

# CSAC BOARD OF DIRECTORS

## BRIEFING MATERIALS

Thursday, September 3, 2020

10:00 a.m. - 12:30 p.m.



**Zoom meeting:**

**Zoom:** <https://us02web.zoom.us/j/84920705832?pwd=QjVUczRlcmJydmVQeERYeTVnN1VLQT09>

**Phone:** (669) 900-6833 | **Meeting ID:** 849 2070 5832

**Password:** 945123



California State  
Association of Counties



CALIFORNIA STATE ASSOCIATION OF COUNTIES  
BOARD OF DIRECTORS

Thursday, September 3, 2020 | 10:00 am – 12:30 pm

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AGENDA

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Presiding: Lisa Bartlett, President

**THURSDAY, SEPTEMBER 3**

10:00 AM **PROCEDURAL ITEMS**

1. Pledge of Allegiance *Page 1*
2. Roll Call *Page 2-3*
3. Approval of Minutes from May 28, 2020 *Page 4-7*

**SPECIAL PRESENTATION AND DISCUSSION**

4. COVID-19 Pandemic Crisis Update
  - Ana Matosantos, Cabinet Secretary, Office of Governor Gavin Newsom (invited)
  - Dr. Mark Ghaly, Secretary, California Health and Human Services Agency (invited)
  - Sandra Shewry, Director, California Department of Public Health (invited)

**ACTION ITEMS**

5. Ballot Initiatives
  - Proposition 16 - ACA 5 (Resolution Chapter 23), Weber. Government preferences *(rec: support)* *Page 8-9*
  - Proposition 17 - ACA 6 (Resolution Chapter 24), McCarty. Elections: disqualification of electors *(rec: support)* *Page 10-12*
  - Proposition 18 - ACA 4 (Resolution Chapter 30), Mullin. Elections: voting age *(rec: support)* *Page 13-14*
  - Proposition 19 - ACA 11 (Resolution Chapter 31), Mullin. The Home Protection for Seniors, Severely Disabled, Families, and Victims of Wildfire or Natural Disasters Act *(rec: oppose)* *Page 15-21*

**INFORMATION ITEMS**

6. CSAC Legislative Update – State & Federal Priorities
  - Darby Kernan | Deputy Executive Director, Legislative Affairs
  - Paragon Government Relations
7. CSAC Finance Corporation Report *Page 22-33*
  - Supervisor Leonard Moty | Finance Corporation President
  - Alan Fernandes | Finance Corporation Executive Vice President
8. Operations & Member Services Report *Page 34-37*
  - Manuel Rivas, Jr. | Deputy Executive Director, Operations & Member Services
  - David Liebler | Director, Public Affairs & Member Services
9. California Counties Foundation Report *Page 38-43*
  - Manuel Rivas, Jr. | Deputy Executive Director, Operations & Member Services
  - Chastity Benson | Foundation Operations Manager

10. Informational Items without Presentation

- Ballot Initiatives 15, 20, & 25 **(no position)** *Page 44-55*
- CSAC Litigation Coordination Program *Page 56-62*
- Institute for Local Government (ILG) Reports *Page 63-65*
- 2020 Calendar of Events **(NEW Board Meeting Date: November 19, 2020)** *Page 66-67*

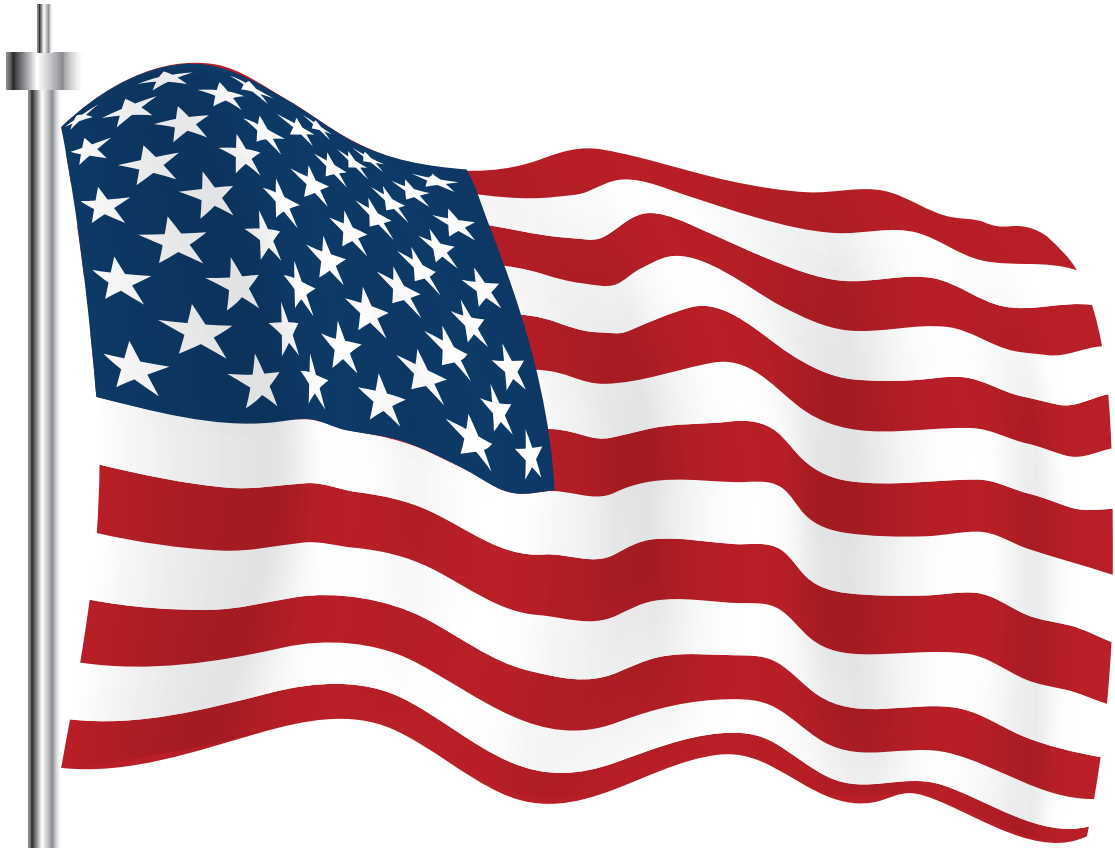
11. Public Comment

12:30 PM **ADJOURN**

*\*If requested, this agenda will be made available in appropriate alternative formats to persons with a disability. Please contact Korina Jones [kjones@counties.org](mailto:kjones@counties.org) or (916) 327-7500 if you require modification or accommodation in order to participate in the meeting.*

**\*\*\*BY VIRTUAL TELECONFERENCE ONLY\*\*\***

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, this meeting will be held by teleconference only. Members of the public may access the teleconference meeting using the dial-in information above. Public comments will be accepted via teleconference, or may be submitted in writing electronically before or during the meeting on any matter on the agenda or any matter with the Board of Directors subject matter jurisdiction, regardless of whether it is on the agenda for Board of Directors consideration or action. Comments can be sent to: [kjones@counties.org](mailto:kjones@counties.org)



*United States of America*  
Pledge of Allegiance



California State Association of Counties®



**CALIFORNIA STATE ASSOCIATION OF COUNTIES**  
 Board of Directors  
 2019-2020

<b>SECTION</b>	President:	Lisa Bartlett, Orange
U=Urban	First Vice President:	James Gore, Sonoma
S=Suburban	Second Vice President:	Ed Valenzuela, Siskiyou
R=Rural	Immediate Past President:	Virginia Bass, Humboldt

SECTION	COUNTY	DIRECTOR
U	Alameda County	Keith Carson
R	Alpine County	Terry Woodrow
R	Amador County	Richard Forster
S	Butte County	Debra Lucero
R	Calaveras County	Merita Callaway
R	Colusa County	Denise Carter
U	Contra Costa County	John Gioia
R	Del Norte County	Chris Howard
R	El Dorado County	John Hidahl
U	Fresno County	Buddy Mendes
R	Glenn County	Keith Corum
R	Humboldt County	Estelle Fennell
S	Imperial County	Raymond Castillo
R	Inyo County	Jeff Griffiths
S	Kern County	Zack Scrivner
R	Kings County	Craig Pedersen
R	Lake County	Bruno Sabatier
R	Lassen County	Chris Gallagher
U	Los Angeles County	Mark Ridley-Thomas
R	Madera County	David Rogers
S	Marin County	Damon Connolly
R	Mariposa County	Miles Menetrey
R	Mendocino County	Carre Brown
S	Merced County	Lee Lor
R	Modoc County	Patricia Cullins
R	Mono County	John Peters
S	Monterey County	Luis Alejo
S	Napa County	Diane Dillon
R	Nevada County	Ed Scofield

U	Orange County	Lisa Bartlett
S	Placer County	Bonnie Gore
R	Plumas County	Lori Simpson
U	Riverside County	Chuck Washington
U	Sacramento County	Susan Peters
R	San Benito County	Jim Gillio
U	San Bernardino County	Janice Rutherford
U	San Diego County	Greg Cox
U	San Francisco City & County	TBA
U	San Joaquin County	Bob Elliott
S	San Luis Obispo County	Bruce Gibson
U	San Mateo County	Carole Groom
S	Santa Barbara County	Das Williams
U	Santa Clara County	Susan Ellenberg
S	Santa Cruz County	Bruce McPherson
S	Shasta County	Leonard Moty
R	Sierra County	Lee Adams
R	Siskiyou County	Ed Valenzuela
S	Solano County	Erin Hannigan
S	Sonoma County	David Rabbitt
S	Stanislaus County	Vito Chiesa
R	Sutter County	Dan Flores
R	Tehama County	Robert Williams
R	Trinity County	Judy Morris
S	Tulare County	Amy Shuklian
R	Tuolumne County	Karl Rodefer
U	Ventura County	Kelly Long
S	Yolo County	Jim Provenza
R	Yuba County	Gary Bradford

### **ADVISORS**

Bruce Goldstein, County Counsels Association, Past President, Sonoma County  
Carmel Angelo, California Association of County Executives, President, Mendocino County

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
BOARD OF DIRECTORS  
May 28, 2020

Zoom: <https://us02web.zoom.us/j/82017738041?pwd=U2Q5NmNNEcvYnJwTC9qbVBsaXA1UT09>

Phone: (669) 900-6833 | Meeting ID: 820 1773 8041 | Password: 075353

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MINUTES

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**1. Roll Call**

OFFICERS

Lisa Bartlett | President  
James Gore | 1<sup>st</sup> Vice President  
Ed Valenzuela | 2<sup>nd</sup> Vice President  
Virginia Bass | Immediate Past President

CSAC STAFF

Graham Knaus | Executive Director  
Manuel Rivas, Jr. | Deputy Executive Director,  
Operations & Member Services  
Darby Kernan | Deputy Executive Director,  
Legislative Services

ADVISORS

Bruce Goldstein, County Counsels Association,  
Sonoma County  
Carmel Angelo, California Association of County  
Executives President, Mendocino County

Alameda	– Keith Carson	Orange	– Lisa Bartlett
Alpine	– Terry Woodrow	Placer	– Bonnie Gore
Amador	– Richard Forster	Plumas	– Absent
Butte	– Debra Lucero	Riverside	– Chuck Washington
Calaveras	– Merita Callaway	Sacramento	– Susan Peters
Colusa	– Denise Carter	San Benito	– Absent
Contra Costa	– Absent	San Bernardino	– Janice Rutherford
Del Norte	– Absent	San Diego	– Greg Cox
El Dorado	– John Hidahl	San Francisco	– N/A
Fresno	– Absent	San Joaquin	– Bob Elliott
Glenn	– Keith Corum	San Luis Obispo	– Bruce Gibson
Humboldt	– Estelle Fennell	San Mateo	– Carole Groom
Imperial	– Absent	Santa Barbara	– Das Williams
Inyo	– Jeff Griffiths	Santa Clara	– Susan Ellenberg
Kern	– Zack Scrivner	Santa Cruz	– Bruce McPherson
Kings	– Craig Pedersen	Shasta	– Leonard Moty
Lake	– Bruno Sabatier	Sierra	– Lee Adams
Lassen	– Chris Gallagher	Siskiyou	– Ed Valenzuela
Los Angeles	– Absent	Solano	– Erin Hannigan
Madera	– Absent	Sonoma	– David Rabbitt
Marin	– Damon Connolly	Stanislaus	– Vito Chiesa
Mariposa	– Miles Menetrey	Sutter	– Absent
Mendocino	– Carre Brown	Tehama	– Absent
Merced	– Lee Lor	Trinity	– Judy Morris
Modoc	– Patricia Cullins	Tulare	– Amy Shuklian
Mono	– John Peters	Tuolumne	– Absent
Monterey	– Luis Alejo	Ventura	– Kelly Long
Napa	– Absent	Yolo	– Jim Provenza
Nevada	– Ed Scofield	Yuba	– Gary Bradford

## **2. County Medical Services Program (CMSP)**

Pat Blacklock, Yolo County CAO & CMSP Board Member, and Kari Brownstein, CMSP Administrative Officer, addressed the Board to discuss the benefits of CMSP. CMSP is similar to a health plan and currently serves 35 California counties. Ms. Brownstein explained the eligibility requirements and how the benefit program has changed since the passage of the Affordable Care Act (ACA). CMSP has received grants to assist counties in addressing the needs of various low-income populations with or at risk of COVID-19. Their board approved the offering of short-term bridge loans to CMSP-contracting Community Health Centers. They also offer a Healthcare Workforce Development Program and an Allied Healthcare Loan Repayment Program, in addition to several other grant programs.

## **3. Governor's May Revision**

Keely Bosler, Director of the California Department of Finance, addressed the Board to discuss the Governor's May Revision. The COVID-19 pandemic has induced a recession in the United States and globally. Just a few months ago, we had record low unemployment, 118 months of consecutive job growth, a projected surplus and record reserves. This all put the state in a stronger position going into this recession as opposed to prior recessions. Their models predict that GDP will decrease by 26.5% and they do believe this recession will be worse than the Great Recession, specifically around unemployment. In February, California had 3.9% unemployment and in April, we saw a new record high of 15.5%. We expect that will further increase later this quarter. In comparison, during the Great Recession it took 38 months for unemployment to rise to its peak of 12.3%. They do, however, predict a faster recovery than during the Great Recession. This recession is having a disproportionate impact for lower-wage workers. The majority of the projected budget deficit is due to a drop in revenue; however they do also expect an increase in costs. The total projected revenue drop over a 3 year period is \$41.2 billion.

The Governor's general approach to the budget is to protect public education, health, safety and the people hit hardest by COVID-19. This revise includes canceling proposed expansions, tapping into reserves, borrowing from special state funds, the use of federal funds and reductions in core programs. The May Revision also includes \$100 million in small business loans and tax cuts to support small business. While the Governor's budget is balanced for 2021-22, operating deficits will remain through 2023-24.

## **4. COVID-19 Pandemic Crisis Update / Board Discussion**

Graham Knaus, CSAC Executive Director, addressed the Board and discussed CSAC's updated priorities as a result of the COVID-19 Pandemic. With COVID-19, we are working on additional priorities that fit into two different categories 1) more direct in terms of response and recovery and 2) county fiscal stability. CSAC has been pursuing these additional priorities through coordination with our Officers, County Supervisors, policy committees, and county caucus and lobbyists. We have also been seeking additional opportunities for the CSAC Executive Committee and Board to engage with the administration. Last week CSAC began virtual lobbying days since our legislative conference was canceled. This additional layer of priorities has refocused what we do on behalf of counties.

## **5. Approval of Minutes from February 13, 2020 and April 9, 2020**

*A motion to approve the minutes from February 13, 2020 and April 9, 2020, was made by Supervisor Cox; second by Supervisor Forster. Motion carried unanimously.*

**6. Approval of CSAC IRS Form 990 – 2018 Tax Year**

Supervisor Ed Scofield, CSAC Treasurer, addressed the board and explained that this form is required to be filed annually to insure organizations like CSAC prove their status as a tax exempt entity. The IRS recommends that the board review and approve the form as a good government action. CSAC has completed its income tax returns and has no tax liability for 2018.

