

# CSAC EXECUTIVE COMMITTEE

## BRIEFING MATERIALS

Thursday, August 03, 2017

10:00am - 1:30pm



### ***Meeting Location:***

Capitol Event Center, 1020 11th St., 2nd Flr.

Sacramento, CA

(800) 867-2581 code: 7500508#

California State  
Association of Counties



CALIFORNIA STATE ASSOCIATION OF COUNTIES

EXECUTIVE COMMITTEE

Thursday, August 3, 2017

10:00am to 1:30pm

Capitol Event Center, Sacramento

(800) 867-2581 code: 7500508#

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A G E N D A

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Presiding: Keith Carson, President

**10:00am**

**PROCEDURAL ITEMS**

1. Roll Call Page 1
2. Approval of Minutes from April 6, 2017 Meeting Page 2

**SPECIAL PRESENTATION**

3. CSAC Corporate Partner Remarks Page 5
  - *Michael Prosio, Anthem Blue Cross*
  - *Jim Manker, CSAC staff*
4. AB 1250 Media & Communications Strategy
  - *Brandon Castillo, Bicker Castillo & Fairbanks*

**ACTION ITEMS**

5. Child Fatality and Near-Fatality Platform Language Page 13
  - *DeAnn Baker and Justin Garrett, CSAC staff*
6. Appointment of CSAC Finance Corporation Board Member Page 16
  - *Alan Fernandes, CSAC Finance Corp. Executive Director*
7. Appointment of CSCDA Alternate Member handout
  - *Alan Fernandes, CSAC Finance Corp. Executive Director*

**INFORMATION ITEMS**

8. CSAC Finance Corporation Update Page 19
  - *Alan Fernandes, CSAC Finance Corp. Executive Vice President*
9. CSAC Legislative Update Page 21
  - AB 1250
  - In-Home Supportive Services (IHSS)
  - SB 649
  - SB 1 Implementation
  - Federal Report
    - *DeAnn Baker, Graham Knaus & CSAC advocacy staff*
10. CSAC Operations and Member Services Update Page 51
  - *Graham Knaus, CSAC staff*
11. Information Items (no presentation) Page 55
  - CSAC Litigation Coordination Program Report
  - CSAC Institute Class Schedule
  - CSAC Financial Statement
12. Closed Session: Executive Director Briefing

**1:30pm ADJOURN**

Note: The next CSAC Executive Committee meeting is October 4-6, in Alameda County

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE  
2017

President:	Keith Carson, Alameda
1 <sup>st</sup> Vice President:	Leticia Perez, Kern
2 <sup>nd</sup> Vice President:	Virginia Bass, Humboldt
Immed. Past President:	Richard Forster, Amador

Urban Section

Scott Haggerty, Alameda  
John Gioia, Contra Costa  
Mark Ridley-Thomas, Los Angeles  
Lisa Bartlett, Orange  
Carole Groom, San Mateo  
Ken Yeager, Santa Clara  
Chuck Washington, Riverside (alternate)

Suburban Section

Bruce McPherson, Santa Cruz  
Leonard Moty, Shasta  
Steve Worthley, Tulare  
James Gore, Sonoma (alternate)

Rural Section

Ed Scofield, Nevada  
Lee Adams, Sierra  
Larry Johnston, Mono (alternate)

Ex Officio Member

Ed Valenzuela, Siskiyou, Treasurer

Advisors

Bruce Alpert, County Counsel Advisor, Butte  
Helen Robbins-Meyer, CAOAC Advisor, San Diego

As of 1/12/17

CALIFORNIA STATE ASSOCIATION OF COUNTIES  
EXECUTIVE COMMITTEE  
April 6, 2017  
Hahn Interpretive Center, Los Angeles

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MINUTES

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1. Roll Call

Keith Carson, President	Bruce McPherson, Santa Cruz
Leticia Perez, 1 <sup>st</sup> Vie Pres.	Leonard Moty, Shasta
Virginia Bass, 2 <sup>nd</sup> Vice Pres. (audio)	Steve Worthley, Tulare
Richard Forster, Immed. Past Pres.	Ed Scofield, Nevada
Scott Haggerty, Alameda	Lee Adams, Sierra (audio)
John Gioia, Contra Costa (audio)	Larry Johnston, Mono, alternate
Mark Ridley-Thomas, Los Angeles	Ed Valenzuela, Siskiyou, Treasurer
Lisa Bartlett, Orange	Helen Robbins-Meyer, CAOAC Pres. (audio)
Chuck Washington, Riverside, alternate	

2. Approval of Minutes

The minutes of January 12, 2017 were approved as mailed.

3. Empowerment Congress

Supervisor Ridley-Thomas presented a video and report on the Empowerment Congress, a program that he founded 25 years ago in Los Angeles County. The goal is to educate, engage and empower people and communities. The program focuses on increased civic participation to stimulate and revitalize Los Angeles in areas such as environmental justice, public safety, economic development and violence prevention.

4. CSAC Communications: Looking Ahead

Staff presented a video demonstrating the various types of communications methods CSAC utilizes to convey the "county story." Staff discussed the importance of visiting counties to learn more about the work being done at the local level and celebrate it through social media and videos. In order to better meet the needs of counties, staff is recommending the additional of a communications outreach coordinator.

5. Proposed CSAC Budget for FY 2017-18

Supervisor Valenzuela, CSAC Treasurer, presented the proposed CSAC Budget for FY 2017-18, as contained in the briefing materials. He noted that all building debt has been eliminated and that the six-month reserve remains in place. In addition, a Capital Improvement Program fund in the amount of \$500,000 is included in the proposed budget. This fund is designated for major repairs that may be needed in the coming years, such as heating/air, roof or other items in the aging building. Staff was directed to develop a list of items to be included in the fund with estimated costs.

Motion and second to approve the proposed CSAC Budget for FY 2017-18 as presented, and recommend adoption by the Board of Directors.  
Motion carried unanimously.

6. Updated Financial Policies

Staff presented revised CSAC Financial Policies, Operating Reserve Policy, and a Capital Improvement Program policy, as contained in the briefing materials. These policies are intended to strengthen the fiscal operations of CSAC and manage its capital assets.

Motion and second to approve financial policies as presented. Motion carried unanimously.

7. IRS Form 990

Staff presented the 2015 Internal Revenue Service (IRS) Form 990, as contained in the briefing materials. This form is required by the IRS to be filed annually by nonprofit mutual benefit corporations including CSAC. The intent of the Form 990 is so the IRS can collect information about activities, revenues and expenses to ensure continued status as a tax-exempt entity.

Motion and second to approve IRS Form 990 for the 2015 tax year.  
Motion carried unanimously.

8. Cannabis Issues

Staff presented a draft CSAC Cannabis Policy, as contained in the briefing materials, for discussion. This policy was developed by the CSAC Cannabis Working Group, in response to the passage of Proposition 64: Adult Use of Marijuana Act (AUMA) and Medical Cannabis and Regulatory Safety Act (MCRSA). Once adopted, the policy will help guide advocacy efforts on this issue. The draft policy will be considered by the CSAC Agriculture, Environment and Natural Resources policy committee and then by the Board of Directors in May.

At the direction of the Executive Committee, the CSAC Finance Corporation has been continuing to investigate opportunities for engagement in emerging banking, compliance and public safety issues associated with cannabis regulation and taxation in California. The briefing materials contained an outline of challenges and opportunities regarding cannabis revenue collection and banking in California. CSAC and the CSAC Finance Corporation are continuing to investigate methods to become a conduit with the state on regulatory programs and banking issues. Additionally, Matt Cate currently sits on the State Treasurer's Cannabis Banking Task Force. CSAC will be holding a workshop during the May legislative conference on cannabis issues, and a regional meeting in Humboldt County focusing on cannabis will be held in June.

9. CSAC Finance Corporation Report

The CSAC Finance Corporation will hold its annual Board meeting in late April to elect officers, update the business plan, and receive reports from business partners and programs. The programs include: California Statewide Communities Development Authority (CSCDA), US Communities, Nationwide Deferred Compensation Program, and CalTRUST. A description of these programs was contained in the briefing materials. The Finance Corporation will also approve its annual budget during this meeting and is expected to increase the annual contribution to CSAC this year.

10. CSAC Legislative Update

Staff reported that the Senate and Assembly will vote on the transportation funding bill today. Executive Committee members were urged to contact their legislators in support of the bills.

Negotiations with the Administration and Department of Finance regarding In-Home Supportive Services (IHSS) funding are currently underway. CSAC has been working with a group of county administrators/executives who are providing technical assistance and participating in negotiations. A meeting with Department of Finance representatives and Diane Cummins will take place tomorrow in Sacramento. Staff will provide an update to the Executive Committee as negotiations progress.

The briefing materials contained a letter that a CSAC coalition sent to members of Congress regarding opposition to the American Health Care Act (AHCA), which would shift billions of dollars in costs to counties and reverse significant progress that California has made in providing health care coverage to millions of people.

11. Operations and Member Services Update

The CSAC Corporate Partnership Program has continued to grow this year. A Leadership Forum was held in San Diego in February. CSAC recently held a regional meeting in Kern County which focused on water issues. Staff produced videos highlighting the 2016 CSAC Challenge Award winning programs. The CSAC Institute continues to be very successful and now offers courses at satellite campuses in Contra Costa, Merced and Riverside counties.

12. Information Items

The briefing materials contained a report on the CSAC Litigation Program and a copy of the current CSAC Financial Statement.

Meeting adjourned.

## **Anthem Blue Cross**

Anthem Blue Cross provides local solutions that improve access to affordable, quality healthcare. Serving over 8 million Californians, Anthem offers fully insured and self-insured products for government agencies, large corporations, and small businesses throughout California. Additionally, Anthem offers specialty products such as dental and vision, as well as workers compensation provider networks, and is contracted to provide Medi-Cal managed care in 25 counties.

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

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August 3, 2017

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To: CSAC Executive Committee

From: DeAnn Baker, Deputy Executive Director, Legislative Affairs  
Justin Garrett, Legislative Representative, Human Services Policy  
Farrah McDaid Ting, Legislative Representative, Health and Behavioral Health Policy  
Elizabeth Marsolais, Legislative Analyst

**RE: Child Near-Fatality Incidents Platform Language Review – ACTION ITEM**

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**Background.** At the end of each two-year legislative session, CSAC undertakes a policy platform review process. Following CSAC staff’s solicitation of comments from counties and members of the HHS Policy Committee in October 2016, staff presented an initial draft of the policy platform chapters on health, human services, and realignment to the Committee at its November 29, 2016, meeting. However, the Committee undertook a closer examination of the federal portions of the proposed platform in the wake of the federal election, particularly the section on the Affordable Care Act. Additionally, at that meeting in late November, Yolo County Supervisor Matt Rexroad requested that language be added to the Human Services chapter of the Policy Platform related to the always tragic situations of child fatality and near-fatality incidents within county Child Welfare Services systems.

Based on the HHS Policy Committee’s feedback in November, CSAC staff presented language on this issue to the HHS Policy Committee during their meeting on January 25. Following that meeting, CSAC staff undertook additional rounds of edits. Supervisor Rexroad communicated a keen interest in both transparency and accountability within the county Child Welfare Services system and proposed a paragraph as well. After consulting with the County Counsels Association of California, CSAC staff presented modified child near-fatality language to the Policy Committee on February 8. This proposal is referred to as the alternative language throughout this memo. Both the alternative language and Supervisor Rexroad’s suggested language are reprinted on the next page. The alternative language was approved by the Committee and forwarded to the CSAC Board of Directors.

During its February 8 Board Meeting, the CSAC Board voted to approve the Health and Realignment Chapters as approved by the HHS Policy Committee. However, after a lengthy discussion regarding the child fatality and near-fatality incident language, the Board ultimately voted to approve the Human Services Chapter without including the alternative language or the language proposed by Supervisor Rexroad. The Board additionally voted to re-refer the language on child near-fatality incidents to the HHS Policy Committee for continued discussion and approval.

During the May 18 meeting at the CSAC Legislative Conference, the HHS Policy Committee was unable to reach a majority vote on either version of the proposed

language. The Committee voted 8-8 on a motion to adopt the language recommended by Supervisor Rexroad and did not take a vote to adopt the alternative language.

In response to the tied vote at the May HHS Policy Committee Meeting, CSAC staff closely reviewed the relevant policy on procedures for moving the discussion of this item forward. As a result, the action item on the Human Services platform chapter is being brought to the CSAC Executive Committee.

### **Platform Language Options.**

1. The first version of platform language before the Executive Committee at this meeting is the alternative language approved by the HHS Policy Committee in February:

*When a child who has been left with a family that has been subject to a report of abuse and neglect dies or nearly dies, the best course is to try and learn what, if anything, could be improved in county operations and policies so that children in the future do not suffer similar fates. As an important part of this effort, counties support transparency related to child deaths and near deaths that occurred because of abuse and neglect, so long as all identifying information is redacted from the documents that are released.*

The actions taken on the alternative language include:

- February 8: HHS Policy Committee approved (2-0)
- February 16: Board heard
- May 18: HHS Policy Committee heard

2. The second version is Supervisor Rexroad's proposed language. The specific language that differs from the alternative language is underlined:

*When a child who has been left with a family that has been subject to a report of abuse and neglect dies or nearly dies, the best course is to try and learn what, if anything, could be improved in county operations and policies so that children in the future do not suffer similar fates. As an important part of this effort, counties support transparency related to child deaths and near deaths that occurred because of abuse and neglect and, specifically, at minimum support the release of original documents in case files so the public and stakeholders can be engaged in the important task of protecting children, and to ensure maximum accountability for counties in such life and death matters, so long as all identifying information is redacted from the documents that are released.*

The actions taken on Supervisor Rexroad's suggested language include:

- February 8: HHS Policy Committee heard
- February 16: Board motion to approve failed 13-15, Board moved to send the issue back to HHS Policy Committee
- May 18: HHS Policy Committee motion to approve tied 8-8



- May 18: Board heard report out on tie vote
3. The third option is to simply reaffirm the existing Human Services platform language on child near-fatality and fatality incidents, as adopted by the CSAC Board of Directors on February 16. That language reads:

*Counties support transparency related to child fatality and near-fatality incidents so long as it preserves the privacy of the child and additional individuals who may reside in a setting but were not involved or liable for any incidents.*

**Process.** In response to the tied vote at the HHS Policy Committee in May, staff has brought the proposed platform options to the Executive Committee for consideration. Once a decision is reached by the Executive Committee, any changes from existing language will be submitted to the CSAC Board of Directors for approval during their next scheduled meeting as per CSAC policy. We wish to thank each of the supervisors, county affiliate organizations, and county staff who reviewed the proposed changes and suggested additional clarifications throughout this process.

**Staff Recommendation.** CSAC staff recommends the Executive Committee take action on one of the three versions of language outlined above. Should the Executive Committee choose to move forward with the alternative language (Option #1) or the language proposed by Supervisor Rexroad (Option #2), the Executive Committee will need to make a motion to adopt that language and forward it to the Board of Directors. Should the Executive Committee choose to simply maintain the current platform language (Option #3), staff recommends that the Executive Committee make a motion to reaffirm the current language for the 2017-18 CSAC Platform.

**CSAC Staff Contacts:**

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July 19, 2017

Keith Carson  
President, CSAC  
1100 K Street, Suite 101  
Sacramento, CA 95814

President Carson:

On our July 19<sup>th</sup> conference call, the CSAC Finance Corporation discussed candidates to fill the vacant Public Member seat on our Board. The Public Member seat on the CSAC Finance Corporation Board of Directors has been vacant since November 2016. The term for this seat is up in December 2019. We have had conversations with a number of individuals regarding the vacancy and posted the vacancy online to solicit candidates. After many conversations and the announcement, we have only received one letter of interest, from William (Billy) Rutland. Billy has a keen interest in participating on the CSAC Finance Corporation Board and even joined us for the CSAC Finance Corporation's April Board Meeting. Billy's letter of interest and bio is attached.

After discussion, the Board voted unanimously to put forth Billy Rutland to the CSAC Executive Committee for appointment to the CSAC Finance Corporation Board of Directors.

The Finance Corporation Board recommends that you appoint William (Billy) Rutland to fill the vacant Public Member seat on this Board.

Sincerely,

*Leonard Moty*

Leonard Moty  
President  
CSAC Finance Corporation



THE RUTLAND GROUP

Ms. Laura Labanieh  
Director of Operations  
1100 K Street  
Sacramento, CA 95814

June 30, 2017

Re: Letter of Interest in CSAC Finance Corporation Board Seat

Dear Ms. Labanieh:

I am writing to express my strong interest in serving on the CSAC Finance Corporation Board of Directors.

I have recently become aware of the business and mission of the CSAC Finance Corporation and I am not only impressed by the enormous good the organization does for its member counties but am excited about the work ahead. I believe my experience and background could be of benefit to achieve many of the CSAC Finance Corporation goals, as I understand them.

Therefore, based on the foregoing, please accept this letter and my bio attached as my application materials for Board membership.

Sincerely,

William G. Rutland Jr.  
President  
The Rutland Group

: attachment

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## Bio

William G. Rutland Jr., the founder of The Rutland Group, is an established and well-respected figure in governmental advocacy. He began his career as a staff member with the California Legislature, working in both the Senate and the Assembly where he served as a Consultant on several legislative committees, including, Finance and Banking, Criminal Justice, and Elections and Reapportionment. During his 20 years of public service he served as a staff member to eight different Assembly members and Senators including both Republicans and Democrats. His career with the California Legislature culminated in his service as the Chief Consultant to Assembly Speaker Willie L. Brown, Jr., who later went on to become Mayor of the City and County of San Francisco.

