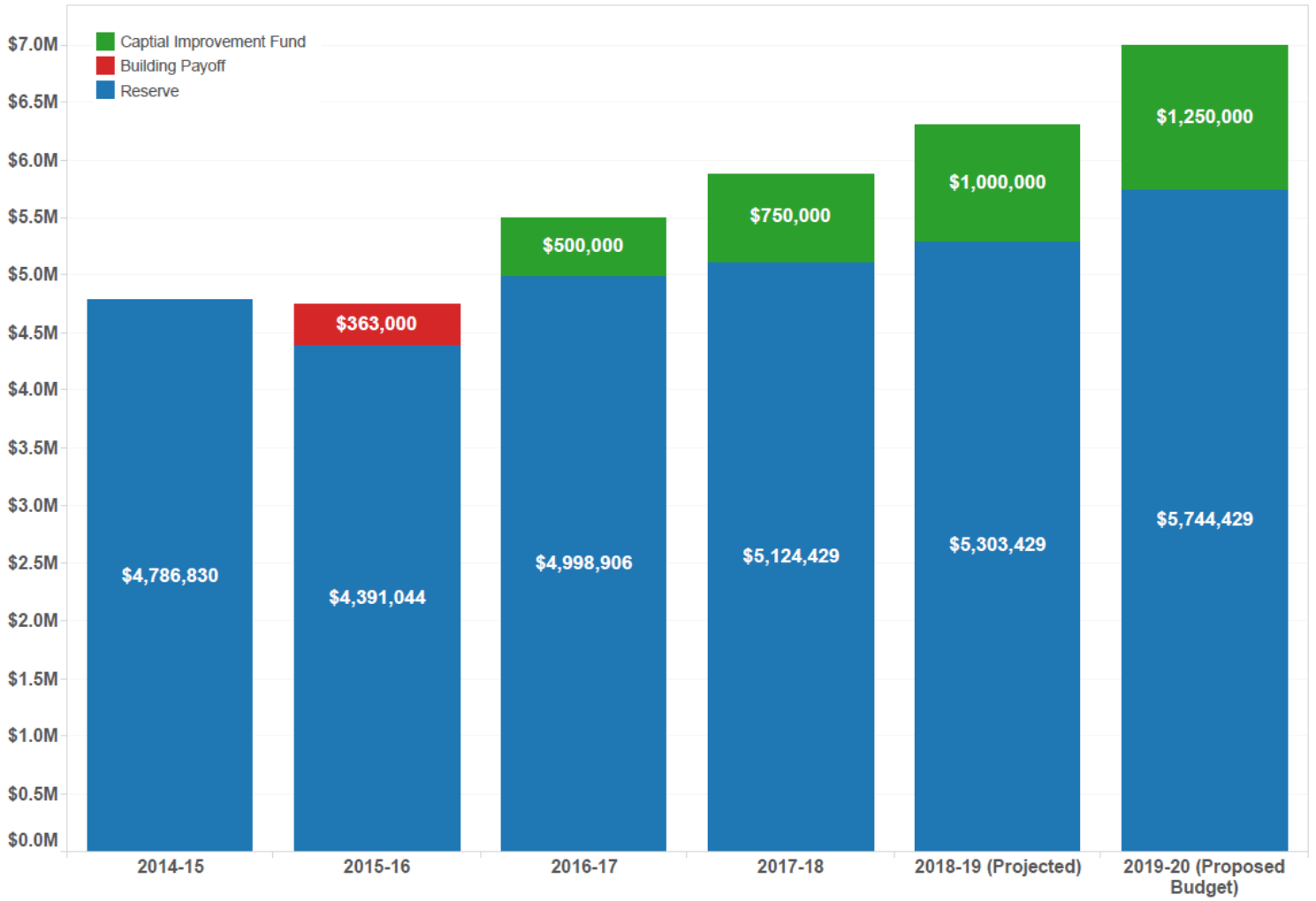
**California State Association of Counties[®]
FY 2019-20 Proposed Budget**

ACCOUNT	EXPLANATIONS
<u>REVENUE:</u>	
MEMBERSHIP DUES	ANNUAL DUES FROM COUNTIES. NO INCREASE SCHEDULED FOR FY 2019-20.
FINANCE CORPORATION PARTICIPATION	CSAC FINANCE CORPORATION CONTRIBUTIONS TO CSAC.
CORPORATE ASSOCIATES PROGRAM	CORPORATE ASSOCIATES PARTNERSHIP NET REVENUE.
RENTAL INCOME	RENTAL INCOME FOR 1100 K STREET.
ADMINISTRATIVE MISCELLANEOUS	1) ADMINISTRATION FEES COLLECTED FROM CSAC AFFILIATES FOR PAYROLL AND BENEFIT SERVICES; 2) SALES FOR CSAC ROSTERS, MAILING LIST AND LABELS; 3) PRINTING AND COPYING REVENUE GENERATED FROM THE CSAC PRINT SHOP; 4) INTEREST INCOME FROM BANK AND CALTRUST ACCOUNTS; 5) CONTRACT FOR COMPUTER SERVICES WITH LA COUNTY; 6) FEES FROM JOB ADVERTISING ON CSAC WEBSITE; 7) ADVOCACY SERVICES; 8) CHALLENGE AWARDS.
CSAC CONFERENCES	REGISTRATION FEES FOR CSAC ANNUAL CONFERENCE AND LEGISLATIVE CONFERENCE.
COUNTY ENGINEERS ASSOC. OF CALIFORNIA	COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA (CEAC) CONTRACT.
LITIGATION PROGRAM	FUNDED BY A SEPARATE FEE TO SUPPORT CSAC'S ADVOCACY IN STATE AND FEDERAL COURTS, AND TO COORDINATE LITIGATION INVOLVING MULTIPLE COUNTIES. INCLUDES A \$60,000 TRANSFER FROM CSAC GENERAL FUND FOR IN-HOUSE GENERAL COUNSEL LEGAL SERVICES.
<u>EXPENDITURES:</u>	
SALARIES/BENEFITS	1) SALARIES REFLECT AUTHORITY FOR POTENTIAL MERIT INCREASE; 2) EMPLOYEES THAT ARE TIER 1 PAY ABOUT 20% OF THE EMPLOYEE PORTION OF SBCERA; TIER 2 EMPLOYEES PAY 100% OF THE EMPLOYEE PORTION; 3) BENEFITS TO INCLUDE HEALTH, DENTAL, VISION, LIFE INSURANCE AND WORKERS COMP; 4) PAYROLL TAX; 5) AUTO ALLOWANCE; 6) ANNUAL EMPLOYEE WORKSHOP; 7) PARKING; 8) 50% OF WELLNESS PROGRAM; 9) PROFESSIONAL DEVELOPMENT INITIATIVE.
COUNTY VISITS & OUTREACH	INCLUDES ALL IN AND OUT-OF-TOWN BUSINESS EXPENSES FOR LEGISLATIVE AND ADMINISTRATIVE STAFF.
LEADERSHIP OUTREACH	ALL BUSINESS EXPENSES FOR CSAC BOARD OF DIRECTORS, OFFICERS AND EXECUTIVE COMMITTEE.
NACO MEETINGS & TRAVEL	COSTS ASSOCIATED FOR ALL LEGISLATIVE, ADMINISTRATIVE STAFF AND BOARD MEMBERS TO ATTEND NACO SUPPORTED EVENTS.
PUBLIC AFFAIRS/COMMUNICATIONS	1) ALL COSTS ASSOCIATED WITH PRODUCING & DISTRIBUTING THE ROSTER; 2) CHALLENGE AWARDS; 3) LEGISLATIVE BULLETIN; 4) WEBSITE; 5) WRITTEN, AUDIO AND VIDEO COMMUNICATIONS.

