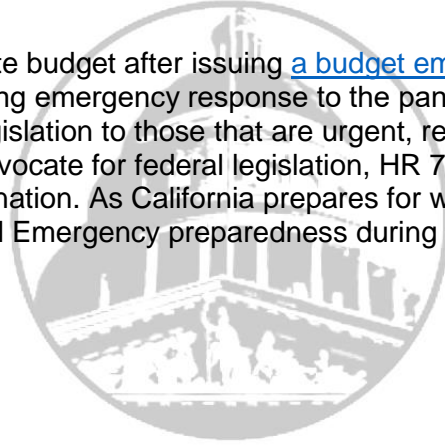




TAKE ACTION BRIEF

July 2020

Governor Newsom signed the state budget after issuing [a budget emergency](#) to make additional resources available to fund the state’s ongoing emergency response to the pandemic. The legislature is working on a shortened timeline and limiting legislation to those that are urgent, related to COVID-19, or those that lack opposition. CSDA continues to advocate for federal legislation, HR 7073, to provide relief funding to special districts throughout the state and nation. As California prepares for wildfire season, the budget addresses Public Safety Power Shut-offs and Emergency preparedness during the pandemic.



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Contact a local CSDA representative near you!

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➤ 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.

HR 7073: Special Districts Provide Essential Services Act - Update

CSDA's advocacy efforts to secure federal COVID-19 relief resources continues with [HR 7073, the Special Districts Provide Essential Services Act](#) as the U.S. Senate continues discussions on a potential forthcoming relief package including state and local assistance.

HR 7073 remains in the U.S. House Financial Services Committee and the House Committee on Oversight and Reform. As of Thursday, July 2, there are [26 cosponsors](#), all Democrats; [19 of which are members of the California Delegation](#). CSDA has maintained good communication with Senators Dianne Feinstein and Kamala Harris, both of whom have signaled support for our legislation. Absent of a companion bill in the Senate at this point, the senators have taken direct action to move on special districts' priorities.

On June 15, Feinstein and Harris sent a letter to the U.S. Department of Treasury and Federal Reserve requesting a reconsideration of the Municipal Liquidity Facility. [The letter calls on the Fed to open the program to special districts](#). The Federal Reserve may open the short-term facility program to all forms of governments, as it is authorized under the CARES Act; however the Federal Reserve has [eased its expansion of the program](#). The Federal Reserve does not yet include special districts despite their authority to issues Tax and Revenue Anticipation Notes, Bond Anticipation Notes and more under the MLF. There is no update at this time whether either the Federal reserve or Treasury have responded.

As CSDA continues developing bipartisan co-sponsorship for HR 7073 in the House, the attention shifts to the Senate. The Upper Chamber is currently negotiating its answer to the House-passed [HR 6800 \(HEROES Act\)](#), a \$3 trillion COVID-19 relief bill including \$915 billion for local governments. The HEROES Act does not include priority requests to meet special districts' needs.

To accomplish the goal and secure a companion bill in the Senate, CSDA is engaged with its National Special Districts Coalition (NSDC) partners in Colorado, Florida, Oregon and Utah to expand national support, and we are reaching out to stakeholder associations in states beyond NSDC's to build bipartisan consensus. A major goal is to have the companion bill included in the Senate's forth coming COVID-19 relief bill, which is now expected to arrive sometime this month.

CSDA continues to call on special districts to [take action](#) and send in support letters for HR 7073 to their federal representatives. For more information and resources on this legislative endeavor visit CSDA's [COVID-19 Take Action page](#). For questions on federal COVID-19 relief advocacy, contact Cole Karr, CSDA public affairs field coordinator, at colek@csda.net

[Download a Sample Letter to Send to Federal Representatives](#)

CSDA Advocacy resources regarding COVID-19 are found on our [Take Action page](#) devoted to topic to help districts stay up to date. For questions or concerns on Federal COVID-19 advocacy, contact Cole Karr, Public Affair Field Coordinator-Central Network, at colek@csda.net



2020-21 State Budget, Wildfire Readiness and Power Resiliency

CSDA was tracking several items in the budget pertaining to wildfire prevention and preparation, de-energization events, and community power resiliency. The budget signed by the Governor includes:

1. Wildfire Forecast and Threat Intelligence Integration Center. Allocates \$2 million General Fund to analyze wildfire risk, consistent with Chapter 408, Statutes of 2019 (SB 209). This is a reduction of \$6.8 million as proposed in January. The primary mission of the center is to collect, assess, and analyze fire weather data, atmospheric conditions, and other threat indicators that could lead to catastrophic wildfire and to reduce the likelihood and severity of wildfire incidents that could endanger the safety of persons, property, and the environment by developing and sharing intelligence products related to fire weather and fire threat conditions for government decisionmakers. Additionally, the center is tasked with developing a statewide wildfire forecast and threat intelligence strategy to improve how wildfire threats are identified, understood, and shared in order to reduce threats to California government, businesses, and consumers.

