



**Government Finance & Administration Policy Committee Meeting**  
**CSAC 128<sup>th</sup> Annual Meeting**  
**Thursday, November 17, 2022 | 9:30 a.m. – 11:00 a.m.**  
**Magic Kingdom Ballroom 2, Disneyland Hotel**  
**Orange County, California**

**Supervisor Amy Shuklian, Tulare County, Chair**  
**Supervisor Luis Alejo, Monterey County, Vice Chair**

- 9:30 a.m. I. Welcome and Introductions**  
*Supervisor Amy Shuklian, Tulare County, Chair*  
*Supervisor Luis Alejo, Monterey County, Vice Chair*
- 9:35 a.m. II. California County Librarians Association – INFORMATIONAL ITEM**  
*Nancy Schram, Library Director, Ventura County Library*
- 9:50 a.m. III. The Ralph M. Brown Act: Recent Changes – INFORMATIONAL ITEM**  
*Brian Cote, CSAC Senior Legislative Analyst*  
*Leon Page, County Counsel, Orange County*
- 10:00 a.m. IV. Broadband: Funding Opportunities – INFORMATIONAL ITEM**  
*Joe Krahn, Paragon Government Relations*  
*Robert Osborn, Director, Communications Division, California Public Utilities Commission*
- 10:25 a.m. V. 2023 Government Finance & Administration (GFA) Policy Platform Review – ACTION ITEM**  
*Brian Cote, CSAC Senior Legislative Analyst*
- 10:35 a.m. VI. 2023 GFA Priorities – ACTION ITEM**  
*Brian Cote, CSAC Senior Legislative Analyst*  
*Mark Servino, Supervising Deputy County Counsel, Orange County<sup>i</sup>*
- 10:45 a.m. VII. Workforce Roundtable Discussion – INFORMATIONAL ITEM**  
*Supervisor Amy Shuklian, Tulare County, Chair*
- 11:00 a.m. VIII. Adjourn**

**\*Informational Item: GFA 2022 Year in Review**

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<sup>i</sup> Will discuss California Public Records Act case law developments and trends.

## ATTACHMENTS

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### **California County Librarians Association – INFORMATIONAL ITEM**

Attachment One ..... California County Librarians Presentation

### **The Ralph M. Brown Act: Recent Changes – INFORMATIONAL ITEM**

Attachment Two..... CSAC Memo: Ralph M. Brown Act – Recent Changes

### **2022 Government Finance & Administration (GFA) Policy Platform Updates – ACTION ITEM**

Attachment Three ..... CSAC Memo: GFA Draft Platform Review

Attachment Four ..... Chapter 5: Government Operations – DRAFT

### **2022 GFA Priorities – ACTION ITEM**

Attachment Five ..... CSAC Memo: GFA 2023 Priorities – DRAFT

Attachment Six ..... California Public Records Act Presentation

Attachment Seven ..... Public Records Act Fees in All 50 States

### **GFA 2022 Year in Review – INFORMATIONAL ITEM**

Attachment Eight..... CSAC Memo: GFA 2022 Year in Review

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**Attachment One**

**California County Librarians Presentation**

# California County Libraries

Nancy Schram  
Library Director,  
Ventura County  
Library; President,  
California County  
Librarians  
Association



California County Libraries

# California County Libraries

On February 25, 1911, California enacted the County Free Library Law, by which all county governments were authorized to establish a "county free library" to serve all areas of the county where cities and towns had not already established free public libraries.

County Free Libraries were established by California State Law (Education Code Title 1, Division 1, Part 11, Chapter 6, Articles 1-3, Sections 19100-19180). County Librarians meet with the State Librarian annually, according to (Article 3, Sec. 19168).



First County Free Branch Library in California – Elk Grove, CA – Sacramento County

The Harriet G. Eddy Story  
*She made history by establishing the first county branch of a library in 1908 in the state of California.*



## California County Libraries



**a place...**

- to connect
- to dream
- to meet
- to discuss
- to discover
- to explore
- to gather
- to grow
- to learn

# California County Libraries

**LEGAL AUTHORITY:** County Libraries are organized under the County Free Library Law. In addition, the County Service Area (CSA) Law allows for the creation of a separate legal entity for library services, or a mechanism to provide financing flexibility within an existing county library system.

**GOVERNING BOARD:** County supervisors govern libraries established under the County Free Library Law or as a CSA.

# California County Libraries

**SERVICE AREA:** County libraries serve unincorporated areas and cities, or areas within cities, which are neither served by a city library nor within the boundaries of independent library districts. Cities and library districts can ask to become part of the county library system.

A county library may also contract with city or other county libraries to provide services. County libraries that contract to provide services to city residents are sometimes called city-county libraries.



## California County Libraries

# California County Libraries

Although in practice CSA's are used as a financing tool, they can provide separate library services and facilities throughout the boundaries set by the LAFCO during the CSA's formation.

CSA boundaries can include all of the county's unincorporated area or just one or more small communities. Cities can pass a resolution asking to be included within a CSA's boundaries.

183 libraries (1130 branches) in CA that include: City Libraries (120), County Libraries (45), Independent Special District Libraries (12), Joint Powers of Authority (JPA) (6) Libraries

## California County Libraries



# California County Libraries

**FUNDING:** County library systems (45 total in CA) are divided into two separate categories for purposes of local operational funds: general fund libraries (22), and libraries with a dedicated property tax rate (23).

This distinction is *very important* because it profoundly affects the amount and predictability of funds received by county library agencies.



# California County Libraries

**VOTER-APPROVED TAXES:** In addition to county libraries' reliance on the general fund or dedicated property tax revenue, their budgets can be increased by voter-approved special taxes for library services.

All special taxes imposed specifically for library services, including sales, hotel, utility use, and parcel taxes (flat rate property taxes), require 2/3 voter approval.

California County Libraries

# California County Libraries

- For the most part, libraries don't generate revenue. Some charge fines and fees, or rent out meeting rooms, etc., but these are not significant sources of revenue. Local support groups or grants can provide funds for libraries but normally these aren't ongoing, significant, or reliable and require resources to secure and maintain.
- However, there is a **significant ROI** when you invest in your public library.
- And with more resources, libraries can have even more positive impact.

# California County Libraries

1. Libraries are a trusted public institution.
2. Libraries are plentiful.
3. Libraries are neutral.
4. Libraries disseminate information and more.
5. Libraries are community hubs of civic engagement.
6. Libraries are community anchors and engines for economic development.
7. Libraries bring people from all backgrounds together.
8. Libraries help counties achieve strategic plan goals and objectives, often through collaborations with other county agencies.



**California County Libraries**

## Current and Future State/Federal Library Grant Opportunities Encourage Collaboration

For example: The California State Library has won federal approval of a new Five-Year Investment Plan (2023-3027) for grantmaking that directs resources toward strengthening and supporting innovation in California's libraries in order to increase access to opportunity for Californians.

The plan guides the State Library in deploying more than \$15 million in federal funds annually. This new plan prioritizes equity-centered community engagement and **demonstrates a commitment to collaboration and partnerships** that enables California libraries to maximize the reach and quality of their services by including diverse stakeholder perspectives and creating opportunities to work together to reach mutual goals.

Central to the plan is the State Library helping local library staff work together with their communities to achieve community aspirations, address community challenges, and develop resources and programs that **connect more Californians with the wealth of opportunities found at their local libraries—from literacy programs to business resources, early learning programs, and health and wellness services.**

# Orange County Public Libraries partner with OC HCA's Outreach & Engagement Division to address homelessness



- Late summer OC Public Libraries began a partnership with the OC Health Care Agency's Outreach & Engagement Division to assist persons experiencing homelessness.
- As in libraries across the country, OCPL is a place where those experiencing homelessness can access library resources and services, including the internet. In recent years there has been an increase in behavioral issues, patrons being banned from the library, staff and patron safety issues and complaints from residents.
- Each week, O&E outreach workers visit libraries to provide resources for those experiencing homelessness, addiction and mental health issues. Outreach workers visit libraries at times of high use on a regular schedule. Over several hours they make contact with the goal of building rapport to increase the person's acceptance of behavioral health treatment and housing.
- Already, OCPL has seen less instances of behavioral issues, and has had patrons ask when the outreach workers will next be there so they can ask for help with an issue.

# EL DORADO COUNTY LIBRARY'S COMMUNITY HUBS

The **Community Hub** program is located in each of the five supervisorial districts, using the local library as a "hub" to provide prevention and early intervention services to families.

The Hubs are comprised of a multidisciplinary team including a public health nurse, a community health advocate, a family engagement specialist and an early childhood literacy specialist.

