

# CSAC EXECUTIVE COMMITTEE

## BRIEFING MATERIALS

Thursday, January 18, 2018

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



Meeting Location:

Hyatt Regency, 1209 L Street, Sacramento

Golden State A/B Room

(800) 867-2581 code: 7500508#

California State  
Association of Counties



**CALIFORNIA STATE ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE**

Thursday, January 18, 2018  
10:00am – 1:00pm  
Hyatt Regency Hotel, Sacramento  
(800) 867-2581 code: 7500508#

---

**A G E N D A**

---

Presiding: Leticia Perez, President

**10:00am**

**PROCEDURAL ITEMS**

1. Roll Call Page 1
2. Approval of Minutes of October 5-6, 2017 Page 2
3. Executive Committee Orientation Page 6
  - *President Perez & Matt Cate, CSAC Executive Director*

**SPECIAL PRESENTATION**

4. Report on Governor's Budget for 2018-19
  - *Diane Cummins, Special Advisor to the Governor*

**DISCUSSION ITEM**

5. Discussion of Budget Impacts handout
  - *Darby Kernan, Acting Deputy Executive Director of Legislative Services & Advocacy staff*
  - *Matt Cate, Executive Director*

**ACTION ITEMS**

6. Appointment of CSAC Treasurer, NACo Board & WIR Representatives Page 10
  - *President Perez*
7. Appointment of CSAC Policy Committee Chairs and Vice Chairs for 2018 Page 11
  - *President Perez*
8. Consideration of State and Federal Legislative Priorities for 2018 Page 12
  - *Darby Kernan, Acting Deputy Executive Director of Legislative Services & Advocacy staff*
9. CSAC Position on SB 1 Repeal Initiative and ACA 5 Page 19
  - *Kiana Valentine, Senior Legislative Representative Housing, Land Use and Transportation*
10. CSAC Finance Corporation Report & Appointment of Board Members Page 23
  - *Supervisor Leonary Moty, Finance Corp. President*
  - *Alan Fernandes, Finance Corp. Executive Vice President*

**12:00pm LUNCH**

**12:30pm INFORMATION ITEMS**

11. Child Near-Fatality Incidents Platform Language Page 27
  - *Justin Garrett, Legislative Representative Human Services*
12. Operations and Member Services Update Page 30
  - *Graham Knaus, Deputy Executive Director of Operations & Member Services*
13. Informational Reports without Presentation Page 34
  - ❖ CSAC Litigation Coordination Program
  - ❖ CSAC Financial Statement
  - ❖ Conflict of Interest Statement
  - ❖ 2018 Calendar of Events

14. Other Items

**1:00pm ADJOURN**

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE  
2018

President:	Leticia Perez, Kern
1 <sup>st</sup> Vice President:	Virginia Bass, Humboldt
2 <sup>nd</sup> Vice President:	Lisa Bartlett, Orange
Immed. Past President:	Keith Carson, Alameda

Urban Section

Scott Haggerty, Alameda  
Buddy Mendes, Fresno  
Mark Ridley-Thomas, Los Angeles  
James Ramos, San Bernardino  
Carole Groom, San Mateo  
Kelly Long, Ventura  
Chuck Washington, Riverside (alternate)

Suburban Section

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

Rural Section

Ed Scofield, Nevada  
Lee Adams, Sierra  
Larry Johnston, Mono (alternate)

Ex Officio Member

Ed Valenzuela, Siskiyou, Treasurer

Advisors

Bruce Goldstein, County Counsels Association President, Sonoma  
Larry Lees, California Association of County Executives (CACE) President, Shasta

As of 12/18/17

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE  
October 5-6, 2017  
Claremont Hotel, Berkeley, CA

---

MINUTES

---

1. Roll Call

Keith Carson, President	Chuck Washington, Riverside, alternate
Leticia Perez, 1 <sup>st</sup> Vice Pres.	Bruce McPherson, Santa Cruz
Virginia Bass, 2 <sup>nd</sup> Vice Pres.	Leonard Moty, Shasta
Richard Forster, Immed. Past Pres.	Steve Worthley, Tulare
Scott Haggerty, Alameda	James Gore, Sonoma, alternate
John Gioia, Contra Costa	Ed Scofield, Nevada
Mark Ridley-Thomas, Los Angeles	Lee Adams, Sierra
Lisa Bartlett, Orange	Ed Valenzuela, Siskiyou
Carole Groom, San Mateo	
Ken Yeager, Santa Clara	

2. Discussion with CSAC Finance Corporation Board Members

Supervisor Leonard Moty, President of the CSAC Finance Corporation Board, presented an update along with fellow Board members Billy Rutland and Mike Johnson. The Finance Corp. is in the process of developing a new program that would enable installment payments of property taxes and ultimately result in a lowering of the transaction fee currently paid by taxpayers. The program is called Smart Easy Pay.

Another new venture is the California Cannabis Authority (CCA), a Joint Powers Authority created by contract between counties with cannabis regulatory or taxing authority. The purpose of CCA will be to focus on addressing the complex problems surrounding the substantial increase in cash payments to state and local governments expected from cannabis businesses. One of the most significant impediments to the “mainstreaming” of cannabis regulatory compliance and taxation is the lack of banking services for cannabis cash collection. In turn, the largest impediment to providing access to banking services for cannabis businesses is the demand on banking institutions to conduct enhanced due diligence (EDD). This involves commercial banks taking on the responsibility to ensure their customers are not engaging in money laundering and are complying with state and local laws regulating and taxing the industry. The cost to individual banks to create such oversight mechanisms is

extraordinary, and as a result, few do. The proposed CCA can help reduce the burden on state and local governments by reducing the due diligence burden on banks, by providing them much of the information required to comply with EDD. The CCA will collect and analyze licensing, financial and accounting data of cannabis-related businesses using a sophisticated data platform. The proposed CCA will also have the ability to issue deposit slips on behalf of local taxing entities and can be used to make a tax payment at a financial institution directly into a local government's account.

3. Approval of Minutes

The minutes of August 3 and August 23, 2017 were approved as previously mailed.

4. Distinguished Service Award

Staff presented a suggested list of recipients for the CSAC Distinguished Service award which is given to the person or persons who have made the greatest contribution to the improvement of government in California, particularly as it relates to county government. The following nominees were recommended for this award:

Senator Mike McGuire, Chair, Senate Governance and Finance Committee

Senator Jim Beall

Assembly Member Jim Frazier

Brian Kelly, Secretary, California State Transportation Agency

Motion and second to approve Senator Mike McGuire for the Distinguished Service Award. Motion carried unanimously.

Motion and second to approve Senator Beall and Assembly Member Frazier for the Distinguished Service Award. Motion carried. Orange County abstained.

Motion and second to approve Brian Kelly for the Distinguished Service Award. Motion carried. Orange County abstained.

Motion and second to add Senator Bill Dodd to the list of recipients. Motion carried unanimously.

5. Circle of Service Awards

Staff presented a list of eight individuals who are recommended for the 2018 CSAC Circle of Service Award. The award was created to recognize county

officials, department directors, staff, corporate members, and other CSAC members whose service to CSAC and counties sets them apart. The following nominees were recommended for this award:

Ken Yeager, Santa Clara County Supervisor

David Twa, Contra Costa County Administrative Officer

Helen Robbins-Meyer, San Diego County Administrative Officer

Susan Muranishi, Alameda County Administrator

Andy Pease, San Diego County HHS Agency Director

Eileen Cubanski, County Welfare Directors Assoc. Policy Analyst

John Presleigh, Santa Cruz County Public Works Director

Larry Spikes, Kings County Administrative Officer

Motion and second to approve all nominees. Motion carried. Orange County abstained on Presleigh's nomination only.

6. Audited Financial Statements for FY 2016-17

An audit is conducted annually to review CSAC's financial records. This year's audit has not yet been finalized due to the need to consolidate the CSAC Finance Corporation's audit with CSAC's. Therefore, staff recommended that the Executive Committee conditionally approve the 2016-17 Audited Financial Statements. The item shall be revisited only to the extent there are material changes due to the consolidation with the Finance Corporation.

Motion and second to conditionally approve the 2016-17 Audited Financial Statements. Motion carried unanimously.

Staff noted that Executive Committee members will receive a copy of the final audit once it is completed.

7. CSAC Legislative Achievements Report for 2017

Staff presented a video outlining CSAC achievements for the year. Staff also reported on the top legislative issues CSAC tackled during 2017. They were: significantly mitigating the IHSS MOE cost shift of \$600m to counties proposed in the Governor's January budget; Securing \$750m a year in new transportation revenues for the 58 counties under SB 1; defeating the labor-sponsored bill AB 1250 that would have restricted boards' discretion to contract out for efficient delivery of critical services; and securing the veto of SB 649 that would have pre-empted boards regarding the siting of small cell towers and counties' ability to charge telecommunication companies for the use of public right of way.

8. CSAC Operations & Member Services Achievement Report

The CSAC communications team worked closely with legislative staff on the significant legislative issues that CSAC faced this year to assist in messaging and outreach efforts. Social media has continued to play an increasingly vital role in CSAC's communications strategies.

CSAC revamped its Challenge Awards format in 2017, creating new entry categories in both program areas and population. The result was a record number of entries – 288.

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

CSAC sponsors three regional meetings each year. These meetings focus on statewide or regional policy issues, providing an opportunity for learning and dialogue in counties throughout the state.

Staff reported that a CSAC constitutional change will be going to the Board of Directors in November. Specifically, it will remove the provision that requires the CSAC second vice president position to rotate between north and south state. Information will be sent to all county supervisors soon.

9. Fueling Innovation Presentation

Dr. Mary Deveraux presented a "futures briefing" to assist and inform counties about innovation taking place that counties need to prepare for. She has much insight into long-term business forecasts and trend analysis and has worked with a number of California counties to support their development of innovation.

Meeting adjourned.



1100 K Street  
Suite 101  
Sacramento  
California  
95814

*Telephone*  
916.327.7500

*Facsimile*  
916.441.5507

## YOUR ROLE AS AN EXECUTIVE COMMITTEE MEMBER

As an elected leader of CSAC, your role is to guide the organization to meet the needs of the members and serve as an ambassador for CSAC.

### Executive Committee Member Roles and Responsibilities:

- Support and defend the CSAC Constitution.
- Guide the implementation of CSAC Policies and Procedures.
- Appoint an Executive Director to administer the activities and affairs of the Association.
- Be available to participate in Board and Executive Committee meetings and conferences.
- Be available to participate in the Premier Forum.
- Be available to discuss and provide direction on CSAC priorities and strategies.
- Be available to periodically participate in key meetings or strategic communications.
- Understand and promote CSAC policy positions including recommending advocacy priorities to the Board.
- Review and submit the CSAC Budget to the Board.
- Understand and promote CSAC Finance Corporation programs to CSAC members.

### Travel, Lodging, Meals, and other costs:

- Costs for travel, lodging, and meals are generally funded by each member county, or, when applicable, may be funded by CSAC. Costs funded by CSAC may be considered income or a gift for purposes of FPPC reporting.

The effectiveness of CSAC is critically dependent upon Executive Committee members as leaders on behalf of California's counties. CSAC staff will do everything possible to support success in your roles and responsibilities and to ensure the strongest and most unified voice of the organization.





