

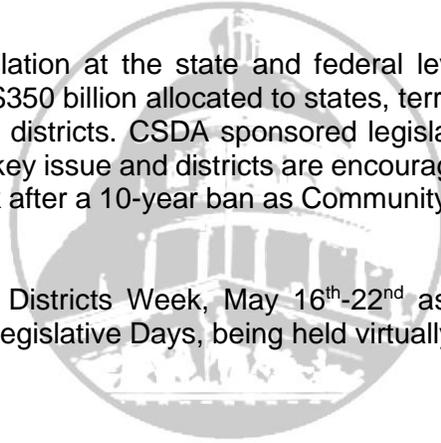


TAKE ACTION BRIEF

April 2021

CSDA continues to monitor legislation at the state and federal level, in addition to strategizing ways to leverage the transfer authority of \$350 billion allocated to states, territories, tribes, counties, and cities in the American Rescue Plan to special districts. CSDA sponsored legislation on the Brown Act during declared emergencies (AB 361) remains a key issue and districts are encouraged to send in letters of support. Federal Earmarks are making a comeback after a 10-year ban as Community Project Funding deadlines approach at the end of April.

Mark your calendars for Special Districts Week, May 16th-22nd as established by Assembly Concurrent Resolution (ACR) 17 and Virtual Legislative Days, being held virtually on May 18-19.



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Contact a local CSDA representative near you!

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➤ COVID-19 RELIEF FUNDING

CSDA's advocacy action priority is to work with the Administration, various state agencies, and the federal government to ensure special districts receive equitable access to COVID-19 relief funding should it become available.

COVID-19 Relief Funding: Join the Large Coalition to Support Special Districts Access to a Portion of the \$26 Billion California Will Receive from the American Rescue Plan Act

The federal government passed the American Rescue Plan Act (ARP) without dedicated funding for special districts, but with direct allocations to states, cities, and counties. However, we were able to secure transfer authority under the Act wherein states and local governments receiving ARP funds are explicitly empowered with the authority to transfer Coronavirus State Fiscal Recovery monies to the special district level of government.

In our continued efforts to assist special districts impacted by COVID-19 response, CSDA has now turned our attention to the state and is urging the Governor and Legislature to use their transfer authority to its fullest extent to distribute a portion of the funding to California's special districts for the benefit of the millions of Californians they serve statewide.

Background

- To date, the state of California will have received just shy of \$58 billion in flexible funding in State and Local Government COVID-19 Relief (collectively between the CARES Act and ARP and those funds directed to the state and to cities and counties).
- None of the Coronavirus Relief Funds from the CARES Act flowed directly to special districts, including from the state's \$9.5 billion share.
- From the ARP alone, California will receive \$26 billion to the General Fund – yet no funds have been committed toward assisting special districts hurting from COVID-19 response efforts.
- And, yet, as local government agencies, special districts have also been excluded from private and non-profit sector forms of relief like PPP, tax credits, and grants.

The Impact

As a result of the \$1.92 billion in experienced unmet need special districts statewide report having incurred as of February 5, 2021 and a projected \$2.43 billion in unmet COVID-19 impacts through December 2021, 33% of special districts report reducing workforce and 42% report reducing services, with one of the most common responses being to delay, defer, or cancel capital improvement projects.

The Ask

CSDA is in the process of mounting a broad coalition of support for special districts access to ARA relief funding and have a coalition letter that will be used in our advocacy efforts. Our goal is to build our coalition as wide and extensive as possible. As of the first week of April, the letter already has 605 signatories representing support from statewide associations, special districts, business, schools, counties, cities, local stakeholder groups, and individuals.

Take Action:

[Sign onto the Coalition Letter Here](#)



TAKE ACTION BRIEF

Tools are available at www.csga.net/take-action/covid to support districts in doing your own coalition building efforts, including talking points, a sample email to stakeholders, and links to the letter and online sign-on form.

We encourage special districts to:

1. Sign onto to the letter asking the Governor to dedicate relief funding to impacted special districts; and,
2. Reach out to your partners and stakeholders and ask those organizations and leaders in your community and throughout the state to also join the coalition.

