

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
Thursday, August 11, 2011
10:00am to 1:30pm
Langham Hotel, Pasadena, Los Angeles County

A G E N D A

Presiding: John Tavaglione, President

10:00am PROCEDURAL ITEMS

1. Roll Call Page 1
2. Approval of Minutes from May 5, 2011 Meeting Page 2

10:10am SPECIAL PRESENTATION

3. Presentation by Supervisor Don Knabe, Los Angeles County

10:30am INFORMATION ITEMS

4. CSAC County Employee Health Benefit Cooperative Update Page 5
 - *Paul McIntosh, CSAC Executive Director*
5. National Association of Counties (NACo) Report Page 16
 - *Supervisor Valerie Brown*
6. Realignment Update Page 17
 - *Jim Wiltshire & Elizabeth Howard Espinosa, CSAC Staff*
7. CSAC Institute for Excellence in County Government Executive Leadership Symposium Page 25
 - *Paul McIntosh*
8. CSAC Finance Corporation Report Page 29
 - *Nancy Parrish, Finance Corp. Executive Director*

12:00pm LUNCH

9. *The following items are contained in the briefing materials for your information, but no presentation is planned.*
 - CSAC Corporate Associates Report Page 30
 - CSAC Litigation Coordination Program Update Page 32

1:30pm ADJOURN

NOTE: The next CSAC Board of Directors meeting is September 8, Sacramento Convention Center
The next CSAC Executive Committee meeting is October 5-7, San Diego County

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
2011

President: John Tavaglione, Riverside
1st Vice President: Mike McGowan, Yolo
2nd Vice President: David Finigan, Del Norte

Urban Section

Greg Cox, San Diego
Don Knabe, Los Angeles
Liz Kniss, Santa Clara
John Moorlach, Orange
Gary Ovitt, San Bernardino
Susan Peters, Sacramento
Kathy Long, Ventura (alternate)

Suburban Section

Valerie Brown, Sonoma
Henry Perea, Fresno
Steve Worthley, Tulare
Joni Gray, Santa Barbara (alternate)

Rural Section

John Viegas, Glenn
Terry Woodrow, Alpine
Lyle Turpin, Mariposa (alternate)

Advisors

Nancy Watt, CAOAC President & Napa County Executive Officer
Marshall Rudolph, County Counsels Assoc. Past President & Mono Co. Counsel

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE

May 5, 2011
CSAC Conference Center, Sacramento

MINUTES

Presiding: John Tavaglione, President

1. ROLL CALL

John Tavaglione, President	Valerie Brown, Sonoma
Mike McGowan, 1 st Vice Pres.	Henry Perea, Fresno
David Finigan, 2 nd Vice Pres.	Joni Gray, Santa Barbara, alternate
Greg Cox, San Diego	John Viegas, Glenn
Liz Kniss, Santa Clara (via audio)	Terry Woodrow, Alpine
John Moorlach, Orange	Marshall Rudolph, Co. Counsel Advisor
Susan Peters, Sacramento	

The presence of a quorum was noted.

2. APPROVAL OF MINUTES

The minutes of the January 20, 2011 meeting and the summary of the March 16 conference call were approved as previously mailed.

3. REPORT ON STATE BUDGET

Diane Cummins, Special Advisor to the Governor, addressed the Executive Committee regarding the state budget. The Governor's May Revision will be released soon and will include revised revenue projections and cut proposals. Cummins indicated that there are still some outstanding issues being negotiated such as redevelopment agencies and enterprise zones. She further indicated that the Governor remains committed to realignment, tax revenues and constitutional protections for counties. However, it is unknown at this time when or if a special election on tax extensions will occur.

Cummins was asked about AB 109, the legislation that authorizes the state to move low-level offenders to the county jails, which was recently passed by the Legislature. She indicated that the bill was done in advance of the state budget so that target populations could be defined. She stated that working groups are now working on implementation issues.

4. PROPOSED CSAC BUDGET FOR FY 2011-12

Paul McIntosh presented the draft CSAC budget for FY 2011-12 as contained in the briefing materials.

Questions were raised regarding employee retirement plans. Staff was directed to contact the San Bernardino County Employees Retirement Association (SBCERA) to see what options are available for future CSAC employees as far as a lower tier for retirement benefits.

Staff was further directed to survey other associations such as the League of California Cities and California School Boards Association regarding retirement benefits offered to their employees.

McIntosh indicated that a thorough discussion regarding employee salaries and benefits will take place at the Executive Committee retreat in October.

Regarding the layout of the proposed budget, staff was directed to include information regarding CSAC reserves as well as explanations as to where the Corporate Associates revenues are placed within the overall budget.

Motion and second to approve proposed CSAC Budget for FY 2011-12 including the staff direction related to retirement benefits and budget layout mentioned above, and recommend adoption by the Board of Directors. Motion carried unanimously.

5. PROPOSED LITIGATION COORDINATION PROGRAM BUDGET FOR FY 2011-12
Jennifer Henning, CSAC Litigation Coordinator, presented the proposed CSAC Litigation Coordination Program budget for FY 2011-12 as contained in the briefing materials. She noted that the budget includes a 5% increase to cover increases in rent, employee benefits costs and other costs associated with operating the program.

Motion and second to approve the draft CSAC Litigation Coordination Program budget for FY 2011-12 and recommend adoption by the Board of Directors. Motion carried unanimously.

6. CSAC COMMUNICATIONS PLAN
Staff presented "*Communication Tactics for Supporting Constitutional Amendment*" as contained in the briefing materials. The report contains key messages pertaining to support for the Governor's budget plan that CSAC members can use when communicating with the media, legislators and general public. Staff also distributed talking points on the Governor's Realignment proposal. The overall message is that any realigned programs must be accompanied by dedicated revenues and constitutional protections.

In recognition of April's National County Government Month, CSAC produced videos of various successful county programs and highlighted them on the CSAC web site.

It was noted that CSAC Blog readership is increasing. Supervisors were encouraged to contribute to the CSAC blog.

Staff was directed to develop draft opinion-editorials that could be used by supervisors locally and would coincide with the release of the Governor's May Revise.

7. CSAC HEALTH & HUMAN SERVICES POLICY COMMITTEE REPORT
Staff presented a spreadsheet of Health Care Reform legislation currently being considered in the Legislature. This list of bills was discussed by the CSAC Health & Human Services policy committee during its recent meeting.

Staff announced that the Federal Health Reform legislation includes a program called *Health Exchange* which will allow individuals to purchase health insurance and compare products all in one place. Much work remains to be done on the implementation of this program.

8. LEGISLATIVE REPORT
Staff provided reports on several pieces of legislation.

AB 109 will not become effective until funding becomes available to implement it. The policy ramifications are significant. The State Department of Rehabilitation and Corrections is organizing a two-day summit regarding the bill.

State funding for local public safety services through a portion of the Vehicle License Fee (VLF) will expire on June 30. Staff distributed a memo that outlines the specific local public

safety programs that will be affected by the expiring VLF as well as options for exercising local booking fee authority.

CSAC is sponsoring AB 1053 (Gordon) which would increase fees for four programs related to vital records, juvenile public defender registration, and laboratory analyses for various drug and driving offenses. The bill passed out of Assembly Local Government Committee yesterday.

AB 1220 (Alejo) would expand the statute of limitations to sue a city or county challenging the adoption of a housing element or a number of related ordinances, from one year to five years. The bill passed out of Assembly Local Government Committee and is awaiting action on the Assembly Floor. Executive Committee members were urged to express opposition to this bill.

SB 653 (Steinberg) would allow counties and school districts to impose the following taxes: personal income, transactions and use, vehicle license fee, oil severance, and excise taxes on products such as cigarettes, alcohol and sweetened drinks. The bill passed out of Senate Governance and Finance Committee and will be considered by Senate Appropriations Committee on May 16. Executive Committee members were urged to express support for this bill.

AB 506 (Wieckowski) would impose a mandatory mediation requirement for local agencies prior to seeking bankruptcy protection in federal court. The bill passed out of Assembly Local Government Committee. Executive Committee members were urged to express opposition to this bill.

AB 646 (Atkins) would authorize an employee organization, if a mediator is unable to effect settlement of a contract impasse within 15 days of his or her appointment, to request that the matter be submitted to a fact-finding panel. It would prohibit a public agency from implementing its last, best and final offer until at least ten days after the fact finders' written findings of fact and recommended terms of settlement have been submitted to the parties and the agency has held a public hearing regarding the impasse. This bill is scheduled to be heard in Senate Appropriations Committee on May 18 and Executive Committee members were urged to express opposition.

9. MISCELLANEOUS

Supervisors Kniss and Brown discussed a meeting they both recently attended in Washington, DC that included President Obama, Vice President Biden and several cabinet members. NACo organized the meeting so that counties could express concerns and get information from major federal agencies regarding developing or current policies affecting local government. The five-hour meeting was divided into three sessions: 1) *Breaking the Cycle of Jail and Poverty*; 2) *Infrastructure and Sustainable Communities*; and 3) *Health Reform Implementation and Medicaid*.

The briefing materials contained updates on the CSAC Finance Corporation and CSAC Litigation Coordination Program.

Meeting adjourned.



MEMORANDUM

August 11, 2011

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California
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Telephone
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Fax/Facsimile
916.441.5507

To: Executive Committee
California State Association of Counties

From: Paul McIntosh
Executive Director

Re: **Update on CSAC Employee Health Benefit Cooperative**

At their meeting of March 24, the CSAC Board of Directors approved the expenditure of up to \$125,000 to determine the feasibility of establishing a County Employee Health Insurance Pool. Subsequent to that approval, staff prepared a Request for Proposal (attached) that was sent to prospective firms, seeking their expertise in conducting the feasibility study and then setting up the program, if approved.

On July 26, four (4) proposals were received. Respondents were The Segal Group, Aon-Hewitt, Jones Management Consulting, Inc., and Alliant. Each of these firms is well-established in this field.

CSAC is in the process of reviewing the proposals and has enlisted the support of county administrators from counties who have expressed an interest in the program, current county pool administrators from Riverside County, as well as the pool administrator for the Texas Association of Counties. Each of these will review the proposals independently with their conclusions compiled for a final recommendation.

Our goal is to have this review completed by the end of August so that we can proceed with the feasibility stage of the study as quickly as possible.

