



Government Finance & Administration Policy Committee Meeting
126th CSAC Annual Meeting
Monday, November 16, 2020 | 2:15 p.m. – 3:15 p.m.
Via Zoom | [Click here to join](#) or call (669) 900-6833
Meeting ID: 816 7150 0022 | Passcode: 357776

Chair: Supervisor Bruce Gibson, San Luis Obispo County
Vice Chair: Supervisor Diane Burgis, Contra Costa County
Vice Chair: Supervisor Chuck Washington, Riverside County

Agenda

- 2:15 p.m.** **I. Welcome and Introductions**
Supervisor Bruce Gibson, San Luis Obispo County, Chair
Supervisor Diane Burgis, Contra Costa County, Vice Chair
Supervisor Chuck Washington, Riverside County, Vice Chair
- 2:20 p.m.** **II. California’s Economy & Local Revenue Outlook**
Leila Bengali, Economist, UCLA Anderson Forecast
Michael Coleman, Local Government Finance Consultant,
CaliforniaCityFinance.com
- 2:50 p.m.** **III. Policy Platform Review – ACTION ITEM**
Geoff Neill, CSAC Legislative Representative
Ryan Souza, CSAC Legislative Representative
Ada Waelder, CSAC Legislative Analyst
- 3:00 p.m.** **IV. 2021 GFA Priorities – ACTION ITEM**
Geoff Neill, CSAC Legislative Representative
Ryan Souza, CSAC Legislative Representative
Ada Waelder, CSAC Legislative Analyst
- 3:10 p.m.** **V. GFA 2020 Year in Review – INFORMATIONAL ITEM**
Geoff Neill, CSAC Legislative Representative
Ryan Souza, CSAC Legislative Representative
Ada Waelder, CSAC Legislative Analyst
- 3:15 p.m.** **VI. Adjourn**

ATTACHMENTS

Policy Platform Review – ACTION ITEM

Attachment One CSAC Memo: GFA Draft Platform Review

Attachment Two Chapter 1: General Provisions - DRAFT

Attachment Three Chapter 5: Government Operations – DRAFT

Attachment Four Chapter 8: Public Employment Retirement - DRAFT

2021 GFA Priorities – ACTION ITEM

Attachment Five CSAC Memo: GFA 2021 Priorities - DRAFT

GFA 2020 Year in Review – INFORMATIONAL ITEM

Attachment Six CSAC Memo: GFA 2020 Year in Review

Attachment One

CSAC Memo: GFA Draft Platform Review



OFFICERS

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Lisa A. Bartlett
Orange County

1st Vice President

James Gore
Sonoma County

2nd Vice President

Ed Valenzuela
Siskiyou County

Past President

Virginia Bass
Humboldt County



EXECUTIVE DIRECTOR

Graham Knaus

November 16, 2020

To: CSAC Government Finance and Administration Policy Committee

From: Geoff Neill, Legislative Representative
Ryan Souza, Legislative Representative
Ada Welder, Legislative Analyst

Re: **ACTION ITEM: 2021 GFA Policy Platform Proposed Changes**

Staff Recommendation. Staff recommends that the Government Finance and Administration Policy Committee approve the recommended changes to the CSAC policy platform as drafted and forward to the CSAC Board of Directors.

Background: At the end of each two-year legislative session, CSAC undertakes a policy platform review process to capture changes in law from bill signings and to prepare for potential policy debate in the coming session.

Below, please find a brief overview of the key changes in the attached documents:

Chapter 1- General Provisions

- Preamble: Added language to capture the ways in which counties meet the needs of diverse residents and employees.

Chapter 5 – Government Operations

- Updated minor grammatical issues, modified language for consistency, and made minor technical changes.
- Section 2: Local Government Organization – Removed outdated section on Electronic Data Processing.
- Removed outdated reference to Special Districts.
- Section 4: Administration of Elections – Added language to emphasize the importance of furthering access to voting.

Chapter 8 - Public Employment & Retirement

- Updated minor grammatical issues, modified language for consistency, and made minor technical changes.
- Section 1: Public Employee Relations
 - Added language to support CSAC position in advancing equity and equality in the public employment system.
 - Clarified language related to supporting legislation that minimizes disputes over procedural matters.
 - Added language to include CSAC opposition to encroachments on the existing workers' compensation system (seen in recent legislation) that is not data-driven or could increase fraud, abuse, or unqualified claims.
- Section 2: Public Retirement
 - Minor technical changes.

- Section 3: Industrial Disability Retirement
 - Minor technical changes.
- Section 4: Occupational Safety and Health Standards
 - Minor technical changes.
 - Clarified language supporting the prevention of requirements for licenses that create artificial barriers to employment or upward mobility.
- Section 5: Workforce Development
 - Clarified intent to have minimal federal regulation.

Attachment Two

Chapter 1: General Provisions - DRAFT

Chapter One

General Provisions

Preamble

The strength and creativity of America's government institutions reflects the ability of a free people to create, control, and use their freedom for the purpose of self-government. The bedrock foundation of that strength and creativity is responsible and responsive local government. It is to local government – and particularly to county government – that citizens turn for day-to-day government needs. It is to the county that citizens turn for equal protection under the laws guaranteed by the state and federal constitutions, and locally provided by the sheriff, courts, and jails. Citizens look to the county for the protection of health, the treatment of physical and mental illnesses and chemical dependency, and for help in times of financial crisis. Counties meet the needs of their diverse residents and employees, and promote equity in their communities, by designing programs and services in a way that satisfies current needs and takes into account historical factors to ensure fair administration. The county enhances economic well-being through its work in the fields of transportation, business regulation, planning, public safety, agricultural advice, libraries, and the protection and improvement of the built and natural environment.