Suggested organizations that have a direct or peripheral investment in the success and fiscal health of your special district could include:

- Other forms of government in your service area, including cities, counties, JPAs, and schools.
- Labor, contractors, vendors, trade associations, service groups (Rotary, Kiwanis, Lyons)
- Agriculture and other major water users
- Environmental groups, fire safe councils, lifeguards and safety organizations (CPR, American Red Cross, etc.), blood banks
- Hiking, biking, and equestrian groups, nature enthusiasts
- Sports leagues, drama programs, chambers of commerce, visitors bureaus, hotels and restaurants (benefiting from tournaments and festivals, sponsoring teams, hosting pizza parties), vendors, small business owners teaching classes (yoga, art, etc.), churches/pastors
- Non-profits in the health industry, doctor/medical groups, and mental and physical health groups/organizations
- Fishermen and businesses benefiting from the port facilities, companies doing imports/exports
- Any group that uses your facilities or partners with your district



➤ INFRASTRUCTURE, INNOVATION, AND INVESTMENT

CSDA's long range policy principal regarding infrastructure, innovation, and investment is to encourage prudent planning for investment and maintenance of innovative long-term infrastructure. CSDA supports the development of fiscal tools and incentives to assist special districts in their efforts to meet California's changing demands, ensuring the efficient and effective delivery of core local services.

Federal Earmarks Making a Comeback – An Overview to Quickly Submit Projects

CSDA released to members in late march a National Special Districts Coalition [overview](#) of congressional "Community Project Funds" (earmarks).

Districts with an eligible, "shovel ready" project befitting of an earmark request are encouraged to review the information in this article regarding the U.S. House of Representatives' earmark process. As of April 2, the U.S. Senate has yet to release guidance on its potential earmark program, or whether it will even establish one of its own.

Although many House Appropriations subcommittee deadlines for members to submit these projects are in late April, individual offices likely have their own deadlines for **early-mid April**. Districts with projects should be [contacting their representatives in the U.S. House](#) as soon as possible.

When considering projects to request through their U.S. House representative, districts should consider:

- Requests are for Federal Fiscal Year 2022 funds *only* (Oct. 1, 2021, to September 30, 2022), and there are no requests for multi-year funding.
- Impacts a project has on economic development, COVID recovery, climate resiliency and environmental justice. These are priorities the Appropriations Committee have established.
- Whether there is local match funding.
- Community Project Funds are aimed to be a financial gap filler or to finish a project.
- Regional, state and/or national impact of the project.

Examples of documents districts need to prepare and include in their request, as members of Congress will need them when the submit their selected projects to the Committee, include:

- Letters of support from elected community leaders.
- Local media articles/clips highlighting the need.
- Support from newspaper editorial boards.
- Projects listed on State intended use plans, community development plans or other publicly available planning documents.
- Resolutions passed by city councils or boards.

This will be a competitive process, as each member of Congress may request only 10 projects for the entire Fiscal Year 2022 appropriations process.

Contact Cole Karr, CSDA Federal Advocacy Coordinator, at colek@csda.net for questions regarding the earmark process.

[**NSDC Overview of Congressional "Community Project Funds"**](#)



➤ REVENUE, FINANCES, AND TAXATION

CSDA's long range policy priority on revenue, finances, and taxation is to ensure adequate funding for special districts' safe and reliable core local service delivery. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies.

Late Census and Special Districts Re-districting

Due to the COVID-19 Pandemic, the U.S. Census Bureau is delayed in completing its U.S. Constitutional mandate to complete the census on time, resulting in a 6 month delay of its release to states.

Without this data, state and local electoral divisions cannot be adjusted to reflect the new population changes and to comply with various state and federal voting laws.

While the Legislature was able to avail itself of having state offices, such as the State Assembly, State Senate and Board of Equalization redistricting commission deadlines pushed back by the California State Supreme Court, as of today, local agencies do not have such a remedy.

Some Special District principal acts such as Community Service Districts, Recreation and Parks Districts, and Fire Districts have a November 1, 2021 deadline to have their electoral division boundaries adjusted, if they have electoral divisions. Additionally, there may be other "one-offs" throughout the codes. Given that the U.S. Census Bureau has recently stated that their target date for delivery of tabulated data is September 30, 2021, this leaves mere weeks to conduct a transparent and compliant redistricting process, rather than many months under normal conditions.