2. PSPS During COVID-19. The budget submitted authorizes the Director of the Office of Emergency Services to contract with an operational observer to monitor the efforts of Pacific Gas and Electric Company to prepare for the 2020 wildfire season, implement measures to mitigate the risk of wildfire ignitions from utility infrastructure, and reduce the use, scope, and duration of public safety power shut offs while the State of California is also protecting public health and safety during the Governor’s declared state of emergency relating to the COVID-19 virus.

3. Community Power Resiliency Funding. [SB 74](#) included the \$50 million appropriation accessible to local governments to assist in preparing for deenergization events and specifically included special districts who operate critical facilities and infrastructure as eligible to apply for the grant funds. However, the budget control language for this item was written in a way that was burdensome and could have required changes to an emergency plan to include power outage events prior to receipt of funds, which would have been unrealistic for some local agencies, or would have required submission of an emergency plan in full to CalOES, which could have compromised security and created confidentiality issues. CSDA worked with local government partners, the administration, and legislative budget staff to get this control language amended. Our requested amendments were included in [AB 89](#). Local agencies now must submit only that portion of an emergency plan that deals with deenergization events or must certify that they will include plans for power outage events at the emergency plans next update.

Who is eligible: Only special districts with an identified critical facility or facilities, or providing critical infrastructure, pursuant to the [deenergization guidelines adopted by the Public Utilities Commission](#) (Page 75-76 for the shared definition of “critical facility” and “critical infrastructure”).

Action: Look for more information on this soon, once the Governor’s Office of Emergency Services has crafted implementation guidelines and opens the grant process.



➤ 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

New Measure Introduced Regulating Summer Camps and Other Organized Activities

Recently, [SB 217 \(Portantino\)](#) was “gutted-and-amended” or amended to strip out the prior contents and replace it with new contents and could affect those districts that host summer camps or other types of organized activities.

Existing law requires the State Public Health Officer, the State Fire Marshall and local health officials to enforce rules and regulations establishing minimum standards for organized camps. Existing law defines “organized camp,” as a site with a program and facilities established for the primary purposes of providing an out-door group living experience with social, spiritual, educational, or recreational objectives, for 5 days or more during one or more seasons of the year.

SB 217 defines “recreational camp” as a camp that operates for profit or nonprofit purposes, serves 5 or more children, and operates for at least 5 days during any season, but exempts a licensed daycare facility from the definition of recreational camp.

This bill would require an organized camp *and* a recreational camp to among many other things:

- Obtain a license from the local agency of the jurisdiction where the camp is located before operating a camp. It would require the local agency to inspect a camp for compliance with these provisions before issuing a license to operate.
- Require the State Public Health Officer and the State Fire Marshal to adopt rules and regulations governing the operation and minimum fire safety of recreational camps.
- Requires local health officers to enforce building standards and the other rules and regulations recreational camps and organized camps.
- Requires each local agency to report to the State Department of Public Health whether each camp within its jurisdiction complies with the licensing and operational requirements established in this bill.
- Establishes the Recreational Camp Safety Advisory Council within the state government to advise and consult on policy matters relating to recreational camps.
- Requires each recreational camp to employ a camp director and health director and for the health director to develop a health care policy for the camp.
- Imposes various age and training requirements and criminal history review on camp counselors, staff, and volunteers.
- Requires each camp to comply with a specified counselor-to-camper ratios.
- Requires each camp to obtain specified certifications before offering high-risk activities.
- Bill authorizes a local agency to levy a civil penalty on each camp that fails to comply with the requirements of the bill.
- Creates Mandatory Reporter rules for camps.

This measure was inspired by the tragic death of a six-year-old camper who drowned in a summer camp pool in 2019 at an unlicensed camp.

CSDA will likely be taking a position on this measure soon and would greatly value your expert input on how this measure might affect your district and the community it serves.

Please feel free to contact CSDA Legislative Representative Anthony Tannehill at anthonyt@csda.net



AB 992: Board Members and Social Media

While most of the bills related to local government governance matters have been put on hold for the year because of the Legislature’s shortened timeframe due to the COVID-19 Pandemic, [Assembly Bill 992](#) by Assembly Member Mullin (D-South San Francisco) related to local government social media usage is still active. AB 992 would allow a majority of a local agency’s legislative body members to participate in social media platforms, like Facebook, so long as governing members do not partake in discussion amongst themselves regarding business within their jurisdiction. Essentially, it would ensure that if one district board member posted something on Facebook and the other district board members “liked” the post, those actions wouldn’t be a violation of the Brown Act. AB 992 is a common-sense approach to modernizing the Brown Act, that will allow for greater communication and interface with the public.