Yet decisions made by the California Legislature and electorate have restricted counties' ability to provide those services, and others, at the levels their communities desire. Beginning with its implementation of Proposition 13, the Legislature has entrusted counties, but not funded counties, to provide the most important services to Californians. Counties now face the twin pressures of increasing service demands and statutory requirements on the one hand, and the inability to raise necessary resources to meet those demands on the other.

Local control is the chief principle underlying the California County Platform. Based on that principle, the three major planks of the Platform are:

- 1) to allow county government the fiscal resources that enable it to meet its obligations;
- 2) ~~2)~~ to permit county government the flexibility to provide services and facilities in a manner that resolves the day-to-day problems communities face; and
- 3) ~~3)~~ to grant county government the ability to tailor the levels of local revenues and services to citizens' satisfaction.

This Platform is a statement of general principle and policy direction. It recognizes that when dealing in a fast-changing political arena in a state with many local differences almost any policy guideline will occasionally require exceptions. Therefore, it is anticipated that both the CSAC Board of Directors and Executive Committee will support exceptions in appropriate situations upon finding that there exist compelling special conditions.

The Platform is incomplete in that it is continually subject to review and revision. The Platform chapters are arranged in a manner that facilitates additions and amendments without affecting remaining portions.

Section 1: Local Control

Local control calls for the recognition of the differences that exist throughout the state and holds that local government should have the flexibility to develop systems by which services are provided and problems are resolved. It calls on counties to resist externally imposed systems that ignore the differences among them.

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

Counties adopt the principle of local control as the policy cornerstone of CSAC

CSAC will strive to assure that all legislative proposals, policies, and regulations recognize the differences that exist throughout the state. CSAC will strongly resist any externally imposed systems that ignore statewide differences or that erode local determination.

CSAC internally incorporates the principle of local control. In matters limited to county-wide or regional application, counties are free to determine their own solutions, except when the CSAC Board of Directors or the Executive Committee determines them to be of the gravest and most far-reaching proportions.

CSAC will firmly support any county or counties seeking to oppose the external imposition of systems upon them.

CSAC will firmly support any county or counties seeking to resolve local or regional issues through the enactment of legislation or otherwise, as long as the proposal is not contrary to the basic precepts of a strong and viable county government.

Section 2: Intergovernmental Relations

There are various issues and problems that transcend the boundaries of political subdivisions. In implementing the Platform, CSAC will endeavor to foster an understanding of the appropriate levels of governmental responsibility to promote efficient and effective governance for the citizens of the State of California. Within this context, it is essential that the roles of state, regional, and local agencies be recognized as distinct and separate. Areas of mutual concern do exist; however, the appropriate role of each agency varies.

Counties comprehensively plan for future growth, the management of natural resources, and the

provision of public services; the state should only add requirements to this local planning in areas the Legislature explicitly finds to be of statewide concern. One useful measure of statewide significance is the Legislature's commitment of funds to local government for related costs.

Counties will fully implement state-mandated, state-funded programs locally. However, doing so is not financially or operationally feasible when state regulations are overly burdensome, internally inconsistent, too inflexible to local concerns, or generally under-funded. Therefore, CSAC supports a process of periodic legislative review to determine each mandated program's benefits, including the fiscal and operational feasibility of the program and related regulations.

Counties, cities, and special districts should adopt formal policies that encourage locally initiated solutions to regional problems.

CSAC will support reasonable proposals that encourage local agencies to resolve disputes without costly litigation and in a way that buoys public confidence in local government, for instance through non-binding mediation.

Section 3: Efficiency, Economy, and Effectiveness

Counties also advocate the principle of local control to improve efficiency, economy, and effectiveness.

CSAC will consider proposals to realign responsibility for public services among levels of government. However, any realigned program responsibility must be accompanied by revenue authority sufficient to fund the ongoing costs of the program.

CSAC will support efforts to align program responsibility with revenue authority among various levels of government.

Many local services are well-suited for the utilization of private contracts. When properly used, private contracts can be an effective method of increasing efficiency and economy. CSAC encourages expanded permission to use private contracts to provide local services in justifiable areas as a means of achieving efficiency and economy.

Attachment Three

Chapter 5: Government Operations – DRAFT

Chapter Five

Government Operations

Local control is the primary policy cornerstone of CSAC. Counties should determine the scope and extent of the government services that ~~it-they~~ will render in response to the needs and desires of the local community. While counties do act as agents of the state and federal government in performing services in some policy areas – and do so with substantial state or federal financing – these activities should be distinguished from areas of local interest ~~or state, federal and local interest~~ when determining the basis for applying statewide standards and supervision.

Section 1: General Principles

Scope of Services

Counties should have full discretion over the scope and extent of government services offered. Each county should further examine its ability to support such services, always subject to the requirement to provide mandated services as state agents.

Uniformity in Services

When performing mandated duties, the degree of uniformity required should be carefully determined, with emphasis on the purpose of each requirement with the goal of uniformity to serve a specific beneficial purpose. This will enable progress through the application of a variety of administrative approaches and methods.