It is a collaborative effort between the **Health and Human Services Agency, County Libraries, First Five, and El Dorado County Office of Education.**

The Community Hubs offer families with newborn children to age 18 the opportunity to learn about child development, parenting, the importance of literacy and many other issues facing families today.



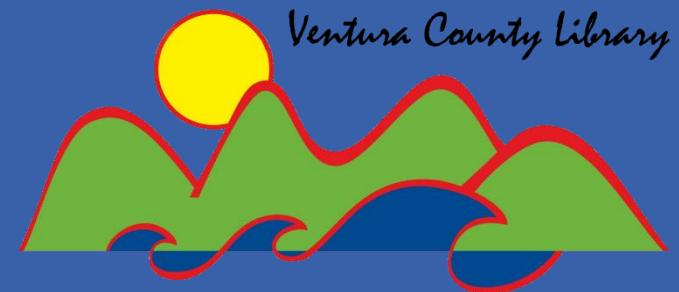
## Ventura County Library's Mobile Career Center - partnership with **America's Job Center of California** and the local **Workforce Development Board**

The Mobile Career Center provides trained, bilingual staff who are ready to help job seekers with a variety of resources. The center helps with navigating CalJOBS, connecting with America's Job Center, writing resumes, applying for jobs, and searching for employment opportunities. Drop-ins are welcome - no registration required.



The poster features a yellow background. At the top left is a blue-outlined laptop icon, and at the top right is a blue-outlined notebook with a red pen. Below these icons, the text "VENTURA COUNTY LIBRARY" is written in a small, white, sans-serif font. The main title "MOBILE CAREER CENTER" is in large, bold, white, sans-serif letters. Below the title, a line of text in a smaller, italicized, white font reads: "Trained staff are available at locations throughout the county to assist with applications, resumes, training, and more." At the bottom of the poster, the email address "lib.careercenter@ventura.org" and the website "vencolibrary.org" are listed in a white, sans-serif font. A small, white, sans-serif font at the very bottom of the poster reads: "This project is supported in whole or in part by the U.S. Institute of Museum and Library Services under the provisions of the Library Services and Technology Act, administered in California by the State Librarian."

# California County Libraries







## SUSTAINABILITY DIVISIONS AND COUNTY LIBRARIES: DO-IT-YOURSELF (DIY) HOME ENERGY SAVINGS

Simple DIY home improvements can increase your home's energy efficiency and make it more comfortable, affordable, and better for the planet. **3C-REN offers DIY Toolkits and Induction Cooktops in partnership with local libraries.**



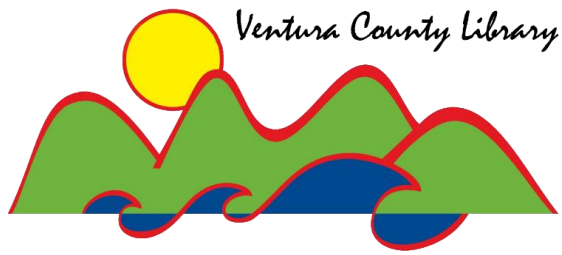
Our **Home Energy Savings Toolkit** gives you the tools you need for basic upgrades to your home, along with easy-to-follow instructions. The tools and free supplies in the kit give you everything you need to complete DIY projects throughout your home.

When you're finished, return your kit to your local library and enjoy your new and improved home!



**Santa Barbara and Ventura Libraries** also have **induction cooktop kits** available to borrow. Cooktop kits include a portable cooktop and pan for cooking, simple instructions, and a magnet to test your cookware for induction compatibility. Induction cooktops are a powerful way to reduce your home emissions and improve indoor air quality.

Plus, no more burning fossil fuels in your kitchen!



## School Mobile Library – Ventura County Library and Ventura County Office of Education

**School Mobile Library** - meets students where they are, regardless of transportation or geographic location, and welcomes them into an inclusive and dynamic learning environment complete with great books, highspeed Internet, and access to all the Library's online resources.

According to a study by the CDE, 16% percent of schools do not have a library and only 9% have a credentialed teacher librarian on campus. **VCL provides the vehicle and VCOE provides a credentialed teacher-librarian** to operate the vehicle during school visits, offering educational instruction and developing a roving collection that features content from diverse voices, gender-expansive authors, and bilingual titles.

Underserved schools that cannot operate their own libraries have improved access to these services, especially during the challenging times of COVID-19 recovery, which increases their capacity to welcome students of all backgrounds into a dynamic learning environment and promote a sense of belonging through its programming and collection.





## Santa Clara County Library District's Rise Up Program: Prevention initiative to support at-risk youth in South County Area



The Santa Clara County Library District (SCCLD) has received major commendations for its Gilroy Library's *Rise Up: Supporting At-Risk Youth* program.

*Rise Up* is a partnership between the Gilroy Library and various County agencies, including the **District Attorney's office** and the **Department of Child and Family Services**. Working closely with the South County Youth Task Force and local nonprofits, *Rise Up* was created as a multi-pronged intervention program designed to help parents of youth who have been involved in the criminal justice system steer their children clear of gangs and other negative behaviors.



# VCConnects

## Our Mission

To bridge the digital gap for older adults and people with disabilities living in Ventura County

VC Connects is a Computer Kit lending program with digital literacy and computer support for older adults and people with disabilities.

Program Partners:

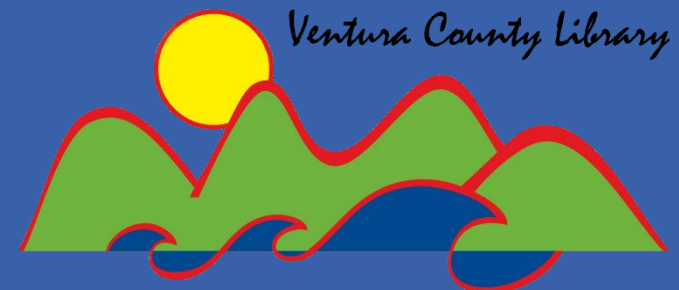
- **Ventura County Area Agency on Aging**
- Ventura County Information Technology Services
- Independent Living Resource Center
- **Ventura County Library**

## Kit Contents

- A Chromebook with power cord
- A hotspot
- A USB charging cable and power adapter
- Canvas bag
- Mouse
- Complimentary headset



# California County Libraries



# EL DORADO COUNTY LIBRARY – DISASTER RESPONSE PARTNERSHIP WITH OFFICE OF EDUCATION

## Community Wireless “Hot Spots”

- Collaborated with El Dorado COE to create countywide student wireless network during pandemic
- Installed wireless in library parking lots
- “Wireless on Wheels” Vans
  - Rotated between apartment complexes, parks, shops, etc.
  - Cradlepoint IBR900
  - Dual SIM cards (2x the speed)
  - Yeti Batteries w/ Solar Chargers
- Distribution of emergency information and facemasks plus internet access during wildfire disasters



El Dorado County Student  
WiFi Network

## WiFi Network: EDC-STUDENT

- Contact your local school district for the WiFi password
- Available from 8am to 9pm\*
- Broadcasting at over 70 locations in the county

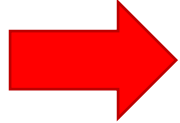
This WiFi network is currently being broadcasted at schools and libraries throughout El Dorado County. Our goal is to provide students with internet access to assist with distance learning during school closures by providing a standard wireless network that can be easily accessed. Click on the link below or scan the QR code to find specific areas where this WiFi network is broadcasted: [EDC WiFi Network Map](#)

**PLEASE NOTE:** School and Library buildings may be CLOSED and access to public restrooms may be limited. Please continue to practice social distancing. At most locations, connectivity can be obtained from the parking lot and options are being reviewed to extend wireless signal in areas that do not have parking lot coverage. This WiFi network is provided “as is” and technical support is not included.

\*Access hours at each location may vary. Mountain Creek School is available until 4:00pm.



# EAP E-Book Collection – Ventura County Library and VC Employee Assistance Program



EAP provides funding to purchase library E-Books (selected by their professionals) on a wide range of mental health and wellbeing topics, free for all Ventura County employees



## More Partnership ideas:

- **County Clerk Recorder/Elections Division** - Ballot Boxes and Voting Locations at libraries
- **County IT Services** - Libraries as community anchors for middle mile broadband connections; Wireless access points; Parking Lot WiFi; WiFi on Wheels
- **County Health Care Agencies/School Districts** – Libraries as food distribution sites/“Lunch at the Library” programs
- **County Animal Services** – “Paws To Read” with children reading to animals
- **County Parks** – “Story Walks” at library locations
- **County DA** – Social Justice presentations at library locations or online
- **County Economic Development** – Maker Spaces/Innovation Labs/STEAM Skills  
.....and so much more!

