

CSAC EXECUTIVE COMMITTEE

BRIEFING MATERIALS

January 14, 2016
10:00am - 1:30pm



Meeting Location:
Masonic Hall, 1123 J St,
3rd Floor, Sacramento

California State
Association of Counties



CALIFORNIA STATE ASSOCIATION OF COUNTIES

EXECUTIVE COMMITTEE

Thursday, January 14, 2016, 10:00am - 1:30pm

Masonic Hall, Sacramento

A G E N D A

Agenda times are approximate. Matters may be considered earlier than published time.

Presiding: Richard Forster, President

10:00am PROCEDURAL ITEMS

1. Introduction of New Executive Committee Members
 - *President Forster & Matt Cate, CSAC Executive Director*

2. Roll Call Page 1

3. Approval of Minutes of October 8-9, 2015 Page 2

10:15am SPECIAL PRESENTATIONS

4. CSAC Corporate Partnership Update Page 7
 - *United Healthcare*
 - *Jim Manker, CSAC staff*

5. Report on Governor's Budget & Proposals for 2016-17
 - *Michael Cohen, Director, CA Department of Finance*
 - *Diane Cummins, Special Advisor to the Governor*

10:45am DISCUSSION ITEM

6. Discussion of Budget Impacts & Brown Administration Proposals handout
 - *DeAnn Baker & Advocacy staff*
 - *Matt Cate, CSAC Executive Director*

11:00am ACTION ITEMS

7. Appointment of CSAC Treasurer, NACo Board & WIR Representatives Page 9
 - *President Forster*

8. Appointment of CSAC Policy Committee Chairs and Vice Chairs for 2016 Page 10

- *President Forster*

9. Consideration of State and Federal Legislative Priorities for 2016 Page 11

- *DeAnn Baker & Advocacy staff*

10. Approval of CSAC Policy Committee Name Change Page 33

- *DeAnn Baker, CSAC staff*

12:00pm LUNCH

1:00pm INFORMATION ITEMS

11. CSAC Finance Corporation Report Page 34
 - *Supervisor Linda Seifert, Finance Corp. President*
 - *Alan Fernandes, Finance Corp. Executive Vice President*

12. Updated CSAC Policy & Procedure Manual handout

- *Graham Knaus, CSAC staff*

13. Informational Reports without Presentation Page 37

- ❖ CSAC Litigation Coordination Program

14. Other Items

1:30pm ADJOURN

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
2016

President:	Richard Forster, Amador
1 st Vice President:	Dave Roberts, San Diego
2 nd Vice President:	Leticia Perez, Kern
Immed. Past President:	Vito Chiesa, Stanislaus

Urban Section

Keith Carson, Alameda
John Gioia, Contra Costa
Carole Groom, San Mateo
Don Knabe, Los Angeles
Kathy Long, Ventura
Ken Yeager, Santa Clara
Greg Cox, San Diego (alternate)

Suburban Section

Bruce Gibson, San Luis Obispo
Leonard Moty, Shasta
Linda Seifert, Solano
Hubert "Hub" Walsh, Merced (alternate)

Rural Section

David Finigan, Del Norte
Ed Valenzuela, Siskiyou
Virginia Bass, Humboldt (alternate)

Advisors

Patrick Blacklock, CAOAC Advisor, Yolo
Charles McKee, County Counsel Advisor, Monterey

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
October 8-9, 2015
Cambria Pines Lodge, Cambria, CA

MINUTES

1. Roll Call

Richard Forster, 1 st Vice Pres.	Henry Perea, Fresno
Dave Roberts, 2 nd Vice Pres.	Linda Seifert, Solano (alternate)
John Gioia, Immed. Past Pres.	Virginia Bass, Humboldt
Keith Carson, Alameda	Ed Valenzuela, Siskiyou
Ken Yeager, Santa Clara	Judy Morris, Trinity (via audio)
Kathy Long, Ventura (alternate)	Rick Haffey, CAOAC Advisor
Bruce Gibson, San Luis Obispo	Charles McKee, Co. Counsel Advisor
Leonard Moty, Shasta	

2. Approval of Minutes

The minutes of August 6, 2015 were approved as previously mailed.

3. Discussion with CSAC Finance Corporation Board

Supervisor Linda Seifert was recently elected President of the CSAC Finance Corporation Board and Alan Fernandes has been selected as the new Executive Vice President, replacing Nancy Parrish.

Board members Les Brown and Jim Erb participated in a presentation regarding current Finance Corporation programs which are:

- California Statewide Communities Development Authority (CSCDA). This program is the only conduit issuer in California that benefits all cities and counties through a relationship with CSAC/CSAC Finance Corp. and the League of California Cities.
- US Communities. A pooled purchasing program that leverages the purchasing power of over 90,000 public agencies. There are over 30 products, services and solutions contracts available.
- Nationwide Retirement Solutions. This program provides county employees with 457 deferred compensation plans and retirement services.
- CalTRUST. A local government investment pool open to all California counties, cities, special districts, other public agencies and non-profits.
- Coast2Coast RX. A prescription drug discount program available to all county residents for discounted prescriptions. Counties receive \$1.25 for each prescription filled utilizing the card.

- Medcor. Onsite employee health clinics for county employees and their dependents. Provides a fixed-cost solution for employees and their dependents to seek primary and preventative care services, eliminating claims against insurance.
- Towers Watson OneExchange. A healthcare exchange solution for both Medicare-eligible and pre-65 retirees.

CSAC Finance Corporation staff urged Executive Committee members to assist in marketing efforts by completing a Program Referral Form. The form will help in identifying the appropriate county staff to contact for each Finance Corporation program.

4. CSAC Policies and Procedures Manual Update

Staff distributed an updated version of the CSAC Policies & Procedures Manual, which includes details on various CSAC policies. This document is a companion piece to the CSAC Constitution.

5. 2015 CSAC Legislative Achievement Report

Staff outlined the major state and federal legislative accomplishments for 2015. Some highlights included: Pre-2004 mandate debt paid in full, totaling \$535m for counties; the three-bill marijuana regulation legislative package that was sent to the Governor includes county priorities; Medi-Cal administration funding was increased by \$245m to cover additional county costs; Gaming compact renewals include enforceable mitigation and trust fund revenue; PILT payments to counties were received for the first time in 12 years; Continuum of care reformed for foster youth; and State fairs received \$6m in state funding. Details on these and other CSAC achievements were contained in the briefing materials. It was noted that the CSAC legislative unit has undergone many changes during the past year with the departure of three senior lobbyists. The new members of the advocacy team are doing well.

Staff was directed to send the list of Governor's actions on county-related legislation to the Executive Committee.

6. 2015 CSAC Operations and Member Services Report

Supervisor Judy Morris, CSAC Treasurer, reported that CSAC's fiscal position is healthy. CSAC has an operating reserve that includes an addition \$550,000 above the six-month reserve target. In addition, CSAC completed a fiscal risk assessment to identify opportunities to strengthen fiscal operations and adopted new accounting procedures to increase transparency of operations.

Staff reported that the CSAC Institute continues to be an outstanding success and recently expanded to offer satellite courses in San Diego and Merced Counties. Plans are under way for a Bay Area satellite next year. The CSAC

Corporate Partnership Program had a strong year in 2015. Currently there are 27 Premier partners, 7 Executive partners and 32 Associate partners. CSAC continues to utilize new technologies to expand its communications abilities, especially in the social media arena. A monthly webinar series was recently launched. To date, four webinars have been held on a variety of topics ranging from the drought and wildfires to open data. A panel of 15 judges met recently to select the 2015 CSAC Challenge Award winners. These awards are presented annually to spotlight the most innovative, cost-effective programs developed by California counties. There were 254 entries this year.

7. CSAC Annual Meeting Report

Staff reported that registration numbers are up this year. CSAC has secured an interesting line up of speakers for the conference. A challenge this year is that the Monterey conference center will be undergoing renovations during CSAC's meeting so most meetings will take place at the Marriott Hotel.

8. 2015 CSAC Litigation Coordination Program Achievements Report

Staff reported that 57 new amicus requests were filed this year and amicus briefs or letters were filed in 37 cases. Since 1982, CSAC's Litigation Coordination Program has advocated for counties in state and federal courts, as well as before administrative agencies. The program allows counties to save litigation costs by coordinating in multi-county cases, and by sharing information and resources.

9. Distinguished Service Award Recipients

Each year the Executive Committee is asked to select a recipient for the CSAC Distinguished Service Award which is presented during the annual conference to those who have made the greatest contribution to the improvement of county government in California. This year, staff recommended the following nominees: State Controller Betty Yee; Senator Jim Beall; Department of Finance Director Michael Cohen; and Joe Dhillon, Senior Advisor to the Governor for Tribal Negotiations.

Motion and second to approve Betty Yee as Distinguished Service Award recipient. Motion carried unanimously.

Motion and second to approve Senator Jim Bell as Distinguished Service Award recipient. Motion carried unanimously.

Motion and second to approve Michael Cohen as Distinguished Service Award recipient. Motion carried. Supervisor Valenzuela was recorded as a 'no' vote.

Motion and second to approve Joe Dhillon as a Distinguished Service recipient. Motion carried unanimously.

10. Circle of Service Award Nominees

Staff outlined the list of suggested recipients for the 2015 Circle of Service Award which was created to recognize county officials, department directors, staff, Corporate Associates and other CSAC members whose service to CSAC and counties sets them apart. The list of nominees was contained in the briefing materials. In addition, Supervisor Bass recommended that retiring Humboldt County Health and Human Services Director Phillip Crandall be given this award.

Motion and second to give the award to: Rick Haffey, Judith Reigel, Suzanne Mason, Larry Combs, Charles Lomeli, CSAC Finance Corporation Board of Directors, California's Loyal Order of Dedicated Servants (CLODS), and Phillip Crandall. Motion carried unanimously.

Motion and second to send a letter of recognition to Joe Krahn. Motion carried unanimously.

11. Audited Financial Statements for FY 2014-15

Supervisor Judy Morris, CSAC Treasurer, presented the CSAC audited financial statements for FY 2014-15, as contained in the briefing materials. She reported that the audit indicated that CSAC was eligible for a tax credit resulting from the sale of the Ransohoff building. In addition, the audit findings noted that CSAC was a victim of an email wire fraud scam.

Motion and second to accept the CSAC audited financial statements for FY 2014-15. Motion carried unanimously.