After leaving the California Legislature, Mr. Rutland joined George R. Steffes, Inc., a multi-state governmental advocacy firm that represented clients in California, Florida, Illinois, Michigan, New Jersey, New York, Pennsylvania, Texas and Washington. He spent a total of 6 years there working closely with George Steffes, the founder, who previously served as Director of Programs and Policy and Chief Legislative Advocate for then Governor Ronald Reagan. A partial list of clients included: American Express, the Association of International Auto Manufacturers, Inc., Bechtel Group, Inc., Exxon Corporation, Honeywell, Inc., Hughes Electronics, IBM Corporation, AIG, Johnson & Johnson, Lockheed Martin, Matsushita Electric Corporation of America, Pebble Beach Company, Raytheon Company, Enterprise Rent-A-Car Company, UNOCAL, Union Pacific Railroad and 3M.

Finally, in 1996, Mr. Rutland founded his own firm. As an advocate, Mr. Rutland has earned a reputation as a creative spokesman and problem solver for his clients. Under his able guidance, The Rutland Group continues to produce successful outcomes for its clients through astute negotiation and coalition building. The Rutland Group has successfully represented clients before Federal agencies, the California Legislature, state regulatory agencies and local government bodies throughout California, offering in all cases an unparalleled level of service and resourcefulness.



July 19, 2017

**To:** CSAC Executive Committee

**From:** Leonard Moty, President  
Alan Fernandes, Executive Vice President

**RE: CSAC Finance Corporation Update & CSCDA Appointment**

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**CalTRUST**

The CSAC Finance Corporation serves as the Administrator of CalTRUST, a \$2.8 Billion local government investment pool. Earlier this year, CalTRUST issued Requests for Proposals (RFPs) for their custody, investment management, and fund accounting Services. CalTRUST received multiple responses to each RFP and a thorough review process of all proposals was conducted by the CalTRUST Product Review Committee. The CalTRUST Board of Trustees took action to select providers for each of the services that were put to bid and voted to select **U.S. Bank** to provide custody services, **BlackRock** to provide investment management services, and **NorthStar Financial Services Group, LLC** to provide fund accounting services.

As the CalTRUST Administrator, it has been a charge of the CSAC Finance Corporation to manage these transitions. On July 3<sup>rd</sup>, transitions for both custody and investment management services was successfully completed. The fund accounting transition is scheduled for completion on August 1<sup>st</sup>. These transitions have been a major priority for CSAC Finance Corporation staff and we are very pleased at how smoothly they are going and that no assets have been lost during the transition.

For more information on CalTRUST please contact Laura Labanieh at (916) 650-8186 or [laura@csacfc.org](mailto:laura@csacfc.org).

**California Statewide Communities Development Authority (CSCDA)**

One of our priority items with CSCDA is currently the Property Assessed Clean Energy (PACE) program. CSCDA currently has five PACE provider partners under their OpenPACE platform. We have been working closely with CSAC's Cara Martinson to help support lobbying efforts for the PACE programs. Additionally, we are beginning a new campaign working closely with the CSCDA Administrators to help educate counties on the oversight and consumer protections that CSCDA requires of their providers.

### **CSCDA Appointment**

The California Statewide Communities Development Authority (CSCDA) was created in 1988, under California's Joint Exercise of Powers Act, to provide California's local governments with an effective tool for the timely financing of community-based public benefit projects. CSCDA is sponsored by CSAC and the League of California Cities and helps more than 500 cities, counties, and special districts build community infrastructure, provide affordable housing, create jobs, and make access available to quality healthcare and education. It also serves as an important revenue source to the CSAC Finance Corporation which in turn provides support to CSAC budget and services to counties.

CSCDA is governed by a 7-member Commission, four appointed by CSAC and three appointed by LCC. There is currently a vacancy on the Commission for an Alternate Commissioner. We are currently finalizing a recommendation for the Alternate Commissioner. Such recommendation will be provided under separate cover.

### **Recommendation:**

Consider appointment of a CSCDA Alternate Commissioner.

For more information on CalTRUST please contact Alan Fernandes at (916) 650-8120 or [alan@csacfc.org](mailto:alan@csacfc.org) or Laura Labanieh at (916) 650-8186 or [laura@csacfc.org](mailto:laura@csacfc.org).



Date: August 3, 2017

To: Members, CSAC Executive Committee

From: Dorothy Johnson, CSAC Legislative Representative

Re: **Assembly Bill 1250 (Jones-Sawyer) County Service Contracts  
– INFORMATION ONLY**

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**Staff Recommendation.** This item is informational only.

### **Background.**

#### *Overview*

[Assembly Bill 1250](#) (Jones-Sawyer), related to county service contracts, remains a top legislative priority for CSAC in 2017. This bill will restrict counties' ability to deliver critical services to the people of California and carry out basic county administrative functions. AB 1250 would create a set of requirements that are unlike any other required of either the state or other local agencies. In doing so, AB 1250 would establish a de facto ban on contracting between counties and non-profits, community based organizations, and private service providers.

The bill is sponsored by the California State Council of the Service Employees International Union (SEIU) and the American Federation of State, County and Municipal Employees (AFSCME). The supposed need for the bill is to improve transparency in contracting and to address instances where certain decisions regarding contracting for services had negative impacts on taxpayers and service recipients.

#### *Bill Summary*

The [Senate Governance and Finance Committee analysis](#) provides a full overview of relevant existing law and changes sought by AB 1250. In summary, those changes are:

- 1) In order to enter into a contract for personal services, counties must conduct a cost-benefit analysis of every prospective contractor and demonstrate a cost-savings for the duration of the contract. The cost-benefit analysis relies on specific parameters, many of which are based on contracting terms established for the State with additional non-state requirements. The cost of the analysis falls to the county.
- 2) For contracts valued at over \$100,000 annually, contractors seeking to contract with counties must provide a description of all charges, claims, or complaints filed against the contractor with any federal, state, or local administrative agency during the prior 10 years. Contractors must also provide total compensation provided to workers performing similar work as sought by the contract as well as the total compensation for the five highest compensated officers, executives or directors.
- 3) On a monthly basis, counties must receive from contractors the names and wages of all contracted employees and subcontracted employees who are providing services to the county. This information would be subject to the California Public Records Act.

4) In order to renew or extend an existing contract, counties must conduct and review a performance evaluation and an audit to ensure service needs and anticipated savings were realized. The contractor is required to pay for the performance evaluation and audit.

5) The provisions of the measure apply to any contract entered into, renewed or extended after January 1, 2018, for personal services currently or customarily provided by employees of a county.

#### *Advocacy Efforts*

Initial CSAC advocacy efforts in opposition to AB 1250 focused on direct lobbying, which included testifying before policy committees, submitting position letters, and meeting with the author and sponsors to negotiate potential bill language. The communications component included social media and blog posts along with CSAC member notifications in the Bulletin. CSAC also highlighted the bill as one of three legislative priorities at the CSAC Legislative Conference held in mid-May.

Following the Assembly Floor vote, when the author pledged to strip cities from the measure, CSAC added to the direct lobbying efforts a more comprehensive public affairs strategy. This included the “No on AB 1250” branding, aggressive coalition building, earned media placements in major markets, and informational material drops. CSAC also created a [web page](#) dedicated to the “No on AB 1250” effort with stakeholder letters, press coverage and coalition resources. Results to date include a coalition of over 200 stakeholders, including 54 counties and non-profits and private business providing services for health and human services, behavioral health, law enforcement, legal and technology support, homelessness support, senior support, economic development, and emergency response. (The list of potentially impacted services is provided as an attachment to this memo). These efforts, along with direct lobbying, will continue fully through the next steps in the legislative process.

#### *Bill Status*

The measure has been referred to the Senate Appropriations Committee where it will be eligible to be heard when the Legislature reconvenes from the summer recess, after August 21. From there it will require passage off the Senate Floor as well as the Assembly Floor, for concurrence in the amendments taken in the Senate, before it is transmitted to the Governor’s desk.

#### *Timeline of AB 1250 Developments*

- AB 1250 was introduced as a spot bill at the start of the 2017-18 Legislative Session.
- Amendments on April 4th made substantive changes to general law city and general law county contracting procedures. AB 1250 was amended twice more with minor and corrective language changes.
- In the Assembly Public Employment, Retirement and Social Security (PERSS) hearing on April 19th, AB 1250 failed passage (three to three with one abstention). Reconsideration was granted based on a pledge from the author and sponsors to work with the opponents before the reconsideration hearing the following week.
- Later that same week, a meeting with the author and sponsors was held with the CSAC, the League of California Cities, other opponents to review the concerns raised on behalf of local government agencies. A second meeting was held to negotiate amendments with stakeholders on both sides. Major, substantive changes were accepted by the sponsors to



address the many of the egregious provisions of the bill. However, fundamental flaws remained that continued to undermine local authority to enter into contracts for services.

- Before the reconsideration hearing was held in Assembly PERSS, committee membership for was adjusted due to a member absence for personal reasons. The bill passed the committee by one vote and was referred to Assembly Appropriations.
- Assembly Appropriations referred the bill to the Suspense File in early May due to provisions that would require local agencies to host an online database with all contracts and contractor information posted, costing more than \$10 million statewide.
- In late May, AB 1250 passed out of Assembly Appropriations with major amendments that added charter counties to the bill and substituted the online database of local agency contracts for the Public Records Act language, which made private employee names and wages publicly available, amongst other changes.
- The bill moved to the Assembly Floor where further amendments were taken days before the House of Origin deadline to clarify the public works exemption, extend the legal services exemption, exempt government to government contracts and fire service contractors, and other minor technical corrections.
- On the evening of the House of Origin deadline, the AB 1250 vote was taken on the Assembly Floor and it fell 10 votes short of passage initially. Later that night, the author pledged to remove all cities from the bill and AB 1250 passed to the Senate on a 45-35 vote.
- AB 1250 was referred in the Senate to the Governance and Finance Committee. The Committee pulled the bill from the original hearing date, possibly due to pending amendments. The bill was heard on July 12 where the author pledged to take further amendments to exempt portions of the Santa Clara County health system services. The bill passed on a four to two vote (with the Committee Chair abstaining).

**Action Requested.** This is an informational item only.

**Attachments.**

- 1) CSAC Oppose Letter with UCC, RCRC and CAJPA
- 2) No on AB 1250 Coalition List (as of July 17, 2017)
- 3) Examples of Impacted Services

**Staff Contact.** Please contact Dorothy Johnson at (916) 327-7500 Ext. 515 or [djohnson@counties.org](mailto:djohnson@counties.org) or Tracy Sullivan at (916) 327-7500 Ext 525 or [tsullivan@counties.org](mailto:tsullivan@counties.org)



June 26, 2017

The Honorable Mike McGuire  
Chair, Senate Governance and Finance Committee  
State Capitol Building, Room 408  
Sacramento, CA 95814

**RE: Assembly Bill 1250 (Jones-Sawyer). Counties: contracts for personal services.  
Oppose – As Amended June 21, 2017  
Hearing Date: To be set – Senate Governance and Finance Committee**

Dear Senator McGuire:

The California State Association of Counties (CSAC), Urban Counties of California (UCC), Rural County Representatives of California (RCRC) and the California Association of Joint Powers Authorities (CAJPA) respectfully oppose Assembly Bill 1250 (Jones-Sawyer), related to county contracts for services. This measure would establish burdensome, worrisome contract procurement and renewal requirements for 57 of California's 58 counties that are unlike any other imposed on any state or local agency in California. In addition, it creates hurdles for contractors that include non-profits, community based organizations, and private service providers that will create a chilling effect on county contracting opportunities. The impacts of this bill are far-reaching and hurt the most vulnerable Californians and at the same time tie the hands of counties in their most basic administrative functions. In doing so, residents, other local governments, and the State will suffer the consequences as county contracts for services increase in costs and services dwindle or simply stop.

Specifically, AB 1250 would establish requirements for a county (with the exception of the San Francisco, a city and county) before it may enter into a contract or renew or extend an existing contract after January 1, 2018 with a "firm" for personal services, with limited exceptions. The term "firm" is defined as corporation, partnership, nonprofit organization, or sole proprietorship. The term "personal services" is not defined in the relevant code sections or any of the cross-referenced code sections. Examples of services areas where AB 1250 would apply include general health services, mental and behavioral health services, criminal justice and public safety services, public works, environmental stewardship services, transportation, and essential government administration including legal services, information technology support, and records retention.

Counties rely on contracted service providers for many reasons. In some instances it is to bring in expertise. Other times it is the most effective way to reach residents who would otherwise not seek county assistance due to stigma or cultural beliefs. It also is a way for counties to maximize local resources and taxpayer dollars. Some counties may choose to contract with services providers because the benefits to their communities far outweigh a dollar and cents analysis.

We are deeply concerned that AB 1250 will create a de facto prohibition on county service contracts due to the onerous requirements and costs drivers. It will also create a chilling effect on a county's ability to attract interested parties to respond to contract proposals. Our concerns are outlined below.

#### **AB 1250 does not Mirror State Contracting Rules for Counties**

It is a gross misstatement to say that AB 1250 is simply applying state contracting law to counties. The proposed limitations on county contracting authority are unlike any other imposed on a state or local agency in California. The bill applies the general state contracting statute (Government Code Section 19130) to counties and then piles on additional hurdles and sets forth numerous requirements for contractors seeking to partner with counties. The differences include:

- The State may enter into contracts when it may result in vacant positions remaining unfilled. Counties may not under AB 1250.
- Contracts with the State are not automatically eligible for termination if there is a material breach.
- Contractors with the State are not required to pay for a cost-savings analysis with specific criteria to be met before the State may enter into a contract; pay for a performance review and cost-savings audit before extending or renewing a contract with the State; provide names and wages of their private employees, and their subcontractors' employees, on a monthly basis to the State and have their employees' name and wages subject to the California Public Records Act.
- Contractors with the State for contracts valued annually at \$100,000 or more are not required to provide:
  - A description of all charges, claims, or complaints filed against the contractor with any federal, state, or local administrative agency during the prior 10 years.
  - A description of all civil complaints filed against the contractor in any state or federal court during the prior 10 years.
  - A description of all state or federal criminal complaints or indictments filed against the contractor, or any of its officers, directors, or managers, at any time.
  - A description of any debarments of the contractor by any public agency or licensing body at any time.
  - The total compensation, including salaries and benefits, the contractor provides to workers performing work similar to that to be provided under the contract.
  - The total compensation, including salaries, benefits, options, and any other form of compensation, provided to the five highest compensated officers, directors, executives, or employees of the contractor.

Finally, it also must be noted that the State itself has dozens of exemptions in the Health and Safety Code and Welfare and Institutions Code where the state may contract with public or private entities and are not required to follow GC 19130. Examples include contracting for perinatal services, electronic medical records maintenance, services for undocumented residents, child health and disability programs, and mental health and substance abuse disorder services. We are unaware of the logic behind AB 1250's seemingly random application of certain requirements to certain local agencies for some services or any solution these rigorous requirements will provide.

#### **County Contracting Subject to Transparency Requirements**

Describing AB 1250 as a contracting transparency measure is a disservice to the millions of Californians who rely daily on public services made possible through county agencies that in turn rely on contracted service providers. Counties are subject to two important transparency and accountability Acts: the Ralph M. Brown Act (Brown Act) for open meetings and the California Public Records Act (PRA), both of which ensure access to the decisions before local agencies. Our associations strongly support counties' faithful adherence to these important accountability measures.

County contracts are awarded in public meetings that are subject to the Brown Act, which provides a 72-hour notice of the agenda, opportunities for public comment, and mandates that information presented during public meetings is made publicly available. The PRA also affords open access to county service contracts which means a person from any county, state or country may see who a county is contracting with, the amount of that contract and the scope of services provided. Should issues arise, the Brown Act contains several provisions to cure and correct possible missteps by a local agency. The PRA also offers remedies for when access may have been denied. If there is a persistent problem that is not sufficiently addressed in existing statute we would welcome the opportunity to collaboratively find a remedy. AB 1250 offers no such solution.

#### **Litigation and Administrative Burdens Related to Personal Information**

Counties are deeply concerned that opening up private employee data as required under AB 1250 and making it subject to the PRA, in which any person from any county, state or country can obtain access, will drain county resources. First, it will invite a new wave of data mining like was seen with public employee salary and pension information that will bog down county departments. California's local agencies do not have cost recovery provisions associated with PRA under Proposition 42 (2014) where all costs are placed squarely on the shoulders of county.

Second, it disregards constitutional privacy rights by requiring the publication of personal financial information about private employees. Information about total rates charged by an individual hired through a contract may be included in a contract subject to the PRA, since it can be relevant to the consideration or ultimate award of the contract. However, AB 1250 sets forth an intrusive requirement that offers no benefit to the public and will discourage contracting with counties, thereby reducing competition and driving up costs yet again.

#### **Implementation Issues under AB 1250**

AB 1250 suffers from imprecise language, undefined terms, and erroneous cross-references that will make implementation exceedingly difficult and could invite further litigation about contract awarding. Even with corrections to drafting, services will suffer due to delays in contracts being awarded and subsequently renewed following the initial analysis and later performance assessment and cost savings audits.

AB 1250 largely ignores the timing it often takes to place an item before the Board of Supervisors. If a one year contract could be extended, audits would likely begin after just six months to ensure they are completed in time to avoid service interruptions. The necessary time internal auditors would need to complete the audits for all of the county contracts would create a backlog, unless external services were hired to assist. Of course, those same contracted auditors needed would themselves be subject to the provisions of AB 1250.

This, however, is not simply an administrative inconvenience. AB 1250 would be detrimental to service continuity for sensitive populations. Programs that help at-risk youth or victims of sex trafficking, provide mental and behavioral treatment, or operate food banks cannot simply start and stop without having a real impact on vulnerable Californians who rely on the safety net of services provided by counties.