Questions? Please contact me!  
[Nancy.Schram@ventura.org](mailto:Nancy.Schram@ventura.org)



California County Libraries



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**Attachment Two**

**CSAC Memo: Ralph M. Brown Act – Recent Changes**



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November 17, 2022

To: CSAC Government Finance and Administration Policy Committee

From: Brian Cote, Senior Legislative Analyst

Re: **The Ralph M. Brown Act: Recent Changes – INFORMATIONAL ITEM**

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**Recommendation:** Staff recommends the committee discuss best practices and learned experiences for conducting safe and open meetings.

**Background:** There was substantial interest in the Ralph M. Brown Act in 2022, with three important measures that will take effect on January 1, 2023. These measures are discussed further below. In addition, on October 17, 2022, Governor Newsom [announced](#) that the COVID-19 State of Emergency will end on February 28, 2023. Governor Newsom indicated that this timeline gives the health care system the necessary flexibility to handle any potential holiday surge and provide state and local partners with the time needed to prepare for this phaseout. Accordingly, once the COVID-19 State of Emergency is lifted, boards of supervisors and other local agencies must transition to either meeting in person or meeting via teleconference in accordance with requirements that mandate the noticing of teleconference locations and making them publicly accessible under certain conditions.

**[AB 2449 \(Rubio\) Open meetings: local agencies: teleconferences](#)**

This bill, until January 1, 2026, authorizes members of a legislative body of a local agency to use teleconferencing without complying with the requirements that their teleconference location be identified in the agenda and that it be made accessible to the public. To qualify, at least a quorum of the members of the legislative body must participate in person from a single location that is open to the public and members of the public must also be allowed to participate remotely. The member would also need to provide just cause or be participating remotely due to emergency circumstances, which must be approved by the legislative body, among other requirements. This bill was signed by Governor Gavin Newsom on September 13, 2022, and will take effect on January 1, 2023. This measure will sunset on January 1, 2026.

**[AB 2647 \(Levine\) Local government: open meetings](#)**

A recent court decision held that posting meeting material online does not satisfy Brown Act requirements that local governments must place physical copies of the document in a designated office open to the public at the same time it is provided to members of a legislative body. This measure exempts local agencies from making materials available for public inspection at the time they distribute them to members of the legislative body less than 72 hours before the meeting if the agency meets specified requirements. CSAC supported this measure as part of

a coalition with other government stakeholders. Governor Newsom signed AB 2647 on September 30, 2022, and will take effect on January 1, 2023.

**[SB 1100 \(Cortese\) Open Meetings: orderly conduct](#)**

This bill, which was co-sponsored by CSAC, authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual for actually disrupting the meeting, and defines “disrupting” for these purposes. This important change to the Brown Act will help local agencies ensure that public meetings are safe and accessible to all members of the public. This bill was signed by Governor Newsom on August 22, 2022, and takes effect on January 1, 2023.

Under SB 1100’s provisions, the presiding member of the legislative body conducting a meeting or their designee is authorized to remove an individual for disrupting the meeting. This authority is in addition to the existing authority that allows members of the legislative body conducting the meeting to order the meeting room cleared and continue in session in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting. [[GC §54957.9](#)]

SB 1100 requires the presiding member or their designee, prior to removing the individual, to warn the individual that their behavior is disrupting the meeting and their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. Warnings are not required if the individual is engaging in behavior that includes use of force or a “true threat of force.” A “true threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat. [[GC §54957.95](#)]

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**Attachment Three**

**CSAC Memo: GFA Draft Platform Review**



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November 17, 2022

To: CSAC Government Finance and Administration (GFA) Policy Committee

From: Brian Cote, Senior Legislative Analyst

Re: **2023 GFA Policy Platform Proposed Changes – ACTION ITEM**

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**Recommendation:** Staff recommends that the GFA 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 document:

**Chapter 5 – Government Operations**

- Updated minor grammatical issues, modified language for consistency, and made minor technical changes.
- Section 3: Library Services – Added language to emphasize the importance of libraries beyond the role of written knowledge, such as STEM education, activity areas, meeting rooms, computer access, and non-book rentals.
- Section 5: Broadband – Updated language to include references to the Middle-Mile Broadband Initiative. Included language highlighting the importance of funding technologies that can address underserved areas where laying fiber is not feasible. Also included language noting county support for efficiencies that offer local jurisdictions the opportunity for simultaneously running fiber when private entities are undergrounding powerlines.
- Section 6: The Ralph M. Brown Act – Created a new section identifying guiding principles for the Brown Act. Specifically, counties support efforts to ensure that people retain a right to access the conduct of the people’s business that allows counties to design local rules regarding the safe and efficient use of remote meetings. This new section also specifies that the requirements of the Brown Act for local open meetings should not be more stringent than the requirements of the Bagley-Keene Open Meeting Act for the state’s open meetings.

Staff are not proposing changes to the following linked policy platform chapters that also impact GFA:

[Chapter 1 – General Provisions](#)

[Chapter 8 – Public Employment Retirement](#)

[Chapter 9 – Financing County Services](#)

[Chapter 12 – State Mandates](#)

[Chapter 13 – Economic Development](#)

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**Attachment Four**

**Chapter 5: Government Operations - DRAFT**



## The California County Platform | Chapter 5 Government Operations

*Adopted by the CSAC Board of Directors November 2020*

### INTRODUCTION

Local control is the primary policy cornerstone of CSAC. Counties should determine the scope and extent of the government services that 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 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: 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 3: 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. [Libraries continue to expand their role beyond repositories of written knowledge to now include STEM education, activity areas, meeting rooms, computer access, non-book rentals, and more.](#)

Therefore, it is the responsibility of all levels of government, including county government, to 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 [the California Library Services Act](#), 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.

#### **SECTION 4: 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. Election 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, -the rising costs of administering elections due to state and federal regulations, and 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 5: BROADBAND**

In 2021, Governor Newsom signed a measure that created a structure and framework for a statewide, state-owned, open-access middle-mile broadband network. Counties believe this network is critical to finally closing the digital divide, are committed to its successful implementation, and will oppose efforts to divert its funding or reduce its scope.

Counties support the expansion of broadband (~~high-high~~-speed internet service) to all parts of the state to drive economic development and job opportunities, support county service delivery, and improve health, education, and public safety outcomes for ~~residents~~community members. This should include funding for technologies that can address underserved areas where fiber is not financially or practically viable.

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. Counties support efficiencies that offer local jurisdictions the opportunity for simultaneously running fiber when private entities are undergrounding powerlines.

Access and adoption are both necessary elements that should be supported in state and federal legislative 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.

### **SECTION 6: THE RALPH M. BROWN ACT**

The Ralph M. Brown Act (the Brown Act) is intended to facilitate public participation in local government decisions and imposes an “open meeting” requirement on local legislative bodies. Among its many provisions, the Brown Act ensures that public decisions are deliberated on and made in public, at noticed meetings, in which the public can participate. Counties are committed to ensuring the public’s right to access public meetings and scrutinize the decisions of public officials.

Recognizing the clear benefits of open meetings, CSAC supports efforts that maximize local control and flexibility while maintaining transparency and accountability under the following framework.

- The people must retain “the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny,” as granted by the state constitution.
- State law should allow counties to design local rules regarding the safe and efficient use of remote meeting options by elected and appointed officials and members of the public in order to promote greater participation, reduce travel barriers, and increase equity and inclusion. Remote participation might require different rules or limitations than in-person participation.
- Local legislative bodies should be able under the law to effectively manage meetings so that they can constructively accomplish the people’s business while meeting the intent of the state’s open meeting laws.
- Public meetings should be safe, accessible, and welcoming environments where community members can peaceably assemble and attend the people’s business without being threatened, harassed, or subjected to unacceptably disruptive behavior.
- The requirements of the Brown Act for local open meetings should not be more stringent than the requirements of the Bagley-Keene Open Meeting Act for the state’s open meetings.

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**Attachment Five**

**CSAC Memo: GFA 2023 Priorities - DRAFT**



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November 17, 2022

To: CSAC Government Finance and Administration (GFA) Policy Committee

From: Brian Cote, Senior Legislative Analyst

Re: **ACTION ITEM: 2023 GFA Priorities**

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**Recommendation:** Staff recommends the committee approve the priorities so staff can address anticipated priority issues in the GFA policy area.