**California State Association of Counties[®]
FY 2019-20 Proposed Budget**

ACCOUNT	EXPLANATIONS
CSAC CONFERENCES & REGIONAL MEETINGS	ALL COSTS ASSOCIATED WITH ANNUAL AND LEGISLATIVE CONFERENCES AND REGIONAL MEETINGS.
FACILITIES	ALL COSTS ASSOCIATED WITH THE MAINTENANCE OF 1100 K STREET. COSTS INCLUDE REPAIRS, UTILITIES, PHONES, INSURANCE, JANITORIAL, AND PROPERTY TAXES. ALSO INCLUDES STAFF SUPPORT.
OFFICE OPERATIONS	ALL COSTS ASSOCIATED WITH OPERATIONS SUCH AS 1) CELL PHONES; 2) MEMBERSHIP FEES; 3) OFFICE SUPPLIES; 4) POSTAGE/DELIVERY; 5) R&M AND PURCHASES OF COMPUTERS AND EQUIPMENT; 6) COPIERS AND BUSINESS EQUIPMENT.
ORGANIZATIONAL PARTNERSHIPS	CONTRIBUTIONS TO INSTITUTE FOR LOCAL GOVERNMENT(ILG), CSAC RESEARCH AFFILIATE. ALSO INCLUDES CONTRIBUTIONS IN SUPPORT OF COUNTY GOVERNMENT.
COUNTY ENGINEERS ASSOC. OF CALIFORNIA	COUNTY ENGINEERS ASSOCIATION OF CALIFORNIA EXPENDITURES.
OUTSIDE CONTRACTS	LEGAL CONSULTING , ACCOUNTING SERVICES AND PROFESSIONAL SERVICES SUCH AS FEDERAL ADVOCACY AND IT SERVICES.
LITIGATION PROGRAM	ALL COSTS ASSOCIATED WITH CSAC'S LITIGATION COORDINATION PROGRAM, AND IN-HOUSE GENERAL COUNSEL LEGAL SERVICES.
CALIFORNIA COUNTIES FOUNDATION - INSTITUTE	CONTRIBUTION TO CALIFORNIA COUNTIES FOUNDATION INSTITUTE TO ASSIST IN THE FACILITATION OF THE PROGRAM.
INITIATIVE CONTRIBUTIONS	REFLECTS USE OF NON-PUBLIC FUNDS CONTRIBUTIONS FOR BALLOT INITIATIVES.

CSAC Year-End Reserves FY 2014-15 through FY 2019-20





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CALIFORNIA STATE ASSOCIATION OF COUNTIES

PAY SCHEDULE

FY 2019-20

POSITION TITLE	ANNUAL SALARY	
Executive Director	\$ 290,000	350,000
Deputy Executive Director	\$ 175,000	275,000
Director of Public Affairs and Member Services	\$ 150,000	185,000
Senior Legislative Representative	\$ 150,000	175,000
Legislative Representative	\$ 110,000	150,000
Principal Policy & Fiscal Analyst	\$ 95,000	125,000
Member Affairs Manager	\$ 90,000	125,000
Financial Controller	\$ 85,000	100,000
Senior Legislative Analyst	\$ 85,000	100,000
Foundation Operations Manager	\$ 80,000	100,000
Project Manager	\$ 70,000	100,000
Program Manager	\$ 70,000	100,000
Print Services Manager	\$ 70,000	90,000
Communications Manager	\$ 70,000	90,000
Legislative Analyst	\$ 65,000	85,000
Video Production Supervisor	\$ 65,000	85,000
Training Program Coordinator	\$ 60,000	80,000
Meeting Planner	\$ 55,000	70,000
Accountant	\$ 50,000	70,000
Executive Assistant	\$ 45,000	70,000
Video Production Specialist	\$ 45,000	70,000
Administrative Assistant	\$ 45,000	70,000
Legislative Assistant	\$ 45,000	70,000
Administrative and Meetings Assistant	\$ 45,000	65,000
Office Assistant/Database Specialist	\$ 45,000	65,000
Facilities Specialist/Maintenance Manager (P/T)	\$ 25,000	40,000
Print Services Assistant	\$ 25,000	40,000



April 4, 2019

TO: CSAC Executive Committee

FROM: Leonard Moty | President, CSAC FC
Alan Fernandes | Chief Executive Officer, CSAC FC

SUBJECT: CSAC Finance Corporation Update

Mission Statement

To provide a broad array of finance, investment, insurance and purchasing services to benefit California counties and related public agencies.

Overview

The California State Association of Counties (CSAC) formed the CSAC Finance Corporation in 1986 to provide municipal finance service to counties. Since its inception the CSAC Finance Corporation has grown to be the premier provider of a variety of cost- saving programs and services to counties and other local governments throughout California.

CSAC Finance Corporation Commitment & Priorities

Dedicated to the business of improving public services for counties and their constituents.

- To Provide Financial Support to CSAC
- Create and Maintain Innovative Public Services and Products
- Collaborate with Complementary National and State Organizations
- Maintain Strong Relationships with our Service Providers

CSAC Finance Corporation Programs (See attached)

The annual CSAC Finance Corporation Board Meeting will occur later this month in Monterey County from April 17-19th. At this meeting, the CSAC Finance Corporation Board will be approving the FY 2019-20 budget, which will include the annual grant to support the operations of CSAC. Additionally, we will be electing officers and planning the year ahead.

Corporate Associates Program Presentation – Synoptek Cyber Security

The CSAC Finance Corporation offers value-added products and services to California’s counties, their employees and retirees as well as other forms of local government. Our programs are designed to assist county governments in reducing costs, improving services, and increasing efficiency. Our offerings provide the best overall local government pricing and the revenue generated by the CSAC Finance Corporation supports CSAC’s advocacy efforts on behalf of California’s counties.

Program Summary

Financing



CSCDA Laura Labanieh www.cscda.org
The California Statewide Communities Development Authority (CSCDA) was created in 1988, under California’s Joint Exercise of Powers Act, to provide California’s local governments with an effective tool for the timely financing of community-based public benefit projects. Currently, more than 500 cities, counties and special districts have become Program Participants to CSCDA – which serves as their conduit issuer and provides access to an efficient mechanism to finance locally-approved projects. CSCDA helps local governments build community infrastructure, provide affordable housing, create jobs, make access available to quality healthcare and education, and more.

Deferred Compensation



Nationwide Laura Labanieh www.nrsforu.com
The Nationwide Retirement Solutions program is the largest deferred compensation program in the country for county employees. In California, over 65,000 county employees save for their retirement using this flexible, cost-effective employee benefit program. This program is the only one with a national oversight committee consisting of elected and appointed county officials who are plan participants. Additionally, an advisory committee comprised of California county officials provides additional feedback and oversight for this supplemental retirement program. Currently 30 counties in California have chosen Nationwide to help their employees save for retirement.

Investing



CalTRUST Laura Labanieh www.caltrust.org
The Investment Trust of California (CalTRUST) is a JPA established by public agencies in California for the purpose of pooling and investing local agency funds - operating reserves as well as bond proceeds. CalTRUST offers the option of five accounts to provide participating agencies with a convenient method of pooling funds – a liquidity fund, a government fund, a money market fund, a short-term, and a medium-term. Each account seeks to attain as high a level of current income as is consistent with the preservation of principle. This program is a great option to diversify investments!

Discounted Prescription Drugs



Coast2CoastRx Jim Manker www.coast2coastrx.com
The Coast2Coast Discount Prescription Card is available at no-cost to the county or taxpayers and will save county residents up to 75% on brand name and generic prescription drugs. The Coast2Coast program is already being used by over 35 counties in California. Not only does it offer savings to users, your county will receive \$1.25 from Coast2Coast for every prescription filled by a cardholder.

Cyber Security and Technology



Synoptek Laura Labanieh www.synoptek.org
The CSAC FC and Synoptek have partnered to offer a human firewall training program and fraud assessment. The human firewall program is a training program whereby a comprehensive approach is initiated that integrates baseline testing, using mock attacks, engaging interactive web-based training, and continuous assessment through simulated phishing attacks to build a more resilient and secure organization. Synoptek offers a wide range of security technology offerings to aid your county in remaining vigilant and secure.



Property Tax Payment Portal

Easy Smart Pay

Alan Fernandes

www.easysmartpay.net

East Smart Pay is a product of Smart Easy Pay, a corporation formed by the CSAC Finance Corporation to help residents throughout California streamline their property tax payments. Through the Easy Smart Pay platform residents can pay their property taxes in installments via ACH or credit card with preferred processing fees. This program is currently being piloted in San Luis Obispo County.



CALTRECS
A PROGRAM OF THE CSAC FINANCE CORPORATION AND NACO FSC

Revenue Collection

CalTRECS

Jim Manker

www.csacfc.org

The CSAC FC has joined with NACO FSC to develop the California Tax Recovery and Compliance System (CalTRECS) program to help counties collect outstanding debts in a timely, cost-effective manner. The debt offset service allows counties and other local government to compile and submit their delinquencies for offset against pending state personal income tax refunds and lottery winnings.

Cannabis Compliance

CCA

Alan Fernandes

www.cca.ca.gov

The California Cannabis Authority is a Joint Powers Authority established by county governments to develop and manage a statewide data platform. The platform will assist local governments that are regulating commercial cannabis activity by consolidating data from different channels into one resource to help local governments ensure maximum regulatory and tax compliance. In addition, the platform can help to facilitate financial services to the cannabis industry by linking willing financial institutions with interested businesses, and by providing critical data to ensure that all transactions and deposits are from legal transactions.



Information & Referral Services

211 California

Laura Labanieh

www.211california.org

The CSAC FC manages 211 California which is a network of the 211 systems throughout California. These critical agencies serve county residents by providing trusted connectivity to community, health, and social services. During times of disaster and recovery, 211 organizations are vital to assist residents find critical services and information.