In closing, we must stress the very dangerous reality AB 1250 sets forth for counties and the very dangerous precedent it establishes for the State and other local agencies. AB 1250 will not improve services, reduce costs, or protect employees. Counties are not exaggerating when they say services will decrease or simply get cut, either where AB 1250 would be directly applied or in other program areas so that critical local programs and the most basic county administrative functions may continue.

We are unaware of a specific, current problem that AB 1250 would resolve or prevent. We are very much aware, however, of the very real harm AB 1250 would cause the residents of California. For the aforementioned reasons, we oppose AB 1250. If you should have any questions regarding our position, please contact Dorothy Johnson with CSAC at (916) 650-8133; Jolena Voorhis with UCC at (916) 327-7531; Paul A. Smith with RCRC at (916) 447-4806; or Faith Lane with CAJPA at (916) 441-5050.

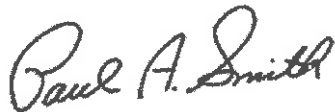
Sincerely,



Dorothy Johnson, Legislative Representative  
California State Association of Counties



Jolena L. Voorhis, Executive Director  
Urban Counties of California



Paul A. Smith, Vice President of Government Affairs  
Rural County Representatives of California  
Authorities



Faith Lane, Legislative Advocate  
California Association of Joint Powers

cc: The Honorable Reggie Jones-Sawyer, California State Assembly  
The Honorable Lorena Gonzalez Fletcher, California State Assembly  
The Honorable Rob Bonta, California State Assembly  
Honorable Members, Senate Governance and Finance Committee  
Jimmy MacDonald, Consultant, Senate Governance and Finance Committee  
Ryan Eisberg, Consultant, Senate Republican Caucus  
Tom Dyer, Chief Deputy Legislative Secretary, Office of Governor Brown



**Stop Attack on Services  
for the Vulnerable**

# **We Oppose AB 1250**

**(7/17/17)**

## **Health and Human Services**

Association of Community Human Service Agencies  
California Council of Community Behavioral Health Agencies  
California Hospital Association  
California Association of Public Hospitals and Health Systems  
California Disability Services Association  
County Behavioral Health Directors Association of California  
County Health Executives Association of California  
County Welfare Directors Association of California  
ACT for Mental Health and Wellness  
Advent Group Ministries  
Asian Americans for Community Involvement  
Behavioral Health Contractors' Association (BHCA) of Santa Clara County  
Caminar for Mental Health  
Center for Human Development  
Community Clinic Consortium  
Community Solutions  
Contra Costa Crisis Center  
Contra Costa Health Services  
County of Glenn Health & Human Services Agency  
Gardner Family Health Network and Gardner Family Care  
Human Services Alliance of Contra Costa County  
Kern County Behavioral Health & Recovery Services  
Mental Health Systems, inc.

## **Health and Human Services (continued)**

Momentum for Mental Health  
Pathway Society Inc.  
Peninsula HealthCare Connection  
Putnam Clubhouse  
Silicon Valley Independent Living Center  
Tehama County Department of Social Services  
Trinity County HealthUp and Human Services  
Ujima Adult and Family Services

## **Public Safety**

California District Attorneys Association  
California State Sheriffs' Association  
Chief Probation Officers of California  
Monterey County Sheriff's Office

## **Nonprofit Organizations**

Silicon Valley Council of Nonprofits (SVCN)  
Asian Law Alliance  
Abode Services  
Advent Group Ministries  
Alum Rock Counseling Center (ARCCC)  
California Partnership to End Domestic Violence  
California Workforce Association (CWA)  
Catholic Charities of California United  
Catholic Charities of Santa Clara County  
Centro La Familia Advocacy Services  
Community Health Partnership (CHP)  
ConXion to Community  
Fresno County Economic Development Corporation

**Nonprofit Organizations (continued)**

Goodwill of Silicon Valley  
Hiland and Associates  
Hispanic Foundation of Silicon Valley  
International Children Assistance Networks (ICAN)  
Jewish Family and Community Services of the East Bay  
Jewish Family Services of Silicon Valley  
Journey Out  
Law Foundation of Silicon Valley  
Next Door Solutions to Domestic Violence  
Operation SafeHouse  
Parisi House on the Hill  
Portuguese Organization for Social Services and Opportunities  
Project Sentinel  
Rainbow Community Center  
Reading and Beyond  
San Jose Day Nursery  
Services, Immigrant Rights & Education Network (SIREN)  
SOMOS Mayfair  
STAND! For Families Free of Violence  
Thrive, The Alliance of Nonprofits for San Mateo County  
Valley Medical Center Health Foundation  
Vietnamese Voluntary Foundation  
YWCA Silicon Valley

**Children and Youth**

California Alliance of Child and Family Services  
California Coalition for Youth  
Alternative Family Services  
Alum Rock Counseling Center  
Aspiranet

**Children and Youth (continued)**

Bay Area Youth Center, a division of Sunnyhill Services  
Brighter Beginnings  
Child Abuse Prevention Council of Contra Costa County  
Child Advocates of Silicon Valley, inc.  
Children's Health Council  
Community Child Care Council of Santa Clara County  
Contra Costa ARC  
Covenant House California  
David & Margaret Youth and Family Services  
Dependency Advocacy Center  
Early Childhood Mental Health Program  
Family Care Network, inc.  
First 5 Association of California  
Breakout Prison dba California Youth Outreach (CYO)  
First Place for Youth  
Fred Finch Youth Center  
Fresh Lifelines For Youth, Inc. (FLY)  
Go Kids, Inc  
Grail Family Services  
Hathaway – Sycamores Child and Family Services  
Lincoln Child Center  
Olive Crest  
Penny Lane Centers  
Rebekah's Children's Services  
Redwood Community Services, inc.  
School Health Clinics of Santa Clara County  
Seneca Family of Agencies  
Smiles and Tears Child and Family Services Inc.  
Teenforce

Turning Point of Central California, inc.  
United Advocates for Children and Families  
Uplift Family Services  
We Care Services for Children  
WestCoast Children's Clinic  
Youth Homes, Inc.

**Senior Services**

Avenidas  
Bay Area Older Adults  
Fruitful Living, Inc.  
Live Oak Senior Nutrition and Service Center  
Respite and Research for Alzheimer's  
Disease  
Sunnyvale Senior Nutrition Program

**Homeless/Low income Services**

Community Services Agency of Mountain  
View and Los Altos  
Contra Costa Interfaith Housing  
Downtown Streets Team  
Families in Transition of Santa Cruz  
County, inc.  
LifeMoves  
LifeSTEPS – Life Skills Training and  
Educational Programs  
Peninsula Family Service  
Project WeHOPE  
Rubicon Programs  
Sacred Heart Community Service  
Second Harvest Food Bank of Santa Clara  
and San Mateo Counties  
Shelter, Inc.  
St. Joseph's Family Center  
Sunnyvale Community Services  
West Valley Community Services

**Technology**

Computing Technology Industry Association  
(CompTIA)  
Information Technology Alliance for Public  
Sector (ITAPS)  
TechNet

**Emergency**

California Ambulance Association  
EMS Medical Directors' Association of  
California, Inc. (EMDAC)  
Emergency Medical Service Administrators'  
Association of California (EMSAAC)

**Transportation & Logistics**

California Trucking Association

**Local Government**

California State Association of Counties  
California Association of Joint Powers  
Authorities (CAJPA)  
California Association for Local Economic  
Development (CALED)  
Rural County Representatives of California  
Urban Counties of California  
Alameda County Board of Supervisors  
Alpine County Board of Supervisors  
Amador County Board of Supervisors  
Butte County Board of Supervisors  
Calaveras County Board of Supervisors  
Contra Costa County Board of Supervisors  
Del Norte County Board of Supervisors  
El Dorado County Board of Supervisors  
Fresno County Board of Supervisors  
Humboldt County Board of Supervisors  
Imperial County Board of Supervisors  
Inyo County Board of Supervisors  
Kern County Board of Supervisors



**Local Government (continued)**

Kings County Board of Supervisors  
Lassen County Board of Supervisors  
Los Angeles County Board of Supervisors  
Madera County Board of Supervisors  
Marin County Board of Supervisors  
Mariposa County Board of Supervisors  
Mendocino County Board of Supervisors  
Merced County Board of Supervisors  
Modoc County Board of Supervisors  
Mono County Board of Supervisors  
Napa County Board of Supervisors  
Nevada County Board of Supervisors  
Orange County Board of Supervisors  
Placer County Board of Supervisors  
Plumas County Board of Supervisors  
Riverside County Board of Supervisors  
Sacramento County Board of Supervisors  
San Bernardino County Board of Supervisors  
San Diego County Board of Supervisors  
San Joaquin County Board of Supervisors  
San Luis Obispo County Board of Supervisors  
San Mateo County Board of Supervisors  
Santa Barbara County Board of Supervisors  
Santa Cruz County Board of Supervisors  
Shasta County Board of Supervisors  
Sierra County Board of Supervisors  
Siskiyou County Board of Supervisors  
Solano County Board of Supervisors  
Sonoma County Board of Supervisors  
Stanislaus County Board of Supervisors  
Sutter County Board of Supervisors  
Tulare County Board of Supervisors  
Tuolumne County Board of Supervisors  
Ventura County Board of Supervisors

**Local Government (continued)**

Yolo County Board of Supervisors  
Yuba County Board of Supervisors

**Business**

California Building Officials  
California Chamber of Commerce  
CalAsian Chamber of Commerce  
American Staffing Association  
Associated Builders and Contractors, Inc. –  
Central Valley Chapter  
Associated Builders and Contractors, Inc. -  
Northern California Chapter  
Associated Builders and Contractors, Inc. –  
San Diego California Chapter  
Associated Builders and Contractors, Inc. -  
Southern California Chapter  
Bay Area Council  
Bondurant Enterprises, inc.  
California Building Industry Association (CBIA)  
California Business Properties Association  
California Manufacturers & Technology  
Association (CMTA)  
California Retailers Association  
California Staffing Professionals  
Camarillo Chamber of Commerce  
Carpenter/Robbins Commercial Real Estate,  
Inc.  
Chambers of Commerce Alliance of Ventura  
and Santa Barbara Counties  
Fresno Area Chamber of Commerce  
Greater Bakersfield Chamber of Commerce  
Greater Riverside Chambers of Commerce  
Library System Services, LLC  
Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation (LA  
BizFed)  
MuniServices

**Business (continued)**

National Federation of Independent Business  
(NFIB)

The Nelson Webley Corporation

Orange County Business Council

The Silicon Valley Organization

Valley Industry & Commerce Association  
(VICA)

# AB 1250 – Examples of Impacted County Services

AB 1250 (Jones-Sawyer) imposes significant new restrictions designed to stop counties from contracting with nonprofits, licensed professionals and other providers for the delivery of vital local services. Examples include, but are not limited to:

## Health - General

- California Children's Services (CCS) Program
- Cultural competency services
- Dental health
- HIV counseling
- Indigent health
- Public hospital physicians and medical staff
- Pharmacy and laboratory

## Mental and Behavioral Health

- Alcohol and drug treatment/rehabilitation
- Case management
- Community mental health facilities data evaluators, traveling nurses, and translation services
- Medication management
- Private psychiatric hospitals
- Psychiatric counseling
- Rehabilitation sites
- Sober Living Homes

## Human Services

- Adoption/foster family services
- CalWORKS & CalFresh programs, including job placement, job training and employment services
- Cooling and warming shelters
- Counseling and safe shelters for children and sexual abuse victims
- Counseling and support for victims of domestic violence
- Homeless support
- Immigration legal services
- Seniors support
- Vocational education and training

## Public Safety

- Code enforcement
- Inmate educational programs
- Inmate vocational training programs
- Jail health care, including mental health and substance abuse programs
- Security for public buildings

## Emergency Services

- 9-1-1 dispatching services
- Ambulance transport/pre-hospital care
- Emergency Medical Directors
- Emergency medical services data compliance

## Public Works/Environmental Stewardship

- Catch basins cleanout
- Catch basins cleanout
- CEQA/EIR consultation when not in connection with project development or permit processing
- Debris removal
- Demolition and removal of substandard structures
- Elementary school environmental education programs
- Environmental laboratory services program
- Hazardous waste material removal (Emergency)
- Right of way acquisition for Road Repair and Accountability Act (Senate Bill 1) funded projects
- Tire recycling
- Underground and aboveground storage tank certification

## Transportation

- Airport noise monitoring
- Vehicle and equipment repair and towing
- Beach bus service
- Charter bus transportation
- Dial-A-Ride
- Parking meter coin collection

## General Government

- Animal care control
- Data and records retention/storage
- Consulting
- Elevator maintenance
- Financial services/revenue collection/audits
- Food and beverage
- Information technology solutions
- Janitorial
- Library systems
- Legal services retained on a non-contingency basis
- Laundry
- Landscaping and tree trimming



Stop Attack on Services  
for the Vulnerable



August 3, 2017

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**To:** CSAC Executive Committee

**From:** DeAnn Baker, Deputy Executive Director of Legislative Services  
Graham Knaus, Deputy Executive Director of Operations & Member Services  
Justin Garrett, Legislative Representative, Human Services

**RE: In-Home Supportive Services Update**

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**Background on New IHSS MOE.** The Governor signed SB 90, the In-Home Supportive Services (IHSS) trailer bill, on June 27. SB 90 implements the Governor's May Revision proposal to mitigate the fiscal impact of the elimination of the IHSS Maintenance of Effort (MOE) related to the Coordinated Care Initiative (CCI). This includes provisions to establish a new IHSS MOE and dedicated revenues to partially offset this cost shift including State General Fund contributions, Vehicle License Fee (VLF) growth revenues, and sales tax growth revenues. The proposal for a new county IHSS MOE was supported by CSAC as it will result in significantly reduced overall county contribution for IHSS costs compared to the January budget proposal. The trailer bill requires the Department of Finance to consult with CSAC in the development of the new MOE.

**IHSS MOE Workgroup.** CSAC has formed a small IHSS MOE Workgroup to ensure input from the CAOs and technical experts during the development of the new county IHSS MOE. The workgroup includes eight CAOs and representatives from Urban, Suburban, and Rural counties. In addition, CSAC has worked over the past several weeks, in partnership with the County Welfare Directors Association of California (CWDA), to gather all of the necessary data and resources from the Department of Finance and Department of Social Services that will be instrumental in this process.

**MOE Timeline.** CSAC staff and the workgroup are operating on an accelerated timeline to finalize as much of the MOE as possible and provide this information to counties. Final numbers will not be known until mid-September since they'll include offsetting sales tax and VLF revenues that won't be final until August. However, we are working to provide numbers that are close to final in the near future. At the August 3 Executive Committee meeting, CSAC staff will provide updated information on the progress in developing the new MOE and distributing this information to counties.

**IHSS Budget Methodology.** The budget trailer bill also requires the Administration to consult with CSAC and CWDA to examine the workload and budget assumptions related to administration of the IHSS program. This process will take place over the coming months during the preparation of the 2018-19 budget.

**Resources.** A summary of all the major provisions in the trailer bill is available in our [Budget Action Bulletin](#) (IHSS begins on page 13) that was distributed in mid-June. CSAC is developing additional resources to assist counties with understanding the impact of the changes contained in the IHSS trailer bill, including an overview of the

collective bargaining and wage provisions. CSAC will work to provide training for counties in the coming months along with these resources.

**CSAC Staff Contacts:**

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Graham Knaus, Deputy Executive Director of Operations & Member Services: [gknaus@counties.org](mailto:gknaus@counties.org), (916) 327-7500 Ext. 545

Justin Garrett, Legislative Representative, Human Services: [jgarrett@counties.org](mailto:jgarrett@counties.org), (916) 327-7500 Ext. 539



® August 3, 2017

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To: CSAC Executive Committee

From: Kiana Valentine, CSAC Legislative Representative  
Chris Lee, CSAC Legislative Analyst

Re: **SB 1 Implementation Update**

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**Background.** The Legislature passed and the Governor signed into law an ongoing transportation funding and reform package in April 2017 following a multi-year advocacy effort that included CSAC, counties around the state, and our local government, business, and labor union partners. Over the next decade, SB 1, the Road Rehabilitation and Accountability Act of 2017, will provide approximately \$5 billion annually in new revenue for local streets and roads, state highways and public transportation through the imposition of new and increased fuel taxes and vehicles fees. From these new revenue sources, an average of approximately \$1.5 billion per year in new funding will be allocated by formula for county roads and city streets.

**Policy Considerations.** SB 1 includes new and enhanced public transparency and accountability requirements that will apply to both state and local revenues. CSAC has developed a webpage of resources to help facilitate county implementation of SB 1 and compliance with its accountability provisions here:

<http://www.counties.org/post/sb-1-road-repair-and-accountability-act-2017>.

- **New Local Transparency Requirements and Maintenance of Effort.** To encourage transparency in the use of SB 1 revenues at the local level, counties will be required to approve their provisional plans for projects built with SB 1 transportation formula funds. In order to receive formula funding from the Road Maintenance and Rehabilitation Account (RMRA) a county must include a list of planned projects in a publicly-adopted budget. SB 1 also requires annual reporting on expenditures of RMRA funding. In order to receive RMRA funding, counties must comply with a local maintenance of effort based on average discretionary spending for county road purposes during the 2009-10, 2010-11 and 2011-12 fiscal years.
- **Development of Reporting Guidelines.** The California Transportation Commission (CTC) is charged with receiving local reports detailing planned projects included in the county budget and making a determination whether each jurisdiction has complied with this public transparency requirement. In each fiscal year, counties must comply with the planned project reporting requirement prior to receiving an allocation of RMRA funding from the State Controller. The CTC is likely to adopt final guidelines on these reporting requirements at the Commission's August 16-17 meeting.