Freedom to Devise Program Operating Policies

Counties should be free to devise their own operating policies for all government programs not financed wholly or substantially by federal or state funds.

Whole Responsibility with Board of Supervisors

To be directly responsible to the people, general control of county government should be placed wholly with the board of supervisors.

Non-Partisan Nature of County Government

The office of county supervisor should continue to be nonpartisan, enabling the people to vote on the basis of local issues and to enable supervisors to solve local problems without binding allegiances to political parties.

Section 2: Electronic Data Processing (EDP)

~~Utilizing technology and automation can provide for the improvement of government function and accessibility, and counties pledge cooperation to the state and federal governments in developing the means to fully utilize electronic resources.~~

~~Differences in state and local applications of EDP must be fully recognized in order that efforts at excessive standardization will not reduce the effectiveness of the total system.~~

Section 23: Local Government Organization

Different government organizational structures exist throughout the state; legal constraints and time-consuming restrictions have severely limited the use of the charter as a method of obtaining local control. The State Constitution and statutes should be revised to provide authorization for counties to independently organize by local control.

The principle of local control also applies to the issue of elected "ministerial" officials. The board of supervisors should have authority to submit proposals for appointment of elected officials to the voters. Also, counties should be allowed to submit to their electorate the questions of whether elected non-legislative officials, except District Attorney, should be appointed by the board of supervisors.

Counties should be allowed maximum flexibility to structure their organization through the process of "local option control."

Section 34: Library Services

The continued vitality of our free and democratic society and the effective operation of government at all levels is dependent on an informed and knowledgeable citizenry. Therefore, it is the responsibility of all levels of government, including county government, to ~~assure~~ensure that all people have access to sources of knowledge and information that affect their personal and professional lives and society as a whole.

The public library is a supplement to the formal system of free public education and a source of information and inspiration to persons of all ages, as well as a resource for continuing education. As such, public libraries deserve adequate financial support from all levels of government.

Counties are among the traditional providers of library and information services to the people. Counties form a natural region for the provision of this service. Citizens expect free library services that are responsive to local needs.

Intergovernmental Relationships

The state is urged to recognize public libraries as part of the system of public education and should continue providing financial assistance to support their operation.

The state should also continue and strengthen funding for the interjurisdictional library cooperatives established under Education Code Sections 18700 through 18766.

Privacy and Censorship

Recognizing the right of an individual to privacy, circulation records and other records identifying the

names of library users with specific materials, including Internet usage, are to be confidential in nature.

Special Districts

See Chapter VII: PLANNING, LAND USE AND HOUSING, Section 5.

Section 45: Administration of Elections

Counties support efficient and accessible voting for all. As a democratic republic, the people and their representatives control government and the people's will is expressed through voting. Elections policies and administration should strike a balance between uniformity and flexibility, but should aim to further the nation's democratic and republican nature by allowing and encouraging voting by a broad range of citizens, so that the government's decisions express the will of the people as fully as possible.

Reimbursement for Special and Vacancy Election Costs

Counties support efforts to reinstate language directing the state to provide reimbursement to counties that hold a special election to fill a legislative or Congressional vacancy, and other special elections. Until such reimbursement is provided, counties support efforts to reduce special election administrative costs borne by counties.

All Mail Ballot Elections

Given the increasing popularity of voting by mail, ~~and the increasing the rising~~ costs of administering elections due to state and federal regulations, and ~~also considering~~ the positive effect it would have on voter participation, counties support proposals that would give Boards of Supervisors the option of holding any election by mail in lieu of in-person voting.

Section 56: Broadband

Counties support the expansion of broadband (high speed internet service) to all parts of the State-state to drive economic development and job opportunities, support county service delivery, and improve health, education, and public safety outcomes for residents.

Broadband must be capable of supporting current technology standards and speeds in order for counties to realize these benefits. This may require infrastructure solutions specific to a given county or region.

Access and adoption are both necessary elements that should be supported in state and federal legislative ~~or~~ and regulatory proposals. This includes, but is not limited to:

- Establishing and maintaining reliable broadband in unserved or underserved communities;
- Promoting the knowledge, skills, and behaviors that comprise digital literacy;
- Making broadband affordable for all households;
- Maximizing funding for infrastructure; and
- Reducing infrastructure deployment barriers.

Attachment Four

Chapter 8: Public Employment Retirement - DRAFT

Chapter Eight

Public Employment & Retirement

Section 1: Public Employee Relations

Counties are committed to an employment system that provides public employees with protection against arbitrary and capricious loss of jobs, unfair hiring practices, and preferential promotions or job assignments that are not merit based. Counties believe in, and support, merit systems that promote equity and equality among its employees and applicants. For this purpose, they have provided personnel services, grievance procedures, health and safety protection, retirement, and pension plans. Foremost, however, counties have a fundamental obligation to all citizens to exercise the peoples' sovereign power in determining what government will do, at what cost to the taxpayer, and under what circumstances. Thus, the basic principle of county employer-employee relations is one of balancing the legitimate desires and needs of employees against the publics' right to economical, efficient, effective, and stable government.

Collective Bargaining

Counties CSAC supports collective bargaining legislation that:

- 1) Recognizes the right of each employee to join or not join organizations and bargain collectively or individually.
- 2) Recognizes the responsibility of local elected officials to govern and manage the organization and to implement public policy.
- 3) Minimizes the potential for disputes arising purely from procedural matters. ~~Minimizes conflict over procedural matters.~~
- 4) Provides an acceptable method of resolving impasse resulting from negotiations. CSAC opposes compulsory, binding arbitration.