### **Proposed 2023 Government Finance and Administration Legislative Priorities**

#### ***Easing Administration of the Public Records Act***

The California Public Records Act (CPRA) is intended to ensure that governmental records are disclosed to the public, upon request, unless there is a specific reason not to do so. Counties and other local governments have faced an enormous increase in the number and size of requests over the past few years. The intensive work required to review records and redact the material that is exempt or prohibited from disclosure (e.g., confidential attorney-client correspondence, social security numbers, criminal history, trade secrets, medical records, etc.) has grown exponentially. Further compounding this problem is that counties must make tough judgment calls on whether to release some records, especially when doing so is specifically prohibited, for example because doing so would violate privacy laws or employee confidentiality. The dilemma for counties is also financial, since they are liable for court costs and reasonable attorney fees should the requester prevail in litigation filed under the CPRA. Counties have seen an increase in vexatious litigants using the CPRA to grind government work to a halt. CSAC will develop proposals that seek to reduce the impact of these growing issues.

#### ***Protecting Local Revenues***

The Legislature, for a variety of reasons, has for the past few years been reexamining some aspects of who should bear the costs of funding government. Some proposals have involved state revenues (like the recent tax rebates), some have involved a mix of state and local revenue (like the reductions in criminal fines and fees), and some have only affected local agencies (like the vetoed bill that would have exempted the local portions of sales tax for manufacturing equipment). CSAC will advocate for decisions about local revenues to be made by local agencies, not the state, and will oppose legislation that would reallocate revenues away from counties or would reduce county revenues.

#### ***Workforce Challenges***

Like many employers, California counties are facing significant workforce challenges as the state has regained most of the nonfarm jobs lost in March and April 2020 due to the COVID-19 pandemic (98.3 percent). With California's unemployment rate near record lows (4.1 percent as most recently calculated by the Employment Development Department) and government payrolls posting significant year-over-year job gains, counties have been competing with the public and private sector for a diminishing number of qualified employees. Reports of counties experiencing 20 to 30 percent vacancy rates are common. While the need for skilled and

licensed professionals is particularly acute, the tight labor supply is impacting many industries across skill levels, including entry-level positions. CSAC will advocate to ensure that the workforce needs of counties are being met to fill positions to support county administered services.

***Resist Further Expansion of Workers' Compensation Presumptions and Changes to Individual Elements of the Overall System***

Continued legislative efforts in expanding injuries or conditions for which a connection with employment is presumed but not proven threaten the equilibrium of the workers' compensation system. Additionally, efforts have recently included substantially modifying certain workers' compensation system segments that will unfairly penalize employers and counties while detrimentally impacting the overall quality of care delivered. Instead, counties should champion data-driven decisions or reform to the entirety of the system to find the appropriate balance between employers and employees. This legislative interest continues to be 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. For the system to function correctly, it 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 current system is unjust; and
- Educate policymakers about how the workers' compensation system operates, and that the system currently covers employee injuries and conditions that are job-related.

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**Attachment Six**

**California Public Records Act Presentation**

# CALIFORNIA PUBLIC RECORDS ACT

- **California Public Records Act (“PRA”)**
  - Previously found in Cal. Gov’t Code § 6250, et seq.
  - Under AB 473 (2021) PRA is recodified and reorganized effective January 1, 2023, and will be found in Cal. Gov’t Code § 7920.000, et seq.
- **Under the PRA:**
  - A public record is defined as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of its physical form or characteristics.” Gov’t Code § 6252(e)
  - Members of public can request copies of public records from State and local government agencies.
  - Responding agency must conduct a reasonable search for responsive records.
  - Agency must promptly respond to the requester as to the whether it has responsive records and will comply with the request.
  - Agency must produce non-exempt responsive records and generally can only charge the cost of duplicating the records.

# PRA ADMINISTRATION IS COSTLY

- Number of records that are created and maintained by governmental agencies has grown due to new laws and technological developments.
- Many records held by agencies contain confidential information such as medical information, social security and drivers license numbers, records of pending investigations, which cannot be disclosed.
- Under Proposition 42 (2014), State does not need to reimburse local governments for the cost of complying with open government laws such as the PRA.
- In the event of a lawsuit, local agency has burden of proof that records not produced are exempt from disclosure and if the local agency loses, the local agency must pay the requester's attorneys' fees and costs.



# COORDINATED, DUPLICATIVE PRA DEMANDS

- Local agency may receive numerous similar sounding form requests seeking voluminous records.
- Requests are sometimes accompanied with demands that a litigation hold be placed on records along with the mass filing of similar sounding claims for damages.
- Such requests may be coordinated with organizers encouraging followers to include a suggested list of records.
- Even though requests are similar, each requester may have different demands and interpretations of the requests.
- This situation has become much more frequent in the election context following the 2020 election.
- Washington Post reports that election officers throughout the country have reported that record requests have quadrupled since 2018. (WaPo, 9-11-22)

# HIGH FREQUENCY PRA LITIGANTS

- Characterized by serial requesters sending numerous requests to agencies quickly followed by lawsuits if there is any delay in production or suggestion that records may be withheld.
- For example, a frequent requester asks for a crime victim's name from the wrong office of an agency. An employee in that office mistakenly advised requester that they need a subpoena. The next day, the requester filed a CPRA petition in the superior court, even though agency's attorney had asked requester in a prior CPRA matter to contact her for help with any other CPRA requests before filing suit. Agency quickly provides requested record, but requester nonetheless seeks attorneys' fees.
- Possible legislative remedy could be to create notice and cure provisions similar to those applicable to "high frequency litigants" in disability access lawsuits.

# PRA LAWSUITS AS A DISCOVERY VEHICLE

- The key issues in a PRA case are whether the responding agency has responsive records and, if so, whether the agency wrongfully withheld them.
- The PRA states that: “The court shall decide the case after examining the record in camera, ... papers filed by the parties and any oral argument and additional evidence as the court may allow.”
- In *City of Los Angeles v. Superior Ct.*, 9 Cal. App. 5th 272 (2017), court held that discovery was permissible in a PRA case to assess an agency's good faith in searching for records.
- In *Western Resources Legal Center v. San Benito County* (2022), trial court allowed broad discovery of the records requested through the PRA, plus discovery into subject matter of the requested records. Case is now before the Court of Appeal.

# COST RECOVERY FOR PRA REQUESTS

- Under the California PRA, agencies can only recover the “direct costs of duplication.” Cal. Gov't Code §§ 6253, 6253.9.
- Nonchargeable ancillary costs under the California Public Records Act (PRA) include staff time involved in searching the records, reviewing records for information exempt from disclosure under law, and deleting such exempt information.
- Increasingly, with electronic records, requesters will ask for voluminous electronic record to be emailed or downloaded to avoid any duplication costs.
- Possible legislative remedies could include updating cost recovery provisions of the PRA to better enable agencies to recover PRA administration costs.
  - Federal FOIA provides for three types of fees that may be assessed in response to FOIA requests: search, review, and duplication. Also, the fees that may be charged to a particular requester are dependent on the requester's fee category. 5 U.S.C. § 552(a)(4).
  - State Survey of Public Record Fee is provided.

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**Attachment Seven**

**Public Records Act Fees in All 50 States**

State	Fees
Alabama	<p>"The Attorney General's office in Alabama has historically stated the following opinion regarding fees; 'If possible, a public agency should provide free copies of public records. However, if budgetary constraints prevent this, then a public agency may charge a nominal fee, if necessary, to cover its costs in providing copies of public records. One may inspect public records without paying a fee unless a substantial amount of an employee's time is required.'  <a href="http://www.ago.alabama.gov/opinions/pdf/2009-076.pdf">http://www.ago.alabama.gov/opinions/pdf/2009-076.pdf</a></p> <p>In practice, this isn't always the case. Search fees can only be charged if a substantial amount of an employee's time is required in searching according to the Attorney General. Duplication fees run the following:  Criminal justice records not more than \$25 Appellate records \$5 for one to ten pages and \$0.50 per page for than ten Public safety records not more than \$15 Each individual driving record is \$5.75 All other records are up to the specific custodian to decide on an appropriate fee."  Regarding fee waivers, there are none unless the requester is from a governmental agency.</p>
Alaska	<p>"[T]he fee for copying public records may not exceed the standard unit cost of duplication established by the public agency" (with exceptions). Regarding fee waivers, "[t]here are no fee waivers for media requests specifically, but an agency may waive fees if they determine it is in the public interest."</p>
Arizona	<p>"Agencies can charge fees, except for those records being requested with the intention of being presented to the U.S. government or a division thereof in relation to a claim, insurance, or other benefits." There are no fee waivers for media requests or requests made in the public interest.</p>
Arkansas	<p>There are fees but they are, "strictly for reproduction costs." There are no fee waivers for media requests or requests made in the public interest.</p>
California	<p>Fees may only cover "direct costs of duplication" unless a statutory fee is applicable. There is nothing in the law regarding fee waivers but, "agencies are left the discretion to facilitate greater ease of access."</p>
Colorado	<p>"For duplication the charge is for \$0.25 per page for standard sized paper, and not exceeding actual cost for other sizes. This also goes for electronic records. They may not charge a search fee unless they have manipulated data into a form that was not already created by the agency. And even then, costs must be kept 'reasonable.'" There are fee waivers, however, "it is up to the discretion of the specific custodian working your case at the agency you have requested the records from whether you qualify as eligible. Journalism is a valid cause for a fee waiver."</p>
Connecticut	<p>"State fees for copying are set at 25 cents per page, and other public agencies can charge 50 cents per page. No other fees are authorized except charges at actual cost to the agency for transcription and electronic records." There are fee waivers but only for requesters that can prove the information they are requesting is for the benefit of the public.</p>
Delaware	<p>"Any 'reasonable expense involved in the copying of records,' may be charged to a requester. In Delaware it is also up to the individual agency to write their own rules about charging for requests. If they plan to deviate from this, they must give written notice, Labor for search times may also be charged if the agency has a written policy. Notable in Delaware is the mandate that any charges be estimated in full, to allow the requester to properly be able to decide if they wish to proceed with the request." Delaware does allow requests for fee waivers for media requests or requests made in the public interest.</p>

