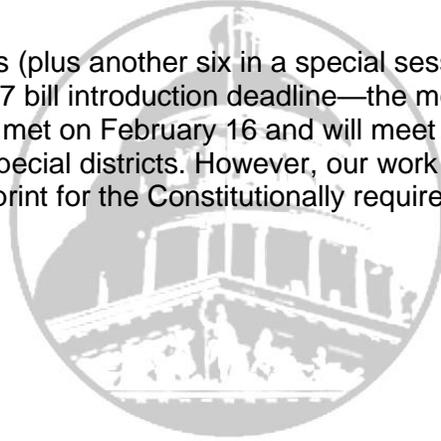




# TAKE ACTION BRIEF

## March 2023

CSDA has reviewed the 2,632 bills (plus another six in a special session) introduced in the California State Legislature prior to the February 17 bill introduction deadline—the most bills introduced in over a decade. The CSDA Legislative Committee met on February 16 and will meet again March 10 to adopt initial positions on legislation affecting special districts. However, our work will not stop there as many authors will amend their bills after they are in print for the Constitutionally required 30-day period. Stay up to-date with CSDA.



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### Contact a local CSDA representative near you!

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## ➤ ACTION ALERT: Ensure your district board can meet safely during the next state of emergency affecting your community

Assembly Member Gregg Hart (D–Santa Barbara) has introduced [Assembly Bill 557](#), CSDA's 2023 sponsored bill on the Brown Act. This bill follows the successful passage of [Assembly Bill 361 \(R. Rivas, 2021\)](#), which established modified remote meeting procedures within the Brown Act for local agencies meeting during specified emergencies. CSDA is calling upon all special districts to register a support position.

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### ***Support Emergency Remote Meeting Flexibility (AB 557)***

*Visit CSDA's AB 557 Take Action Page at [csda.net/brown-act557](https://csda.net/brown-act557) and submit a letter of support using CSDA's [Automated Form Letter](#). Contact CSDA Legislative Representative Marcus Detwiler with questions at [marcusd@csda.net](mailto:marcusd@csda.net).*

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**The COVID-19 state of emergency in California terminated at the end of February 2023 and local agencies are no longer be able to use AB 361 remote meetings for COVID-19-related reasons.** However, local agencies may rely on AB 361's remote meeting provisions through the remainder of 2023 should they suffer a different emergency (e.g., flooding, wildfires, earthquakes) that makes it unsafe to meet in-person, so long as that emergency is accompanied by a formal state of emergency declaration made by the Governor.

On January 1, 2024, the provisions added to the Brown Act by AB 361 “sunset,” or expire, on their own terms and local agencies will lose statutory authority for remote emergency meetings as established by AB 361. In order to preserve the modified remote meeting procedures beyond the end of 2023, CSDA has sponsored **AB 557, which would abolish the sunset that would otherwise repeal these procedures.**

AB 557 also makes one minor change to the timeframe for the renewal resolutions required under the AB 361 framework. Currently, the terms of AB 361 require an agency looking to rely on its provisions beyond 30 days to pass a resolution recognizing that the state of emergency prompting the transition to remote meetings remains active, and that conditions persist that prevent the agency from holding meetings safely in-person. **AB 557 would change this to 45 days**, providing agencies with an additional two weeks and accommodating those agencies that meet monthly on a fixed date that may occasionally fall outside of the original 30-day window provided by AB 361.

**Local agencies that would like to continue teleconferencing or video conferencing board meetings following the February 28, 2023 expiration of the COVID-19 state of emergency have two options:**

1. “Traditional” Brown Act teleconferenced meetings (as they existed pre-COVID, replete with all the corresponding open meeting requirements including those related to agenda postings as well as remote meeting site identification and access), or
2. “AB 2449-style” teleconferenced meetings (i.e., teleconferenced meetings using the framework provided as a result of the passage of [Assembly Bill 2449 \[Rubio, 2022\]](#)).

Learn more about how to comply with shifting Brown Act Meeting Laws in [this January 30 CSDA eNews article](#).



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## ➤ **FEEDBACK REQUEST: Does your district employ temporary or seasonal employees?**

CSDA is seeking feedback on Assembly Bill 1484 (Zbur). The bill may be viewed here: [Bill Text - AB-1484 Temporary public employees. \(ca.gov\)](#).

AB 1484 will bring a broad range of temporary employees, hired to perform the same or similar type of work that is performed by permanent employees represented by a recognized employee organization (or union), into collective bargaining agreements, and apply specified union procedures and requirements to them.

The bill defines “temporary employee” to mean a temporary employee, casual employee, seasonal employee, periodic employee, extra-help employee, relief employee, limited-term employee, per diem employee, and any other public employee who has not been hired for a permanent position.

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### *Feedback Requested on AB 1484*

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Please provide responses to Senior Legislative Representative Aaron Avery at [aarona@csgda.net](mailto:aarona@csgda.net).