Political Activity by Employees

Employees whose job security is protected by civil service or merit systems or by agreement between the county and an employee organization cannot be permitted to engage in any political activity during times when they are paid to be performing the duties of their employment.

Nepotism Restriction

CSAC supports nepotism restriction policies that are consistent with applicable state statutes. Specifically, ~~we~~ CSAC supports policies that prohibit employment of immediate family members by county officers, or participation of county officers or employees in employment decisions affecting immediate family members. No person should be employed in a position where that position will be directly supervised by a member of the immediate family, or where it is reasonable to believe and it can be shown, that employment of immediate family members in the same department, division, or facility involves potential conflicts of interest.

Employee Benefits Legislation

Counties strive to develop employee benefit plans that are affordable, responsive to the needs and desires of county employees, and reflect the values of the community. ~~We~~ CSAC is ~~are~~ opposed to the state legislating salary, wages, or employee benefits for county employees. These issues must be determined only at the local bargaining table; otherwise the foundation of the collective bargaining process is undermined.

Workers' Compensation

CSAC supports preserving the original intent of the Workers' Compensation Act and legislation that would prevent or correct abuses within the system. We believe that timely and unprejudiced benefits should be provided to employees who suffer from work-related injuries or illnesses at a reasonable cost to county employers. CSAC opposes state policy which would erode the original intent of the Workers' Compensation Act or result in excessive costs and increased litigation to county employers ~~and increased litigation~~.

CSAC supports workers' compensation legislation that provides:

- 1) Provides Rreasonable measures to assist employees in returning to suitable employment.
- 2) Promoting-Promotes medical care treatment guidelines that are based on evidentiary medicine and designed to cure or relieve the effects of employment-related injury or illness.
- 3) The-Supports the concept of apportionment for disability that is the result of other industrial or non-industrial injuries or conditions.
- 4) Maintaining-Maintains objectivity in evaluating permanent disability standards.
- 5) The-Promotes the concept that tax exemptions on temporary disability should extend only to the statutory maximum, as outlined in Labor Code 4453.
- 6) Ensuring-Ensures that the Workers' Compensation Appeals Board remains a forum for efficient resolution of claim issues.

CSAC Opposes:

- 1) Extending workers' compensation benefits to any person other than the employee, as defined by law, except in the case of dependent death benefits.
- 2) ~~Expansion~~ Expanding of injury presumptions without data-driven evidence that the existing system is unjust.
- 2)3) ~~Expansions of~~ Changing the system in ways that could increase fraud, abuse, or unqualified claims, for only certain employee classifications.

Coordination of Governmental Employers

Counties, cities, and local governmental management are strongly encouraged to freely and timely exchange information ~~of a timely nature~~ on employee demands over wages and employee benefits as well as settlements reached. In this manner, each employer can deal more effectively with its own "meet and confer" process.

While multi-employer bargaining ~~is not possible now~~ may not currently occur, there are many real benefits available if governmental units ~~would keep kept~~ adjoining and comparable agencies promptly informed of employer positions on salaries, employee demands and employee benefits. Governmental entities are ~~continuously~~ regularly used for comparison of employee benefits sometimes at an "anticipated" rather than actual level.

Closed Sessions for Negotiation Discussions

Successful negotiations depend upon meaningful discussions at the bargaining table. Under no circumstances should closed sessions of the Board of Supervisors and its designated management representatives be required to be opened to the public.

National-Federal Labor Relations Legislation

~~Counties~~ CSAC opposes the intrusion of the federal government into the field of state and local public labor relations legislation. States and counties should be ~~free to experiment~~ innovative with new legislative approaches and to adopt procedures tailored to meet the needs of their constituents.

However, should ~~national-federal~~ labor relations legislation become inevitable, counties should encourage adoption of legislation which parallels their positions on state legislation.

Section 2: Public Retirement

Public retirement systems should be established and maintained on actuarially sound principles and be fiscally responsible. Public pension reform has garnered widespread interest and has generated significant debate among policy leaders about the appropriate remedy for actual and perceived abuse, rising costs, and accountability to taxpayers. CSAC welcomes this discussion and approaches the concept of reform with the overarching goal of ensuring-maintaining public trust in public pension systems, and empowering local elected officials to exercise sound fiduciary management of pensions systems, as well as maintaining a retirement benefit sufficient to assure recruitment and retention of a competent local

government workforce. The guiding principles are intended to apply to new public employees in both PERS and 1937 Act retirement systems.

Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. We oppose efforts to remove ~~board of supervisor the~~ authority of boards of supervisors to determine retirement benefits since they are responsible for funding benefit changes. For 1937 Act county retirement systems, we are opposed to any legislation ~~that which~~ would transfer authority now vested with the county board of supervisors to the county board of retirement. Such proposed transfers could include, but are is not limited to, adoption of salaries for retirement board members or employees, the extension of benefits, or decisions related to funding of the system.

Public pension systems provide an important public benefit by assisting public agencies ~~to in the~~ recruitment and retain retention of quality employees. Any fraud or abuse must be eliminated to ensure the public trust and to preserve the overall public value of these systems.