Attachment

CALIFORNIA STATE ASSOCIATION OF COUNTIES

Request for Proposals for Employee Health Benefit Cooperative Consultant

I. Objective

The California State Association of Counties (CSAC) is exploring the feasibility of establishing a County Employee Health Benefit Cooperative to provide CSAC member counties with more affordable and stable health benefit options for their employees and retirees. The CSAC is seeking proposals for a consultant to assist in the evaluation, design, implementation, and initial administration of the Cooperative. The services of the consultant will be performed in the following phases:

Phase I. Feasibility Assessment

Phase II. Program Design/Vendor Procurement

Phase III. Implementation

Phase IV. Initial Program Administration

II. Background Information

The majority of California counties are experiencing significant increases in health benefit costs. Many counties are self-insured or negotiate on their own with providers of employee health benefits, but 28 counties provide all or a portion of their employee health insurance through the Public Employees' Medical and Hospital Care Act (PEMHCA) managed by the California Public Employee Retirements System (CalPERS). Several counties express concern with the management of their health care plans and have expressed a desire for CSAC to establish a viable health benefit program for California counties.

The primary objective of the CSAC Cooperative will be to achieve cost and benefits stability by spreading the risk and leveraging the combined purchasing power of the participating members. Therefore, the Cooperative may utilize an appropriate level of self-insurance, in conjunction with stop loss coverage; or may utilize other mechanisms recommended by the consultant to achieve the objective. The Cooperative should be positioned to take maximum advantage of federal Health Care Reform and changes in federal and California law regarding health care and health insurance.

All fifty-eight (58) California counties are members of CSAC, which was established in 1895 and is organized under Section 501 (c) (4) of the Internal Revenue Service Code. The core mission of CSAC is to act as an advocate of county government with the

California Legislature, state agencies, Congress and the federal government. The Association promotes the best practices and policies in the administration of county government., and provides information, training and research services to member counties.

The CSAC Finance Corporation, an affiliate of CSAC, was established in 1986 to offer service programs either that reduce costs, provide better service, or generate revenue to the county general fund. CSAC has a staff of 35, including two employees who have full time responsibility for the various Finance Corporation programs. Additional information can be obtained on the CSAC web site (www.CSAC.counties.org).

A steering committee, consisting of staff from representative counties across the state, will oversee the Feasibility Assessment and Program Design/Vendor Procurement phases of the program. As the program is being implemented, at least one additional staff person may be hired to coordinate the program. Once established, the Cooperative will be governed by a separate Board of Trustees consisting of Supervisors and/or county officials from represented counties. The precise organizational structure for the Cooperative has yet to be determined and the consultant will be asked to make recommendations in that regard.

The consultant will be working with outside counsel, designated by CSAC, on legal issues.

It is the desire of CSAC to summarize Phase II, and initiate the implementation of the program (Phase III) during the spring of 2012.

III. Scope of Services to Be Provided

Proposals should comment on each Phase of services to be provided. For each Phase please describe

- Your team, with emphasis on your team leader and your project manager (if different). For the team leader and project manager please provide relevant experience, at least 3 references, history with the firm, and other client commitments.
- The major challenges that CSAC will face and how your team will help CSAC meet them.
- Your most relevant experience for the particular work.
- A few innovative ideas that you have for achieving success
- The unique tools that you would use in the project.
- How you will work with CSAC and the steering committee and meet timelines.
- What you will require from CSAC to complete the work on time and on budget.
- Specific work plan with time line and benchmarks
- Cost of services. We understand that for services after Phase I the cost may depend on the program design and the level of interest from potential agency participants. See section IV for additional information regarding fees.

A. Feasibility Assessment (Phase I)

Review of current county programs.

The fundamental purpose of the first phase of this engagement is to determine the financial and programmatic viability of establishing a County Employee Health Benefit Cooperative and the best organizational structure, given state and federal law, of establishing that cooperative. The consultant will develop a methodology, seeking input from CSAC staff and the Steering Committee to make these initial assessments.

The consultant will assess the competitive environment to determine what features will attract participants to a CSAC program and the consultant will use benchmark data and its database, design experience, experience with carriers, and innovative ideas to develop strategies for a CSAC program. CSAC is particularly interested in the consultant's experience and ideas about wellness, prevention of illness, and assisting the limited numbers of high cost individuals to provide better care and flatten the "cost curve". Additionally, CSAC is interested in the consultant's ideas about working with Kaiser-Permanente because a large portion of public agency employees often are Kaiser members.

The consultant will identify the minimum number of participants necessary to make a cooperative feasible, and whether there is a point at which there is a negative effect of having more than a specified number of covered participants. Attached is a spreadsheet showing the counties currently enrolled in PEMHCA and the number of lives covered in each.

CSAC will work with the Steering Committee to identify individual counties for the feasibility study, and the consultant may be called upon to help explain to those counties the advantages and disadvantages of participation, as well as assessing the viability of the county's participation in the Cooperative.

The consultant will outline the advantages and disadvantages of the various funding options currently in use, for both the group in total and for each county individually. The review will identify all funding variables, including, but not limited to, attachment points for specific and aggregate stop loss coverage, level of funding for self-funded plans, stop loss costs, available network arrangements, claim processing fees, and degree of utilization review and case management. In addition to health care coverage, consultant will also identify the cost and providers of dental and vision coverage and any structural issues of the program that could affect the cost/viability of those programs.

Consultant will identify current State or Federal regulations, (or any regulations under consideration), applicable to, and outline their impact on, benefit design, funding reserves, or other aspects of Cooperative administration. One of the goals of the Cooperative is to ensure that California counties, as employers, are able to take maximum advantage of any changes encompassed in the federal Health Care Reform.

Consultant will establish a Financial Model, which would indicate the degree of self-funding and stop loss attachment.

The consultant will retain the services of an actuary, who will recommend the attachment point for specific and aggregate losses, and provide an actuarial calculation for the establishment of risk limitation through medical stop loss coverage.

Consultant will identify the number and type of plans and benefit levels that are currently offered, such as:

- Number of plan options
- Delivery systems-PPO, POS, EPO, HMO
- Cost sharing levels (applicable to all benefits offered)
- Prescription drug benefits
- Vision/dental plans
- Mental health benefits (whether provided separately or as part of medical option)
- Wellness programs (if provided outside the medical option)
- Health reimbursement accounts and/or cafeteria plans

Consultant will identify innovative concepts and approaches that counties could consider in managing health care costs.

Consultant will contact potential claim administrators, network providers, utilization review/case managers, pharmacy benefit managers/administrators, and vision/dental insurance providers, to determine interest in being involved with their program, along with their commitment and ability to assist with the marketing of the program to members.

Consultant will provide a written report, summarizing the study, which will contain sufficient information to determine the following:

The feasibility of establishing the Cooperative

The impact of State and Federal Regulations on the Cooperative

The identification of innovative concepts and approaches that counties could consider in managing health care costs.

Potential cost savings and cost stability

Financial Model

Preliminary options for plan designs

Indication of likely founding counties

Estimate of potential enrollment

Appropriate number and types of vendors (claim administrators, network managers, prescription benefit manager, stop loss carrier, utilization/case managers, vision/dental/providers, mental health providers, wellness program providers) to be involved in the Cooperative

It is the intent of CSAC to be able to determine if it is feasible to establish the Cooperative, when the Feasibility Assessment (Phase I) is concluded. Consultants are requested to indicate in their proposal to what degree they would be able to determine if it is feasible for CSAC to establish the Cooperative, when the Feasibility Assessment is concluded.

Consultants are requested to indicate how long it will take to complete Phase I.

B. Program Design/Vendor Selection (Phase II)

Once feasibility has been established and upon express authorization by CSAC, the consultant shall proceed with the design of a Cooperative program to competitively meet the health insurance needs of the identified counties. Plan design activities shall include, but may not be limited to:

A finalized Financial Model and Program Design, including the number and type of plans to be offered, benefit levels, and plan design specifications, including, but not limited to:

- Number of plan options
- Delivery systems-PPO, POS, EPO, HMO
- Cost sharing levels
- Prescription drug benefits
- Vision/dental plans
- Mental health benefits
- Wellness programs
- Health reimbursement accounts and/or cafeteria plans (if utilized)

Request for Proposals (RFP's) from network managers, claim administrators, stop loss carriers, utilization review/case managers, pharmacy benefit managers, mental health providers, wellness program providers and vision/dental/life providers.

Identification and pre-qualification of vendors

Development and distribution of RFP's as necessary

Screen, interview, and recommend Vendors

Assess vendor interest, ability, and commitment to assist with providing marketing/customer assistance services for the program.

Provide written report which summarizes qualifications and identifies areas in which vendor is committed to provide assistance with marketing/customer service, and provides recommendations for vendor selection.

Assisting CSAC with vendor selection process

Reviewing and negotiating contract terms for selected vendors

Establishing projected total program costs for each prospective Member

Assisting CSAC with the development of by-laws and other organizational documents

Consultants are requested to provide information on their project management capabilities and how project management would be used to ensure successful project completion. Such information should include samples of the types of tracking reports that would be provided to CSAC during the project.

Consultants are requested to indicate how long it will take to complete Phase II.

C. Implementation (Phase III)

CSAC is requesting that consultants outline their interest and ability to assist in implementing the Cooperative program. CSAC recognizes that the consultant may not be involved in all aspects of program implementation, and that other service providers/vendors may also be involved with implementation. Consultants are therefore requested to indicate how their services would be offered in conjunction with other service providers/ vendors.

Consultants are requested to outline in detail how they would assist with the following services:

Developing educational and marketing materials

Assisting CSAC with developing and conducting seminars to introduce the program

Preparing proposals for each prospective county

Presenting proposals to prospective members

Developing Summary Plan Descriptions

Developing communication materials for county employees

Consultants are also encouraged to outline any additional services they are able to provide during Phase III.

D. Initial Program Administration (Phase IV)

It is the intent of CSAC to ultimately administer the Cooperative program in-house, hiring and housing staff to accomplish those tasks. It is anticipated that this transition in administration will occur after two years of successful administration by the consultant.

Consultants are requested to outline their interest and ability in assisting CSAC with initial program administration geared toward transition of that administration to CSAC over an agreed-upon schedule. Again, CSAC recognizes that the consultant may not be involved in all aspects of ongoing program administration, and that other service providers/vendors may be involved with different aspects of program administration. Consultants are requested to indicate how their services would be offered in conjunction with other service providers/vendors.