CSDA is supporting this bill along with the League of California Cities and the California State Association of Counties. The bill will be heard next in the Senate Governance and Finance Committee. For any questions about this bill please contact CSDA’s Senior Legislative Representative, Dillon Gibbons, at Dillong@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.

Family Leave Expansion Bill Included with State Budget

[SB 1383 \(Jackson\)](#), a recently gutted and amended measure, opposed by CSDA, would expand protected family leave which could have potentially significant financial impacts on employers and special districts, especially smaller districts. This legislation is the result of a budget agreement between the Legislature and the Governor. While referred to as "Paid Family Leave," the bill is rather an extension of California Family Rights Act (CFRA) leave, which would effectively extend protected leave to employers with five or more employees. The impact of this bill will especially be felt by smaller districts, as currently, employers with less than 50 employees within 75 miles are not currently required to provide protected leave under CFRA.

Specifically, SB 1383 will require employers with five or more employees to provide 12-weeks of protected leave of absence each year. Since the proposed leave is "protected," an employer has no discretion to deny it or ask the employee to modify the leave to accommodate the employer's business operations or other employees who may be out of work on other California leaves of absence. An employer that denies, interferes with, or discourages the protected leave could be subject to costly litigation and subject to punitive damages.

This leave is in addition to existing leaves of absences already required, thereby requiring up to 6 months of mandatory leave. Through the federal Coronavirus Aid, Relief and Economic Security Act ("CARES Act"), the federal government expanded its federal leave law to all employers and requires them to provide 12 weeks of leave to care for a child as a result of COVID-19. The CARES Act also mandated two weeks of paid sick leave for an employee who is sick from COVID-19 or to care for a family member who is sick. Specifically, an employee could be entitled to 14 weeks of leave under the CARES Act and then another 12 weeks of leave under this bill, totaling 26 weeks of protected leave.

SB 1383 also amends the definition of family member for whom the employee can take leave under the CFRA to include a child of a domestic partner, grandparent, grandchild, sibling, or domestic partner. Additionally, the bill removes the requirement that a "child" be under the age of 18 or a dependent adult child. In doing so, the Family and Medical Leave Act's (FMLA) and CFRA's qualifying requirements no longer conform with each other. Since California cannot preempt or limit the application of federal law under FMLA, an employee's ability to qualify for FMLA leave is not negated by previously taking leave under CFRA.

The leave outlined in this bill is not "paid" by employers however, that does not mean employers will not incur costs. While employees are on leave, districts will potentially have to: (1) maintain medical benefits for the duration of the leave; (2) pay for a temporary employee to cover for the employee on leave, usually at a higher premium given the limited duration of employment; or (3) pay overtime to other employees to cover the work of the employee on leave.

In a hearing on the bill in late June, legislators from both sides of the aisle took issues with a number of the provisions of the bill. As a result, there is a chance the bill is not yet in its final form and could be amended to reduce the burden on small employers. While this bill is part of a budget deal and is expected to pass in some form along with other budget bills, this bill would not go into effect until January 1. [Click here](#) to watch a clip of Senator Richard Roth's (D-Riverside) tough line of questioning to the Department of Finance on the merits of the bill and its impacts on small businesses.

CSDA will continue to provide updates on the status of this bill through the CSDA Advocacy News Community as it moves through the Legislative process.



➤ OTHER WAYS TO TAKE ACTION

Learn More

Reminder: the 2020 CSDA Annual Conference & Exhibitor Showcase has been cancelled. Save the date for the 2021 CSDA Annual Conference & Exhibitor Showcase: Monday, August 30 – Thursday, September 2, 2021 in beautiful Monterey!

At this time, CSDA is still planning to proceed with the Special District Leadership Academy (SDLA) Conferences with social distancing measures in place. The September SDLA Conference in Lake Tahoe will have both a first-time (up to 80 attendees) track and advanced track (up to 40 attendees). The November SDLA Conference in San Diego will have a first-time attendee track only (up to 40 attendees).

We are also planning on holding the Board Secretary Clerk Conference in Anaheim this October. Plans are underway to allow first-time attendees to come for two days followed by advanced/returning attendees for two days to allow for maximum social distancing.

[The Special District Leadership Foundation](#) has removed district budget limits from its scholarship applications* for the remainder of 2020. They have also streamlined the application process for easy same day approval. CSDA member and non-member districts are encouraged to apply at sdlf.org for funds for any CSDA professional development.

**the website scholarship district budget limit has been raised to \$2 million*

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 advocacy@csda.net for help accessing these additional member resources.