## CSAC STAFF DIRECTORY ■ JANUARY 2018

### CSAC Executive Services

**MATT CATE**  
Executive Director  
(916) 650-8100  
mcate@counties.org

**GRAHAM KNAUS**  
Deputy Executive Director of Operations &  
Member Services  
(916) 650-8109  
gknaus@counties.org

**DEANN BAKER**  
Deputy Executive Director of Legislative Services  
(916) 650-8104  
dbaker@counties.org

**DARBY KERNAN**  
Acting Deputy Executive Director of Legislative Services  
(916) 650-8131  
dkernan@counties.org

**SUE RONKOWSKI**  
Executive Assistant  
(916) 650-8101  
sronkowski@counties.org

### CSAC Legislative Services

#### ADMINISTRATION OF JUSTICE

**VACANT**  
Legislative Representative  
(916) 650-8131

**STANICIA BOATNER**  
Legislative Analyst  
(916) 650-8116  
sboatner@counties.org

**AMALIA MEJIA**  
Program Coordinator  
Results First Project  
(916) 650-8132  
amejia@counties.org

#### AGRICULTURE, ENVIRONMENT & NATURAL RESOURCES

**CARA MARTINSON**  
Federal Affairs Manager/Senior Legislative Representative  
(916) 650-8113  
cmartinson@counties.org

**NICK CRONENWETT**  
Legislative Analyst  
(916) 650-8108  
ncronenwett@counties.org

#### GOVERNMENT FINANCE & ADMINISTRATION

**DOROTHY JOHNSON**  
Legislative Representative  
(916) 650-8133  
djohnson@counties.org

**TRACY SULLIVAN**  
Legislative Analyst  
(916) 650-8124  
tsullivan@counties.org

#### HEALTH & HUMAN SERVICES

**FARRAH McDAID TING**  
Legislative Representative  
(916) 650-8110  
fmcting@counties.org

**JUSTIN GARRETT**  
Legislative Representative  
(916) 650-8117  
jgarrett@counties.org

**ELIZABETH MARSOLAIS**  
Legislative Analyst  
(916) 650-8184  
emarsolaais@counties.org

#### HOUSING, LAND USE & TRANSPORTATION

**KIANA VALENTINE**  
CEAC Program Director/Senior Legislative Representative  
(916) 650-8185  
kvalentine@counties.org

**MERRIN GERETY**  
CEAC Program Manager  
(916) 650-8118  
mgerety@counties.org

**CHRIS LEE**  
Associate Legislative Representative  
(916) 650-8180  
clee@counties.org

#### ALL POLICY AREAS

**GEOFF NEILL**  
Principal Policy and Fiscal Analyst  
(916) 650-8115  
gneill@counties.org

**AMANDA YANG**  
Senior Administrative/Legislative Assistant, Health &  
Human Services  
(916) 650-8102  
ayang@counties.org

**KAREN SCHMELZER**  
Legislative Assistant, Administration of Justice; Agriculture, Environment  
and Natural Resources; Government Finance and Administration;  
Housing, Land Use & Transportation  
(916) 650-8182  
kschmelzer@counties.org

**LISA CURRIE**  
Office Assistant/Legislative Clerk  
(916) 650-8121  
lcurrie@counties.org

### CSAC Administrative Services

**KELLI OROPEZA**  
Chief of Financial Operations  
(916) 650-8136  
koropeza@counties.org

**FRANCISCO DE LA PEÑA BELTRAN**  
Print Services Manager  
(916) 650-8170  
fbeltran@counties.org

**TINA ARMSTRONG**  
Accountant  
(916) 650-8138  
tarmstrong@counties.org

**PATNU VANG**  
Print Services Assistant  
(916) 650-8171  
pvang@counties.org

**KEVIN HYPSE**  
Facilities Manager  
(916) 267-5667  
khypse@counties.org

### CSAC Public Affairs and Member Services

**DAVID LIEBLER**  
Director of Public Affairs & Member Services  
(916) 650-8105  
dliebler@counties.org

**KIM BURLESON**  
Communications Intern  
(916) 650-8123  
kburleson@counties.org

**GREGG FISHMAN**  
Communications Coordinator  
(916) 650-8119  
gfishman@counties.org

**BILL CHIAT**  
Dean and Program Manager, CSAC Institute for Excellence  
in County Government  
(916) 650-8122  
bchiat@counties.org

**CARA WATSON**  
Meeting Planner and Event Coordinator  
(916) 650-8103  
cwatson@counties.org

**CHASTITY BENSON**  
Program Coordinator, CSAC Institute for Excellence in  
County Government  
(916) 650-8130  
cbenson@counties.org

**MICHAEL SWEET**  
Technical Services Coordinator  
(916) 650-8123  
msweet@counties.org

**OLVIYA VATAMAN**  
Administrative Assistant  
(916) 650-8127  
ovataman@counties.org

**ALEX GILLILAND**  
External Affairs Coordinator  
(916) 650-8172  
agilliland@counties.org

### CSAC Corporate Programs

#### CSAC FINANCE CORPORATION

**ALAN FERNANDES**  
Executive Vice President  
(916) 650-8120  
alan@csacfc.org

**KYLE TANAKA**  
Member Services Associate  
(916) 650-8114  
kyle@csacfc.org

**LAURA LABANIEH**  
Director of Operations  
(916) 650-8186  
laura@csacfc.org

**SENDY YOUNG**  
Executive Assistant  
(916) 650-8137  
syoung@csacfc.org

**JIM MANKER**  
Director of Corporate Relations  
(916) 650-8107  
jmanker@counties.org

### County Councils' Association

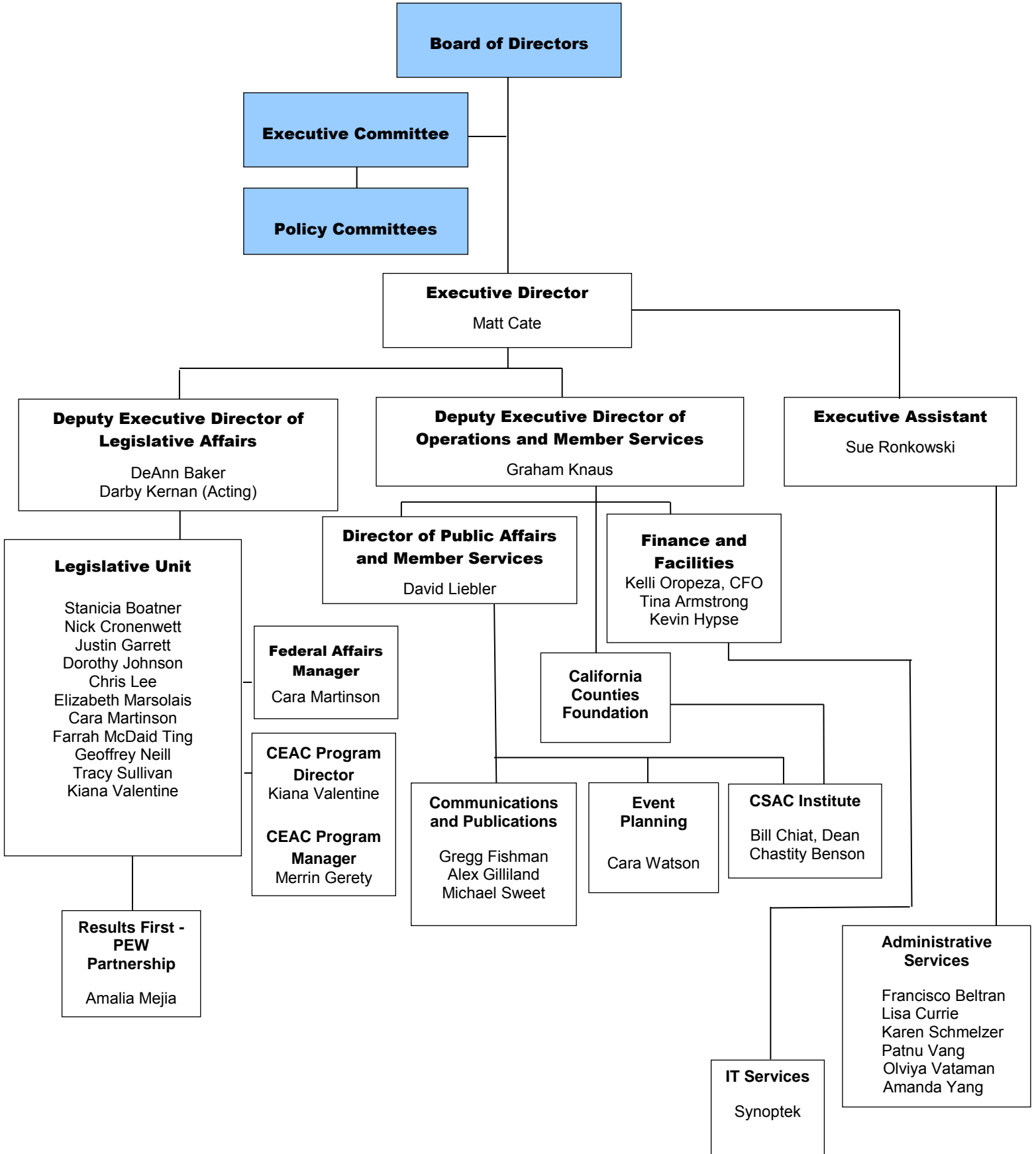
**JENNIFER HENNING**  
Executive Director/CSAC Litigation Counsel  
(916) 327-7535  
jhenning@counties.org

### General Contact Information

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
1100 K Street, Suite 101 ✦ Sacramento, CA 95814  
(916) 327-7500 ✦ www.counties.org

CSAC is on    ... follow us!

**California State Association of Counties (CSAC)  
Organizational Structure – January 2018**





1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

January 18, 2018

**TO: Members, CSAC Executive Committee**  
**FROM: Matt Cate, Executive Director**  
**SUBJECT: Appointment of CSAC Treasurer, NACo Board of Directors and Western Interstate Region (WIR) Board Representatives**

---

The CSAC Officers met in December to consider county supervisors to serve as CSAC Treasurer, NACo Board of Directors representatives and NACo Western Interstate Region (WIR) Board representatives. Following are Officer recommendations for 2018:

CSAC Treasurer  
Ed Valenzuela, Siskiyou

NACo Board of Directors  
Keith Carson, Alameda  
Richard Forster, Amador  
David Rabbitt, Sonoma

NACo WIR Board  
Craig Pederson, Kings

**CSAC POLICY COMMITTEE  
CHAIRS AND VICE CHAIRS  
2018**

*(as nominated by CSAC Officers)*

**ADMINISTRATION OF JUSTICE**

Alfredo Pedroza, Napa, Chair  
Kelly Long, Ventura, Vice Chair

**AGRICULTURE, ENVIRONMENT & NATURAL RESOURCES**

Bruce Gibson, San Luis Obispo, Chair  
Sheri Brennan, Tuolumne, Vice Chair

**GOVERNMENT FINANCE & ADMINISTRATION**

Erin Hannigan, Solano, Chair  
Judy Morris, Trinity, Co-Vice Chair  
Chuck Washington, Riverside, Co-Vice Chair

**HEALTH & HUMAN SERVICES**

Das Williams, Santa Barbara, Chair  
Jeff Griffiths, Inyo, Vice Chair

**HOUSING, LAND USE & TRANSPORTATION**

James Ramos, San Bernardino, Chair  
Oscar Villegas, Yolo, Vice Chair



California State Association of Counties®

## DRAFT CSAC 2018 STATE AND FEDERAL ADVOCACY PRIORITIES

---

Each year, CSAC's Board of Directors sets the Association's state and federal advocacy priorities. These priorities, adopted with the input of policy committees, the CSAC Officers, the Executive Committee, and our affiliates, will guide CSAC's advocacy efforts in 2018 both in Sacramento and Washington DC.