Staff was directed to develop a policy for periodic review of CSAC contracts.

12. Draft CSAC Strategic Plan

Staff presented a draft CSAC Strategic Plan for consideration. The plan, developed by CSAC staff with input from CAOAC officers, reflects goals and objectives to best meet member priorities over the coming years. Executive Committee members provided input on various areas of the plan. An amended draft will be presented to the Board of Directors for adoption in December.

13. Amendments to CSAC Constitution

CSAC staff periodically reviews CSAC's governing documents to ensure alignment to organizational practices and priorities. Following a recent review, counsel is recommending two clarifying changes to the CSAC Constitution related to the Brown Act and to financial involvement in issue campaigns.

Counsel indicated that while there is no specific legal authority applying the Brown Act to an organization like CSAC, the current method for Board of

Director appointments creates some ambiguity about whether CSAC is a “legislative body” as defined by the Brown Act. Staff recommended that the CSAC Constitution be amended to provide that each county nominates one or more supervisors to serve on the Board of Directors with the appointments to the Board to be made by the CSAC Executive Committee. This recommendation would allow CSAC to continue its practice of transparency without subjecting itself to potential liability for technical Brown Act violations, and would also conform to the practices of similar organizations such as League of California Cities, Association of California Water Agencies and the California Special Districts Association.

Motion and second to recommend to the Board of Directors that it approve the staff recommendation that each county nominates one or more supervisors to serve on the Board of Directors, with the appointments to the Board to be made by the Executive Committee. Motion carried unanimously.

The second recommended change to the CSAC Constitution incorporates a super-majority vote requirement for financial involvement in issue campaigns, which the Board of Directors adopted in 2008.

Motion and second to recommend to the Board of Directors that CSAC adopt a 2/3 vote requirement for the Board to approve financial participation in issue campaigns. Motion carried unanimously.

The meeting adjourned to a closed session.

UnitedHealthcare/Optum

At UnitedHealthcare, we are committed to improving the health care system. As a recognized leader in the health and well-being industry, we strive to improve the quality and effectiveness of health care for all Americans, create products and services that make health care more affordable. Optum is a health services and innovation company on a mission to help make the health system work better for everyone. We combine data and analytics with technology and expertise to power modern health care. In collaboration with our partners, we focus on three key drivers of transformative change: modernizing the health system infrastructure, advancing care and empowering consumers.

Contact:

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CSAC Executive Committee Report – 1.14.16

1. Partnership Program Update: We are currently working renewals for our upcoming “half-year” partnership period. We are moving to a fiscal year partnership in July of 2016 to align with CSAC’s budget process.

NOTEWORTHY: Only one Premier partner, Ascendian Healthcare Consulting, is not renewing. United Health Care/Optum are moving up from the Executive Level to the Premier Level! We will begin 2016 with 61 partners (26 - Premier, 6 - Executive, 29 - Associate).

2. Regional Meetings: These one day regional events are designed to bring together our members and leaders from regional counties, our CSAC Executive and Advocacy Team members and our Premier and Executive level partners. Panels and round table discussions help foster the sharing of information and creative solutions critical to excellent county governance.

- Northern Counties Regional Meeting (Shasta County) – Thursday, March 24th. Agenda details and save the date information is forthcoming.
- Motherlode and Surrounding Counties Regional Meeting (Amador County) – Thursday, June 16rd.

3. Looking Ahead: Here are the things we are currently working on.

- A new partner guide designed to help counties understand our partner’s areas of expertise. Release date: January 2016
- We’ve finished our county by county partner procurement guide and distributed to all in attendance at our Partnership breakfast meeting at Annual.
- CSAC Corporate Program twitter page, please follow us!
- New partnerships and idea sharing with other association partner programs
- I’ll be representing CSAC and the partnership program later this month at the California Association of Public Procurement Officials annual meeting.

Thank you again for your support of our Partnership Program.

Respectfully submitted,



Jim Manker
CSAC Director of Corporate Relations



January 14, 2016

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

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Each year, CSAC appoints a Treasurer, two members to the National Association of Counties (NACo) Board of Directors and two members to the NACo Western Interstate Region (WIR) Board of Directors.

Following are Officer recommendations for 2016:

CSAC Treasurer

The Officers would like to recommend that Judy Morris of Trinity County be re-appointed CSAC Treasurer for 2016. Supervisor Morris has indicated her willingness to serve.

NACo Board of Directors

The Officers would like to recommend that Supervisors Keith Carson and Dave Roberts be appointed to serve as CSAC's representatives on the NACo Board of Directors for 2016.

NACo WIR

Supervisor David Finigan currently serves as CSAC representative. The Officers are recommending that he continue to serve during 2016.

Several years ago, California was provided an opportunity to appoint a second director to the WIR Board. CSAC and the Regional Council of Rural Counties (RCRC) agreed to appoint one each, with the appointing organization paying costs related to its appointee. Supervisor Kevin Cann from Mariposa served as RCRC's representative in 2015 and would like to continue to serve in the coming year.

**CSAC POLICY COMMITTEE
CHAIRS AND VICE CHAIRS
2016**

(as nominated by CSAC Officers)

ADMINISTRATION OF JUSTICE

John Viegas, Glenn, Chair
Virginia Bass, Humboldt, Vice Chair

AGRICULTURE, ENVIRONMENT & NATURAL RESOURCES

Diane Dillon, Napa, Chair
Pam Giacomini, Shasta, Vice Chair

GOVERNMENT FINANCE & ADMINISTRATION

Henry Perea, Fresno, Chair
Erin Hannigan, Solano, Vice Chair

HEALTH & HUMAN SERVICES

Ken Yeager, Santa Clara, Chair
Hub Walsh, Merced, Vice Chair

HOUSING, LAND USE & TRANSPORTATION

David Rabbitt, Sonoma, Chair
Bob Williams, Tehama, Vice Chair



California State Association of Counties®

CSAC 2016 STATE ADVOCACY PRIORITIES

***** DRAFT *** Presented to CSAC Executive Committee – January 2016**

California continues to outpace the rest of the country in all measures of growth as the nation enters its seventh year of economic recovery. However, within the state, progress has been uneven with many counties that are still not realizing the same level of economic stability compared to pre-recession standards. This is the stage for California's counties as we begin to prepare for the next inevitable downturn.

The CSAC 2016 policy priorities, therefore, are organized around three concepts where our partnerships with the state and federal governments can be strengthened to serve all Californians: **Local Budget Stability; Economic Development and Healthy Communities; and Infrastructure Investment.**

LOCAL BUDGET STABILITY. Some counties are sharing in the stronger state and national economy while others are lagging, especially in geographic areas where residents are in need of more economic opportunities and supportive services. As counties continue to take on more responsibility than ever for providing state programs, we look forward to a strong partnership with the state and continued funding for programs in which we share responsibility, including public safety grants, jail health costs, Payment in Lieu of Taxes (PILT), debts owed for past local government mandates, and Affordable Care Act eligibility administration.

ECONOMIC DEVELOPMENT AND HEALTHY COMMUNITIES. Local decisions about policies that spur the economy and improve the quality of life in local communities are often more successful when complemented by incentives and resources provided by state and federal governments. While local flexibility is critical for successful implementation of policy, clear and consistent state policy direction where applicable is also essential. This includes policies related to ensuring affordable housing, dedicating cap and trade revenue for local greenhouse gas reduction projects, and implementing universal broadband, election reforms, and foster care reforms, as well as addressing the state's still-persistent poverty issue.

INFRASTRUCTURE INVESTMENT. Safe, efficient, and sustainable infrastructure is essential to quality of life and economic prosperity. In some regions, critical components that underpin California's civic and economic life, including roads, bridges, flood protection, an adequate and safe water supply, and jail facilities, are not meeting basic standards because of deferred maintenance and inadequate revenue. County leaders' support for new, ongoing, and dependable funding, in combination with relieving unnecessary restrictions that hinder innovation and resourcefulness, will secure the needed resources for sound infrastructure investments.

LOCAL BUDGET STABILITY

- **Payment in Lieu of Taxes (PILT).** CSAC will advocate for the current year payment of PILT totaling approximately \$644,000 as well as ongoing future payments. (Agriculture, Environment and Natural Resources)
- **IHSS MOE/Coordinated Care Initiative/Managed Care Organization Tax.** CSAC is mindful of the potential impact to counties should the Legislature fail to secure a new managed care organization (MCO) tax – a \$1.1 billion loss in funding – and should the Administration not realize the anticipated savings from the Coordinated Care Initiative (CCI). CSAC supports the CCI and remains committed to its success and eventual expansion of the pilot to all counties. CSAC will also work to protect the county in-home supportive services (IHSS) MOE and support a reasonable MCO tax. (Health and Human Services)
- **Medi-Cal Eligibility Administration Costs.** CSAC will continue to advocate for sufficient funding for county costs related to Medi-Cal eligibility workload and support efforts to undertake a work- and time-study project to better determine funding levels in the future. An estimated \$200 - \$300 million will be needed to adequately support county activities. (Health and Human Services)
- **Vital Records Paper Shortage.** CSAC will advocate for a solution that ensures counties can issue certified copies of birth, death and marriage certificates, despite the abrupt closure of the only authorized provider of banknote paper that met the statutorily required security standards. While temporary solutions are in place, a long-term approach to ensuring that counties are prepared to serve residents' needs for vital records with an adequate inventory of secure banknote paper is necessary. (Employee Relations and Administrative Services)
- **Court Security Supplemental Funding.** CSAC, in collaboration with the California State Sheriffs' Association, was successful for the last two years in securing additional funding for county supplemental court security staffing associated with the activation of a new court facility. This year CSAC, through continued collaboration, will advocate for sustained baseline funding for those counties awarded resources in FY 2015-16, will work to identify potential future needs, and conduct individual county outreach where needed. In FY 2016-17, the funding level for the supplemental court security line item must be calibrated to cover ongoing approved county costs from the current year along with an estimate of the potential new costs in the budget year. (Administration of Justice)
- **Community Correctional Partnership (CCP) Planning Grants.** CSAC will advocate for \$7.9 million in CCP planning grants to ensure counties may dedicate training and resources to their CCPs at a time when they are addressing significant reforms in the criminal justice system. The grants allow the CCPs the opportunity to discuss how to continue investing in their local systems and address public safety needs. (Administration of Justice)
- **Jail Health Costs.** For Medi-Cal eligible inmates who have a 24 hour or longer hospital stay, CSAC will continue to work with county affiliates and the Administration to determine the process for counties to claim federal financial participation. This includes working with the Administration to secure finalized and streamlined claiming protocols. (Administration of Justice; Health and Human Services)