- **Deadlines for Reporting Compliance.** CSAC’s Budget Action Bulletins for the 2017-18 state budget advised counties to incorporate proposed RMRA project lists within the county budget prior to September 15. CSAC successfully advocated for the CTC to extend this deadline to October 16, 2017 to better align with the county budget process. While several counties have already included a list of projects in recommended budgets approved in June, counties that have yet to include such a list will need to incorporate it into the final budget adopted by October 2. Counties that adopted a final budget in June without incorporating a list of planned projects will need to make a budget amendment to incorporate this information in order to comply with SB 1 provisions and receive allocations of formula funds.
- **Flexibility for Planned Expenditures.** While these requirements are a departure from prior fuel tax revenue allocations to counties, they are based on requirements that accompanied local funds from Proposition 1B in 2006. Given that SB 1 is an ongoing program that continuously appropriates local formula funding, the bill provided necessary flexibility. SB 1 included language recognizing that planned projects may change between when an anticipated project list is adopted to when projects are constructed. This provision authorizes such changes without a requirement to amend the initial project list, although funding may only be spent on eligible projects.
- **Eligible Uses and Other Policy Considerations.** SB 1 includes relatively broad project eligibility for local funds, however, the law clearly states that road maintenance and rehabilitation projects and safety projects should be the highest priority unless a county’s pavement condition index exceeds 80. Counties should develop their list of planned RMRA-funded projects with this guidance in mind. Moreover, SB 1 places a strong emphasis on multi-modal transportation. Counties are encouraged to incorporate complete streets features appropriate for the specific rural, suburban or urban context of a road rehabilitation or maintenance project. CSAC advises counties to focus RMRA funds on projects that can accommodate such features within the project scope and existing bicycle/pedestrian plans.
- **Additional Formula Funding from SB 1.** In addition to formula funding from the RMRA, counties will benefit from inflation indexing on existing fuel excise tax rates, as well as the reset of the current “price-based” gasoline excise tax to 17.3 cents per gallon in July 2019 and future inflationary adjustments to that rate. These funding increases are not accompanied by additional reporting requirements and will ensure that counties continue to have funding for basic road maintenance road maintenance activities that do not lend themselves to location-specific reporting.
- **Competitive Funding Opportunities from SB 1.** Counties can also directly benefit from competitive funding programs established by SB 1. Links to

additional information about these programs are available on the CSAC SB 1 implementation webpage:

- \$300 million annually for “Trade Corridor Enhancement.” Guideline development is underway via the CTC.
- \$250 million annually for the new “Solutions for Congested Corridors” program. This will be a competitive program that funds projects nominated by regional transportation planning agencies or county transportation commissions. Guideline development is underway via the CTC.
- \$200 million annually in local partnership funding for self-help counties that adopt special tax measures or uniform development impact fees dedicated to transportation purposes. Guideline development is underway via the CTC and CSAC plans to submit comments.
- \$100 million annually for active transportation projects (ATP). This is a competitive program. In the first year, funding will be split between projects nominated by regional transportation agencies and a statewide competition that were eligible, but did not receive funding in the last round of ATP grants. Guidelines will be revised in future years via the CTC.
- \$25 million annually for planning grants for local and regional agencies to implement state goals related to regional transportation planning, including SB 375 sustainable communities strategies. Guideline development is underway via Caltrans and CSAC plans to submit comments.
- \$20 million in one-time funding allocated over the next three years for climate change adaptation planning for transportation infrastructure. Guideline development is underway via Caltrans and CSAC plans to submit comments.

**Action Requested.** Information only.

**Staff Contact.** Please contact Kiana Valentine ([kvalentine@counties.org](mailto:kvalentine@counties.org) or 916/650.8185) or Chris Lee ([clee@counties.org](mailto:clee@counties.org) or 916/650.8180) for additional information.





## CSAC

### WASHINGTON BRIEFS

SECOND QUARTER 2017

After seven years of pledging to repeal and replace the *Affordable Care Act* (ACA), House Republicans this past quarter made good on their promise to pass legislation dismantling the signature achievement of the Obama administration. The 217 to 213 vote – which came six weeks after GOP leaders were forced to pull their reform bill from the floor because of a lack of internal support – illustrates the depth of partisan discord within Congress as it pertains to the future of federal healthcare policy. For their part, members of the California congressional delegation voted strictly along party lines.

To secure the necessary support for the legislation, entitled the *American Health Care Act* (AHCA), GOP leaders agreed to make several changes to the bill (HR 1628). For example, the revised measure includes language that would allow states to apply for waivers that would let insurance companies charge considerably higher premiums for people with pre-existing conditions (if those individuals do not maintain continuous coverage). Under the legislation, high-risk pools would be available to help partially cover those particular costs.

The modified bill also would allow states to establish their own requirements for essential health benefits, beginning in 2020. Under current law, insurers must abide by a list of 10 benefits that were mandated by the ACA.

It should be noted that the changes to HR 1628 did not address California counties' underlying concerns with the repeal and replacement package, including the elimination of the Medicaid (Medi-Cal) expansion – which would take place beginning in 2020. In addition, the legislation would place a per-capita cap on federal Medicaid spending and institute a number of other changes that would make it more difficult to enroll and maintain individuals on Medi-Cal. Accordingly, if enacted, the measure would shift tens of billions of dollars in costs to counties in California.

In other developments this past quarter, Congress approved a fiscal year 2017 omnibus appropriations package (PL 115-31) after negotiators struck a long-awaited deal to keep the federal government open through the end of September. Although GOP congressional leaders made the decision last year to delay consideration of the 2017 budget in order to give the Trump administration sufficient opportunity to mold the legislation, the final agreement rejects many of the priorities sought by the president. By way of illustration, the \$1.1 trillion funding

bill does not include the \$18 billion in discretionary spending cuts proposed by the White House or money for a border wall (the measure would allow funds to be spent on replacement border fencing). Also left out of the legislation were a bevy of policy riders that Democrats considered to be “poison pill” amendments.

At the same time, congressional Republicans and President Trump were able to secure several notable wins. For example, the budget package provides a \$15 billion boost in supplemental defense spending, with \$2.5 billion of the funding contingent on the administration delivering a new plan to combat the Islamic State. The bill also includes \$1.5 billion for border security, although funding cannot be used for additional Immigration and Customs Enforcement agents, or, as previously noted, for the construction of a border wall.

All told, the final fiscal year 2017 budget represents a victory for California’s counties. Faced with the possibility of significant spending cuts in the current year, Congress ultimately rebuffed most of the programmatic funding reductions that were being aggressively pursued by the White House.

In other news, President Trump released during the second quarter the broad parameters of what would amount to a dramatic overhaul of the U.S. tax code. Among other things, the reform plan – which is embodied in a single page outline – would whittle the current seven income-tax brackets down to three, reduce the 35 percent corporate income tax to 15 percent, and eliminate a number of major taxes currently on the books. The goal of the plan, according to administration officials, is to implement a series of large, accelerated tax cuts in an effort to create economic growth and jobs.

Of particular interest to states and local governments, the Trump plan would eliminate the federal deduction for state and local income taxes (SALT). The proposed abolishment of the SALT deduction would disproportionately impact states with higher tax rates, particularly California, New York, and several other states. According to estimates, eliminating the SALT deduction would result in an additional \$1.3 trillion in federal revenue over the 10-year period from 2017 to 2026, which would help offset, in part, some of the proposed tax cuts in the Trump proposal.

Looking ahead, it remains to be seen how tax reform efforts will proceed on Capitol Hill, where key authorizing committees will be responsible for drafting a tax overhaul bill. While the Trump plan was generally warmly received by congressional Republicans, many key Democrats were immediately dismissive of the proposal, vowing to fight the plan throughout the legislative process.

#### **AFFORDABLE CARE ACT REPEAL AND REPLACE**

As reported above, the House narrowly approved an ACA repeal and replacement measure this past quarter. While a number of congressional Republicans suggested that the Senate should simply take up the House bill, Majority Leader Mitch McConnell (R-KY) made it clear that the upper chamber would write its own health reform legislation.

After several weeks of bill drafting by Republican staff, McConnell signaled in late June his intention to bring a repeal bill directly to the floor. Those plans were ultimately scuttled, however, after it was clear that the majority leader lacked the 50 votes needed to advance the legislation.

Entitled the *Better Care Reconciliation Act (BCRA)*, the Senate bill is in many ways similar to the House-passed AHCA. Like the lower chamber's legislation, the Senate package proposes deep cuts to Medicaid and would eliminate the nearly \$1 billion Prevention and Public Health Fund used by state and county public health departments.

Under the Senate measure, the ACA's enhanced federal Medicaid matching rate would be phased out over the course of four years – from 90 percent in 2020 down to 75 percent by 2023 – with expansion funds terminating on January 1, 2024. By way of comparison, the House legislation would end the current 95 percent enhanced match on January 1, 2020.

In addition, the Senate bill would institute a Medicaid per-capita cap, with even deeper cuts in future years compared to the House bill. Under the Senate proposal, the per capita cap would begin on October 1, 2019, with states able to choose a consecutive two-year period of Medicaid expenditures for the U.S. Department of Health and Human Services to use when calculating the federal payment limit. The House bill would establish fiscal year 2016 expenditures as the base year for calculations.

Starting in fiscal year 2025, the federal contribution to Medicaid under the BCRA would be reduced even more than the House bill by pegging the federal spending at a growth rate tied to the consumer price index, instead of medical inflation. The projected two percentage point difference would accelerate the cuts over time.

According to the Congressional Budget Office (CBO), 22 million individuals would no longer have health care coverage if the BCRA were enacted into law, including 15 million individuals on Medicaid. Furthermore, CBO projects that the federal contribution to Medicaid via a per-capita cap would gradually decrease to 26 percent by the end of the ten-year budget window and escalate even more after that time. The State of California's initial estimates on the Senate bill project a loss of \$30 billion annually when factoring in a Medicaid expansion repeal and the imposition of a per-capita cap.

While several GOP senators were quick to announce their opposition to the health reform measure, additional Senate Republicans signaled their opposition to the bill once the CBO score was released. Conservatives, such as Senator Rand Paul (R-KY), argue that the bill does not go far enough in repealing the ACA, while moderates, including Senator Susan Collins (R-ME), assert that the Medicaid cuts would hurt many in her state.

Looking ahead, Republican senators will continue to meet in an attempt to craft a bill that will receive at least 50 votes (Vice-President Pence could supply the tie-breaking vote, if necessary).

The balancing act of finding a compromise measure that attracts enough conservative Republicans and/or moderates remains a daunting task for the GOP leadership.

### **CHILD WELFARE REFORM**

The House approved this past quarter five bipartisan, no-cost child welfare bills. Each measure represents a section of a comprehensive child welfare reform package, known as the *Family First Prevention Services Act* (HR 253). While certain provisions of HR 253 would be problematic for California and its counties, the aforementioned bills were noncontroversial. It should be noted that CSAC, the County Welfare Directors Association of California, the State Department of Social Services, and a number of child advocacy organizations reviewed the bills and either supported them outright or had no significant concerns.

The measures include extending the competitive grant program for initiatives providing substance abuse treatment grants to entities serving families who have children involved in the child welfare system (HR 2834); implementing model foster home licensing standards similar to California's system (HR 2866); using existing funding, extending Chafee independent living supports from age 21 to 23, and allowing educational vouchers to remain available up to age 26 instead of 23 (HR 2847); allowing states to use federal foster care funds to cover the cost of children living with their parents in family-based substance abuse treatment facilities (HR 2857); and, establishing an electronic case management system for expedited cross-state placement of children with relatives or an adoptive family (HR 2742). With the exception of the electronic case management system bill, the Senate has not introduced companion bills.

### **JUSTICE FUNDING**

In late June, the House Appropriations Committee released its draft fiscal year 2018 Commerce-Justice-Science (CJS) spending measure. Approved by the CJS Appropriations Subcommittee on June 29, the bill would provide \$54 in total discretionary funding to the Departments of Commerce and Justice, NASA, and related agencies. The proposed investment would be \$2.6 billion less than the fiscal year 2017 enacted level and \$4.8 billion above the president's budget request for these programs.

With regard to funding for state and local law enforcement assistance, the House bill would provide nearly \$2.2 billion in fiscal year 2018. Of the aforementioned total, and in a victory for CSAC, \$220 million would be provided for the State Criminal Alien Assistance Program (SCAAP), an increase of \$10 million.

In addition, the CJS measure would increase funding by over \$102 million for core Byrne-Justice Assistance Grants (Byrne/JAG). Although the bill would eliminate funding for the COPS hiring grant program, it includes \$65 million for initiatives to improve police-community relations, as well as an additional \$45 million for the Comprehensive School Safety Initiative.

The House legislation also would dedicate \$4.6 billion for the Victims of Crime Act (VOCA) fund in fiscal year 2018, or an 80 percent increase over the fiscal year 2017 cap of \$2.57 billion. Although the bill would not transfer Crime Victim Fund dollars to programs not authorized

under the VOCA statute, the measure would direct states to reserve a portion of their VOCA grants to support victim assistance services to Indian tribes. The amount to be reserved would be proportionate to the tribal population in each state. The bill also would provide \$527 million for services authorized by the *Violence Against Women Act*, or an increase of \$46 million.

Finally, the CJS measure includes \$103 million for programs to help stem Opioid abuse, or the full amount authorized by the *Comprehensive Addiction and Recovery Act of 2016*. Funds could be used for drug courts, treatment, and prescription drug monitoring programs.

In other developments this past quarter, the House approved controversial legislation (HR 3003) that would cut off certain federal grant funds to states and localities that do not cooperate with federal immigration authorities. The bill, introduced by the chairman of the House Judiciary Committee, Representative Bob Goodlatte (R-VA), takes its provisions from a comprehensive immigration enforcement package (HR 2431) that was approved by the Judiciary Committee last month.

Under HR 3003, jurisdictions that fail to comply with provisions of the bill designed to compel cooperation with federal law enforcement entities would be ineligible to receive funding from the following federal grant programs: SCAAP; COPS; Byrne/JAG; and, “any other grant administered by the Department of Justice or Department of Homeland Security that is substantially related to law enforcement, terrorism, national security, immigration, or naturalization.” While current law (8 USC Section 1373) forbids state and local governments from restricting the intergovernmental exchange of information regarding an individual’s citizenship or immigration status, HR 3003 would vastly expand this authority by expressly prohibiting states and localities from barring their officials from complying with federal immigration laws or from assisting or cooperating with federal law enforcement entities.

It should be noted that the legislation includes language that would “clarify” ICE detainer authority. Under the bill, the secretary of the Department of Homeland Security would be authorized to issue a detainer to state/local law enforcement if the secretary has probable cause to believe the individual in question is an inadmissible or deportable alien. The statutory probable cause language is something that has not been included in iterations of similar legislation and represents a new approach to modifying federal immigration law to ensure that jurisdictions honor ICE detainers.

The bill also would protect jurisdictions that comply with ICE detainers from the threat of lawsuits. Federal courts have ruled that detainers – which are civil holds and not criminal warrants – violate the Fourth Amendment and open local governments to civil liability.

Looking ahead, HR 3003 faces an uphill climb in the Senate. In previous sessions of Congress, Senate Democrats have blocked the consideration of similar bills.

## INFRASTRUCTURE

The White House released this past quarter additional details on how the administration intends to make good on President Trump's pledge to spend \$1 trillion over 10 years to modernize the nation's crumbling infrastructure. According to the administration's fiscal year 2018 budget proposal, the \$1 trillion infrastructure investment target will be met by a combination of new federal funding, incentivized non-federal funding, and newly prioritized and expedited projects. In total, the 2018 budget would provide \$200 billion in direct federal spending for the infrastructure initiative.

To help leverage public and private dollars, the budget proposes to expand the Transportation Infrastructure Finance and Innovation Act (TIFIA) program. TIFIA helps finance surface transportation projects through direct loans, loan guarantees, and lines of credit. The White House also is proposing to drive investment by lifting the cap on private activity bonds and expand eligibility to other non-federal public infrastructure. Furthermore, the budget proposes to incentivize innovative approaches to congestion mitigation and includes language that would liberalize tolling policies and allow private investment in rest areas.

Looking ahead, Congress is expected to tackle an infrastructure spending package sometime during the third quarter of 2017.

In other developments, The White House designated the week of June 5 as "Infrastructure Week" in D.C., with President Trump and key administration officials staging several events designed to highlight, among other things, the need for increased investment in infrastructure. Capping off the week's events was a closing ceremony at the Department of Transportation (DOT) in which the president joined Secretary Elaine Chao to announce the publication of a *Federal Register* notice seeking public input regarding the existence of regulatory obstacles that preclude the timely completion of infrastructure projects.

Specifically, DOT is soliciting input from stakeholders to help it identify requirements that the Department and its sub-agencies impose through rules – or interpretations found in policy statements or guidance – that unjustifiably delay or prevent completion of transportation projects (surface, maritime, & aviation). Per the notice, the Department's primary focus is on administrative items that it has the authority to change; however, if there are modifications that would be achievable only through legislative action, DOT is open to receiving proposed legislative changes as well.