Despite the many distractions and challenges ahead, CSAC is determined to focus on the critical business of counties including implementing recent legislative changes and reforms, responding to the increasing number of climate-induced natural disasters, and protecting the fiscal health of our communities.

In the last year of Governor Brown's Administration, CSAC will continue to partner with his Administration to invest in vital infrastructure and protect the ability of counties to provide services and govern the state's diverse communities. CSAC will also begin meeting with gubernatorial candidates to educate them on the critical role counties play in making California successful.

While CSAC advocates on a multitude of issues each year, the following 2018 state and federal priorities are expected to be in the spotlight in 2018. Our priorities are organized around three concepts: **Defending County Interests and Fiscal Health, Resiliency and Preparedness, and Innovation.**

---

### STATE ADVOCACY PRIORITIES

#### **Defending County Interests and Fiscal Health**

**County Contracting Authority.** County authority to provide services in the most efficient, effective way to their residents was jeopardized in 2017 by AB 1250 (Jones-Sawyer), which would have created a de facto ban on service contracts between counties and nonprofits, community based organizations, and private provider partners in nearly all service areas, including health care, behavioral health, public safety, housing, environmental stewardship, and even basic county administration. This is part of a broader effort to restrict counties' contracting authority. CSAC staff will continue to fight AB 1250 and any other legislation that would restrict a county's authority to contract out.

**In-Home Supportive Services.** In 2018, counties will need to sustain their commitment to implementing the new IHSS provisions enacted by SB 90 and AB 130. This will include working with the Administration to adjust the MOE, allocate offsetting revenue, and several other issues, as well as continuing education efforts. Finally, CSAC will need to track the impact of this new MOE and engage with policy makers to

reexamine this new structure within the context of the reopener provision to ensure long-term sustainability for counties.

**Affordable Care Act.** California's counties must continue to engage on any proposal to repeal or alter the Affordable Care Act (ACA). Of California's total Medi-Cal budget of \$19.1 billion, about \$15 billion are federal funds, a large proportion of which are associated with the ACA. CSAC will continue to work with our Washington DC representatives, county affiliates, and the Brown Administration to respond to any county impacts.

**Local Tax Authority and Revenue Protection.** CSAC actively and successfully lobbied on over a dozen measures that sought to create sales and use tax exemptions for products ranging from diapers to electric vehicles to feminine hygiene products. While often well-intended, these proposals would erode tens of millions of dollars annually in local revenue and dedicated state funding for public safety and human services programs, including 1991 and 2011 Realignment. CSAC will continue to protect the local share of these revenues.

**Secure and Sustainable Employee Benefits.** Decisions pending before the CalPERS Board of Administration in late 2017 could greatly improve the health of the pension system but at some substantial cost to employers in the near- and long-term. CSAC will work closely with CalPERS to address the need for fiscal stability while acknowledging the impacts of rate increases on public employers.

In addition, retirement trends benefit levels make the entire system less sustainable. System-wide changes may be required to keep CalPERS from terminating contracts with more agencies or even stopping payments to current retirees. Pension difficulties create uncertainty for current employees and can impede counties' ability to recruit and retain well-qualified employees. CSAC will continue working with CalPERS and other stakeholders to ensure the intended outcomes can be fully realized without unintended consequences.

**Equitable Deployment of Telecommunications and Broadband Infrastructure.** Counties have an interest in incentivizing and streamlining wireless telecommunications and other broadband infrastructure deployment in their communities. Urban, suburban, and rural counties have different challenges with respect to wireless and broadband infrastructure deployment and efforts such as SB 649 in 2017 must balance the wide ranging needs across California and ensure counties can negotiate on behalf of the public interest in exchange for a streamlined permitting process. CSAC will be proactive in 2018 and continue to work with our local government partners to find a solution that strikes an appropriate balance for all of California's counties and the people we serve.

## **Resiliency and Preparedness**

**Emergency/Disaster Response.** The 2017 wildfire season was devastating in California. In October and December, Governor Brown declared a state of emergency in 13 counties hit by major wildfires in both northern and southern California. He also secured Presidential Disaster Declarations allowing federal

agencies to help coordinate efforts in disaster relief. The aftermath and recovery from these fires will be a focus of the effected counties, CSAC, state regulatory agencies, and the Legislature. CSAC will continue work with impacted counties to ensure effective communication and coordination with state and federal agencies and partner with the Legislature to assist counties with fiscal relief and any regulatory assistance they need.

**Climate Change.** The state's climate goals and cap and trade program have been reauthorized through 2030 by a super majority vote of the Legislature. Legislation established a new local air quality program that focuses on areas of the state most burdened by pollution and requires a new statewide strategy to combat air pollution from both mobile and stationary sources. CSAC will work with the California Air Resources Board (CARB) and local air districts on the implementation of this measure and the development of local community plans aimed at reducing air pollution in disadvantaged communities. In addition, CSAC will continue to advocate for cap and trade resources to address a number of local government priority issues, including waste diversion, forest health and tree mortality, and local government action. CSAC will also focus on climate adaptation and resiliency and advocate for resources to help prepare counties for our changing climate.

**Natural Resources.** SB 5 (de León) was signed by the Governor this year and placed a \$4 billion water and parks bond on the June 2018 ballot. CSAC will work to direct new financial resources to help fund critical water issues. In addition, CSAC will continue to focus on the implementation of several key water issues, including the Sustainable Groundwater Management Act (SGMA), the development of additional stormwater funding tools, and ongoing negotiations about water quality funding and conservation issues.

**Transportation Infrastructure.** With the support of CSAC, the Legislature and Governor enacted the Road Repair and Accountability Act (SB 1) in April 2017 – a long-sought, comprehensive transportation funding package. SB 1 is expected to generate \$5.2 billion annually for state highways, local streets and roads, bridges, transit, goods movement, and active transportation infrastructure. Counties and cities will equally share \$1.5 billion annually for maintenance, rehabilitation, and safety improvements to local roads.

Unfortunately, SB 1 is the target of at least two repeal attempts, one of which is gaining momentum. While CSAC, along with the Fix Our Roads Coalition, has been advocating for repeal proponents to abandon their efforts early indications are that we may face a ballot initiative in November 2018. Given how critical this funding is to counties in order to maintain and improve the local transportation network, protecting SB 1 is a top priority for CSAC.

## **Innovation**

**Cannabis.** The process of licensing commercial medical and adult use cannabis businesses began in California on January 1, 2018, although local governments are not held to any particular timeframe. CSAC will work closely with counties to ensure that they have the information they need to develop local



regulations, should they choose to allow cannabis businesses in their jurisdictions. CSAC will continue to work with the CSAC Finance Corporation on the development of a Joint Powers Authority for the purpose of developing and managing a statewide data platform that will gather, collect, and analyze information from a myriad of data sources into one resource, to help local governments ensure cannabis regulatory compliance and also provide necessary information to financial institutions that wish to work with the cannabis industry.

**Support Development of Affordable Housing.** The Legislature and Governor also achieved success on another long-standing priority for CSAC – a permanent source of funding for affordable housing. SB 2 (Atkins) levies a \$75 recorded document fee effective January 1. In 2018, CSAC will focus on implementing SB 2 and a number of other policy measures that were passed alongside it. At the same time, the Legislature will likely continue to focus on innovative ways to spur housing development and counties must be ready to respond with innovative ways in which to achieve our mutual housing goals. CSAC will work hand in hand with our affiliates, housing advocates, and the state to identify opportunities to increase housing development and avoid additional new unfunded mandates on local government.

**Homelessness.** CSAC partnered with the League of California Cities to establish the Joint Homelessness Task Force, which met over the last year to explore ways cities and counties can partner together to address homelessness. The task force will release their report in early 2018. CSAC will work with the League of Cities and the Institute for Local Government on the release of the report and continued educational opportunities for local governments. Homelessness will remain at the top of the Legislature’s agenda and CSAC will need to continue to leverage the policy expertise of the health and human services, housing and land use, and administration of justice policy committees to identify the appropriate opportunities to engage and advocate for counties.

---

## FEDERAL ADVOCACY PRIORITIES

### Overview

The second session of the 115<sup>th</sup> Congress, much like the first, is expected to present California’s counties with a number of challenges and opportunities alike. After the collapse of GOP efforts aimed at a comprehensive repeal and replacement of the ACA, congressional Republicans are expected to make another run at dismantling the landmark healthcare reform law. Additionally, the Trump administration is expected to seek congressional approval of an ambitious infrastructure spending plan, as well as seek changes to key entitlement programs. While we anticipate these issues moving into 2018, the Trump administration presents a different political paradigm, and we will remain nimble in our approach.

CSAC staff and Paragon Government Relations (formerly Waterman & Associates) will work collaboratively to address these issues, as well as advocate on our long-standing priorities and respond other emerging topics, throughout the year.

## PRIORITY LEGISLATIVE AND BUDGET POLICY ISSUES (2018)

**Affordable Care Act (ACA) Repeal and Replacement.** CSAC will continue to monitor legislative proposals to repeal and replace the ACA. California, its counties, and the residents they serve have benefitted greatly from the expansion of Medicaid (Medi-Cal) and the insurance subsidies provided to those individuals and families whose incomes do not qualify them for Medicaid. In the wake of the tax reform bill's (HR 1) repeal of the individual mandate, Medicaid and other key reform components of the ACA are also at risk of being dismantled. CSAC will work to protect the financing of coverage under the ACA and will consider other options to replace the Act that continue coverage and access to care.

Additionally, CSAC will continue to support bipartisan efforts to eliminate the ACA excise tax, which is slated to go into effect in 2020. A number of California counties offer health insurance plans and related programs that will be subjected to the tax on high-cost plans.

**Medicaid Financing.** CSAC will closely monitor potential efforts to block grant or otherwise provide states per-capita Medicaid payments based on their historical spending patterns in return for increased administrative flexibility in designing and administering the program. California continues to be one of the lowest Medicaid spending states based on a per-capita basis, potentially locking the state in to a very low federal allotment. Moreover, to the extent that state administrative and benefit costs exceed what is covered by the block grant, counties are at risk of assuming the financial liability for those costs.

**Infrastructure Spending Plan.** On the heels of enactment of the tax reform bill, the White House and GOP congressional leaders have indicated that an ambitious public works package is likely to be a major focus during the second session of the 115<sup>th</sup> Congress. As part of ongoing infrastructure discussions, CSAC has been active in urging members of the California congressional delegation to prioritize the significant infrastructure investment needs at the local level. In particular, the association is advocating for direct federal funding to local governments for the improvement and maintenance of existing transportation assets.