*A motion to approve CSAC IRS Form 990 – 2018 Tax Year, was made by Supervisor Moty; second by Supervisor Long. Motion carried unanimously.*

**7. Consideration of the CSAC Budget and Salary Schedule for FY 2020-21**

Supervisor Ed Scofield, CSAC Treasurer, thanked former CSAC Treasurer, CSAC 2<sup>nd</sup> Vice President Ed Valenzuela, for helping establish critical policies that result in CSAC having a good fiscal condition to continue protecting and advocating for all 58 counties. CSAC is well-positioned to continue supporting counties, address the COVID-19 crisis and protect counties interest during the economic downturn. Budget highlights include: no change in membership dues for the 7<sup>th</sup> consecutive year, \$4.5 million from the Finance Corporation and \$400k from the corporate associates program. This budget contributes \$250k to the capital improvement fund for the CSAC building. It also establishes and appropriation of 5% of revenues and \$496k as a contingent margin to help address needs or emergencies. The overall budget also reflects a 4.3% increase in projected expenditures for salaries and employee benefits, operational expenditures and cost increases related to event planning and support of the Foundation. Additionally, approval of the salary schedule is needed to comply with CalPERS requirements.

*A motion to approve CSAC Budget and Salary Schedule for FY 2020-21, was made by Supervisor Peters; second by Supervisor Washington. Motion carried unanimously.*

**8. Consideration of the CSAC 2022 Annual Conference**

Manuel Rivas, Jr., Deputy Executive Director of Operations and Member Services, updated the Board on the potential changes to the CSAC 2020 Annual Conference as a result of the COVID-19 pandemic. We have begun to work on contingency plans, including having a virtual conference or a Board retreat in person, with everyone else participating virtually. CSAC will be reaching out to membership with a survey regarding this event.

The Executive Committee approved the Disneyland Hotel as our venue for the 2022 Annual Meeting, however Board approval is also required. This venue complies with CSAC’s Annual Meeting Policy.

*A motion to approve CSAC 2022 Annual Conference was made by Supervisor Washington; second by Supervisor Long. Motion carried unanimously.*

**9. CSAC Policy Committee Reports**

➤ **Administration of Justice (AOJ)**

Supervisor Leticia Perez, Chair of the AOJ Policy Committee, and Josh Gauger, Legislative Representative, reported to the Board on the topics discussed in their recent policy committee meeting. These included parole reforms, realignment of DJJ and COVID-19 impact in the public safety space.



- **Agriculture, Environment & Natural Resources (AE&R)**  
Supervisor Vito Chiesa, Chair of the AE&R Policy Committee, reported to the Board on the topics discussed in their recent policy committee meeting. These included updates on the budget, cap and trade allocations, safe drinking water, local air pollution, fire prevention, county fairs and cannabis permitting programs.
- **Government Finance & Administration (GF&A)**  
Supervisor Bruce Gibson, Chair of the GF&A Policy Committee, reported to the Board on the topics discussed in their recent policy committee meeting. These included updates on the budget, 1991 and 2011 realignment, the dramatic decline in sales tax and the delay in receiving it, funding for the November election and the distribution of the Coronavirus Relief Fund.
- **Health & Human Services (HHS)**  
Supervisor Jeff Griffiths, Chair of the HHS Policy Committee, reported to the Board on the topics discussed in their recent policy committee meeting. These included updates on the state COVID-19 HHS response and recovery, CSAC's federal advocacy efforts and the May revision.
- **Housing, Land Use & Transportation (HLT)**  
Supervisor Denise Carter, Chair of the HLT Policy Committee, reported to the Board on the topics discussed in their recent policy committee meeting. These included an overview of the impacts of COVID-19 on transportation, estimated revenue reductions in the current and budget year and CSAC's approach to advocacy on the Senate's housing bill package.

#### **10. CSAC Legislative Update**

Darby Kernan, Deputy Executive Director of Legislative Affairs, updated the Board on homelessness funding. The administration has proposed \$600 million in CARES funding to go out to local governments for homelessness. They're looking at a competitive process so that those dollars can be used to purchase properties locally. The Senate added another \$250 million in general fund to the proposal so local governments can use it.

#### **11. CSAC Finance Corporation Report**

Supervisor Leonard Moty, Finance Corporation President, reported that the Finance Corporation took a conservative approach going into the coming year and that revenue projections are still on track. One of their biggest contributors, CSCDA, has continued to perform very well because they are well diversified. Alan Fernandes, Finance Corporation Executive Vice President, presented two new business programs to the Board: 1) Procure America – who provides cost reduction services, and 2) Optum – who offers health and wellness programs.

**The meeting was adjourned. The next Board of Directors meeting will be on September 3<sup>rd</sup>, 2020.**



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**Past President**

Virginia Bass  
Humboldt County



**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Geoff Neill, CSAC Legislative Representative  
Ada Waelder, CSAC Legislative Analyst

**Re: Proposition 16 – Government Preferences – ACTION ITEM**

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**Recommendation**

The Executive Committee and the Government Finance and Administration policy committee recommend that CSAC *support* the measure.

**Summary**

Proposition 16, approved by the Legislature as ACA 5 (Weber), would repeal Section 31 of Article I of the California Constitution, which prohibits the State of California, including counties and other local agencies, from “discriminat[ing] against, or grant[ing] preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.”

**Background**

*Current Law*

As stated above, Section 31 of Article I of the California Constitution prohibits counties and other government entities from granting preferential treatment based on race, sex, color, ethnicity, or national origin in matters of public employment or contracting. This section was adopted in 1996 with the passage of Proposition 209.

Article 14 of the U. S. Constitution prohibits states from making or enforcing laws that deny equal protection of the laws to any person within its jurisdiction. A series of court cases have found that equal protection does not prohibit the use of identifying characteristics such as race or gender when doing so furthers a compelling interest, for instance in “obtaining the educational benefits that flow from a diverse student body” (*Grutter v. Bollinger*). However, it does prohibit the use of quotas in these decisions, so the decisions must be individualized, narrowly tailored, and cannot be decisive (*Regents of the University of California v. Bakke* and *Gratz v. Bollinger*).

*Changes under Ballot Measure*

Proposition 16, if passed by voters, would not in and of itself implement any changes to state or local hiring, contracting practices, or public education. It would, however, repeal the prohibition against government entities using race, sex, color, ethnicity, or national origin in those decisions.

Notably, permission to use these factors would not be unfettered, as made clear even in the landmark Supreme Court decision upholding affirmative action, *Regents of the University of California v. Bakke*. At the time of the case, public schools in the United States had been desegregated, but many university programs, especially graduate programs for specialties such as medicine and law, remained almost entirely comprised of white students. In response, and in recognition of the history of discrimination, poverty, and inferior schools that led to the difficulty minorities faced in competing in the admissions process, many schools implemented affirmative action programs. The UC Davis School of Medicine established a program for applicants that indicated they wished to be considered disadvantaged, and set aside 16 percent of its spots for those applicants. This was the program at issue in the *Bakke* case.

The decision of the court found that diversity in the classroom was a compelling state interest and that race could be used as one of several factors in admission, but that quotas were themselves discriminatory. In one of several concurring opinions, other justices noted that “governmental preference has not been a stranger to our legal life. We see it in veterans' preferences. We see it in the aid-to-the-handicapped programs... In order to get beyond racism, we must first take account of race.”

These findings, that factors such as race can be used as one factor in government decision making in furtherance of a compelling public interest, but not a decisive factor without individual consideration, were affirmed and clarified by later cases. Therefore, if Proposition 16 were to pass, counties would be limited to programs that fall within the bounds permitted by the U. S. Constitution and federal law.

## **Policy Considerations**

### *Existing CSAC Policy*

The California County Platform states in Chapter 1:

“Local control is the chief principle underlying the California County Platform.”

Chapter 1, Section 1 goes on to clarify that fundamental principle:

“Local control calls for the recognition of the differences that exist throughout the state and holds that local government should have the flexibility to develop systems by which services are provided and problems are resolved...”

“Not only does local control fortify counties' position that the state must recognize local differences, it also allows for individual counties to adopt alternatives that might not be acceptable to other counties –provided that these alternatives are not imposed on those who do not wish them.

“Counties adopt the principle of local control as the policy cornerstone of CSAC.”

Proposition 16 would remove a prohibition on considering factors such as race and gender in local hiring and contracting decisions from the California Constitution, thus increasing local control.

## **Staff Contact**

Please contact Geoff Neill at [gneill@counties.org](mailto:gneill@counties.org) or Ada Waelder at [awaelder@counties.org](mailto:awaelder@counties.org).

## **Resources**

- 1) [Full text of ACA 5 \(Proposition 16\)](#)



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Humboldt County



**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Geoff Neill, CSAC Legislative Representative  
Ada Waelder, CSAC Legislative Analyst

**Re: Proposition 17 – Elections: Disqualification of electors – ACTION ITEM**

---

**Recommendation**

The Executive Committee and the Government Finance and Administration policy committee recommend that CSAC *support* the measure.

**Summary**

ACA 6 (McCarty) is a constitutional amendment that was passed by the Legislature with a supermajority vote in both chambers, and then became Proposition 17. The measure would restore the right to vote to a person who is on parole. According to the [California Department of Corrections and Rehabilitation](#), there are currently over 50,000 Californians on parole.

**Background**

*Current Law*

The California Constitution allows any resident of California who is a U.S. citizen, at least 18 years old, and not imprisoned or on parole for the conviction of a felony to vote. However, a person who is on probation for conviction of a felony is permitted to vote. County election officials are required by law to cancel the voter registration of those convicted of a felony until they complete parole, at which point individuals may re-register to vote.

*Changes under Ballot Measure*

Proposition 17 would amend the California Constitution to remove the two clauses that prevent those on parole for a felony conviction from voting. This would restore the right to vote to those convicted of felonies when they have finished serving their term of confinement to prison.

*2011 Realignment*

In 2011, the California Legislature and Governor Brown passed sweeping public safety legislation that shifted responsibility for certain populations of offenders from the state to counties. The changes included a shift from state prison to county jails and from parole to probation for non-violent, non-serious, and non-sex felons. However, the changes created new categories of offenders and threw into doubt whether these offenders, including those serving felony sentences in county jail, those sentenced to mandatory supervision (split sentences), and those under post-release community supervision (PRCS), were eligible to vote. Those questions were taken to the courts, most notably in *Scott v. Bowen*.

In 2016, Governor Jerry Brown signed AB 2466 (Weber), reflecting in statute the decision in *Scott v. Bowen*, which restored the right to vote for the three categories of offenders listed above. The court concluded that restoring voting rights of persons under PRCS and or mandatory supervision was consistent with the Realignment policy goal to promote reintegration of low-level offenders back into the community. In addition, the court relied upon the long-held principle in California law requiring courts "to give every reasonable presumption in favor of the right of people to vote." This decision and the subsequent legislation standardized and clarified practices throughout the state to ensure that felons under the formal jurisdiction of county jails and probation departments are able to vote.

#### *Racial Disparities in the Prison Population*

People of color, and especially Black men, are overrepresented in prison populations across the United States. In California, 3 of every 4 men in prison are Black, Latino, or Asian. Black Californians, who make up 6.5 percent of the state's total population, represent 28 percent of those who cannot vote because of felony disenfranchisement.

Many states instituted broad felony disenfranchisement provisions after the Civil War, when Black men were given the right to vote and property tests and other voting restrictions were eliminated. A historical analysis by authors Jeff Manza and Christopher Uggen found "[w]hen African Americans [made] up a larger proportion of a state's prison population, that state [was] significantly more likely to adopt or extend felon disenfranchisement." Those laws persist today.

However, some studies, including one by Manza and Uggen, show a relationship between civic reintegration, like voting, and a reduction in subsequent crime. A separate study by the Florida Parole Commission found that of 30,672 people convicted of a felony who had their right to vote restored, only 11.1% reoffended within the first year of release during the study. While it is unlikely that this is a result of voting alone, it may play a role in allowing those convicted of felonies to be law-abiding community members.

#### *De Facto Disenfranchisement*

California is one of only three states in the country that denies the right to vote to people on parole, but allows those on probation to vote. Studies have shown that few people, including elections officials and those serving sentences, understand the distinction between parole and probation. This leaves ample opportunity for eligible voters to be prevented from voting, or refrain out of fear of breaking the law, a phenomenon termed "de facto disenfranchisement." Allowing people to vote as soon as they are released from prison, regardless of the term used, will help eliminate this confusion and simplify election administration. Eighteen states already restore the right to upon release from prison.

#### *Fiscal Impact*

There is no significant fiscal impact for this measure to be implemented.

#### **Policy Considerations**

##### *Existing CSAC Policy*

The California County Platform, CSAC's adopted statement of the basic policies of concern and interest to California's counties, say the following:

*Counties support efficient and accessible voting for all.* —Chapter 5 – Government Operations



*The most cost-effective method of rehabilitating convicted persons is the least restrictive alternative that is close to the individual's community and should be encouraged where possible.*  
—Chapter 2 – Administration of Justice

**Staff Contact**

Please contact Geoff Neill at [gneill@counties.org](mailto:gneill@counties.org) or Ada Waelder at [awaelder@counties.org](mailto:awaelder@counties.org).

**Resources**

- 1) [Full text of Ballot Initiative](#)
- 2) [Senate Elections and Constitutional Amendments Committee Analysis](#)



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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Geoff Neill, CSAC Legislative Representative  
Ada Waelder, CSAC Legislative Analyst

**Re: Proposition 18 – Elections: Voting Age – ACTION ITEM**

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**Recommendation**

The Executive Committee and the Government Finance and Administration policy committee recommend that CSAC *support* Proposition 18.

**Summary**

ACA 4 (Mullin) is a constitutional amendment that was passed by the Legislature before becoming Proposition 17. The measure would allow a 17-year-old who will be 18 by the time of the next general election to vote at any primary or special election that occurs before the next general election. The measure was first introduced by Assembly Member Kevin Mullin’s father, Assembly Member Gene Mullin, in 2004.

**Background**

*Current Law*

The California Constitution allows any resident of California who is a U.S. citizen, at least 18 years old, and not imprisoned or on parole for the conviction of a felony to vote.

*Changes under Ballot Measure*

Proposition 18 would add a clause to the state Constitution specifying that a California resident who will be 18 by the next General Election and who is otherwise eligible to vote may vote in any primary or special election leading up to that General Election. This will allow first time youth voters to fully participate in the democratic process by having influence over which candidates qualify for the General Election ballot. Currently, 23 states and the District of Columbia have similar laws.

The California Civic Engagement Project found that in California’s 2020 primary election, 14.5 percent of eligible voters were between the ages of 18 and 24, but voters in this age range were only 6 percent of actual turnout. Because many 17-year-olds are still in high school, allowing them to participate in primary elections while they are taking classes on civic engagement could increase turnout, and studies have shown that once a person votes in an election they are more likely to do so again.

The measure would also narrow the gap for some voters between when they proactively pre-register to vote, which they are allowed to do at age 16, and when they are first eligible to vote.

### *Consistent with Federal Law*

The 26th Amendment to the United States Constitution grants and protects the right for citizens 18 years and older to vote. According to the California Assembly Committee on Elections and Redistricting, “[b]ecause the U. S. Constitution only addresses abridging the right to vote and this measure expands voting rights there appears to be no conflict with the federal constitution. In an opinion dated April 12, 2004, the Legislative Counsel opined that an amendment to the California Constitution to permit a person under the age of 18 to vote would not violate federal law.”

### *Fiscal Impact*

Proposition 18 would not have a significant fiscal impact on counties.

### **Policy Considerations**

#### *Existing CSAC Policy*

The California County Platform, CSAC’s adopted statement of the basic policies of concern and interest to California’s counties, states in Chapter 5 on Government Operations “Counties support efficient and accessible voting for all.”

### **Staff Contact**

Please contact Geoff Neill at [gneill@counties.org](mailto:gneill@counties.org) or Ada Waelder at [awaelder@counties.org](mailto:awaelder@counties.org).