State	Fees
District of Columbia	<p>406.1 Charges for services rendered in response to information requests shall be as follows (not to exceed a maximum search fee per request as may be imposed by applicable law):</p> <p>(a) Searching for records, \$4.00 per quarter hour, after 1st hour, by clerical personnel (DS 1 through 8);</p> <p>(a-1) Searching for records, \$7.00 per quarter hour after the 1st hour, by professional personnel (DS 9 through 13);</p> <p>(b) Searching for records, \$10.00 per quarter hour after the 1st hour, by supervisory personnel (DS 14 and above);</p> <p>(c) Copies made by photocopy machines... \$ .25 per page;</p> <p>(d) Charges for the initial review of documents, as permitted by applicable law, shall be assessed at the rate provided in subsections (a), (a-1), and (b) above.</p> <p>408.2 When a response to a request requires services or materials for which no fee has been established, the direct cost of the services or materials to the government may be charged, but only if the requester has been notified of the cost before it is incurred.</p> <p>408.3 Where an extensive number of documents is identified and collected in response to a request and the requester has not indicated in advance his or her willingness to pay fees as high as are anticipated for copies of the documents, the agency shall inform the requester that the documents are available for inspection and for subsequent copying at the established rate.</p> <p>408.4 A charge of one dollar (\$ 1) shall be made for each certification of true copies of agency records.</p> <p>408.5 Search costs, not to exceed any dollar limitation prescribed by the Act for each request, may be imposed even if the requested record cannot be located. No fees shall be charged for examination and review by an agency to determine whether a record is subject to disclosure.</p> <p>408.6 To the extent permitted by applicable law, an agency shall require that fees as prescribed by these rules shall be paid in full prior to issuance of requested copies.</p> <p>408.7 Remittances shall be in the form either of a personal check or bank draft on a bank in the United States, or a postal money order. Remittance shall be made payable to the order of the D.C. Treasurer and mailed or otherwise delivered to the Freedom of Information Officer, or the head of the agency in the absence of a designated Freedom of Information Officer.</p> <p>408.8 A receipt for fees paid shall be given only upon request. No refund shall be made for services rendered.</p> <p>408.9 An agency may waive all or part of any fee when it is deemed to be either in the agency's interest or in the interest of the public.</p>
Florida	<p>"The standard fees for duplicates are 15 cents per one-sided page, no more than 20 cents per two-sided page, and \$1 per certified copy. The law also provides for allowable additional fees based on the need for extensive information technology support[.] There is nothing in the law regarding fee waivers.</p>
Georgia	<p>"It is permitted under the Georgia Open Records Act that an agency can charge \$0.25 per page for copying costs, and more if specifically required by law. Search, retrieval and other administrative costs can also be charged but must be 'in the most economical means available,' O.C.G.A. § 50-18-71(c). However, an agency may not charge a search or retrieval fee unless it poses 'an unusual administrative cost or burden.'" There is a good chance for a waiving of a public records request fee if the requester can prove they are acting in the public interest and the cost to be waived is reasonable.</p>
Hawaii	<p>"UIPA authorizes agencies to charge a reasonable cost of not less than five cents per page. \$2.50 per fifteen minutes for an agency search for the record; \$5.00 per fifteen minutes for an agency review and segregation of the record; and the actual rate that is charged to the agency by a person outside the agency for services to assist in the search. Haw. Admin. Rules § 2-71-31(a). The first \$30 of fees for search, review and segregation of a record are automatically waived." There are fee waivers for media requests or requests made in the public interest available under the UIPA.</p>

State	Fees
Idaho	<p>"An agency may charge a fee not exceeding the actual labor costs if a request is for more than 100 pages of documents, if private information must be deleted from requested records, or the locating and copying of documents takes more than two hours. Copying fees may not exceed the actual cost of that agency copying a record. A fee that is stipulated by law must be uniform to all persons can be imposed for copying electronic records on a computer disk, tapes or microfilm. Again this fee cannot exceed the direct cost of labor for the agency, or the cost of a third party to convert the record." Idaho doesn't have official fee waivers but, "agencies cannot charge fees for copying or search time if a requester has demonstrated they cannot pay, or the request is clearly in the public's interest."</p>
Illinois	<p>"Fees are a specific and detailed part of the Illinois FOIA, with some unique aspects included. Perhaps the most interesting is if an agency doesn't respond within five business days they may not charge any fee. As for more typical non-electronic records the law states that, 'a public body may charge fees reasonably calculated to reimburse its actual cost for reproducing and certifying public records and for the use, by any person, of the equipment of the public body to copy records.' 5 ILCS 140/6(b). No fees may be charged for records requests that amount to under 50 black and white pages and they only charge a copying fee of \$0.15 per page, and they may not charge for search time. Records that are in color must be charged at the actual cost of copying the records, and no more. Electronic records may only be charged for the amount of the cost of the medium that the record is copied onto. For driving records it is up to the Illinois Vehicle Code to set the fee." There are fee waivers available for anyone that can prove the information they are requesting is in the public's interest.</p>
Indiana	<p>"No fees are authorized to be charged in Indiana except a 'reasonable' fee is authorized 'for permitting a governmental agency to inspect public records by means of an electronic device.' Ind. Code § 5-14-3-8(i). This may not exceed the direct cost of supplying the record in electronic form." Regarding fee waivers, "[f]ee waivers are discretionary not mandatory. Requesting for a noncommercial purpose, including journalism, academic research, nonprofit activities and public agency program support is recognized as legitimate reason to waive a fee, and agencies are not required to do so in the first place."</p>
Iowa	<p>"Fee practices in Iowa tend to be vague. Reproduction fees must be charged at a 'reasonable' amount, and each agency is in charge with coming up with its own procedures. Furthermore search fees do not exist in Iowa, instead using supervisory fees, again at reasonable cost." There is nothing in the law regarding fee waivers.</p>
Kansas	<p>"Agencies are allowed to charge for the actual cost of their employees searching and copying records and time spent on the request. Electronic records may only be charged for any computer services necessary to fulfill the request and for staff time. Agencies may charge advanced payment in Kansas." There is nothing in the law regarding fee waivers.</p>
Kentucky	<p>"An agency cannot charge for searching, only for copying for noncommercial requests. For noncommercial, agencies can charge at actual cost for their time copying records. Commercial requests can have both search and copying charged for and this can be done at 'reasonable' charge. The case Friend v. Rees, 696 S.W.2d 325 (Ky. Ct. App., 1985) found that 10 cents was a reasonable fee." There are no fee waivers in Kentucky.</p>
Louisiana	<p>There are fees but they are, "strictly for reproduction costs." There are no fee waivers for media requests or requests made in the public interest.</p>
Maine	<p>"Fees may cover copies and search time at a rate no greater than \$15 an hour." Fees might be waived if, "[t]he requester is indigent or if the request is determined to be in the public interest."</p>