**CSAC Finance Corporation
Board of Directors**

Leonard Moty, Shasta County – President

Graham Knaus, CSAC – Vice President

Ryan Alsop, Kern County

Vernon Billy, Public Member

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CSAC Finance Corporation

1100 K Street, Suite 101 * Sacramento, CA 95814

www.csacfc.org



April 4, 2019

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95814

Telephone
916.327.7500

Facsimile
916.441.5507

TO: Members, CSAC Executive Committee

FROM: Darby Kernan, Deputy Executive Director for Legislative Affairs
Chris Lee, Legislative Representative

SUBJECT: SB 329 (Mitchell): Housing Opportunities Act – ACTION ITEM

Recommendation. CSAC staff recommends that the Executive Committee take a “support” position on SB 329 (Mitchell), “The Housing Opportunities Act of 2019.”

Background. According to the Legislative Analyst’s Office, housing prices in California continue to far exceed prices in the rest of the country. The average price of a home in the state is two-and-a-half times the average national price and rents are fifty percent higher than the rest of the country. The housing affordability crisis is in part due to the demand to live in California, the state’s geographic constraints, high regulatory costs, and high costs for land and construction in the state.

The crisis is especially acute for renters and low-income households. According to the California Budget & Policy Center, over half of the state’s renters pay 30 percent or more of their income toward housing, while more than 25 percent of renters pay at least half of their income toward rent. 2016 data from the National Low Income Housing Coalition show that California’s 2.2 million extremely low-income and very low income renter households compete for only 664,000 subsidized affordable rental units available statewide.

According to the Legislative Analyst’s Office 400,000 low-income renter households in California receive Housing Choice Vouchers, whereby the federal government makes payments to landlords on their behalf. These payments generally cover the portion of a rental unit’s monthly cost that exceeds 30 percent of the household’s income. Roughly 700,000 households are currently on waiting lists for housing vouchers. As highlighted in CSAC’s Joint Homelessness Taskforce Report with the League of California Cities, landlords are often resistant to accepting voucher-holders as tenants.

SB 329, which is authored by Senator Holly Mitchell and co-sponsored by the County of Los Angeles, would amend the Fair Employment and Housing Act (FEHA) to clarify that housing vouchers are included within California’s prohibition on discrimination based on source of income. As noted in the attached fact sheet, landlords would still be able to screen tenants for suitability; they simply would not be allowed to refuse a tenant solely on the basis that the tenant intends to use housing assistance to help pay their rent.

Policy Considerations. CSAC has again made housing affordability and addressing the homelessness crisis top priorities for 2019. CSAC’s Human Services Platform expresses county support for “efforts to address housing supports and housing assistance efforts at the state and local levels,” which require “long-term planning, creative funding, and accurate data on homelessness are essential to addressing housing security and homelessness issues.” As discussed in media reports and in the Joint

Homelessness Taskforce Report, the occasional inability of voucher holders to secure rental housing frustrates local government efforts to address homelessness through direct housing supports.

CSAC's 2019 priorities also include direction to "identify and solicit new opportunities to assist counties in combatting homelessness, including incentivizing all types of affordable housing – whether it is transitional shelters, permanent supportive housing, sober living environments, and the full spectrum of housing in between." Ensuring the ability of voucher-holders to be *considered* as potential tenants will bolster local government efforts by counties and housing authorities to provide a full spectrum of housing opportunities and address and prevent homelessness.

Action Requested. CSAC staff request that the Executive Committee take action in "support" of SB 329 (Mitchel), "The Housing Opportunities Act of 2019." With a support position, CSAC staff would formally endorse the measure and advocate for its passage by the Legislature and the Governor's signature.

Staff Contacts.

Chris Lee, (916) 327-7500 Ext. 521 or clee@counties.org.

Attachments.

- 1) SB 329 Fact Sheet
- 2) SB 329 Language



SB 329 (Mitchell):

Housing Opportunities Act

Summary: This bill would amend the Fair Employment and Housing Act (FEHA) to clarify that housing vouchers are included within California’s prohibition on discrimination based on source of income. This renter protection will help California address its growing homelessness crisis, provide opportunity to families in poverty, and ensure the state can take full advantage of available federal funding.

Background: California’s severe shortage of affordable housing, coupled with rising rents, contributes to the state’s growing rates of homelessness. Local jurisdictions are increasingly turning to housing vouchers and other subsidies as a part of the solution. For these strategies to be successful, it is critical to remove barriers that prevent vulnerable families from accessing quality housing and areas of opportunity.

Over 300,000 families in California receive a Housing Choice Voucher, commonly referred to as “Section 8,” to help make rent affordable. Families with Housing Choice Vouchers seek housing in the private market and are required to pay 30% of their income in rent. The Section 8 voucher ensures that the remaining rent is paid to the landlord. Vouchers have a proven record of helping poor and working class families afford rents in a diversity of neighborhoods, ensuring that the most vulnerable residents are not trapped in segregated areas of concentrated poverty or rendered homeless by housing costs. Housing vouchers are a critical part of the nationwide push to end chronic homelessness.

The Problem: Under current law, FEHA prohibits discrimination against renters based on their source of income. Regrettably, vouchers are not listed as a protected source of income under FEHA, allowing landlords to refuse to rent to assisted families even if they otherwise qualify for the housing they are applying for based on factors such as their credit and rental history.

After years waiting for a voucher, families who can’t find a landlord willing to accept one are forced to return their voucher to the local housing authority. This prevents low-income families from accessing housing in high opportunity neighborhoods that can provide a path out of poverty. Blanket refusal of housing assistance also frustrates efforts to prevent homelessness or rehouse homeless residents. When families are unable to use their vouchers, California may be leaving funding on the table that could help address the state’s housing crisis.

The Solution: This bill would add housing assistance to the sources of income protected by FEHA. The Lifting Children and Families Out of Poverty Taskforce recommended this as an immediate policy action to address child poverty. At least 11 states prohibit discrimination against voucher holders; several California jurisdictions, including San Francisco, Santa Monica, and San Diego, have passed similar policies, and their benefit is well documented. A recent study concluded these protections increase success rates for renters while improving voucher utilization for local Housing Authorities.

Under this proposal, landlords would still be able to screen tenants for suitability; they simply would not be allowed to refuse a tenant solely on the basis that the tenant intends to use housing assistance to help pay their rent.

Support:

- Western Center on Law & Poverty (co-sponsor)
- Housing California (co-sponsor)
- California Rural Legal Assistance Foundation (co-sponsor)
- National Housing Law Project (co-sponsor)
- LA County Board of Supervisors (co-sponsor)

Introduced by Senator Mitchell
(Principal coauthor: Senator Wiener)
(Principal coauthor: Assembly Member Bloom)
(Coauthors: Assembly Members Bonta, Chiu, and Grayson)

February 15, 2019

An act to amend Sections 12927 and 12955 of the Government Code, relating to discrimination.

LEGISLATIVE COUNSEL'S DIGEST

SB 329, as introduced, Mitchell. Discrimination: housing: source of income.

Existing law, the Fair Employment and Housing Act, prohibits housing discrimination, including discrimination through public or private land use practices, decisions, or authorizations, based on specified personal characteristics, including source of income. Existing law defines the term "source of income" for purposes of the provisions relating to discrimination in housing accommodations described above, to mean lawful, verifiable income paid directly to a tenant or paid to a representative of a tenant.

This bill would instead define the term for purposes of those provisions, to mean verifiable income paid directly to a tenant, or paid to a housing owner or landlord on behalf of a tenant, including federal, state, or local public assistance and housing subsidies, as specified.

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

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

1 SECTION 1. Section 12927 of the Government Code is
2 amended to read:

3 12927. As used in this part in connection with housing
4 accommodations, unless a different meaning clearly appears from
5 the context:

6 (a) "Affirmative actions" means any activity for the purpose of
7 eliminating discrimination in housing accommodations because
8 of race, color, religion, sex, marital status, national origin, ancestry,
9 familial status, or disability.

10 (b) "Conciliation council" means a nonprofit organization, or
11 a city or county human relations commission, which provides
12 education, factfinding, and mediation or conciliation services in
13 resolution of complaints of housing discrimination.

14 (c) (1) "Discrimination" includes refusal to sell, rent, or lease
15 housing accommodations; includes refusal to negotiate for the
16 sale, rental, or lease of housing accommodations; includes
17 representation that a housing accommodation is not available for
18 inspection, sale, or rental when that housing accommodation is in
19 fact so available; includes any other denial or withholding of
20 housing accommodations; includes provision of inferior terms,
21 conditions, privileges, facilities, or services in connection with
22 those housing accommodations; includes harassment in connection
23 with those housing accommodations; includes the cancellation or
24 termination of a sale or rental agreement; includes the provision
25 of segregated or separated housing accommodations; includes the
26 refusal to permit, at the expense of the disabled person, reasonable
27 modifications of existing premises occupied or to be occupied by
28 the disabled person, if the modifications may be necessary to afford
29 the disabled person full enjoyment of the premises, except that, in
30 the case of a rental, the landlord may, where it is reasonable to do
31 so condition permission for a modification on the renter's agreeing
32 to restore the interior of the premises to the condition that existed
33 before the modification (other than for reasonable wear and tear),
34 and includes refusal to make reasonable accommodations in rules,
35 policies, practices, or services when these accommodations may
36 be necessary to afford a disabled person equal opportunity to use
37 and enjoy a dwelling.