The special districts community has dozens of enabling acts and scores of special acts, as well as other code references that may point to their unique deadlines for redistricting. To resolve this, CSDA has been working with the office of Senator Steve Glazer (D – Orinda) and the Senate Committee on Elections and Constitutional Amendments to point all Special Districts to an existing statute used currently by some districts in the Elections Code ([EC § 22000](#)) to provide an over-arching solution. This code section allows for lines to be drawn up to 180 days prior to a general election. At the time of this writing, CSDA is working with the author's office to amend [SB 594 \(Glazer\)](#) to achieve this and is still researching other potential scenarios.

Additionally, those specific district types or "one-offs" will have an opportunity to amend their principal act, special act, or other statutes to conform to this provision to avoid confusion.

If your district or district type has a unique situation, an election in a month other than November (that requires redistricting) or has any other feedback about the proposed changes - please reach out to CSDA Legislative Representative Anthony Tannehill at anthonyt@csda.net



➤ GOVERNANCE AND ACCOUNTABILITY

CSDA's long range policy priority on governance and accountability is to enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant, or one-size-fits all approaches. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preference of each community

Remote Meetings During Declared Emergencies

CSDA is sponsoring legislation, [Assembly Bill 361 \(Rivas\)](#), which would allow local agencies to continue to provide critical public services to their communities during declared emergencies.

On March 19, 2020 California Governor Gavin Newsom issued a stay-at-home order to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19. In light of the stay-at-home order and the need to keep individuals physically distanced from one another, Governor Newsom issued a number of subsequent executive orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) modifying the requirements of the Brown Act so that local agencies may meet remotely without requiring that the public have physical access to the remote meeting locations.

If passed by the Legislature, CSDA's sponsored bill, [Assembly Bill 361 \(Rivas\)](#), would allow the following:

- While maintaining transparency and public access, local agencies would be able to meet remotely during a declared state of emergency or a declared local emergency
- While agencies would still be required to post agendas and meeting information, agencies would not be required to post meeting notices and/or agendas in physical locations when remotely meeting during an emergency
- While the public must continue to have access to the remote meeting and provided the ability to make public comment, agencies would not be required to make all remote meeting sites accessible to the public, nor include the remote location details in the meeting notice or agenda during a declared state of emergency or a declared local emergency
- Additionally, agency board members would not be required to be at remote sites within the territorial bounds of the agency during a declared state of emergency or a declared local emergency

Take Action

Register your district's support for AB 361 by downloading a sample letter or completing CSDA's new Automated Form Letter at csda.net/take-action/brown-act

Visit CSDA's [Take Action page](#) to obtain a fact sheet with more background on the bill and to download a sample letter of support your agency can use as a template. If you or your agency has any questions, please feel free to contact the CSDA staffer leading this effort, Legislative Analyst Marcus Detwiler, at marcusd@csda.net.



Special Districts Week Coming in May

CSDA will commemorate [Special Districts Week](#) next month, from May 16th - 22nd.

In 2019, Assemblymember Ken Cooley (D – Rancho Cordova) introduced ACR 89, to establish the first annual *Special Districts Week*, encouraging all Californians to be involved in their communities and be civically engaged with their local government.

This year, CSDA will celebrate its third annual *Special Districts Week* with the approval of [Assembly Concurrent Resolution \(ACR\) 17](#). Similar to 2019, the Assembly and Senate are encouraging Californians across the state to engage with their local communities and to be actively involved with their government, particularly with special districts and the areas they serve.

As a bonus, this year's *Special Districts Week* will coincide with CSDA's midyear advocacy event, [Special Districts Legislative Days](#).

CSDA is inviting all member agencies to be involved with *Special Districts Week* by doing the following:

- Visit the *Special Districts Week* Take Action Page at <https://www.csdanet.net/advocate/take-action/take-action-special-districts-week>.
- [Submit a letter](#) of support for ACR 17 using the sample letter provided by CSDA. Be sure to copy CSDA on letters you submit to the Legislature.
- Access the [Special Districts Week Toolkit](#) for:
 - A social media image to share on Facebook, Instagram, and Twitter.
 - A sample Resolution for Special Districts Week to pass at your next board meeting.
 - A sample newsletter article that will help you let your constituents know about this exciting week.
 - A sample press release to send to your local newspapers.
- Take a moment to complete the [Grassroots Mobilization Survey](#)
- Ensure your district has adopted a policy governing the process for adopting positions on legislation. For your convenience, CSDA has [provided a sample policy](#) to assist in this process.