Consultants are requested to outline in detail how they would offer the following services:

Actuarial certification including reserve requirements and funding status

Oversight of and assistance with any applicable regulatory filings

Annual vendor renewals

Performance guarantee measurement

Annual plan design review

Annual plan pricing, including establishing total program costs for each member

Information system management

Updating educational and marketing materials for the program

Attendance at governing body/membership meetings

Developing proposals for prospective members

Presenting proposals and meeting with individual counties as needed

Updating communication materials for employees

Assist with the occasional "unique and difficult" claim problem.

Provide for the scheduling and execution of a transition of administration of the Cooperative to CSAC staff

Consultants are encouraged to outline any additional services that they are able to offer during Phase IV.

IV. Proposal Requirements

Proposals must be received no later than **5:00 p.m. on Monday, July 25, 2011**. The proposal should be submitted to:

Paul McIntosh
Executive Director
California State Association of Counties
1100 K Street, Suite 101
Sacramento, California 95969
(916) 327-7500 Ext. 506
pmcintosh@counties.org

Any questions regarding this Request for Proposal should be communicated to Mr. McIntosh, in writing or via e-mail at the address above.

CSAC reserves the right to change the scope of the request for proposal based upon questions and comments offered during initial review.

CSAC reserves the right to reject any and all proposals.

CSAC will be forwarding copies of the proposal to each member of the Steering Committee. Therefore, CSAC is requesting that each bidder provide twelve (12) copies of the base proposal to CSAC.

Fees must be indicated separately for Phases I (Feasibility Assessment) and II (Program Design/Vendor Selection)

CSAC is requesting Consultants to indicate in the proposal to what degree they would be able determine if it is feasible for CSAC to establish the Cooperative, when the Feasibility Assessment (Phase I) is concluded.

For Phases III and IV, CSAC is requesting that consultant's revenue be based on fees only, and that no commissions be earned from any vendor. Consultants are requested to confirm in their proposal that no commissions will be paid from any vendor.

CSAC understands that the fees for Phases III (Implementation) and IV (Ongoing Administration) will depend on the number of program participants and employee

enrollment, and the type and amount of services that are provided by vendors and CSAC staff. However, consultants are requested to indicate the basis on which fees will be established (cost per employee enrolled, cost per member, cost per hour, etc). Upon the completion of Phase III (Implementation) it is the intent of the CSAC to enter into a contract with the consultant for a minimum period of two (2) years.

Consultants are requested to disclose any interest or business relationship they have, directly or indirectly, with any service providers or vendors that they propose to be involved in any phase of the program, from feasibility to administration.

Consultants are requested to indicate the name, credentials, and affiliation (independent contractor, employee of consultant's firm, employee of network provider/stop loss provider/TPA) of the actuary that will be used to establish funding requirements and reserves. Please indicate the experience of the actuary with self-funded health insurance programs and self-insured health benefit pools and cooperatives.

Consultants are requested to indicate the person in the firm who will have primary responsibility for the Cooperative, the names of other individuals who will be involved with the program, and provide resumes/bios of the entire account team. Please indicate the counties and other public entities in California, and also the health benefit self-insurance and group purchasing programs, both inside and outside of California, with whom the individuals have been involved, and the nature of their involvement. Consultants are requested to outline resources of the firm that would be available to the Cooperative.

Consultants are requested to indicate any services that are requested in Section III (Scope of Services to Be Provided) that are not included in the proposal.

Consultants are requested to identify and outline their experience and working relationship with the network providers, claim administrators, pharmacy benefit managers, mental health and wellness program providers and utilization review/case managers that could be involved in the program.

Consultants will be asked to provide names, telephone numbers and email contact information for references for experience that is indicated in the bid proposal.

Consultants are requested to provide evidence of professional liability insurance with minimum limits of \$1,000,000 per occurrence.

All proposals must be signed under penalty of perjury attesting to the above by a duly authorized official of the Bidder and become the sole property of CSAC once submitted.

Consultants should expressly identify any proprietary information contained in the proposal and CSAC hereby agrees to maintain the confidentiality of that proprietary information to the extent provided under applicable law.

Selection of the consultant will be at the sole discretion of CSAC and will be based upon criteria that include:

Experience and qualifications in planning and implementing self-insured employee benefit pools/cooperatives.

Experience and qualifications in administering employee benefit programs for counties and other public entities

The scope and quality of services to be offered.

Fees.

Preliminary Conference Program

Schedule Subject to Change. All events will take place at the Oregon Convention Center unless otherwise noted.

Friday, July 15

• 7:30 a.m. – 5:00 p.m.

Registration

Hall B, Level 1

• 8:00 a.m. – 5:00 p.m.

Steering Committee, Subcommittee and Affiliate Meetings

All delegates are welcome to attend any NACo Steering or Sub-Committee Meeting.

• 8:30 a.m. – 5:00 p.m.

Technology Summit

Additional Registration Required

Saturday, July 16

• 7:30 a.m. – 5:00 p.m.

Registration

Hall B, Level 1

• 8:00 a.m. – 5:00 p.m.

Steering Committee, Subcommittee and Affiliate Meetings

All delegates are welcome to attend any NACo Steering or Sub-Committee Meeting.

• 4:00 p.m. – 5:30 p.m.

Exhibit Hall Reception

For all exhibitors and attendees!

Stroll the exhibit hall aisles and get an advance look at the suppliers showcasing their products and services.

Sunday, July 17

• 8:30 a.m. – 4:00 p.m.

Registration

Hall B, Level 1

• 9:30 a.m. – 11:30 a.m.

Opening General Session

Portland Ballroom, Level 2

Featured Speaker:

Aron Ralston
Mountain Climber and
Inspiration for the Film 127
Hours

• 11:30 a.m. – 3:30 p.m.

Exhibit Hall Open

Hall C, Level 1

• 12:00 Noon – 1:00 p.m.

Exhibit Hall Lunch

Hall C, Level 1

Grab a bite while perusing the many products and services on display.

• 1:30 p.m. – 4:30 p.m.

Concurrent Educational Sessions

Rooms: TBD

• 6:00 p.m. – 9:00 p.m.

Conference-Wide Event: Party in the South Block Parks!

SW Jefferson and Salmon Streets
Hosted by Multnomah County, Oregon

Monday, July 18

• 8:30 a.m. – 4:00 p.m.

Registration

Hall B, Level 1

• 9:00 a.m. – 11:30 a.m.

NACo Board of Directors Meeting

Room: TBD

• 9:00 a.m. – 12:00 Noon

Concurrent Educational Sessions

Rooms: TBD

• 9:00 a.m. – 2:00 p.m.

Exhibit Hall Open

Hall C, Level 1

• 12:00 p.m. – 1:00 p.m.

Exhibit Hall Luncheon

Hall C, Level 1

Grab a bite while perusing the products and services on display! You may want to take in a quick massage in the Center Lounge!

• 2:15 p.m. – 4:00 p.m.

General Session

Portland Ballroom, Level 2

• Open Evening

Enjoy the fantastic restaurants in Portland!

Tuesday, July 19

• 8:00 a.m. – 3:00 p.m.

Registration

Hall B, Level 1

• 8:30 a.m. – 9:45 a.m.

Concurrent Educational Sessions

Rooms: TBD

• 10:00 a.m. – 12:00 Noon

Election of Officers and Business Meeting

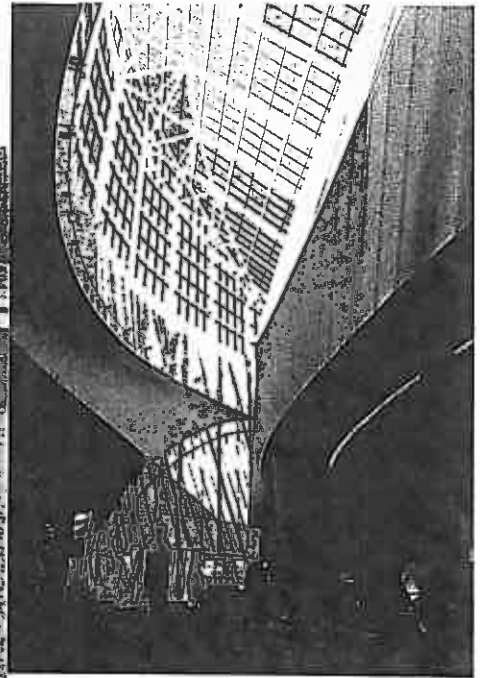
Portland Ballroom, Level 2

• 7:00 p.m. – 9:30 p.m.

Inaugural Reception

Room: Portland Ballroom

Celebrate with your fellow attendees the end of another productive conference and welcome to office your new NACo President!



Opening General Session Featured Speaker

Sunday, July 17



Aron Ralston
Mountain Climber and Inspiration
for the Film 127 Hours

After being pinned by a half-ton boulder for nearly a week in a remote three-foot-wide canyon crevasse, Aron Ralston escaped death by severing his right forearm with a dull pocketknife. After applying a tourniquet, he hiked and rappelled for five hours through Blue John Canyon in southern Utah before rescuers in a helicopter miraculously rescued him. His life-altering experience was chronicled in the *New York Times* bestselling book *Between a Rock and a Hard Place*. Ralston's story was adapted into a movie by Oscar-winning director Danny Boyle, entitled *127 Hours*.



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July 21, 2011

To: County Administrative Officers and Executive Officers

From: Paul McIntosh, Executive Director
Kelly Brooks-Lindsey, Legislative Representative

Re: Draft Realignment Fiscal Architecture

CSAC has a Realignment Implementation Planning group that has been meeting to discuss the outstanding structural issues associated with the 2011 realignment – architecture, base, transfer provisions, and growth. Attached please find the most recent draft of the group's fiscal structure for the 2011 realignment. The draft, dated July 20, is the most current reflection of the group's thinking on architecture and transfer provisions for 2012-13 and beyond. Please note that AB 118, which establishes the 2011 realignment, only established the fiscal structure for 2011-12.

The draft document is not a consensus document. County affiliates are still discussing transfer provisions and account structures. We are providing CAOs and CEOs the document in order to keep you apprised of the issues under discussion. The document is subject to further change and deliberation. If you have further questions or comments, please contact Kelly Brooks-Lindsey (kbrooks@counties.org or 916.327.7500, ext. 531).