### **Resources**

- 1) [Full text of Ballot Initiative](#)
- 2) [Senate Elections and Constitutional Amendments Committee Analysis](#)



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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Geoff Neill, CSAC Legislative Representative  
Ada Waelder, CSAC Legislative Analyst

**Re: Proposition 19 – The Home Protection for Seniors, Severely Disabled, Families, and Victims of Wildfire or Natural Disaster Act – ACTION ITEM**

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**Recommendation**

The Executive Committee and the Government Finance and Administration policy committee recommend that CSAC *oppose* Proposition 19.

**Summary**

The purpose of the Home Protection for Seniors, Severely Disabled, Families, and Victims of Wildfire or Natural Disaster Act is to increase home sales by, first, allowing most homeowners to keep their accumulated tax benefit when purchasing a new home and, second, restricting the property tax benefit currently given to inheritors of real property.

Proposition 19 would also require the state to calculate the net benefit to the state’s General Fund resulting from those changes, if any, and transfer a similar amount of funding mostly to local fire protection districts, with a portion of the remainder going to any local agencies that experience reduced revenue as a result of the measure’s tax changes.

The fiscal effect for counties is highly uncertain, depending on how the law is interpreted and how it changes the behavior of property owners. On the high end, the Legislative Analyst’s Office estimated that a similar measure might result in increased revenue in the tens of millions of dollars per year collectively for local agencies, but also tens of millions in new costs for county assessors. On the low end, the measure could reduce local agency revenues by tens of millions of dollars in addition to increased costs to assessors.

**Background**

*Legislative History*

Proposition 19 began as an initiative championed by the California Association of Realtors. After that initiative obtained the requisite number of signatures and qualified for the ballot an alternative measure was proposed in the Legislature, which eventually became ACA 11. As ACA 11 made its way through the legislative process, the Realtors withdrew their original measure.

ACA 11 has two key differences from the withdrawn initiative. A change to the rules for business property changes in ownership has been removed and a provision has been added to require the state to share any net benefit with fire districts and other local agencies.

### *Current Law*

The California Constitution generally limits property taxes to 1 percent of the assessed value of real property, and limits annual assessment increases to 2 percent per year. Property is only assessed at its full value when property changes ownership or is newly constructed, at which point it is reassessed at fair market value. In the case of new construction, only the newly constructed part of the property is reassessed.

Since almost all property in California appreciates more than 2 percent per year, property owners accumulate a tax benefit that increases the longer they own their property. The tax benefit is most pronounced for property that was acquired earlier in life, has a higher value, or that rises in value more quickly.

Homeowners are allowed to take this tax benefit to a new home under a few conditions. First, the replacement property must become their primary residence and it must be worth no more than 10 percent more than their current home. Second, the new home must be located in the same county as the home they are moving from, or in one of ten counties that currently allow out-of-county home buyers to bring their tax benefit with them. Third, this portability is only allowed to be used once. Finally, the property owner must be at least 55 years old or severely disabled. (Those restrictions generally do not apply to taxpayers affected by disasters or contamination, or those whose property is acquired by a public entity.)

One exception to the rule that property be reassessed upon a change in ownership is for transfers from a parent to their child. Inherited property retains its accumulated tax benefit, as long as it stays in the family. Parents can transfer their primary residence and up to \$1 million in value of other property, such as second homes or business properties, without reassessment. A grandparent may use these same provisions for transfer to their grandchild, but only if the parents of the grandchildren are deceased.

### *Changes under Ballot Measure*

Proposition 19 would 1) significantly expand the tax benefit for existing homeowners wishing to move, but 2) restrict the benefit for transfers of family property. It would also 3) establish funds with the intent of providing increased funding to certain fire protection districts and local agencies.

#### *1) Existing Homeowner Tax Portability*

Proposition 19 would discard most of the restrictions on tax portability for homeowners who are over 55 or severely disabled. Their replacement home could be a home of any value anywhere in the state. In addition, they would be allowed to move with their accumulated tax benefit three times in their life, instead of the single occurrence allowed by current law. The measure would similarly ease restrictions for replacement homes for victims of wildfires and natural disasters.

If the replacement home is a greater value than the current home, the assessed value of the original home would apply to the value of the replacement house equivalent up to the fair market value of the old house. Any value the replacement home has in excess of the original, would be taxed fully.

For example, a certain 4-bedroom home in Saratoga (on Country Squire Lane) last sold in 1988 for \$465,000 and is currently worth an estimated \$2.25 million. Because assessed value is limited to increases of 2 percent per year, the owner currently pays property taxes on an assessed value of \$782,225, for an ad valorem tax bill of just over \$9,000 (instead of the roughly \$26,500 they would pay without the tax benefit).



Assuming the homeowner is over 55, if they sold that house and bought a replacement home for \$3 million elsewhere in the state, perhaps across Patchen Pass in Santa Cruz, they would pay about \$9,000 in taxes on the first \$2.25 million of value, then full freight (just under \$9,000) on the remaining \$750,000 of value, for a total tax bill of about \$18,000. Without Proposition 19's changes, the new tax bill would instead be about \$35,000, for a loss to Santa Cruz County of \$17,000.

The home in Saratoga would either be taxed at full value when sold, or, if purchased as a replacement home someone else over 55, at the level dictated by their own accumulated tax benefit.

To take an example for below median-priced homes, a certain 3-bedroom house in Grass Valley (on Twin Star Lane) recently sold for \$535,000. The previous owners had purchased the house in 2018 for \$491,000 and were paying taxes on that amount (about \$5,400). If the new owners, hypothetically, were moving from a certain house in Thousand Oaks (on Calle Jazmin), worth almost exactly the same amount, which they bought many years ago, instead of paying the around \$491,000 in taxes, as the previous owners had, they would bring their advantageous tax assessment with them and pay only about \$900 annually.

One question for county supervisors as they consider the fiscal effects of this measure, is how often transactions involving homeowners over 55 will occur. The LAO reports that around 80,000 homeowners over 55 move houses each year, most of whom end up paying higher property taxes than in their previous home. That represents about 20 percent of all home sales in the state, or one of every five. If the proponents of this measure are correct that qualifying homeowners currently move less often than they otherwise would because of the tax consequence, we can assume that number will rise.

Well over half of homeowners are 55 or older. The California real estate journal *first tuesday* anticipates that relocating Baby Boomers going into retirement will be the primary propelling force in both selling homes and buying replacements, even without this change in tax policy. This is due to several factors, including younger Californians being unable to save for a down payment due to high rents and student debts. If Baby Boomers will be the primary force in both selling and buying homes then, under this measure, there will be a stark increase in home sales that do not result in a reassessment at full market value.

While the magnitude is unknown, this provision of Proposition 19 would have a pronounced negative fiscal effect on counties, cities, and many special districts. However, to the extent it increases the volume of home sales, it would somewhat increase revenue from property transfer taxes.

Aside from county fiscal effects, county supervisors might consider the equity aspects of increasing this tax break for homeowners over 55. According to the Public Policy Institute of California, California's income inequality ranks sixth worst in the United States. Homeowners over 55 are overwhelmingly more likely to be wealthy and white compared to other Californians, partly because residential property is the most important factor in building generational wealth, and partly due to the persistent effects of widespread discriminatory real estate practices, such as redlining.

As a result of these and other factors, even though 54.4 percent of households in California own their homes, 63.5 percent of white, non-Hispanic householders own their home, while that number drops to 59.0 percent for Asian, 52.5 percent for Native, 46.8 percent for mixed race, 44.0 percent for Hispanic or Latino, and 34.4 percent for Black householders.

Single parents are similarly unlikely to own their home, with just 41.2 percent of single moms and 45.1 percent of single dads owning, compared to 68.0 percent of married couples.

Homeowners are, unsurprisingly, more likely to have higher income and higher net worth than renters. In California, homeowners have aggregate income of about \$966 billion, compared to \$438 billion for renters. The median household with people over 55, regardless of homeownership, has about double the net worth of a younger household, and far lower levels of debt, especially as a share of disposable income. And across the United States, the median net worth of homeowners is \$231,400, while the median net worth of renters is just \$5,000.

To the extent this portion of Proposition 19 further expands the tax break for homeowners over 55, it will increase these inequities and could result in a lower level of government services than would otherwise be provided due to reduced tax revenue.

## *2) Family Transfer Reassessments*

Proposition 19 would state that the transfer of a family home from a parent (or grandparent) to a child (or grandchild) does not count as a change in ownership subject to reassessment, as long as the home continues as the family home. To continue as the family home, the transferee must claim the homeowner's tax exemption or the disabled veteran's exemption at the time of transfer or within one year.

The tax benefit can only be used on the home's taxable value plus \$1 million, as determined at the time of the transfer. If the home's fair market value is higher than that, the excess value is taxed at the full rate. The \$1 million limit would be adjusted annually by the state to account for inflation (so, for instance, for transfers occurring in five years the benefit could be used on the home's taxable value plus about \$1.13 million).

Proposition 19 would extend the tax benefits enjoyed by family homes to family farms as well. However, the measure would eliminate the existing tax benefit for up to \$1 million of other real property, such as other homes or business properties.

As the LAO reported in a 2018 study, family transfers are applied to tens of thousands of properties each year. Over the last decade 5 percent of all property transfers have applied the exclusion, for an annual revenue loss of \$1.5 billion. While Proposition 19 would not make this change retroactive, to the extent new transferees choose not to apply the homeowner's tax exemption or disabled veteran's tax exemption, less revenue would be lost from future transfers.

Many transferees who do not live in the family home choose to rent out the properties, either as housing or as vacation rentals. To the extent that those who use them as vacation rentals instead sell them, this measure would modestly increase housing availability in California.

However, two issues with the new requirements are worth noting. First, as noted in the Senate analysis of the measure (attached), while, under Proposition 19, the homeowner's tax exemption is intended to be applied to the taxpayer's "true, fixed and permanent home," and while those facts are checked by county assessors before granting the exemption, once granted it is not revisited unless initiated by the taxpayer themselves.

Secondly, and potentially more troubling, the measure is not clear whether the property would be reassessed if a transferee moved their homeowner's exemption to a different property. It is clear that taking the exemption is necessary to receive the benefit, but, as noted above, reassessment can only occur upon a change in ownership or new construction. Nowhere in law is there a provision for reassessing property when a resident moves without the property changing hands. The Legislature could attempt to clarify this point through legislation, however, it is uncertain if the courts would agree they have the authority to.

Regardless, while the magnitude is unknown, this provision of Proposition 19 would have a pronounced positive fiscal effect on counties, cities, and many special districts. To the extent it increases the volume of home sales, it would also increase revenue from property transfer taxes.

Aside from county fiscal effects, county supervisors might consider equity aspects of restricting this tax break for family transfers of family homes and family farms. Owning residential property is the most important factor in building generational wealth. This measure would somewhat increase equity by limiting the ability for families to transfer not only the family home, but also another \$1 million of real property without reassessment. Similarly, by removing, in at least some cases, the significant tax benefit of holding on to family homes, it frees up housing for other families to begin building wealth for themselves.

### *3) Funding Assistance for Fire Districts and Other Local Agencies*

Proposition 19 would create two funds at the state level, the California Fire Response Fund and the County Revenue Protection Fund. The measure would require the Director of Finance to calculate increased revenues and net savings to the state resulting from the tax changes described above, if any. Of those increased revenues and net savings, 75 percent would be transferred to the California Fire Response Fund and 15 percent would be transferred to the County Revenue Protection Fund.

Any funds in the California Fire Response Fund would be distributed as follows:

- 20 percent to CAL FIRE for fire suppression staffing.
- 40 percent for districts that provide fire protection services, were formed after July 1, 1978 (post-Prop. 13), and employ full-time personnel who are immediately available to comprise at least 50 percent of an initial full alarm assignment.
- 20 percent for districts that perform fire protection services, were formed before July 1, 1978, are underfunded due to low shares of property taxes and increased service demands, and that employ full-time personnel as described above.
- 20 percent for districts that provide fire protection services and employ full-time personnel who are immediately available to comprise between 30 and 50 percent of an initial full alarm assignment.

Any funds in the County Revenue Protection Fund would be distributed to local agencies that experience an overall loss in revenue as a result of the measure's tax policy changes. The measure gives counties the responsibility of calculating whether the county itself, or any local agency in the county, has experienced a "negative gain." The calculation is made by adding together the two revenue changes made by the measure (tax portability, both outbound and inbound, and family transfers).

Any county, city, special district, or school district that experiences a net loss in revenue over a three-year period would be eligible for reimbursement from the County Revenue Protection Fund. If the fund

does not have enough money to reimburse all agencies with a loss, funds would be distributed proportionately based on the size of their losses.

The fund balances would be based on the Director of Finance's calculation of increased revenues and net savings. The increased revenues would come as a result of capital gains related to home sales. Capital gains liability from the sale of a primary residence is affected by several factors. How much the home has increased in value is one factor, but the first \$250,000 of gains for single taxpayers, or \$500,000 for couples, are exempt in most cases. This is also true for the cost of any additions and improvements. Another major factor is the stepped-up basis upon the death of a spouse, which can reduce capital gains liability enormously.

The state's net savings are simpler to calculate, but also less certain to exist at all. Under Proposition 98, school districts are guaranteed a minimum amount of funding, which is provided by a combination of local property taxes and state funding. To take the metaphor of a bucket, property taxes fill the bucket as far as they can, then the state provides funding to finish filling the bucket. In this metaphor, if property taxes fill more of the bucket further (for instance, because the family transfer tax break has been limited), the state is obligated to provide less funding, resulting in net savings to the state.

However, over the years voters have modified Proposition 98 several times and have created three different "tests" to determine the statewide minimum funding level for schools. Depending on conditions, the funding level could be calculated by taking the previous year's funding and multiplying it by the statewide increase in personal income, or by inflation. But under what's called Test 1, the level is determined simply by a percent share of the state's General Fund revenues. In Test 1 years, the bucket metaphor does not apply because regardless of how much funding is provided by property taxes, the state's contribution level is the same.

California has been in Test 1 years for the past two fiscal years and analysts predict that it will remain that way for the foreseeable future. If that is the case, Proposition 19 will not result in net savings to the state's General Fund. Likewise, recent experience with Proposition 47 has shown that the Director of Finance is motivated to calculate increased revenues and net savings to be small when it is in the state's interest to do so.

Therefore, while the measure intends for the state to share 15 percent of any increased revenues and net savings with the counties, cities, special districts, and school districts that experience a "negative gain," the size of any additional funding is too uncertain to estimate.

#### *Overall Fiscal Impact*

As noted at the top of this memo, the fiscal effect for counties is highly uncertain, depending on how the law is interpreted and how it changes the behavior of homeowners. On the high end, the Legislative Analyst's Office estimated that a similar measure might result in increased revenue in the tens of millions of dollars per year collectively for local agencies, but also tens of millions in new costs for county assessors. On the low end, the measure could reduce local agency revenues by at least tens of millions of dollars as well as increased costs to assessors.

#### **Policy Considerations**

##### *Existing CSAC Policy*

The California County Platform, CSAC's adopted statement of the basic policies of concern and interest to California's counties, states the following:

*Property Tax Revenue: Counties oppose erosion of the property tax base through unreimbursed exemptions to property taxes. The state should recognize that property tax revenues are a significant source of county discretionary funds. Any subventions to counties that are based upon property tax losses through state action should be adjusted for inflation annually. – Chapter 9 – Financing County Services*

Due to this part of the County Platform, in 2018 CSAC, along with a broad coalition of labor and other stakeholders, strongly opposed Proposition 5, which was also written by the California Association of Realtors. That measure, like this one, expanded tax portability for homeowners over 55, but importantly did not also restrict the tax break for family transfers or require the state to calculate and share any net benefit with fire districts and other local entities.

In evaluating this measure, county supervisors will have to weigh whether the limitations on family transfers, and possible increases to funding from the state, are sufficient to overcome CSAC's previous opposition to the expanded tax benefit for established property owners, while also considering any effect on wealth inequality in the state.

#### **Staff Contact**

Please contact Geoff Neill at [gneill@counties.org](mailto:gneill@counties.org) or Ada Waelder at [awaelder@counties.org](mailto:awaelder@counties.org).