- **Sales and Use Tax Revenue Protections.** CSAC strongly advocates for the protection of local sales and use tax revenue and, in addition, will oppose efforts to erode the state sales and use tax base that could impact allocations to county-designated revenue shares for services including public health, safety and transportation. (Finance and Operations)
- **AB 85 Health Realignment Implementation.** In 2016, the Administration will complete for the first time its final determinations of each county's 1991 Health Realignment AB 85 diversion amounts for fiscal year 2013-14. CSAC will continue to engage the Administration and monitor the integrity of the determinations, as well as work to establish an efficient payment or recoupment process. (Health and Human Services)
- **Affordable Care Act Excise Tax.** CSAC will engage state and federal resources to ensure a minimal fiscal impact to county employers. In addition, CSAC will ensure that county officials receive timely education on the imposition of the Affordable Care Act (ACA) Excise Tax, which will be imposed on employers beginning with taxable year 2020. This means employers could be required to pay an annual 40 percent tax on the cost of employee health coverage that exceeds a predetermined threshold amount. (Employee Relations and Administrative Services)
- **Post-2004 Mandate Repayment Plan.** The secured, full reimbursement of pre-2004 mandate debt still leaves over \$1.1 billion in post-2004 mandate debt owed to local agencies statewide. Although this debt is not officially included in the so-called "wall of debt," CSAC will work with the Administration to develop a pay-down plan to secure funding for those services already rendered by local agencies. (Finance and Operations)
- **Mandate Reform Working Group.** In addition to seeking mandate debt reimbursement, CSAC will actively engage with the Administration and stakeholders to study the current state mandate reimbursement system and identify potential alternatives to establish greater repayment certainty and reduce the potential for payment backlogs. (Finance and Operations)
- **CalPERS' Actuarial Separation of Court Employees.** SB 2140 (Burton; 2000) enacted the Trial Court Employment Protection and Governance Act that requires a trial court and county participate under a joint PERS contract if the trial court is located within a county contracting with PERS for retirement benefits. This results in pooled assets and liabilities, a single employer contribution rate, and a single benefit package. Following the implementation of GASB Statement 68, full pension liabilities are required to be disclosed on county balance sheets. As such, the pooling of assets and liabilities with state trial court employees has resulted in the overstatement of those liabilities. It has also resulted in additional administrative work and barriers for counties practicing fiscal prudence when addressing unfunded liabilities. CSAC will work with the Judicial Council of California, counties and CalPERS to investigate a solution that will result in counties having the option of separating assets and liabilities from the trial courts. (Employee Relations and Administrative Services)
- **Tribal-State Gaming Compacts.** CSAC will continue to work with counties and the Administration to ensure new and renegotiated tribal-state gaming compacts still include judicially-enforceable local agreements and the other positive components that mitigate the impacts of casinos on local government services and the environment. (Housing, Land Use and Transportation)

- **Indian Gaming Special Distribution Fund.** CSAC will explore ways to improve the Special Distribution Fund (SDF), which provides grants to counties and other local agencies to mitigate impacts from gaming. The 2015 compacts signed by the Governor maintained the SDF program, but counties have consistently found the program difficult to implement. Although the program has been unfunded for the last two budget cycles due to a structural deficit, the Legislature has continued to create new and more onerous requirements on the use of grant funds. (Housing, Land Use and Transportation)

ECONOMIC DEVELOPMENT AND HEALTHY COMMUNITIES

- **Tree Mortality Emergency Response and Preparedness.** CSAC will work with the Administration on the Executive Order on tree mortality while advocating for local assistance and financial resources in order to limit the public health and safety risk from dead and dying trees. (Agriculture, Environment and Natural Resources)
- **Traffic Fine Amnesty Program.** CSAC will focus on future legislation that could extend the current Traffic Tickets/Infractions Amnesty Program that is authorized from October 1, 2015, to March 31, 2017. The Legislature and program advocates are interested in extending the temporary program into long-term reforms and reductions to the current fine and penalty system. CSAC will continue work with the Judicial Council, advocates, the Administration, Legislature, and the Legislative Analyst's Office on any proposals to ensure that county responsibilities and costs are contained should program expansion be pursued. (Administration of Justice)
- **Marijuana.** CSAC will continue to work on any legislative clean-up relative to the recently chaptered medical marijuana legislation as well as provide comments and input into legalization efforts ensuring local control, taxation and funding for environmental impacts. Should a measure qualify for the ballot, CSAC will review the proposal and provide a thorough analysis to the Agriculture, Environment and Natural Resource Policy Committee to ultimately provide a recommendation to the Board of Directors. (Agriculture, Environment and Natural Resources)
- **Elections Reform Funding.** California is undergoing major changes to the statewide election system to bring the costly, antiquated process into the 21st century. Last year significant strides were made to adopt automatic voter registration, implement a centralized voter information database, and expand voting opportunities. Because counties serve as elections administrators for the state and other local government entities, CSAC will advocate for flexibility and financial assistance in the adoption of new voting systems and practices. In addition, CSAC will continue to advocate for fully funded elections mandates and support appropriate election cost-reduction proposals. (Finance and Operations)
- **Proposition 47 Implementation.** The impact of Proposition 47 on county criminal justice systems has been difficult to calibrate. CSAC will continue working closely with counties, criminal justice system partners, the Administration, Legislature, the Board of State and Community Corrections, and other key stakeholders on the process of allocating any potential savings to the state as a result of Proposition 47. (Administration of Justice)
- **Cap and Trade.** CSAC will continue to advocate before the Administration and Legislature for additional resources to help reduce greenhouse gas (GHG) emissions at the local level. CSAC will

continue to engage in Administration-led efforts that include the Forestry Climate Action Team, the update of the 2016 Investment Plan, and the update and use of the California Communities Environmental Health Screening Tool (CalEnviroScreen) in the allocation of cap and trade auction proceeds to disadvantaged communities across all sectors. CSAC will also continue to engage with the Strategic Growth Council to ensure that the Affordable Housing and Sustainable Communities Program funds transportation and housing projects that result in significant GHG reductions while not being overly prescriptive and thereby limiting innovative projects. In addition, CSAC will engage in legislative efforts to influence the appropriation of the remaining of FY 2015-16 auction revenues as well as work to influence the distribution of FY 2016-17 funds. (Agriculture, Environment and Natural Resources; Housing, Land Use, and Transportation)

- **Groundwater.** CSAC will continue to represent county interests in the Sustainable Groundwater Management Act (SGMA) regulatory processes working with our joint County SGMA Working Group. (Agriculture, Environment and Natural Resources)
- **Broadband Access and Adoption.** There have been recent and increasing legislative and regulatory actions related to broadband infrastructure development, funding resources, and definitions of this technology. CSAC will continue to advocate for policies that recognize the diversity of county resources and needs to maximize economic development, service delivery, and future investment opportunities in all 58 counties in the promotion of broadband access and adoption. (Finance and Operations)
- **Behavioral Health Funding.** The 2011 Realignment Behavioral Health Sub- and Growth Accounts have been of interest to the mental health advocate community, the Legislature, and Administration. CSAC remains engaged in discussions with the County Behavioral Health Directors Association and the Administration to determine equitable distributions and in initial discussions related to setting a behavioral health base. CSAC will also continue to oppose any legislation that reduces local flexibility or otherwise adversely impacts the obligations of county behavioral health systems. (Health and Human Services)
- **California Inmate Identification Card Pilot Program Expansion.** CSAC will continue working with the Department of Motor Vehicles to expand on the newly developed Inmate Identification Card Pilot Program. The program started in October and following several months of program implementation in San Diego County the goal is to expand this program to additional interested counties. (Administration of Justice)
- **Continuum of Care Group Home Reform.** CSAC will continue to advocate for attention to the policy and fiscal impacts of AB 403 (Stone; 2015) to ensure that county child welfare services, behavioral health, and juvenile probation systems are adequately resourced to implement this ambitious policy change. CSAC will continue to convene county affiliates in discussions to ensure a coordinated advocacy effort and lead efforts on the Proposition 30 implications of the bill. (Health and Human Services)
- **Medi-Cal 2020 Waiver Implementation.** While the Section 1115 Medi-Cal 2020 Waiver has been agreed to in concept and the Special Terms and Conditions have been finalized with the Centers for Medicare and Medicaid Services (CMS), there is still much work to be done to implement the fiscal

and policy aspects of the deal. CSAC will continue to be an active participant in that process. (Health and Human Services)

- **Drug Medi-Cal Implementation.** CSAC will remain engaged as the Drug Medi-Cal Organized Delivery System Waiver continues to be phased into the various regions throughout the state. A key interest for CSAC will be the development of the financing mechanisms, the rate development process, and ensuring access to care and services for beneficiaries. (Health and Human Services)
- **Poverty Working Group.** California's poverty and homelessness rates remain amongst the highest in the nation and affect all Californians, including children, adults, and seniors. CSAC will continue to convene Poverty Working Group meetings to explore policies and serve as a hub for sharing innovative local programs and initiatives addressing poverty and homeless issues. (Health and Human Services)
- **Pew/MacArthur Results First Program.** CSAC will develop and expand on a new partnership with the Pew-MacArthur Results First Initiative in an effort to support county leaders as they engage in evidence-based policymaking. The goal of the CSAC-Results First partnership is to develop in-state capacity to support California county leaders who seek to invest in programs that will produce the best outcomes for residents and the highest rate of return on the counties' criminal justice investments. (Administration of Justice)