Key elements reflected in the draft funding structure:

- Proposed structure is for county-level revenues beginning in 2012-13.
- The funds within the various subaccounts are meant to be flexible, to the extent permitted by federal and state law.
- The structure includes the concept of transferability, which exists in the 1991 realignment structure.
- The ability to transfer funds between the two subaccounts within the Health and Health Services Account begins in 2012-13.
- The ability to transfer funds between the two subaccounts within the Public Safety Account begins in 2012-13. Because of the difference in size between the two subaccounts, transferability is limited – capped at 10 percent of the smaller account.
- The transferability between the Health and Human Services Account and Public Safety Account would begin in 2013-14, contingent upon a constitutional amendment and agreement on growth. This start date allows for two years of AB 109 transition. The differing amounts allowed for transfer reflects the differences in the sizes of the accounts. The HHS Account is nearly four times as large as the Public Safety Account.
- The Direct Subvention Account does not interact with the other two accounts. Funds cannot be transferred between the Subaccounts within the Direct Subvention Account.
- Statutory re-opener to reassess the transfer provisions and growth allocations in 2014-15 (to settle on new transfer provisions by start of 2015-16), after full implementation of AB 109 and health care reform.

Finally, please note the CSAC Realignment Implementation Planning group is beginning conversations about how to allocate revenue growth in 2012-13. As concepts are developed, CSAC will have additional information to share.

DRAFT-DRAFT-DRAFT-July 20, 2011 -DRAFT-DRAFT-DRAFT

Realignment Funding Structure 2012-13

(Administration's Proposed Funding Levels)

HEALTH & HUMAN SERVICES Account \$3,737.9 million	PUBLIC SAFETY Account \$947 million
Social Services Subaccount \$1,622.2 million Adoptions AAP Foster Care CWS APS CAPIT	Juvenile Justice Subaccount \$104.1 million Youthful Offender Block Grant* Juvenile Reentry Fund*
Behavioral Health Subaccount \$2,115.7 million EPSDT Community Mental Health (1991)* Mental Health Managed Care (M/Cal) Drug Medi-Cal Non-Drug Medi-Cal Drug Courts Perinatal Drug Programs	Local Community Corrections (Adults) Subaccount \$842.9 million Low-Level Offenders/Parole Violators Post-Release Community Supervision

(\$162.2 million)
↓
Ability to transfer up to 10% between subaccounts
↑
(\$211.5 million)

(\$10.4 million)
↓
Ability to transfer up to 10% between subaccounts, capped at 10% of the lesser subaccount
↑
(\$10.4 million)

Starting in 2013-14, ability to transfer up to 5% from Public Safety to HHS and a number equal to no more than twice as much as 5% of the Public Safety Account from HHS to Public Safety (\$94.8 million) → ← (\$47.4 million)

Direct Subvention Account - \$1,000.9 million
Trial Court Security Subaccount* \$496.4 million
Local Law Enforcement Services Subaccount * \$489.9 million
District Attorney/Public Defender Subaccount \$14.6 million

*Indicates assumption that previously established county-by-county allocation formulas remain intact.

LOCAL REVENUE FUND 2011
STATE CONTROLLER'S -7-19-11

Revenue & Taxation Code Section
6051.15 and 6201.15
1.0625% sales tax
Estimate: \$5,105.7 million

Revenue & Taxation Code Section
11001.5 and 11005
(This money passes thru the LRF-2011 to the
LLESA) Estimate \$453.4 million

LOCAL REVENUE FUND 2011 (3171)
(1) \$90.3 million/month to the Mental Health
Account
(2) \$3,041,667/month to the LLESA
(3) 12.45% up to \$496,429,000 to TCSA
(4) 8.89% to the LCCA
(5) .32% to the DA & PDA up to \$12.7 million.
(6) 2.44% to the JJA up to \$97,190,000
(7) 45.31% to the HHSA

LOCAL LAW ENFORCEMENT SERVICES
ACCOUNT (3178)
All revenues from R & T Code Section
11001.5 and 11005 to be deposited here.
(2) \$3,041,667 per month from R & T Code
Section 6051.15 and 6201.15 (ends)
No more than \$489,900,000 to be allocated out
of this account.
SCO to allocate base on statute: (Booking
Fees, COPs & Juvenile Justice, Small Rural
Sheriffs, CALEMA, Juvenile Probation)

TRIAL COURT SECURITY ACCOUNT (3176)
(To fund trial court security provided by county
sheriffs)
(3) 12.45% up to \$496,429,000
SCO to allocate based on schedule from DOF
by 27th of each month. Estimate:
\$496,207,200

JUVENILE JUSTICE ACCOUNT (3181)
(To fund activities in connection with grant
programs)
(6) 2.44% up to \$97,190,000
SCO to allocate:
(a) 3.85% to JRGS
(b) 96.15% to YOBGS
Estimate \$97,248,640: \$58,640 to reserve

LOCAL COMMUNITY CORRECTIONS
ACCOUNT (3177)
(To fund the provisions of Chapter 15, Stat. of
2011)
(4) 8.89% of LRF 2011
SCO to allocate in 9 monthly Installments
beginning 10/1/11 based on schedule in
statute. Estimate: \$354,319,840

JUVENILE REENTRY GRANT SUBACCOUNT
(To fund grants to address local program need
for persons discharged from DCR)
(a) 3.85% from the JJA
SCO to allocate monthly based on report from
DOF.

MENTAL HEALTH ACCOUNT (3179)
(1) \$90.3 million by the 15th of the month from
the LRF 2011)
SCO to allocate to the Mental Health Subacct
of the Sales Tax Acct in the LRF by the 20th of
each month. Estimate: \$1,083.6 million

YOUTHFUL OFFENDER BLOCK GRANT
SUBACCOUNT
(To fund grants to enhance the capacity of county
departments to provide housing and supervision
of youthful offenders.)
(b) 96.15% from the JJA
SCO to allocate based on report from DOF.

DISTRICT ATTORNEY AND PUBLIC
DEFENDER ACCOUNT (3180)
(To fund costs associate with revocation
proceeding involving persons subject to state
parole.)
(5) .32% from LRF 2011 up to \$12.7 million
SCO to allocate in 9 monthly instalments
beginning 10/1/11 based on schedule in
statute. Estimate: \$12,753,920: \$53,920 to
reserve

HEALTH AND HUMAN SERVICES
ACCOUNT (3182)
(7) 45.31% from the LRF-2011
SCO allocates to:
(a) 3% to APSS
(b) 25.6% to FCS
(c) 35.5% to CWSS
(d) 3.9% to AS
(e) .7% to CAP
(f) 21.1% to AAPS
(g) .3% to WCR TSS
(h) 1.5% to DCS
(i) 1.1% to NM-CSATSS
(j) 7.3% to DM-CS
(SEE HHSA PAGE 2)

RESERVE ACCOUNT (3183)
To be funded only with R & T section 6051.15 &
6201.15 when a cap has been reached in any of
the previous accounts.
To be allocated by SCO based on a schedule
from DOF. Estimate: \$112,560

HEALTH AND HUMAN SERVICES ACCOUNT
(3182)
(7) 45.31% from the LRF-2011
SCO allocates to:
(a) 3% to APSS
(b) 25.6 % to FCS
(c) 35.5% to CWSS
(d) 3.9% to AS
(e) .7% to CAP
(f) 21.1% to AAPS
(g) .3% to WCRTSS
(h)1.5% to DCS
(i)1.1% to NM-CSATSS
(j)7.3% to DM-CS
All subaccounts in the HHSA (except CWSS)
to be allocated by SCO each month based on
schedule from DOF.

**ADULT PROTECTIVE SERVICES
SUBACCOUNT**
(a) 3% from LRF-2011
Estimate: \$54,176 million

CHILD ABUSE PREVENTION SUBACCOUNT
(e) .7% from LRF-2011
Estimate: \$381 million

FOSTER CARE SUBACCOUNT
(b) 25.6 % from LRF-2011
Estimate: \$462.3 million

**WOMEN AND CHILDREN'S RESIDENTIAL
TREATMENT SERVICES SUBACCOUNT**
(g) .3% from LRF-2011
Estimate: \$5.4 million

CHILD WELFARE SERVICES SUBACCOUNT
(c) 35.5% from LRF-2011
SCO to allocate monthly based on schedule
from DOF
Estimate: \$641.1 million

DRUG COURT SUBACCOUNT
(h) 1.5% from LRF-2011
Estimate: \$27,0 million

ADOPTIONS SUBACCOUNT
(d) 3.9% from LRF-2011
Estimate: \$70.4 million

**NONDRUG MEDI-CAL SUBSTANCE ABUSE
TREATMENT SERVICES SUBACCOUNT**
(i) 1.1% from LRF-2011
Estimate: \$19.9 million

**ADOPTION ASSISTANCE PROGRAM
SUBACCOUNT**
(f) 21.1% from LRF-2011
Estimate: \$12.6 million

DRUG MEDI-CAL SUBACCOUNT
(j) 7.3% from LRF-2011
Estimate: \$131.8 million



July 26, 2011

TO: CSAC Executive Committee

FROM: Elizabeth Howard Espinosa and Rosemary L. McCool
CSAC Administration of Justice Staff

RE: **Local Assistance Funding – State Budget Item 5225-105-001 – Funds for Technical and Organizational Training Related to AB 109, Adult Public Safety Realignment**

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

Background. The final budget – SB 87 (Chapter 33, Statutes of 2011) – signed by the Governor in June contained one-time funding of one million dollars to be distributed equally among the following foundations: California Counties Foundation, the Chief Probation Officers of California (CPOC) Foundation and the California State Sheriffs' Association (CSSA) Foundation. The purpose of the funds is for the associations to provide their membership with technical and ongoing training on AB 109 in recognition of the significant criminal justice policy shift contained within the legislation. Specifically, the legislation states the following:

Training provided by the foundations listed in this provision shall include, but is not limited to, the technical aspects of implementing realignment for public safety programs, best practices, and evidence-based community corrections strategies, including, but not limited to, prevention, intervention, suppression, supervision, and incapacitation, consistent with the legislative findings and declarations set forth in Section 17.5 of the Penal Code.

Recall that AB 109 provides the framework for the shift of offender populations and programs to counties, including the low-level offender population for which counties will assume responsibility; post-release community supervision, which is effectively counties' newly defined role in prospectively supervising a segment of adults now on state parole; and parole violators who will serve all detention terms in the county jail. It is important to note that AB 109 does not become operative until October 1, 2011.

The training funds will be allocated to the foundations in one total sum (each foundation to receive approximately \$333,333) in the next few weeks. CSAC, CPOC and CSSA will have until June 30, 2015 to expend the funds, with any unspent funds returned to the state General Fund if not spent on or before the established deadline.