#### **Resources**

- 1) [Full text of ballot measure](#)
- 2) [LAO Analysis of a fiscally similar measure withdrawn by proponents in favor of ACA 11](#)
- 3) [Senate analysis of ACA 11](#)



September 3, 2020

**To:** CSAC Board of Directors

**From:** Leonard Moty, President  
Alan Fernandes, Chief Executive Officer

**RE: CSAC Finance Corporation Update**

**CSAC Finance Corporation Business Program Updates**

The CSAC Finance Corporation's business programs continue to offer great benefit to member public agencies while also returning revenue that enables the continuation of these program offerings. Among the most success partnerships is with the California Statewide Communities Development Authority (CSCDA), our first and longest standing program which was created in 1988, under California's Joint Exercise of Powers Act. For over 30 years CSCDA has provided California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA is currently focused on increasing the supply of workforce housing units throughout California.

**New Program Offerings**

The CSAC Finance Corporation continues to explore new programs that offer benefit to our member counties and related public agencies. Our two newest programs regarding cost reduction services and employee health and wellness programs. Specifically, Procure America provides counties with analytics and strategies that result in greater performance at lower costs. While Optum Rally Wellness platform improves wellness program engagement for county employees. In addition to these programs, we continue to strengthen our partnership with the National Association of Counties as we will be formally announcing new programs helping counties improve cash management and cyber security.

**Corporate Associates Program**

The Corporate Associates program is beginning the new fiscal year strong with 70 partners across three levels. Staff has secured 7 new partners as of this report. At the Platinum level, Broadnet (Duncan McFetridge), Procure America (Todd Main), Chevron (Henry T. Perea) and OpenGov (Tim Melton and Christine Spiel) have now joined. At the Gold Level, ForeFront Power (Sam Zantzinger) has joined. At the Silver Level, Invisible Defender (Tori Klein) and Lockheed Martin (Robert Head) have joined. These new partners combine for over \$120,000 in new revenue to CSAC.

We remain in regular contact with our Corporate Associates and are seeking new ways to partner with them virtually and provide the value they are accustomed to within our program. Opportunities include an expansion of partner driven webinars (in association with ILG and others), and various Zoom calls and email outreach on behalf of our partners to our county members. Thank you in advance for your engagement in this new age of virtual connectivity and in your willingness to connect with the business community.

The most updated Corporate Associates roster and business program overview is attached.



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Jim Manker, Director of Business Development  
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The CSAC Finance Corporation offers value-added products and services to California’s counties, their employees and retirees as well as other forms of local government. Our programs are designed to assist county governments in reducing costs, improving services, and increasing efficiency. Our offerings provide the best overall local government pricing and the revenue generated by the CSAC Finance Corporation supports CSAC’s advocacy efforts on behalf of California’s counties.

## Program Summary

### Financing



#### CSCDA

Cathy Bando

[www.cscda.org](http://www.cscda.org)

The California Statewide Communities Development Authority (CSCDA) was created in 1988, under California’s Joint Exercise of Powers Act, to provide California’s local governments with an effective tool for the timely financing of community-based public benefit projects. Currently, more than 500 cities, counties and special districts have become Program Participants to CSCDA – which serves as their conduit issuer and provides access to an efficient mechanism to finance locally-approved projects. CSCDA helps local governments build community infrastructure, provide affordable housing, create jobs, make access available to quality healthcare and education, and more.

### Deferred Compensation



#### Nationwide

Rob Bilo

[www.nrsforu.com](http://www.nrsforu.com)

The Nationwide Retirement Solutions program is the largest deferred compensation program in the country for county employees. In California, over 65,000 county employees save for their retirement using this flexible, cost-effective employee benefit program. This program is the only one with a national oversight committee consisting of elected and appointed county officials who are plan participants. Additionally, an advisory committee comprised of California county officials provides additional feedback and oversight for this supplemental retirement program. Currently 32 counties in California have chosen Nationwide to help their employees save for retirement.

### Investing



#### CalTRUST

Laura Labanieh

[www.caltrust.org](http://www.caltrust.org)

The Investment Trust of California (CalTRUST) is a JPA established by public agencies in California for the purpose of pooling and investing local agency funds - operating reserves as well as bond proceeds. CalTRUST offers the option of five accounts to provide participating agencies with a convenient method of pooling funds – a liquidity fund, a government fund, a short-term, and a medium-term, and a new ESG compliant money market fund. Each account seeks to attain as high a level of current income as is consistent with the preservation of principle. This program is a great option to diversify investments!



### Discounted Prescription Drugs

#### Coast2CoastRx

Marty Dettelbach

[www.coast2coastrx.com](http://www.coast2coastrx.com)

The Coast2Coast Discount Prescription Card is available at no-cost to the county or taxpayers and will save county residents up to 75% on brand name and generic prescription drugs. The Coast2Coast program is already being used by over 35 counties in California. Not only does it offer savings to users, your county will receive \$1.25 from Coast2Coast for every prescription filled by a cardholder.





*Cyber Security and Technology*

**Synoptek** Eric Westrom [www.synoptek.com](http://www.synoptek.com)

The CSAC FC and Synoptek have partnered to offer a human firewall training program and fraud assessment. The human firewall program is a training program whereby a comprehensive approach is initiated that integrates baseline testing, using mock attacks, engaging interactive web-based training, and continuous assessment through simulated phishing attacks to build a more resilient and secure organization. Synoptek offers a wide range of security technology offerings to aid your county in remaining vigilant and secure.

*Property Tax Payment Portal*

**Easy Smart Pay** Alan Fernandes [www.easysmartpay.net](http://www.easysmartpay.net)

Easy Smart Pay is a product of Smart Easy Pay, a corporation formed by the CSAC Finance Corporation to help residents throughout California streamline their property tax payments. Through the Easy Smart Pay platform residents can pay their property taxes in installments via ACH or credit card with preferred processing fees. This program is currently being piloted in San Luis Obispo County.

*Revenue Collection*

**CalTRECS** Jim Manker [www.csacfc.org](http://www.csacfc.org)

The CSAC FC has joined with NACo FSC to develop the California Tax Recovery and Compliance System (CalTRECS) program to help counties collect outstanding debts in a timely, cost-effective manner. The debt offset service allows counties and other local government to compile and submit their delinquencies for offset against pending state personal income tax refunds and lottery winnings.

*Cannabis Compliance*

**CCA** Greg Turner [www.cca.ca.gov](http://www.cca.ca.gov)

The California Cannabis Authority is a Joint Powers Authority established by county governments to develop and manage a statewide data platform. The platform will assist local governments that are regulating commercial cannabis activity by consolidating data from different channels into one resource to help local governments ensure maximum regulatory and tax compliance. In addition, the platform can help to facilitate financial services to the cannabis industry by linking willing financial institutions with interested businesses, and by providing critical data to ensure that all transactions and deposits are from legal transactions.

*Information & Referral Services*

**211 California** Alan Fernandes [www.211california.org](http://www.211california.org)

The CSAC FC manages 211 California which is a network of the 211 systems throughout California. These critical agencies serve county residents by providing trusted connectivity to community, health, and social services. During times of disaster and recovery, 211 organizations are vital to assist residents find critical services and information.





### *Business Intelligence Services*

#### **Procure America**

Todd Main

[www.procureamerica.org](http://www.procureamerica.org)

Procure America provides its clients with analytics and strategies that result in greater performance at lower costs. By leveraging decades of industry experience, Procure America generates an average savings of 34%, all while increasing operational efficiency, vendor accountability, and service levels. Procure America's experts have deep, industry-specific experience and will analyze all aspects of the supplier relationship-contractual, operational and invoice compliance. Knowledge, information and focus delivers results.



### *Employee Health and Wellness Solutions*

#### **Optum Rally**

Jennifer Schlecht

[www.optum.com](http://www.optum.com)

Optum aspires to improve experiences and outcomes for everyone we serve while reducing the total cost of care. For individuals and families, Optum provides health care services, pharmacy services and health care financial services. For organizations, Optum provides business services and technology to health plans, providers, employers, life sciences and government.

## CSAC Finance Corporation Board of Directors

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**Graham Knaus**, CSAC – *Vice President*

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**Chase Broffman**, Member Services Associate

### **CSAC Finance Corporation**

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## **PLATINUM Partners (as of 9.1.2020)**

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### **2. Anthem Blue Cross**

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### **5. Blue Shield**

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[www.blueshieldca.com](http://www.blueshieldca.com)

### **6. Broadnet**

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[www.broadnet.com](http://www.broadnet.com)

### **7. California Statewide Communities Development Authority**

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### **8. CalTRUST**

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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

TO: CSAC Board of Directors

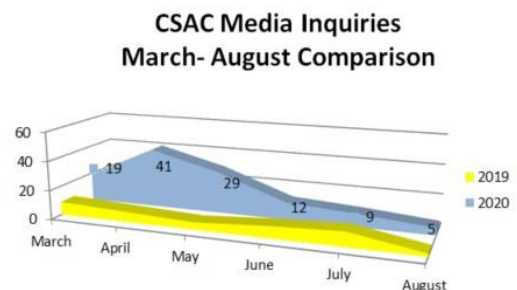
FROM: Manuel Rivas, Jr., Deputy Executive Director of Operations and Member Services  
David Liebler, Director of Public Affairs and Member Services

**SUBJECT: Operations & Member Services Report**

During the past few months, the Communications Team has primarily focused on two critical issues of major importance to California Counties: the COVID-19 pandemic and the FY 2020-21 State Budget. While continuing to provide members with current and vital information regarding the pandemic, the Communications Team also invested significant time supporting CSAC’s legislative priorities. Our recent work has included:

**Legislative Unit Assistance.** CSAC Communications has been working closely with our Legislative team on a daily basis. Our assistance has included producing talking points and media statements, providing communications support to Federal and State advocacy campaigns through earned media and social media, distributing pertinent breaking news and orders from the Governor’s Office as well as State and Federal agencies, and providing early morning media updates and evening news summaries.

**Media Work.** The Association’s interaction with the media has sharply increased since the COVID-19 crisis struck California. While inquiries related to COVID-19 have begun to taper off, CSAC has fielded 115 media inquiries between March and mid-August, compared to 41 during the same time period in 2019. While April and May 2020 were extremely busy media months, the inquiries remain about 180 percent higher than in 2019. It’s worth noting that CSAC received more media inquiries in the March-August 2020 time period than during all of 2019.



The outlets reaching out to CSAC for comment remain very top-tier, including the San Francisco Chronicle, Los Angeles Times, New York Times, Associated Press, Politico, and regional dailies like the Press Democrat and Bakersfield Californian.

**Social Media Work.** CSAC has undertaken significant work on social media over the past four months, particularly to support the Association’s pandemic and State budget-related activities. This has been a highly successful way to distributed CSAC messaging on these critical issues. Between March 1 and July 31, CSAC’s Twitter page received more than 3.2 million views – an increase of more than 240 percent over the same five-month period in 2019. In May alone, CSAC’s tweets were viewed 1.2 million times. Since mid-March, the CSAC communications Team produced 55 Public Service Announcement graphics, 27 State budget advocacy graphics, 22 Federal advocacy graphics, and 28 videos.

CSAC also produced a series of infographics visually displaying how county realignment revenues were projected to significantly decrease due to the pandemic:

- Tweets spotlighting CSAC –created Public Service Announcement graphics – Nearly 515,000 views from March 18 through July 10.
- Tweets spotlighting CSAC State Budget advocacy efforts – Nearly 150,000 views from May 10 through June 25.
- Tweets spotlighting CSAC Federal relief advocacy efforts – Nearly 195,000 views from April 17 through May 21;
- Infographic tweets spotlighting County Realignment revenues – More than 65,000 views from May 24 through June 15;
- Tweets highlighting CSAC-created videos – More than 315,000 views from March 19 through July 10.

The communications team has also been utilizing social media to promote other key statewide issues, including the 2020 Census and Flex Alerts. CSAC is also utilizing YouTube, Facebook and Instagram to distribute all our information.

**Website.** CSAC Communications created a [COVID-19 Resources Page](#) on our website. The dynamic page is enhanced and updated regularly with new links of potential interest to our members and the general public. The page has more than 235 active links. Sections include information from county, State and Federal agencies, an interactive map with links to county emergency declarations and shelter in place order; web links to coronavirus information in all 58 counties; links to county COVID-19 dashboards; executive orders and directives from the Governor; communications resources; CSAC and NACo updates; CSAC affiliate resources; employer resources and guidance; and corporate partner resources.

**Weekly CSAC Bulletin.** Since the COVID-19 crisis began in California, the CSAC Bulletin has been dominated by articles focusing on the pandemic. More than 195 articles pertaining to the pandemic have been written by CSAC staff for the Bulletin since mid-March. Subjects ran the gamut, from State and Federal updates to impacts at the local level.

**Daily Morning Clips/Evening Summaries.** The CSAC Communications unit continues to provide the CSAC Executive Team and Legislative Unit with an early morning summary of major media articles focusing on COVID-19. This provides an easy-to-read look at major issues in California being reported on by the media. A significant focus of these clip summaries is on the pandemic, while state budget articles were prominent between the May Revise and State Budget signing. We have noticed an increase in the attribution of county supervisors who are in leadership positions within CSAC, showing that the Association's reach with the media is growing.

In the evening, the Communications Team assists in the daily updates provided by the CSAC legislative team by writing summaries by writing summaries of the Governor's press conferences. These updates are distributed to more than 450 county leaders throughout the state. More than 85 updates have been provided since mid-March.

### **Member Services**

**Annual Meeting.** Due to the ongoing impacts from the COVID-19 pandemic, CSAC has made the decision to hold its 2020 Annual Meeting in a virtual format. The virtual conference is scheduled to start on Thursday, November 12 and end on Thursday, November 19. Planning of the conference is spread out over a week's time to accommodate members' busy schedules and avoid concurrent sessions to maximize member engagement opportunities.

**Challenge Awards.** CSAC has opened call for entries for the 2020 Challenge Awards. The annual program was delayed as a result of the pandemic. This year CSAC developed a new program through our association management system that will allow the entire entry and judging process to be conducted online. The deadline for 2020 award submissions is September 11<sup>th</sup>.

### **Operations**

**Financial Audit.** Consistent with our policies and procedures CSAC retained an external auditor to ensure trustworthy annual review of the organization's financial statements. The CSAC Accounting Team wrapped up closing of the FY 2019-20 books in mid-August. The firm of Moss Adams LLP began their field work on the audit for both CSAC and the California Counties Foundation on August 24, and will continue its work through early September. The external auditors will then work on finalizing the audit of the consolidated financial statements for CSAC and its affiliates for FY 2019-20. The consolidated audit includes the CSAC Finance Corporation due to CSAC's controlling interests in the organization and the California Counties Foundation, which is CSAC's 501(c)(3) non-profit organization. The review is a complex process that requires additional time and increased coordination between the three entities.

The completed audit report will be presented to the CSAC Audit Committee and Executive Committee for consideration and approval, and reported to the Board of Directors at the Annual Meeting in November.

# CSAC COMMUNICATIONS TOOLS – COVID-19 CRISIS

March 1 – June 30, 2020

## 2.8 MILLION TWITTER VIEWS



MARCH	491,000
APRIL	607,000
MAY	999,000
JUNE	700,000



COVID-19 RELATED VIDEOS

305,000 TWEET VIEWS

COVID-19 Related Graphics  
**496,000 Views**

CSAC ADVOCACY CAMPAIGN GRAPHICS  
**333,000 VIEWS**

Media Inquiries  
295% Increase  
90 Inquiries

RESOURCES WEB PAGE  
235+ LINKS

COMMUNICATIONS RESOURCES WEB PAGE  
100+ LINKS

BULLETIN ARTICLES  
**180+ WRITTEN**

WEBSITE COVID-19 INTERACTIVE MAP  
49,000 VIEWS

DAILY ADVOCACY UPDATES AND KEY INFORMATION  
**80+ UPDATES**



WWW.COUNTIES.ORG  
California State Association of Counties





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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

TO: CSAC Board of Directors

FROM: Manuel Rivas, Jr., Chief Executive Officer, California Counties Foundation  
Chastity Benson, Operations Manager, California Counties Foundation  
Ryan Souza, Program Director, CSAC Support Hub for Criminal Justice Programming

**SUBJECT: California Counties Foundation Report**

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The last Foundation report focused on the impact of COVID-19 and its impact on Foundation operations and programs. Foundation staff worked tirelessly to ensure that this report is focused on how we would adjust to the “new normal” to ensure that Foundation programs thrive despite the obstacles of the Coronavirus pandemic. However, the transitions keep coming and now the CSAC Institute for Excellence has to prepare for yet another “new normal” due to the unexpected passing of our friend and colleague CSAC Institute Dean Bill Chiat.