INFRASTRUCTURE INVESTMENT

- **Transportation Funding.** CSAC staff and coalition partners will keep pressure on the Legislature and Governor to develop a feasible transportation funding package through continued advocacy and a public education and outreach campaign. Consistent with long-standing CSAC policy, the funding package may include new tax revenue, additional cap and trade auction proceeds, and redirecting existing revenues for transportation infrastructure. Staff will work closely with the County Engineers Association of California (CEAC) to highlight the significant infrastructure challenges facing the local streets and road. With continued effort in 2016, we will be poised to take up the funding issue in 2017 if a package does not materialize during this session. CSAC will also collaborate with the Board of Equalization to bring greater stability to the transportation tax swap rate setting process through the existing statutory authority. (Housing, Land Use and Transportation)
- **Water and Flood Control Infrastructure Funding - Article X Amendment.** CSAC will support an amendment to Article X of the California Constitution that would 1) enhance the ability of local agencies to finance stormwater capture and flood control infrastructure; 2) provide more flexibility for the voluntary establishment of conservation-based water rates; and 3) allow agencies, at their discretion, to implement lifelines rates for low-income households. Central to this effort, CSAC will continue to represent county interests on the coalition of statewide organizations that came together last year to develop a ballot measure to fund stormwater services. (Agriculture, Environment, and Natural Resources)
- **Jail Construction Bond Allocations.** CSAC will continue to advocate for, in collaboration with the California State Sheriff's Association, additional jail construction funding. As the Board of State and Community Corrections is working on allocating SB 863 funding, only 12 of the 32 counties that

applied have been recommended for full conditional awards. While \$500 million in grants are available, applications far exceeded that amount and total more than \$1.2 billion in need.
(Administration of Justice)

- **Solid Waste Tipping Fee.** CSAC will actively engage in ongoing discussions regarding an increase to the State's solid waste disposal fee (Tipping Fee). Efforts will focus on negotiating a workable tipping fee structure, placing emphasis on the need to keep the increase reasonable, and to include the cost of the State Water Boards' Waste Discharge Requirement (WDR) fees in any tipping fee increase.
(Agriculture, Environment, and Natural Resources)
- **Affordable Housing.** CSAC will continue to support affordable housing efforts in 2016, including increasing the state's affordable housing tax credit program. In addition to new funding efforts, CSAC is currently working to reduce red tape and streamline the environmental review process, and related improvements that will result in the production of new affordable housing. (Housing, Land Use, and Transportation)

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California State Association of Counties®

CSAC 2016 FEDERAL ADVOCACY PRIORITIES

***** DRAFT *** Presented to CSAC Executive Committee – January 2016**

CSAC staff, in consultation with Waterman and Associates, developed the following list of federal issues of significance to California's counties. These issues will represent the association's top lobbying priorities for 2016, with CSAC staff and Waterman and Associates working together to identify other emerging topics that may necessitate action throughout the year.

State Criminal Alien Assistance Program (SCAAP). CSAC will continue to serve as a lead advocate in efforts to protect, as well as enhance, the SCAAP program, which is a key source of federal funding for a significant number of California's counties. CSAC will fight to restrict statutory language that authorizes the U.S. Department of Justice to transfer a significant percentage of SCAAP funding to other justice accounts.

CSAC also will continue to advocate for a long-term reauthorization of SCAAP (S 2395) and will continue to seek several key programmatic changes to the program.

Native American Affairs/Fee-to-Trust Reform. CSAC will continue to lead local government efforts aimed at securing a comprehensive legislative overhaul of the Department of the Interior's fee-to-trust process. A number of CSAC-spearheaded reforms are reflected in legislation (S 1879) that is currently pending in the Senate. CSAC will continue to advocate for a number of additional key amendments to S 1879 and will work with the House to promote a similar, comprehensive reform package.

Payments In Lieu of Taxes (PILT). CSAC will continue to advocate for a long-term reauthorization of mandatory entitlement funding for the PILT program. In the absence of a long-term renewal, CSAC will support continued full funding for PILT via the appropriations process.

Secure Rural Schools (SRS) Act Reauthorization/Federal Land Management Reform. CSAC will maintain efforts aimed at securing a multi-year reauthorization of the SRS program. Absent a long-term program renewal, CSAC will continue to support short-term extensions of the Act. In addition, CSAC will continue to advocate for responsible reforms to federal land management. Such reform efforts should promote healthy forests, protect endangered species habitat, safeguard downstream water quality, improve California's water supply, and reduce the risk of wildfires.

Temporary Assistance for Needy Families (TANF) Reauthorization. CSAC will continue to promote TANF reauthorization legislation that would restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. CSAC also supports maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

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

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

Affordable Care Act Excise Tax. CSAC will monitor legislative proposals, and consider lending support to such efforts, that would eliminate the Affordable Care Act Excise Tax. Effective in 2020, a 40 percent federal excise tax will be imposed on high-cost health insurance plans that have a total cost exceeding a statutory dollar amount. The excise tax is based on the total cost of the employer and employee contribution to the plan, as well as any savings account arrangements such as health reimbursement arrangements and flexible spending accounts.

A number of California counties offer health insurance plans and related programs that will exceed the totals prescribed in the law. Existing labor agreements lock the current plans in place and negotiations of new labor contracts may have to take the tax into consideration.

Property Assessed Clean Energy (PACE) Program. CSAC supports legislative and administrative remedies that would help expand residential PACE programs. The Federal Housing Finance Agency (FHFA) issued a directive in 2010 that effectively shut down PACE programs in California and across the country. Bipartisan legislation that would prevent FHFA from adopting policies that contravene established state and local PACE laws remains on the table.

Water Resources. CSAC will monitor legislative proposals to ensure consistency with CSAC's comprehensive policy direction on water. Given the ongoing drought, various interests continue to pressure California's congressional delegation and the Obama administration to address the state's chronic water shortage. A range of proposals are being discussed that would address water transfers, endangered species laws, water quality, and California Bay-Delta protections, amongst others.

CSAC will continue to look for opportunities to promote legislation that would provide a Clean Water Act Section 404 permitting exemption for maintenance removal of sediment, debris, and vegetation from local flood control channels and basins.

CSAC also will continue to monitor and support congressional efforts aimed at overturning some of the problematic reforms of Environmental Protection Agency's "Waters of the U.S." regulation.

Remote Sales Tax Legislation. CSAC will continue to advocate for federal legislation (S 698) that would authorize state and local governments to require tax collection and remittance by remote sellers. As online sales continue to grow, local governments are losing billions of dollars in uncollected sales tax revenue.

Victims of Crime Act Funding (VOCA). Victims of Crime Act (VOCA) funding was increased as part of the fiscal year 2016 omnibus appropriations Act. The VOCA Fund, which is supported by federal criminal

finances and penalties, currently stands at \$3.04 billion (up from \$2.36 billion in FY 2015). While dollars from fines/penalties comprise the entirety of the fund, congressional appropriators can adjust the cap, which is what has been done in recent budget action. In the past, California has received on average \$58 million for the victims assistance VOCA funds. In 2015, California received over \$232 million. While most of the \$232 million will be in competitive grants, for the first time ever \$40 million is going directly to all 58 counties based on population and violent crime statistics. CSAC will continue to advocate for increased funding, which helps support domestic violence shelters, services for victims of human trafficking, and other services for victims of violent crimes.

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Administration of Justice

The Administration of Justice policy area has responsibility for a broad array of justice-related issues that includes corrections reforms, juvenile justice, probation, courts, local law enforcement, adult and juvenile detention, grand juries, and all county functions connected to the civil and criminal justice systems – including implementation of 2011 public safety realignment (AB 109).

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Glenn County

VICE-CHAIR:

Supervisor Virginia Bass,
Humboldt County

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Primary Legislative Policy Committees

Senate and Assembly Judiciary Committees
Senate and Assembly Public Safety Committees
Senate and Assembly Appropriations Committees

Primary Budget Subcommittees

Senate Budget and Fiscal Review Subcommittee No. 5 on Corrections,
Public Safety, and the Judiciary
Assembly Budget Subcommittee No. 5 on Public Safety

Key State Agencies

California Department of Corrections and Rehabilitation
Board of State and Community Corrections
Department of Finance
Judicial Council
Attorney General/Department of Justice

Key CSAC Affiliates

California District Attorneys Association
California Judges Association
California Public Defenders Association
California Revenue Officers Association
California State Coroners' Association
California State Sheriffs' Association
Chief Probation Officers of California
County Administrative Officers Association of California

CSAC Internal Working Groups/Task Forces

Realignment Allocation Committee
County Criminal Justice Analysts' Forum

Legislative Responsibilities

- Crimes and corrections – 2011 public safety realignment (broad implementation, programmatic, and funding issues; fiscal structure; allocation), detention facilities; victims' issues; prisons and parole; probation

Legislative Responsibilities (continued)

- Court Issues – Trial court reforms; court administration and financing; court facilities and security; fines and forfeitures; judges; civil and criminal procedure; attorneys; collection of court-ordered debt
- Juvenile justice issues
- County counsel
- Family law – family violence; probate; guardianship/conservatorship
- Law enforcement – alcohol beverages; crime labs; funding; and gambling
- General local government – county officials; grand juries
- Tort Reform – immunity; insurance; liability; settlement and judgments
- Miscellaneous/state government issues – terrorism; contracts; Political Reform Act; term limits

January 2016



Agriculture, Environment and Natural Resources

The Agriculture and Natural Resources (ANR) Policy Committee is responsible for the review of state budget items and ballot measures, and state/federal legislative and regulatory proposals that affect agriculture, the environment and natural resources.