**Changes to Entitlement Programs (TANF).** Congressional Republicans have publicly stated that a TANF overhaul and restructuring bill will be a top legislative priority in 2018. CSAC will work to protect California county interests as part of any TANF reauthorization legislation and will be working to restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also will support maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

**Child Welfare Financing Reform (*Family First Prevention Services Act (FFPSA)*).** CSAC will support increased federal funding for services and income support needed by parents seeking to reunify with children who are in foster care. CSAC also supports increased financial support for programs that assist foster youth in the transition to self-sufficiency, including post-emancipation assistance such as secondary education, job training, and access to health care.

In addition, CSAC will work to protect and retain the entitlement nature of the Title IV-E Foster Care and Adoption Assistance programs while seeking the elimination of outdated rules that base a child's eligibility for funds on parental income and circumstances. CSAC also supports federal funding to address the service needs of youth who are victims of commercial sexual exploitation.

Finally, CSAC will continue to oppose the FFPSA (HR 253) in its current form, which, if approved, would either undo or severely hamper California's ongoing child welfare reform efforts, including implementation of the Continuum of Care Reform bill (AB 403). CSAC has continued to push amendments to HR 253 that would allow CCR implementation efforts to continue unimpeded.

**Fee-to-Trust Reform / *Carciari v. Salazar*.** CSAC will continue to lead local government efforts aimed at securing a comprehensive legislative overhaul of the Department of the Interior's fee-to-trust process. A number of CSAC-spearheaded reforms were included in legislation that was approved in the 114th Congress by the Senate Committee on Indian Affairs, and CSAC will look to continue to build on those efforts. CSAC also will be closely monitoring administrative actions by the Department of the Interior designed to modify current fee-to-trust regulations (found at 25 CFR Part 151).

**Key Public Lands Funding Sources – PILT/SRS/Federal Land Management Reform/Tree Mortality.** CSAC will continue to advocate for a long-term reauthorization of mandatory entitlement funding for the Payments-in-lieu-of-Taxes (PILT) program, as well as the Secure Rural Schools (SRS) program. Absent long-term renewals of these critical funding sources, CSAC will continue to support short-term programmatic extensions. In addition, CSAC will continue to advocate for responsible reforms to federal land management. Such reform efforts should promote healthy forests, protect endangered species habitat, safeguard downstream water quality, improve California's water supply, and reduce the risk of wildfires.

Finally, CSAC will continue to urge the federal government to provide assistance through the Department of Agriculture (USDA) and the Federal Emergency Management Agency to help California address its tree mortality crisis.

**Justice Funding – SCAAP/VOCA/VAWA.** CSAC will continue to serve as a lead advocate in efforts to protect, as well as enhance, the State Criminal Alien Assistance (SCAAP) program, which is a key source of federal funding for a significant number of California's counties. CSAC also will continue to advocate for a long-term reauthorization of SCAAP and will continue to seek several key reimbursement-criteria changes to the program.

With regard to the *Victims of Crime Act* (VOCA) and the *Violence Against Women Act* (VAWA), CSAC will continue to urge Congress to provide adequate funding for these important victim services programs. Locally, these funds support domestic violence shelters, services for victims of human trafficking, and other services for victims of violent crimes.

**Transportation Issues (FAA Reauthorization, FAST Act Implementation).** The upcoming reauthorization of the Federal Aviation Administration (FAA) provides an opportunity to shape several policies of interest to California's counties. For starters, CSAC will continue to support legislative efforts designed to clarify that local voter-approved sales tax revenues derived from the sale of aviation fuel are not subject to provisions of federal law that require the proceeds of certain taxes to be spent on airport capital and operating costs. Additionally, the association will support legislative efforts to increase federal funding for local airports, including funding for the Airport Improvement Program (AIP).

CSAC also will closely monitor legislative and regulatory efforts – including the activities of the Drone Advisory Committee (DAC) – to ensure that federal drone policy does not preempt local authority, including local land use, zoning, privacy, trespass and law enforcement operations.

With regard to the *Fixing America's Surface Transportation Act* (FAST Act), CSAC will continue to closely monitor all pertinent implementation issues. CSAC also will continue to educate the California congressional delegation and administration on the importance of the county road system with respect to federal transportation policy and advocate for new revenues for programs of importance to counties, such as safety and bridge projects.

**Disaster Assistance.** In the aftermath of one of the most destructive and costly wildfire seasons in state history, CSAC will continue to advocate for federal disaster assistance to help those communities impacted by the devastating effects of the fires. While Congress, to date, has approved a series of disaster relief bills to deal with the devastation caused by the 2017 hurricanes, lawmakers have yet to approve any direct funding to the state of California to assist the state and local communities in their wildfire recovery efforts.

### **MONITORING EXECUTIVE AND ADMINISTRATIVE ACTIONS**

**Repeal and Potential Replacement of Existing Environmental Regulations.** With the Trump administration taking a series of actions in 2017 aimed at dismantling Obama-era environmental regulations – such as the Clean Power Plan and the Waters of the United States (WOTUS) rule – CSAC will continue to monitor other executive and administrative actions in 2018 that could impact California's counties.

**Immigration-Related Actions, i.e. "Sanctuary Jurisdiction" Policies.** The Trump administration's executive and administrative actions aimed at withholding federal funds from so-called sanctuary jurisdictions remain the subject of a number of lawsuits across the country. Accordingly, CSAC will continue to closely monitor the outcome of these judicial proceedings. Likewise, CSAC is closely monitoring legislation (HR 3003) in Congress that, if enacted, would seek to compel states and localities to carry out federal immigration enforcement activities by withholding federal grant program funds from noncompliant jurisdictions.

**Marijuana Enforcement.** While 28 states and the District of Columbia have legalized the use of marijuana for medicinal or recreational purposes, it is still classified as a Schedule 1 narcotic under the *Controlled Substances Act*. As a result, the use, possession, and sale of cannabis remains a federal crime, which has created significant issues for states that have legalized cannabis use. In an effort to address the conflict between federal and state law, CSAC supports the continuation of the Rohrabacher-Blumenauer amendment, which expressly prohibits DOJ from using federal resources to prosecute individuals or businesses that are acting in compliance with state *medical* marijuana laws. CSAC also supports efforts to expand these protections to state-legal *recreational* cannabis laws. In addition, CSAC supports federal legislation that would ensure greater access to banking for marijuana-related businesses and allow proper medical research on the effects of cannabis use.



January 18, 2018

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327.7500

Facsimile  
916.441.5507

To: CSAC Executive Committee

From: Kiana Valentine, CSAC Senior Legislative Representative  
Chris Lee, CSAC Associate Legislative Representative

**Re: CSAC Position on SB 1 Repeal Ballot Initiative and ACA 5 – ACTION ITEM**

---

**Recommendation.** Consistent CSAC Housing, Land Use, and Transportation Policy Committee action/recommendation, CSAC staff recommends that the CSAC Executive Committee take action and make a recommendation to the CSAC Board of Directors to oppose the SB 1 repeal ballot initiative and support ACA 5.

**Background.** The Road Repair and Accountability Act of 2017 (SB 1) was passed by the Legislature and signed into law by the Governor in April 2017. The Legislature also passed an accompanying constitutional protection measure (ACA 5) to ensure the thirty-percent of revenues generated by SB 1 that are not already constitutionally protected are dedicated to transportation. ACA 5 will appear before voters on the June 2018 ballot. Over the next decade, SB 1 will provide approximately \$5 billion annually in revenue for local streets and roads, state highways and public transportation through the imposition of new and increased fuel and diesel taxes and improvement fees. From these revenue sources, approximately \$1.5 billion per year will be allocated by formula for county roads and city streets.

Unfortunately, there are efforts underway to repeal SB 1. The “Give Voters a Voice” campaign to repeal SB 1 is currently raising money for, and collecting signatures on, an initiative that would require the Legislature to put before the electorate approval of any gas, diesel, or vehicle related tax or fee increase. Since the initiative has a retroactive effective date of January 1, 2017, it would repeal SB 1. Since the 2017 Annual Meeting, the repeal effort has gained momentum raising significant amounts of new revenue and has reportedly met an early threshold of collecting 25-percent of required signatures to qualify the measure. As such, CSAC has been asked to engage in a more formal way against the SB 1 repeal effort as soon as possible. Specifically, the Fix Our Roads Coalition would like CSAC to serve a principal role on the campaign committee that has been formed to oppose the SB 1 repeal measure which, if qualifies, would be on the November 2018 ballot and support ACA 5 and secure its passage in June 2018.

CSAC does not typically take positions on ballot initiatives until measures qualify however, ACA 5 and the repeal of SB 1 are unique in that CSAC was a significant part

of the effort to secure passage of a new transportation funding package pursuant to long-standing policy to support increased investment in transportation infrastructure. In order to serve on the campaign committee to protect county transportation funding and other critical investments, we need to move through our initiative policy-making process as soon as possible. CSAC policy and procedures related to ballot initiatives requires that we go back through the policy-making process for a formal position despite our long-standing support for new funding for transportation. For the SB 1 repeal ballot initiative and ACA 5 this process includes action/recommendation by the HLT Policy Committee to the Executive Committee and Board of Directors, then the Executive Committee must take action and make a recommendation to the Board of Directors, and the Board of Directors takes final action to establish our position on the initiatives.

**Policy Considerations.** In recognition of the needs of the local street and road system, and the declining purchasing power of existing revenue streams counties rely on to maintain the county road system, CSAC has long-standing policy in support of new revenues for transportation. The CSAC Board of Directors took action to reaffirm support for new revenues for transportation back in 2012, and over the past three years has consistently supported CSAC's key involvement as a principal partner in the Fix Our Roads Coalition, which was founded in support of passage of a transportation funding package that ultimately resulted in SB 1 and ACA 5.

The HLT Policy Committee met on January 4 and took action recommending that the CSAC Executive Committee and Board of Directors oppose the SB 1 repeal initiative and support ACA 5.

**Action Requested.** Consistent with the CSAC HLT Policy Committee action/recommendation, CSAC staff requests that the CSAC Executive Committee take action and recommend to the CSAC Board of Directors opposition to the SB 1 repeal ballot initiative and support for ACA 5.

**Staff Contact.** Please contact Kiana Valentine ([kvalentine@counties.org](mailto:kvalentine@counties.org)) or (916-650-8185) or Chris Lee ([clee@counties.org](mailto:clee@counties.org)) or (916-650-8180) for additional information.



January 18, 2018

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327.7500

Facsimile  
916.441.5507

To: CSAC Executive Committee

From: CSAC Officers

Re: **CSAC Participation in the Anti-SB 1 Repeal and Pro-ACA 5 Campaign–  
ACTION ITEM**

---

**Recommendation.** The CSAC Officers recommend that the CSAC Executive Committee take action and make a recommendation to the Board of Directors that CSAC participate financially in the campaign against the SB 1 repeal effort and in support of ACA 5.

**Background.** There are currently efforts underway to repeal SB 1 – the Road Repair and Accountability Act of 2017 (SB 1) which was passed by the Legislature and signed into law by the Governor in April 2017. The Legislature also passed an accompanying constitutional protection measure (ACA 5) to ensure the thirty-percent of revenues generated by SB 1 that are not already constitutionally protected are dedicated to transportation. The “Give Voters a Voice” campaign to repeal SB 1 is currently raising money for, and collecting signatures on, an initiative that would require the Legislature to put before the electorate approval of any gas, diesel, or vehicle related tax or fee increase. Since the initiative has a retroactive effective date of January 1, 2017, it would repeal SB 1. The repeal effort has gained momentum raising significant amounts of new revenue in recent weeks and has reportedly met an early threshold of collecting 25-percent of required signatures to qualify the measure.

