

CALIFORNIA STATE ASSOCIATION OF COUNTIES

EXECUTIVE COMMITTEE

Thursday, January 16, 2014, 10:00am - 1:30pm

CSAC Conference Center, Sacramento

A G E N D A

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

Presiding: John Gioia, President

10:00am PROCEDURAL ITEMS

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

2. Roll Call

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3. Approval of Minutes of October 11, 2013

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10:15am SPECIAL PRESENTATION

4. Report on Governor's Budget for 2014-15
 - *Michael Cohen, Director, CA Department of Finance*

10:45am DISCUSSION ITEM

5. Discussion of Budget Impacts on Counties
 - *DeAnn Baker, CSAC staff*

handout

11:00am ACTION ITEMS

6. Appointment of CSAC Treasurer, NACo Board & WIR Representatives
 - *President Gioia*

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7. Appointment of CSAC Policy Committee Chairs and Vice Chairs for 2014
 - *President Gioia*

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8. Consideration of Position on SCA 3 Ballot Measure
 - *Supervisor Bruce Gibson, Govt. Finance & Ops. Cmte. Chair*

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9. Consideration of State and Federal Legislative Priorities for 2014
 - *DeAnn Baker & Advocacy staff*

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10. CSAC Finance Corp. Report & Nomination of Member to Finance Corp. Board
 - *Nancy Parrish, Finance Corp. Executive Director*
 - *Matt Cate, CSAC Executive Director*

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12:00pm LUNCH

1:00pm INFORMATION ITEMS

11. CSAC Corporate Partnership Update
 - *Jim Manker, CSAC staff*

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12. Informational Reports w/o Presentation
 - ❖ *Litigation Coordination Program*
 - ❖ *CSAC Institute for Excellence in County Government*

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13. Other Items

14. Closed Session Regarding Personnel and Legal Matters

1:30pm ADJOURN

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE
2014

President:	John Gioia, Contra Costa
1 st Vice President:	Vito Chiesa, Stanislaus
2 nd Vice President:	Richard Forster, Amador
Immed. Past President:	David Finigan, Del Norte

Urban Section

Federal Glover, Contra Costa
Don Knabe, Los Angeles
Kathy Long, Ventura
John Moorlach, Orange
John Tavaglione, Riverside
Ken Yeager, Santa Clara
Keith Carson, Alameda (alternate)

Suburban Section

Susan Adams, Marin
Bruce Gibson, San Luis Obispo
Henry Perea, Fresno
Linda Seifert, Solano (alternate)

Rural Section

Virginia Bass, Humboldt
Robert Williams, Tehama
Kim Dolbow Vann, Colusa (alternate)

Advisors

David Twa, CAOAC Advisor, Contra Costa
James Fincher, County Counsel Advisor, Merced

CALIFORNIA STATE ASSOCIATION OF COUNTIES
EXECUTIVE COMMITTEE

October 10 - 11, 2013
Resort at Squaw Creek, Placer County, CA

MINUTES

Presiding: David Finigan, President

1. ROLL CALL

David Finigan, President	Susan Adams, Marin
John Gioia, 1 st Vice Pres.	Henry Perea, Fresno
Efren Carrillo, 2 nd Vice Pres.	Kim Vann, Colusa
Mike McGowan, Immed. Past Pres.	Robert Williams, Tehama
Keith Carson, Alameda	Louis Boitano, Amador, alternate
John Tavaglione, Riverside	Terry Woodrow, Alpine, Treasurer
Kathy Long, Ventura	Bill Goodwin, CAOAC Advisor
	Charles McKee, County Counsel Advisor

2. MINUTES OF AUGUST 8, 2013

The minutes of August 8, 2013 were approved as previously mailed.