State	Fees
Maryland	"Agencies are permitted to charge 'reasonable fees' to recover their actual costs. An update to the law in late 2015 slightly altered this requirement, stating that agencies must calculate their costs based on 'each individual's salary and actual time' attributable to the response, including 'attorney review costs.'" Regarding fee waivers, "requests made in the public interest may have their fees waived. Additionally, a 2015 alteration to the law provides a provision for fee waivers to be provided to anyone who is determined to be [an individual, not organizational] indigent."
Massachusetts	"In general: Agencies may not charge for the first four (4) hours of employee time spent in responding to a records request; for municipalities, it is the first two (2) hours. After this the agency and municipality may charge a maximum rate of \$25 per hour. Municipalities, but not agencies, may exceed this rate if the request is for a commercial purpose or the requested fee reflects the actual cost to comply. Unless required by law, employee time spent redacting or segregating records may not be charged. The cost for copying records, previously set at .50 cents per page, is now 5 cents per page. If a records officer fails to respond within 10 business days, no fee may be charged. The 2015 reforms generally limit fees to \$25 per hour or less for search and review time, but agencies may appeal to the Supervisor of Public Records for an increased rate. Agencies are encouraged to release documents of wide public interest free of charge." There are no official fee waivers, however: "Every custodian, unless otherwise required by law, is encouraged to waive fees where disclosure would benefit the public interest."
Michigan	N/A
Minnesota	"The MGDPA is unclear on many of the facets of FOIA fees. In person inspection carries no charge, and government records that are electronic can be charged for the time spent searching for and duplicating the records electronically, but may not charge for redaction or legal review. Agencies in Minnesota have begun charging for search time and labor costs on lengthy requests and this practice has been held up on appeal. Paying for FOIA has been a growing issue for records requesters in Minnesota, and looks to be getting worse not better." The MGPDA does not provide any kind of fee waiver.
Mississippi	"In Mississippi each agency may come up with [its] own 'reasonable written procedure' for how to charge for requests. There is no other language in the act that defines this more clearly." This holds true for fee waivers too: the agencies maintain agency.
Missouri	"Searches must be conducted in the most efficient way possible but searches can be charged for at actual cost of labor. Copying is charged for at actual cost of labor and the cost of the paper or electronic means used in duplication. Copy fees should not exceed 10 cents per page." There are fee waivers available for anyone that can prove they are requesting information to, "further public knowledge and good[.]"
Montana	"An executive order by the Office of the Governor in 1996 made 10 cents a page the statewide copying charge. The first half hour of search time is free, after that there is an \$8.50 an hour charge." There are no fee waivers for media requests or requests made in the public interest.
Nebraska	"Individuals that wish to inspect and make copies on their own equipment may do so at no additional cost. Agencies can charge fees, but they must not exceed the actual costs to provide the record. The agency shall not charge for the first four hours of staff time; after that time, a special service fee may be charged, but it may not include the cost of an attorney to review the materials. NRS 84-712.03(c)" There is nothing in the law regarding fee waivers.
Nevada	"Agencies can charge fees, but they must not exceed the actual costs to provide the record, and they can't charge more than 50 cents per page. NRS 239.052" There are no fee waivers except for a government agency, "as long as it adopts a policy to do so."
New Hampshire	"Only reproduction costs can be charged." There are no fee waivers for media requests or requests made in the public interest.

State	Fees
New Jersey	"Electronic copies should be provided without a fee, however a fee can be charged for the transmission medium the electronic copy is sent by (CDs, DVDs, etc.). For paper copies: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; * all pages over twenty, \$0.25 per page." "Only reproduction costs can be charged." There are no fee waivers for media requests or requests made in the public interest.
New Mexico	"The AG has stated that fees must be kept to actual cost of copying. Search fees are not permitted in New Mexico." There are also no fee waivers in the state.
New York	"Fees may cover search time after the first two hours and copying costs as appropriate." Regarding fee waivers, "[t]here are no provisions regarding fee waivers, though individuals may appeal fees in the same manner as other appeals are submitted."
North Carolina	"Agencies are only allowed to charge copying fees, unless an 'extensive amount of labor' is involved. The State Chief Information Office can mediate fees." There are no fee waivers for media requests or requests made in the public interest.
North Dakota	Yes (no further details provided). There are no fee waivers for media requests or requests made in the public interest.
Ohio	"In general, fees of the actual cost of materials, but not labor, may be charged. The Department of Motor Vehicles may charge additional fees for data requested for marketing or other commercial purposes." There are no fee waivers for media requests or requests made in the public interest.
Oklahoma	"Request fees are generally limited to the direct cost of materials required in fulfilling the request and not to exceed 25 cents per page for 8 1/2 by 14 inches or less. However, requests deemed purely commercial (which does not include media requesters) or which would be unduly burdensome may recover fees for search time." Regarding fee waivers, "[f]ees are not to be charged for requests in the public interest unless the request is disruptive to the agency's day-to-day duties."
Oregon	"Fees must be kept to the actual costs of searching for and copying records. If the fee will exceed \$25 the agency must first give you an estimate and ask if you want to proceed." There are fee waivers for requests that benefit the public.
Pennsylvania	"Fees in Pennsylvania are fairly limited. Agencies can charge for actual cost of duplicating records, but may not charge for review of documents or searching for them. The only other fee allowed to be charged is if the agency incurs a cost in processing the request, i.e. if they have to put it on a CD or if they have to do an extensive server search which involves outside professionals." There is nothing in the law regarding fee waivers.
Rhode Island	"The language in the law states that 'cost per copied page of written documents provided to the public shall not exceed fifteen cents (\$.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records,' R.I. Gen. Laws § 38-2-4(a). Costs for search time is limited to \$15.00 an hour. Agencies are required to give the requester an estimate of costs, and upon request itemized breakdowns of where costs are being incurred." There are fee waivers, "though a court must order fees waived or lowered. The request must be 'in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.'"
South Carolina	"Agencies can charge fees, but they must not exceed the actual costs to provide the record. - S.C. Code Ann. § 30-4-30" There are no fee waivers, "though a government agency reserves the right to waive fees if it determines that the request and materials are in the public interest."
South Dakota	"The state's fee provision states that fees must be kept to actual cost for mailing, transmittal, or reproduction. Fees can be incurred after one hour of employee labor time." Fee waivers are available if the request, "can be proved to be in the public interest".

State	Fees
Tennessee	".15 cents per page for each standard 8 ½ x11 or 8 ½ x14 black and white copy. .50 cents per page for each 8 ½ x11 or 8 ½ x14 color copy. The first hour of labor is free, but the records custodian is permitted to charge the hourly wage of the employee(s) reasonably necessary to produce the requested records." There are no fee waivers in the state, however, "[t]he Schedule of Charges permits a custodian to waive fees only pursuant to a written policy."
Texas	"Fees may cover copies. They may include labor, but such inclusion requires description." Regarding fee waivers, they are relatively insignificant here: they can only be granted by government bodies and that's only if said bodies decide the request is in the public interest or if the cost of collecting the charge would outweigh the charge itself.
Utah	"Utah public records law reserves the state the right to charge 'a reasonable fee to cover the governmental entity's actual cost of providing a record.' (63G-2-203) GRAMA does not explicitly state what one can expect for costs in monetary value, but does mention hourly fees and a list of what tasks that must be completed by government workers to fulfill the records request the requester will be paying for. These can include 'the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request,' or 'the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request.' (63G-2-203)" Fee waivers are available for media requests or requests made in the public interest, but, "Utah has been accused by local journalists of using costs to hold documents hostage. In 2014 Utah Democrats made a request for redistricting information and were met with a \$14,000 bill. The appeal for a fee waiver was rejected by the legislative appeals board due to their finding the request not needed for the public good, a necessary part of getting a fee waiver in Utah. Fine print restrictions such as this form the bulk of the criticism of GRAMA."
Vermont	"In 1996 an amendment to the law granted agencies the right to charge for public records requests. Fees must be kept to actual cost for both copying and searching, and search time costs only kick in after 30 minutes of search time." There are fee waivers for media requests or requests made in the public interest.
Virginia	"An agency may charge reasonable fees not to exceed the actual cost of access, search, and duplication." There is nothing in the law regarding fee waivers.
Washington	"Search fees may not be charged, and the standard rate for photocopies are fifteen cents per page." There are no fee waivers for media requests or requests made in the public interest.
West Virginia	There are fees but they are, "strictly for reproduction costs." There are no fee waivers for media requests or requests made in the public interest.
Wisconsin	"The language in the law mandates fees be kept to 'actual, necessary and direct costs of reproduction.' Wis. Stat. § 19.35(3)(a); Osborn, 2002 WI 83 ¶46, 254 Wis. 2d at 303-04, 647 N.W.2d at 176. This includes cases where contractors are brought in to do the work by the requested agency." There are fee waivers available for media requests or requests made in the public interest.
Wyoming	"In general, fees of the actual cost of materials, but not labor, may be charged. The Department of Motor Vehicles may charge additional fees for data requested for marketing or other commercial purposes." There are no fee waivers for media requests or requests made in the public interest.