Over the next decade, SB 1 will provide approximately \$5 billion annually in revenue for local streets and roads, state highways and public transportation through the imposition of new and increased fuel and diesel taxes and improvement fees. From these revenue sources, approximately \$1.5 billion per year in new funding will be allocated by formula for county roads and city streets.

Early polling indicates that Californians are most seriously concerned with the condition of their local streets and roads and generally are supportive of funding for projects in their local communities. As such, CSAC has been asked to engage in a more formal way against the SB 1 repeal effort as soon as possible. Specifically, the Fix Our Roads Coalition would like CSAC to serve a principal role on the campaign committee that has been formed to support ACA 5 and secure its passage in June 2018 and oppose the SB 1 repeal measure which, if qualifies, would be on the November 2018 ballot.

**Policy Considerations.** In recognition of the needs of the local street and road system, and the declining purchasing power of existing revenue streams counties rely on to maintain the county road system, CSAC has long-standing policy in support of new revenues for transportation. The CSAC Board of Directors took action to reaffirm support for new revenues for transportation back in 2012, and over the past three years has consistently supported CSAC's key involvement as a principal partner in the Fix Our Roads Coalition, which was founded in support of passage of a transportation funding package that ultimately resulted in SB 1 and ACA 5.

The CSAC Housing, Land Use, and Transportation Policy Committee took action on January 4 making a recommendation to the CSAC Executive Committee and Board of Directors to oppose the SB 1 repeal effort and support the passage of ACA 5. The CSAC Executive Committee is also being asked to take action at their January 18 meeting and make a recommendation to the Board of Directors to oppose the SB 1 repeal and support ACA 5. The Board of Directors will also meet on January 18 to take final action to establish CSAC's positions on the SB 1 repeal initiative and ACA 5.

**Action Requested.** The CSAC Officers request that the CSAC Executive Committee take action and make a recommendation to the CSAC Board of Directors to approve financial participation in the campaign against the SB 1 repeal effort and in support of ACA 5. The Board of Directors will consider the Executive Committee recommendation at their February 15 meeting.

**Staff Contact.** Please contact Darby Kernan ([dkernan@counties.org](mailto:dkernan@counties.org) or 916-650-8131) or Kiana Valentine ([kvalentine@counties.org](mailto:kvalentine@counties.org) or 916-650-8185) for additional information.





January 18, 2018

**To:** CSAC Executive Committee

**From:** Leonard Moty, President  
Alan Fernandes, Executive Vice President

**RE: CSAC Finance Corporation Board Appointments**

---

**CSAC Finance Corporation Board Appointments**

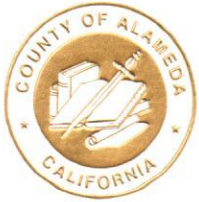
**Recommendation:**

It is recommended that the CSAC Executive Committee reappoint Leonard Moty and David Twa to the CSAC Finance Corporation Board of Directors. It is further recommended that the CSAC Executive Committee appoint either Ryan Alsop or Susan Muranishi to the Department Head seat on the CSAC Finance Corporation Board of Directors.

**Background:**

Three seats on the CSAC Finance Corporation Board of Directors came to term at the end of December, 2017. These seats include the Suburban County Supervisor (Leonard Moty), a CAO (David Twa), and the Department Head (vacant). Both Leonard Moty and David Twa have expressed their desire to continue to serve on the CSAC Finance Corporation Board of Directors. The CSAC Finance Corporation Board met in December and took action to recommend to the CSAC Executive Committee that both Leonard Moty and David Twa be reappointed. If reappointed, their terms would continue until December 2020.

The current vacancy for the Department Head seat on the CSAC Finance Corporation Board was advertised and two letters of interest were received for the seat from Susan Muranishi (CAO, Alameda County) and Ryan Alsop (CAO, Kern County). The CSAC Finance Corporation Board met in December and took action to forward both their names to the CSAC Executive Committee for consideration. This seat will term in December 2020.



## COUNTY ADMINISTRATOR

November 21, 2017

SUSAN S. MURANISHI  
COUNTY ADMINISTRATOR

Laura Labanieh  
CSAC Finance Corporation  
Director of Operations  
1100 K Street, Suite 101  
Sacramento, CA 95814

Dear Laura:

### **SUBJECT: CSAC FINANCE CORPORATION – LETTER OF INTEREST**

This is to express my interest in serving on the CSAC Finance Corporation and being considered for appointment to one of the upcoming vacant seats.

During my tenure as the CAO of Alameda County, I have had the opportunity with the full support of the Board, to drive innovation and entrepreneurship throughout the organization while maintaining balanced budgets, strengthening the County's financial position and providing essential services to our diverse communities. Collaboration and partnerships built on strong working relationships with stakeholders are at the core of our many innovative initiatives.

As you know, I am an active member of the National Association of Counties (NACo) Financial Services Corporation (FSC) Advisory Committee and was recently reappointed by the NACo President. I am also a longstanding member of California Association of County Executives (CACE) and serve on several other boards including the Executive Committee of the East Bay Economic Development Alliance (EBEDA), a two-county regional public-private business association.

Thank you for the opportunity to submit my letter of interest to serve on the CSAC Finance Corporation – I have observed its recent growth and diversification and would be honored to serve as a contributing member.

Please let me know if you have questions or need additional information – I look forward to consideration by the CSAC Executive Committee.

Best regards,

Susan S. Muranishi  
County Administrator

SSM:nr

cc: Matt Cate, Executive Director, CSAC  
Keith Carson, President, CSAC  
Alan Fernandes, Executive Vice President, CSAC FSC

**Subject:** Board Position

**Date:** Thursday, November 30, 2017 at 3:58:23 PM Pacific Standard Time

**From:** Ryan Alsop

**To:** Laura Labanieh

Dear Laura:

I am writing to express my strong interest in serving on the Finance Corporation Board of Directors.

I believe my background and experience in business and county government is a good match for providing support and input to the Finance Corporation. In addition, as a representative from a Southern California Suburban County, I believe I have the ability to provide a regional perspective currently missing on the board.

Per your request, please see my bio attached: <https://www.kerncounty.com/cao/alsop-biography.pdf>

Thank you for your consideration, I look forward to the potential of serving on your board.

Sincerely,

Ryan Alsop  
CAO, Kern County  
Sent from my iPhone

## **Ryan Alsop**

### **County Administrative Officer**

Ryan Alsop was appointed by the Kern County Board of Supervisors to serve as the County Administrative Officer on January 2, 2017. As Kern County Administrative Officer, Mr. Alsop oversees several different business areas for the County including Budget and Finance, Policy and Legislative Affairs, Compliance and Accountability, Human Resources, General Services, Information Technology Services, Economic and Workforce Development and Compliance with Sustainable Groundwater Management.

Prior to his appointment, Mr. Alsop served as Assistant Chief Executive Officer for Los Angeles County from 2009 to 2016 and as Director of Government and Public Affairs for Long Beach Water from 2001 to 2009. He has also served as Director of External Affairs for Governor Arnold Schwarzenegger, as a private government relations consultant in Washington, D.C., served on the staffs of United States Representative Stephen Horn and California State Senator Ken Maddy, and held government and public affairs positions at the Long Beach Area and Greater Bakersfield Area Chambers of Commerce.

Mr. Alsop received a Bachelor's degree in Political Science from California State University, Bakersfield and earned a Master's degree in Public Policy from the American University, School of Public Affairs, in Washington, D.C.

Mr. Alsop and his wife have three children.



January 18, 2018

1100 K Street  
Suite 101  
Sacramento  
California  
95814  
Telephone  
916.327.7500  
Facsimile  
916.441.5507

To: CSAC Executive Committee

From: DeAnn Baker, Deputy Executive Director, Legislative Affairs  
Justin Garrett, CSAC Legislative Representative, Human Services Policy  
Farrah McDaid Ting, CSAC Legislative Representative, Health and Behavioral  
Health Policy  
Elizabeth Marsolais, CSAC Legislative Analyst, Health and Human Services

**RE: Child Near-Fatality Incidents Platform Language Review – INFORMATION ITEM**

---

**Background.** At the end of each two-year legislative session, CSAC undertakes a Policy Platform review process. During the last policy platform review in October 2016, CSAC staff solicited comments from counties and members of the HHS Policy Committee. At the November 29, 2016 HHS Policy Committee meeting, Yolo County Supervisor Matt Rexroad requested that language be added to the Human Services chapter of the Policy Platform related to the always tragic situation of child fatality and near-fatality incidents within county Child Welfare Services systems. Supervisor Rexroad's proposed language, which is focused on both transparency and accountability, is provided below.

Based on the HHS Policy Committee discussions and consultation with the County Counsels' Association, CSAC staff developed an alternative proposal, also provided below, that provides for redactions where appropriate, and removes the focus on accountability. Both versions were presented to the Policy Committee on February 8, 2017. The alternative language was approved by the Committee in February 2017 and forwarded to the CSAC Board of Directors.

After a lengthy discussion at its February 16, 2017 meeting, the CSAC Board of Directors adopted the Human Services chapter of the Policy Platform without including either the alternative language or the language proposed by Supervisor Rexroad. However, the Board voted to re-refer the language on child near-fatality incidents to the HHS Policy Committee for continued discussion.

During its May 18, 2017 meeting, the HHS Policy Committee was unable to reach a majority vote on either version of the proposed language. The Committee voted 8-8 on a motion to adopt the language recommended by Supervisor Rexroad and did not take a vote to adopt the alternative language. As such, there is no recommendation from the Policy Committee to make changes to the Policy Platform.

If the Executive Committee takes no action to recommend a Policy Platform change to the Board of Directors, the current Policy Platform language will remain in effect. That language reads:

*Counties support transparency related to child fatality and near-fatality incidents so long as it preserves the privacy of the child and additional*

*individuals who may reside in a setting but were not involved or liable for any incidents.*

### **Platform Language Options.**

1. The language below was drafted by CSAC staff as an alternative to Supervisor Rexroad's proposal, and was approved by the HHS Policy Committee in February 2017, but was not adopted by the Board of Directors:

*When a child who has been left with a family that has been subject to a report of abuse and neglect dies or nearly dies, the best course is to try and learn what, if anything, could be improved in county operations and policies so that children in the future do not suffer similar fates. As an important part of this effort, counties support transparency related to child deaths and near deaths that occurred because of abuse and neglect, so long as all identifying information is redacted from the documents that are released.*

The actions taken on this language include:

- February 8, 2017: Approved by HHS Policy Committee (2-0)
- February 16, 2017: Discussed by Board of Directors
- May 18, 2017: Discussed by HHS Policy Committee

2. The second version below is Supervisor Rexroad's proposed language. The specific language that differs from the alternative language is underlined:

*When a child who has been left with a family that has been subject to a report of abuse and neglect dies or nearly dies, the best course is to try and learn what, if anything, could be improved in county operations and policies so that children in the future do not suffer similar fates. As an important part of this effort, counties support transparency related to child deaths and near deaths that occurred because of abuse and neglect and, specifically, at minimum support the release of original documents in case files so the public and stakeholders can be engaged in the important task of protecting children, and to ensure maximum accountability for counties in such life and death matters, so long as all identifying information is redacted from the documents that are released.*

The actions taken on Supervisor Rexroad's suggested language include:

- February 8, 2017: Discussed by HHS Policy Committee
- February 16, 2017: Failed at Board of Directors (13-16); Board referred matter back to HHS Policy Committee
- May 18, 2017: Failed at HHS Policy Committee (8-8)
- May 18, 2017: Result of Policy Committee vote reported to the Board of Directors

**Process.** In response to the tied vote at the HHS Policy Committee in May 2017, staff has brought this update on the proposed platform language to the Executive Committee. If the Executive Committee takes no action to recommend a Policy

Platform change, the current language will remain in effect. Should the Executive Committee choose to move forward with the alternative language (Option #1) or the language proposed by Supervisor Rexroad (Option #2), the Executive Committee will need to make a motion to adopt that language and forward it to the Board of Directors for consideration during their next scheduled meeting per CSAC policy and procedures.