CHAIR:

Supervisor Diane Dillon, Napa County

VICE-CHAIR:

Supervisor Pam Giacomini, Shasta County

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Primary Legislative Policy Committees

Senate and Assembly Agriculture Committees
Senate and Assembly Appropriations Committees
Senate Environmental Quality Committee
Senate Natural Resources and Water Committee
Senate Energy, Utilities and Communications Committee
Assembly Environmental Safety and Toxic Materials Committee
Assembly Water, Parks and Wildlife Committee
Assembly Local Government Committee
Assembly Utilities and Commerce Committee

Primary Budget Subcommittees

Senate Budget and Fiscal Review Committee and Subcommittee No. 2 on Resources, Environmental Protection, Energy and Transportation
Assembly Budget Committee and Subcommittee No. 3 on Resources and Transportation

Key State Agencies

California Environmental Protection Agency
CalRecycle
State Water Resources Control Board
California Air Resource Board
Office of Environmental Health Hazard Assessment
California Natural Resources Agency
Department of Parks and Recreation
Department of Water Resources
Department of Conservation
State Mining and Geology Board
Department of Fish and Wildlife
Department of Forestry and Fire Protection
Board of Forestry and Fire Protection
Department of Food and Agriculture
Office of Emergency Services
California Energy Commission
Public Utilities Commission

Key CSAC Affiliates

County Engineers Association of California (CEAC)
California County Planning Directors Association
California Agriculture Commissioners and Sealers Association

Key CSAC Affiliates (continued)

California Conference of Directors of Environmental Health

California Operational Area Coalition

California Emergency Services Association

California Animal Control Directors Association

California Association of Regional Parks and Open Space Administrators

County Building Officials Association of California

CSAC Internal Working Groups/Task Forces

CSAC Climate Change Task Force

CSAC Marijuana Working Group

CSAC Water Working Group

CSAC/RCRC Williamson Act Working Group

CSAC/ RCRC Groundwater Management Working Group

Legislative Responsibilities

- Agriculture: Williamson Act, commissioners/weights & measures, pesticide use, county fairs and food safety
- Natural Resources: water, including supply and quality issues, Delta, bonds, groundwater, drinking water, and conservation; fish & wildlife, including California Endangered Species Act; forest management, air resources, mining, open space conservation, coastal and wetlands
- Fire Safety: state and federal funding and land use
- Energy: facility/transmission line siting, renewable energy, conservation, PACE, and Community Choice Aggregation
- Climate Change: sea level rise and coastal climate issues, Cap & Trade, AB 32 Scoping Plan updates/implementation, and adaptation
- Flood Control/Stormwater: land use, state and federal funding and regulatory streamlining
- Parks and Recreation: land use and funding
- Environmental Justice: CalEnviroScreen Tool, disadvantaged communities
- Solid Waste Management: facilities, recycling, conversion technology, and extended producer responsibility
- Emergency Management: California Disaster Assistance Act (CDAA), Federal Stafford Act, state and federal funding, regulatory streamlining, seismic safety and oil spills
- Animal Control
- Marijuana: Land use and environmental impacts
- California Environmental Quality Act



Government Finance and Administration/ Employee Relations and Administrative Services

The Employee Relations and Administrative Services policy unit, along with the Finance and Operations policy unit, supports the CSAC Government Finance and Administration Policy Committee. Staff in the Employee Relations and Administrative Services policy unit review state/federal legislative proposals, state budget items, ballot measure, and regulatory changes.

CHAIR:

Supervisor Henry Perea,
Fresno County

VICE-CHAIR:

Supervisor Erin Hannigan,
Solano County

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Primary Legislative Policy Committees

Senate and Assembly Appropriations Committees
Senate and Assembly Insurance Committees
Senate and Assembly Judiciary Committees
Senate and Assembly Public Safety Committees
Senate Governance and Finance Committee
Senate Labor and Industrial Relations Committee
Senate Public Employment and Retirement Committee
Senate Veterans' Affairs Committee
Assembly Governmental Organization Committee
Assembly Labor and Employment Committee
Assembly Local Government Committee
Assembly Public Employees, Retirement and Social Security Committee
Assembly Veterans' Affairs Committee

Primary Budget Subcommittees

Senate Budget and Fiscal Review Subcommittee No. 4 on State Administration and General Government
Assembly Budget Subcommittee No. 4 on State Administration

Key State Agencies

California Department of Industrial Relations
Department of Finance
California Division of Workers' Compensation
California Public Employment Relations Board
California Public Employees' Retirement System
California Labor and Workforce Development Agency
California Department of Human Resources
California Department of Veterans' Affairs
State Controller's Office

Key CSAC Affiliates

County Personnel Administrators Association of California
State Association of County Retirement Systems
California Workforce Association
California State Sheriffs' Association
California Association of Clerks and Elections Officials
California Association of County Veterans Services Officers

CSAC Internal Working Groups/Task Forces

CSAC Pension Reform Working Group

CSAC Compensation Transparency Working Group

Legislative Responsibilities

- **Public Retirement:** 1937 Act law, Public Employees' Retirement System (PERS) law, Public Employees Medical and Hospital Care Act (PEMHCA) law
- **Personnel Management:** Family issues, Fair Employment and Housing Act (FEHA), California Family Rights Act (CFRA), pregnancy disability leave (PDL), labor relations/collective bargaining, personal records/programs/practices, public safety officers and firefighters, merit systems, employee training and development, wages (terms and conditions), licensure and regulations
- **Risk Management:** Unemployment insurance, State Disability Insurance (SDI), health and dental insurance, Occupational Safety and Health Administration (OSHA), other insurance
- **Workers' Compensation**
- **General Government:** State governance, state employee issues, Brown Act, Public Records Act, privacy/identity theft issues
- **Veterans' Issues:** County veterans' service officers funding, benefits, compensation, waivers
- **General Services:** Americans with Disabilities Act, prevailing wage, labor compliance, contracts

January 2016



Government Finance and Administration/ Finance and Operations

The Finance and Operations policy unit, along with the Employee Relations and Administrative Services policy unit, supports the CSAC Government Finance and Administration Policy Committee. Staff in the Finance and Operations policy unit review state/federal legislative proposals, state budget items, ballot measures, and regulatory changes associated with a wide range of fiscal matters.

CHAIR:

Supervisor Henry Perea,
Fresno County

VICE-CHAIR:

Supervisor Erin Hannigan,
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Primary Legislative Policy Committees

Senate and Assembly Appropriations Committees
Senate Elections and Constitutional Amendments Committee
Senate Governance and Finance Committee
Assembly Elections and Redistricting Committee
Assembly Local Government Committee
Assembly Revenue and Taxation Committee

Primary Budget Committees/Subcommittees

Senate Budget and Fiscal Review Committee
Senate Budget and Fiscal Review Committee and Subcommittee No. 4 on State Administration and General Government
Assembly Budget Committee
Assembly Budget Subcommittee No. 4 on State Administration
Assembly Budget Subcommittee No. 6 on Budget Process Oversight and Program Evaluation

Key State Agencies

Department of Finance
State Controller's Office
State Board of Equalization
Secretary of State
State Treasurer's Office
Governor's Office of Business and Economic Development
Commission on State Mandates

Key CSAC Affiliates

California Assessors Association
California Association of Clerks and Elections Officials
California Association of County Treasurers and Tax Collectors
California County Librarians Association
County Administrative Officers Association of California
County Counsels Association of California
California State Association of County Auditors

Legislative Responsibilities

- Taxation: local property tax, sales and use tax, other state and local taxes, administration, constitutional protections
- Local revenues: Vehicle License Fees, bonded indebtedness, investments, constitutional protections, fees, reorganization and incorporation

Legislative Responsibilities (continued)

- State finance: state budget, school finance, general obligation bonds
- Mandates: claiming process, reimbursement, constitutional protections
- Elections: administration and funding
- Economic development: redevelopment dissolution, eminent domain, financing tools, job training programs
- Political Reform Act and conflict of interest code

January 2016



Health and Human Services

The Health and Human Services (HHS) Policy Committee has responsibility for the development of policies and proposals relating but not limited to local, state and federal statutes and regulatory activities. Counties are both providers and employers in the health and behavioral health care systems and are responsible for a wide range of eligibility and enrollment activities related to social services programs. Significant efforts are also made during the state budget process, as many health and human services programs are funded through federal, state, and local dollars.

CHAIR:

Supervisor Ken Yeager,
Santa Clara County

VICE-CHAIR:

Supervisor Hub Walsh,
Merced County

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Primary Legislative Policy Committees

Senate and Assembly Health Committees
Senate and Assembly Human Services Committees
Senate and Assembly Appropriations Committees
Assembly Aging and Long-Term Care Committee

Primary Budget Committees/Subcommittees

Senate Budget and Fiscal Review Committee
Senate Budget and Fiscal Review Subcommittee No. 1 on Health and Human Services
Assembly Budget Committee
Assembly Budget Subcommittee No. 3 on Health and Human Services

Key State Agencies

Department of Finance
Covered California
California Health and Human Services Agency
Department of Health Care Services
Department of Social Services
Department of State Hospitals
Department of Public Health
Department of Education
Department of Managed Health Care
State Controller's Office
California Emergency Medical Services Authority
Office of Statewide Health Planning and Development
California Managed Risk Medical Insurance Board

Key CSAC Affiliates

California Association of Areas Agencies on Aging
California Association of Public Hospitals and Health Systems
California Mental Health Services Authority
California State Association of Public Administrators, Public Guardians, and Public Conservators
County Behavioral Health Directors Association of California
County Health Executives Association of California
County Welfare Directors Association
First 5 Association of California
California Association of Public Authorities
Health Officers Association of California

Legislative Responsibilities

- State Budget
- 1991 Realignment
- 2011 Realignment (HHS)
- Aging & Long-Term Care
- Long-Term Care
- Adult Day Health Care/CBAS
- Alcohol & Drug Programs
- Drug Medi-Cal
- Affordable Care Act
- Child Welfare Services/Foster Care
- AB 12
- KIN/GAP
- Children's Health Care/SCHIP
- Public Health
- County Medical Services Program (CMSP)
- Public Hospitals
- Disproportionate Share Hospitals (DSH)
- Proposition 99
- Proposition 10
- Health Plans and Medical Care
- Health Insurance Portability and Accountability Act (HIPAA)
- Mental Health
- Short-Doyle System
- Lanterman-Petris-Short
- Poverty
- Dual Diagnosis
- State Hospitals
- Managed Care/Expansion
- Medi-Cal
- Eligibility
- Benefits
- Reimbursements
- County Administration
- The Uninsured
- Child Support
- Child Support Automation
- Welfare/Social Services Programs
- Adult Protective Services
- General Assistance
- Homeless Assistance
- CalWORKS/Food Stamps (SNAP)
- In-Home Supportive Services (IHSS)
- Coordinated Care Initiative/Duals Demonstration Project
- Developmental Disabilities/Regional Centers
- Emergency Medical Services (EMS)
- Tobacco
- Family Violence
- Federal Waivers



Housing, Land Use and Transportation

The CSAC Housing, Land Use and Transportation Policy Committee reviews state and federal legislative proposals and budget items, regulatory issues, and ballot resolutions in these three important interrelated areas.