Bill was an exceptional leader who led the effort for the Institute to become the top-notch professional development program for county government that it is today. Bill’s passion and determination to develop and support county leaders was a gift to every life he touched. CSAC created an “In Memoriam” webpage which allows individuals to post their memories or thoughts about Bill’s extraordinary career as a public servant and his dedication to the success of the CSAC Institute. For those of you who have not had a chance to read the piece, please visit [www.counties.org](http://www.counties.org) to learn more about Bill’s life, share your memories, and receive information about the William S. Chiat If Given A Chance Scholarship Fund.

Our team is committed to honor Bill’s legacy by ensuring that the Institute thrives for years to come. We will pull on our resilience to ensure that we continue to offer programs and services that support California counties as they provide exceptional services to the communities they serve. The update below provides a brief snapshot of the work that has been completed to date as well as our plans to “reopen” the Institute.

**California Counties Foundation Education Committee** – The Education Committee held its first meeting on July 8, 2020. Committee members discussed the reopening of the Institute, the future of special programs (New Supervisors Institute and So You Want to Be the CAO), and new courses in crisis leadership and cultural competence. The Committee plans to reconvene prior to the next Foundation Board meeting to develop recommendations on short and long term plans for the Institute.

**Equity & Cultural Competence Courses** – Over the past couple of months, staff has engaged in several discussions to improve the diversity of Institute instructors and broaden course offerings that address bias and discrimination. As a starting point, our plan is to offer two online Implicit Bias courses in the Fall – *Finding the Blind Spots: Personal & Organizational Best Practices & Strategies for Countering Implicit Bias* on September 11 and *Leading Consciously: The Science of Unconscious (Implicit) Bias* on September 17. At the direction of the CA Counties

Foundation Education Committee, staff will create a survey for county elected officials and executive staff to get their thoughts on the Institute providing courses on diversity, equity and inclusion.

The primary purpose of the survey is to identify where elected officials and county staff are on key issues that have taken on a new profile at the local level in the wake of recent protests on race and social justice. We hope the survey will provide information on specific topics that will lead to the Institute offering a series of cultural competence courses that we can begin offering in the Winter-Spring 2021 semester.

**Fall 2020 Course Schedule** – Registration is now open for the Institute’s Summer-Fall session. We are offering a variety of popular courses, including: Coping with Ambiguity: Leadership for Challenging Times on September 25, Intergenerational Leadership on October 2 and Realignment 101: The Basics of 1991 and 2011 Realignments on October 29. These are three of twenty-three courses being offered online, including 12 satellite campus courses that were postponed due to the Coronavirus. For more information, including a full list of classes and registration details, please visit [www.csacinstitute.org](http://www.csacinstitute.org).

**CSAC Institute Webinar Series** – The Institute offered a series of webinars on crisis leadership practices for today, and on preparing counties for the next new normal. The webinars were led by CSAC Institute faculty and included topics such as adaptive leadership, resilience in the next new normal and facilitating virtual meetings. The webinars were well received and averaged 55 participants, per webinar. The webinars are available on demand at [www.csacinstitute.org](http://www.csacinstitute.org).

**New Supervisors Institute** – CSAC Institute will host a New Supervisor Informational Networking session on November 12, 2020 during the CSAC Annual Meeting. The extensive New Supervisors Institute will be offered to all County Supervisor-Elects after the Thanksgiving holiday. Former County Administrative Officer Robert Bendorf will work with Institute staff to develop the programming for this seminar. Special thanks to Solano County Supervisor Erin Hannigan for co-facilitating this program.

### **CSAC Support Hub for Criminal Justice Programming**

**Grants Overview** – Currently, there are two central grant agreements under the CSAC Support Hub. These grants are provided by the Laura and John Arnold Foundation and The Pew Charitable Trusts. Both grants focus on the continuation, expansion, and sustainment of collaboration between the Support Hub for Criminal Justice Programming and local counties to improve data-driven and evidence-based practices through a structured Strategic Framework. More details on the specific components of the Strategic Framework and county work can be found on the Support Hub attachment.

**Grants Operations** – Although efforts on project specific components and expansion counties have been delayed because of the COVID-19 pandemic, the Support Hub has taken a multi-faceted approach to continuing this critical county engagement. These items include:

- Working with funders, amendments to both grants have been completed and are in the final signatory phase. These amendments mainly focus on extending reporting dates, extending final agreements to near year-end of the 2021 calendar year, and budget modifications to account for shifts with in-person meetings/convenings.
- Continued virtual technical assistance with partner counties to continue the already embarked upon work of components within the strategic framework, including logic models and process



maps, program inventories and cost-benefit analysis, and data collection efforts. Additionally, conversations with county partners have begun to aid in the operational application of Strategic Framework components to what counties are currently confronting with programming and budget impacts.

- For the three counties that are newly partnering with the Support Hub, the Hub continues to stay engaged following initial kick-off meetings but substantive work is not expected to begin until early fall 2020 because of the operational/staffing impacts as a result of COVID-19. These counties include Los Angeles, Contra Costa, and Stanislaus. As a note, Contra Costa county, although new, has remain engaged through initial development of programming inventories, literature assessment, and logic models.

Additionally, the Support Hub had two recent seminars (summarized below) to facilitate a discussion on impacts to counties as it relates to the COVID-19 pandemic and state budget process. Those seminars allowed the Support Hub to both engage partner counties on items that were operationally critical while reinforcing the importance of the Strategic Framework and its explicit usefulness during times of budget constraints.

- June 3, 2020 Interactive Seminar on *“Responding to and Learning from COVID: How Might Data and Analytics Help”* – this virtual seminar engaged partner counties locally and discussed current data and analytic projects, including how that work can apply to some of the operational questions that counties are beginning to grapple with during this pandemic.
- July 8, 2020 Interactive Seminar on *“State Budget and Fiscal Outlook for Counties: Impacts of COVID”* – this virtual seminar walked partnering counties on a number of items including a 2011 Realignment overview and COVID-19 fiscal impacts, the potential policy and budget implications around realignment of the State’s Division of Juvenile Justice program, and the importance of how the Strategic Framework can be applied to these county-critical items.

Both seminars had between 40-50 county participants and a post-survey of the July 8<sup>th</sup> seminar, for the approximately 20% that responded, was positive with all participants noting the seminar as either “Very Valuable” (42.9%) or “Extremely Valuable” (57.1%). This survey also included the opportunity for participants to comment on future seminars they would be interested in attending, as part of the overall Strategic Framework.

Finally, while the Support Hub continues its virtual technical assistance work in partner counties, the Support Hub has also finalized two upcoming seminar series. Beginning in October 2020, these series will be held concurrently every other month, allowing participants in partner counties to engage in both series by attending a once-monthly timeslot.

- Series 1 – Programming. Beginning October 2020 and held every other month, this series will focus on the development and application of elements within the Strategic Framework related to programming. Even if counties have not engaged in all components previously, this series aims to provide enough guidance for counties to implement all elements of the Framework.
- Series 2 – Data and Evaluation. Beginning November 2002 and held every other month, this series will focus on development of an underlying data infrastructure, creating dynamic data dashboards and visualizations, and use data to evaluate programs and other interventions designed to reduce recidivism.



## BY THE NUMBERS

# 1832

Participants

# 53

Counties Represented

### 2019-2020 CAMPUSES

Sacramento  
Mendocino/Lake  
San Diego  
Santa Cruz  
Shasta/Tehama  
Tulare



### FUTURE CAMPUSES

Alameda - 2021  
Mariposa - 2021  
Riverside - 2021

# 52

Classes

# 43

Average Class Size



# 56%

Males



# 44%

Females

# 133

 GRADUATES

# 2

 County Supervisor Credentials

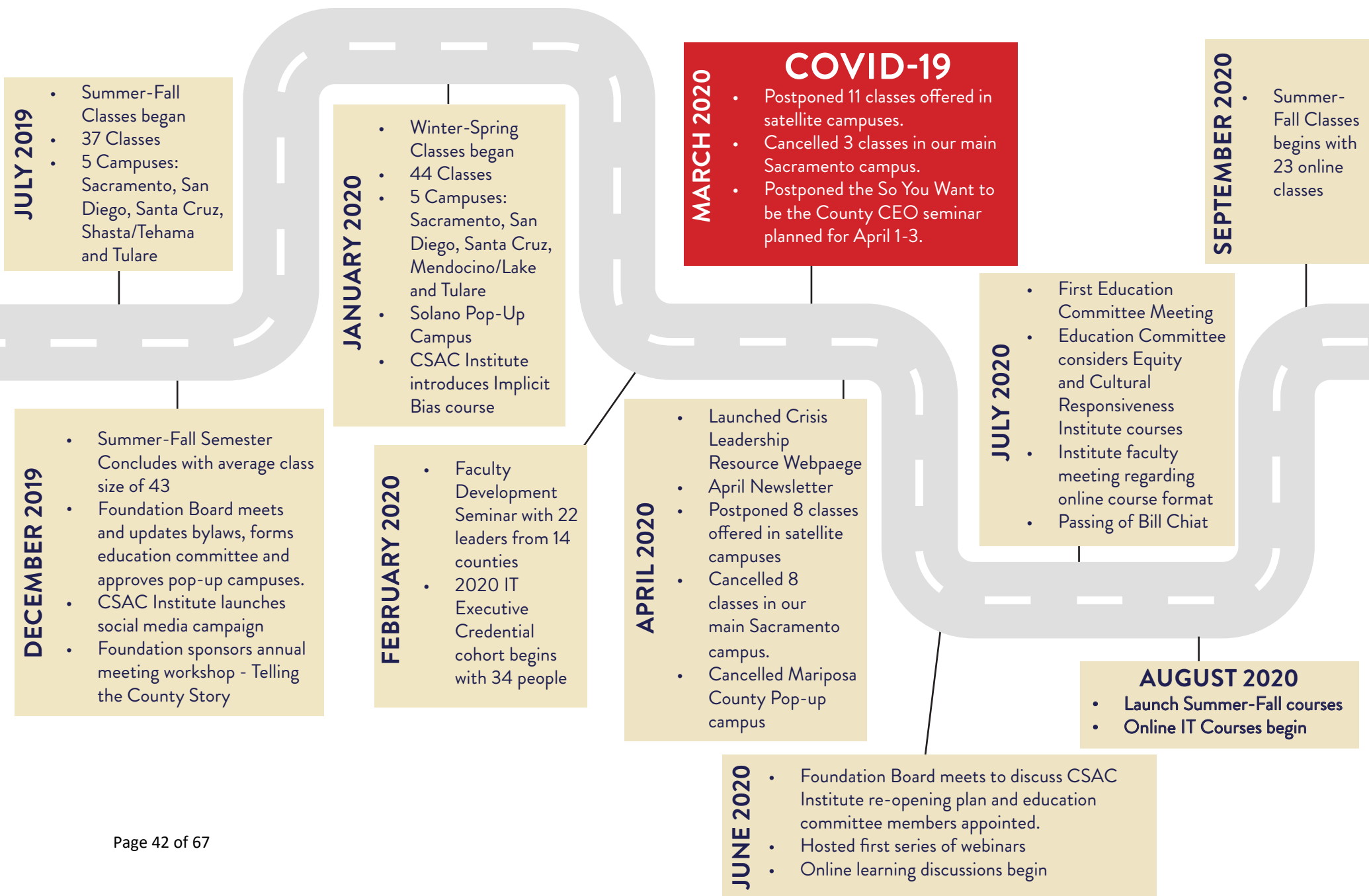
# 100

 Executive Credentials

# 31

 Technology Credentials

# FY 2019-20 ROADMAP



**JULY 2019**

- Summer-Fall Classes began
- 37 Classes
- 5 Campuses: Sacramento, San Diego, Santa Cruz, Shasta/Tehama and Tulare

**JANUARY 2020**

- Winter-Spring Classes began
- 44 Classes
- 5 Campuses: Sacramento, San Diego, Santa Cruz, Mendocino/Lake and Tulare
- Solano Pop-Up Campus
- CSAC Institute introduces Implicit Bias course

**MARCH 2020**

**COVID-19**

- Postponed 11 classes offered in satellite campuses.
- Cancelled 3 classes in our main Sacramento campus.
- Postponed the So You Want to be the County CEO seminar planned for April 1-3.

**SEPTEMBER 2020**

- Summer-Fall Classes begins with 23 online classes

**DECEMBER 2019**

- Summer-Fall Semester Concludes with average class size of 43
- Foundation Board meets and updates bylaws, forms education committee and approves pop-up campuses.
- CSAC Institute launches social media campaign
- Foundation sponsors annual meeting workshop - Telling the County Story

**FEBRUARY 2020**

- Faculty Development Seminar with 22 leaders from 14 counties
- 2020 IT Executive Credential cohort begins with 34 people

**APRIL 2020**

- Launched Crisis Leadership Resource Webpaegge
- April Newsletter
- Postponed 8 classes offered in satellite campuses
- Cancelled 8 classes in our main Sacramento campus.
- Cancelled Mariposa County Pop-up campus

**JULY 2020**

- First Education Committee Meeting
- Education Committee considers Equity and Cultural Responsiveness Institute courses
- Institute faculty meeting regarding online course format
- Passing of Bill Chiat

**AUGUST 2020**

- Launch Summer-Fall courses
- Online IT Courses begin

**JUNE 2020**

- Foundation Board meets to discuss CSAC Institute re-opening plan and education committee members appointed.
- Hosted first series of webinars
- Online learning discussions begin



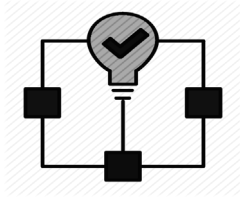
# Support Hub - Strategic Framework

## Program Inventory & Literature Review



Inventory the full list of programs offered with descriptions, budget information, and then match to the evidence and literature that exists.

## Logic Models & Process Maps



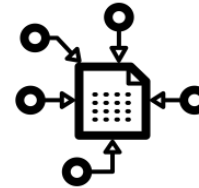
Create models/maps that outline the theory of change for a program. Including planned work, intended results, and how the data will be collected.

## Contracting Practices



Engage providers with data to meet client needs, align targeted outcomes with budgets, and strengthen accountability and fidelity monitoring in order to achieve intended results.

## Data Strategy & Dashboards



Improve monitoring of populations, programs, and outcomes across criminal justice systems, and create data visualizations for a variety of audiences.

## Program Evaluation & Cost Benefit Analysis



Use data to develop program output and outcome evaluations and compare the costs of an intervention to a valuation of the benefits. Findings can be used to guide decision making.



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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Geoff Neill, CSAC Legislative Representative  
Ada Waelder, CSAC Legislative Analyst

**Re: Proposition 15 – Schools & Communities First – INFORMATIONAL ITEM**

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**Recommendation**

The Executive Committee and the Government Finance and Administration policy committee took *no position* on Proposition 15.

**Summary**

Proposition 15, the Schools & Communities First Act, would tax most commercial and industrial property based on its fair market value, beginning in 2022-23. Because the measure would tax commercial and industrial property differently than residential and agricultural property, it’s also known as “split roll.” The measure is estimated to increase tax revenue from these properties by between \$8 billion and \$12 billion per year statewide.

The increased property tax revenue would be distributed to counties, schools, cities, and special districts, in essentially the same proportion as under current law. Before that, however, the increased revenue is required to cover costs incurred by counties to administer the program, as well as any losses to the state General Fund resulting from decreased corporate and personal income taxes.