Also, please note that any changes to the Platform would be occurring in the second year of the two-year legislative session covered by the current 2017-18 CSAC Platform. CSAC will undertake the Platform review process during its usual two-year cycle beginning in October 2018 for the 2019-20 CSAC Platform.

**Staff Recommendation.** The Policy Committee has not voted to recommend any changes to the Platform, so CSAC staff carries forward that recommendation: that the Executive Committee take no action on changes to the current Platform language. CSAC staff thanks each of the supervisors, county affiliate organizations, and county staff who reviewed the proposed changes and suggested additional clarifications throughout this process.

**CSAC Staff Contacts:**

DeAnn Baker, CSAC Deputy Executive Director for Legislative Affairs:

[dbaker@counties.org](mailto:dbaker@counties.org), (916) 327-7500 Ext. 509

Justin Garrett, CSAC Legislative Representative, Human Services:

[jgarrett@counties.org](mailto:jgarrett@counties.org), (916) 327-7500 Ext. 539

Farrah McDaid Ting, CSAC Legislative Representative, Health Policy and Behavioral Health: [fmcting@counties.org](mailto:fmcting@counties.org), (916) 327-7500 Ext. 559

Jennifer Henning, CSAC Litigation Counsel: [jhenning@counties.org](mailto:jhenning@counties.org), (916) 327-7535

Elizabeth Marsolais, CSAC Legislative Analyst: [emarsolais@counties.org](mailto:emarsolais@counties.org), (916) 327-7500 Ext. 524





January 18, 2018

1100 K Street  
Suite 101  
Sacramento  
California  
95814  
*Telephone*  
916.327.7500  
*Facsimile*  
916.441.5507

To: CSAC Executive Committee

From: Graham Knaus, Deputy Executive Director of Operations and Member Services  
David Liebler, Director of Public Affairs & Member Services  
Kelli Oropeza, Chief of Financial Operations

**Re: Operations and Member Services Update**

---

This memorandum highlights key activities and initiatives occurring within CSAC operations and member services as well as focus areas for 2018.

**Communications and Member Services**

As CSAC enters 2018, our Communications Unit is planning to expand our presence in a number of areas. Our primary strategic goals will be to: support our advocacy efforts, communicating with our members and other targeted audiences, and helping explain the value of county services. Our new external affairs coordinator position will play an integral role in implementing much of the segments outlined below.

**Supporting Our Advocacy Work**

CSAC's Communications and Legislative teams are already working closely together on legislative issues that could impact counties in the coming year. We will continue to utilize both traditional and social media as effective communications tools.

*Working with the Media* – In 2018, our use of the media – both statewide and local – will be driven by the issue, our legislative strategy and our targeted audiences. CSAC staff has increasingly become a knowledgeable source for the media on a wide variety of issues. The legalization of recreational cannabis, for example, has resulted in ongoing media calls looking for a local government perspective. We expect media requests to only increase in 2018.

*Promoting our Legislative Positions through Social Media* – In 2017, CSAC stepped up its efforts to spotlight CSAC's position on various bills through Twitter. We will continue this practice this year with additional emphasis on CSAC legislative priorities.

**Communicating With Our Members**

Member outreach will continue to be a high priority in 2018. Our outreach into counties through in-person meetings as well as more formal regional meetings will be enhanced in the coming years. At the same time, we will continue to communicate regularly from Sacramento.



*Enhancing Our Outreach* – CSAC begins 2018 with a new staff position whose primary goal is to work with our members in their own counties. Alex Gilliland will serve as our new External Affairs Coordinator; she brings a strong combination of communications and public policy skills/experience to the Association. About 40 percent of her time will be spent in counties, meeting with supervisors, administrators, department heads and public information officers to 1) provide updates on CSAC’s legislative and other efforts, 2) listen to what’s important to our members and bring that information back to Sacramento; 3) build relationships with your local media; and 4) assist counties with crisis communications, if needed.

*Regional Policy Meetings* – CSAC regional policy meetings provide opportunities to bring issues of interest directly to multiple regions in the state, and provide a forum to network with colleagues. In 2018, CSAC plans to hold three regional policy meetings to capture innovative solutions as well as discuss local challenges through the sharing of county perspectives.

*Regional Public Information Officer Meetings* – CSAC plans to hold regional meetings with county public information officers, a practice that we began in 2017. We are currently discussing potential regions and topics we want to address in the coming year.

### **Telling the County Story**

*Spotlighting Innovative County Programs* –CSAC has been effective in spotlighting various vital services by focusing on best practices. We are currently rolling out videos and blogs spotlighting the 16 best practices honored in last year’s Challenge Awards program.

*Utilizing Social Media* – CSAC communications staff looks for positive county stories written by the media throughout the state, and we promote those stories through Twitter on a daily basis. This practice has proven to take a local story and give it statewide exposure. We expect this to not only continue in 2018, but increase through the work of our external affairs coordinator.

### **Taking Advantage of Technology**

*Strong Emphasis on Video Work* – CSAC’s video production increased in 2017, as we utilized it to spotlight county programs, assist our advocacy efforts, and as an educational tool by videoing webinars and regional meetings. We are examining new ways to use video to assist our members and reach other targeted audiences. The CSAC YouTube Channel is regularly watched by various audiences.

*Improving Our Website* – CSAC’s Website is a reliable source of information for our members, the media and general public. It receives millions of views each year, primarily from the public. In 2018, we will examine 1) how to make the information more accessible and user-friendly, and 2) a potential redesign.

### **California Counties Foundation**

The California Counties Foundation (Foundation) is the non-profit foundation of CSAC that houses the CSAC Institute, the partnership with the Pew-MacArthur

Results First Initiative, and manages charitable contributions and grants to improve educational opportunities for county supervisors, county administrative officers, and senior staff.

### **CSAC Institute**

The CSAC Institute continues its remarkably successful evolution to meet county professional development needs through policy-based and leadership-focused courses and activities. The CSAC Institute offers courses at the main campus in Sacramento, and satellites located in Contra Costa County, Merced County, San Bernardino County, and, as of January 11, in Shasta County.

To continue to provide excellent and relevant curriculum at a reasonable price, and to remain at the forefront of filling county professional and leadership development needs, the Foundation Board is moving forward to develop new educational opportunities to maximize the success of current and future county leaders. These include:

1. Analysis of current participants, changing composition of courses and need to modify curriculum to meet current and future professional development needs.
2. Develop a Regional Leadership Roundtable for Supervisors to provide an opportunity beyond the New Supervisors Institute for focused leadership development and networking among colleagues.
3. Develop intensive seminar for current and future department heads – this will occur March 2018 and is limited to 50 participants.
4. Partner with the California Association of County Executives for CAO/CEO leadership and policy development for current and future leaders.
5. Hold further Institute Satellite expansions due to existing staff capacity and to determine need following five years of substantial growth. Satellites will continue to be mobile to enable additional locations to host them within the same region (i.e. Merced to Tulare, San Bernardino to San Diego).
6. Other efforts in the future such as developing a professional credential for mid-level staff, expanding courses for specific technical and leadership skills, and developing a county staff based pool of instructors.

### **Results First**

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

The recently awarded \$500k California Health Care Foundation grant provides key new resources to expand the direct technical and data assistance that CSAC can provide to Results First counties. It also enables further expansion into new counties. Funds allow for one additional staff that will expand program capacity over the three-year grant period.

### **Fiscal Operations**

Over the past several years, fiscal operations and fiscal infrastructure have been strengthened through the development of sound policies such as the Operational Reserve Policy, Procurement Policy, Capital Improvement Program Policy, and fiscal and accounting procedures. These policies build off of sound financial management that includes a five percent holdback of revenues each year, strategic use of resources based on organizational priorities, and the change to a new external auditor after many years with the same firm. We continue to monitor current year revenues and expenditures and have begun the process of building the 2018-19 budget that will be presented to the Executive Committee for consideration April 5.

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



# County Counselors' Association of California

## MEMORANDUM

### BOARD OF DIRECTORS

#### *Officers*

President  
*Leroy Smith*  
Ventura County

Vice-President  
*Alison A. Barratt-Green*  
Nevada County

Secretary-Treasurer  
*John C. Beiers*  
San Mateo County

Immediate Past President  
*Bruce D. Goldstein*  
Sonoma County

Historian (Nonvoting)  
*Marshall Rudolph*  
Inyo County

#### *Directors*

*Rita L. Neal*  
San Luis Obispo County  
2017-2018

*Rubin E. Cruse, Jr.*  
Shasta County  
2016-2018

*Gregory P. Priamos*  
Riverside County  
2016-2018

*Sarah J. Carrillo*  
Tuolumne County  
2017-2019

*Minh C. Tran*  
Napa County  
2017-2019

**EXECUTIVE DIRECTOR**  
*Jennifer B. Henning*

**To: Supervisor Leticia Perez, President, and  
Members of the CSAC Executive Committee**

**From: Jennifer Henning, Litigation Coordinator**

**Date: January 18, 2018**

**Re: Litigation Coordination Program Update**

This memorandum will provide you with information on the Litigation Coordination Program's new case activity since your last regular meeting On October 5, 2017. Recent CSAC court filings are available on CSAC's website at: <http://www.csac.counties.org/csac-litigation-coordination-program>. The following jurisdictions are receiving amicus support in the new cases described in this report:

COUNTIES	CITIES	OTHER AGENCIES
Mendocino San Francisco San Luis Obispo Sonoma	Glendale (2 cases) San Diego (3 cases)	Board of Equalization Garden Valley Fire Protection District People of the State of California South San Joaquin Irrigation District

#### ***Abbott Laboratories v. Superior Court***

Pending in the Fourth Appellate District, Division One (filed July 21, 2017)(D072577)

#### ***People v. Whole Foods Market California***

Pending in the Second Appellate District (filed Jan. 24, 2017)(B280289)

**Status: Amicus Briefs Due January 17, 2018**

These cases both raise the question of whether County Counselors may enforce the False Advertising Law (FAL) statewide, or whether such enforcement is limited by their county's geographical boundaries. In *Abbott*, the defendants in an Unfair Competition Law (UCL) action brought by the Orange County District Attorney sought to have all references to "California" in the complaint stricken on the grounds that the Orange County DA has no authority to enforce the UCL outside of Orange County. In the *Whole Foods* case, the trial court amended a stipulated judgment in a case brought under the FAL and UCL by several city attorneys so that it no longer applied statewide. Both cases are on appeal. CSAC will file a brief urging for statewide jurisdiction so that counties engaged in

January 18, 2018

affirmative litigation to protect their constituents can receive statewide relief if statewide harms are shown.