CHAIR:

Supervisor David Rabbitt, Sonoma County

VICE-CHAIR:

Supervisor Bob Williams, Tehama County

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Primary Legislative Policy Committees

Senate and Assembly Appropriations Committees
Senate Transportation and Housing Committee
Senate Governance and Finance Committee
Senate Governmental Organization Committee
Assembly Transportation Committee
Assembly Housing and Community Development Committee
Assembly Local Government Committee
Assembly Governmental Organization Committee

Primary Budget Subcommittees

Senate Budget and Fiscal Review Committee and Subcommittee No. 2 on Resources, Environmental Protection, Energy and Transportation
Assembly Budget Committee and Subcommittee No. 3 on Resources and Transportation

Key State Agencies

California State Transportation Agency
California Department of Transportation
California Transportation Commission
California Business, Consumer Services, and Housing Agency
California Department of Housing and Community Development
California Natural Resources Agency
California Air Resources Board
Department of Finance
State Controller's Office
California Gambling Control Commission
California Coastal Commission
Strategic Growth Council
Governor's Office of Planning and Research

Key CSAC Affiliates

California Building Officials Association of California
California County Planning Directors Association
County Engineers Association of California

CSAC Internal Working Groups/Task Forces

CSAC Tribal and Intergovernmental Affairs Working Group

CSAC/CEAC Statewide Local Streets and Roads Needs Assessment Oversight Committee

Legislative Responsibilities

- **Housing:** housing element law, the Regional Housing Needs Assessment (RHNA), affordable housing, rental housing, farmer-worker housing, mobile homes, and financing/permanent source
- **Land Use & Planning:** general plans,, Subdivision Map Act, building standards, local coastal plans, regional blueprint plans and Sustainable Communities Strategies, incorporations and annexations, disadvantaged communities, regulatory streamlining, sustainable growth, and climate change
- **Public Works Administration:** contracts, procurement methods (e.g. design-build, public private partnerships), and force account
- **Transportation:** infrastructure (local streets and roads, bridges, complete streets), public transportation, active transportation, interregional rail, airports, state and federal funding, sustainable technologies and practices, and regulatory and project delivery streamlining
- **Native American Issues:** Tribal-State Gaming Compacts, mitigation of impacts from tribal gaming and other development, off-reservation gaming, sacred sites/cultural resources, and fee-to-trust and other federal tribal regulations
- **Utilities/Telecommunications:** land use and public right-of-way



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Date: January 14, 2016
To: CSAC Executive Committee
From: DeAnn Baker, Director of Legislative Affairs
Re: CSAC Policy Committee Title Change - ACTION ITEM

Recommendation. Staff recommends the following title change to the existing CSAC Government, Finance and Operations Policy Committee to more accurately reflect the full scope of issues under the purview of the Committee:

- Government Finance and Operations Policy Committee to be renamed Government Finance and Administration Policy Committee;

Background. Over the years, the CSAC Government Finance and Operations (GF&O) Policy Committee has grown to accommodate many policy areas that fall outside of the established titles that were created for both the Committee and the sub-units under its purview. Currently, GF&O houses the “Revenue and Taxation” and “Employee Relations” policy units.

However, the Revenue and Taxation sub-unit (staffed by Legislative Representative Dorothy Holzem) includes issues unrelated to that title including elections, broadband and conflict of interest regulations. In addition, the Employee Relations sub-unit (staffed by Legislative Representative Faith Conley) includes issues outside of its title including veterans’ affairs, public contracts and open data/privacy.

While not requiring action by the Executive Committee we are also changing the sub-unit titles for the Employee Relations policy unit to Employee Relations and Administrative Services, and the Revenue and Taxation policy unit to the Finance and Operations policy unit.

This will assist in directing our members to the right resources and better reflect the breadth of issues monitored and lobbied by staff to the Committee. This will additionally aid county supervisors and county staff when determining the best contact for a particular subject matter. This does not change the scope of either the policy committee or the policy units.

Action Requested. The Executive Committee approve the recommended title change of the CSAC Government Finance and Operations Policy Committee to the Government Finance and Administration Policy Committee, effective immediately.

Staff Contact. Please contact DeAnn Baker at (916) 650.8104 or dbaker@counties.org.



**CSAC Finance Corporation
 Program Summary**

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.

Alan Fernandes, Executive Vice President, afernandes@csacfinancecorp.org or 916.650.8120
Laura Labanieh, Director of Operations, llabanieh@csacfinancecorp.org or 916.650.8186

Scope	Program/Provider/Contacts	Program Summary
Investing	CalTRUST Lyle Defenbaugh - 888.422.8778 www.caltrust.org	The Investment Trust of California (CalTRUST) is a program 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 three accounts to provide participating agencies with a convenient method of pooling funds - a money market fund, a short-term, a medium-term. 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 - 919.465.0097 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 30 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.
OnSite Employee Medical Clinics	Medcor Cody Seeger - 815.363.9500 x5334 www.medcor.com/CSAC	A healthy workforce is a happy and productive workforce. In a continued effort to help counties contain spiraling healthcare costs, the CSAC Finance Corporation offers a program to place onsite employee health clinics in California counties. With the OnSite Employee Health Clinic Program, the potential for savings is significant in general health, increased productivity and workers compensation. Additionally, employees report services like these as one of the most valuable benefits their employers offer.
Deferred Compensation	Nationwide Retirement Solutions Kent Morris – 866.677.5008 www.nrsservicecenter.com	The Nationwide Retirement Solutions program is the largest deferred compensation program in the country for county employees. In California, over 55,000 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.
Medicare Exchange	Towers Watson Woody Sides - 562.438.2331 medicare.oneexchange.com	Our OneExchange program with Towers Watson offers your Medicare eligible retirees a wide array of health plans to choose from at significantly lower cost than they currently pay to participate in your group plan. This program recognizes the mounting pressure on California counties to maximize value of tax dollars while meeting commitments to retirees by providing a means to remove the burden of retiree healthcare administration from the county and offer retirees more healthcare options in the open marketplace.
Discounted Purchasing	U.S. Communities Purchasing Program Rob Fiorilli – 925.588.5054 www.uscommunities.org	U.S. Communities provides a national purchasing forum for local and state government agencies by pooling the purchasing power of over 87,000 public agencies. Our U.S. Communities cooperative purchasing program continues to add new contracts to save your county time and money on procurement while guaranteeing best overall local government pricing. Currently, U.S. Communities has 35 supplier contracts. The average California county currently utilizes only two U.S. Communities contracts. With 35 contracts available there are significant savings available to each and every county in the state.



California Statewide Communities Development Authority Programs

www.cscda.org

Catherine Bando – 800.531.7476

Scope	Program/Provider/Contacts	Program Summary
Lease Purchase Financing	CaLease	CaLease offers tax-exempt lease financing to public agencies for capital projects and equipment without the traditional expense or complexity of other finance mechanisms. The minimum funding amount is \$500,000 for equipment and \$1 million for real property projects.
PACE	OpenPACE CaliforniaFIRST	The OpenPACE and CaliforniaFIRST Programs are Property Assessed Clean Energy (PACE) finance programs for residential and commercial properties. The Programs allows property owners to finance the installation of energy and water improvements and pay the amount back as a line item on their property tax bill.
Property Tax Funding	Delinquent Property Tax Funding Program	This program enables cities and districts that do not participate in a county Teeter plan to sell or assign their share of their county's delinquent 1% levy taxes to the CSCDA; and similarly enables Community Facilities and Special Assessment Districts to sell or assign their delinquencies to the CSCDA. This program could also be used by cities and districts that do participate in a Teeter plan, but have some non-Teetered special tax or fund delinquencies
Impact Fee Retrieval	Statewide Community Infrastructure Program	The Statewide Community Infrastructure Program (SCIP) allows participating local agencies to receive impact fees in advance of development, while property owners repay the tax-exempt obligation over a thirty year bond term. SCIP may eliminate the need for local agencies to negotiate deferral fee arrangements.
Energy & Water Conservation	Sustainable Energy Bond Program	In partnership with the Foundation for Renewable Energy and Environment, the new Sustainable Energy Bond Program was formed to provide public agencies and nonprofit organizations throughout California with access to tax exempt financing for critical sustainable energy investments. Under the Sustainable Energy Bond Program, participating entities and organizations will contract with an Energy Service Company (ESCO) to complete energy and water conservation measures.
Community Benefit	501 (c)(3) Non-Profit	Conduit issuance services for eligible 501(c)(3) non-profit organizations seeking cost-effective, tax-exempt capital to acquire, construct or rehabilitate facilities that provide demonstrable public benefits to local communities. Project examples include health care, primary and secondary education, hospice, assisted living, substance abuse and cultural facilities.
Manufacturing	Industrial Development / Manufacturing Bonds	Conduit issuance services for companies seeking cost-effective, tax-exempt capital to acquire, construct or rehabilitate manufacturing facilities that promote job creation and retention.
Solid Waste	Exempt Facilities/Solid Waste Bonds	This program offers companies seeking cost-effective, tax-exempt capital to finance the acquisition and rehabilitation, construction of, or the acquisition of new equipment for solid waste and exempt facilities
Housing	Multi-Family Housing Bonds	Conduit issuance services for both for-profit and non-profit developers seeking cost-effective, tax-exempt capital to acquire, construct or rehabilitate multifamily housing, and also agree to set aside all, or a portion, of the units in the project for individuals and families of very low, low or moderate income.
Economic Development	New Markets Tax Credits	CSCDA has been successful in securing allocations of New Markets Tax Credits (NMTC) to facilitate investment in low-income communities throughout the State. Eligible project types include community facilities, charter schools, healthcare facilities, manufacturing facilities, and commercial real estate developments located within eligible low-income neighborhoods throughout California. NMTCs can often generate up to 20% of the capital required for eligible projects and businesses.

CSAC Finance Corporation

1100 K Street, Suite 101 * Sacramento, CA 95814

www.csacfinancecorp.org

Board of Directors

Linda Seifert, Solano County - *President*

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CALIFORNIA STATE ASSOCIATION OF COUNTIES
FINANCE CORPORATION

November 25, 2015

Mr. Matt Cate,
Executive Director
California State Association of Counties
1100 K Street
Sacramento, CA 95814

Dear Matt:

I am writing to request your assistance regarding recruitment to fill a vacancy on the CSAC Finance Corporation ("CSAC FC") Board of Directors. As you know, according to Article II, Section 3 of the CSAC FC Bylaws, the composition of the Board of Directors is as follows:

One Director shall be the Executive Director of CSAC. Two Directors shall be California County Administrative Officers. Two Directors shall be California residents selected from the public at large. Three Directors shall be an elected County Supervisors with one each representing the Rural, Suburban and Urban counties. **One Director shall be a County Treasurer or Chief Financial Officer.** One Director shall be a County Auditor/Controller or Chief Financial Officer. One Director shall represent a city, special district, or council of governments or shall be a retired county employee. (Emphasis added.)

Please publicize a notice of this vacancy in all appropriate communication outlets utilized by CSAC and feel free to contact me should you have any questions. Thank you so much for your assistance, I look forward to working with you to further the partnership between our organizations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alan Fernandes', is positioned above the typed name.