3. UPDATE ON CSAC FINANCE CORPORATION PROGRAMS

Mark Saladino, President of the CSAC Finance Corporation and Los Angeles County Treasurer/Tax Collector, provided a summary of Finance Corporation programs. There are a number of "value-added" products and services offered such as:

US Communities Purchasing Program which provides a national purchasing forum with many suppliers including Home Depot, Graybar, Herman Miller, Hertz Equipment Rental, and many more;

Nationwide Retirement Solutions which is the largest deferred compensation program in the country for county employees;

CalTRUST, a program that pools and invests local agency funds, operating reserves as well as bond proceeds;

Coast2Coast Rx is a discount prescription card program available at no-cost to county employees and residents. It is already being used by 26 California counties and each participating county receives \$1.25 from Coast2Coast for every prescription filled by a cardholder;

MedCor is a new program to place employee health clinics on-site in county buildings, resulting in significant savings and increased productivity; and

ExtendHealth is another new program which offers county Medicate eligible retirees a wide array of health plans to choose from at significantly lower cost than they currently pay to participate in group plans.

In addition, the CSAC Finance Corporation is considering a partnership with Software Contract Solutions, which is a company that reviews county Information Technology contracts for potential additional savings. Feasibility studies are underway for an on-line trading platform for investments as well as a pharmacy management program.

Staff was directed to invite all CSAC Finance Corporation Board members to a future Executive Committee meeting for a comprehensive report, including budget information.

4. Distinguished Service & President's Award Recipients

Staff recommended the following recipients for the 2013 CSAC Distinguished Service Award: Governor Jerry Brown, Senator Darrell Steinberg and Secretary Diana Dooley.

Following Executive Committee discussion, it was determined that Governor Brown would receive the 2013 President's Award and the 2013 Distinguished Service Award would be given to Senator Steinberg, Secretary Dooley, Diane Cummins and Supervisor McGowan.

5. Circle of Service Award Nominees

Staff recommended the following individuals to receive the 2013 Circle of Service Award:

Merita Callaway, Supervisor, Calaveras County
Mary McMillan, Retired Deputy County Manager, San Mateo County
Pete Parkinson, Retired Director, Permit & Resources Mgmt. Dept., Sonoma County
Pat Proano, Asst. Deputy Director of Public Works, Los Angeles County
Leonard Kaye, Retired SB 90 Coordinator, Auditor-Controller's Office LA County
Nick Warner, Legislative Advocate, CA State Sheriffs' Assoc.
Karen Pank, Executive Director, Chief Probation Officers Assoc. of CA
Kathy Long, Supervisor, Ventura County
Lee Kemper, Dir. of Policy & Planning, CMSP
Judith Riegel, Executive Director, Co. Health Executives of CA
David Souleles, Dep. Agency Dir., Public Health Services, Orange County
Graham Knaus, Assistant Director, Health & Human Serv. Dept., Placer County
Andy Pease, Executive Finance Dir., Health & Human Serv. Agy., San Diego Co.
Eileen Cubanski, Senior Fiscal & Policy Analyst, County Welfare Dir. Assoc.

The Executive Committee accepted all staff recommendations and added the following people to receive Circle of Service Awards:

Linda Penner, Chair, Board of State and Community Corrections
Bill Goodwin, CAOAC President and Tehama CAO
Mark Saladino, Pres. of CSAC Finance Corp. & LA County Treasurer/Tax Collector

6. Audited Financial Statements for FY 2012-13
Supervisor Terry Woodrow, CSAC Treasurer, presented the Audited Financial Statements for FY 2012-13, as contained in the briefing materials. The audit included a recommendation to develop a Whistleblower Policy for CSAC as well as a recommendation to terminate the Supplemental Pension Plan.

A discussion ensued regarding how public vs. private dollars are accounted for. Staff was directed to create a policy on this issue and report to the full Board of Directors at a future meeting.

Motion and second to accept the Audited Financial Statements for FY 2012-13. Motion carried unanimously.

7. Request to Form CSAC Women's Leadership Forum
Supervisor Susan Adams presented a proposal to form the CSAC Women's Leadership Forum. The focus would be to welcome, mentor and support elected women supervisors in engagement and empowerment to take on leadership roles within the organization and in their roles as county supervisors. It was proposed that meetings occur at the CSAC Legislative and Annual Conferences each year, with at least one additional meeting for purposes of training, mentoring and support. A proposed work plan for 2013-2014 was contained in the briefing materials.