If you have any questions regarding *Special Districts Week*, please contact CSDA Legislative Representative Anthony Tannehill at anthonyt@csda.net.



➤ HUMAN RESOURCES AND PERSONNEL

CSDA's long range policy priority on human resources and personnel is to promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees, both represented and non-represented.

Significant Workers' Compensation Legislation Introduced in 2021

A significant number of workers' compensation bills affecting employers, including special districts, are being considered in the California State Legislature. While some are narrowly focused on COVID related topics or healthcare workers, other bills are broad and have the potential to make long-term changes and significantly increase the cost of workers' compensation going forward. Below is a partial list of workers' compensation bills CSDA is actively tracking and opposing:

AB 1465 (Reyes) – Workers' Compensation: Medical Provider Networks - OPPOSE

Would establish the state-run California Medical Provider Network (CAMPN). The problem is that the network created under AB 1465 would essentially allow all but the absolute worst doctors into the network, and also allow any injured worker in the state to access care through that network. The key objection to AB 1465 isn't that the state is establishing its own network for its own use, it is that AB 1465 eliminates the exclusivity of the networks already established by California employers and exposes them to substandard treatment from substandard providers.

SB 213 (Cortese) – Workers' Compensation: Hospital Employees – OPPOSE

Will impose an astronomical financial burden on employers in the healthcare industry that is presently grappling with the effects of the COVID-19 pandemic and create a troubling precedent for the workers' compensation system in general by creating a legal presumption that blood-borne infectious disease, tuberculosis, meningitis, methicillin-resistant Staphylococcus aureus (MRSA), cancer, musculoskeletal injury, post-traumatic stress disorder, or respiratory disease are presumptively workplace injuries for all hospital employees that provide direct care.

Injuries occurring within the course and scope of employment are automatically covered by workers' compensation insurance, regardless of fault. SB 213 would require that hospital employees do not need to demonstrate work causation for specified injuries or illnesses in any circumstance. Instead, these injuries and illnesses are presumed under the law to be work related. Presumptions of industrial causation for specific employees and injury types are simply not needed and create a tiered system of benefits that treats employees differently based on occupation and undermines the credibility and consistency of our workers' compensation system.

SB 284 (Stern) – Workers Compensation: PTSD Presumption – OPPOSE

Substantially expands California's current presumption for Post-Traumatic Stress Disorder (PTSD) for police officers and firefighters, to thousands of additional safety officers and non-sworn personnel. The opposition to this expansion of this presumption is based on a continued lack of objective basis upon which to justify a policy that functionally forces public agencies to finance all PTSD claims, whether or not claims are related to work.



➤ LEGAL ADVOCACY

CSDA is the leading legal advocacy voice for all special districts regarding public policy in California and actively tracks and reviews cases of significance affecting special districts in state and federal courts. Under the guidance of CSDA's Legal Advisory Working Group, CSDA files amicus briefs and opines on court cases when appropriate.

CA Supreme Court Broadens Scope of Prevailing Wage for Some Special Districts

Last month, the California Supreme Court issued a decision that may portend the expansion of prevailing wage law to include routine activities within "work done for *irrigation, utility, reclamation, and improvement districts, and other districts of this type*" in the operation of their existing facilities. In *Kaanaana v. Barrett Business Services, Inc.*, a unanimous opinion held that contract workers who act as belt sorters for a county sanitation district (Plaintiffs) are engaged in "work" that falls within the definition of "public works" in Labor Code section 1720(a)(2). Therefore, the private company providing employees to sort recyclables at recycling facilities owned by a sanitation district was required to pay the company's employees prevailing wage.

In 2019, CSDA joined a coalition amicus brief to the California Supreme Court, urging the Court not to adopt an expansive interpretation of "work" as used in Labor Code section 1720(a)(2). Unfortunately, the decision could substantially expand the categories of work for which contract workers at local public agencies must be paid prevailing wages. Although the decision declined to "specify the precise outer boundaries" of which contract workers would now be subject to receiving prevailing wage, it noted that "the prevailing wage law is designed to protect laborers, workers, and mechanics employed on public works (see §§ 1771, 1723) and that plaintiffs fall squarely within that class."