Alan Fernandes
Executive Vice President



County Counsels' Association of California

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EXECUTIVE DIRECTOR

Jennifer B. Henning

MEMORANDUM

**To: Supervisor Richard Forster, President, and
Members of the CSAC Executive Committee**

From: Jennifer Henning, Litigation Coordinator

Date: January 14, 2016

Re: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's new case activity since your last regular meeting in August 2015. Recent CSAC court filings are available on CSAC's website at: <http://www.csac.counties.org/csac-litigation-coordination-program>.

765 Market Street Residential Owners Assn v. 706 Mission Street Co Pending in the First District Court of Appeal (filed Dec. 19, 2014)(A143980)

Plaintiff is comprised of the owners of units within a luxury high-rise building in San Francisco. It filed this CEQA challenge to the city's approval of a neighboring luxury high-rise building. The initial and first amended complaints were admittedly "placeholder" pleadings to preserve the statute of limitations. They included only legal conclusions related to CEQA violations, but no factual allegations to support the CEQA causes of actions. The trial court sustained defendants' demurrer on that basis, with leave to amend. A second amended complaint was filed more than eight months after the CEQA statute of limitations had run, and for the first time included facts to support the CEQA claims. Defendants again demurred, this time alleging that the second amended complaint violated the statute of limitations because the new allegations did not relate back to any facts pled in the first amended complaint. The trial court sustained the demurrer without leave to amend. Plaintiff has appealed and argues in its opening brief that a CEQA petitioner need only plead "placeholder" facts prior to the expiration of the statute of limitations. CSAC will file a brief in support of San Francisco arguing that if petitioners are allowed to initiate lawsuits and tool the statute of limitations without providing notice to the public agency of the factual bases for their CEQA claims, there could be a flood of meritless lawsuits filed solely to toll the statute of limitations and create leverage for project opponents.

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ACLU of Southern Calif. v. Superior Court (County of Los Angeles)

Previously published at: 235 Cal.App.4th 1154 (2d Dist. Apr. 13, 2015)(B257230), *petition for review granted* (July 8, 2015)(S226645)

The ACLU requested records related to the City of LA and County of LA's Automatic License Plate Reader (ALPR) program, which is a system of high-speed cameras that automatically scan and catalogue license plate images to aid law enforcement in locating vehicles associated with a suspected crime. The request sought numerous records, including all raw data generated during a specified one week period. Policies and procedures were disclosed, but the agencies refused to produce the requested data, primarily based on the exemption for "records of...investigations conducted by...any state or local police agency, or any investigatory or security files compiled by any other state or local police agency..." under Section 6254(f). The trial court denied a writ to compel production. The Second District affirmed, concluding that the exemption for law enforcement records of investigations in section 6254(f) applies to APLR records. However, the Supreme Court has granted review. CSAC will file a brief in support of LA County.

Banning Ranch Conservancy v. City of Newport Beach

Previously published at: 236 Cal.App.4th 1341 (4th Dist. Div. 3 May 20, 2015)(G049691), *petition for review granted* (Aug. 19, 2015)(S227473)

In a challenge to an approval of a coastal property development, plaintiff contended that the city violated its general plan policy requiring the city to "work with" various resource agencies, including the California Coastal Commission. Plaintiff argued that the policy required more than just consulting or requesting input, but rather that it was necessary to try to reach agreement with the Coastal Commission before approving the project. The court afforded deference to the city in interpreting its general plan policy requirement, concluding that it is "improper for courts to micromanage these sorts of finely tuned questions of policy and strategy that are left unanswered by the general plan. Cities are free to include clear, substantive requirements in their general plans, which will be enforced by the courts. But courts should not invent obligations out of thin air." In so ruling, the court specifically disagreed with the Third District's holding in *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603, in which the court concluded that a general plan requirement to coordinate with other agencies was not satisfied by mere solicitation and rejection of input. The California Supreme Court has granted review. CSAC will file a brief that focuses only on the deference given to a local agency's interpretation of its own general plan, and would not involve any specific Coastal Commission issues.

Berkeley Hillside Preservation v. City of Berkeley

241 Cal.App.4th 943 (1st Dist. Sept. 23, 2015)(A131254), *request for publication granted* (filed Oct. 15, 2015)

In March 2015, the California Supreme Court issued a decision in this CEQA case, in which CSAC filed an amicus brief. The Court agreed with CSAC's position, and concluded that a potentially significant environmental effect is not, by itself, sufficient to trigger the "unusual circumstances" exception to CEQA's categorical exemptions. The Court remanded with instructions to the First District on how to properly analyze

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significant environmental effects in the context of exceptions to the CEQA exemptions. On remand, in an unpublished opinion, the First Appellate District concluded that the city properly applied the categorical exemptions. In a detailed analysis, the court rejected Plaintiff's arguments regarding the project's size, setting, and other alleged "unusual circumstances," emphasizing instead the stringent substantial evidence standard of review directed by the Supreme Court. The court also addressed an issue left open by the Supreme Court, and helpfully explained that the city's requirement that the project implement a traffic management plan did not constitute a mitigation measure, which would have precluded use of a categorical exemption. CSAC was successful in seeking publication of this opinion.

Bermudez v. Ciolek

237 Cal.App.4th 1311 (4th Dist., Div. 3 July 20, 2015)(G049510), *petition for review denied* (Sept. 9, 2015)(S228186)

This personal injury case touches on the standards adopted by the court in two prior CSAC amicus cases: *Howell v. Hamilton* (2011) 52 Cal.4th 541 [personal injury plaintiff can recover only the lesser of the amount actually paid for medical services or the market value of those services] and *Corenbaum v. Lampkin* (2013) 215 Cal.App.4th 1308 [unpaid medicals bills are irrelevant as evidence of the reasonable market value of medical services]. This case applies these principles to an uninsured plaintiff who was injured in a traffic accident. The treating physicians agreed to payment in the form of a lien on plaintiff's lawsuit recovery. The jury awarded plaintiff almost the full amount billed based solely on the doctor's testimony that the bills were "reasonable," but without any evidence of the market value of the services. Defendant appealed, but the Court of Appeal upheld the award and concluded: (1) the doctor's testimony was sufficient to establish reasonableness, and (2) *Howell* and *Corenbaum* are distinguishable because they did not involve an uninsured plaintiff. CSAC supported a petition for review, but review was denied.

California Recording Fee Litigation (3 Cases)

Pending in the Third District Court of Appeal (filed May 12, 2015)(C079239)

Pending in the Fifth District Court of Appeal (filed Dec. 11, 2014) (F070601)

Pending in the Third District Court of Appeal (filed Jan. 7, 2015)(C078158)

Petitioner has sued nine counties throughout California since 2008 and has sent letters of intent to sue many more. Specifically, petitioner is seeking a writ of mandate in each case directing the county to reduce the fees charged by the county clerk recorder's office for official record copy documents. This fee is governed by Government Code section 27366 which states: "The fee for any copy of any other record or paper on file in the office of the recorder, when the copy is made by the recorder, shall be set by the board of supervisors in an amount necessary to recover the direct and indirect costs of providing the product or service or the cost of enforcing any regulation for which the fee or charge is levied." Stanislaus, Sacramento and Yolo counties have all prevailed on the merits and petitioner is appealing all three rulings. CSAC has filed briefs in all three cases.

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Castro v. City of Thousand Oaks

231 Cal.App.4th 1451 (2d Dist. Aug. 31, 2015)(B258649), *petition for review denied* (Dec. 16, 2015)(S229662)

Plaintiffs brought this dangerous conditions lawsuit after being struck by a vehicle while crossing a street. Improvements to the intersection were approved by the city council, but a pedestrian signal beacon was added upon approval of the city's engineer after the project was constructed. The trial court granted the city's summary judgment motion finding that the action was barred by the design immunity statute. The Second District reversed, concluding that design elements that are not part of the approved plan are outside of the design immunity statute. The court further rejected the notion that an approval of a design element by an employee with delegated authority (here, the city's engineer) could ever be sufficient to meet the requirements of design review. CSAC supported the city's petition for review, but review was denied.

City of Petaluma v. Superior Court

Pending in the First Appellate District (filed June 19, 2015)(A145437)

While an employee was out on leave, she filed an EEOC complaint against the city alleging harassment and retaliation. She resigned shortly thereafter, never returning from leave. The city was unaware of her complaints before receiving notice of the EEOC charges. But suspecting that a lawsuit would soon follow, the city retained an employment law attorney to investigate the allegations and provide a report that would help the city identify its legal exposure. A harassment and discrimination lawsuit did in fact follow, and plaintiff sought to discover documents relating to the investigation. The trial court ordered that the investigation documents be released over the city's objections, concluding they were not protected by the attorney-client privilege. The city sought writ review, which was summarily denied by the Court of Appeal. The Court of Appeal summarily denied the writ, but the Supreme Court granted review and transferred the matter back to the Court of Appeal with directions to issue an order to show cause. CSAC will file a brief in support of the city.

County of Alameda v. Superior Court (City of Oakland)

Pending in the First Appellate District (filed Oct. 30, 2015)(A146627)

Alameda County has filed a petition for writ of mandate challenging a trial court order (issued ex parte and unnoticed) requiring the Sheriff to take physical custody of an injured, hospitalized arrestee prior to his presentation at the county jail. The arrestee was injured in a shoot-out with the Oakland Police Department. He was arrested in the City of Oakland and taken to a hospital for treatment of his gunshot wounds. Within hours, the Oakland Police Department moved the trial court for an order transferring physical custody to the Sheriff, which the court granted. The county's writ petition therefore presents the issue of who should bear the burden and costs of assuming physical custody of individuals arrested by city law enforcement officers, in city jurisdiction, and taken to a local hospital, prior to being booked in a county jail. The county argues that the transfer order violates Penal Code section 4015(b), which states that a Sheriff is not required to receive a person in immediate need of medical care until that "person has been transported to a hospital or medical facility so that his or her medical needs can be addressed prior to booking into a county jail." The county also argues that the order violated due process since it was issued

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without notice or a chance to respond. CSAC has filed a letter supporting Alameda County writ petition.