## FAA REAUTHORIZATION

The House Transportation & Infrastructure (T&I) Committee approved in late June legislation (HR 2997) that would provide a long-term reauthorization of the Federal Aviation Administration (FAA). The bill – entitled the *21st Century Aviation Innovation, Reform, and Reauthorization Act* (AIRR ACT) – was cleared on a 32-25 vote after a marathon markup session during which the committee approved roughly 80 amendments. While certain aspects of the six-year legislation have garnered bipartisan support, the markup featured a lively debate over

**GOP committee leaders' controversial plan to transfer air traffic control operations from the FAA to a nonprofit corporation.**

**HR 2997 would authorize increases in funding for several key local aviation programs, including the Airport Improvement Program (AIP) – growing from \$3.35 billion in fiscal year 2017 to over \$3.8 billion by fiscal year 2023. The bill also would provide a significant funding boost for the Essential Air Services (EAS) program, while keeping funding for the Small Community Air Service Development Program (SCASDP) at current levels.**

**Of particular interest to California's self-help counties, Representative Alan Lowenthal (D-CA) offered an amendment during the committee's consideration of the bill that would clarify that local sales tax measures of general application are not subject to provisions of federal law that require the proceeds of certain taxes to be spent for aviation purposes. The amendment was strongly supported by CSAC, as well as other state and local interests in California.**

**As anticipated, the chairman of the committee, Representative Bill Shuster (R-PA), expressed his opposition to the amendment on the basis that it would allow aviation-related tax revenues to be diverted for off-airport uses. The chairman also noted the opposition of the airlines, airports, general aviation, and other aviation stakeholders. Chairman Shuster did acknowledge that there are unique circumstances regarding the application of local voter-approved sales taxes and offered to work with Representative Lowenthal on compromise language if the congressman withdrew the amendment. Mr. Lowenthal agreed to the chairman's request and will be working with CSAC and other interested parties on a potential solution.**

**It should be noted that the impetus for the Lowenthal amendment is a 2014 FAA ruling that requires States and local governments to spend the proceeds of any aviation-related tax – those derived from excise taxes and local sales taxes – on airport uses only. The FAA's ruling amounts to a reinterpretation of a particular section of federal law that addresses how the proceeds of aviation fuel taxes are to be spent. Incidentally, the Conference Report to the law in question (PL 100-223) states that the requirement is "intended to apply to local fuel taxes only, and not to other taxes imposed by local governments, or to state taxes."**

**It is estimated that the FAA's policy reinterpretation will mean a loss of over \$100 million for the State of California and its local governments. Nationwide, a recent study suggests that state and local governments will lose roughly \$190 million a year under the FAA rule change. Furthermore, because sales taxes on aviation fuel are not segregated from other taxable sources, state and local governments will need to implement an extensive new tracking system(s) in order to comply with the FAA's policy.**

**Across Capitol Hill, the Senate Commerce, Science, and Transportation Committee marked up its own FAA reauthorization measure on June 29. The legislation (S 1405), which would provide a four-year renewal of federal aviation programs, includes an increase in authorized funding for both the AIP and SCASDP. Under the bill, funding for the EAS program would be frozen at current levels. Notably, the Senate legislation does not include a proposal to privatize the nation's air traffic control system.**

Programmatic authority for the FAA is currently operating under a one-year extension, which is set to expire on September 30, 2017.

### **SECURE RURAL SCHOOLS**

This past quarter, the Senate Energy and Natural Resources (ENR) Committee held an oversight hearing to examine federal payments to local governments provided through the Secure Rural Schools (SRS) program and the federal Payments-in-Lieu-of Taxes (PILT) program. The hearing also explored the need for the federal government to provide greater fiscal certainty for resource-dependent communities with tax-exempt federal lands.

The panel of invited witnesses included: officials from the Department of the Interior and the U.S. Forest Service; Mayor David Landis from the Ketchikan Gateway Borough (Alaska); Commissioner Gordon Cruickshank from Valley County (Idaho); Commissioner Mike Manus from Pend Oreille County (Washington); Commissioner Mark Whitney from Beaver County (Utah); and, Mark Haggerty from Headwaters Economics.

The witnesses all spoke to the challenges faced by rural communities when the federal government does not meet its obligations. They also urged the committee to immediately reauthorize SRS and fully fund the PILT program.

In her opening statement, ENR Committee Chairwoman Lisa Murkowski (R-AK) encouraged members to think creatively about funding payments for tax-exempt lands, including alternative management models that could help generate more revenue. For his part, Mark Haggerty proposed establishing a permanent endowment that would fund the program through commercial receipts derived from federal lands. Meanwhile, other members of the committee discussed the importance of increasing timber sales to boost revenues.

Following the hearing, bipartisan legislation (HR 2340; S 1027) was introduced in the House and Senate to reauthorize SRS – which is currently expired – for an additional two years. It should be noted that in the absence of SRS, the law reverts to a previous Act (PL 60-136) that relies on a revenue sharing model dependent on timber harvest receipts. However, years of declining federal timber production has left forested counties with considerably less funding than they otherwise would have received under SRS.

### **FEDERAL FOREST MANAGEMENT**

On June 27, the House Natural Resources Committee approved legislation – the *Resilient Federal Forests Act* (HR 2936) – that aims to increase timber production and reduce the risk of wildfires on National Forest System lands. Among other things, the measure would streamline the environmental review process for certain forestry projects. It also would establish a procedure for requesting a wildfire disaster declaration on federal lands. While HR 2936 proposes to limit and expedite legal challenges, the measure does not include some of the more severe restrictions that were in a previous iteration of the bill.



With regard to SRS, the bill would expand eligibility under Title III of the program to include law enforcement patrols, training, and equipment purchases as eligible expenses. This would help rural counties dedicate critically needed resources to combat illegal marijuana grows on forest lands.

For its part, CSAC sent correspondence to the Natural Resources Committee expressing support for a number of the streamlining provisions included in HR 2936. With regard to fire budget borrowing, the letter urged committee leaders to adopt the funding structure found in the *Wildfire Disaster Funding Act* (HR 2862), which would allow agencies to manage emergency wildfire suppression costs for “mega-fires” without impacting other priority programs. CSAC also encouraged committee leaders to work in a bipartisan manner to ensure that the environmental review process can be completed in a timely and cost-effective manner, without compromising the protection of the natural environment.

Across Capitol Hill, the Senate is discussing options for forest management reform and will likely consider similar legislation later this year. As the bill moves through the legislative process, CSAC will be working with the California delegation, as well as other key members of the House and Senate, to improve federal land management practices.

#### **PAYMENTS-IN-LIEU-OF-TAXES**

As part of the year-end budget deal, the PILT program was fully funded (\$465 million) in fiscal year 2017. Accordingly, in late June, the Interior Department began distributing payments to eligible counties. In all, 57 California counties received nearly \$48.3 million, up from \$47.3 million in fiscal year 2016. It should be noted that California counties have typically been the highest recipients of PILT funding. By comparison, Utah received the next highest PILT allocation amounting to just over \$39.5 million.

With regard to fiscal year 2018, the president’s budget proposes only \$397 million for the program, which would represent a reduction of approximately \$68 million. At this point, however, it is unclear whether appropriators will accept the president’s recommendation or continue to fully fund the program. While the future of PILT funding remains uncertain, CSAC continues to urge members of the California congressional delegation to make the program a top budgetary priority.

Finally, it should be noted that the interaction between PILT and SRS is such that a cut in SRS could significantly reduce the annual PILT allocation to certain counties, particularly those counties that do not have much, or any, National Forest System lands within their borders. Therefore, if SRS is not renewed this year, a number of California counties could experience an overall decline in their federal lands payments next year.

#### **NATIVE AMERICAN AFFAIRS**

There was no movement this past quarter on legislation (HR 130) was introduced in the House that would overturn the Supreme Court’s 2009 *Carcieri v Salazar* decision. In *Carcieri*, the Court

determined that the secretary of the Interior's trust land acquisition authority is limited to those tribes that were "under federal jurisdiction" at the time of the passage of the *Indian Reorganization Act* (IRA) of 1934. Since the Court's ruling, Indian tribes have demanded a simple legislative reversal of the *Carcieri* decision while county governments, led by CSAC, have pursued comprehensive reforms to the Bureau of Indian Affairs' (BIA) fee-to-trust process.

HR 130 is sponsored by Representative Tom Cole (R-OK), the co-chair of the Congressional Native American Caucus, and cosponsored by his Democratic counterpart, Representative Betty McCollum (D-MN). The ranking member of the House Indian, Insular, and Alaska Native Affairs Subcommittee, Representative Norma Torres (D-CA), also has signed onto the bill. Like past years, the legislation is not expected to advance in its current form given the clear lack of consensus in Congress regarding how to address the implications of the *Carcieri* decision.

In other developments this past quarter, Napa County Supervisor Diane Dillon testified before the House Natural Resources Committee's Oversight and Investigations Subcommittee for its hearing entitled "Examining Impacts of Federal Natural Resources Laws Gone Astray." The panel heard from several witnesses who offered their views on the manner in which federal regulatory agencies have implemented certain laws under their jurisdictional purview.

For her part, Supervisor Dillon discussed the *Indian Reorganization Act* (IRA) and the longstanding deficiencies of the BIA's administratively driven fee-to-trust process. The IRA, which has not been amended by Congress since its passage in 1934, provides the Secretary with broad legal powers to take land into trust for the benefit of Indian tribes but does not include any standards relative to the exercise of the Secretary's trust acquisition authority.

During her testimony, Dillon described a number of specific defects of the fee-to-trust process, including unsatisfactory notice to key stakeholders, a lack of transparency, and insufficient consideration of the off-reservation impacts of tribal development projects. As noted by the supervisor, the inadequate legal framework has led to longstanding conflicts and litigation between tribes, local governments, and other parties. Dillon also offered a number of concrete suggestions – many of which have been championed by CSAC in its pursuit of comprehensive fee-to-trust reform – for how to improve the law and its implementation.

With regard to the upper chamber, it remains to be seen how the new chairman of the Senate Committee on Indian Affairs, John Hoeven (R-ND), intends to address *Carcieri*. While his predecessor, Senator John Barrasso (R-WY), aggressively pursued a major fee-to-trust reform bill (S 1879), Hoeven is still in the process of reviewing legislative options.

## **CANNABIS**

As part of the fiscal year 2017 omnibus spending bill, Congress kept in place state-legal medical marijuana protections. The language, commonly referred to as the Rohrabacher-Farr policy rider, prohibits the Department of Justice from using federal resources to prosecute individuals or businesses acting in compliance with state medical marijuana laws. It should be noted that

the provision was included over the objections of Attorney General Jeff Sessions, who sent a letter to House and Senate leaders in May opposing the amendment.

Despite the statutory prohibition on the use of funds, President Trump has indicated – via a formal signing statement – that the provision conflicts with his constitutional responsibility to faithfully execute the law. Such a statement creates some uncertainty and leaves open the possibility that the Justice Department could challenge state medical marijuana laws.

In other developments, a number of cannabis-related measures have recently been introduced in Congress, some of which have bipartisan support. In particular, Senator Ron Wyden (D-OR) and Representative Earl Blumenauer (D-OR) have introduced a series of bills that they view as the path to marijuana reform. One measure (S 777; HR 1823) would amend the tax code to allow state-legal cannabis businesses to take normal business deductions, a practice that is currently prohibited by law.

A second bill (S 780; HR 1824) is much more comprehensive and covers a broad range of issues at the federal level. Among other things, it would eliminate federal criminal penalties and civil asset forfeiture for individuals and businesses acting in compliance with state law. In addition, the legislation would improve access to banking services, bankruptcy protections, and medical research, as well as allow marijuana users to live in public housing and access federal student aid. The third and final bill in the series (S 776) would legalize marijuana at the national level by removing it from the *Controlled Substances Act*.

Finally, the president's fiscal year 2018 budget proposes additional spending to address illegal marijuana production operations on National Forest System Lands. The funding would be targeted toward eradication operations, site cleanup, and reclamation.

#### **PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

Earlier this year, Representatives Brad Sherman (D-CA) and Ed Royce (R-CA) introduced Property Assessed Clean Energy (PACE) legislation (HR 1958) that would subject PACE assessments to the requirements of the *Truth in Lending Act* (TILA). In doing so, PACE issuers would be required to follow the same rules and regulations as banks and mortgage lenders. Pursuant to HR 1958, PACE loan originators would be required to provide a full TILA disclosure of the loan details and terms, including the annual percentage rate, a schedule of payments, and the total cost of the loan. The measure also stipulates that the creditor provide a disclosure statement explaining that the PACE assessment will result in a lien on the property.

Across Capitol Hill, Senators Tom Cotton (R-AR), Marco Rubio (R-FL), and John Boozman (R-AR) have introduced a Senate companion bill (S 838). It should be noted that the Senate sponsors of the legislation have been more outspoken critics of the program, referring to PACE assessments as a "scam" or as "predatory loans".

For its part, CSAC supports strong national consumer protection standards for the program. However, subjecting PACE assessments to vigorous regulations designed for the mortgage

industry would disrupt the unique structure of the program and would make it more difficult for homeowners to obtain affordable financing for energy efficiency upgrades. Therefore, CSAC is working with Senators Elizabeth Warren (D-MA) and Michael Bennet (D-CO), as well as other key members of Congress, on legislation that would improve consumer protections and disclosures nationwide, without subjecting PACE to the requirements of TILA.

We hope this information is useful to California county officials. If you have any questions or comments, please feel free to contact us.





August 3, 2017

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To: CSAC Officers  
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From: Graham Knaus, Deputy Executive Director of Operations and Member Services  
David Liebler, Director of Public Affairs & Member Services  
Jim Manker, Director of Corporate Relations  
Kelli Oropeza, Chief of Financial Operations

**Re: CSAC Operations and Member Services Update**

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This memorandum highlights key activities and initiatives occurring within CSAC operations and member services.

**Corporate Partnership Program**

The Corporate Partnership Program will begin the Fiscal 2017-18 with 70 partners, including 30 Premier, 8 Executive, and 32 Associate partners. The Premier Partner level continues to grow and serves as the back bone of our program. Each Premier partner makes an annual contribution to CSAC in the amount of \$25,000 or more. This is why we are so pleased to add three new companies to this level: California Forensic Medical Group, Healthnet, and Tabora Solutions. As of this date we are up \$110,000 in new net business for 2017-18.

**Regional Meetings**

We just completed the Northern Counties Regional Meeting, June 28-29 in Humboldt County. It was our largest Regional Meeting to date! Over 60 county leaders and corporate partners participated in a robust agenda about cannabis. Many of us had the opportunity to participate in an educational tour on Wednesday, June 28. Our first Regional Meeting of the new fiscal year is set to take place in early November.

**New CSAC Corporate Partner Guide is coming**

We are currently in the process of completing our latest corporate partner guide. The corporate partner guide helps to articulate all CSAC Finance Corporation partners and the various revenue share programs we offer through each. This guide also lists all current yearly corporate partners (those companies who make an annual one time investment) and provides information about their business offerings and the value they bring to CA Counties. We will be distributing this guide to each member of the CSAC Board of Directors, and the CAO/CEO, General Services Directors and procurement department in each of their counties.

Thank you again for your support of our Partnership Program.

CSAC Corporate Program twitter page, please follow us!  
[www.twitter.com/CsacCorp](http://www.twitter.com/CsacCorp)

### **Member Services and Communications**

Following is a brief summary of CSAC Communication Unit activities and successes during the second quarter of 2017. Significant emphasis continues to be placed on a combination of earned and social media to meet a number of our communications goals for the year.

#### **Earned Media**

Over the past several months, CSAC has been successful in placing several op-ed pieces in various newspapers on issues important to counties. Often this involved close collaboration with other stakeholders. The Sacramento Bee ran a piece in opposition to SB 649, the “small cell bill,” from Matt Cate, Carolyn Coleman from the League of Cities and Greg Norton from the Rural County Representatives of California. It ran on June 27 just as the bill was coming up in committee. The Bee also ran an opinion piece co-authored by CSAC 1<sup>st</sup> Vice President Leticia Perez and Moira Kenney from the California First Five Commission, opposing AB 1250, the county contracting bill. That piece ran in the Bee on June 12, the morning the bill was in committee. In both cases, CSAC’s Communications team was instrumental in crafting the messages and getting the items placed in the Bee.

CSAC also worked very closely with the Fix Our Roads Coalition on Senate Bill 1, the new revenue for road maintenance. In the weeks leading up to the final passage of the bill in April, CSAC coordinated county participation in several news conferences up and down the state, including Riverside, Merced, Contra Costa and Santa Clara Counties. We also wrote and placed Op-Eds in support of SB 1 in the Modesto Bee, The Sacramento Bee, and the San Jose Mercury News just to name a few. The media component was one of several factors that lead to eventual passage of the bill.

#### **Social Media**

During the past three months, CSAC tweeted more than 800 times and received nearly 600,000 impressions. Facebook and Instagram continue to be increasingly popular social media venues utilized by CSAC. A wide variety of CSAC programs, meetings and events are regularly promoted, as are positive stories about our California Counties, as well key legislation and other issues of importance to our members.

#### **Blogs**

CSAC continues to publish at least one blog every week. During the past three months, CSAC featured a number of county programs that were Challenge Award recipients in 2016. Beyond that, our blog, “The County Voice,” touched on a variety of issues important to counties: housing, the opioid epidemic, AB 1250 and tree mortality. County authors included Supervisors Richard Forster (Amador) Luis Alejo (Monterey) and Patrick Kennedy (Sacramento, and Sheriff Commander Judy Gerhardt (Los Angeles).

## **Videos**

CSAC finished off its video series on the Challenge Awards; a total of 14 videos have been produced this year on county best practices. CSAC also has nearly 20 videos in currently in various states of production. A number of these focus on cannabis, including a three-part series to be released this fall, as well as recordings by panel discussion of the CSAC Regional Meeting in Humboldt County and Counties Cannabis Summit in Sacramento. CSAC communications has also produced videos on a CSAC webinar and testimony given at the Capitol by county officials. CSAC is utilizing the talents of a communications intern specializing in video/digital production to assist in the increased workload.

## **Working with Institute for Local Government**

CSAC has been asked by the Institute for Local Government to produce two videos spotlighting Beacon Program award-winning programs. Communication staff recently conducted interviews of local government officials in Monterey and Santa Cruz Counties, including Supervisors McPherson and Alejo; additional interviews will be conducted in August to spotlight Sacramento City and County efforts. The videos will be shown at a Beacon Awards dinner in September in conjunction with the League of California Cities Annual Conference.