Plan for Training Funds. CSAC, CPOC and CSSA have met and agreed to pool their funds with the California Counties Foundation; the California Counties Foundation will assume responsibility for the administration and tracking of the funding expenditures. Currently, CSAC is working with CPOC and CSSA to develop a Memorandum of Understanding (MOU) that will finalize this agreement. The MOU will outline the following main elements of this contractual agreement:

- California Counties Foundation to administer funds and complete financial report for inclusion in Quarterly Report required by statute to be submitted to state and shall outline the content of the trainings offered and how funds were expended.

- CSAC, CPOC and CSSA to establish a Governing Board comprised of the Executive Director of each association, or their designee, plus two other representatives of the association. Agreement on the use of the training funds shall require approval of a majority of the representatives of each association.
- Each association to receive a set-aside (amount to be determined) from the overall pooled funds for the purposes of providing AB 109 training tailored to their individual membership.

CSAC, CPOC and CSSA have a roundtable discussion scheduled for August 4 in Sacramento. During this meeting the three associations – along with three to four principals from each association – will meet to brainstorm effective ways of training membership and what the content of that training should be. This roundtable discussion will be facilitated by Mr. William (Bill) Woodward of the University of Colorado and Criminal Justice Institute (biography attached). It is anticipated that the training will have three phases, outlined below.

Three Phases of AB 109 Implementation Training

PHASE ONE: Technical Training. This training will occur immediately and provide counties and all members of the Community Corrections Partnership (CCP) with technical training specific to implementing AB 109. Technical training will be offered prior to the October 1 implementation date for AB 109.

PHASE TWO: Train the Trainers. CSAC, CPOC and CSSA will identify county officials who exhibit leadership skills and a desire to change traditional criminal justice practices. These individuals will be trained to lead workshops on organizational change specific to what will be required to make implementation of AB 109 successful. This training effort will begin January 2012.

PHASE THREE: Workshops with CCP's. The trainers identified in Phase Two will lead a series of workshops directed to the members of the CCP to provide them with the necessary tools to lead systems/organizational change in their county.

Next Steps. CSAC will participate in the August 4 brainstorming session with CPOC and CSSA. CSAC staff will work in the intervening weeks to implement the action plan that will result from this meeting. Supervisors should expect to receive information about our training efforts in mid-to-late August.

Staff contacts. If you should have any questions regarding this information please contact CSAC staff (Elizabeth Howard Espinosa: eespinosa@counties.org or Rosemary L. McCool: rmccool@counties.org).

Attachment: Biography of Mr. William Woodward

William Woodward

Mr. Woodward is a faculty member at the University of Colorado at Boulder's Center for the Study and Prevention of Violence (2002-Present). Prior to this he was a Senior Project Manager at Center for Effective Public Policy. At CEPP he managed the National Resource Center for Collaboration in the Criminal Justice System and managed Resource Sites for the Center for Sex Offender Management in Washington D.C. Mr. Woodward also has extensive consulting experience. His consulting clients include: Center for Effective Public Policy (CEPP) in Silver Spring, MD, the National Institute of Corrections, US Department of Justice, Washington, D.C.; the Hawaii Interagency Council on Intermediate Sanctions, US Federal Probation and Parole in the Hawai'i, Central Ohio, South Dakota and Arizona Districts, and San Diego Probation.

Mr. Woodward worked extensively with the Colorado Criminal Justice System, serving from 1984 to 1999 as Director of the Colorado Division of Criminal Justice for both Governor's Lamm and Romer. Responsible for offender management, strategic planning and evaluation in the criminal justice system. Statutorily responsible for over 3000 felony offenders in all community corrections centers in the State of Colorado. Accomplishments include: (1) developed state policy designed to improve victims rights, (2) staffed the State of Colorado Criminal Justice Commission; (3) developed safe sentencing alternatives, (4) managed a 15 person research unit which evaluated programs and completed national research on sex offender management and the use of the polygraph in the criminal justice system (5) developed collaborative legislation (across probation, parole, community corrections, prison) mandating the same assessment and management of drug and alcohol abuse involved offenders, (6) increased drug interdiction across the state (7) tripled community corrections placements with improved accountability (8) initiated legislation and developed statewide, citizen involved, sex offender management standards, (9) staffed the Governor's Juvenile Justice and Delinquency Prevention Council, (10) initiated national research at the University of Colorado (with the State of Pennsylvania and the Centers for Disease Control) which reviewed over 500 programs and found 10 Blueprints for Crime Prevention and violence reduction which could be proven to work, (11) initiated and supported the Community Policing Institute for training law enforcement in the State of Colorado, (12) developed state standards for the management of sex offenders – which have become the "gold" standard nationwide for sex offender management. Both Illinois and Hawai'i have adopted or are in the process of adopting similar standards for their states .

Instructor National Sheriff's Institute two week Leadership trainings for newly elected sheriffs at the National Institute of Corrections Academy in Longmont Colorado. 2000 – Present

President of the National Criminal Justice Association for two years, 1996 and 1997.

Law enforcement experience for 12 years in positions ranging from officer to police captain, 1968 - 1980. Military Police experience with the 140th tactical Fighter Squadron in 1968 and 1969 in Kwang Ju (pronounced kwan-jew), Korea.

Bachelor's degree in Psychology and a Master's degree in Public Administration with a specialization in Organizational Development and Criminal Justice from the University of Colorado at Boulder.

Mr Woodward has authored, co-authored and been a contributing author for several publications¹

Principal Author: **Report of Efficiencies and Effectiveness of the Sex Offender Management Team in the State of Hawai'i**, February 2010.

Principal Author: **Report of Evidence Based Practices: Findings and Recommendations**; United States District Court, District of Hawai'i; January 2009

Author: **"Violence and Lethality"**, Carey Guides Effective Case Management, The Carey Group, 2009

Co-Author: **Napa County Community Corrections Service Center Logic Model**, The Carey Group, June 2008

Co-Author: **Jail and Evidence-Based Practices Assessment, Napa County, California**, Report to the Board of Supervisors, October 2007.

Principal Author: **Workload of Hawai'i's Probation and Parole Officers – Major Findings and Implications for Evidence Based Practice**, December 2006.

Principal Author: **Improving Public Safety through Comprehensive Planning and Offender Management**, Report to the City and County of Denver, June 2005

Co-Author: **Juvenile Assessment Sexual Perpetrator (JASP) Instrument Validation Evaluation**; Report to Cook County, Illinois, Juvenile Probation Office, March 2005

Contributing-Author: **What Works and Why: Effective Approaches to Reentry**; American Corrections Association & International Community Corrections Association, 2005

Contributing-Author: **Quality Assurance Manual: Implementing Evidence-Based Practice in Community Corrections**, National Institute of Corrections, December 2005

Contributing Author: **"Implementing Effective Correctional Management of Offenders in the Community: An Integrated Model,"** Resource document for National Institute of Correction's national satellite broadcast; Crime and Justice Institute, February 2004;

Contributing Author: **"Implementing Evidence-Based Principles in Community Corrections: Collaboration for Systemic Change in the Criminal Justice System,"** Resource document for National Institute of Correction's national satellite broadcast; Crime and Justice Institute, February 2004.

Contributing Author: **"Implementing Evidence-Based Principles in Community Corrections: Leading Organizational Change and Development,"** Resource document for National Institute of Correction's national satellite broadcast; Crime and Justice Institute, February 2004

Contributing Author: **"Implementing Evidence-Based Principles in Community Corrections: The Principles of Effective Intervention,"** Resource document for National Institute of Correction's national satellite broadcast; Crime and Justice Institute, February 2004.

"Implementing Effective Correctional Management of Offenders in the Community," Panelist: National Institute Corrections national satellite broadcast: February 2004

Contributing author: **"Probation and Parole Treatment Planner"**, John Wiley and Sons, Hoboken, NJ, 2003

Contributing Author: **"Strategic Planning Curriculum"**, Training And Technical Assistance Center, Office of Victims of Crime, OJP, 2003

Author: **"Report on the Efficiency and Effectiveness of Hawai'i's Sex Offender Treatment Programs"**, September 2003.

Author: **"Efficiency and Effectiveness of Denver Adult Probation"**, Nov 2002

Contributing Author: **"Strategic Planning Curriculum"**, Pickett Institute, BJA 2002

Contributing Author: **"Collaboration in the Criminal Justice System"** Curriculum, CEPP,NIC/BJA/SJI 2001

"Alleviating Jail Crowding: A Systemic Approach" Panelist National Institute Corrections national satellite broadcast: April 2001.

Author: **"Beyond Megans Law"**, Council of State Governments, May 2001

Contributing Author: **"The Intermediate Sanctions Handbook: Experiences and Tools for Policymakers,"** Prepared for National Institute of Corrections by Center for Effective Public Policy, 1993.

PROJECT DESCRIPTION

CSAC INSTITUTE

EXECUTIVE LEADERSHIP SYMPOSIUM



The 58 California counties are responsible for a broad range of basic and "safety net" services for the people of California. Whether it is public health, roads, public safety, justice or social service programs ... counties provide these services. Yet the rapid changes in resources, demographics, service delivery options and community needs means county leaders need the skills to respond in new ways to adaptive challenges. Without an influx of new capacities and capabilities those in leadership positions are left using old skills to address new problems.

The California State Association of Counties (CSAC) recognized the need to address capacity building through the continuing education *CSAC Institute for Excellence in County Government* initiated in 2009. Beyond the leadership and knowledge competencies addressed through Institute courses, building the capacity of those in the critical decision-making roles – elected county supervisors and chief executive/administrative officers – is fundamental to the effective exercise of leadership. To that end, this project is designed to provide an intensive symposium on building adaptive capacity to a core group of selected elected and appointed county officials.

The Institute and the Leadership Symposium build on these core understandings:

- ◆ **Responsive to California's Demographic Shifts**

As California has become more diverse so too has the population of local elected officials. Elected officials more and more reflect the ethnic, socioeconomic and age diversity of the communities they represent. This change in elected officials requires a different approach to prepare, support and provide guidance to their professional development so they may best serve their communities.

- ◆ **Counties are structurally in a Different Place**

The economy, changing state and federal mandates and the changing demand for services place counties in a different context within which to solve problems. The past methods and approaches to solve local problems and provide services are no longer necessarily applicable. The framework of local government is changing. The Institute addresses this by helping local officials think strategically and find new ways to think about and work through enduring problems.