Motion and second to accept the Women's Leadership Forum. Motion carried unanimously.

8. Proposed Governance Policies
Staff requested approval of four policies as a result of the recent annual CSAC audit. They are: (1) Board of Directors Conflict of Interest Policy; (2) Whistleblower Policy; (3) Form 990 Review Policy; and (4) Executive Compensation Policy. Descriptions of each policy were contained in the briefing materials.

The Executive Committee directed staff to amend the Executive Compensation Policy to include a fifth item on the list of data - Performance Evaluation."

Motion and second to approve the four proposed governance policies as amended. Motion carried unanimously.

9. 2013 CSAC Legislative Report
Staff distributed and outlined the CSAC Advocacy Team Achievements Report for 2103. Implementation of 2011 Realignment remained a high priority for CSAC during 2013, as did Health Reform Implementation and the prison overcrowding issue.

A discussion ensued regarding the composition of the Realignment Allocation Committee, which is currently made up of nine county administrative officers representing urban, suburban and rural counties. The consensus was that the existing structure will stay in place, but that a RAC representative will provide regular updates to the Executive Committee and Board of Directors.

Staff also distributed descriptions of the various CSAC policy areas that include information on legislative committees and key state agencies as well as a detailed list of the legislative responsibilities included under each policy area. The Executive Committee requested that this information be posted on the CSAC website.

10. 2013 CSAC COMMUNICATIONS REPORT

Staff provided a summary of media and other communication efforts that took place during 2013. CSAC planned and conducted a media campaign around the Affordable Care Act issue, including editorial board meetings, and placement of numerous newspaper stories and op-ed pieces. CSAC has enhanced use of social media outlets such as Twitter, YouTube, Facebook, CSAC's blog and website, as a regular and effective method for reaching targeted audiences. CSAC produced a series of "Smart Justice" videos in conjunction with National County Government Month. The videos featured AB 109 Realignment best practices. Currently, videos are being produced showing how counties are being innovative and proactive in reducing recidivism and making communities safer.

11. CSAC ANNUAL MEETING STATUS REPORT

Staff provided a status report on CSAC's Annual Meeting to be held November 19 - 22, in San Jose, Santa Clara County. The theme this year is "Health Counties, Healthy California." Workshops and other sessions will focus on ways to enhance and maintain counties' health through programs, technology, and county leadership. Confirmed speakers are: Herschel Walker, former NFL star and mental health awareness advocate; Maria Hinojosa, Emmy-award winning journalist; David Berson, Economist; and Kamala Harris, California Attorney General.

12. UPDATE ON CSAC STRATEGIC PLAN

Staff is in the process of developing a strategic plan. A full-day meeting was held to discuss organizational strengths and weaknesses and four areas emerged which staff will now focus on developing a plan around. The four areas are: Increasing Effectiveness in Internal Administration; Enhancing Advocacy Outcomes; Enhancing Member Services & Communication; and Enhancing Training & Education Opportunities for Members. Working groups have been formed to begin work on each of these areas.

13. MISCELLANEOUS

Jean Jordan was introduced as CSAC's new Director of Operations and Member Services. She begins work at CSAC next week.

Meeting adjourned.



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January 3, 2014

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

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

Following are Officer recommendations for 2014:

CSAC Treasurer

The Officers would like to recommend that Kim Vann of Colusa County be appointed CSAC Treasurer for 2014. Supervisor Vann has indicated her willingness to serve.

NACo Board of Directors

The Officers would like to recommend that Supervisors Keith Carson and Richard Forster be appointed to serve as CSAC's representatives on the NACo Board of Directors for 2014.

NACo WIR

Supervisor David Finigan currently serves as CSAC representative. The Officers are recommending that he continue to serve during 2014.

Several years ago, California was provided an opportunity to appoint a second director to the WIR Board. CSAC and the Regional Council of Rural Counties (RCRC) agreed to appoint one each, with the appointing organization paying costs related to its appointee. Supervisor Kevin Cann from Mariposa to served as RCRC's representative in 2013 and would like to continue to serve in the coming year.