1. Does your agency employ temporary employees who would be covered by this bill?
2. If your answer to Question 1 is “yes”, please provide specifics on the types of employees that would be covered, the numbers of employees that would be covered, seasonality considerations, and other relevant information.
3. Would implementation of this bill be expensive, difficult, or challenging for your agency?
4. If your answer to Question 3 is “yes”, please provide specifics on exactly how it would be expensive, difficult, or challenging to implement, additional expenses you would incur, and staffing adjustments you would anticipate making.
5. Do you have suggestions for amendments to this bill which would alleviate your concerns or make it more workable?



## ➤ Three newly-introduced alternative-contracting bills

One of CSDA's top advocacy priorities in 2023 is infrastructure and project delivery to ensure that the most beneficial projects are built in the most efficient manner. Accordingly, CSDA is taking an interest in three newly introduced bills and would welcome feedback from members as we assess next steps with our Legislative Committee and stakeholder partners:

**AB 400 Design-Build Sunset Elimination (Rubio, B)**, makes the existing local government design-build authority found in [Public Contract Code Sections 22160-22169](#) permanent by eliminating the sunset of January 1, 2025.

**SB 706 Progressive Design-Build (Caballero)**, would allow counties, cities and special districts to use the progressive design-build (PDB) project delivery method for construction contracts. This bill would remove the 15-project maximum and would authorize all cities, counties, city and counties, or special districts to use the PDB process for other projects in addition to water-related projects. The bill would change the required reporting date to no later than December 31, 2028.

**SB 617 Regional Transportation Progressive Design-Build (Newman)**, would provide regional transportation agencies authorization to use progressive design-build (PDB) procurement to design and construct projects on or adjacent to the state highway system, including related nonhighway portions of the project, based on either best value or lowest responsible bid. It also authorizes a regional transportation agency to utilize the PDB method of procurement, based on either best value or lowest responsible bid, to design and construct projects on expressways that are not on the state highway system if the projects are developed pursuant to an expenditure plan.

**If you would like to provide feedback on these measures or any other public works alternative contracting legislation, please contact CSDA Legislative Representative, Heidi Hannaman at [heidih@csda.net](mailto:heidih@csda.net).**



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## ➤ Special districts must act FAST to secure federal earmarks

Both the U.S. House and Senate Appropriations Committees have released their earmark (Community Project Funding / Congressionally Directed Spending) guidance, completing the full view of Fiscal Year (FY) 2024 earmark opportunities.

**Each U.S. Senator and Representative participating in the earmark programs have their own process for constituent submission. Special districts are encouraged to contact their congressional representatives' offices for local guidance.**

**Individual office processes may be announced with very tight deadlines, with most hitting the week of March 13, 2023.**

To gauge whether your House representative may participate in the FY24 process based on whether they have historically participated, [click here](#) for a list of legislators requesting earmarks in FY22 and [click here for the FY23 list](#).

The U.S. Senate's overall cap on earmark spending is set at one percent of federal discretionary spending; however, the House Appropriations Committee aims to limit total earmarks at 0.5 percent of federal discretionary spending. The House Community Project Funding (CPF) bans funding memorials and museums, and restricts "commemorative projects," which could entail projects named after any particular individual.

Senators and Representatives will formally request eligible constituent projects to their respective appropriations committees for further consideration. Senators may submit an unlimited amount of requests while the House will impose a 15-project limit per Representative. Participating offices can only consider projects that fit within the eligibilities of the appropriations committee's pre-selected federal funding accounts.

**[Read the Senate CDF's full guidance document here.](#) | [Read the House CPF's general guidance document here.](#)**

This information is provided by the National Special Districts Coalition, of which CSDA is a founding member. CSDA members receive full NSDC benefits by virtue of membership in CSDA. For more information about this article, contact Cole Arreola-Karr, NSDC Federal Advocacy Director, at [colek@nationalspecialdistricts.org](mailto:colek@nationalspecialdistricts.org).



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## ➤ OTHER WAYS TO TAKE ACTION

### Learn More

#### The 2023 Special Districts Legislative Days Conference Brochure is LIVE!

*Tuesday and Wednesday, May 16 -17, 2022  
Sheraton Grand Hotel  
Sacramento, CA*

Gain the edge on policy changes impacting your agency and exchange ideas with California's top decision-makers at the 2023 Special Districts Legislative Days, an interactive and informative two-day legislative conference in our State's Capitol. Fully one-third of the State Legislature turned over this year, making the 2023 Special Districts Legislative Days a MUST-ATTEND EVENT! Don't miss this opportunity to build partnerships and strengthen the voice of local control. Check out all the details for this year's conference, and secure early bird pricing before the deadline on April 21!

View the brochure here: <https://www.csdanet/viewdocument/2023-special-districts-legislative>

### Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Visit [csdanet/get-involved](https://www.csdanet/get-involved) or email [updates@csdanet](mailto:updates@csdanet) to inquire about joining one of the following teams:

- Environment & Disaster Preparedness
- District Operations
- Governance
- Human Resources and Personnel
- Public Works, Facilities, and State Infrastructure Investment & Partnership
- Local Revenue

### 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 *California Special Districts* Magazine

Email [updates@csdanet](mailto:updates@csdanet) for help accessing these additional member resources.