***Boling v. Public Employment Relations Board (City of San Diego)***

10 Cal.App.5th 853 (4th Dist. Div. 1 Apr. 11, 2017)(D069626), *petition for review granted* (July 26, 2017)(S242034)

Status: Case Fully Briefed and Pending at the Court of Appeal

The City of San Diego's mayor and one of its council members publicly announced support for an initiative that would have replaced the city's defined benefit pension plans with 401(k)-style defined contribution plans for new hires. While the voter petition effort was underway, one of the city's unions demanded to meet-and-confer, arguing that it was required before the initiative could be placed on the ballot. The city refused, and adopted a resolution to place the measure on the ballot after it was qualified by the registrar of voters. The union then filed an unfair practice charge. PERB decided that the city violated the MMBA by failing to meet and confer. The appellate court reversed, finding that the MMBA's meet-and-confer requirement does not apply when a proposed charter amendment is placed on the ballot by citizen proponents through the initiative process. Instead, only a governing body-sponsored proposal will trigger the meet-and-confer requirement. The Supreme Court has granted review. CSAC filed a brief in support of the city.

***California Water Impact Network v. County of San Luis Obispo***

Pending in the Second Appellate District (filed July 13, 2017)(B283846)

Status: Amicus Brief Due March 5, 2018

This case is very similar to another case in which CSAC recently filed an amicus brief, *POWER v. County of Stanislaus*. In this case, plaintiff challenged the county's issuance of four water well construction permits. Under the county's well construction ordinance, the county treats the issuance of all well permits as ministerial approvals. Plaintiff alleges that these permit issuances are actually discretionary and therefore trigger CEQA review. The trial court ruled in favor of the county, concluding that the limited discretion afforded to the county in its ordinance and Department of Water Resources Bulletins used as guidance in implementing the ordinance do not confer discretion to address environmental concerns, and therefore do not trigger CEQA. Plaintiff has appealed. CSAC will file a brief in support of San Luis Obispo County.

***Glendale Coalition for Better Government v. City of Glendale***

Pending in the Second District Court of Appeal (filed May 10, 2017)(B282410)

Status: Amicus Brief Due March 19, 2018

This is a challenge to the city's residential water structure. There are two components of the rate structure in particular that drew this challenge. First, the city set its costs so that it could support sufficient volume and pressure to provide water to fire hydrants and fire sprinklers. Second, the city established a residential volumetric tiered rates, setting the base rate on each tier's potential consumption, not actual consumption. The trial court ruled against the city on both counts. The court first concluded that water rates may not recover the cost to deliver water in the volumes and at the pressures required to fight fires because fire service is available to the general public and not just to water customers. The court then found that base costs must be allocated among residential tiers

January 18, 2018

based on actual consumption, not potential consumption. The city has appealed, and CSAC will file a brief in support.

***Johnson v. County of Mendocino***

Pending in the First Appellate District (filed July 31, 2017)(A152004)

Status: Amicus Brief Deadline to be Determined

In *Coleman v. Santa Clara County* (1998) 64 Cal.App.4th 662, the Sixth District determined that a general tax that is accompanied by an advisory measure concerning how that tax revenue should be used only requires a majority vote. The court rejected plaintiff's argument that a general tax plus an advisory measure is the equivalent of a special tax requiring a 2/3 vote. This case challenges the Coleman decision. Mendocino County placed a general cannabis business tax on the ballot, along with an advisory measure asking whether the tax proceeds should be used to enforce marijuana regulations, enhanced mental health services, repair of county roads, and increase fire and emergency medical services. The tax passed by a majority, but less than a two-thirds vote. Plaintiff brought this action, arguing that when considered in conjunction with the advisory measure, the cannabis business tax is actually a special tax that requires a two-thirds vote. Plaintiff argues that Coleman is no longer good law because it was decided prior to the effective date of Prop. 218, which amended the definition of special tax. The trial court ruled in favor of the County. The case is now on appeal. CSAC plans to file a brief in support of Mendocino County.

***Lopez v. Gelhaus***

--- F.3d ---, 2017 U.S.App.LEXIS 18439 (9th Cir. Sept. 22, 2017)(16-15175), *petition for rehearing denied* (Dec. 22, 2017)

Status: Petition Denied; Case Closed in the Ninth Circuit

In a 2-1 decision, the Ninth Circuit has denied qualified immunity to an officer involved in a shooting death of a minor, Andy Lopez. Lopez was carrying what appeared to be an AK-47 down the street in the middle of the afternoon. The officer on patrol with his partner chirped the siren in their car, pulled off to the side of the road, opened the car door and ordered Lopez to drop the weapon. Lopez turned toward the officers with the gun still in his hand, at which point the officer shot at Lopez, mortally wounding him. Afterwards, the officers learned the "gun" was not an AK-47, but a toy gun. Lopez's estate brought this Fourth Amendment case against the officer who fired the shot and Sonoma County. The district court denied the county's motion for summary judgment based on qualified immunity, and the Ninth Circuit affirmed. Noting prior case law stating that summary judgment should be granted sparingly in excessive force cases, the court reviewed the facts and found that, viewed in a light most favorable to the nonmoving party, a reasonable jury could find a Fourth Amendment violation. The court also concluded the right was clearly established at the time of the incident.

A vigorous dissent by Circuit Judge Wallace noted that the only fact that is relevant is the district court's finding that the "gun" was in upward motion as Lopez turned toward the officer. Under those circumstances, the dissent concludes the officer is entitled to qualified immunity notwithstanding the fact that in retrospect, the officers were in no danger. The dissent also argues that the majority opinion changes the rule from "taking facts in a light most favorable to the non-moving party" to "we must accept as true all facts

January 18, 2018

not conclusively disproved by evidence in the record even if those facts have no evidentiary support of its own,” which the dissent views as “plainly wrong.” CSAC supported Sonoma County’s petition for rehearing, but the petition was denied.

***McClain v. Sav-On Drugs***

9 Cal.App.5th 684 (2d Dist. Mar. 13, 2017)(B265011), *petition for review granted* (June 14, 2017)(S241471)

Status: Amicus Brief Due February 1, 2018

This action was filed by a plaintiff class who paid sales taxes to defendant retail pharmacies for diabetic supplies, which are exempt from sales tax under state law. The State Board of Equalization (BOE) regulations provide a refund remedy to the retailers, who have the legal burden of the sales tax, but not to the customers who bear the economic burden of the sales tax. The Court of Appeal confirmed prior law that there is no refund remedy for consumers. The Supreme Court has granted review. CSAC will file a brief in support of BOE regulations.

***Pacific Gas and Electric Co. v. Superior Court (South San Joaquin Irrigation District)***

Pending in the Third Appellate District (filed Nov. 10, 2017)(C085669)

Status: Amicus Brief Due January 24, 2018

In typical eminent domain actions, the resolution of necessity adopted by the public agency exercising its eminent domain authority conclusively establishes public use and necessity. In 1992, however, the statutes were amended to say that if the property being acquired is owned by a utility, the resolution of necessity creates only a rebuttable presumption of public use and necessity instead of a conclusive presumption. In this case, PG&E argues that the rebuttable presumption means that the utility must be permitted in court to put on evidence to negate one or more of the required necessity findings, and that the court must consider and weigh any contrary evidence and reach its own decision under a preponderance of evidence standard without further deference to the public entity’s decision. The trial court agreed with the irrigation district that the 1992 legislative change to rebuttable presumption did not alter the standard of review, but simply allowed PG&E to introduce evidence outside of the record of public hearing to attempt to disprove the public use and necessity findings. PG&E has appealed. CSAC will file a brief in support of the irrigation district on the issues of standard of review and separation of powers in review of administrative decisions.

***Quigley v. Garden Valley Fire Protection District***

10 Cal.App.5th 1135 (3d Dist. Apr. 19, 2017)(C079270), *petition for review granted* (Aug. 9, 2017)(S242250)

Status: Amicus Brief Due February 12, 2018

Government Code section 850.4 provides that a public agency cannot be liable for any injury resulting from the condition of fire protection or firefighting equipment or facilities, with limited exceptions (known as the firefighters rule). The question in this case is whether this immunity is waived if not asserted. Here, plaintiff, a firefighter, sustained injuries while sleeping at a base camp maintained and operated by defendants. The trial court granted nonsuit against plaintiff, finding that defendants were statutorily immune from liability under the firefighter’s rule. Plaintiff appealed, and the Third District Court of

January 18, 2018

Appeal affirmed. The court found that Government Code section 850.4 immunity is jurisdictional, and therefore not subject to the rule that it must be raised or it is waived. The California Supreme Court has granted review. CSAC will file a brief in support of the fire protection district.

***Saavedra v. City of Glendale***

Pending in the Second District Court of Appeal (filed Apr. 11, 2017)(B281991)

Status: Amicus Brief Due February 5, 2018

In 1941, voters approved a city charter amendment requiring the city electric utilities to transfer 12% of gross operating revenues to the city's general fund. The voters increased that amount to 25% in 1946. Plaintiff brought this action arguing that the utility rate, which includes the general fund transfer, violates Prop. 26. The trial court concluded that Prop. 26 applies prospectively to electric rates made after 2010, but it also found that Prop. 26 requires an end to pre-Prop. 26 practices that deviate from the cost-of-service principle. The trial court also rejected the city's arguments on the remedy for the violation, concluding that non-rate revenues (i.e., those generated from wholesale electricity sales) must be included in the calculation of the refund, and that the city could not include full funding of reserves in its calculation. CSAC will file a brief in support of the city on the issue of the retroactive application of Prop. 26.

***San Francisco Police Officers' Assn. v. Superior Court (San Francisco Police Com.)***

Pending in the First Appellate District (filed June 26, 2017)(A151654)

Status: Amicus Brief Due January 30, 2018

The San Francisco Police Commission adopted a new use of force policy. Prior to adopting the new policy, the Commission met and conferred with the police union ("SFPOA") for months. The parties reached agreement on many issues, but were not able to agree on two of the Commission's desired policy changes (to strictly prohibit officers from shooting at moving vehicles, and to ban the use of the carotid restraint). The Commission ultimately determined that those changes were not within the scope of representation and implemented them. The SFPOA immediately sought a preliminary injunction, arguing that the Commission did not meet its bargaining obligations. After losing on the preliminary injunction, the SFPOA sought to compel arbitration under its labor contract. The Superior Court denied the SFPOA's petition to compel, finding that use of force policy decisions are exclusively within a city's constitutional authority and not subject to bargaining obligations. The SFPOA has appealed. CSAC will file a brief in support of San Francisco.