Public pension systems boards have a constitutional duty to:

- (a) Protect the administration of the system to ensure benefits are available to members; and
- (b) Minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

Public pensions should adhere to the following principles:

1) Protect Local Control and Flexibility

- a. Local elected officials should be able to develop pension systems that meet the needs of their workforce, maintain principles of sound fiduciary management, and preserve their ability to recruit and retain quality employees for key positions that frequently pay less than comparable positions in the private sector. A statewide mandated retirement system is neither appropriate nor practical, given the diversity and varying needs of California's communities. Further, a mandated defined contribution retirement system could force a reconsideration of the decision of local governments not to participate in Social Security.

2) Eliminate Abuse

- a. Public pension systems provide an important public benefit by assisting public agencies in the to recruitment and retain retention of quality employees. Any fraud or abuse must be eliminated to ensure maintain the public trust and to preserve the overall public value of these systems.

3) Reduce and Contain Costs

- a. Public pension reform should provide for cost relief for government, public employees, and taxpayers.
- 4) Increase Predictability of Costs and Benefits for Employee and Employer
 - a. Responsible financial planning requires predictability. Employers must be able to predict, and therefore budget for, their financial obligations in future years. Employees should have the security of an appropriate and predictable level of income for their retirement after a career in public service.
 - 5) Strengthen Local Control to Develop Plans with Equitable Sharing of Costs and Risks Between Employee and Employer
 - a. Equitable sharing of pension costs and risks promotes shared responsibility for the financial health of pension systems and reduces the incentive for either employees or employers to advocate changes that result in disproportionate costs to the other party, while diminishing the exclusive impact on employers for costs resulting from increases in unfunded liability.
 - 6) Increase Pension System Accountability
 - a. Public pension systems boards have a constitutional duty to both protect administration of the system to ensure benefits are available to members and minimize employer costs. The constitutional provisions and state statutes governing such boards should promote responsible financial management and discourage conflicts of interest.

Section 3: Industrial Disability Retirement (IDR)

CSAC has traditionally supported the principle of provision of IDR to safety employees who are unable to continue their safety employment due to a bona fide job-connected disabling injury or illness. CSAC also has also traditionally recognized that IDR can be extremely expensive, and that responsible reforms may be warranted to limit the cost to truly legitimate claims.

Section 4: Occupational Safety and Health Standards

The occupational safety and health standards and practices for counties should comply with Cal-OSHA.

Safety Member Category Classification

The safety member classification is intended to provide a retirement system for the class or classes of public employees whose duties consist of physically active functions in the protection and safety of the public. The purpose of such classification is to ensure that persons so employed will be agile and active and possess a high degree of physical alertness and stamina and it is designed to provide an opportunity for career employment and, at the same time, provide for and ensure separation from such service without financial hardship at a relatively-normal retirement age that is younger age than other employees. The term "safety," as used in the retirement law, refers to the safety of the public.

Personal risk or the hazardous nature of job functions are not elements of the classification and shall have no bearing in determining the establishment of or eligibility for safety membership.

Coordination of Personnel Functions with Central Administration

~~Counties~~CSAC recognizes the success~~es~~ ~~or~~ and failures of local government rests heavily on the quality of its personnel, and, therefore, supports the close organizational ties between the central administration and the personnel function. Counties are encouraged to establish and maintain effective partnerships between central administration and the personnel functions and to link activities ~~directly related~~related to those functions.

Equal Employment Opportunity

The California State Association of Counties is committed to the concept of equal employment opportunity (EEO) in public service as a basic merit system principle. Acceptance of this principle does not end with mere prohibition of discriminatory practices. We recognize the obligation of counties to develop practical plans for specific steps to be taken to achieve more fully the goal of equal employment opportunity in county government. This includes positive efforts in recruitment, examination, selection, promotion, pay, job restructuring and due process protection so that appropriate numbers of protected group members achieve positions in county government and are provided training and promotional opportunities at all job classification levels.

Testing, Selection, and Promotion

Counties believe initial selection and promotional ~~devices~~assessments used should eliminate artificial barriers, be job related and help ensure future job success. Special consideration should be given to facilitate the transfer and promotion of qualified employees and the full utilization of human resources particularly in protected classes.

Licensing and Certification

~~The~~Counties urge a review of all requirements for licenses or certificates for county employment to ensure they are ~~realistically~~reasonably and realistically related to job performance. Counties should strive to prevent ~~the requirement of~~requirements within licenses or certificates when those requirements create artificial barriers to employment and/or upward mobility.

State Duplication of Federal Law and Reporting Requirements

~~Counties~~CSAC ~~is~~are opposed to the adoption of state laws which duplicate, are inconsistent, or conflict with federal law or regulations.

Counties are greatly concerned with the multitude of varying EEO reporting requirements coming from the state and federal government. The time required to gather and report EEO data from the many different

state and federal agencies, each requiring its own data, greatly reduces the time available to accomplish the objective of EEO. Counties urge state and federal government reporting requirements that are realistically-reasonably and realistically related to necessary monitoring and evaluation activities.

~~Counties~~ CSAC supports the consolidation and integration of federal agencies with responsibilities for the monitoring, auditing, or regulating of local affirmative action plans and activities. The federal government should initiate efforts to increase standardization and uniformity of their practices in these areas.

Section 5: Workforce Development

CSAC recognizes and endorses the principles of prime sponsorship and accountability of county officials in the planning, administration, and supervision of comprehensive local systems of workforce development, training, and employment--with a minimum of minimal federal regulation.