38 (2) "Discrimination" does not include either of the following:

1 (A) Refusal to rent or lease a portion of an owner-occupied
2 single-family house to a person as a roomer or boarder living within
3 the household, provided that no more than one roomer or boarder
4 is to live within the household, and the owner complies with
5 subdivision (c) of Section 12955, which prohibits discriminatory
6 notices, statements, and advertisements.

7 (B) Where the sharing of living areas in a single dwelling unit
8 is involved, the use of words stating or tending to imply that the
9 housing being advertised is available only to persons of one sex.

10 (d) "Housing accommodation" means any building, structure,
11 or portion thereof that is occupied as, or intended for occupancy
12 as, a residence by one or more families and any vacant land that
13 is offered for sale or lease for the construction thereon of any
14 building, structure, or portion thereof intended to be so occupied.

15 (e) "Owner" includes the lessee, sublessee, assignee, managing
16 agent, real estate broker or salesperson, or any person having any
17 legal or equitable right of ownership or possession or the right to
18 rent or lease housing accommodations, and includes the state and
19 any of its political subdivisions and any agency thereof.

20 (f) "Person" includes all individuals and entities that are
21 described in Section 3602(d) of Title 42 of the United States Code,
22 and in the definition of "owner" in subdivision (e) of this section,
23 and all institutional third parties, including the Federal Home Loan
24 Mortgage Corporation.

25 (g) "Aggrieved person" includes any person who claims to have
26 been injured by a discriminatory housing practice or believes that
27 the person will be injured by a discriminatory housing practice
28 that is about to occur.

29 (h) "Real estate-related transactions" include any of the
30 following:

31 (1) The making or purchasing of loans or providing other
32 financial assistance that is for the purpose of purchasing,
33 constructing, improving, repairing, or maintaining a dwelling, or
34 that is secured by residential real estate.

35 (2) The selling, brokering, or appraising of residential real
36 property.

37 (3) The use of territorial underwriting requirements, for the
38 purpose of requiring a borrower in a specific geographic area to
39 obtain earthquake insurance, required by an institutional third party
40 on a loan secured by residential real property.

1 (i) "Source of income" means lawful, verifiable income paid
2 directly to a tenant or paid to a representative of a tenant. For the
3 purposes of this definition, a landlord is not considered a
4 representative of a tenant. *tenant, or paid to a housing owner or*
5 *landlord on behalf of a tenant, including federal, state, or local*
6 *public assistance, and federal, state, or local housing subsidies,*
7 *including, but not limited to, federal housing assistance vouchers*
8 *issued under Section 8 of the United States Housing Act of 1937*
9 *(42 U.S.C. Sec. 1437f).*

10 SEC. 2. Section 12955 of the Government Code is amended
11 to read:

12 12955. It shall be unlawful:

13 (a) For the owner of any housing accommodation to discriminate
14 against or harass any person because of the race, color, religion,
15 sex, gender, gender identity, gender expression, sexual orientation,
16 marital status, national origin, ancestry, familial status, source of
17 income, disability, or genetic information of that person.

18 (b) For the owner of any housing accommodation to make or
19 to cause to be made any written or oral inquiry concerning the
20 race, color, religion, sex, gender, gender identity, gender
21 expression, sexual orientation, marital status, national origin,
22 ancestry, familial status, disability, or genetic information of any
23 person seeking to purchase, rent, or lease any housing
24 accommodation.

25 (c) For any person to make, print, or publish, or cause to be
26 made, printed, or published any notice, statement, or advertisement,
27 with respect to the sale or rental of a housing accommodation that
28 indicates any preference, limitation, or discrimination based on
29 race, color, religion, sex, gender, gender identity, gender
30 expression, sexual orientation, marital status, national origin,
31 ancestry, familial status, source of income, disability, or genetic
32 information or an intention to make that preference, limitation, or
33 discrimination.

34 (d) For any person subject to the provisions of Section 51 of
35 the Civil Code, as that section applies to housing accommodations,
36 to discriminate against any person on the basis of sex, gender,
37 gender identity, gender expression, sexual orientation, color, race,
38 religion, ancestry, national origin, familial status, marital status,
39 disability, genetic information, source of income, or on any other
40 basis prohibited by that section. Selection preferences based on

1 age, imposed in connection with a federally approved housing
2 program, do not constitute age discrimination in housing.

3 (e) For any person, bank, mortgage company or other financial
4 institution that provides financial assistance for the purchase,
5 organization, or construction of any housing accommodation to
6 discriminate against any person or group of persons because of
7 the race, color, religion, sex, gender, gender identity, gender
8 expression, sexual orientation, marital status, national origin,
9 ancestry, familial status, source of income, disability, or genetic
10 information in the terms, conditions, or privileges relating to the
11 obtaining or use of that financial assistance.

12 (f) For any owner of housing accommodations to harass, evict,
13 or otherwise discriminate against any person in the sale or rental
14 of housing accommodations when the owner's dominant purpose
15 is retaliation against a person who has opposed practices unlawful
16 under this section, informed law enforcement agencies of practices
17 believed unlawful under this section, has testified or assisted in
18 any proceeding under this part, or has aided or encouraged a person
19 to exercise or enjoy the rights secured by this part. Nothing herein
20 is intended to cause or permit the delay of an unlawful detainer
21 action.

22 (g) For any person to aid, abet, incite, compel, or coerce the
23 doing of any of the acts or practices declared unlawful in this
24 section, or to attempt to do so.

25 (h) For any person, for profit, to induce any person to sell or
26 rent any dwelling by representations regarding the entry or
27 prospective entry into the neighborhood of a person or persons of
28 a particular race, color, religion, sex, gender, gender identity,
29 gender expression, sexual orientation, marital status, ancestry,
30 disability, genetic information, source of income, familial status,
31 or national origin.

32 (i) For any person or other organization or entity whose business
33 involves real estate-related transactions to discriminate against
34 any person in making available a transaction, or in the terms and
35 conditions of a transaction, because of race, color, religion, sex,
36 gender, gender identity, gender expression, sexual orientation,
37 marital status, national origin, ancestry, source of income, familial
38 status, disability, or genetic information.

39 (j) To deny a person access to, or membership or participation
40 in, a multiple listing service, real estate brokerage organization,

1 or other service because of race, color, religion, sex, gender, gender
2 identity, gender expression, sexual orientation, marital status,
3 ancestry, disability, genetic information, familial status, source of
4 income, or national origin.

5 (k) To otherwise make unavailable or deny a dwelling based
6 on discrimination because of race, color, religion, sex, gender,
7 gender identity, gender expression, sexual orientation, familial
8 status, source of income, disability, genetic information, or national
9 origin.

10 (l) To discriminate through public or private land use practices,
11 decisions, and authorizations because of race, color, religion, sex,
12 gender, gender identity, gender expression, sexual orientation,
13 familial status, marital status, disability, genetic information,
14 national origin, source of income, or ancestry. Discrimination
15 includes, but is not limited to, restrictive covenants, zoning laws,
16 denials of use permits, and other actions authorized under the
17 Planning and Zoning Law (Title 7 (commencing with Section
18 65000)), that make housing opportunities unavailable.

19 Discrimination under this subdivision also includes the existence
20 of a restrictive covenant, regardless of whether accompanied by a
21 statement that the restrictive covenant is repealed or void.

22 (m) As used in this section, "race, color, religion, sex, gender,
23 gender identity, gender expression, sexual orientation, marital
24 status, national origin, ancestry, familial status, source of income,
25 disability, or genetic information," includes a perception that the
26 person has any of those characteristics or that the person is
27 associated with a person who has, or is perceived to have, any of
28 those characteristics.

29 (n) To use a financial or income standard in the rental of housing
30 that fails to account for the aggregate income of persons residing
31 together or proposing to reside together on the same basis as the
32 aggregate income of married persons residing together or proposing
33 to reside together.

34 (o) In instances where there is a government rent subsidy, to
35 use a financial or income standard in assessing eligibility for the
36 rental of housing that is not based on the portion of the rent to be
37 paid by the tenant.

38 (p) (1) For the purposes of this section, "source of income"
39 means lawful, verifiable income paid directly to a tenant or paid
40 to a representative of a tenant. For the purposes of this section, a

1 ~~landlord is not considered a representative of a tenant.~~ *tenant, or*
2 *paid to a housing owner or landlord on behalf of a tenant,*
3 *including federal, state, or local public assistance, and federal,*
4 *state, or local housing subsidies, including, but not limited to,*
5 *federal housing assistance vouchers issued under Section 8 of the*
6 *United States Housing Act of 1937 (42 U.S.C. Sec. 1437f).*

7 (2) For the purposes of this section, it shall not constitute
8 discrimination based on source of income to make a written or
9 oral inquiry concerning the level or source of income.