County of Los Angeles Board of Supervisors v. Superior Court (ACLU)

Previously published at: 235 Cal.App.4th 1154 (2d Dist. Apr. 13, 2015)(B257230), *petition for review granted* (July 8, 2015)(S226645)

The ACLU made a Public Records Act request for county documents related to litigation raising allegations of excessive force against prison inmates. The county declined to provide outside counsel attorney billing statements for any such lawsuit that is open and pending, arguing that those records are protected under the attorney-client privilege, and not subject to disclosure. The Second District Court of Appeal ruled in favor of the county: “Both the CPRA and the attorney-client privilege advance public policies of the highest order: the CPRA fosters transparency in government, and the attorney-client privilege enhances the effectiveness of our legal system. In the instant matter, these two interests collide. We conclude that, because the CPRA expressly exempts attorney-client privileged communications from the CPRA’s reach, the tension must here be resolved in favor of the privilege.” Unfortunately, the Supreme Court has granted review to consider whether invoices for legal services are within the scope of the attorney-client privilege. CSAC will file a brief in support of LA County.

DHCS v. Office of Administrative Hearings

Pending in the Fifth District Court of Appeal (filed Feb. 26, 2015)(F071023)

This is the third California Children Services Program (CCS)-related amicus request that CSAC has received in the past two years. All three cases were brought by the same law firm and, although the facts of the cases vary, the primary legal issues are the same: (1) Can CCS unilaterally decrease/terminate medically necessary services? and (2) Can a hearing officer hold CCS responsible for providing services not deemed medically necessary by a CCS physician? The issues have yet to be decided on appeal, but one case is also pending before the Ninth Circuit. CSAC filed a brief in that federal case, and will also be filing a brief in Sacramento Superior Court on another. For this case, the ALJ resolved a dispute regarding student’s CCS services in favor of the student’s parents. The ALJ ordered CCS to reinstate student’s services, and also to provide specific amounts of direct compensatory services to student. The Department of Health Care Services filed a petition and complaint seeking to overturn that order. The trial court denied the Department’s requested relief and the Department has appealed. CSAC will file a brief in support of DHCS.

In re Acknowledgment Cases

239 Cal.App.4th 1498 (4th Dist. Div. 2 June 5, 2015)(E058460), *petition for review denied* (Nov. 14, 2015)(S229931)

The City of Los Angeles requires all of its newly-hired police officers to attend and graduate from its police academy, which includes the basic POST certification training, as well as additional training that is specific to the LAPD. The city requires a prorated reimbursement to the city of the cost of training if an officer voluntarily leaves for another law enforcement agency within 5 years of training graduation. Officers are required to sign an acknowledgment agreeing to the reimbursement terms. Beginning in 2001, the city filed

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several lawsuits to enforce the acknowledgment against officers who left the LAPD. The officers cross-complained, arguing that the acknowledgment was unenforceable under Labor Code section 2802, which requires employer to indemnify employees for all “necessary expenditures or losses incurred by the employee in direct consequence of the discharge of his or her duties....” The Court of Appeal agreed with the officers, and found the acknowledgment requirement unlawful, thereby creating a conflict with the First District. (*City of Oakland v. Hassey* (2008) 163 Cal.App.4th 1477 [holding that Oakland could require reimbursement of training costs].) CSAC filed a letter supporting review, but review was denied.

Jones v. Wang

802 F.3d 990 (9th Cir. Sept. 21, 2015)(12-55995)

An infant was brought into UCLA hospital with injuries consistent with either an accident or abuse. The child abuse medical director (Dr. Wang) suspected child abuse and wanted additional testing done on the child, so she convinced the parents to allow the infant to be hospitalized over the weekend without telling them that the tests could be performed on an outpatient basis. Ultimately, based on the doctor’s conclusion that the injuries were highly suspicious, DCFS retained the child and the parents lost custody for several months until a juvenile court eventually determined there was no risk of abuse. The parents then brought this Section 1983 action against Dr. Wang. (Los Angeles County was also a defendant, but is not involved in the appeal.) In a 2-1 decision, the Ninth Circuit held: (1) Dr. Wang was not entitled to qualified immunity for the federal law claims because she could have sought a warrant to keep the child in the hospital over the weekend; and (2) She was not entitled to state law discretionary immunity because no statute specifically permitted her employer to undertake her actions. UCLA is seeking rehearing en banc, and CSAC has filed a brief in support.

People v. Financial Casualty & Surety, Inc.

Previously published at: 239 Cal.App.4th 440 (2d Dist. Aug. 12, 2015)(B251230), *petition for review granted* (Oct. 28, 2015)(S229446)

The California Supreme Court granted Financial Casualty & Surety’s petition for review challenging the Second District’s decision affirming an order denying the surety’s motion to extend the period to exonerate a bail bond. The court will consider the following issues: 1) Should the good cause standard under Penal Code section 1305.4 for extension of the period to exonerate bail require a demonstration of a reasonable likelihood of success of returning a fugitive? (2) When a court finds there has been a diligent investigation to locate a fugitive, does the burden shift under Penal Code section 1305.4 to the People to prove that there is not a reasonable likelihood of success of returning the fugitive? (3) Does an extension of the period to exonerate bail under Penal Code section 1305.4 commence on the date on which the initial 180-day period expires or on the date on which the trial court grants the extension? CSAC will file a brief in support of LA County.

Prasad v. Santa Clara Dept of Social Services

Pending in the Ninth Circuit Court of Appeal (filed Feb. 11, 2015)(15-15256)

The Child Welfare Services / Case Management System (CWS/CMS Database) is an investigatory tool where information about individuals who have been the subject of a

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child abuse or neglect complaint is maintained, and can be accessed by social workers in any county in future investigations. A separate database, the California's Child Abuse Central Index (CACI), is maintained by the Department of Justice for substantiated child abuse reports. The CACI allows for a due process hearing if an individual believes their name should be removed from the CACI, but no similar hearing is provided for the CWS/CMS Database. Plaintiff brought this action alleging that although he had a full hearing for his CACI listing, he was also entitled to a separate hearing for his CWS/CMS Database listing. The federal district court dismissed his action, noting that he received due process for the substantiated child abuse allegation that is listed in CACI, and he did not identify any other stigmatizing information in the CWS/CMS that raises independent due process concerns not addressed at his earlier hearing. Plaintiff appealed, and CSAC filed a brief in support of Santa Clara County.

T-Mobile v. City and County of San Francisco

Pending in the First District Court of Appeal (filed Feb. 17, 2015)(A144252)

In 2011, San Francisco adopted a personal wireless service facilities ordinance that required service providers to obtain a permit to place their facilities in the right-of-way. The ordinance included several requirements, but the element relevant to this appeal is a provision conditioning a permit for larger equipment on an aesthetic review. T-Mobile and other personal wireless providers challenged that requirement, relying on Public Utilities Code section 7901, which gives telecom providers the ability place their equipment in the public right-of-way so long as the equipment does not “incommode the public use of the road.” Plaintiffs argue that since aesthetic considerations are not relevant to whether their equipment obstructs travel, the ordinance is preempted. But the trial court ruled in the city's favor, relying on a Ninth Circuit decision (*Sprint PCS Assets v. City of Palos Verdes Estates*) that concluded that the public's “use of the road” is more than just getting from place to place. Rather, aesthetics can be relevant to how the public uses the roadways. As the city notes in its trial court briefing, this is especially true in a place like San Francisco, where scenic views and vistas through the streets are so valuable to the public. T-Mobile has appealed, urging the Court of Appeal not to accept the Ninth Circuit precedent, but rather to adopt a stricter interpretation of section 7901. CSAC will file a brief in support of the City and County of San Francisco.

2016 CSAC Executive Committee Calendar of Events

January

- 6 UCC Board Conference Call
- 13 CSAC Executive Committee Orientation Dinner, Sacramento County
6:30pm Reception, 7:15pm Dinner, Esquire Grill, 13th & K Streets, Sacramento
- 14 CSAC Executive Committee Meeting, Sacramento County
10:00am – 1:30pm, Masonic Hall, 1123 J St, 3rd Floor, Sacramento
- 20 RCRC Board Meeting & Installation of Officers Reception, Sacramento County

February

- 3 UCC Board Conference Call
- 10-12 CSAC Premier Corporate Partner Forum, San Diego County
- 18 CSAC Board of Directors Meeting, Sacramento County
10:00am – 1:30pm, Masonic Hall, 1123 J St, 3rd Floor, Sacramento
- 20-24 NACo Legislative Conference, Washington, D.C.

March

- 2 UCC Board Conference Call
- 16 RCRC Board Meeting, Sacramento County

April

- 6 UCC Board Conference Call
- 7 CSAC Executive Committee Meeting, Sacramento or Los Angeles County
- 20-21 RCRC Board Meeting, Glenn County
- 27-29 CSAC Finance Corporation Board Meeting, Riverside County

May

- 18 UCC Board Meeting, Sacramento County
- 18-19 CSAC Legislative Conference, Sacramento County
- 19 CSAC Board of Directors Meeting, Sacramento County
12:00pm – 4:00pm, Masonic Hall, 1123 J St, 3rd Floor, Sacramento
- 25-27 NACo Western Interstate Region Conference, Jackson Hole, Wyoming

June

- 22 RCRC Board Meeting, Sacramento County

July

- 6 UCC Board Conference Call
- 22-25 NACo Annual Meeting, Los Angeles County/Long Beach

August

- 3 UCC Board Conference Call
- 4 CSAC Executive Committee Meeting, Sacramento County
10:00am – 1:30pm, Masonic Hall, 1123 J St, 3rd Floor, Sacramento
- 17 RCRC Board Meeting, Sacramento County

September

- 1 CSAC Board of Directors Meeting, Sacramento County
10:00am – 1:30pm, Masonic Hall, 1123 J St, 3rd Floor, Sacramento
- 7 UCC Board Conference Call
- 14-16 CSAC Finance Corporation Board Meeting, Santa Barbara County
- 28-30 RCRC Annual Meeting, Placer County

October

- 5 UCC Board Conference Call
- 5-7 CSAC Executive Committee Retreat, Location TBD

November - December

- 29-2 CSAC 122nd Annual Meeting, Palm Springs, Riverside County
- 30 UCC Board Meeting, Palm Springs, Riverside County

December

- 1 CSAC Board of Directors Meeting, Palm Springs, Riverside County
2:00pm – 4:00pm, Palm Springs Convention Center, 277 N Avenida Caballeros, Palm Springs
- 7 RCRC Board Meeting, Sacramento County
- 14-16 CSAC Officers' Retreat, Napa County

As of 1/5/16