**Source:** <https://www.muckrock.com/place/united-states-of-america/your-state-here/>. For example, Alabama would be <https://www.muckrock.com/place/united-states-of-america/alabama/>. New York would be <https://www.muckrock.com/place/united-states-of-america/new-york/>. For Washington D.C., visit <https://www.muckrock.com/place/united-states-of-america/district-of-columbia/>.

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**Attachment Eight**

**CSAC Memo: GFA 2022 Year in Review**



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November 17, 2022

To: CSAC Government Finance and Administration Policy Committee

From: Brian Cote, Senior Legislative Analyst

Re: **INFORMATIONAL ITEM: 2022 GFA Year in Review**

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**Broadband**

*Signed*

**[AB 2256 \(Quirk-Silva\)](#) Office of Broadband and Digital Literacy: reports**

This bill, which was co-sponsored by CSAC, adds two local government officials to the Middle-Mile Advisory Committee – one appointed by the Speaker of the Assembly and one appointed by the Senate Rules Committee. Including representatives from local government is important to ensuring the success of a statewide middle-mile network, providing a perspective different from the many state representatives on the committee, and serving as a liaison between the committee and local officials around the state who know the needs and gaps within their communities. Governor Newsom signed AB 2256 on September 29, 2022, which will take effect on January 1, 2023.

**Brown Act**

*Signed*

**[AB 2449 \(Rubio\)](#) Open meetings: local agencies: teleconferences**

This bill, until January 1, 2026, authorizes members of a legislative body of a local agency to use teleconferencing without complying with the requirements that their teleconference location be identified in the agenda and that it be made accessible to the public. To qualify, at least a quorum of the members of the legislative body must participate in person from a single location that is open to the public and members of the public must also be allowed to participate remotely. The member would also need to provide just cause or be participating remotely due to emergency circumstances, which must be approved by the legislative body, among other requirements. This bill was signed by Governor Newsom on September 13, 2022, and will take effect on January 1, 2023.

**[AB 2647 \(Levine\)](#) Local government: open meetings**

A recent court decision held that posting meeting material online does not satisfy the Brown Act requirements that local governments must place physical copies of the document in a designated office open to the public at the same time it is provided to members of a legislative body. This measure exempts local agencies from making materials available for public inspection at the time they distribute them to members of the legislative body less than 72 hours before the meeting if the agency meets specified requirements. CSAC supported this measure as part of a coalition with other government stakeholders. Governor Newsom signed AB 2647 on September 30, 2022, which will take effect on January 1, 2023.

**[SB 1100 \(Cortese\)](#) Open meetings: orderly conduct**

This bill, which was co-sponsored by CSAC, authorizes the presiding member of a legislative body conducting a meeting, or their designee, to remove an individual for actually disrupting the

meeting, and defines “disrupting” for these purposes. This important change to the Brown Act will help local agencies ensure that public meetings are safe and accessible to all members of the public. This bill was signed by Governor Newsom on August 22, 2022, and takes effect on January 1, 2023.

### **General Government**

#### *Signed*

#### **[AB 1925 \(Santiago\)](#) County and district offices: qualifications**

This bill removes the requirement for an individual to be a registered voter in order to be eligible for an appointed county or district office. This bill was signed by Governor Newsom on September 30, 2022, and will take effect on January 1, 2023.

#### **[AB 2463 \(Lee\)](#) Public works: exemption**

This bill extends, until January 1, 2031, the sunset date on the prevailing wage exemption for public works projects performed by volunteers, volunteer coordinators, and members of the California Conservation Corps or community conservation corps. CSAC and a coalition of local government stakeholders supported this measure, which was signed by Governor Newsom on August 29, 2022. AB 2463 takes effect on January 1, 2023.

#### **[AB 2887 \(E. Garcia\)](#) Public resources: Sales and Use Tax Law: exclusions**

This measure increases, from \$100 million to \$150 million, the limit on annual sales and use tax exclusions provided under the California Alternative Energy and Advanced Transportation Financing Authority. Governor Newsom signed this bill on September 6, 2022, which took effect immediately.

#### **[SB 1131 \(Newman\)](#) Address confidentiality: public entity employees and contractors**

This bill authorizes specified public entity employees who face threats of violence or harassment because of their work to apply for the California Secretary of State’s Safe at Home Program. Administered by the California Secretary of State, the Safe at Home Program provides a substitute mailing address that is accepted by California state, county, and city government agencies in lieu of a residential or other mailing address whereby a home address can be tracked down. This bill was signed by Governor Newsom on September 26, 2022, and took effect immediately.

#### **[SB 1439 \(Glazer\)](#) Campaign contributions: agency officers**

This bill prohibits local government agency officers from accepting, soliciting, or directing a contribution of more than \$250 from anyone while a proceeding involving their license, permit, or other entitlement for use is pending before the agency, or for 12 months following such a decision. This bill also provides a process for the local government agency officer to cure the violation, subject to specified requirements. Governor Newsom signed SB 1439 on September 29, 2022, which takes effect on January 1, 2023.

#### *Vetoed*

#### **[AB 1951 \(Grayson\)](#) Sales and use tax exemptions: manufacturing**

This bill would have replaced the current partial manufacturing sales tax exemption with a full exemption until January 1, 2028, resulting in substantial revenue loss to local governments. Presuming no changes in taxpayer behavior, local governments would have lost an estimated \$2 billion over five years, impacting crucial health, public safety, welfare, and transportation

services. CSAC and a broad coalition of local government organizations were opposed to this measure. Governor Newsom vetoed this measure on September 15, 2022, noting the loss of revenue for local government and concerns about new spending commitments which were not accounted for in the state budget.

#### **[AB 2677 \(Gabriel\)](#) Information Practices Act of 1977**

This bill would have made several changes to the Information Practices Act of 1977, including expanding the definition of personal information to include information that is reasonably capable of identifying an individual, prohibiting an agency from using records containing personal information for any purposes other than those for which the personal information was collected or generated, and adjusting penalties for violations of the law to include employee discipline for negligent violations and to eliminate injury-in-fact requirements for intentional disclosures of sensitive information. CSAC removed its opposition to AB 2677 due to amendments that removed the bill's applicability to local agencies. AB 2677 was vetoed by Governor Newsom on September 19, 2022, citing fiscal concerns to implement across multiple state agencies.

#### ***Labor Relations***

##### *Signed*

#### **[AB 551 \(Rodriguez\)](#) Disability retirement: COVID-19: presumption**

This bill extends the sunset date from January 1, 2023, to January 1, 2024, relating to the disability retirement presumption applicable to members of various public employee retirement systems who are employed in certain firefighter, public safety officer, and health care job classifications, among others, who test positive for COVID-19, and retire for disability on that basis. Governor Newsom signed this bill on September 29, 2022, which will take effect on January 1, 2023.

#### **[AB 1041 \(Wicks\)](#) Employment: leave**

This bill adds a "designated person" to the list of individuals for whom an employee may take leave to care for under the California Family Rights Act. Under this measure, a designated person is defined as any individual related by blood or whose association with the employee is the equivalent of a family relationship. The bill authorizes an employer to limit an employee to one designated person per 12-month period. Governor Newsom signed this bill on September 29, 2022, which will take effect on January 1, 2023.

#### **[AB 2188 \(Quirk\)](#) Discrimination in employment: use of cannabis**

This measure makes it unlawful for an employer to discriminate against a person in hiring or any term or condition of employment, if the discrimination is based upon the person's use of cannabis off the job and away from the workplace or an employer-required drug screening test that has found the person to have non-psychoactive cannabis metabolites in their urine, hair, or bodily fluids. After CSAC and a coalition of public and private employers lobbied to mitigate impacts, aiming to make cannabis treated like alcohol in workplace – the legislation made amendments including that this bill does not prohibit an employer from pre-employment screening through methods that do not screen for non-psychoactive cannabis metabolites, that the bill does not preempt state or federal laws requiring employees to be tested for controlled substances as a condition of employment, and that certain applicants and employees are exempted from this bill's provisions, including individuals requiring a federal background investigation or clearance or

those in the building and construction trades, as specified. Governor Newsom signed this bill on September 18, 2022, which will take effect on January 1, 2024.