**Background**

*Current Law*

Article XIII of the California Constitution, originally enacted by Proposition 13 (1978), does not distinguish commercial and industrial property from residential and agricultural property. It caps the ad valorem tax rate for all property at 1 percent and limits increases to the assessed value. Each year, the property’s assessed value can increase by no more than 2 percent or the rate of inflation, whichever is lower. Property is only reassessed when there is a change in ownership or new construction, at which point it is reassessed at fair market value.

Statewide, about 46 percent of property tax revenue is allocated to local agencies: counties (14 percent), cities (13 percent), and special districts (19 percent). While the remaining 54 percent is allocated to schools and community colleges, although the allocation varies considerably among counties.

### *Changes under Ballot Initiative*

This proposal seeks to tax most commercial and industrial real property, including some vacant land, based on current fair-market value, eliminating the limitation on increasing assessed value by no more than 2 percent per year for those properties. The measure would not apply to residential property, property owned or occupied by small businesses with a market value of less than \$3 million, or farmland (though it would apply to a farm's buildings, such as processing and refrigeration facilities).

The \$3 million threshold for small businesses will be adjusted for inflation every two years by the State Board of Equalization (BOE) beginning in 2025. The BOE will be tasked with calculating the inflation adjustment on a county by county basis, taking in to consideration the average market values of each.

The first \$500,000 of a business's personal property (e.g., machinery, computers, and office equipment) will be exempt from taxation, and businesses with fewer than 50 employees will be exempt from taxation on all personal property. Aircraft and vessels are not included in the personal property exemptions.

Proposition 15 would require the Legislature to establish a Task Force on Property Tax Administration, made up of a county assessor, a member of the BOE, a proponent of Proposition 15, a taxpayer representative, and a member of the Legislature. The Task Force is instructed to make recommendations to the Legislature on certain aspects of implementing which the measure leaves to the Legislature to decide.

The measure's shift to market value assessment would be phased in over three fiscal years, beginning in 2022-23. After the initial reassessment, applicable commercial and industrial real property will be regularly reassessed at intervals determined by the Legislature, but no less frequently than every three years. There is an exception to this timeline for property where a majority of square footage is occupied by small businesses with 50 or fewer employees. These properties would not shift to market value taxation until 2025-26, unless a different date is set by the Legislature.

Before allocating funds raised by this measure to local governments and schools, the proposal requires a portion of the new revenues be allocated to 1) the state General Fund to compensate for any reductions in personal income and corporate tax revenue resulting from the measure, and 2) counties to cover their costs of administering the changes. Which county costs are eligible for reimbursement will be determined by the Legislature. However, the measure does state that "such costs shall at a minimum include the costs of assessment, assessment appeals, legal counsel, tax allocation and distribution, and auditing and enforcement" and that the intent is to "provide full adequate funding to counties to cover all costs associated with implementation of the Act."

### *Assessment Appeals*

Proposition 15 also directs the Legislature to work with county assessors to develop a process for hearing appeals resulting from the required reassessments. The measure outlines several requirements for this process. Most notably, the appeals process would not automatically accept an applicant's opinion of value on the property. Under current law, County Boards of Equalization and Assessment Appeals Boards are required to render their decision on an appeal within two years. If they do not, the new value of the property will default to whatever the applicant's opinion of value is, even if that value is unrealistically or artificially low. In addition, Proposition 15 would require the applicant to shoulder the burden of proof that their property was not properly valued, as opposed to the assessor.

### *Fiscal Impact*

Statewide, the Legislative Analyst's Office estimates that this measure would increase annual property tax revenue by \$8 billion to \$12.5 billion in most years. The amount of revenue will fluctuate year to year based on the state of real estate markets at the time.

The California Assessors' Association (CAA) estimates that the cost to implement the measure would be slightly more than \$1 billion during the first three years. They also estimate an approximate 12-fold increase in the number of commercial and industrial properties that counties would have to reassess annually.

### *Impact on Small Counties*

A survey by the CAA found that many small to mid-size counties have very few commercial or industrial properties with a value greater than the \$3 million threshold. Those counties are likely to receive little, if any, increased revenue from reassessments. Meanwhile, businesses in these counties would still receive the tax exemptions for personal property, and would eliminate, or significantly reduce, their property tax obligation on equipment and machinery. Without increased revenue from high value reassessments to offset these exemptions, property tax revenue is likely to decline in these counties.

### **Policy Considerations**

#### *Existing CSAC Policy*

The California County Platform, CSAC's adopted statement of the basic policies of concern and interest to California's counties, say the following:

*In order to meet each community's unique needs, counties must be given greater financial independence from the state and federal budget processes, including the authority to collect revenues at a level sufficient to provide the degree of local services the community desires. Counties will seek a level of financial independence that provides for the conduct of governmental programs and services, especially discretionary programs and services, at an adequate level.. counties advocate for aligning revenue authority with service responsibility, and also support other measures that grant counties financial independence. — Chapter 9 – Financing County Services*

Proposition 15 would result in significant new revenues for most counties, schools, and other local agencies, providing a measure of financial independence from the state and allowing increased services in those communities. However, the measure is also likely to reduce revenue somewhat for some small counties. In deciding on a position, supervisors will have to weigh both of these impacts.

### **Staff Contact**

Please contact Geoff Neill at [gneill@counties.org](mailto:gneill@counties.org) or Ada Waelder at [awaelder@counties.org](mailto:awaelder@counties.org).

### **Resources**

- 1) [Full text of Ballot Initiative](#)
- 2) [Title and Summary by Attorney General](#)
- 3) [Fiscal Analysis by Legislative Analyst's Office](#)



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**EXECUTIVE DIRECTOR**

Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Josh Gauger, CSAC Legislative Representative  
Stanicia Boatner, CSAC Legislative Analyst

**Re: 2020 Ballot Initiative: Proposition 20 – Reducing Crime and Keeping California Safe Act of 2018 – INFORMATION ITEM**

**Recommendation**

The Executive Committee recommends that CSAC take no position on the measure.

**Summary**

This measure amends state law to (1) increase penalties for certain theft-related crimes, (2) change the California Department of Corrections and Rehabilitation’s (CDCR) existing non-violent offender release consideration process, (3) change county probation community supervision practices, and (4) require DNA collection from adults convicted of certain misdemeanors.

**Background**

The criminal justice system has undergone several significant changes over the last decade. These changes primarily intended to reduce county jail and state prison populations, costs of incarceration, and improve reentry and recidivism outcomes among the offender population. Proposition 20 proposes several amendments that overlap with these measures.

AB 109/2011 Public Safety Realignment

*What it did:* Among other changes, Chapter 15, Statutes of 2011 (AB 109) changed adult criminal sentencing so that lower-level—non-serious, non-violent, and non-sex registrant—felons served their sentences in county jail rather than state prison. Under AB 109, offenders convicted of a current non-serious, non-violent, and non-sex registrant felony are still sentenced to state prison if they have a prior conviction for a serious or violent felony or felony subjecting the offender to registration as a sex offender. The non-serious, non-violent, and non-sex registrant population currently being sentenced to state prison under this provision is now released on Post-Release Community Supervision (county probation oversight) rather than state parole. AB 109 was part of the broader 2011 Public Safety Realignment and the source of funding for counties to fulfill these responsibilities is protected under the constitutional amendments passed in Proposition 30 (2012). AB 109-related reforms also included new “tools” for managing the offender population which became a county responsibility, including “split sentences” and “flash incarceration.” Split sentences require a period of Mandatory Supervision on county probation after a period of jail incarceration—similar to state parole. Separately, flash incarceration is an alternative sanction that may be utilized to require a short (up to 10 days) jail incarceration as a response to a violation of the terms and conditions of community supervision (relevant here is Post-Release Community Supervision).

*How Proposition 20 would change it:* This ballot measure would *require* a supervising county agency to petition the court to revoke, modify, or terminate Post-Release Community Supervision, if the supervised person has violated the terms of their release for a third time. Meaning, a third violation would preclude the use of alternative sanctions by probation departments. Additionally, Proposition 20 *requires*, upon a decision to impose a period of flash incarceration, the probation department to notify the court, public defender, district attorney, and sheriff of each imposition of flash incarceration.

#### Proposition 47 (2014)

*What it did:* Proposition 47 implemented three broad changes to felony sentencing laws. First, it reclassified certain theft and drug possession offenses from felonies to misdemeanors unless the defendant has prior convictions for murder, rape, or certain sex or gun offenses. Second, it authorized defendants currently serving sentences for felony offenses that would have qualified as misdemeanors under the proposition to petition courts for resentencing under the new misdemeanor provisions, subject to certain severe crimes noted above. Third, it authorized defendants who have completed their sentences for felony convictions that would have qualified as misdemeanors under the proposition to apply to reclassify those convictions to misdemeanors, subject to certain severe crimes noted above. Additionally, the measure required state savings resulting from the implementation of the act to be transferred to a new fund for specified grant programs.

*How Proposition 20 would change it:* This ballot measure would make multiple changes to criminal sentencing which was impacted by Proposition 47.

- First, because DNA collection is generally authorized for felony convictions, as specified, individuals convicted of crimes that Proposition 47 reclassified from felonies to misdemeanors are no longer subject to DNA collection. Proposition 20 would add numerous misdemeanor convictions to the list of crimes or circumstances in which DNA collection is authorized. Examples include, shoplifting, possession of a controlled substance, assault or battery on school property when school activities are being conducted, disorderly conduct, or certain domestic violence crimes.
- Second, under current law (as impacted by Proposition 47) theft of money or property worth less than \$950 is generally charged as petty theft or shoplifting—generally misdemeanors punishable by up to six months in county jail. Proposition 20 would specify that crimes such as identity theft, forgery, and unauthorized use of a vehicle cannot be charged as petty theft or shoplifting regardless of the value. Alternatively, Proposition 20 would have these crimes charged as “wobblers”—if charged as a misdemeanor, punishable by up to one year in jail, and if charged as a felony, punishable by up to three years in jail or prison.
- Third, Proposition 20 creates new crimes: serial theft and organized retail theft, as specified. These new crimes would apply to offenders who have been previously convicted two or more times on separate occasions of certain retail theft, petty theft, shoplifting, and other specified crimes. Similarly, these new crimes would be “wobblers” punishable by up to three years in jail.

#### Proposition 57



*What it did:* Proposition 57 reformed the juvenile and adult criminal justice system in California by (1) creating a parole consideration process for non-violent offenders who have served the full term for their primary criminal offense in state prison; (2) authorizing the CDCR to award credits earned for good conduct and approved rehabilitative or educational achievements; and (3) requiring judges to determine whether juveniles charged with certain crimes should be tried in juvenile or adult court. Pertinent to Proposition 20, offenders can be convicted of multiple crimes, including a primary crime for which they receive the longest amount of prison time. They can serve additional time due to certain case factors (e.g., use of a weapon or previous convictions). Proposition 57 allowed inmates convicted of non-violent felonies (as defined by current law) to be considered for release by the Board of Parole Hearings (BPH) after serving the term for their primary crimes.

*How Proposition 20 changes it:* This ballot measure classifies additional crimes as “violent” for the purposes of the Proposition 57 parole review process, which results in more individuals being excluded from review, and creates a higher threshold for release consideration. Additionally, the measure allows prosecutors to request a review of BPH release decisions. Under this proposition, violent crimes would now include crimes such as assault, domestic violence, specified human trafficking crimes, and solicitation to commit murder. Lastly, Proposition 20 would create additional review factors for the BPH and delay any reviews after a denial to two years (rather than one).

#### **Proposition 20 Fiscal Impact**

The Legislative Analyst’s Office and Department of Finance estimate increased state and local correctional costs likely in the tens of millions of dollars annually, primarily related to increases in penalties for certain theft-related crimes and the changes to the non-violent offender release consideration process. Additionally, they estimate increased state and local court-related costs of around a few million dollars annually related to processing probation revocations and additional felony theft filings. Lastly, there could be increased state and local law enforcement costs not likely to exceed a couple million dollars annually related to collecting and processing DNA samples from additional offenders.

Given the overlap with crimes reclassified under Proposition 47, this ballot measure could also reduce the state savings that is annually made available for certain grant programs.

#### **Arguments in Support**

Proponents of Proposition 20 generally argue that, despite the violent nature, certain crimes are incorrectly designated as non-violent under California law. Because they are designated as non-violent, offenders serving current state prison terms for these crimes are eligible for parole consideration after serving the full term for their primary offense (Proposition 57 early parole review process). This measure would designate these crimes as “violent” for the purposes of this review and, therefore, make the offenders ineligible for early parole consideration. Additionally, proponents argue that Proposition 20 provides protection against violent crime by allowing DNA collection from persons convicted of theft or drug offenses. Lastly, they argue that Proposition 20 strengthens sanctions against serial theft.

#### **Arguments in Opposition**

Opponents of Proposition 20 generally argue that California already has lengthy sentences and strict punishment for serious and violent crime and this measure would unnecessarily result in tens of millions of dollars being spent on prisons while cutting rehabilitation programs and support for crime victims. Additionally, opponents argue that increasing penalties for theft-related crimes will have a disproportionate impact on Black, Latino, and low-income individuals. Lastly, they argue that California has made progress by enacting criminal justice reforms to reduce prison spending and expand rehabilitation and this measure would repeal California's progress.

### **Policy Considerations**

Proposition 20 includes elements that are both consistent with prior CSAC positions on related measures and inconsistent with CSAC's policy platform and positions.

*AB 109 (No Position)*: CSAC did not have a formal position on AB 109 but actively negotiated the terms of 2011 Public Safety Realignment with an emphasis on local control and fiscal protections. Proposition 20 reduces flexibility afforded under AB 109 as it relates to county probation department decision making for violations of the terms and conditions of Post-Release Community Supervision. This reduced flexibility could result in increased jail incarceration and potentially increased jail costs which would have to be funded within existing county resources.

The CSAC 2011 Realignment platform states that CSAC will oppose efforts that limit county flexibility in implementing programs and services realigned in 2011 or infringe upon our individual and collective ability to innovate locally. Additionally, the AOJ Policy Platform states that the most cost-effective method of rehabilitating convicted persons is the least restrictive alternative that is close to the individual's community and should be encouraged where possible.

*Proposition 47 (OPPOSE)*: CSAC opposed Proposition 47 which requires misdemeanor rather than felony sentencing for certain property and drug crimes and permitted certain offenders to petition for resentencing. Supporting Proposition 20 may be consistent with this prior position. However, it should be considered with the trade-offs of increased incarceration and the following relevant AOJ Policy Platform positions:

- Given that local and state corrections systems are interconnected, true reform must consider the advantage—if not necessity—of investing in local programs and services to help the state reduce the rate of growth in the prison population.
- A shared commitment to rehabilitation can help address the inextricably linked challenges of recidivism and facility overcrowding. The most effective method of rehabilitation is one that maintains ties to an offender's community.

Additionally, each year state savings from the implementation of Proposition 47 is required to be transferred and re-allocated in grant programs, as specified in the initiative. The Budget estimates total state savings of \$102.9 million for 2019-20. Proposition 20 could reduce state savings made available for these grant programs.

*Proposition 57 (NEUTRAL):* CSAC was “neutral” on Proposition 57. While Proposition 57 largely focuses on the management of the state prison and offender population, the decisions the state makes in implementing Proposition 57 undoubtedly impact counties due to the overall criminal justice continuum and close ties between the two systems. As cited above, the AOJ Policy Platform includes language related to helping the state reduce the rate of growth in the prison population and overcrowding.

**Staff Contact**

Please contact Josh Gauger at [jgauger@counties.org](mailto:jgauger@counties.org) or Stanicia Boatner at [sboatner@counties.org](mailto:sboatner@counties.org).

**Resources**

- 1) [Title and Summary](#)
- 2) [Full text of Ballot Initiative](#)
- 3) [Fiscal Analysis by Legislative Analyst’s Office](#)



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Graham Knaus

September 3, 2020

**To:** CSAC Board of Directors

**From:** Josh Gauger, CSAC Legislative Representative  
Stanicia Boatner, CSAC Legislative Analyst

**Re: 2020 Ballot Initiative: Proposition 25 Replace Cash Bail with Risk Assessments Referendum – INFORMATION ITEM**

**Recommendation:**

The Executive Committee recommends that CSAC take no position on the measure.