Under current law, when a public works project exceeds \$1,000 prevailing wage rates must be paid to all workers employed on "public works" when the work is performed under contract and not carried out by a public agency with its own forces. Traditionally, the definition of "public works" has been limited to "construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds..." This decision changes that understanding for irrigation, utility, reclamation, and improvement districts, and other districts of this type.

Notably, in a concurring opinion joined by two colleagues, Justice Kruger adeptly addresses some of the questions that remain unanswered following the decision, namely: "Why, precisely, did the Legislature choose to treat work for utility and other covered districts so differently from work for other public agencies? Whatever reasons the Legislature may once have had, they have been lost in the mists of time. Now, more than 80 years after the statute was first enacted, the Legislature may wish to revisit the issue."

You can read the full decision [HERE](#). For questions about this decision, contact CSDA Deputy General Counsel Mustafa Hessabi at mustafah@csda.net. CSDA will continue to monitor the impacts of this decision and work with coalition partners to determine what appropriate legislative action should result from it.



➤ OTHER WAYS TO TAKE ACTION

[Learn More](#)

Join us for the 2021 Virtual Legislative Days

CSDA's Special District Legislative Days will be held virtually this year on May 18-19 where districts across the state will have the opportunity to come together and share a voice on important issues facing districts.

From the pandemic to climate adaptation, lawmakers in Sacramento and Washington D.C. are making critical decisions that will impact the budget, infrastructure, and operations of your district. Don't miss this opportunity to hear from California's top decision-makers, build partnerships, and strengthen the voice of local control. Past speakers have included California's State Controller, State Treasurer, Secretary of State, Secretary of Natural Resources, Director of the Office of Emergency Services, State Auditor, Legislative Analyst, and Director of Finance.

Register Now at: www.csdanet.net/Learn

Each PAID registration is eligible to register one additional person for 2021 Special Districts Legislative Days at no charge. The additional registrant should - be a staff or board member from YOUR district who has NOT previously attended Special Districts Legislative Days.

2021 CSDA Award Nominations Now Open!

All CSDA award nominations must be submitted by May 14, 2021.

Annually, California Special Districts Association (CSDA) recognizes outstanding contributions by members of the association, as well as districts and chapters, in the following categories:

- Board Member of the Year
- General Manager of the Year
- Staff Member of the Year
- Ralph Heim Exceptional Outreach & Advocacy
- William Hollingsworth Award of Excellence
- Chapter of the Year
- Innovative Program/Project of the Year (*Large and Small District categories*)
- Exceptional Public Outreach & Advocacy (*Large and Small District categories*)
- Excellence in Technology – *NEW this year!*

Each of these awards are presented at the CSDA Annual Conference & Exhibitor Showcase, August 30 – September 2, 2021 in Monterey. Learn more and submit nominations at csdanet.net/about-csda/get-involved/awards by Friday, May 14, 2021. For questions, email CSDA Communications Specialist Vanessa Gonzales at vanessag@csdanet.net.



ILG Beacon Program and Awards Open to Special Districts!

There is no deadline to apply to participate in the Beacon program; however, to be considered for Beacon awards, data is due on July 1, 2021.

New this year, CSDA is pleased to announce additional award recognition opportunities for special districts through our affiliate organization, the Institute for Local Government (ILG). For the past 11 years, the Institute for Local Government's Beacon Program has provided a framework for local governments to be recognized for voluntary efforts that contribute to more sustainable and resilient communities. ILG is thrilled to announce special districts are now eligible to join the program and apply for awards consideration.

Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Email romanw@csda.net to inquire about joining one of the following teams:

- Budget, Finance and Taxation
- Environment
- Formation and Reorganization
- Human Resources and Personnel
- Governance
- Public Works and Contracting

Stay Informed

In addition to the many ways you can **TAKE ACTION** with CSDA's advocacy efforts, CSDA offers a variety of tools to keep you up-to-date and assist you in your district's legislative and public outreach. Make sure you're reading these resources:

- CSDA's weekly e-Newsletter
- Districts in the News
- CSDA's CA Special District Magazine

Email updates@csda.net for help accessing these additional member resources.