Attachment Five

CSAC Memo: GFA 2021 Priorities - DRAFT



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EXECUTIVE DIRECTOR

Graham Knaus

November 16, 2020

To: CSAC Government Finance and Administration Policy Committee

From: Geoff Neill, Legislative Representative
Ryan Souza, Legislative Representative
Ada Welder, Legislative Analyst

Re: **ACTION ITEM: 2021 GFA Priorities**

Recommendation: Staff recommends the committee approve the priorities so staff can address anticipated priority issues in the GF&A policy area.

Proposed 2021 Government Finance and Administration Legislative Priorities

Broadband

In the space of a generation, the internet has changed from a fringe tool for defense contractors and academia to a necessary utility for modern life, a shift the COVID-19 pandemic has brought into high relief as workers and students move online en masse. Yet a million households in California lack access to reliable broadband at any price and millions more are effectively barred from it for reasons of finances, language, or disability. It is long past time for California to ensure access to broadband and the means to adopt it for every Californian. CSAC will advocate for program reforms and funding sufficient to close the digital divide as quickly and completely as possible.

Resist Further Expansion of Workers' Compensation Presumptions

Recent legislative interest in expanding injuries or conditions for which a connection with employment is presumed, but not proven, threatens the equilibrium of the workers' compensation system. These legislative efforts can shift the burden of proof onto the employer, or in recent examples, create an indisputable presumption even if evidence clearly indicates the infection did not occur at work. Importantly, this legislative interest has become especially heightened in an era of the COVID-19 pandemic, wildfires, and police reform. By granting superfluous, costly benefits to workers for injuries that may not be job-related, the financial solvency of the system will be detrimentally impacted. To function correctly, the workers' compensation system relies on the contributions of employers and employees to roughly equal the amount paid out for injuries suffered on the job. To protect county employers, CSAC will:

- Oppose efforts to create new presumptions and to expand existing presumptions without data-driven evidence that the existing system is unjust; and
- Educate policy-makers about how the workers' compensation system operates and that the system currently covers employee injuries and conditions that are job-related.

County Revenue and Impacts on Labor

County revenue and budgeting will continue to face hardship and uncertainty in 2021 due to wildfires and the ongoing COVID-19 pandemic. Revenues that counties rely on for normal operations are eroding, while counties also must respond to the unprecedented demands of the ongoing crises as frontline service providers. One of these major intersections occurs between revenues and labor issues. As counties continue to face these difficult decisions, CSAC will advocate to ensure that the needs of employees are appropriately balanced with the revenue and administrative limitations of county employers.

Attachment Six

CSAC Memo: GFA 2020 Year in Review



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November 16, 2020

To: CSAC Government Finance and Administration Policy Committee

From: Geoff Neill, Legislative Representative
Ryan Souza, Legislative Representative
Ada Welder, Legislative Analyst

Re: **INFORMATIONAL ITEM: GFA 2020 Year in Review**

While the Legislature wrapped up the legislative session on August 31, the Governor had until September 30 to sign or veto bills. Below are some highlights from what was a particularly interesting and challenging year.

Workers' Compensation

Signed

[SB 1159 \(Hill\) \(Chapter 85, Statutes of 2020\)](#)

This bill, signed by the Governor, creates a presumption for specific classifications of police officers, fire fighters, health care workers, IHSS workers, and home health workers who contract COVID-19 from July 6, 2020 until January 1, 2023. All other employees would be eligible for an outbreak-based presumption, with outbreak defined as either four employees or four percent of employees, depending on the number of employees at a worksite based upon a positive test within a 14-calendar day period. Additionally, the bill creates a reporting mechanism for employers and subjects employers to a maximum \$10,000 penalty for failing to report specified information or who intentionally submits false or misleading information. CSAC opposed this bill, but worked to mitigate impacts to counties.

Did Not Pass

[AB 196 \(Gonzalez\)](#)

AB 196 would have applied a presumption for COVID-19 to “essential critical infrastructure workers”—a term that is not identified in the bill—starting March 1, 2020 and extending indefinitely. Unlike other proposals, AB 196 fails to craft a presumption policy that focuses on workers who face higher risks. CSAC opposed this bill, and it failed to pass the Senate.

[AB 664 \(Cooper\)](#)

This bill would have created a presumption for COVID-19 for specifically defined categories of police officers, fire fighters, and health care workers. It encouraged, but did not require, coverage for housing and living expenses related to quarantine. It required that employers provide appropriate PPE. The presumption would run through July 1, 2024. CSAC opposed this bill, and it failed to pass the Senate.

[SB 893 \(Caballero\)](#)

SB 893 would extend a rebuttable presumption under California's workers compensation law to acute care hospital workers who contract infectious diseases and musculoskeletal injuries, including COVID-19. Injuries occurring within the course and scope of employment are automatically covered by workers' compensation insurance, regardless of fault. SB 893 placed the liability on employers for diseases and injuries that may not have arisen out of their work environment. CSAC opposed this bill, and it failed to pass the Senate.