**Summary:**

The “Replace Cash Bail with Risk Assessments Referendum” requires a majority of voters to approve (Yes vote) a 2018 state law (Chapter 244, Statutes of 2018, Hertzberg-SB 10) before it can take effect. SB 10 replaces the current money bail system with a system for pretrial release from jail based on a determination of public safety or flight risk, and limits pretrial detention for most misdemeanors.

**Background:**

*Current Law*

California utilizes a cash bail system to release detained criminal suspects before their trials. Suspects pay a cash bond to be released from jail pending trial with the promise to return to court for trial and hearings. The cash bond is repaid to suspects after their criminal trials are completed, no matter the outcome.

Alternatively, a person can pay a nonrefundable fee to a bail agent to buy a bail bond. This fee is typically no more than 10 percent of the total bail amount. If the individual does not appear in court as required, the bail agent can seek repayment from the person.

The Judicial Council of California describes bail as a tool to ensure the presence of the defendant before the court. The state's countywide superior courts are responsible for setting cash bail amounts for crimes, and judges are permitted to adjust the cash bail amounts upward or downward.

*COVID-19 Judicial Council Temporary Emergency Bail Rule*

As a result of the state of emergency related to the COVID-19 pandemic, the California Judicial Council enacted Emergency Rule 4 on April 6, 2020. This temporary rule established a statewide emergency bail schedule for designated criminal offenses. The rule required \$0 bail for all misdemeanor and felony offenses with the exception of:

- serious and violent felonies;
- sex offenses;
- domestic battery and violence;

- driving under the influence;
- felon in possession of a firearm;
- violation of a protective order; and
- other specified offenses.

The temporary bail schedule was a setting of presumptive \$0 bail, not a requirement for “no bail” releases. Therefore, nothing in the rule precluded the court from imposing reasonable conditions of release.

The court maintained the ability to depart from the \$0 bail schedule based on individual case factors, criminal history, or good cause to protect public safety or assure future court appearances. Similar to imposing conditions of release, the increase to the “presumptive” \$0 bail schedule could be ordered by the on-call magistrate or could be reviewed at arraignment and, for good cause, the court could depart from the schedule.

This temporary emergency bail schedule was suspended effective June 20, 2020.

**SB 10 (Hertzberg) – California Money Bail Reform Act:**

SB 10 by Senator Hertzberg, the California Money Bail Reform Act, creates a risk-based non-monetary pre-arraignment and pretrial release process for individuals arrested for criminal offenses. The legislation would replace the state’s cash bail system with risk assessments to determine whether a detained individual should be granted pretrial release and under what conditions. The risk assessments would categorize individuals as low risk, medium risk, or high risk. Individuals deemed as having a low risk of failing to appear in court and a low risk to public safety would generally be released from jail. Individuals deemed medium risk could be released depending on rules made by each court and could be subject to certain conditions of release, such as supervision or electronic monitoring. Those deemed a high risk, and those deemed medium risk that are not released according to court rules or a judge, would remain in jail.

SB 10 requires people placed in county jail for most misdemeanors to be automatically released within 12 hours of being placed in jail. However, certain people placed in jail for misdemeanors, such as those placed in jail for domestic violence or who have failed to appear in court more than two times in the past year, would not be automatically released.

SB 10 tasks state trial courts with conducting risk assessments and making recommendations for conditions of release. Of significant importance to counties, SB 10 also authorizes trial courts to contract with certain local public agencies, primarily probation departments, to perform these activities. However, if both the court and local public agency are unwilling or unable to do so, the court could contract with a new local public agency created specifically to perform these activities.

**Fiscal Impact:**

According to the California Department of Finance and the Legislative Analyst’s Office, if voters uphold the state’s pending pretrial process (SB 10), it would result in an unknown fiscal effect on state and local governments related to changes in pretrial proceedings and the supervision of released individuals. There would likely be a reduction in local government costs that could reach

the low tens of millions of dollars annually, from a reduction in the number or amount of time individuals spend detained in county jail prior to trial. Additionally, there would be increased state and local costs tied to administering risk assessments and conditions of release that could be hundreds of millions. Early budget estimates after the passing of SB 10 assumed over \$200 million annually.

**Arguments in Support:**

Proponents for reforming the existing bail system and implementing SB 10 argue that under the current money bail system, if you can afford to pay bail, you go free until your trial. If you cannot afford bail, you must stay in jail. This money bail system does not protect public safety and it results in injustice. Additionally, they argue that Proposition 25 means decisions will be based on risk to public safety, not a person's ability to pay. Lastly, they state that the money bail system can force innocent people to plead guilty to crimes they did not commit.

**Arguments in Opposition:**

Opponents of upholding SB 10 argue that the current system guarantees that people accused of non-violent crimes have the choice of securing their release by posting bail or by order of a judge. They further argue that Proposition 25 replaces this right with an automated system of computer-generated predictive modeling based on mathematical algorithms administered by 58 different counties. Additionally, opponents highlight that certain civil rights groups oppose Proposition 25 because it will create more biased outcomes against people of color and those from economically disadvantaged areas. Lastly, they argue that it forces counties to create a new bureaucracy costing tax payers hundreds of millions of dollars to determine who will and will not get released from jail pending trial.

**Policy Considerations:**

This measure, and SB 10, includes elements that are both consistent and inconsistent with CSAC's existing AOJ Policy Platform on bail. Therefore, CSAC took a "neutral" position on SB 10. Existing AOJ policy supports a bail system that would validate the release of pre-sentence persons using risk assessment tools as criteria for release. SB 10 is consistent with this policy position. Additionally, existing AOJ policy states that any continuing county responsibility in the administration or operation of the bail system must include: 1) a mechanism to finance the costs of such a system and 2) provide counties with adequate local flexibility. SB 10 restricts certain county flexibility in the organization of pretrial release programs and the adequacy of state funding to implement the provisions of SB 10 are subject to negotiations with the state Department of Finance.

For the purposes of the court contracting with a local public agency to provide pretrial assessment services, SB 10 specifies that the court may not contract with a qualified local public agency that has primary responsibility for making arrests and detentions within the jurisdiction. Additionally, pretrial assessment services shall be performed by public employees. Lastly, SB 10 specifies that a "qualified local public agency" is one with experience in all of the following:

- Relevant expertise in making risk-based determinations.
- Making recommendations to the courts pursuant to Penal Code section 1203.
- Supervising offenders in the community.
- Employing peace officers.

SB 10 requires the Department of Finance to allocate fund to local probation departments for pretrial supervision services, as specified. However, probation departments shall only be eligible for this funding when they also contract with a court for the provision of pretrial assessment services.

**Staff Contact**

Please contact Josh Gauger at [jgauger@counties.org](mailto:jgauger@counties.org) or Stanicia Boatner at [sboatner@counties.org](mailto:sboatner@counties.org).

**Resources**

- 1) [Full text of Ballot Initiative](#)
- 2) [Full text of Senate Bill 10 \(Hertzberg\)](#)
- 3) [Title and Summary by Attorney General](#)
- 4) [Fiscal Analysis by Legislative Analyst's Office](#)



# County Counsels' Association of California

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## MEMORANDUM

**To:** Supervisor Lisa Bartlett, President, and  
Members of the CSAC Board of Directors

**From:** Jennifer Bacon Henning, Litigation Coordinator

**Date:** September 3, 2020

**Re:** Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's new case activities since your last meeting in May 2020. Briefs filed on CSAC's behalf are available at: <http://www.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
Los Angeles (Assessor) Orange San Bernardino	Livermore Redding Sacramento Salinas	California

### ***City of Redding v. Superior Court (Baker)***

Pending in the Third District Court of Appeal (filed July 24, 2020)(C092318)

**Status: Briefing completed; Case pending**

This case raises the issue of how the Government Claims Act interacts with class action claims. It arises out of a number of tort claims submitted to the City of Redding for damages caused by the July 2018 Carr Fire. After about 50 individual tort claims were submitted to the city and denied, claimants' counsel filed litigation in state court. Counsel then began filing petitions for relief from the claim presentation requirements on behalf of individuals who did not present timely claims. While those petitions were pending, claimants' counsel filed a motion requesting that the court find the class claims sufficient to fulfill claim presentation requirements for all named and unnamed claimants. The trial court granted claimants' motion, finding it has inherent power to fashion "a new procedure in a complex litigation case to manage and control the processes before it." As to the specific Government Claims Act requirements, the court concluded "that the legislature enacted standardized procedures for the purpose of providing a single process for making a claim against a government agency – but not to



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foreclose the manner in which the claims statutes might be implemented.” CSAC filed an amicus brief in support of the city’s appeal of the trial court order.

***Bezis v. City of Livermore***

Pending in the Ninth Circuit Court of Appeals (filed Feb. 26, 2019)( 19-17386)

Status: Amicus brief due October 14, 2020

The Livermore City Council was considering whether to establish a downtown planning steering committee. Several speakers commented on the agenda item, including plaintiff. However, when plaintiff spoke during public comment on the item, he focused on an unrelated action the Council took the month before. He was admonished several times to keep his comments focused on the agenda item under consideration, though he was not removed from the podium. He later brought this First Amendment action in federal court against the city, alleging that his speech was stifled due to the interruptions of his comments and that the city engaged in viewpoint discrimination. The trial court ruled in favor of the city, concluding that “members of a city council are entitled to interrupt a speaker to remind him or her to limit their remarks to the agenda topic at hand” and that doing so does not infringe on First Amendment rights. CSAC will file a brief in support of the city on appeal.

***District of Columbia v. U.S. Department of Agriculture***

Pending in the D.C. Circuit Court of Appeals (filed May 14, 2020)(20-5136)

Status: Case fully briefed and pending

This litigation, brought by 14 states (including California), the City of New York and the District of Columbia, is a challenge to the Trump Administration’s amendments to SNAP rules. Under SNAP, Able-Bodied Adults Without Dependents” or “ABAWDs” may not receive SNAP benefits for more than three months in any 36-month period, unless they are employed or participate in a work or training program for at least 20 hours per week. However, prior to the recent amendments, states had discretion to seek a waiver to suspend the time limit for “any group of individuals in the State” if the area where those individuals live “has an unemployment rate of over 10 percent” or “does not have a sufficient number of jobs to provide employment for the individuals.” The amendments challenged in this litigation eliminate State discretion and criteria regarding local economic conditions for waiving work requirements. The new rules were set to go into effect on April 1, 2020, but the district court issued a nationwide preliminary injunction, finding that USDA’s actions in adopting the rule changes were arbitrary and capricious. CSAC filed a brief in support of the State of California.

***In re B.E. (Orange County Social Services Agency v. J.E.)***

46 Cal.App.5th 932 (4th Dist. Div. 3 Mar. 23, 2020)(G058062), *petition for review denied* (Aug. 12, 2020)(S262405)

Status: Case Closed

Parents appealed a juvenile court order bypassing reunification services under Welfare and Institutions Code section 361.5, subdivision (b)(13), which allows for services to be bypassed when the parents have “a history of extensive, abusive, and chronic use of drugs or alcohol and [have] resisted prior court-ordered treatment for this problem during a three-year period immediately prior to the filing of the petition.” On appeal, parents argued they

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did not resist within the meaning of section 361.5, subdivision (b)(13) since their respective drug relapses did not equal resisting court-ordered treatment. In an opinion that breaks with established case law, the Court of Appeal ruled the term “resist” in section 361.5, subdivision (b)(13) does not encompass passive resistance, meaning a relapse. In analyzing the other subdivisions, the court found relapse did not align with the other ‘fruitless scenarios’ such as a parent who cannot be found. “In other words, a relapsed parent is far from hopeless. It is decidedly not fruitless to offer services to a parent who genuinely made an effort to achieve sobriety but slipped up on the road to recovery.” CSAC filed a letter in support of Orange County’s petition for review, but review was denied.

***In re C.P. (San Bernardino County CFS v. M.P.)***

47 Cal.App.5th 17 (4th Dist. Div. 2 Mar. 26, 2020)(E072671), *petition for review denied* (July 22, 2020)(S261943)

Status: Case Closed

C.P. was removed from his mother’s custody and his grandparents sought placement. However, grandfather had a 1991 misdemeanor conviction for causing harm to a minor. Such a conviction is nonexemptible and disqualified the grandfather for placement. The juvenile court agreed with the County that such disqualification was an absolute statutory bar to placing C.P. with grandfather. On appeal, the court raised the issue whether the bar was constitutional as applied, finding “[a] permanent, irrebuttable statutory presumption regarding certain convictions—no matter what the underlying facts, no matter how long ago, and no matter the characteristics of the parent apart from the conviction—may not, consistent with the California State and United States Constitutions, absolutely disqualify an adult who shares a parental bond with a child from ever having that child placed in their care.” CSAC filed a letter in support of San Bernardino County’s petition for review, but review was denied.

***New Harvest Christian Fellowship v. City of Salinas***

Pending in the Ninth Circuit Court of Appeals (filed June 15, 2020)(20-16159)

Status: Amicus brief due October 26, 2020

The City of Salinas’s zoning ordinance includes a “Main Street restricted area” in three blocks of downtown that prohibited “[c]lubs, lodges, places of religious assembly, and similar assembly uses” on the ground floor of buildings on three blocks of Main Street. With knowledge of the city’s view that worship services would not be permitted on the ground floor, plaintiff purchased a building within the Main Street restricted area. Plaintiff’s requests for a zoning amendment and conditional use permit for worship services in the new building were denied, though plaintiff was advised it could conduct worship services on the second floor of the building. Plaintiff then brought this lawsuit in federal court alleging that the city’s zoning ordinance treated plaintiff on less than equal terms with comparable secular uses, thus violating the Religious Land Use and Institutionalized Persons Act (RLUIPA). The trial court ruled in favor of the city, finding that the challenged restrictions apply to all assembly-type uses, whether religious or secular. The court also found that plaintiff could not have been substantially burdened since it knew of the restriction when it purchased the building, and because it could relocate its

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church facilities to the second floor of the building or almost anywhere else within the city. CSAC will file a brief in support of Salinas.

***Petrovich Development Co. v. City of Sacramento***

48 Cal.App.5th 963 (3rd Dist. Apr. 8, 2020)(C087283), *request for publication granted* (May 8, 2020), *request for depublication denied* (Aug. 12, 2020)(S263208)

Status: Case Closed

The applicant for a gas station brought this action challenging City’s denial of a conditional use permit, claiming due process violations based a city council member’s bias. The trial court found evidence of bias and ordered a new hearing at which the council member should be recused. The Court of Appeal affirmed, holding that “a party must show either actual bias or show a situation in which ‘experience teaches that the probability of actual bias on the part of the . . . decisionmaker is too high to be constitutionally tolerable.’” Here, that the council member lived adjacent to the neighborhood where the gas station was proposed, was a member of that neighborhood’s association, and had been quoted as stating the gas station did not fit with the project as originally proposed were not the concrete facts needed. Rather, the Court held that the city council did not provide a fair hearing and was impermissibly biased because the member took a position on a conditional use permit prior to the hearing, communicated with city staff about his position, developed talking points, and initiated the motion to overturn the planning commission’s prior decision. CSAC asked the Supreme Court to depublish the opinion, but the request was denied.

***Prang v. Amen Family Trust***

Pending in the Second Appellate District (filed July 2, 2019)(B298794)

Status: Fully briefed and pending

This case involves the proper definition of Revenue and Taxation Code section 62(a)(2), known as the proportional ownership interest transfer exclusion. Generally, real property is reassessed upon a transfer. Section 62(a)(2) excludes transfers between legal entities that result solely in a change in the method of holding title. Here, real property was owned by a corporation run by two voting stockholders and three non-voting stockholders. The two voting stockholders formed a trust, and the property was transferred from the corporation to the trust. The trust asserted the transfer was excluded from reassessment under Section 62(a)(2) because non-voting stockholders do not control a corporation, so the resulting transfer was nothing more than a change in the method of holding title. The trial court agreed with the Assessor that the exclusion did not apply. On appeal, after the case was briefed, argued, and submitted, the Second District invited amicus letters from interested agencies and experts, including the State Board of Equalization and CSAC. CSAC filed an amicus brief in response to that invitation.