- ◆ **Collaboration as a Critical New Skill**

No fix to the structure or enduring problems can be delivered just by local government or a single agency. Rather public leaders must provide leadership to all sectors of the community to build a new structure. Leadership, community engagement and collaboration skills are a critical set of practices in which local officials must become proficient.

- ◆ **County Government Plays a Pivotal Role**

California counties are a keystone to local priorities, services and a service deliver system. Counties provide the safety net services to most Californians. The governance of those services and the efficient delivery of those services are critical to the millions of people dependant on them. An informed and skilled governing body and senior executive is required to fulfill this role. There is no longer the luxury of learning on the job or trail and error.

To meet this critical need, the Institute Governing Council has proposed to offer an executive-level **Executive Leadership Symposium**. The symposium brings world-class leadership experts to California together with selected county supervisors and executives for a robust three-day county leadership practices experience. Participants will work to develop a sense of direction and vision; a mechanism for innovation and creativity; a resource for invigorating organizational culture; and build their leadership capacity in collaboration and adoptive change to evaluate current challenges and make progress on enduring problems.

A handful of county supervisors and executives have attended the Harvard University JFK School of Government Program for Senior Executives in State and Local Government. This three week program brings together local officials and senior executives from around the world in an intensive learning experience. It is financially impossible for most county leaders to attend this unique program and would be prohibitive to reproduce it in California. However, it is possible to provide one of the key elements of the program – *Building Adaptive Change* – as an important capacity-building symposium for California county leaders.

One of the most influential faculty members of the JFK Senior Executives Program is Marty Linsky. He is well-known for his deep understandings of leadership in the public sector, his ability to challenge the thinking of every participant, and rich learnings that come from his classes. Mr. Linsky has authored or coauthored a number of books on leadership in the public sector (*Leadership on the Line* and *The Practice of Adaptive Leadership*). CSAC Institute staff is working with Mr. Linsky to create the leadership symposium.

Goal: Challenge participants to re-evaluate their current leadership practices and equip them with tools and techniques to address persistent issues and challenges in their county.

Audience: County Supervisors and County Executives/County Administrators. Limited to 45 participants.

Format: Three-day intensive residential program (Thursday through Saturday). Beginning afternoon of day 1 and concluding afternoon of day 3; including an evening session on first day.

Dates: Thursday, 16 February to Saturday, 18 February, 2012.

Location: The Symposium will be held at the Dolce Hayes Mansion and Conference Center in San Jose. It is 15 minutes from the San Jose Airport. The Mansion is in a beautiful setting away from urban distractions and ideal for an intense learning experience. The Mansion offers an American plan which includes lodging and all meals and breaks on-site.

Application: Participants are required to apply for the symposium and as part of the application commit to being present for the entire symposium. Participants will be selected based on their commitment to continuing education and willingness to apply and spread their learnings.

Cost: Cost will be a prime factor in ability of participants to attend. Most counties have eliminated or severely reduced professional development and travel costs. Most elected officials are very conscientious on what they spend for professional development. To overcome this barrier and insure the very best faculty is available for the symposium, the Institute is seeking grants and sponsorships to cover the cost of instruction and materials. Participants would be responsible for lodging and meals. We have negotiated a rate at the Hayes Mansion of \$172/person/night (plus taxes) which includes lodging, all meals, parking and internet access.

Anticipated symposium budget to be covered by grants and sponsorships:

	<u>45 Participants</u>
Instructor	\$45,000
Instructor Travel/Expenses	\$2,000
CSAC Institute Expenses	\$1,500
<u>Course Materials</u>	<u>\$1,500</u>
TOTALS	\$50,000 (\$1112 pp)

Participants would be responsible for lodging and meals.

Tuition/Fundraising: The costs for the instruction and materials would be paid for through grants to the California Counties Foundation – a 501(c)(3) not-for-profit charity supporting the Institute. Participant costs would be limited to meals provided and their own lodging. Tuition, including meals (two lunches, two breakfasts, one reception/dinner), would be expected to run in the \$300/person range without any offsetting grants or sponsorships. Lodging would likely be in the \$129-\$139/night range.

Evaluation: Effectiveness of the Symposium will be evaluated in two methods. Immediate written feedback will be solicited following the conclusion of the class. A follow-up evaluation will be conducted six months after the learning experience to assess actual application of practices and results from that application.

Oversight: An advisory team of County Supervisors and CEO/CAOs has been appointed to provide guidance of the symposium development.

**CSAC INSTITUTE'S APPROACH:
Build on the Energy of County Officials**

Balanced, Fact-Based Classes and Resources

The CSAC Institute strives to bring a balanced perspective to issues and practices, and provide a forum for elected officials and senior executives to debate current issues and practices in a supportive and impartial environment. Course faculty are selected based on their recognized subject expertise and its applicability to California's diverse communities. Funding assists the Institute in retaining experts from academic institutions, practitioners and consultants with the desired expertise.

Practical, Hands-On Adult Learning

The Institute builds on the energy and desire for participants to roll up their sleeves to fill in the gaps in their knowledge base and apply their learnings immediately in their communities. Courses leverage participants'

A Foundation of Leadership

Hallmarks of effective county elected officials and senior executives

<p>LEADERSHIP COMPETENCIES</p> <p>Personal Literacy Trustworthiness Respect Responsibility Fairness Compassion</p> <p>Strategy Strategic planning Adaptive change Shared vision Appreciate possibilities Future generations</p> <p>Relationship Dexterity Coalition building Facilitate dialogue Appreciate differences Manage conflict</p> <p>Advocacy Service to community Value to county Community needs</p>	<p>KNOWLEDGE COMPETENCIES</p> <p>Governance State and local relations County roles and powers Finances Decision-making</p> <p>Policy Social and human services Public safety Land use Environmental protection</p> <p>Administration Personnel and employee relations Performance assessment Customer service Accountability</p> <p>Stewardship Financial and human resources Meeting management Communication Media relations Crisis management</p>
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LEARN GROW ACHIEVE

www.csacinstitute.org

existing body of knowledge and experience and apply them to contemporary and enduring problems; to build the skills to deal with ambiguity rather than certainty.

Courses build on the expertise of each of the participants, and detailed syllabi help ensure that each class is a unique learning experience yet builds on the content of other classes. A varied faculty exposes participants to a wide range of perspectives, rather than a particular point of view of an academic institution or advocacy organization.

The Institute has built partnerships with the University of Southern California and Sacramento State University in the design of courses and offers credits for attorneys (MCLE) and certified public accountants (CPE) who attend courses. The Institute has created a credential to recognize the commitment to learning demonstrated by participants. Credentials are awarded to those who complete a minimum of 30 credits. A Fellows program is being established to encourage and recognized continuing education beyond the credential.

Demonstrated Need and Track Record

County officials have demonstrated their enthusiasm and desire for continuing education by their participation in the Institute. These are people who want to roll up their sleeves and make a difference. They have a deep calling to address the issues of their community and seek out learning opportunities from the Institute to fill their knowledge base. Since its inception in February 2008, the Institute has offered 73 classes with nearly 1,600 participant days representing over 780 individual participants. With only 58 counties in California this represents a significant portion of the elected officials and senior executives. 57 of the 58 counties have sent participants to Institute courses.

Forty County Supervisors and senior executives have completed their credential and over 100 more are registered in the credential program. The Institute currently has a faculty of over 30 individuals who regularly instruct courses. Faculty come from academic institutions, policy organizations, consultants and practitioners. All courses and faculty are evaluated after each class and participants are surveyed 3-6 months following a class on its value and workplace applicability.



CALIFORNIA STATE ASSOCIATION OF COUNTIES
FINANCE CORPORATION

August 1, 2011

To: CSAC Executive Committee

From: Nancy Parrish, Executive Director, CSAC Finance Corporation

RE: Finance Corporation Program Update
INFORMATION ITEM

The following are highlights of the numerous programs that the CSAC Finance Corporation offers to your counties:

CalTRUST

- CalTRUST currently has assets of approximately \$900 million and over 110 participant accounts.
- Proposals for a new custodial services provider for CalTRUST are currently being considered.
- The next meeting of the CalTRUST Board of Trustees will be held September 14, 2011.

California Communities

- Applications are currently being accepted for the Total Road Improvement Program (TRIP) that allows public agencies to borrow against their future gas tax revenues to fund street projects.

U.S. Communities

- All 58 counties continue to utilize U.S. Communities.
- There is currently a solicitation out for a supplier to provide flooring products and accessories, installation and related services.

General Information

- The CSAC Finance Corporation Board of Directors appointed Susan Muranishi, Alameda County Administrator, and Mike Johnson, Retired Solano County Administrative Officer to the Board in June 2011.
- The next meeting of the CSAC Finance Corporation Board of Directors will be held September 15-16, 2011.
- We continue to meet with individual counties and their department heads to present our programs and benefits. Please let us know if you would like a meeting set with your county's department heads.

If you have any questions regarding these or any other CSAC Finance Corporation programs please do not hesitate to contact us via phone, 916.327.7500 x556, or via email, nparrish@counties.org; Laura Labanieh at 916.327.7500 x536 or llabanieh@counties.org.



Memorandum

July 27, 2011

To: CSAC Executive Committee

From: Paul McIntosh, CSAC Executive Director
Lindsay Pangburn, CSAC Corporate Relations Manager

Re: **Corporate Associates Program Updates
INFORMATION ITEM**

Following please find updates on the CSAC Corporate Associates program activities so far this year.

- Membership and sponsorship solicitation efforts for 2011 are ongoing, with current efforts geared towards the CSAC Annual Meeting in November/December.
- We have received 2011 membership commitments from 71 organizations, including 10 new members.
 - Attached please find a listing of our current Platinum, Gold, Silver and Bronze members (Basic and Small Business levels not included).
- The program continues to raise additional sponsorship funds for key CSAC events during the year.
 - To date, the program has raised \$158,000 in conference sponsorship funds for the 2011 Legislative Conference and Annual Meeting.
 - We have also raised more than \$13,000 in additional event sponsorships so far this year; sponsored events include annual golf tournaments and the California Delegation Dinner during NACo's Annual Conference.
- The Exhibit Hall for the CSAC 117th Annual Meeting in San Francisco City & County is currently 40 percent committed.
 - Exhibitor registration fees received thus far exceed \$34,000.
- Plans are in place for an Annual Meeting workshop featuring Corporate Associates members that will highlight the transformation of the state's electrical grid and impacts on counties.
- We are continuing to distribute regular communications to all Corporate Associates members, including the CSAC e-bulletin and Executive Director's Watch.