Leave & Benefits

Signed

[AB 1867 \(Budget\) \(Chapter 45, Statutes of 2020\)](#)

SB 822 provides paid supplemental COVID-19 sick leave to many employees who are ineligible for leave under the federal Families First Coronavirus Response Act. The bill applies to employees who are either a) employed by a private employer with 500 or more employees or b) are health care providers or emergency responders who have been excluded from the federal leave. Eligible employees who work full time will be entitled to 80 hours of supplemental paid sick leave, and eligible employees who work less than full time will be entitled to leave equivalent to their normal working hours. The bill was signed by the Governor.

[SB 1383 \(Jackson\) \(Chapter 86, Statutes of 2020\)](#)

SB 1383 is an expansion of family leave laws, which will now extend to employers with 5 or more employees, including local governments. The bill will entitle employees, who meet certain work requirements, up to 12 workweeks of unpaid, protected leave to bond with a new child, care for family members, and assist with any qualifying exigency resulting from active duty deployment of the employee or a family member. If both parents of a child needing care are employed by the same employer, under SB 1383 each parent will be eligible for the full 12 week leave. The bill was signed by the Governor.

Vetoed

[AB 1066 \(Gonzalez\)](#)

AB 1066 would have given employers 10 days after receiving an initial request to furnish employee records for unemployment insurance determination. If the employer did not meet this deadline there would be an automatic presumption that the claimant is entitled to maximum benefit, unless otherwise determined. The bill would have authorized the Employment Development Department to delegate the authority to the Attorney General to collect contributions from large employers (500 employees) with 5 or more people claiming benefits. AB 1066 was amended to remove language that would permanently grant maximum benefits if an employer did not respond timely five times. CSAC opposed the bill, and it was ultimately [vetoed by the Governor](#).

[AB 1993 \(Kamlager\)](#)

AB 1993 would allow In-Home Support Services workers who are caring for a parent, child, or spouse to be entitled to disability and employment benefits. This bill has been a priority of the United Domestic Workers Union for a number of years, and has no impact on county funding. Governor Newsom [vetoed the bill](#).

Labor Relations

Signed

[AB 685 \(Reyes\) \(Chapter 84, Statutes of 2020\)](#)

The policy at the heart of SB 685—that employers should notify workers and public health authorities if there has been exposure to COVID-19 at the worksite—is one with potential to improve public health by slowing the spread of the virus. As with many bills with laudable goals, some of the bill’s provisions would have caused significant implementation problems for those who would have to implement it. However, the final version of the bill included amendments to help mitigate many of those concerns including exempting many health facilities, allowing for notification in the way an employer usually communicates with employees including by email or text, and changing the notification period from 24 hours to one business day. The bill was signed by the Governor and it goes into effect on January 1.

[AB 2143 \(Stone\) \(Chapter 73, Statutes of 2020\)](#)

AB 2143 amends AB 749 (2019) to address employer concerns by expanding the legitimate reasons upon which an employer may include a provision in a settlement agreement that precludes a person from seeking reemployment. CSAC supported this bill, and the bill was signed by the Governor.

[AB 2967 \(O’Donnell\) \(Chapter 223, Statutes of 2020\)](#)

AB 2967 reduces the authority of contracting public agencies to amend their contracts with CalPERS. The bill was written in response to a unique situation in the City of Placentia in Orange County. After years of contracting with Orange County Fire Authority, the city decided to start its own fire department but not offer CalPERS membership as a retirement option for the new members. The bill was signed by the Governor.

Vetoed

[AB 3216 \(Kalra\)](#)

AB 3216 was written to protect workers laid off during the pandemic by requiring hotel, airport, and janitorial employers to rehire based on seniority. The bill would have established that these industries must give laid off employees priority as they re-hire before opening up their process to new workers. Governor Newsome [vetoed the bill](#) over concerns that it was too prescriptive and threatened to hurt the already devastated hospitality industry.

Did Not Pass

[SB 1173 \(Durazo\)](#)

Current law requires public employers to provide certain labor representatives with the names and home addresses of newly hired employees, as well as their job titles, departments, work locations, telephone numbers, and personal email addresses, within 30 days of hire or by the first pay period of the month following hire. SB 1173 would have allowed an exclusive employee representative to file an unfair practice charge for employers who fail to meet these requirements. The bill would give employers 10 days to remedy the issue, however, any employer found to be in violation more than three times in 12 months would be penalized up to \$10,000 plus legal fees. CSAC opposed this bill, and failed to pass the Senate.

[AB 418 \(Kalra\)](#)

AB 418 would have created a new evidentiary privilege for union agents, similar to the one generally associated with doctors, lawyers, and priests. The evidentiary privilege is designed to be narrow in scope to protect the confidentiality and integrity of relationships where highly sensitive and deeply personal

information is exchanged. The privilege that AB 418 would create for union reps is different from the one imposed on doctors, lawyers, and priests in one important way: the privilege would be held by the union agent, not the employee.. This means a union representative would be able to prevent the employee who confided in them from disclosing information instead of the other way around. AB 418 would create legal and operational challenges for public agencies while establishing a new, one-sided level of evidentiary privilege for union employees, who are not subject to the same training and oversight as others who are subject to evidentiary privileges. CSAC opposed this bill, and it failed to pass the Senate.

[AB 2307 \(Bonta\)](#)

would create a statewide standard of paid time off for public employees to engage in specified activities related to employer-employee relations, also known as “release time.” Current law allows the decision to be made locally, through the collective bargaining process, as to whether new employee orientations are included in release time. Leaving the issue of release time to the local bargaining process was explicitly agreed to by all stakeholders in the deal that granted unions statewide access to new employee orientations. CSAC opposed this bill, and it failed to pass the Assembly.