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## Update on Activities September 2020

Local government plays an integral part in shaping a thriving community. That's why ensuring that local government leaders have the best resources, connections, and knowledge available is essential for their success. With a 65-year history of serving the needs of local governments in California, the Institute for Local Government (ILG) supports city, county and special district officials in tackling the state's most pressing and evolving issues.

Close alignment with our three affiliates – CSAC, the League of California Cities and the California Special Districts Association-- is critical to our success. Together with these local government partners, ILG maintains continued engagement with local leaders that affords us the opportunity to empower and educate them with real-world expertise.

We are a mission-driven nonprofit organization that is also non-partisan. And -- since ILG is not focused on advocacy -- we have the flexibility to serve as an objective third-party convener that helps cities, counties, and special districts navigate complex issues crossing multiple local and state agencies.

To learn more about our programs and resources visit [www.ca-ilg.org](http://www.ca-ilg.org), or connect with us through our [newsletter](#) or social media through [Facebook](#), [Twitter](#) or [LinkedIn](#).

### Navigating the New Normal – COVID & Beyond

As local government leaders continue to work tirelessly to navigate the COVID pandemic and work to serve their communities, provide essential services and move towards full reopening and recovery, the ILG team continues to focus on our mission of helping local government leaders navigate complexity and effectively implement policies on the ground. Find highlights of ILG's efforts below.

#### COVID Webpage

ILG continues to update its dedicated COVID webpage and has been compiling resources for local agencies including: local, state and national resources, highlights of the local government response to COVID-19, upcoming trainings and other tools available to local government agencies.

Access the webpage at [www.ca-ilg.org/COVID-19](http://www.ca-ilg.org/COVID-19).

## COVID Webinars

ILG has hosted more than ten webinars to help local governments navigate the pandemic:

- **Transparency, Public Access & Trust: Keeping Local Government Open Through Social Distancing** – *Wednesday, April 1, 2020*. Over 700 individuals registered for this webinar discussing how local agencies are balancing continued operations to meet the needs of their communities, with the implications closed offices have on open meetings, public records requests and other operations. Due to the level of interest, ILG also created and FAQ on this topic. Access the recording, slide deck and FAQ here: [www.ca-ilg.org/webinar/transparency-public-access-trust](http://www.ca-ilg.org/webinar/transparency-public-access-trust).
- **Managing Human Resources During a Public Health Crisis** – *Thursday, April 2, 2020*. More than 450 people signed up for this webinar about the Families First Act, collective bargaining, telework, privacy considerations and more. Access the recording, and slide deck here: [www.ca-ilg.org/webinar/managing-human-resources-during-public-health-crisis](http://www.ca-ilg.org/webinar/managing-human-resources-during-public-health-crisis).
- **Staying Connected – Tips and Tactics for Effective External Communication in a Time of Crisis** – *Tuesday, April 7, 2020*. Nearly 400 individuals registered for this webinar that discussed best practices for crisis communications, what the current communications “normal” looks like and preparation for the return to standard practices and future crisis events. Find the slide deck and recording here: [www.ca-ilg.org/webinar/staying-connected-tips-and-tactics-effective-external-communication-despite-social-distance](http://www.ca-ilg.org/webinar/staying-connected-tips-and-tactics-effective-external-communication-despite-social-distance).
- **Financial Uncertainty During COVID-19: Budget Forecasting & Financial Tips for Local Government Leaders** – *Wednesday, April 29, 2020*. Over 500 people signed up for this webinar that shared statewide budget forecasts and tips for helping local leaders begin to navigate this crisis and prepare for the future. Access the recording, slide deck and additional resources here: [www.ca-ilg.org/financecovid19](http://www.ca-ilg.org/financecovid19).
- **New Public Poll on Local Taxes, Rate Increases & More: Informing Policy Decisions** – *Wednesday, May 27, 2020*. This webinar shared the results of a statewide survey highlighting key priorities for essential services, revenue measures and engagement opportunities. Speakers also shared their practical experience and lessons learned from using survey and other data to help make difficult decisions. Find the slide deck and recording here: [www.ca-ilg.org/servicepostcovid](http://www.ca-ilg.org/servicepostcovid).
- **Reframing the Local Planning Process: Lessons Learned from the COVID Crisis** – *Thursday, June 18, 2020*. This webinar focused on the changes that local governments have made to continue to meet the needs of residents, businesses and developers, and what planning policies and practices they can put into place to be better prepared for future crisis events. Find the slide deck and recording here: [www.ca-ilg.org/webinar/planning-post-covid](http://www.ca-ilg.org/webinar/planning-post-covid).
- **Preparing Vulnerable Californians for Natural Disasters-- Is your community listos (ready)?** - *Wednesday, July 15, 2020*. Community members rely on local governments to provide them with timely, accurate information about their local disaster preparedness and response. As we've learned throughout history, disasters disproportionately impact seniors, immigrants, non-English speakers, communities of color, people with disabilities, and the poor. Without significant efforts to engage and educate these communities about disaster preparedness, they are destined to suffer repeatedly,

disparately, and unnecessarily when disaster strikes. This webinar shared data-driven best practices for effectively engaging and educating vulnerable communities about disaster preparedness. Access the recording and materials here: [www.ca-ilg.org/webinar/preparing-vulnerable-californians-natural-disasters](http://www.ca-ilg.org/webinar/preparing-vulnerable-californians-natural-disasters).

- **Tips and Tools to Engage Your Community in a Digital Environment – Wednesday, July 29, 2020.** Ensuring inclusive public participation is more challenging than ever because of physical distancing requirements, the digital divide, language needs and learning curves. This webinar shared innovative strategies for using high-tech and low-tech virtual platforms to engage residents on a variety of topics without meeting face-to-face. Access the recording and materials here: [www.ca-ilg.org/digitalengagement](http://www.ca-ilg.org/digitalengagement).
- **Rethinking Natural Disasters After COVID-19 Building Local Resilience to Earthquakes, Mudslides & Wildfires – Monday, August 17, 2020.** Our community's risk from natural disasters continues to increase despite COVID. When homes, businesses, and infrastructure is destroyed, our very society is at risk of wide-scale shutdown. Natural disaster expert Dr. Lucy Jones discussed how through science and effective planning, we can better understand what the risk is to natural disasters — like earthquakes, wildfires and mudslides — and how to address them, particularly in light of the pandemic. Local agency leaders can make California communities much more resilient to future disasters through the choices we make today and tomorrow. This webinar shared tools to assess, mitigate and prepare for the disruption of a major disaster, as well as specific solutions related to building resilience around energy infrastructure. Access the recording and materials here [www.ca-ilg.org/rethinkingdisaster](http://www.ca-ilg.org/rethinkingdisaster).
- **Technical Assistance Workshop: Public Engagement for Housing Elements During COVID – Tuesday, September 1, 2020.** The COVID pandemic has changed the way local governments engage their communities. Cities and counties across the state are grappling with how to authentically engage their communities and comply with the engagement requirements of their 6th cycle housing element updates. HCD, PlaceWorks and ILG hosted a workshop to share strategies, tools and best practices to engage communities on housing topics in a virtual environment. Access the recording and materials here: [www.ca-ilg.org/HCDWorkshop](http://www.ca-ilg.org/HCDWorkshop).

The ILG team is working closely with CSAC staff to explore additional webinars to help local governments navigate this crisis for the long term. Contact Erica Manuel ([emanuel@ca-ilg.org](mailto:emanuel@ca-ilg.org)) or Melissa Kuehne ([mkuehne@ca-ilg.org](mailto:mkuehne@ca-ilg.org)) for more information.

## Partnering on Education & Training

All ILG webinars are open to all local agency types, but ILG has also proudly partnered with CSAC on some specific webinars that highlight CSAC Finance Corp Partners, including:

- **Resetting the Local Economy after COVID-19 – Wednesday, June 10, 2020.** This webinar with over 400 registrants focused on how local governments can quickly and strategically retool their economies in response to COVID-19 impacts on retail, hotels, tourism, industrial and residential markets. Find the slide deck and recording here: [www.ca-ilg.org/resettingeconomy](http://www.ca-ilg.org/resettingeconomy).
- **Decision-Making and COVID Recovery – Interactive C19 Tool – Wednesday, June 17, 2020.** This webinar highlighted Anthem's new C19 Explorer dashboard that uses a unique breadth of localized data to support citizens and leaders as they navigate recovery in a COVID-19 era. C-19 Explorer is available to the public, elected, and

appointed officials in an effort to strengthen data-driven decision-making using the most up-to-date health data. In a rapidly changing environment, access to critical data drives effective recovery for community, economic and social health. The C19 Explorer creates powerful visualizations of actionable metrics tailored to the local level. Find the slide deck and recording here: [www.ca-ilg.org/anthemcovid](http://www.ca-ilg.org/anthemcovid).

- **It's Not Too Late...Navigating FEMA Public Assistance** – *Wednesday, June 24, 2020*  
As the COVID-19 pandemic continues, businesses and communities around the world are facing new and unique financial challenges. Many municipalities are being devastated financially due to unforeseen expenses related to the COVID-19 pandemic. Disaster funding is available, but reimbursement can be delayed or not approved because of incomplete paperwork, missed steps or a lack of understanding of eligibility criteria. This webinar highlighted how VANIR is ready to help local governments successfully navigate the FEMA Public Assistance Program. Find the slide deck and recording here: [www.ca-ilg.org/femapublicassistance](http://www.ca-ilg.org/femapublicassistance).
- **COVID-19 Impact on the U.S. and California Economies** – *Thursday, June 25, 2020*  
The COVID-19 recession has had a tremendous impact on the economy, led by record-breaking job losses and upended business operations. The near-term outlook is grim but there is optimism that a recovery is on the way. Still, uncertainty looms over the outlook depending upon virus infections and potential medical solutions. This webinar outlined several potential paths forward for the economy, both to the upside and to the downside. Find the slide deck and recording here: [www.ca-ilg.org/covidnationwide](http://www.ca-ilg.org/covidnationwide).

## Cross-promoting CSAC

ILG is proud of our affiliation with CSAC and we highlight it as often as possible through all our communication channels. In addition to monthly CSAC content in our e-newsletter, we actively promote CSAC programs and activities on social media.

Some recent social media posts include:

- [8/19](#): Quoted retweet: Congrats to ILG Board Member @SupervisorLor on her new statewide appointment!  
CSAC tweet: Congratulations to @MercedCounty Supervisor Lee Lor, who has been appointed by @CAGovernor @GavinNewsom to serve on the Board of State and Community Corrections.  
<https://bit.ly/2E2Jz44> @SupervisorLor #MercedCounty #leadership
- [7/31](#): Retweet: #CSAC supports #CivicEngagement: Our friends at the Institute for Local Government have fantastic resources for engaging and educating youth about #localgovernment through civic and work-based learning experiences.  
<https://bit.ly/2YbLHO3> @InstLocGov #CACounties #GetInvolved
- [7/17](#): Mention: #TeamILG sends its condolences to the family, friends, and colleagues of Bill Chiat. Bill was a champion for @CSAC\_Counties and #localgov and led the @CSAC\_Institute for over a decade. Bill, you will be missed.
- [7/16](#): Mention: Thank you to one of our esteemed board members and @CSAC\_Counties for sharing! @SupervisorLor
- [7/14](#): Retweet: #CSAC Supports #CivicEngagement: Our friends at the Institute for Local Government have fantastic resources for engaging and educating youth about



#localgovernment through civic and work-based learning experiences.  
<https://bit.ly/2YbLHO3> @InstLocGov #CACounties #GetInvolved

- [7/2](#): Quoted retweet: Great to see our affiliate @CSAC\_Counties recognized for their leadership in all #CAcounties  
CSAC tweet: #CSAC appreciates @CAgovernor @GavinNewsom's partnership w/ #CACounties in responding to #COVID19. We had a productive mtg w/ the Governor Thurs to discuss key county issues. Shown here, he responds in kind today to a reporter's question. @OCSupBartlett @knaus\_counties @OCGovCA
- [6/17](#): Retweet: @AnthemBC\_News (Anthem Blue Cross of California News) Replying to @CSAC\_Counties @AnthemInc and 3 others @CSAC\_Counties You're welcome. Those interested in learning more can find additional information at <https://anthem.com/ca/recovery> @CSACFinCorp @CsacCorp @InstLocGov
- [6/9](#): Mention: New date! Don't miss our next free webinar for public, elected & appointed officials. The new C19 Explorer tool uses a unique mix of local health data so local officials can better navigate #COVID19 recovery. Register here: <https://register.gotowebinar.com/register/7056070099163284235> @AnthemInc @AnthemBCBS @CSACFinCorp @CloudMedicx
- [5/29](#): Mention: Learn about a new health data tool that uses localized data to help #localgov navigate #COVID19 recovery. Register for a free webinar hosted by ILG and @CSAC\_Counties to learn more. Wednesday 6/3 at 11am. @Anthem <https://register.gotowebinar.com/register/5917689635607481358> #localgov #publichealth #data #pandemic

## ILG is Hiring

Many local governments are exploring issues of equity and engagement in their programs and policies. That's why ILG is hiring a new **Senior Manager of Equity & Public Engagement**. The chosen candidate must have a thorough understanding of public participation, meeting facilitation, inclusive public engagement strategies, collaborative policy, and/or local government. In addition, the successful candidate will understand the many different types of equity -- Economic, Health, Social, Environmental and Racial -- and how those tenets can impact local governments. The position will be open until filled. Visit [www.ca-ilg.org](http://www.ca-ilg.org) for details.





## **ILG Board Meetings**

In lieu of the annual board retreat, ILG's Board met virtually on July 16<sup>th</sup> to hear financial and programmatic updates. The board has agreed to schedule special board meetings as needed to discuss any timely financial and operational issues that may arise due to COVID.

The next ILG regular Board meeting is currently scheduled for Friday, November 20.

**California State Association of Counties  
2020 Calendar of Events – REVISED 8.6.20**

**JANUARY**

- 1 New Year's Day
- 16 CSAC Executive Committee Meeting | Sacramento
- 20 Martin Luther King, Jr. Day
- 29-31 CSAC Platinum Leadership Forum

**FEBRUARY**

- 13 CSAC Board of Directors Meeting | Sacramento
- 17 Presidents Day
- 29 – Mar 4 NACo Legislative Conference | Washington D.C.

**MARCH**

N/A

**APRIL**

- 16 CSAC Executive Committee Meeting | Teleconference

**MAY**

- 20-29 Virtual Lobby Days
- 25 Memorial Day
- 28 CSAC Board of Directors Meeting | Teleconference

**JUNE**

N/A

**JULY**

- 3 Independence Day

**AUGUST**

- 6 CSAC Executive Committee Meeting | Teleconference

**SEPTEMBER**

- 3 CSAC Board of Directors Meeting | Teleconference
- 7 Labor Day

**OCTOBER**

- 7 – 9 CSAC Executive Committee Retreat | TBA
- 8 CSAC Executive Committee Meeting | TBA
- 12 Columbus Day

**NOVEMBER**

- 11 Veterans Day
- 12-19 CSAC 126<sup>th</sup> Annual Meeting | Virtual
- 19 CSAC Board of Directors Meeting | Virtual
- 26 Thanksgiving Day

**DECEMBER**

- 16 – 18 CSAC Officers Retreat | Napa County
- 25 Christmas Day

**California State Association of Counties**  
**2020 Events - *Canceled or Postponed***

**APRIL**

9 Spring Regional Meeting | Shasta County **(Postponed)**

**MAY**

13-15 NACo WIR Conference | Mariposa County **(Tentatively Postponed)**

27-28 CSAC Legislative Conference | Sacramento **(Canceled)**

**JUNE**

TBA Summer Regional Meeting | Orange County **(Postponed)**

**JULY**

17 – 20 NACo Annual Conference | Orange County, Orlando, Florida **(Canceled)**

**SEPTEMBER**

TBA Fall Regional Meeting **(Postponed)**