O



March 19, 2019

TO: THE HONORABLE GAVIN NEWSOM
THE HONORABLE TONI ATKINS
THE HONORABLE ANTHONY RENDON

FR: Up From the Ashes, Consumer Attorneys of California, California State Association of Counties, Urban Counties of California, League of California Cities, Personal Insurance Federation of California, National Association of Mutual Insurance Companies, American Property Casualty Insurance Association

Dear Governor Newsom, Senate President Pro Tem Atkins, Assembly Speaker Rendon:

As we continue to recover from and prepare for yet another wildfire season, we appreciate the Administration and the Legislature's focus on wildfire recovery, response and liability. Our organizations supported the passage of SB 901 (Dodd, 2018) and the efforts to address the multitude of issues surrounding catastrophic wildfire, including utility-caused wildfires and liability. Unfortunately, since that time California has experienced another series of tragic wildfires – the 2018 Camp Fire being the most deadly and destructive yet. We've also seen a major utility file for Chapter 11 Bankruptcy as a result of liabilities and other credit ratings reduced.

With a renewed sense of urgency, we once again commit to work with the Administration and the Legislature on policies that will address this mounting crisis in our state. We stand ready to work together to address the root causes of the growing threat of catastrophic wildfire and critical safety measures that will help to prevent future events. However, we also feel obligated to continue to express our opposition to any potential efforts to revise constitutional protections under "inverse condemnation" laws and long-standing liability statutes related to the causes of wildfires. Inverse condemnation is the constitutionally protected property right that protects victims and provides a strong incentive for utilities to invest in necessary safety measures. While we believe this is the critical foundation for our liability structure, we also believe there are measures that can be taken to improve safety, protect victims and rate payers and provide greater certainty with respect to future liabilities.

SB 901 provided the California Public Utilities Commission (CPUC) with additional criteria for conducting a reasonableness review of an Investor Owned Utility (IOU) when assessing liability upon application for cost recovery. However, the bill did not specifically define a "prudent manager" standard or provide specific direction for what this means for cost recovery in the event of an excess liability after a wildfire.

We believe developing consensus around CPUC standards for when and how an IOU is permitted to socialize its unfunded liabilities is a critical step forward. An additional issue of how to socialize utility wildfire liabilities has prompted discussions on whether and how to create a utility excess liability fund. We encourage serious consideration of such a funding mechanism. While there are many details to such an approach, we support this concept and how it might take form to provide greater certainty of process and protection for victims. Finally, we urge a renewed focus on safety with our IOU's. Timely review and regulation of emerging utility wildfire mitigation plans, starting with the Alsup orders, is a critical component of this issue and will work to protect against future events.

We remain committed to being an active participant in these discussions and responding to the Governor's challenge to develop the framework for a solution in the very near future. Should you have any questions regarding our position or our coalition, please contact Cara Martinson, CSAC Senior Legislative Representative at 916-327-7500, ext. 504, or cmartinson@counties.org.

cc: Members of the California Senate and Assembly



February 5, 2019

The Honorable Richard Pan, M.D.
Chair, Senate Budget and Fiscal Review Subcommittee #3
State Capitol, Room 5114
Sacramento, CA 95814

Re: Revised County In-Home Supportive Services Maintenance of Effort – Support

Dear Senator Pan:

On behalf of the California State Association of Counties (CSAC), the County Welfare Directors Association of California (CWDA), the County Health Executives Association of California (CHEAC), the County Behavioral Health Directors Association of California (CBHDA), the California Association of Public Authorities (CAPA), the California Association of Public Hospitals and Health Systems (CAPH), the Urban Counties of California (UCC), and the Rural County Representatives of California (RCRC), we are writing to express our strong support for the Governor’s January Budget proposal to revise the County In-Home Supportive Services (IHSS) Maintenance of Effort (MOE). Counties are grateful to the Governor for the proposal which significantly increases State General Fund commitments for IHSS costs, and we appreciate the Department of Finance’s collaboration related to the 1991 Realignment Report that was the genesis for this IHSS proposal.

Counties have proudly partnered with the state and administered the IHSS program since it was realigned in 1991. The IHSS program provides critical services to seniors and disabled individuals to help them remain in their own homes rather than in more expensive institutional care. County social workers, Public Authority workers, and IHSS providers are the backbone of this social services program which has proven to reduce care costs and improve the well-being of residents. This letter outlines the recent changes to the County IHSS MOE, the required 1991 Realignment Report, and the details of the Governor’s proposed IHSS MOE revisions.

2017 County IHSS MOE

In 2017, the conclusion of the Coordinated Care Initiative also resulted in the cessation of the existing IHSS MOE and the shift of nearly \$600 million in IHSS costs from the state to counties. In response, a new IHSS MOE was negotiated through 2017-18 budget-related legislation (SB 90, Chapter 25, Statutes of 2017), which also included specific offsetting revenue, additional collective bargaining provisions, and

refinement of the costs for county administration of the IHSS program. Specifically, the 2017-18 Budget Act included provisions that:

- Established a new County IHSS MOE with an annual inflation factor (5% for one year, 7% thereafter),
- Provided State General Fund contributions to partially offset increased county IHSS costs (\$400 million in 2017-18, \$330 million in 2018-19, \$200 million in 2019-20, \$150 million thereafter),
- Redirected Health and Mental Health 1991 Realignment vehicle license fee (VLF) growth funding to Social Services to partially offset increased county IHSS costs (100% of growth in the first three years, 50% of growth in the next two years),
- Redirected County Medical Services Program (CMSP) 1991 Realignment VLF growth funding to Social Services to partially offset increased county IHSS costs in the 35 CMSP counties (100% of growth in the first three years, 50% of growth in the next two years),
- Accelerated caseload growth payments from 1991 Realignment sales tax growth so that counties receive this funding earlier to partially offset increased county IHSS costs, and
- Provided additional tools for local collective bargaining including a wage supplement and state participation in a limited amount above the state participation cap.

Counties have dedicated significant time and effort to partnering with the Department of Finance and the Department of Social Services on implementing these changes over the first year-and-a-half of the new MOE. These fiscal arrangements are complex and countless hours have been devoted to establishing new processes and providing training to implement these changes. Counties and provider unions have also utilized the new tools during local collective bargaining.

Required 1991 Realignment Report

Most significantly, SB 90 also contained a provision that required the Department of Finance to reexamine the 2017 IHSS fiscal structure during the development of the 2019-20 budget. Specifically, the Department of Finance was required to submit findings and recommendations to the Legislature by January 10, 2019 on four specific elements:

1. The extent to which revenues available for 1991 Realignment are sufficient to meet program costs that were realigned.
2. Whether the IHSS program and administrative costs are growing by a rate that is higher, lower, or approximately the same as the MOE, including the inflation factor.
3. The fiscal and programmatic impacts of the IHSS MOE on the funding available for the Health Subaccount, the Mental Health Subaccount, the County Medical Services Program Subaccount, and other social services programs included in 1991 Realignment.
4. The status of collective bargaining for the IHSS program in each county.

This reopener provision was absolutely vital as counties knew that it was likely possible to manage the first two years of the new MOE, but starting with 2019-20, the increased costs would become unsustainable. This includes substantial Realignment revenue shortfalls that would grow each year and require counties to utilize significant county General Fund that has been usually earmarked for local services to be dedicated to IHSS instead. Counties were also concerned that there would be increasing negative impacts to critical health and mental health services, such as reductions of public health services for communicable disease surveillance and reduced capacity to pay for Institutions for Mental Disease placements. During our engagement with the Department of Finance, counties advocated for three key points to be addressed in the 1991 Realignment Report:

1. There is a significant and growing gap between the IHSS program costs that counties are responsible for and available revenues.
2. There will be negative impacts on other Realignment programs, including public health, health care, and behavioral health programs, due to the IHSS cost pressures.
3. Additional revenues will be needed to ensure the sustainability of IHSS and other critical services that counties administer on behalf of the state.

Governor's IHSS MOE Proposal

The Department of Finance released the *Senate Bill 90: 1991 Realignment Report* on January 10. It contains a history of recent changes to the IHSS program and detailed findings and recommendations on the four required elements. It also indicates that 1991 Realignment revenue is not sufficient to cover the costs of the IHSS program given all of the state and federal policy changes that have occurred to the program since 1991, including state minimum wage increases and implementation of federal overtime rules. Finally, the report outlines the Governor's proposed revisions to the IHSS fiscal structure. This proposal comprehensively addresses the three concerns that counties had shared throughout the consultation on the IHSS fiscal structure and Realignment report.