**[AB 2243 \(E. Garcia\)](#) Occupational safety and health standards: heat illness: wildfire smoke**

This bill requires the Division of Occupational Safety and Health to revise and submit heat illness prevention and wildfire smoke standards to the Occupational Safety and Health Standards Board by December 1, 2025. This measure also reduces the air quality index level at which respiratory protective equipment becomes mandatory to increase protections of outdoor workers exposed to wildfire smoke and requires employers to distribute prevention plan materials. CSAC and a coalition of private and public stakeholders withdrew opposition after engaging with the author and securing amendments aimed to mitigate impacts to employers while balancing the importance of employee health. Governor Newsom signed this bill on September 29, 2022, which will take effect on January 1, 2023.

**[AB 2556 \(O'Donnell\)](#) Local public employee organizations**

This bill authorizes a union to charge a local public employee firefighter who is a conscientious objector or who declines membership in the union for reasonable costs of representation if the firefighter requests representation by the union, as specified. This bill also requires a public agency to wait 15 days instead of 10 days before the public agency can implement its last, best, and final offer, after completing impasse procedures. Governor Newsom signed this bill on September 18, 2022, which will take effect on January 1, 2023.

**[AB 2693 \(Reyes\)](#) COVID-19: exposure**

This bill extends the sunset date by one year (until January 1, 2024), on COVID-19 related workplace reporting requirements and for the Division of Occupational Safety and Health's authority to disable an operation or process at a place of employment when the risk of COVID-19 infection creates an imminent hazard. This bill revises COVID-19 exposure reporting provisions to require employers to display a notice with information on confirmed COVID-19 cases at the worksite and authorizes employers to post this information on an employer portal or continue to provide it in writing or email. CSAC and a broad coalition of public and private stakeholders worked to secure amendments including shortening the sunset date and to ameliorate the administrative impacts that were included in prior versions of this measure. Governor Newsom signed this bill on September 29, 2022, which will take effect on January 1, 2023.

**[SB 931 \(Leyva\)](#) Deterring union membership: violations**

This bill requires the Public Employment Relations Board (PERB) to impose civil penalties of up to \$1,000 for each affected employee, not to exceed \$100,000 in total, on public employers if it finds the employers deterred or discouraged employees from exercising collective bargaining rights. PERB is required to take into account the public employer's annual budget, the severity of the violation, and any history of violations in assessing penalties. Additionally, this measure requires employers to pay attorney's fees unless PERB finds the claim to be frivolous, unreasonable, or groundless. SB 931 was signed by Governor Newsom on September 29, 2022, which will take effect on January 1, 2023.



**[SB 960 \(Skinner\)](#) Public employment: peace officers: citizenship**

This bill removes provisions of existing law requiring peace officers to either be a citizen of the United States or be a permanent resident who is eligible for and has applied for citizenship. This bill was signed by Governor Newsom on September 29, 2022, and takes effect on January 1, 2023.

**[SB 1044 \(Durazo\)](#) Employers: emergency condition: retaliation**

This bill prohibits an employer, in the event of an emergency condition (does not include a health pandemic), as defined, from taking or threatening an adverse action against any employee (except for specified emergency response workers, including disaster service workers, first responders, private entities that contract with public employers, among others) for refusing to report to, or leaving, a workplace within the affected area because the employee has a reasonable belief that the workplace is unsafe. This bill also prohibits an employer from preventing an employee, with some exceptions, from accessing the employee's mobile device or other communications device to seek emergency assistance, assessing the safety of the situation, or communicating with a person to verify their safety. This bill was signed by Governor Newsom on September 29, 2022, and takes effect on January 1, 2023.

**[SB 1162 \(Limón\)](#) Employment: Salaries and Wages**

This bill expands state pay data reporting requirements to cover contracted employees (for private employers) and requires employers to make pay scale information for positions available to employees and included in job postings (both private and public). This bill was signed by Governor Newsom on September 27, 2022, and takes effect on January 1, 2023.

*Vetoed*

**[SB 1313 \(Hertzberg\)](#) Local public employee organizations: health benefits: discrimination**

This bill would have prohibited Los Angeles County from providing an employee represented by an employee organization with a health benefit plan that provides fewer benefits than health plans offered to employees not represented by an employee organization. CSAC opposed this measure on the basis that directives such as those included in SB 1313 may create unprecedented costs and create severe downstream effects on future bargaining benefits as counties attempt to balance the collective bargaining process with the unknown aspect that the Legislature may intervene and require a different level or application of benefits not bargained for. Governor Newsom vetoed SB 1313 on September 28, 2022, expressing concerns that it would codify the setting of local benefits and result in significant costs to the state.

***Pensions***

*Signed*

**[AB 1971 \(Cooper\)](#) County Employees Retirement Law of 1937**

This bill authorizes County Employees Retirement Law of 1937 retirement systems to provide service credit buyback for family leave, continued service credit for periods a member is subject to mandatory furloughs, exemption from post-retirement working restrictions for volunteer service in a non-salaried part-time position on boards and commissions with an employer covered under the same retirement system, and retroactive adjustments to members' allowances when a member retires from service but subsequently files for a disability retirement which the system approves. This bill was signed by Governor Newsom on September 25, 2022, and takes effect on January 1, 2023.

*Vetoed or Failed Passage in Legislature*

**[AB 826 \(Irwin\)](#) County Employees Retirement Law of 1937: compensation and compensation earnable**

This bill would have amended the definition of “compensation” and “compensation earnable” for legacy members of the Ventura County Employee Retirement Association who retire on or before December 31, 2025, to include an employee’s flexible benefit allowance. Governor Newsom vetoed this measure on September 29, 2022, citing concerns that the measure would incentivize noncompliance with the Public Employees’ Pension Reform Act.

**[AB 2493 \(Chen\)](#) County employees’ retirement: disallowed compensation: benefit adjustments and calculations**

This bill would have made several changes to the County Employees Retirement Law of 1937 regarding pension calculation adjustments arising from erroneous inclusion of disallowed compensation, including requiring participating county employers to reimburse their respective retirement system for pension overpayments made to peace officer and firefighter retirees arising from erroneous employer reporting of disallowed compensation, and pay affected retirees a lump sum amount equal to 20 percent of the actuarial equivalent present value of a retiree’s “lost” pension going forward due to the system’s recalculation of the retiree’s benefit to exclude the disallowed compensation. This bill would have placed a significant financial burden on counties and agencies by requiring member agencies of county retirement systems to pay substantial penalties for decisions they did not make and over which they had no authority. CSAC was opposed to this measure, which was held by the author on the last day of session due to concerns raised by counties.

***Publics Works and Prevailing Wages***

*Signed*

**[AB 1851 \(Rivas\)](#) Public works: prevailing wage: hauling**

This bill expands the definition of public works, for the purpose of the payment of prevailing wages, to also include the on-hauling of materials used for paving, grading, and fill onto a public works site. This bill was signed by Governor Newsom on September 29, 2022, and takes effect on January 1, 2023.

**[AB 2463 \(Lee\)](#) Public works: exemption**

This bill extends the public works exemption sunset date for volunteer work performed by the California Conservation Corps or a community conservation corps to January 1, 2031. This bill was signed by Governor Newsom on August 29, 2022, and will take effect on January 1, 2023.

***Workers’ Compensation***

*Signed*

**[AB 1751 \(Daly\)](#) Workers’ compensation: COVID-19: critical workers**

This bill extends the sunset date of the workers’ compensation COVID-19 presumptions by one year, until January 1, 2024. CSAC and a broad coalition of public and private employer organizations worked diligently with the author to secure amendments that reduced the extension by one year (previous versions of the measure would have extended the sunset until January 1, 2025). Governor Newsom signed AB 1751 on September 29, 2022, which takes effect on January 1, 2023.

**SB 1127 (Atkins) Workers' compensation: liability presumptions**

This bill reduces the timeframe for employers to investigate workers' compensation claims, increases penalties on employers for "unreasonably" denying claims, and significantly increases the duration of temporary disability for cancer presumption claims. CSAC will continue to engage in efforts to mitigate any potential financial burden and liability that is placed on counties. Governor Newsom signed SB 1127 on September 29, 2022, which takes effect on January 1, 2023.

*Vetoed*

**SB 284 (Stern) Workers' compensation: firefighters and peace officers: post-traumatic stress**

This bill would have expanded an existing industrial injury presumption for a diagnosis of a post-traumatic stress disorder for peace officers and firefighters to additional safety and non-sworn personnel including public safety dispatchers, public safety telecommunicators, and emergency response communication employees, along with a number of additional state agencies. While recognizing that both sworn and non-sworn personnel need access to the workers' compensation system, CSAC and a broad coalition of local government stakeholders opposed this expansion on the basis that SB 284 lacks any relevant data that the current system is inaccessible or not working appropriately to provide California employees with fair access to the workers' compensation system. Governor Newsom vetoed SB 284 on September 29, 2022, citing its potential to destabilize the workers' compensation system going forward.