## **Challenge Awards/County Best Practices**

CSAC revamped our annual Challenge Awards program for 2017; entries are now being judged by specific issue categories within three population categories that mirror our caucuses. The Call for Entries deadline was in late June and CSAC received 288 entries – the most in the awards program’s history. The entries have been sent off to the 15-member judging panel that will narrow down the entries to finalists. The judges will then come together next month to choose the Challenge and Merit Award finalists that will be announced at the September CSAC Board of Directors meeting.

## **Awards**

CSAC was honored with three awards by the National Association of County Information Officers (NACIO), an affiliate of NACo. Superior Awards were presented in feature writing (a blog by David Liebler on a unique Mono County Behavioral Health Program), and in video (spotlighting the impacts of tree mortality); a Meritorious Award was presented to CSAC for another video that featured Yuba County’s 14Forward program for the homeless.

## **California Counties Foundation**

The California Counties Foundation (Foundation) is the non-profit foundation of CSAC that houses the CSAC Institute, the Results First partnership with PEW Charitable Trusts, Inc., and manages charitable contributions and grants to improve educational opportunities for county supervisors, county administrative officers, and senior staff.

## **Results First**

The CSAC/Results First Partnership with PEW began in 2015 and is centered on evidence-based and cost-effective criminal justice programming at the local level.

The goal of the CSAC/Results First partnership is to develop county capacity to make evidence-based policy decisions that produce the best outcomes for residents with the highest rate of return for taxpayers. The effort began with the pilot counties of Kern, Santa Barbara, Fresno, and Santa Cruz and has been expanded to Nevada, Santa Clara, Solano, and Ventura counties.

CSAC/Results First continues to receive interest from various counties (rural, urban suburban) and the program's help desk is currently open for interested counties in learning about what works in programing. Program staff has also created a Results First Clearinghouse that includes programs and practices tested through the rigorous Results First data model and proven to work successfully for addressing criminal justice needs within limited funds for both adults and juveniles.

The Foundation, in partnership with PEW, has secured a \$500k grant to provide longer-term funding for the program as well as increase capacity and bring on an additional staff to expand to additional counties.

### **CSAC Institute**

The CSAC Institute continues its robust slate of courses and activities to meet county policy-based and leadership-focused professional development needs. The CSAC Institute offers courses at the main campus in Sacramento, and satellites located in Contra Costa County, Merced County, and Riverside County, and will be adding a Northern California satellite beginning January 2018.

### **Fiscal Operations**

FY 2016-17 ended on a strong fiscal note as the CSAC budget continued to fund organizational priorities while returning a positive fund balance. As discussed as part of the FY 2017-18 budget adoption in May, the strategic management of 2016-17 revenues allows for year-end additions to reserves and the creation of a Capital Improvement Program to best position CSAC to manage its 100+ year old building. This was enhanced by an additional \$400k contribution from the CSAC Finance Corporation due to continuing to outperform its expectations.

CSAC staff is in the process of closing its fiscal books for 2016-17 and preparing for the year-end audit this month. The final audit will be presented to the Executive Committee at its October 4-6 meeting.

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# County Counsels' Association of California

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Shasta County  
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*Gregory P. Priamos*  
Riverside County  
2016-2018

**EXECUTIVE DIRECTOR**  
*Jennifer B. Henning*

## MEMORANDUM

**To:** Supervisor Keith Carson, President, and  
Members of the CSAC Executive Committee

**From:** Jennifer Henning, Litigation Coordinator

**Date:** August 3, 2017

**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 April 2017. Recent CSAC court filings are available on CSAC's website at: <http://www.csac.counties.org/csac-litigation-coordination-program>. The following jurisdictions are receiving amicus support in the new cases described in this report:

COUNTIES	CITIES	OTHER AGENCIES
San Bernardino San Mateo Sonoma	Los Angeles (2 Cases) Pasadena Sacramento San Diego	State of California Tri-City Healthcare District

### ***Brewer v. Beck***

--- F.3d ---, 2017 U.S.App.LEXIS 10971 (9th Cir. June 21, 2017)(15-55479)  
Status: Rehearing Petition Pending

Plaintiff loaned her vehicle to her brother-in-law. He was stopped by police while driving with a suspended license and her vehicle was impounded. A hearing was held and, although plaintiff provided proof of ownership and a valid California driver's license, the City of Los Angeles, following the requirements of Vehicle Code section 14602.6, held the vehicle for 30 days. Plaintiff filed this lawsuit alleging Fourth Amendment violations. The district court agreed with the city that Vehicle Code section 14602.6 is a valid administrative penalty. The Ninth Circuit reversed, holding that the 30-day impound is a seizure under the Fourth Amendment and the circumstances justifying the initial seizure of the vehicle were no longer present after the car was seized and plaintiff presented officers with proof of ownership and a valid driver's license. The city will be filing a petition for rehearing en banc and CSAC will file a brief in support.

July 18, 2017

***Cal Fire Local 2881 v. CalPERS (State of California)***

7 Cal.App.5th 115 (1st Dist. Dec. 30, 2016)(A142793), *petition for review granted* (Apr. 12, 2017)(S239958)

Status: Briefing Underway in California Supreme Court

Beginning in 2003, eligible public employee members of CalPERS had the ability to purchase “airtime,” which is the option to purchase at cost up to five years of nonqualifying service credit. The ability to purchase airtime was eliminated in 2013 by PEPRA. Plaintiffs challenged this portion of PEPRA, arguing that it violates the contracts clause of the California Constitution (Cal. Const., art. I, § 9) and, therefore CalPERS lacks authority to refuse to consider applications for this service credit. The First District upheld PEPRA’s elimination of airtime purchases. The court determined that plaintiffs could not lawfully claim a vested contractual right to airtime service credit as part of their pension benefits. The court found that there was no intent to create, either expressly or impliedly, a vested right when the airtime statute was passed in 2003. The court further found that while “plaintiffs may believe they have been disadvantaged by these amendments, the law is quite clear that they are entitled only to a ‘reasonable’ pension, not one providing fixed or definite benefits immune from modification or elimination by the governing body.” Plaintiffs filed a petition for review and the Supreme Court granted review to consider: (1) Was the option to purchase additional service credits pursuant to Government Code section 20909 a vested pension benefit of public employees enrolled in CalPERS? (2) If so, did the Legislature’s withdrawal of this right through the enactment PEPRA violate the contracts clauses of the federal and state Constitutions? CSAC will file a brief consistent with CSAC policy encouraging maximum flexibility for counties in meeting pension obligations.

***Citizens for Beach Rights v. City of San Diego***

10 Cal.App.5th 1301 (4th Dist. Div. 1 Mar. 28, 2017)(D069638), *ordered published* (Apr. 20, 2017)

Status: Case Closed

The City of San Diego obtained a local Site Development Permit (SDP) and a permit from the California Coastal Commission to construct a new lifeguard station. Due to difficulties in securing funding, the city issued building permits for the project many years later. After initial construction began, plaintiff filed a petition to halt construction, arguing that the SDP had expired. The trial court agreed and ordered the city to abandon the construction. The city appealed, arguing that the trial court’s ruling failed to address the recent building permits that necessarily included the city’s decision that the SDP remained valid. The city asserted that any challenge to the building permits was time-barred because it was not brought within 90 days as required by Government Code section 65009(c)(1)(E). The Fourth District agreed with the city and reversed, concluding that plaintiff’s lawsuit was time-barred and allowing the city to proceed with the project. CSAC’s publication request was granted.

***City of Los Angeles v. Hotels.com***

Pending in the Second District Court of Appeal (filed Mar. 21, 2017)(B255223)

Status: Amicus Brief on August 3, 2017

In a set of consolidated cases, the California Supreme Court held late last year that Transient Occupancy Tax (TOT) could not be imposed on the surcharge collected by online

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travel companies (OTC). When these cases were winding their way through the courts, the City of Los Angeles amended its TOT ordinance to include OTCs in the definition of “operator.” The trial court, which ruled prior to the recent Supreme Court case, decided against the city, concluding that the markups charged by the OTCs did not constitute “rent.” In dicta, the trial court also found the amendment to the TOT ordinance required a vote under Prop. 218. The city appealed, but the appeal was stayed pending the outcome of the Supreme Court decision. Following the Supreme Court’s decision in December 2016, briefing has resumed. One of the main issues on appeal is whether the amendment to include OTCs in the definition of operator was required by Prop. 218 to be submitted to the voters for approval. CSAC will file an amicus brief in support of the city.

***County of San Bernardino v. Superior Court (Reed)***

Order of the San Bernardino County Superior Court (Jan. 25, 2017)(Case No. CIVDS1416377), *petition for writ of mandate denied* (4th Dist. Div. 2 Mar. 28, 2017)(E067817), *petition for review denied* (May 10, 2017)(S241109)

Status: Case Closed

Social workers twice investigated reports of possible child abuse of plaintiff. The social workers determined the reports were unfounded, but provided the family with information about community services that could help improve their parenting skills and assist with the minor’s special education needs. Seven months later, the father’s live-in girlfriend seriously injured the child, a crime for which she was arrested and charged. This civil lawsuit followed against the county to recover for the minor’s injuries. Plaintiffs acknowledged that the social workers properly conducted the investigation and that it was within their discretion to conclude that no formal child welfare services were needed. The trial court nevertheless denied the county’s summary judgment motion, finding that by providing information to the family about voluntary services, the social workers created a mandatory duty to develop and enforce a case plan. The trial court’s ruling did not discuss the CDSS Child Welfare Services Manual, which specifically authorizes providing families with voluntary resources upon a finding that no formal child welfare services are needed. The Court of Appeal denied the county’s petition for writ of mandate. The county sought relief from the California Supreme Court, which CSAC supported, but the petition was denied.

***DFS Group, L.P. v. County of San Mateo***

Pending in the First District Court of Appeal (filed Dec. 30, 2016)(A150162)

Status: Amicus Brief Due November 15, 2017

This case raises an issue of first impression on how to assess, for purposes of property tax liability, a minimum annual lease guarantee. In the case, plaintiff, which has possessory interest in the San Francisco Airport, entered into a lease and concession agreement with a third party. That lease agreement included a guarantee that plaintiff will receive from the third party a minimum rent of \$24 million annually. The actual rent received may be more, but under the terms of the agreement, it could never be less. When San Mateo County assessed the property, it included the value of the minimum lease guarantee. Plaintiff challenged that part of the assessment, arguing that the minimum lease guarantee is really just a type of exclusivity that is a non-taxable intangible asset. Both the

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Assessment Appeals Board and the trial court agreed with the County. Plaintiff has appealed. CSAC will file a brief in support of San Mateo County.

***Garcia v. City of Pasadena***

11 Cal.App.5th 532 (2d Dist. May 3, 2017)(B267613), *petition for review pending* (filed June 12, 2017)(S242480)

Status: Petition for Review Pending

Plaintiffs, a mother and her young son, were walking (the son in a stroller) on a three-mile recreational walkway adjacent to a golf course when the son was struck in the head by an errant golf ball. There is an eight foot chain link gate separating the walkway from the golf course at the incident location, but no high netting. Plaintiffs filed a lawsuit against the City of Pasadena, arguing that the walkway or golf course is a dangerous condition of public property under Government Code section 835. The city filed for summary judgment and the trial court entered judgment in favor of the city. The Court of Appeal affirmed, holding that Government Code section 831.4 trail immunity does not immunize a dangerous condition of a commercially operated, revenue generating public golf course that causes injury to pedestrians on an adjacent trail. CSAC has filed a letter in support of the city's petition for review, which is pending.

***Medical Acquisition Co. v. Tri-City Healthcare District***

Pending in the Fourth Appellate District, Division One (filed Oct. 20, 2016)(D071311)

Status: Briefing Underway

This eminent domain case raises an important question about when a public agency can change its mind about taking property. In the case, the public agency used the "quick take" procedures to start the process of acquiring property. The quick take process requires the public agency to deposit a sum equivalent to the estimated property value, and then there is a trial to determine the actual cost to acquire the property in eminent domain. The agency followed that process—it deposited \$4.7 million and obtained an order for possession. But the jury later valued the property at \$16.8 million, which was significantly higher than the agency was willing to pay. The agency therefore exercised its statutory right to abandon the eminent domain proceeding, but the property owner filed a motion to set aside the abandonment. The trial court granted the motion, essentially forcing the public agency to spend \$16.8 million for property it cannot afford and no longer wants. CSAC will file a brief in support of the healthcare district.

***Sierra Club v. County of Sonoma (Ohlson Ranch)***

11 Cal.App.5th 11 (1st Dist. Apr. 21, 2017)(A147340)

Status: Depublication Request Pending

Sierra Club challenged the county's approval of a permit allowing a vineyard on land that was being used for grazing. The county determined that approval of the permit was exempt from CEQA because it was a ministerial act pursuant to a local ordinance. The trial court agreed. Sierra Club appealed, arguing that many provisions of the local ordinance are broad and vague, allowing the county to exercise discretion. The Court of Appeal rejected Sierra Club's argument and affirmed the ruling in favor of the county. Sierra Club has requested depublication, which CSAC has opposed. The request is pending.

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***Stevenson v. City of Sacramento***

Pending in the Third District Court of Appeal (C080685, C082096)(filed Nov. 2, 2015, May 11, 2016)

Status: Fully Briefed and Pending

In 2010, the City adopted a policy calling for the retention of e-mails for two years, and establishing July 1, 2015 as the date deletion would begin. Five days before July 1, 2015, Petitioners submitted Public Records Act requests for all emails scheduled for deletion. The City asked Petitioners to narrow their request, but instead Petitioners filed this action seeking to enjoin the City from deleting any emails. The city argued, among other things, that if a preliminary injunction issued, Petitioners should be required to post a bond under Code of Civil Procedure section 529 to cover the cost of retaining the emails. The trial court agreed that a bond is required. It initially set the bond amount at \$80,000, but then reduced it to \$2,349.50 after supplemental briefing. Petitioners appealed the trial court's order requiring them to post a bond at all. CSAC filed a brief in support of the city.

# Summer – Fall 2017 Course Guide

*The beautiful thing about learning is nobody can take it away from you. – B.B. King*

## Professional development classes for county officials, executives and managers

### Schedule at a Glance

DATE		LOCATION	PAGE
<b>JULY</b>			
6 (TH)	<i>Emerging Issues</i> The Crisis of Housing	Sacramento	3
13 (TH)	Enable and Energize: An Environment for People to Excel	Sacramento	3
14 (F)	Maturity Factor + Emotional Intelligence	Sacramento	5
20 (TH)	Leading with Emotional Intelligence	Contra Costa	5
28 (F)	Making an Impression – Effective Media Relations	Sacramento	5
<b>AUGUST</b>			
4 (F)	Fiscal Health Diagnosis and Practice for Counties	Sacramento	3
10 (TH)	IT-Focused Contracting with Cloud/Hosted Providers	Sacramento	4
11 (F)	Polish the Presentation – Advanced Practices	Sacramento	6
17 (TH)	Polish the Presentation – Advanced Practices	Contra Costa	6
24 (TH)	State Budget 101: What Counties Need to Know	Sacramento	7
<b>SEPTEMBER</b>			
8 (F)	County Budgeting and Financial Planning	Sacramento	2
8 (F)	Leadership & Change: Practices to Move Organizations	San Bernardino	4
14-15	<i>Two Day Class</i> Realignment Workshop: 1991 and 2011	Sacramento	7
15 (F)	Leadership & Change: Practices to Move Organizations	Merced	4
21 (TH)	Building and Maintaining a Team Environment	Contra Costa	2
21-22	<i>Two Day Class</i> Performance Measurement Workshop	Sacramento	6
29 (F)	County 101: Duties, Roles and Responsibilities	Sacramento	2
<b>OCTOBER</b>			
5 (TH)	IT Risk and Portfolio Management	Sacramento	4
6 (F)	Communication with Influence	Sacramento	2
13 (F)	Art & Practice of Organizational Leadership	San Bernardino	1
13 (F)	Manage Conflict (even hostility) in Comfort	Sacramento	5
19 (TH)	Negotiation and Collaboration in Complex Environments	Contra Costa	6
20 (F)	Financing California Counties: The History	Sacramento	3
20 (F)	Thinking Strategically in Trying Times	Merced	7
26 (TH)	Strategy: Clarifying, Building, Implementing, Alignment	Sacramento	7
27 (F)	Communicating Complex Data and Information	Sacramento	2
<b>NOVEMBER</b>			
3 (F)	Thinking Strategically in Trying Times	Sacramento	7
9 (TH)	Practitioners Guide to Hiring, Developing and Retaining	Sacramento	6
16 (TH)	Leadership & Change: Practices to Move Organizations	Sacramento	4
17 (F)	Leading with Emotional Intelligence	Merced	5
17 (F)	Financing California Counties: The History	San Bernardino	3
27 (F)	Bridging Contentious Communities: Catalytic Leadership	Sacramento	1
<b>DECEMBER</b>			
1 (F)	Drama at the County – Acting Techniques for Leadership	Sacramento	2
8 (F)	Labor Relations and Negotiations	Sacramento	4
8 (F)	Local Governance in California	San Bernardino	5
14 (TH)	IT Executive Cybersecurity	Sacramento	4
15 (F)	Intergenerational Leadership	Sacramento	3
15 (F)	Talent Development and Succession Planning	Merced	7

### Nature and dimensions of leadership in effective organizations

#### The Art & Practice of Organizational Leadership

120



This interactive course designed for both experienced and new senior county managers explores the practical applications of leadership in creating a high performing county organization – especially in the difficult environments counties

operate. Participants engage in discussions of key practices in formal and informal leadership, particularly in achieving sustainable change; employee engagement and team-building strategies; leadership when you're not in charge; and techniques for developing a vital workplace culture which supports organizational members.

Instructor: Dr. Frank Benest is former city manager of Palo Alto and a noted expert in organizational leadership and management.

**Friday, October 13, 2017**

10:00 a.m.–3:30 p.m.