The Governor is proposing to increase the State General Fund commitment to IHSS by \$241.7 million in 2019-20, growing to \$547.3 million in 2022-23, for a total of an increased commitment of \$1.6 billion over the next four years. This is accomplished through several changes to the current IHSS MOE. These changes are:

- Lowering the County IHSS MOE base in 2019-20 to \$1.56 billion,
- Reducing the MOE inflation factor from seven percent to four percent,
- Stopping the redirection of VLF growth funds from Health, Mental Health, and County Medical Services Program to Social Services,
- Ending the State General Fund IHSS mitigation,
- Returning to the original method for calculating IHSS caseload and no longer utilizing accelerated caseload growth, and
- Funding IHSS administrative costs through a General Fund allocation.

The increased State General Fund investment will provide needed fiscal relief for counties and allow our members to continue to deliver vital services on behalf of the state. Under the current structure, counties are facing Realignment shortfalls of several hundred million dollars in the coming years and negative impacts to health and mental health programs that would harm the well-being of residents. The Governor's proposal will help avoid these consequences and would create a more sustainable structure for counties to manage IHSS costs. The proposal does not take away all of the risk of Realignment, but dramatically improves the outlook for counties, critical social services, health, and mental health programs, and the residents we all serve for years to come.

Additional Provisions

In addition to the core revisions to the IHSS MOE itself, the Realignment Report outlines a number of related changes. These include replacing the 1991 Realignment general growth schedule with a fixed general growth percentage for each subaccount and distributing growth funds to counties in proportion to their base, eliminating growth allocations to the CMSP Board until the Board's operating reserves fall below three months operating costs, and altering the state and county cost-sharing ratio for locally negotiated wage and health benefit increases.

CSAC and county affiliates will gather additional details on these specific provisions and work together to evaluate the implications. We look forward to continuing the discussion on these items with the Administration and the Legislature.

Conclusion

Since the enactment of the new IHSS MOE in 2017, counties have consistently pointed towards the required 1991 Realignment Report and the 2019-20 budget as the ideal and necessary time to revisit the IHSS fiscal structure. The Governor’s IHSS MOE proposal follows through on the commitment of the state to work with counties and identify a long-term and sustainable solution for IHSS funding that allows counties to effectively deliver all of the vital 1991 Realignment health, mental health, and social services programs on behalf of the state.

We respectfully request your support of this IHSS MOE proposal and stand ready to work with the Legislature and the Administration on trailer bill language and other aspects of this proposal in the coming months. Thank you for your consideration.

Sincerely,

Graham Knaus
CSAC Executive Director

Frank Mecca
CWDA Executive Director

Michele Gibbons
CHEAC Executive Director

Tom Renfree
CBHDA Interim Executive Director

Karen Keeslar
CAPA Executive Director

Sarah Hesketh
CAPH Vice President of External Affairs

Jolena Voorhis
UCC Executive Director

Tracy Rhine
RCRC Legislative Advocate

cc: Honorable Members, Senate Budget and Fiscal Review Subcommittee #3
The Honorable Holly Mitchell, Chair, Senate Budget and Fiscal Review Committee
Renita Polk, Consultant, Senate Budget and Fiscal Review Committee
Rebecca Hamilton, Senate Republican Fiscal Office
Mareva Brown, Office of the Senate President pro Tempore
Chris Woods, Office of the Senate President pro Tempore
Mark Newton, Legislative Analyst's Office
Ginni Bella Navarre, Legislative Analyst's Office
Keely Bosler, Director, Department of Finance
Adam Dorsey, Department of Finance
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Tam Ma, Deputy Legislative Secretary, Office of Governor Newsom
County Caucus



April 4, 2019

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TO: CSAC Executive Committee
FROM: Manuel Rivas, Jr. | Deputy Executive Director of Operations and Member Services
SUBJECT: **Operations and Member Services/California Counties Foundation**

This memorandum highlights key activities within CSAC Operations and Member Services/California Counties Foundation.

Conferences & Meetings

Regional Meeting – CSAC held its first Regional Meeting of 2019 on March 21st in Monterey County. The meeting’s focus was on the housing affordability and homelessness crises with an estimated 80 county representatives, corporate partners and CSAC policy experts attending the day-long event, which included panel discussions and interactive sessions among participants. CSAC staff will now begin planning the next Regional Meeting, slated for the summer.

2019 Legislative Conference – CSAC staff is deep in preparation for the Legislative Conference, which will be held April 24-25 -- nearly a month earlier than the past few years. Registration projects a healthy attendance that should match or exceed the previous two years. The morning General Session will feature key members of the Governor’s Administration, and we have invited the Governor to be the keynote speaker during the luncheon program. The legislative reception will be at a new location this year – the historic Stanford Mansion, just a few blocks from the Capitol.

Communications

National County Government Month – April is National County Government Month, an annual event spearheaded by the National Association of Counties (NACo). This year’s theme is “Connecting the Unconnected,” the initiative of NACo President and San Diego County Supervisor Greg Cox. CSAC is promoting the event to our 58 counties and will be using social media platforms to promote the initiative as well as county best practices that fulfill the initiative’s goals.

Traditional Media – CSAC continues to receive inquiries from reporters regarding a wide variety of issues. Recent inquiries have focused on key CSAC legislative priorities, including inverse condemnation, housing and transportation, homelessness, behavioral health, among other major issues.

Social Media – CSAC’s social media numbers have been strong during the first 10 weeks of the year. Tweets alone received about 575,000 impressions during that time period. Numerous posts spotlighting county members attending the recent NACo Legislative Conference and the New Supervisors Institute have been a highlight during the first quarter. We continue to utilize Facebook, YouTube and Instagram on a daily basis to keep our members informed of issues of County interest.

Video – CSAC has already produced about 20 videos in the first 10 weeks of 2019. These include Challenge Award videos, Power Minutes, Legislative Conference promotions, testimony and feature videos, including a piece on CSAC-Results First Initiative. We have also begun developing short 15-20 second “teaser videos” that promote upcoming videos to be released; these teasers run on our social media channels and have been popular.

California Counties Foundation

The California Counties Foundation (Foundation) is the non-profit foundation of CSAC that houses the CSAC Institute, the partnership with the Pew-MacArthur Results First Initiative, and manages charitable contributions and grants to improve educational opportunities for county supervisors, county administrative officers, and senior staff. Over the past year, staff has been focused on streamlining the governance structure and financial operations of the Foundation. As a result, Board of Directors meetings are organized to engage Board members in active strategic discussions that give them a greater understanding of Foundation programs to make informed decisions on key matters. This work will continue in 2019 as staff identifies potential Foundation initiatives and activities.

CSAC Institute for Excellence in County Governance

Future Department Heads Seminar – Both county board of supervisors and county executives expressed interest to better prepare managers to take on their executive role. In response to this need, the Institute developed the “Moving to the Executive Chair” seminar for aspiring department directors. For the second year running, the seminar exceeded participation expectations with 50 registrants, from 25 different counties. On a six-point scale, participants rated the overall value of the seminar at 5.5 and relevancy of content at 5.4.

CSAC Institute County-Hosted Campuses: Currently, the Institute offer campuses in Sacramento, Shasta/Tehama, Santa Cruz, Tulare and Orange counties. A number of our MOUs with county-hosted campuses are coming to an end within the next two years. CSAC remains committed to having an Institute presence in central, southern, coastal and northern California counties. Ten counties have expressed interest to host Institute satellite campuses – Alameda, Solano, Contra Costa, Mariposa, Tulare, Lake/Mendocino partnership, Mono, Placer, Butte and San Luis Obispo. Foundation staff will assess the potential locations and make recommendations to the Foundation Board during their next Board meeting on April 25, 2019.

MPA Program – The Institute has been working on a partnership with the California State University San Bernardino to offer a Master of Public Administration (MPA) degree exclusively for California county managers, executives and elected officials beginning Fall 2019. We will provide a comprehensive update at the next Board meeting.

CSAC Support Hub for Criminal Justice Programming

The CSAC Technical Assistance Hub has a new name, The CSAC Support Hub for Criminal Justice Programming (Support Hub). The Support Hub seeks to meet counties where they are with a mix of support options and levels of engagement for improving California county criminal justice programs. The Support Hub is partnered in 10 counties and will expand to two additional counties in 2020. Recently, CSCAC published a video to further describe how counties have used the tools in the Results First approach. The Support Hub has been accessed by 24 counties ranging from rural, urban and suburban. For more information on the levels of engagement please look at our Support Hub webpage.

- <https://bit.ly/2W9nzYu> (video)
- <https://bit.ly/2HFukgX> (Fact Sheet)



The Bay Area Council China Initiative



BACKGROUND

Throughout our region's history, international ties have been fundamental to economic growth and today's innovation driven economy is no different. Foreign STEM talent, international trade, expansion into global markets, and international investments in the Bay Area are essential to our region's continued prosperity. Today, China is a critical part that prosperity and the Bay Area Council China Initiative is dedicated to making our relationship with the world's second largest economy a positive, productive, and mutually beneficial one.