***Sukumar v. City of San Diego***

14 Cal.App.5th 451 (4th Dist. Div. 1 Aug. 15, 2017)(D071527), *petition for review denied* (Nov. 1, 2017)(S244509)

Status: Case Closed

Plaintiff submitted a voluminous Public Records Act request to the City of San Diego related to a threatened nuisance action against one of plaintiff's properties. The city responded to the request, but plaintiff filed this lawsuit anyway alleging an inadequate response. During the course of the litigation, the city discovered additional responsive documents, which it provided. The trial court then dismissed the case, concluding that the



January 18, 2018

city had complied with the PRA request. The court also denied plaintiff's attorney fee request, finding that he was not the prevailing party and that the litigation had not "motivated" or "substantially contributed to" the records production. The Court of Appeal reversed. The court noted that even a voluntary disclosure will support an attorney fee award if the lawsuit is found to have "spurred defendant to act or was a catalyst speeding defendant's response." The court concluded that in this case, the subsequently discovered documents would not have been found if the city hadn't been responding to depositions. Therefore, the court found that the litigation spurred disclosure of the records and the plaintiff was entitled to an award of attorney's fees. CSAC supported the City of San Diego's petition for Supreme Court review, but the petition was denied.

***Toeppe v. City of San Diego***

13 Cal.App.5th 921 (4th Dist. Div. 1 July 27, 2017)(D069662), *petition for review denied* (Oct. 11, 2017)(S244144)

Status: Case Closed

Plaintiff was injured by a falling tree branch walking through a park and brought suit against the City of San Diego alleging negligent maintenance of a dangerous condition on public property. The City argued it was immune from liability under Government Code section 831.4 (trail immunity) since she was on a trail within the park when the injury occurred. The trial court agreed and granted summary judgment in favor of the City. On appeal, plaintiff argued trail immunity did not apply because her claim is based on a dangerous condition due to negligent maintenance of a tree above the trail, and not the condition of the trail itself. The Fourth District agreed with plaintiff and reversed. First, the court found that a dangerous condition based on improper tree maintenance is independent of the condition of the trail, and therefore trail immunity was improper. In addition, there was a triable issue of fact as to whether plaintiff was injured if she was on the grass area or on the trail proper, notwithstanding photographic evidence clearly showing plaintiff was entirely on the trail when the injury occurred. CSAC supported the city's petition for Supreme Court review, but review was denied.

**California State Association of Counties**  
**Conflict of Interest Policy**

**Article I**  
**Purpose**

The California State Association of Counties (“CSAC”) is a California nonprofit mutual benefit corporation. Members of the Board of Directors (“Board Members”) of CSAC are subject to certain legal obligations in the performance of the duties of their position. For this reason, CSAC is establishing this Conflict of Interest Policy for its Board Members.

CSAC Board Members are required to exercise good faith in all transactions involving their duties, and they are subject to certain obligations not to use their position, or knowledge gained through their position, for their personal benefit. In their dealings with CSAC, Board Members should be mindful of potential conflict of interests.

**Article II**  
**Standard of Care**

In determining potential conflicts of interest, the following standard of care shall be applicable:

- A. Board Members shall perform their duties in good faith, in a manner they believe to be in the best interest of CSAC, with such care, including reasonable inquiry, as an ordinary prudent person in a like position would use under the circumstances.
- B. Board Members are required in their capacity as members of a Board of Supervisors to receive training on ethics and conflicts of interest that satisfies the requirements of AB 1234. Board Members shall perform their duties in a manner consistent with the principles addressed in this training.
- C. Board Members are entitled to rely on the information, opinions, reports or statements (including financial statements and other financial data) prepared or presented by officers or employees of CSAC, independent accountants, and other experts who provide professional services to CSAC, provided that Board Members believe such individuals are reliable and competent, and that the matters on which they present are within their professional or expert competence. Board Members may also rely on the information, opinions, reports or statements of any committee of the Board of Directors with respect to matters within that committee’s designated authority if Board Members believe the committee merits their confidence. Board Members are entitled to rely on the information, opinions, reports or statements of any person, firm, or committee if, after reasonable inquiry when the need therefore is indicated by the circumstances, they have no knowledge that would cause such reliance to be unwarranted.

**Article III**  
**Conflicts and Disclosure**

- A. Board Members are necessarily involved in the affairs of other institutions and organizations. Effective boards and organizations will include individuals who have relationships and affiliations that may raise questions about perceived conflicts of interest. Although many such potential conflicts are and will be deemed inconsequential, every Board Member has the

responsibility to ensure the entire Board of Directors is made aware of situations that involve personal, familial, or business relationships that could create a real or perceived conflict of interest. Every Board Member is also a member of a Board of Supervisors for a County in the State of California, and their counties pay dues to support CSAC. Decisions by Board Members related to setting dues for CSAC membership is deemed not to be a conflict of interest. Board Members are required annually to be familiar with the terms of this policy, and to acknowledge by his or her signature that he or she is acting in accordance with the letter and spirit of this policy.

B. Board Members are required to make a full disclosure to the Board of Directors of all material facts regarding any possible conflict of interest, to describe the transaction, and to disclose the details of their interest. CSAC shall, as appropriate, seek the opinion of legal counsel and such other authorities as may be required, before entering into any such transaction. Before approving a transaction in which a Board Member may have a conflict of interest, the Board of Directors will attempt, in good faith and after reasonable investigation under the circumstances, to determine that:

- (1) CSAC is entering into the transaction for its own benefit;
- (2) The transaction is fair and reasonable as to CSAC at the time CSAC entered into the transaction;
- (3) The Board of Directors has knowledge of the material facts concerning the transaction and the director's or officer's interest in the transaction; and
- (4) CSAC cannot obtain a more advantageous arrangement with reasonable effort under the circumstances.

The Board of Directors must then approve the transaction by a vote of a majority of the Board of Directors then in office, without counting the vote of any director who may have a conflict of interest due to the transaction under consideration.

**CALIFORNIA STATE ASSOCIATION OF COUNTIES**  
**CONFLICT OF INTEREST DISCLOSURE STATEMENT**

I hereby certify that I have carefully read and hereby acknowledge receipt of a copy of this Conflict of Interest policy. In signing this Disclosure Statement, I have considered not only the literal expression of the policy, but also what I believe to be the spirit of the policy as well. To the best of my knowledge, information and belief, I hereby certify that, except as stated in the exception below, neither I nor any of my relatives by blood or marriage has any direct or indirect interest that conflicts with the interests of CSAC.

The exceptions are as follows (if more space is required, please attached additional page[s]; if no exceptions, please leave space blank):

---

---

If any situation should arise in the future that, as discussed in the policy, may involve me or my relatives by blood or marriage in a conflict of interest, I will promptly disclose the circumstances to the Board of Directors of CSAC.

I am completing this disclosure statement based on the attached CSAC Conflict of Interest Policy.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature

Print Name: \_\_\_\_\_

County: \_\_\_\_\_

**California State Association of Counties®**  
**Financial Statement**  
*July-October*  
**2017-18**

	<b>FY 2017-18</b>	<b>FY 2017-18</b>	<b>FY 2017-18</b>
	<b>Budget</b>	<b>Actual</b>	<b>Percent</b>
<b>Revenues:</b>			
Membership Dues	3,430,506	3,430,506	100%
Finance Corp Participation	3,750,000	1,200,000	32%
Rental Income	178,229	71,940	40%
Administrative Miscellaneous	606,400	295,320	49%
CSAC Conferences	418,000	235,193	56%
CEAC	163,586	50,834	31%
Corporate Associates	908,000	893,160	98%
Litigation Program	<u>432,276</u>	<u>351,086</u>	81%
<b>Total Revenues</b>	<b>\$9,886,997</b>	<b>\$6,528,039</b>	<b>66%</b>
<b>Expenditures:</b>			
Salaries/Benefits	5,624,123	1,700,864	30%
Staff Outreach	174,700	61,827	35%
Leadership Outreach	80,000	54,734	68%
NACo Meetings & Travel	140,000	44,063	31%
Public Affairs/Communications	77,040	16,485	21%
CSAC Conferences	599,545	145,932	24%
Facilities	302,117	115,516	38%
Office Operations	277,525	140,317	51%
Organizational Partnerships	128,000	116,382	91%
CEAC	163,586	56,895	35%
Outside Contracts	656,100	391,048	60%
Corporate Associates	525,187	144,791	28%
Litigation Program	432,276	136,590	32%
Foundation Contribution	<u>194,978</u>	<u>0</u>	0%
<b>Total Expenditures</b>	<b>\$9,375,177</b>	<b>\$3,125,446</b>	<b>33%</b>

## 2018 CSAC Calendar of Events Executive Committee

### January

- 3 Urban Counties of California (UCC) Board Conference Call
- 11 California Association of County Executives (CACE) Business Meeting, Sacramento
- 17 CSAC Executive Committee Orientation Dinner, Sacramento  
*6:30pm Reception, 7:15pm Dinner, Esquire Grill, 13<sup>th</sup> & K Streets, Sacramento*
- 17 Rural County Representatives of California (RCRC) Board Meeting & Installation of Officers Reception, Sacramento
- 18 CSAC Executive Committee Meeting, Sacramento  
*10:00am – 1:30pm, Hyatt Regency, 1209 L Street, Sacramento*
- 29 Urban Counties of California (UCC) Board Conference Call
- 31-Feb. 2 CSAC Premier Corporate Partner Forum, San Diego County

### February

- 15 CSAC Board of Directors Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 26 Urban Counties of California (UCC) Board Conference Call

### March

- 3-7 NACo Legislative Conference, Washington, D.C.
- 14 Rural County Representatives of California (RCRC) Board Meeting, Sacramento
- 26 Urban Counties of California (UCC) Board Conference Call

### April

- 5 CSAC Executive Committee Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 18-20 CSAC Finance Corporation Board Meeting, Riverside County
- 23 Urban Counties of California (UCC) Board Conference Call
- 25-26 Rural County Representatives of California (RCRC) Board Meeting, Humboldt County

### May

- 16 Urban Counties of California (UCC) Board Meeting, Sacramento
- 16-17 CSAC Legislative Conference, Sacramento
- 17 CSAC Board of Directors Meeting, Sacramento  
*12:30pm – 4:00pm, Hyatt Regency, 1209 L Street, Sacramento*
- 23-25 NACo Western Interstate Region Conference, Blaine County/Sun Valley, Idaho

### June

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

### July

- 13-16 NACo Annual Conference, Gaylord Opryland, Davidson County/Nashville, Tennessee
- 23 Urban Counties of California (UCC) Board Conference Call

### August

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

### September

- 6 CSAC Board of Directors Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 19-21 Rural County Representatives of California (RCRC) Annual Meeting, Napa County
- 19-21 CSAC Finance Corporation Board Meeting, San Diego County
- 25 Urban Counties of California (UCC) Board Conference Call

**October**

- 3-5 CSAC Executive Committee Retreat, Location TBD
- 22 Urban Counties of California (UCC) Board Conference Call
- 24-26 California Association of County Executives (CACE) Annual Meeting, Monterey County

**November**

- 27-30 CSAC 124<sup>th</sup> Annual Meeting, San Diego County
- 28 Urban Counties of California (UCC) Board Meeting, San Diego County
- 29 CSAC Board of Directors Meeting, San Diego County  
*2:00pm – 4:00pm, Marriott Marquis San Diego, 333 West Harbor Drive, San Diego*

**December**

- 5 Rural County Representatives of California (RCRC) Board Meeting, Sacramento
- 12-14 CSAC Officers' Retreat, Napa County

as of 12/20/17