If you have any questions about the Corporate Associates program, please feel free to contact Lindsay Pangburn, at (916) 327-7500 ext. 528 or lpangburn@counties.org.

CSAC Corporate Associates ~ 2011 Program Members

PLATINUM (\$15,000)

AT&T
California Communities/U.S. Communities
CSAC Finance Corporation
Eli Lilly and Company
Kaiser Permanente
Nationwide Retirement Solutions
Pacific Gas & Electric Company
Republic Services, Inc.
San Diego Gas & Electric/Southern California Gas Co. –
Sempra Energy Utilities
Southern California Edison

GOLD (\$10,000)

Nottingham Investment Administration *(new member)*

SILVER (\$5,000)

Barclays Capital
Employee Relations, Inc.
HdL Companies
HDR
Morgan Stanley
Office Depot
RBC Capital Markets *(new member)*
Siemens Building Technologies
Sierra West Group, LLC
Vanir Construction Management

BRONZE (\$3,000)

Aramark
California Tribal Business Alliance
Comcast
Corrections Corporation of America
Extend Health *(new member)*
Hospital Association of San Diego & Imperial Counties *(new member)*
Hospital Association of Southern California *(new member)*
Hospital Council of Northern & Central California *(new member)*
Hubbert Systems Consulting
Kitchell
PARS
Science Applications International Corporation (SAIC) *(new member)*
ShoreTel, Inc.
Wedbush Morgan Securities
Xerox Corporation

Please Note: Basic and Small Business members not listed above.



County Counselors' Association of California

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EXECUTIVE DIRECTOR

Jennifer B. Henning

MEMORANDUM

To: Supervisor John Tavaglione, President, and
Members of the CSAC Executive Committee

From: Jennifer Henning, Litigation Coordinator

Date: August 11, 2011

Re: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's activities since your last regular meeting in May.

I. New Case Activity Since Last Executive Committee Meeting

Cedar Fair v. City of Santa Clara

194 Cal.App.4th 1150 (6th Dist. Apr. 6, 2011)(H035619), *ordered published* (Apr. 28, 2011)

The City of Santa Clara and its redevelopment agency entered into an agreement called a "Stadium Term Sheet" with some private developers and franchise owners to set out the basic terms guiding the negotiation for the development of a stadium in Santa Clara to serve as the home field for the 49ers NFL franchise. Plaintiff challenged the city's approval of the term sheet as a project that was subject to CEQA. The appellate court affirmed a trial court ruling that the term sheet itself was not a project. In an unpublished opinion, the court first analyzed the Supreme Court's decision in a 2008 case call *Save Tara v. City of West Hollywood*, which concluded that some preliminary agreements can so bind the direction of an agency that they require CEQA review. Here, the court noted that "[d]etermining on which side of the *Save Tara* line the term sheet falls is not an easy judgment call." But the court went on to conclude that "although the term sheet is extremely detailed, it expressly binds the parties only to continue negotiating in good faith" and CEQA review was therefore not required. CSAC's publication request was granted.

Center for Biological Diversity v. California Fish and Game Commission

195 Cal.App.4th 128 (1st Dist. Apr. 8, 2011)(A127555), ordered published (May 5, 2011)

Plaintiff challenged the Fish and Game Commission's decision not to designate the California pika as a candidate for possible protection under the California Endangered Species Act. The trial court found the Commission did not correctly state the applicable legal standard in its decision, and it remanded to the Commission for reconsideration. The Commission subsequently reaffirmed its earlier decision not to list the pika as threatened or endangered. Plaintiffs then requested over \$280,000 in attorney fees, which the trial court granted with only minor reductions. On appeal, the First District reversed the attorney fee award in an unpublished opinion: "All the Center achieved was a limited 'do-over.' . . . Without question, process is important, and it is certainly essential that administration agencies conduct their operations according to a correct understanding of the law. But it is surpassingly difficult to imagine the Center commenced this action solely to get the Commission to correct the possible misapprehension of law that was the subject of the trial court's writ." CSAC's request for publication was granted.

City of Los Angeles v. Superior Court (Engineers & Architects Association)

Previously published at: 193 Cal.App.4th 1159 (2d Dist. Mar. 25, 2011)(B228732), *petition for review granted* (July 13, 2011)(S192828)

The city adopted a plan to furlough its civilian employees for up to 26 days per year. The city denied the employees' request to arbitrate. The union filed a petition to compel arbitration, arguing that an agreement between the union and city required the city to participate in the requested arbitration. The Second Appellate District reversed, concluding in relevant part that an agreement requiring the city to arbitrate constitutes an improper delegation of discretionary policymaking power vested in the City Council. The court also rejected the union's argument that only interest arbitration, rather than grievance arbitration, can constitute an improper delegation of discretionary authority. "The issue is not whether the Union is seeking arbitration of a grievance (and thus 'grievance arbitration'), but whether the Union is seeking arbitration of policy matters left to the discretion of the City Council. Interest arbitration is problematic from a delegation point of view because it impacts policy matters, not because it is called interest arbitration." The Supreme Court has granted review. CSAC will file a brief in support of the city.

Concerned Citizens for Responsible Gov't v. West Point Fire Protection District

196 Cal.App.4th 1427 (3d Dist. June 29, 2011)(C061110)

The fire protection district decided to levy what it called a special assessment for additional fire suppression services. The district commissioned an engineer's report that allocated assessments using a three-tiered structure in order to achieve the \$146,000 per year needed to meet the staffing needs of the district. The assessment passed by 62 percent of the vote, and the district's board passed a resolution to levy the assessments. Plaintiff then brought this reverse validation action, arguing the assessment violated Prop. 218. The trial court upheld the fee, but the Third District reversed. The court found that the assessment was poorly justified in the engineer's report, noting there "the goal of the assessment is plain: double the District's existing budget for fire protection service. Such an objective,

however lofty, does not contemplate the conferring of special benefits on specific parcels sufficient to qualify as a special assessment.” CSAC will request that the case be depublished.

DiCampli-Mintz v. County of Santa Clara

195 Cal.App.4th 1327 (6th Dist. May 26, 2011)(H034160), *petition for review pending* (filed July 1, 2011)(S194501)

The Sixth District has found that delivery of a pre-suit government claim to a department of the target entity charged with defending or managing claims against that entity may constitute substantial compliance with the claims requirement, so long as the purposes of the Government Claims Act are satisfied and no prejudice is suffered by the defendant. In the case, a medical malpractice claim ultimately made its way to an insurance claim handler, but it was never received by the statutorily designated recipients. In its opinion, the court specifically rejected contrary authority that the counties have relied on for the last 20 years requiring claims to be filed with the designated recipient. The court considered those cases inconsistent with “the long-standing doctrine of substantial compliance as applied in this context.” CSAC has filed a letter in support of Santa Clara County’s petition for Supreme Court review.

Florence v. Board of Chosen Freeholders of the County of Burlington

621 F.3d 296 (3d Cir. Sept. 21, 2010)(09-3603), *cert. granted* (Apr. 4, 2011)(10-945)

The Third Circuit Court of Appeals, in a 2-1 decision, upheld a policy of strip searching all detainees before they are transferred to the general population prison. The court noted there is a split in the circuits on the issue, but found that balancing the jail’s security interests at the time of intake before arrestees enter the general population against the privacy interests of the inmates, the strip search procedures are reasonable. The United State Supreme Court has granted certiorari, and will consider whether the Constitution permits the government to strip search every person admitted to a jail, even if there is no reasonable basis to suspect that the person has hidden weapons or contraband. CSAC will be filing a brief in support of Burlington County.

International Church of the Foursquare Gospel v. City of San Leandro

634 F.3d 1037 (9th Cir. Feb. 15, 2011)(09-15163)

This is a case brought under the Religious Land Use and Institutionalized Persons Act (RLUIPA) challenging the city’s denial of a conditional use permit application to build a church in an industrial zone. The trial court ruled in favor of the city, concluding in relevant part that the zoning law was of general applicability, only an incidental burden, and did not trigger RLUIPA’s strict scrutiny standard. The Ninth

Circuit reversed, and concluded that even a neutral law of general applicability can impose more than an incidental burden on religious exercise. The court went on to find that implementation a zoning code must be examined on a case-by-case basis to determine whether a substantial burden is imposed on religious exercise in any given case. The city plans to petition for certiorari to the United State Supreme Court, and CSAC will file a brief in support.

Los Rios Community College Dist. v. Superior Court

Unpublished Opinion of the Third Appellate District, 2011 Cal.App.Unpub.LEXIS 4220 (3d Dist. June 3, 2011)(C067219), *request for publication pending* (S194387)

During the course of litigation, real party in interest sought to compel an employee of the Community College District to answer questions in a deposition related to discussions with a real property negotiator that occurred during the District Board's closed sessions. The employee would not answer based on the privilege of not disclosing the contents of a conference with a real estate negotiator. Real party brought this action, arguing that the negotiator exception is limited to questions expressly related to the public entity's instructions to its negotiator regarding the price and terms of payment of real property. The trial court agreed. The District appealed and in an unpublished opinion, the Court of Appeal reversed, concluding that the compelled answers to the questions would violate a privilege protecting closed session meetings between a public entity and its real property negotiator. CSAC's publication request is pending.

Natural Resources Defense Council v. County of Los Angeles

--- F.3d ---, 2011 U.S.App.LEXIS 14443 (9th Cir. July 13, 2011)(10-56017)

Plaintiffs filed this action against the county and the county flood control district over, among other things, their alleged failure to prevent polluted stormwater from entering four area rivers and creeks. The case raised the issue of whether the county and the district could be held liable under the Clean Water Act (CWA) for polluted storm water discharges where the district only *conveyed* the polluted storm water without having actually caused the pollution, and without evidence that the county was a source of the pollution. The Ninth Circuit found no evidence of county liability, but as to the district it made two relevant conclusions: (1) the CWA does not distinguish between those who add pollutants to the water and those who convey the pollutants; (2) the discharge permit's requirement that violations be resolved through an iterative process does not preclude plaintiffs from bringing an action challenge non-compliance with the discharge prohibitions. The district sought rehearing, which CSAC supported. In response the court withdrew its earlier opinion and reissued a decision this month with largely the same holdings. The district is now considering United States Supreme Court review. If they do seek Supreme Court review, CSAC will file a brief in support.