The Bay Area Council China Initiative is a decade old this year and operates offices in four provincial capitals: Shanghai, Hangzhou, Nanjing, and Beijing. We have helped more than 200 Bay Area companies to establish new business in China while directing investment into the Bay Area. On January 2, 2019, the Council opened its Beijing office to grow our regions' economic position in China's capital.

OBJECTIVES

1. Bridge the gap for small, medium and large San Francisco/Silicon Valley Bay Area companies that wish to access Chinese markets.
2. Build awareness and connection for businesses in Shanghai, Hangzhou, Nanjing, and Beijing.
3. Nurture strong relationships with municipal governments that grow the business ties between China and the San Francisco/Silicon Valley Bay Area.
4. Serve as a complimentary adjunct of other efforts from the Bay Area to facilitate Chinese expansion and investment into the Bay Area and California.

OUR SERVICES

- Introductions to key government officials and business leaders
- Business development and introduction to potential stakeholders and customers
- Negotiation of special policies and benefits
- Translation of marketing materials, business cards and presentations
- Planned logistics for trips, delegations and one-on-one meetings in China and California
- Translation services during negotiation, introductions and meetings
- Preparation of required registration documents

OUR OFFICES

Shanghai (California-China Trade Office) | Beijing | Nanjing | Hangzhou



County Counsels' Association of California

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EXECUTIVE DIRECTOR
Jennifer B. Henning

MEMORANDUM

TO: Supervisor Virginia Bass, President, and Members of the CSAC Executive Committee

FROM: Jennifer Henning, Litigation Coordinator

DATE: April 4, 2019

SUBJECT: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's new case activity since your January 17, 2019 Executive Committee Meeting. Recent CSAC court filings are available on CSAC's website at: <http://www.csac.counties.org/csac-litigation-coordination-program>.

The following jurisdictions are receiving amicus support in the new cases described in this report:

COUNTIES	CITIES	OTHER AGENCIES
Alameda Butte Plumas San Francisco Sonoma Tulare	Dunsmuir Hayward Oakland (2 cases)	Los Angeles County Sanitation District Marin County Open Space District State of California

City of Oakland v. BP P.L.C.

Pending in the Ninth Circuit Court of Appeals (filed Sept. 6, 2018)(18-16663)
Status: Amicus Brief Due March 20, 2019

CSAC previously filed a brief in *County of San Mateo v. Chevron* on the narrow issue of whether state law public nuisance cases can be heard in state court. That case involves several county and city plaintiffs' state law public nuisance claims in state court against various oil companies alleging that their practices have caused environmental harms, including the climate change that will result in a sea level rise and cause significant damages to plaintiff jurisdictions. Though the oil companies removed the case to federal courts, the federal court remanded back to state court. Defendants appealed, and CSAC filed a brief arguing that the county should be able to bring state law causes of action in state court. The brief did not addressing the underlying merits of

sea level rise arguments. The present case, brought by the Cities of Oakland and San Francisco, is another case involving the same issue. The only difference here is that the federal court did not remand back to state court, but then granted defendants' motion to dismiss on the grounds that there are no federal law claims in the case.

City of Oakland v. Oakland Police & Fire Retirement System

29 Cal.App.5th 688 (1st Dist. Nov. 29, 2018)(A144653), *petition for review denied* (Mar. 13, 2019)(S253441)

Status: Review Denied; Case Closed

Following an appellate decision regarding retirement payments to members of the Oakland Police and Fire Retirement System (PFRS), an association representing retired officers (ROPOA) moved for attorney fees. The court denied fees, declining to consider the Association's financial state. On appeal, the First District reversed. The court ruled that the trial court should have considered evidence of ROPOA's relative poverty when evaluating their financial burden. The court then reviewed that evidence itself and found that ROPOA had "conclusively" proven its entitlement to fees under this standard. In other words, the court held that an entitlement to fees rests not only on the "objective financial incentives" of the case, but also on the claimant's subjective inability to afford the costs of litigation, a new standard. The city sought Supreme Court review, which CSAC supported, but review was denied.

Community Ventures v. Marin County Open Space District

Pending in the First Appellate District (filed July 18, 2018)(A154867)

Status: Amicus Brief Due March 27, 2019

The Marin County Open Space District adopted a program EIR to provide a framework for the District to follow in proposing, evaluating, and implementing specific future trail projects. Subsequently, the District considered its first trail expansion under the program EIR, which would make changes to an existing hiking trail, including allowing bicycles on the trail. The District determined that there would be no impacts from the project that were not already considered in the program EIR (i.e., a "consistency analysis" pursuant to CEQA Guidelines Section 15168(c)). The District, therefore, did not create any additional environmental document, but rather relied on the program EIR, and approved the project. Plaintiff filed a writ, which the trial court granted on two grounds relevant to the amicus request: (1) CEQA required the District to conduct an initial study for the proposed project, rather than simply making consistency determinations pursuant to Guidelines Section 15168; and (2) The District violated CEQA because it failed to properly consider the "social effects" of converting the trails. CSAC will file a brief in support of the District.

County of Butte v. Dept. of Water Resources

30 Cal.App.5th 630 (3d Dist. Dec. 20, 2018)(C071785), *petition for review pending* (filed Jan. 29, 2019)(S253810)

Status: Petition for Review Pending

The California Department of Water Resources developed an EIR in connection with its application to extend its federal license under the Federal Power Act to operate the Oroville Dam. Butte and Plumas Counties brought this CEQA action. Though neither party raised it at the trial court or initial appellate briefing, when the CEQA challenge was pending in the Third Appellate District, the court requested supplemental briefing on whether the Federal Power Act preempted the counties' state court CEQA challenge. The appellate court thereafter determined that it did not have jurisdiction to consider the CEQA claims because CEQA was preempted by the Federal Power Act, so only the Federal Energy Regulatory Commission (FERC) can provide relief. The counties have filed a Petition for Review. CSAC filed a letter in support on the issue of federal preemption.

In re N.S. (Alameda County Social Services Agency v. N.S.)

Pending in the First Appellate District (filed May 18, 2018)(A154443)

Status: Amicus Brief Due April 15, 2019

In this case, Bay Area Legal Aid represented a juvenile minor in a dependency appeal related to whether certain evidence was properly allowed in her dependency proceedings. After a successful interim ruling, Legal Aid then filed a request for attorneys' fees under the Private Attorney General Statute (Code of Civil Procedure section 1021.5). The juvenile court denied the fee request because: (1) the minor was not a "prevailing party" as required by the statute because the appeal was only on an interim issue; and (2) the Private Attorney General Statute does not apply to dependency proceedings because in such proceedings, minors have a statutory entitlement to competent counsel, eliminating the need to provide other incentives for counsel. The court went on to state that application of CCP 1021.5 in dependency proceedings would "subvert the legislative plan for the provision and compensation of counsel . . ." Bay Area Legal Aid has appealed. CSAC will file an amicus brief in support of Alameda County.

Kaanaana v. Barrett Business Services

29 Cal.App.5th 778 (2d Dist. Nov. 30, 2018)(B276420), *petition for review granted* (Feb. 27, 2019)(S253458)

Status: Pending in the California Supreme Court

The Second Appellate District concluded, in a 2-1 opinion, that contract workers who sorted recyclables at a county sanitation district facility were engaged in "public works" that would require the contractor to pay the workers according to the prevailing wage laws in the Labor Code. Under previous case and administrative law analysis, the types of work subject to prevailing wage requirements generally involved the construction or maintenance of public works infrastructure projects, but not the operation of existing facilities. CSAC supported Supreme Court review, which was granted to the following issue: Whether the phrase "work done for irrigation, utility, reclamation, and improvement districts, and other districts of this type" in Labor Code section 1720, subdivision (a)(2) of California's Prevailing Wage Law (Labor Code §§1720 et. seq.) should be interpreted to cover any type of work regardless of its nature, funding, purpose or function, including belt sorting at recycling facilities.

Mateos-Sandoval v. County of Sonoma

912 F.3d 509 (9th Cir. Dec. 21, 2018)(16-16122), *petition for rehearing en banc pending* (filed Jan. 25, 2019)

Status: Petition for Rehearing En Banc Pending

This case challenges Vehicle Code section 14602.6, which provides for a 30-day vehicle impoundment when a driver is arrested for driving without a license. The Ninth Circuit Court of Appeals found in favor of plaintiffs in this case, concluding: (1) a local interpretation of state law was a separate policy sufficient to support county liability, even though the county was only enforcing State law; (2) even though an initial seizure does not violate the Fourth Amendment, the 30 day hold does violate the Fourth Amendment; and (3) the Legislature's rationale for the 30 day hold – deterring driving without a license – is not "reasonable" for purposes of the Fourth Amendment. Sonoma County is seeking rehearing in the Ninth Circuit, which CSAC has supported.