Elections

Signed

[AB 860 \(Berman\) \(Chapter 4, Statutes of 2020\)](#)

AB 860 largely codifies an [Executive Order](#) requiring county elections officials to mail a ballot to every registered voter for this year’s election. In addition to sending ballots, the new law requires county elections officials to use a tracking system to allow a voter to track their vote by mail ballot, however, it leaves it up to the county’s discretion if they would like to use the Secretary of State’s system, or a system that meets the same specifications. The law extends the deadline for mail ballots to be received for this year’s election by two weeks, so that all ballots must be received by the 17th day after Election Day. The law also permits counties to begin processing ballots on the 29th day before the election, which is 19 days earlier than was previously allowed, though maintains existing requirements that a vote count cannot be accessed or released until 8 p.m. on the day of the election. The bill was signed by the Governor.

[SB 423 \(Umberg\) \(Chapter 31, Statutes of 2020\)](#)

SB 423 makes changes to election procedures in response to the COVID-19 pandemic and codifies much of [Executive Order N-67-20](#). The bill allows counties that do not participate in the Voter’s Choice Act (VCA) to reduce the number of polling places, recognizing that fewer polling places will be needed due to the increase in voting by mail. It also sets requirements for counties that exercise that option for the days and hours that vote centers must operate and sets standards around ballot drop-off locations. The bill was signed by the Governor.

Property Tax

Signed

[AB 2013 \(Irwin\) \(Chapter 31, Statutes of 2020\)](#)

AB 2013 allows disaster victims whose property has been destroyed to maintain their property tax base-year value for new construction on the same site if the new construction is no more than 120% of the destroyed home’s value or square footage. An identical bill was introduced last year and passed the legislature before it was [vetoed by Governor Newsom](#). The Governor had concerns that the bill should be narrowed to minimize “negative impacts on local revenues.” The Governor’s concerns were addressed with amendments this time, and was signed into law.

[AB 107 \(Committee on the Budget\) \(Chapter 294, Statutes of 2020\)](#)

The General Government trailer bill included, among other items, language to extend the deadline for decisions in pending assessment appeals cases to March 31, 2021, two months longer than allowed by the Governor's recent Executive Order, and explicit statutory authority to conduct assessment appeals hearings remotely. These important provisions will allow counties to safely conduct assessment appeals hearings and ensure that boards are able to finalize rulings on appeals that are nearing the statutory deadline. CSAC advocated for the inclusion of this language, and the bill was signed by the Governor

Did Not Pass

[AB 1959 \(Mayes\)](#)

AB 1959 would have allowed a taxpayer who has filed an appeal with a county to defer payment of their property taxes until the appeal is resolved. Appeals already overburden assessment appeals boards in many counties and this bill would lead to an increase in appeals filed simply to delay payment, thus increasing costs to no benefit. CSAC opposed this bill, and it failed to pass the Assembly.

[SB 1431 \(Glazer\)](#)

SB 1431, one of the worst bills introduced in the legislative session, would have required property taxes be refunded mid-year to landlords, presuming without proof that the Executive Order putting a moratorium on evictions because of the COVID-19 pandemic resulted in the properties themselves to be worth less. The bill did not require a property owner to have tenants that haven't paid to qualify for the mid-year refund, and the California Constitution clearly states that property may be reassessed mid-year only if it has been "physically damaged or destroyed". For these reasons CSAC opposed SB 1431, and the bill failed to pass the Senate..

Taxes

Signed

[SB 1441 \(McGuire\) \(Chapter 170, Statutes of 2020\)](#)

SB 1441 removes the sunset provision in the Local Prepaid Mobile Telephony Services Collection Act and improves administration of the program. Without SB 1441, counties and cities that have a local Utility User Tax (UUT) for prepaid mobile services would lose their ability to collect revenue at the end of the year. CSAC supported the bill, and the Governor signed it in to law.

Public Records Act

Signed

[AB 992 \(Mullin\) \(Chapter 89, Statutes of 2020\)](#)

With the rise of social media as a means for elected officials to communicate with constituents, questions have raised about whether the Brown Act could be interpreted to disallow this type of engagement. AB 992 clarifies that local officials may participate in discussions on social media platforms, while retaining limits on officials coming to decisions outside of agendized meetings, so members of the public will still be able to observe and influence their deliberations and actions. CSAC supported this bill, and the Governor signed it in to law.

Did Not Pass

[AB 2093 \(Gloria\)](#)

AB 2093 would have required all public agencies to maintain all transmitted emails related to agency business for at least two years. CSAC joined other local government organizations in opposition of this bill.

While it was intended to improve public access to records, in practice it would increase the burdens for both public agencies and the citizens requesting records. The bill failed to pass the Assembly.

Validating Acts

Signed

[SB 928](#), [SB 929](#), [SB 930](#) (Chapters 132, 133 and 134, Statutes of 2020)

These bills, known as the Validating Acts, are passed annually by the Legislature. The Validating Acts help all public agencies because they protect investors from minor and technical errors that might otherwise threaten our bonds, boundary changes, and other official acts. The bills do not correct fraud, corruption, or unconstitutional acts. Their passage ensures that our bonds receive the highest possible ratings, resulting in the lowest possible borrowing costs for constituents. CSAC supported these bills and the Governor signed them in to law.