Neighbors for Smart Rail v. Exposition Metro Line Construction Authority

Pending in the Second District Court of Appeal (filed Apr. 29, 2011)(B232655)

This case involves a planned expansion of high capacity transit service from West Los Angeles to Santa Monica. The EIR used a dynamic approach for its baseline, which considered the traffic and air quality changes that were likely to occur over time. This approach recognized that a “no project” analysis would not mean that conditions would stay the same, but that changes in traffic and air quality are expected even without the project. Petitioner challenged the use of the dynamic baseline, arguing that a baseline as it might exist in the future cannot substitute for a comparison with current existing conditions. The Superior Court denied the writ. The court found that the Authority properly discussed both existing and future conditions. The court also found that the Authority provided substantial evidence to support the decision to compare future impacts in addition to the existing conditions. “To analyze the project’s effects on transportation assuming that the project’s operation is the only change that will occur, is absurd. The very reason for the project is to address long term transportation concerns. Substantial evidence supports the use of this baseline.” Petitioner has appealed. CSAC will file a brief in support of the Authority.

II. Amicus Cases Decided Since Last Executive Committee Meeting

Greene v. Camreta

--- U.S. ---, 2011 U.S. 4016 (May 27, 2011)(09-1454)

Outcome: Neutral

The Ninth Circuit held that a child protective services caseworker violated the constitutional rights of two minor girls who were interviewed at their school in connection with a sexual abuse investigation. The court concluded that “[a]t least where there is, as here, direct involvement of law enforcement in an in-school seizure and interrogation of a suspected child abuse victim, we simply cannot say, as a matter of law, that she was seized for some ‘special need, beyond the normal need for law enforcement.’ ” The United States Supreme Court granted certiorari, but then did not decide the main issue of whether a warrant is required for a school interview investigating alleged sexual abuse. Instead, the Court found that the case was moot because the minor was no longer in need of protection - she had moved to Florida and is months away from her 18th birthday. Since the alleged wrongful behavior can no longer occur as to plaintiff, the Court found there was no live controversy to review. As such, the Fourth Amendment issues are left unresolved. CSAC filed an amicus brief arguing that the interview was not a Fourth Amendment seizure.

In re Jack C.

192 Cal.App.4th 967 (4th Dist. Div. 1 Feb. 15, 2011)(D057034), *petition for review denied* (May 11, 2011)(S191805)

Outcome: Negative

An Indian notified the juvenile court in a dependency case that it intended to intervene in the matter since the minor was eligible for tribal enrollment. The minor's

father then sought to transfer the case to the tribal court, but the juvenile court denied the motion because it was not satisfied minor was an Indian child as defined by the law, and in any event the motion was untimely. On appeal, the court reversed and remanded. The court found: (1) Although the minor was not an enrolled member of the tribe at the time of the proceedings, he was an Indian child within the meaning of the federal and state definitions; (2) The trial court's finding that "it could not ignore the passage of time considering the best interests of the child and the law" did not require the court to wait until reunification services had been terminated to file the petition to transfer. In making these findings, the trial court disregarded the plain language of section 305.5, subdivision (c)(2)(B) and thus abused its discretion; and (3) The error was jurisdictional, rather than harmless. CSAC supported San Diego County's petition for California Supreme Court review, but review was denied.

McCormick v. County of Alameda

193 Cal.App.4th 201 (1st Dist. Mar. 2, 2011)(A126818), *petition for review denied* (May 18, 2011)(S192148)

Outcome: Negative

This action challenges the county's policy of denying General Assistance to Maximum Family Grant (MFG) children who are members of assistance units in which no one receives cash aid from CalWORKS. The superior court upheld the policy, finding that that the assistance contemplated by the regulation was not limited to cash aid and that plaintiff was ineligible for GA because he qualified for and received benefits, albeit not cash, from CalWORKS. On appeal, plaintiff argued that "GA cannot be denied to a person who merely 'qualifies' for another assistance program; it can be denied only if that person's minimum subsistence needs are actually met by another program." The appellate court agreed: "The MFG rule, as we have said, is intended as a disincentive to having additional children while living on welfare; the rule assumes the family is receiving some cash support, which will have to be stretched to include the new child.... The effect of the MFG rule in the present case, however, is far more harsh, as it denies any cash assistance for an otherwise eligible child even though the family is no longer receiving the cash assistance that made the MFG rule applicable. . . . At the very least, in this situation, where the MFG child is left with no means of support at all through circumstances beyond his control, we cannot assume the Legislature meant to preclude eligibility for GA when it did not explicitly say so." The county sought Supreme Court review, which CSAC supported, but review was denied.

Sierra Club v. Superior Court (County of Orange)

195 Cal.App.4th 1537 (4th Dist. Div. 3 May 31, 2011)(G044138)

Outcome: Positive

The Sierra Club made a Public Records Act request for the county's "Landbase" in an electronic GIS file format, which would allow the Sierra Club to conduct searches and analysis of the data. The Sierra Club argued the county must produce these files for free in a GIS format without charging the county's standard GIS Basemap licensing fees. The county relied on Government Code section 6254.9's computer mapping system exemption

in support of the licensing fee, which is used to recoup the costs of maintaining and updating the Landbase. (The county was willing to produce the information for free in a non-GIS format.) The Sierra Club then brought this action, arguing the county was required to produce the information in a GIS format without charging a licensing fee because producing the information in other formats prevented them from utilizing the functions of a GIS. The trial court ruled in favor of the county, and the Fourth District denied the Sierra Club's writ petition. The court concluded that section "6254.9 excludes from the Act's disclosure requirements a geographic information system database like the one at issue here. Therefore, the County may properly charge a licensing fee for its geographic information system database." CSAC filed a brief in support of the County.

Wills v. Orange County Superior Court

194 Cal.App.4th 312 (4th Dist. Div. 3 Apr. 13, 2011)(G043054), *petition for review denied* (July 20, 2011)(S193342)

Outcome: Positive

This case addresses whether employees with behavioral disabilities can be disciplined for misconduct that is related to their underlying disability. Plaintiff, a former court clerk, has bipolar disorder. During certain manic episodes of her disorder, she made threats of violence to fellow employees. She was terminated for violating the policy on workplace violence. The trial court ruled in favor of the Orange County Superior Court, concluding that the court was not on notice of plaintiff's disability, plaintiff did not request any accommodation, and that she was terminated for legitimate, non-discriminatory reasons. The Fourth District affirmed. "Wills's disability discrimination claim fails because an employer may reasonably distinguish between disability caused misconduct and the disability itself when the misconduct includes threats or violence against coworkers. In these circumstances, terminating the employee based on the misconduct does not amount to discrimination prohibited by FEHA." CSAC filed a brief in support of the court.

Calendar of Events

2011

January

- 12-24 NACo Presidents/Executive Director Meeting, Washington, D.C.
- 19-20 RCRC Board Meeting, Sacramento County
- 20 CSAC Executive Committee Meeting, Sacramento County
- 26-27 CSAC Corporate Associates Retreat, San Francisco City/County

February

- 2-4 CAOAC Business Meeting, Location, Monterey, CA
- 24 CSAC New Supervisors Institute, Session II, Sacramento, County
- 25 Special CSAC Board of Directors Meeting (via Conference Call)

March

- 5-9 NACo Legislative Conference, Washington, D.C.
- 23 RCRC Board Meeting, Sacramento County
- 24 CSAC Board of Directors Meeting, Sacramento County

April

- 14 CSAC New Supervisors Institute, Session III, Sacramento County
- 28-29 CSAC Finance Corporation, Monterey, County

May

- 5 CSAC Executive Committee Meeting, Sacramento County
- 18-20 NACo WIR Conference, Chelan County, Wenatchee, WA
- 25 RCRC Board Meeting, Sacramento County

June

- 1-2 CSAC Legislative Conference, Sacramento County
- 2 CSAC Board of Directors Meeting, Sacramento County
- 2 CAOAC Business Meeting, Sacramento County

July

- 15-19 NACo Annual Meeting, Multnomah County (Portland), Oregon

August

- 11 CSAC Executive Committee Meeting, Los Angeles County

September

- 8 CSAC Board of Directors Meeting, Sacramento County
(Please note this meeting was previously set for Sept. 15.)

October

- 6-7 CSAC Executive Committee Retreat, San Diego County

19-21 CAOAC Annual Meeting, Monterey County

19-22 NACo National Council of County Association Executives Annual Fall Meeting

November

29-2 CSAC 117th Annual Meeting, San Francisco City & County

December

1 CSAC Board of Directors Meeting, San Francisco City & County

2 CAOAC Business Meeting, Location TBD

14-16 CSAC Officers Retreat, Napa County

2012

January

19 CSAC Executive Committee Meeting, Sacramento County

25-27 CSAC Corporate Associates Retreat, Orange County

February

23 CSAC Board of Directors Meeting, Sacramento County

March

3-7 NACo Legislative Conference, Washington, D.C.

April

19 CSAC Executive Committee Meeting, Sacramento County

26-27 CSAC Finance Corporation Meeting, Monterey County

May

16-17 CSAC Legislative Conference, Sacramento County

16-18 NACo Western Interstate Region Conference, Santa Fe County, New Mexico

17 CSAC Board of Directors Meeting, Sacramento County

July

13-17 NACo Annual Meeting, Allegheny County (Pittsburgh), Pennsylvania

August

2 CSAC Executive Committee Meeting, Los Angeles County

September

6 CSAC Board of Directors Meeting, Sacramento County

13-14 CSAC Finance Corporation Meeting, San Diego County

October

10-12 CSAC Executive Committee Retreat, Orange County

17-20 NACo National Council of County Association Executives Annual Fall Meeting

November

27-30 CSAC 118th Annual Meeting, Long Beach, Los Angeles County

December

12-14 CSAC Officers Retreat, Site TBD

2013

March

2-6 NACo Legislative Conference, Washington, D.C.

July

19-23 NACo Annual Conference, Tarrant County, Ft. Worth, Texas

September

10-13 CSAC Finance Corporation Fall Meeting

November

19-22 CSAC 119th Annual Meeting, San Jose, Santa Clara County

2014

March

1-5 NACo Legislative Conference, Washington, D.C.

July

11-15 NACo Annual Conference, New Orleans Parish, New Orleans, LA

November

18-21 CSAC 120th Annual Meeting, Anaheim, Orange County