National Lawyers Guild v. City of Hayward

27 Cal.App.5th 937 (1st Dist. Sept. 28, 2018)(A149328), *petition for review granted* (Dec. 19, 2018)(S252445)

Status: Amicus Brief Due May 22, 2019

Plaintiff sought declaratory relief after the City of Hayward charged them for the costs to redact information from police body-cam videos to meet the plaintiff's PRA request. The invoice included charges for City employee's time in researching, choosing, and using software to produce the videos. The trial court found sections 6253(b) and 6253.9(a)(2) of the PRA did not allow the City to charge a requester for costs incurred in making a redacted version of an existing public record. On appeal, the First District reversed, stating the legislative and policy history of these sections showed law makers were aware the cost of producing a partially redacted video could far exceed the costs of a partially redacted paper document. Specifically, section 6253.9(b) had been expanded to include circumstances where a local agency would need to acquire and utilize software to extract exempt data from an otherwise disclosable electronic public record. The California Supreme Court has granted review to the following issue: Does the California Public Records Act permit a public agency to shift the cost of redacting exempt information from electronic records to the party making the request for the records although the cost of redaction cannot be required for paper records? CSAC will file a brief in support of the city.

People v. Lexington National Insurance Co.

Pending in the Fifth Appellate District (filed Oct. 23, 2018)(F078285)

Status: Amicus Brief Due July 15, 2019

In this bail bond forfeiture case, the surety sought exoneration of the bond on the ground that bail was unconstitutionally set in the underlying criminal case. Specifically, surety raised the same arguments pending at the California Supreme Court in *In re Humphrey* (S247278), contending that the court's failure to hold a hearing on the amount of bail, to consider the criminal defendant's ability to pay, or consider the possibility of less restrictive options, violated constitutional due process rights. And because the bail was unconstitutionally set, surety argued that the bail contract was void, such that judgment on the bond should be set aside, the forfeiture vacated, and the bond exonerated. The court here rejected surety's argument, noting that the argument would invalidate any bail forfeiture decision that was made pre or post *Humphrey* when bail was set using a bail schedule. The court determined that the Court of Appeal's decision in *Humphrey* did not support that result, even if it is still persuasive authority: "The *Humphrey* Court intended to aid defendants who could not afford bail and were being held despite low flight risk and lack of danger to the community, not bail sureties who provide bail for absconding defendants." The surety has appealed, and Tulare is seeking amicus support. The surety has appealed, and CSAC will file an amicus brief in support.

State of Texas v. United States (State of California)

Pending in the Fifth Circuit Court of Appeals (19-10011)

Status: Amicus Brief Due April 1, 2019

On December 14, 2018 a federal district court in Texas granted partial summary judgment and declaratory relief to the State of Texas and 18 other states. The plaintiff states brought this action to challenge the Affordable Care Act ("ACA"), alleging that following the passage of the Tax Cuts and Jobs Act of 2017, the ACA is no longer constitutional. Specifically, the complaint alleged that the US Supreme Court previously upheld the ACA as a proper exercise of Congressional taxing authority based on the "tax" imposed as a penalty for violating the Individual Mandate provision of the ACA. The Tax Cuts and Jobs Act eliminated that tax. Thus plaintiffs alleged that the entire ACA is unconstitutional since Congress eliminated the basis on which it was authorized to adopt the ACA. The district court agreed, holding that "both the plain text and Supreme Court precedent dictate that the Individual Mandate is unconstitutional" since the ACA, as amended by the 2017 tax cut, is not permissible under either Congress's Tax Power or the Interstate Commerce Clause. Given that the Individual Mandate is unconstitutional, the court went on to evaluate whether the Individual Mandate could be severed from the rest of the ACA. The court determined that in enacting the ACA, and in enacting the Tax Cuts and

Jobs Act, Congress “manifested the same intent: The Individual Mandate is inseverable from the entire ACA.” The State of California, along with 15 other states and the District of Columbia, intervened to defend the ACA and have appealed. CSAC will file a brief to provide the court with information about the district court’s ruling will impact California Counties, and tracking CSAC policy platform language stating that CSAC opposes efforts to “reverse expansions to the Medi-Cal program, which will shift the responsibility of providing these individuals with healthcare from the Medi-Cal program to counties, which are required to provide services to the medically indigent.”

Wilde v. City of Dunsmuir

29 Cal.App.5th 158 (3d. Dist. Nov. 15, 2018)(C082664), *petition for review granted* (Jan. 30, 2019)(S252915)

Status: Amicus Brief Due May 22, 2019

The City of Dunsmuir adopted a water rate increase to upgrade the city’s 105-year old water system. The rate increase was adopted with the required Prop. 218 studies, and was not challenged by a majority protest. Plaintiff subsequently collected sufficient signatures to qualify a referendum on the rate increases. The city refused to place the referendum on the ballot on the grounds that rate increases are not subject to referendum. The appellate court ruled against the city. The court found that because the new rates were the result of new policies adopted by the city, they were legislative in nature and thus subject to referendum. The court also concluded that the referendum impacted new and additional spending rather than the expenditure of previously budgeted funds, and as such the referendum did not undermine the city’s ability to provide essential government services. Supreme Court review, which CSAC supported, was granted. CSAC will now file a brief on the merits in support of the city.

2019 CSAC Calendar of Events | Executive Committee

JANUARY

- 1 New Year's Day
- 16 Rural County Representatives of California (RCRC) Board Meeting & Installation of Officers
- 16 **CSAC Executive Committee Orientation Dinner | Sacramento**
6:30 PM Reception, 7:15 Pm Dinner | Esquire Grill – 13th & K Streets
- 17 **CSAC Executive Committee Meeting | Sacramento**
10:00 AM – 2:00 PM | Capitol Event Center – 1020 11th Street, Sacramento
- 21 Martin Luther King, Jr. Day
- 30 – 31 **CSAC Executive Committee Platinum Forum | San Diego**

FEBRUARY

- 14 **CSAC Board of Directors Meeting | Sacramento**
10:00 AM – 2:00 PM | Capitol Event Center – 1020 11th Street, Sacramento
- 18 President's Day
- 20 Rural County Representatives of California (RCRC) Executive Committee Meeting | Sacramento

MARCH

- 2 – 6 **NACo Legislative Conference | Washington, D.C.**
- 13 Rural County Representatives of California (RCRC) Board of Directors Meeting | Sacramento
- 21 **Regional Meeting, Housing & Homelessness | Monterey County**

APRIL

- 4 **CSAC Executive Committee Meeting | Sacramento**
10:00 AM – 2:00 PM | Capitol Event Center – 1020 11th Street, Sacramento
- 24 – 25 **CSAC Legislative Conference | Hyatt Regency, Sacramento**
- 25 **CSAC Board of Directors Meeting | Hyatt Regency, Sacramento**

MAY

- 1 Rural County Representatives of California (RCRC) Board of Directors Meeting | Inyo County
- 15 – 17 **NACo WIR Conference | Spokane County, Washington**
- 22 Rural County Representatives of California (RCRC) Executive Committee Meeting | Sacramento
- 27 Memorial Day

JUNE

- TBD **Regional Meeting | TBD**
- 19 Rural County Representatives of California (RCRC) Board of Directors Meeting | Sacramento

JULY

- 4 Independence Day
- 10 Rural County Representatives of California (RCRC) Executive Committee Meeting | Sacramento
- 12 – 15 **NACo Annual Conference | Clark County, Las Vegas, Nevada**

AUGUST

- 1 **CSAC Executive Committee Meeting | Sacramento**
10:00 AM – 2:00 PM | TBA
- 14 Rural County Representatives of California (RCRC) Board of Directors Meeting | Sacramento

SEPTEMBER

- 2 Labor Day
- 5 **CSAC Board of Directors Meeting | Sacramento**
10:00 AM – 2:00 PM | Capitol Event Center – 1020 11th Street, Sacramento
- 25 Rural County Representatives of California (RCRC) Board of Directors Meeting | El Dorado County
- TBD **Regional Meeting | TBD**

OCTOBER

- 2 – 4 **CSAC Executive Committee Retreat | TBD**
TBD
- 14 Columbus Day
- 16 Rural County Representatives of California (RCRC) Executive Committee Meeting | Sacramento

NOVEMBER

- 11 Veterans' Day
- 13 Rural County Representatives of California (RCRC) Executive Committee Meeting | Sacramento
- 28 Thanksgiving Day

DECEMBER

- 3 – 6 **CSAC 125th Annual Meeting | Hilton, San Francisco**
- 5 **CSAC Board of Directors Meeting | San Francisco**
- 11 Rural County Representatives of California (RCRC) Board of Directors Meeting | Sacramento
- 18 – 20 **CSAC Officers' Retreat | Napa County**
- 25 Christmas Day

as of 12/12/18