San Bernardino ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

### Tools for engagement and conversations in divisive times

#### Bridging Contentious Communities: Fostering Catalytic Leadership in Counties

112

Join former Nebraska State Senator Dave Landis for this engaging and entertaining discussion of how to work with others to solve community and organizational problems, particularly in this era of divisiveness. This course examines a variety of problem solving and negotiation practices which will improve the likelihood of achieving your desired objectives. Case examples demonstrate application of ideas and challenge participants to consider alternative approaches in dealing with community problems and opportunities. Participants gain hands-on experience with using the tools and exploring application to real world situations. This is a class and instructor you will not forget.



Instructor: David Landis is a former long-time Nebraska state senator who has successfully brought together opposing sides to find common ground on difficult policies and issues.

**Monday, November 27, 2017**

10:00 a.m.–3:30 p.m.

*Preceding the CSAC Annual Meeting*

Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials



Deployment and leadership of high performance teams

**Building and Maintaining a Team Environment 371**

Counties use teams as a method to get work done. It takes a certain organizational culture to support teams. This course examines the culture and attributes of high-performing teams in the public sector. Hands on simulations demonstrate team strategies. Strategies, tools and resources are shared along with team leadership practices, and how to transition to a team culture. Participants examine the group dynamics required for team success, define team responsibilities and accountability, how to evaluate team performance against mission, and the leadership practices to lead and sponsor teams.

Instructor: Dr. Jerry Estenson is Professor of Organizational Behavior at CSU, Sacramento.

**Thursday, September 21, 2017** 10:00 a.m.–3:30 p.m.  
 Contra Costa ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

Effective visual display of complex information

**Communicating and Presenting Complex Issues and Data 389**

Counties present complex and detailed information to decision-makers and the public, and may fall into the trap of overwhelming the audience with too much content or complexity. This course provides strategies and techniques for presenting data, complex issues and analytical information in a way an audience can understand and apply. Participants explore balancing content with clarity, effective use of tools such as PowerPoint, and determining what evidence to present. Using their own examples, participants examine how to present statistical data, key elements of visual design, and creation of presentations which communicate multifaceted ideas in a clear manner.



Instructor: Dr. Mary Kirilin is Associate Professor of Public Policy and Administration at CSU-Sacramento.

**Friday, October 27, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

“Emotions drive people...people drive performance” – Josh Freedman

**Communication with Influence 130**

**new** The ability to have quality conversations, including techniques to engage stakeholders at all levels and build relationships, depends upon one’s ability to communicate effectively. The class explores your preferred communication style and its impact on others to improve your ability to communicate with clarity, impact and confidence. The highly interactive day will enhance your ability to have quality conversations with individuals, teams and key stakeholders. You will learn how to identify people’s preferred communication style and how to relate to differing styles to build rapport, create and lead conversations with maximum impact and effectiveness.

Instructors: Angela Giacomis is CEO of Careerlink, and works at the nexus of business and neuroscience; John Dare transforms organizations to thrive in accelerating change as a Silicon Valley entrepreneur.

**Friday, October 6, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

Exactly what are California counties responsible to do?

**County 101: Duties, Authorities and Responsibilities of Counties 157**

Counties have very broad authorities and responsibilities. Federal and state laws along with county-adopted policies and ordinances frame how each of the 58 counties implement those duties. With such broad responsibilities it is difficult for county officials and staff to be aware of all the duties and mandates across all departments. This class examines each county responsibility area and, at a policy level, highlights what is mandated, required and/or discretionary, and the roles and authority counties have for that service. It would also look at the history of counties in California.

Instructor: Bill Chiat is CSAC Institute Dean, former executive director of the California Association of Local Agency Formation Commissions and CEO of Napa County.

**Friday, September 29, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

Overview of county budgeting and financial management

**County Budgeting and Financial Planning 116**

Counties have complex systems for budgeting and financial management. This course provides a comprehensive overview of the ins and outs of county budgeting and the budget process. Discussion includes a review of the County Budget Act, a year in the county budget cycle, key elements of a budget, and integration of strategic plans into the annual budget. Participants will also examine county revenue sources, sales and property tax allocation, General Fund and special funds, creating and integrating department-recommended budget components, and public involvement in the budget process. The class will also explore key elements in longer-term county financial planning and management. Class is a must for everyone involved in the budget process.

Instructors: Patrick Blacklock is County Administrator of Yolo County, and Robert Bendorf is County Administrator of Yuba County.

**Friday, September 8, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

“All the world’s a stage” – including California counties

**Drama at the County: Acting techniques to improve your county performance 350**

Leadership and acting have a lot in common. Both crafts require practitioners to be aware of and manage their emotions and those of people around them. They evoke different emotions — leaders generally don’t try to get people to cry and actors generally don’t get people to work through difficult workplace changes — but their crafts overlap nonetheless. In this lively, interactive class, participants learn and practice classic theatrical training techniques they can apply to their work as county leaders. Learn how to add passion and meaning to your communication.



Instructors: Stacy Corless is a Mono County supervisor and founding member of Sierra Classic Theatre in Mammoth Lakes; John Gioia is a Contra Costa supervisor and Vice Chair of the California Counties Foundation and founding board member of CSAC Institute.

**Friday, December 1, 2017** 10:00 a.m.–3:30 p.m.  
 Following the CSAC Annual Meeting  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

Practical tools to foster top performance from every employee

## Enable and Energize:

### Create an Environment for People to Excel 131

In their trusted book, *The Leadership Challenge*, authors Kouzes and Posner share their research and the five leadership practices, critical in today's workplace. This class examines two of the practices – Enable Others to Act and Encourage the Heart. While straightforward, most managers find the exercise of these exemplary practices much more difficult. Through practical exercises participants study the building of trust, facilitation of relationships and practices to develop capacity in others. Recognizing one cannot motivate others, but can create an environment in which every employee feels motivated, the class looks at tools for recognizing contributions and commitments to shared values.



Instructor: Bill Chiat, Dean of CSAC Institute. For the last 35 years he has facilitated executive leadership development with agency managers and executives, and served in senior executive roles.

**Thursday, July 13, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives

## EMERGING ISSUES

### Exploring trends in policy issues

These seminars provide county decision-makers an opportunity to explore emerging trends with colleagues and experts. Brief presentations examine facets of the issue and allow ample opportunities for discussion on the resources, capacity and authority available for counties to work toward solutions.



*Solutions to increase affordability and availability of housing*

### Emerging Issues: The Crisis of Housing 406

California has reached a crisis point regarding both the availability of housing and its affordability. The average price of a home in the state is two-and-a-half times the average national price and rents are fifty percent higher than the rest of the country. According to the Legislative Analyst's Office, major changes to local government land use authority, local finance, CEQA, and other major policies are likely necessary to address California's high housing costs and limited availability. This course will focus on statewide and locally-driven policy solutions emerging through legislation and local policy changes, as well as case studies.

**Thursday, July 6, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Elected Officials/Staff

*The context of county-state revenue relationships*

### Financing California Counties: The History 151

Have you found yourself overwhelmed trying to understand the county revenue sources and funding streams? And how we ended up with this complex system? This course provides an in-depth examination of the history of county revenue sources and how they have evolved over decades. Exploring the context of county funding decisions by the legislature and administration over the last 40 years is critical in understanding the current state-county funding and revenue relationships. The class examines the history and consequences of major elements in county revenues including: Proposition 13, 172, 1A,

Vehicle License Fees, Realignment, ERAF, property tax allocations, current year State budget and more.

Instructor: Diane Cummins is Special Advisor to the Governor on State and Local Realignment.

**Friday, October 20, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Friday, November 17, 2017** 10:00 a.m.–3:30 p.m.  
San Bernardino ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Best practices to assess and communicate county financial health*

### Fiscal Health Diagnosis and Practice for Counties 322

Today, California counties face an economic recovery among the longest since WWII. The recovery has brought moderate fiscal stability and strength, threatened by an inevitable economic downturn, high pension costs and State and Federal budget problems. This course provides practical information and tools to identify, manage and communicate fiscal challenges. Understand the need for long-term financial analysis and planning to gain stability in services, staffing and messaging to the media and other stakeholders. Discuss indicators of financial distress, gimmicks and short-term fixes often employed to mask that distress, and long-term best financial practices to understand and mitigate threats. A hands-on practical exercise is featured, using the recently developed **California County Financial Health Diagnostic** tool (pre-course homework is assigned!), with participants walking away with a five-year financial forecast of county General Fund and/or special revenue funds, indicators of the health of those funds, and practical advice on how to communicate results.

Instructors: Martin Polt is the Deputy County Executive Officer and CFO of Nevada County; Christina Rivera is Deputy County Administrator of Sonoma County.

**Friday, August 4, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Analysts/Managers/Execs

*Today's county workforce has people in their 70's, in their teens and everywhere in between*

### Intergenerational Leadership 149

For the first time in history we find ourselves working with people from five generations. In today's workplace we have to understand, communicate and interact with people from different eras, different values and habits, and fundamentally different ideas about life! This class focuses on understanding and practicing how to integrate deeper generational insights into practice. Participants do self-assessments of their eras and their own values. They profile their work environments to discern the complexity of the generational mix. Most importantly they learn a unique set of skills and processes to employ when encountering people whose values, habits and business practices may be at odds with their own. This workshop provides participants skills to blend generations to get the best from everyone.



Instructor: Larry Liberty, Ph.D. works with Fortune 500 companies and teaches in MBA programs across the globe, and is author of *The Maturity Factor – Solving the Mystery of Great Leadership*.

**Friday, December 15, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Managers/Executives



## Information Technology Courses for IT Managers and Directors



CSAC Institute and the California County Information Services Directors Association have partnered together to offer a series of professional development courses for managers and executives in county technology. The courses are part of the requirements for the *California County Technology Executive*

**Credential.** For more information on the IT Credential, please visit: [www.ccisda.org](http://www.ccisda.org).

*Information security is no longer just about technology, it's about securing the sustainability of the organization*

### IT Executive Cybersecurity 346

The technology of today has completely unleashed information in terms of volume, variety, and velocity, and as a result, information has become more critical than ever to competitive, strategic, operational, and even personal decision-making. This also means an organization's information is that much more attractive to someone on the outside, and many outsiders have malicious intent. Advanced persistent threats are already here, and the increasing numbers and use of mobile devices and cloud storage only heightens exposure by increasing the number of potential attack points. This course provides county IT leaders with knowledge and tools to achieve a comprehensive understanding of where counties are at risk for security threats and attacks, how to prioritize and build out security initiatives, the technology available to establish end-to-end protection, and how to ensure compliance from the weakest link in any security system – the human user.



**Thursday, December 14, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ IT Managers/Executives

*It takes a sophisticated contract administration system to take full advantage of external services*

### IT-Focused Contracting with Cloud/Hosted Providers 348

External services are attractive. They enable organizations to tap into economies of scale – and with the advent of cloud/hosted deployments, IT services can be procured at exponentially cheaper rates. However, entering into complicated agreements with multiple vendors requires an equally sophisticated contract administration system to manage procurement, negotiate (and renegotiate) terms, take advantage of promotional pricing and licensing, and coordinate payment schedules. Without proper vendor management, organizations miss out on potential cost savings to be realized within their contracts, and in a county government a dollar saved on service agreements is an additional dollar to create municipal services. This course examines concepts and tools to establish a process to govern the selection of vendors and subsequent management of vendor relationships, risk and performance.

**Thursday, August 10, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ IT Managers/Executives

*Strategies to protect organizational assets and processes*

### IT Risk and Portfolio Management 343

Issues such as privacy, fraud, security and organizational accountability mean every organization should have process in place to monitor and mitigate organizational risks. Because the organization tasks IT with protecting assets and processes, risk management often falls on its broad shoulders as well. However, the value of risk management is not inherently understood by county leaders, and more often than not IT departments find they must convince the organization to take it up in a formal capacity. This challenge is exacerbated in cases where IT leaders lack a fundamental understanding of what matters most to the organization. In this course, IT leaders will learn the questions to ask of peers to identify areas of critical importance to organizational risk management, the knowledge required to build a formal risk management process, and best practices for mitigating risks identified.

**Thursday, October 5, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ IT Managers/Executives

*Employees are every county's largest budget item*

### Labor Relations and Negotiations in Local Government 153

The class examines the basics of labor relations in the county environment. Laws and regulations affecting public-sector employment and labor relations in California are examined along with techniques to build and maintain effective and productive relationships with employee groups. The class explores the various roles in labor relations and labor negotiations along with pitfalls to avoid in working with labor representatives. Techniques are examined for maintaining productive relationships with employee organizations during difficult times. *Eligible for MCLE credits for members of the Bar.*



Instructors: Richard Whitmore and Richard Bolanos are partners with Liebert Cassidy Whitmore and work extensively with local governments on labor relations

**Friday, December 8, 2017** 10:00 a.m.–3:30 p.m.  
Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Why change efforts fail - and how to remove those barriers*

### Leadership & Change: Practices to Move People and Organizations 124

County officials and managers discuss the need for change in their organizations, yet struggle when change is difficult to accomplish within the depths of the organization. This course helps participants move past technical solutions to the practices for approaching adoptive challenges. Discussion highlights why some changes happen relatively quickly while others are stymied. Participants explore change from the perspective of those whom the change affects. Practical discussions focus on design of a change process; practices to diagnose, interpret and select interventions; barriers; and



creating an environment in which people can expand their capacity to address adaptive change.

Instructor: Bill Chiat, Dean of CSAC Institute. For the last 35 years he has worked with hundreds of local agencies in crafting change.

**Friday, September 8, 2017** 10:00 a.m.–3:30 p.m.  
*San Bernardino* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Friday, September 15, 2017** 10:00 a.m.–3:30 p.m.  
*Merced* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Thursday, November 16, 2017** 10:00 a.m.–3:30 p.m.  
*Sacramento* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Enhance interpersonal leadership skills*

**Leading with Emotional Intelligence** 128

What characteristics and practices distinguish great from good performers? What evidence based practices should be part of your daily routine to be a high performer? We will answer these questions from a 30 year data base and research of top performance as we dive into the four areas of Emotional Intelligence (EI): 1) Understanding Yourself, 2) Managing Yourself, 3) Understanding Others and 4) Managing Others. You will take an assessment to determine your EI strengths. Hands on tools to enhance your EI will be explored.

Emotional Intelligence is a prime factor to one's success when compared to Intelligence Quotient (IQ) and technical expertise. Business simulations, practices sessions, videos and group discussions will help participants enjoy, engage and learn more.

**Instructor:** Relly Nadler, Psy.D. is founder of True North Leadership, Inc., and author of *Leading with Emotional Intelligence*.

**Thursday, July 20, 2017** 10:00 a.m.–3:30 p.m.  
*Contra Costa* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Friday, November 17, 2017** 10:00 a.m.–3:30 p.m.  
*Merced* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*JPA-Special Districts-MPO-LAFCo-COG-Cities-CSA-MAC:  
 What do they all do?*

**Local Governance in California:  
 All Those Agencies!** 150

California has a complex system of providing services through local governments. This course provides an overview of local government structure and responsibilities in California. You'll learn the basics of all the local agencies and how they interrelate with county responsibilities. A brief history of California governance is followed by a review of the roles and responsibilities of the state, cities, counties, special districts and an alphabet soup of other local agencies. Discussion highlights the authority and responsibilities of the county as it relates to other agencies through a county case study on the interrelationships of all these local agencies.

**Instructor:** Bill Chiat, CSAC Institute Dean, former executive director of the California Association of Local Agency Formation Commissions and experienced executive in county, district and city governments.

**Friday, December 8, 2017** 10:00 a.m.–3:30 p.m.  
*San Bernardino* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Hands-on workshop in media relations*

**Making an Impression: Effective Media Practices** 352

Every call from the news media for an interview presents both risk, and an opportunity to make a positive impression. This course helps seasoned professionals and elected officials understand the news media, how it works and why it works the way it does. The course will also help polish interviewing skills, staying on message and bridging back to main messages. The course covers practical strategies for planning, preparing and delivering interviews that get your message across in a way that can be retained by the audience. Participants build their skills for live, taped and phone interviews. Hands-on work includes practice labs, videos and constructive critiques from media professionals.



**Instructors:** David Liebler is the CSAC Director of Public Affairs and Members Services and a former journalist; Betsy Burkhart in the Communications and Media Director for Contra Costa County.

**Friday, July 28, 2017** 10:00 a.m.–3:30 p.m.  
*Sacramento* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Facilitate conflict constructively*

**Manage Conflict (Even Hostility) in Comfort** 360

Conflicts and disagreements are a fact of life. They can contribute to better outcomes or can lead to an escalating situation. Transform the most difficult circumstances into a satisfying experience for all involved. This course helps County elected officials and executives identify constructive approaches to positively managing conflict whether from the dais, in a meeting, or one-on-one. Participants analyze their own response to conflict and develop tools to quickly assess and respond to difficult situations and create practical, positive outcomes.

**Instructor:** Dr. Laree Kiely is president of the Kiely Group and a professor at the USC Marshall School of Business.

**Friday, October 13, 2017** 10:00 a.m.–3:30 p.m.  
*Sacramento* ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*How your emotions impact behavior, relationships and results*

**The Maturity Factor + Emotional Intelligence:  
 Become emotionally agile for success** 393



Behavioral sciences research is less than 50 years old. Yet in that short period we have uncovered many useful ideas and models for contemporary leadership practice. It now seems obvious to any manager or leader that emotional

intelligence and psychological maturity are essential elements of success. This workshop reviews the core elements of both EQ and the Maturity Factor. It then explores best practices of effective managers and leaders in using their emotions for the greater good. Emotional agility and flexibility gives rise to opportunities to interact on complex problems and situations in new and unique ways. The class provides participants the information and best practices needed to become more masterful and flexible.

Instructor: Larry Liberty, Ph.D. works with Fortune 500 companies and teachers in MBA programs across the globe. He is author of *The Maturity Factor – Solving the Mystery of Great Leadership*.

**Friday, July 14, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Achieve outcomes in everyone's best interest*

## Negotiations and Collaboration in Complex Environments 356

Negotiation is “a back and forth interaction among two or more people who wish to arrive at a mutually agreeable outcome where the parties have some interests in common and some that are opposed.” This definition from Fisher and Ury’s book *Getting to Yes* describes most “Public Good” negotiations. Solution-Based Negotiation teaches participants how to achieve the most beneficial outcomes for all negotiating parties while ensuring the outcomes are in the best interest of the public while the negotiating parties’ relationships end positively. This course covers the most current tried and tested behaviors in the field of negotiation and gives you tools that will be immediately useful in your work. Best of all, it can help you serve your constituents in the best possible ways without needless compromise.

Instructor: Dr. Laree Kiely is president of the Kiely Group, and professor at the USC Marshall School of Business.

**Thursday, October 19, 2017** 10:00 a.m.–3:30 p.m.  
 Contra Costa ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

### SPECIAL TWO-DAY INTENSIVE WORKSHOP

*Performance measurement influences organizational behavior and drives organizational performance*

## Performance Measurement and Management: Accountability for Results 370

World-class public agencies recognize the critical role of performance management and measurement in helping define the strategy, public value and performance expectations of the organization as well as aligning individual and agency decision-making toward desired public value creation. They also help managers assign and use resources effectively. Because the public is demanding accountability and transparency from government, performance measurement is a leadership practice for county managers to better plan and manage outcomes and not just activities. The workshop focuses on designing effective and realistic performance measurement systems. Participants explore practical approaches, techniques and tools to create, implement and analyze measurements to improve county performance and better communicate outcomes to the community. Hands-on exercises examine criteria for measurement selection, with time for participants to develop balanced, outcome-based measures for their agencies.

Instructors: Laree Kiely, Ph.D. is president of the Kiely Group and professor at the USC Marshall School of Business; Bill Chiat is Dean of CSAC Institute and former CEO of Napa County.

**Thursday-Friday, September 21-22, 2017**  
 10:00 – 4:30 p.m. Thursday and 8:30 – 3:00 p.m. Friday  
 Sacramento ♦ \$298/person for counties ♦ 6 credits ♦ Staff/Officials

*For experienced presenters wanting to ‘up’ their presentations*

## Polish Your Presentation: Advanced Practices in Communication 125



This intense class helps senior managers and elected officials better present their ideas with conviction, control and poise — and without fear. The course covers specific skills and advanced techniques for delivering professional presentations that get results. Participants examine

their presentation style, learn to use tools to organize their presentation and communicate their thoughts, and handle difficult situations. A straightforward presentation model helps participants build their self-confidence and overcome the common mistakes which turn off audiences. Use of graphics and presentation tools are also examined. Through a lab, participants work on improving one of their own presentations.

Instructor: Bill Chiat is Dean of the CSAC Institute and an accomplished presenter with city, county and state governments.

**Friday, August 11, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Thursday, August 17, 2017** 10:00 a.m.–3:30 p.m.  
 Contra Costa ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Use the C-S-A-C method to hire, train, evaluate, praise, and promote*

## Practitioner’s Guide to Hiring, Developing and Retaining Great Employees 127

This course is designed to help drastically reduce personnel problems with a systematic approach to hiring, retaining and rewarding the very best employees. Additionally, the course will review the best practices to



identify and remove people that don’t meet the needs of the department or public. After attending this course; participants will have the tools to make personnel problems a thing of the past. Executives and managers will be able to “see the future,” recognize personnel problems at their earliest onset, and then take the appropriate action. This session will help every manager make better personnel decisions based on four key points: Character, Skills, Aptitude, and Commitment. Following these C-S-A-C principles will drastically improve every aspect of the human resource element in organizations regardless of the agency size or complexity of mission.

Instructor: John Mineau is Chief Deputy Sheriff of Monterey County and Corrections Operations Bureau Chief, as well as a community college instructor.

**Thursday, November 9, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**SPECIAL TWO-DAY INTENSIVE WORKSHOP**

*Context, structure and funding of realignment in California*

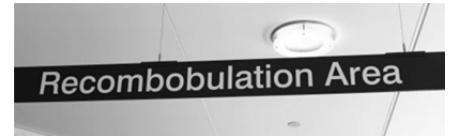
**Realignment 101: The Basics of 1991 and 2011 Realignments** 307

This two-day course examines the history and rationale for establishing it in 1991, why programs were included, what was learned, and the expansion to realignment in 2011 – all updated with program and funding changes through 2016. Participants first examine the establishment and programs of the 1991 realignment. Discussion details health and human services and mental health programs. Participants explore individual programs, how they work, funding and current status. The course examines the 2011 realignment – including AB 109 – with an emphasis on public safety programs. Details on the realigned programs, changes to 1991 realignment services, implementation, funding and how counties are implementing the 2011 realignment are all discussed. The second day features a detailed examination of fiscal issues: structure and allocation of local funds; flow of funds in human services, public safety, health, behavioral health, and other programs; forecasting and tracking realignment, VLF and Prop 172 funds; fund growth; and other fiscal issues.

Instructors: Diane Cummins is Special Advisor to the Governor on State and Local Realignment; Andrew Pease, Finance Director, San Diego County Health and Human Services Agency; and Robert Manchia, San Mateo County Human Services Agency.

**Thursday - Friday, September 14-15, 2017**  
 10:00 – 4:30 p.m. Thursday and 8:30 – 3:00 p.m. Friday  
 Sacramento ♦ \$298/person for counties ♦ 6 credits ♦ Staff/Analysts

wasteful activity of creating a strategic plan when indeed they have NO strategy. In this world of unpredictability, high velocity, rapid change, and citizens counting on us to do the right thing, we MUST start by creating and clarifying our strategy. In this session we cover how to construct a solid yet adaptable strategy for your organization, ensuring strategic thinking and alignment to strategy from everyone, understanding how all other organizational elements and processes fit within the context of "strategy," and determining how to take these concepts back to your environment to make a positive difference.



Instructor: Dr. Laree Kiely is president of the Kiely Group and a professor at the USC Marshall School of Business.

**Thursday, October 26, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Build organizational capacity from within the county*

**Talent Development and Succession Planning** 380

This interactive course will confront the “retirement wave” of baby-boomers leaving local government and explore strategies and best practices to create effective leadership development and succession planning programs in county government. The course includes case examples, small group discussions as well as presentations. Discussion highlights: workforce demographic challenges facing county government; why talent development and succession planning are key to building organizational capacity, especially in tough times; steps to get started; and best practices and lessons learned from leadership development and succession planning programs.

Instructors: Dr. Frank Benest, former city manager of Palo Alto and a noted expert in succession planning. Donna Vaillancourt is the Human Resources Director for San Mateo County.

**Friday, December 15, 2017** 10:00 a.m.–3:30 p.m.  
 Merced ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*New ways to think and work through enduring problems*

**Thinking Strategically in Trying Times** 363

This intense seminar discusses the challenges of strategic agility with the critical, enduring problems counties face. The focus is on the art of possibilities. Participants examine separating probabilities (what’s likely to happen) from possibilities (what could happen) and applying concepts of creative and strategic thinking to find different paths to solutions. The conversation provides strategies to question assumptions; identify the environmental issues; distinguish strategies from tactics; use team resources, and structure learning from experience.



Instructor: Dr. Rich Callahan is associate professor of management at the University of San Francisco.

**Friday, October 20, 2017** 10:00 a.m.–3:30 p.m.  
 Merced ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

**Friday, November 3, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*We depend on it ... How does that state budget process work??*

**State Budget 101: What Counties Need to Know** 396

Did you ever wonder how the Governor made that budget decision or why it changed in May? Or do you want to find out how the Legislature changes the Governor’s proposal or how counties can influence either the Governor or the Legislature? This is the class where you can learn the budget basics and answers to those questions and so much more. Learn about who influences – and how they do it – the state budget process, policy and politics. It’s an inside look at a complex process which influences virtually every aspect of county operations. Learn about how to find and interpret budget information and a few tips about influencing the budget decisions.



Instructors: Diane Cummins is Special Advisor to the Governor on State and Local Realignment; Jean Hurst is Principal with HBE Advocacy and long-time legislative advocate on local government finance.

**Thursday, August 24, 2017** 10:00 a.m.–3:30 p.m.  
 Sacramento ♦ \$149/person for counties ♦ 3 credits ♦ Staff/Elected Officials

*Discover your strategic intent – build your strategic agility*

**Strategy: Clarifying, Building, Implementing and Ensuring Alignment** 388

A seminal article was published recently called "The Strategic Plan is Dead. Long Live Strategy." It's staggering when we realize how many public entities focus on the time-consuming and often

## COURSE SCHEDULE INDEX

### Institute Courses by Topic

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125	Polishing the Presentation: Advanced Practices in Communication	6
128	Leading with Emotional Intelligence	5
130	Communication with Influence	2
131	Enable and Energize: Create an Environment for People to Excel	3
149	Intergenerational Leadership	3
350	Drama in the County – Acting Techniques to Improve Performance	2
356	Negotiations and Collaboration in Complex Environments	6
360	Manage Conflict (even hostility) in Comfort	5
363	Thinking Strategically in Trying Times	7
380	Talent Development and Succession Planning	7
370	<i>Two Day Class</i> Performance Measurement Workshop	6
371	Building and Maintaining a Team Environment	2
389	Communicating Complex Data and Information	2
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127	Practitioners Guide to Hiring, Developing and Retaining Employees	6
150	Local Governance in California: All those local agencies!	5
151	Financing California Counties: The History	3
153	Labor Relations and Negotiations in Local Government	4
157	County 101: Duties, Authorities and Responsibilities of Counties	2
307	<i>Two Day Class</i> Realignment Workshop: 1991 and 2011 Realignments	7
322	Fiscal Health Diagnosis and Practice for Counties	3
343	IT Risk and Portfolio Management	4
346	IT Executive Cybersecurity	4
348	IT-Focused Contracting with Cloud/Hosted Providers	4
352	Making an Impression – Effective Media Practices	5
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406	<i>Emerging Issues</i> The Crisis of Housing	3



### COST-EFFECTIVE SOLUTION FOR COUNTY SUCCESSION PLANNING AND EXECUTIVE DEVELOPMENT

*Registration fees includes professional instruction,  
course materials, certificate and lunch*

Course schedule and descriptions subject to change.  
Visit [www.csacinstitute.org](http://www.csacinstitute.org) for:

- \* Up-to-date schedule and course information
- \* Special class and workshop additions
- \* Institute Credential Programs
- \* Institute Fellows



## ABOUT CSAC Institute

CSAC Institute for Excellence in County Government is a professional, practical continuing education program for senior county staff and elected officials. Its goal is to expand capacity and capability of county elected officials and senior staff to provide extraordinary services to their communities. The Institute was established in 2008 and is a component of the California Counties Foundation, Inc. and the California State Association of Counties (CSAC). Over 4,000 county staff and elected officials have taken courses. The Institute is supported by CSAC, the California Counties Foundation (a 501(c)(3) charity), grants from organizations and foundations, and course registration fees.

### Course Locations

**Sacramento** – Courses are held in downtown Sacramento at the Capital Event Center at the M.A.Y. Building, 1020 11<sup>th</sup> Street.

**Contra Costa** – Courses are hosted by Contra Costa County and held at the Department of Conservation and Development building, 30 Muir Road, Martinez.

**Merced** – Courses are hosted by Merced County and held at the Child Support Services training room, 3368 North Highway 59, Suite I, Merced.

**San Bernardino** – Courses are hosted by San Bernardino County and held at the Department of Behavioral Health Administration Building, 303 East Vanderbilt Way, Room 109, San Bernardino.

### Course Registration and Fees

**Registration** – Course registration is done on-line. *Advance registration is required.* Because of limited class size we cannot accommodate registration at the door. To register for a class please visit [www.csacinstitute.org](http://www.csacinstitute.org). Please contact the Institute Program Coordinator with any registration questions or problems.

**Fees** – Course tuition includes instruction, materials, certificate and lunch. All county staff and officials are eligible for the special county rate of \$149/class day. Staff from county-partnered CBOs, CSAC Partners and Premier Members, and CSAC Affiliate Members are also eligible for this special reduced rate. On a space-available basis, courses are open for others to attend. Regular registration fee is \$351/class day.

**Discounts** – Reduced tuition is available to county staff and officials when registering for three or more classes at the same time or with the purchase of the Credential Package. Save at least 15% with these options.

The Institute is developing additional packages for counties to save on registration fees, including bulk packages of course registrations at a discount to distribute to staff. For more information, please contact the Institute Program Coordinator.

### Contact Us

**Institute Dean** - Bill Chiat [bchiat@counties.org](mailto:bchiat@counties.org)

**Institute Training Program Coordinator** – Chastity Benson [cbenson@counties.org](mailto:cbenson@counties.org)

916/327-7500

[www.csacinstitute.org](http://www.csacinstitute.org) Visit the Institute website for updated information, course schedules and resource materials, including materials from many of the Institute’s most popular classes.

**California State Association of Counties®**  
**Draft Financial Statement**  
**2016-17**

	FY 2016-17 Budget	FY 2016-17 Actual	FY 2016-17 Percent
<b>Revenues:</b>			
Membership Dues	3,430,506	3,430,506	100%
Finance Corp Participation	3,500,000	4,000,000	114%
Rental Income	168,417	173,088	103%
Administrative Miscellaneous	579,800	698,454	120%
CSAC Conferences	413,000	444,685	108%
CEAC	159,565	162,127	102%
Corporate Associates	929,000	877,050	94%
Litigation Program	432,276	432,276	100%
<b>Total Revenues</b>	<b>\$9,612,564</b>	<b>\$10,218,186</b>	<b>106%</b>
<b>Expenditures:</b>			
Salaries/Benefits	5,563,382	5,254,423	94%
Staff Outreach	166,200	178,082	107%
Leadership Outreach	75,000	86,101	115%
NACo Meetings & Travel	120,500	134,414	112%
NACo 2nd VP Campaign	10,000	12,741	127%
Public Affairs/Communications	50,350	53,141	106%
CSAC Conferences	559,716	579,136	103%
Facilities	284,747	313,385	110%
Office Operations	284,310	293,012	103%
Organizational Partnerships	120,500	115,000	95%
CEAC	159,565	162,127	102%
Outside Contracts	647,000	655,905	101%
Corporate Associates	510,256	522,756	102%
Litigation Program	432,276	432,276	100%
Foundation Contribution	180,728	180,728	100%
<b>Total Expenditures</b>	<b>\$9,164,530</b>	<b>\$8,973,227</b>	<b>98%</b>

# 2017 CSAC Calendar of Events

## Executive Committee

### January

- 4 Urban Counties of California (UCC) Board Conference Call
- 11 CSAC Executive Committee Orientation Dinner, Sacramento  
*6:30pm Reception, 7:15pm Dinner, Esquire Grill, 13<sup>th</sup> & K Streets, Sacramento*
- 12 CSAC Executive Committee Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 18 Rural County Representatives of California (RCRC) Board Meeting & Installation of Officers Reception, Sacramento

### February

- 1 Urban Counties of California (UCC) Board Conference Call
- 8-10 CSAC Premier Corporate Partner Forum, San Diego County
- 16 CSAC Board of Directors Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 25-1 NACo Legislative Conference, Washington, D.C.

### March

- 1 Urban Counties of California (UCC) Board Conference Call
- 15 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

### April

- 5 Urban Counties of California (UCC) Board Conference Call
- 6 CSAC Executive Committee Meeting, Los Angeles County  
*10:00am – 1:30pm, Hahn Interpretative Center, 4100 La Cienega Blvd., Los Angeles*
- 19-21 CSAC Finance Corporation Board Meeting, Monterey County
- 26-27 Rural County Representatives of California (RCRC) Board Meeting, Tehama County

### May

- 17 Urban Counties of California (UCC) Board Meeting, Sacramento
- 17-18 CSAC Legislative Conference, Hyatt Regency Hotel, Sacramento
- 18 CSAC Board of Directors Meeting, Sacramento  
*12:30pm – 4:00pm, Hyatt Regency, 1209 L Street, Sacramento*
- 24-26 NACo Western Interstate Region Conference, Deschutes County (Sunriver), Oregon

### June

- 21 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

### July

- 5 Urban Counties of California (UCC) Board Conference Call
- 21-24 NACo Annual Conference, Franklin County/Columbus, Ohio

### August

- 2 Urban Counties of California (UCC) Board Conference Call
- 3 CSAC Executive Committee Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 16 Rural County Representatives of California (RCRC) Board Meeting, Sacramento

### September

- 6 Urban Counties of California (UCC) Board Conference Call
- 7 CSAC Board of Directors Meeting, Sacramento  
*10:00am – 1:30pm, Capitol Event Center, 1020 11<sup>th</sup> Street, 2<sup>nd</sup> Floor, Sacramento*
- 13-15 CSAC Finance Corporation Board Meeting, Santa Barbara County
- 27-29 Rural County Representatives of California (RCRC) Annual Meeting, El Dorado County

**October**

- 4 Urban Counties of California (UCC) Board Conference Call
- 4-6 CSAC Executive Committee Retreat, Alameda County  
*Claremont Hotel, 41 Tunnel Road, Berkeley*

**November - December**

- 27-1 CSAC 123<sup>rd</sup> Annual Meeting, Sacramento Convention Center
- 29 Urban Counties of California (UCC) Board Meeting, Sacramento
- 30 CSAC Board of Directors Meeting, Sacramento  
*2:00pm – 4:00pm, Sacramento Convention Center, 1400 J Street, Sacramento*

**December**

- 6 Rural County Representatives of California (RCRC) Board Meeting, Sacramento
- 13-15 CSAC Officers' Retreat, Napa County

As of 6/26/17