**CSAC POLICY COMMITTEE
CHAIRS AND VICE CHAIRS
2014**

(as nominated by CSAC Officers)

ADMINISTRATION OF JUSTICE

**Federal Glover, Contra Costa, Chair
John Viegas, Glenn, Vice Chair**

AGRICULTURE AND NATURAL RESOURCES

**Linda Seifert, Solano, Chair
Judy Morris, Trinity, Vice Chair**

GOVERNMENT FINANCE & OPERATIONS

**Bruce Gibson, San Luis Obispo, Chair
Bruce McPherson, Santa Cruz, Vice Chair**

HEALTH & HUMAN SERVICES

**Kathy Long, Ventura, Chair
Ken Yeager, Santa Clara, Vice Chair**

HOUSING, LAND USE AND TRANSPORTATION

**Phil Serna, Sacramento, Chair
Susan Adams, Marin, Vice Chair**

January 16, 2014

To: CSAC Executive Committee

From: Supervisor Bruce Gibson, Chair, Government Finance & Operations Committee
Supervisor Bruce McPherson, Vice-Chair, Government Finance & Operations Committee

Re: SCA 3 (Leno) – ACTION ITEM

Recommendation. The Government Finance and Operations Committee recommends to the CSAC Executive Committee a position of “neutral” on SCA 3, a June 2014 ballot measure that would amend the California Constitution to enshrine provisions of both the California Public Records Act and the Ralph M. Brown Act within it and exclude from reimbursement those statutory changes to the Acts that constitute mandates. This action item was heard at the November 21, 2013 CSAC Board of Directors (Board) meeting; no position was taken at that time, and the item was instead referred back to the CSAC Executive Committee for the purpose of conducting a broader conversation before an official position is taken by the Board at its meeting in February.

Background.

Open Government and Transparency. The Ralph M. Brown Act (Brown Act) governs open meetings for local government bodies to ensure the protection of public access and participation. Provisions of the Brown Act apply to all local legislative bodies, obligating them to abide by those requirements to safeguard open access to local government. The California Public Records Act (CPRA) applies to all state and local government agencies – excluding the Legislature – and provides certain requirements for those governing bodies that further the Act’s intent that public access to information regarding the conduct of the public’s business is a right, and to ensure that governmental records are disclosed to the public upon request. The Brown Act explicitly allows for reimbursement of the costs that “are clearly and unequivocally incurred as the direct and necessary result of compliance with” it (California Government Code §54954.4); in 2011, the Commission on State Mandates determined that specific provisions of CPRA constitute state-reimbursable mandates.

Mandates. The California Constitution requires the state to reimburse local agencies when it mandates a new program or a higher level of service. This requirement was added to the Constitution in 1979 via Proposition 4, which imposed spending limits on the state and local governments, commonly referred to as the “Gann limit”. Proposition 1A (2004) placed additional mandate protections for local agencies for changes in sharing ratios for state/local programs.

The Constitution allows the Legislature to suspend any mandate for a given fiscal year, which allows them to not fund the mandate and makes the mandate optional for all local agencies. Once a mandate is suspended, that suspension is never rescinded (at least, we have yet to see a suspended mandate be un-suspended), and some mandates have been suspended in every fiscal year for as long as 22 years. The list of suspended

mandates in the state budget stretches for several pages and is filled with statutes that appear to require local agencies to perform a certain action, but are in fact optional.

How did we get here? This summer, the Legislature approved Assembly Bill 76, a budget trailer bill that included statutory provisions to make compliance by local public agencies with certain provisions of the CPRA “best practices” rather than requirements. (This approach was recommended by the Legislative Analyst's Office as an alternative to the Governor's original budget proposal to suspend the CPRA provisions outright.) In the wake of that bill's passage, widespread opposition to the statutory change caused the Legislature to reverse its action by approving (and Governor Brown subsequently signing) an alternate bill that reinstated the mandate.

The criticism of the Legislature's attempt to sever the State's financial commitment to reimbursement for compliance with CPRA (thereby making adherence to it optional as the state is prohibited from imposing mandates upon local governments without reimbursing that cost) led to the introduction and passage of Senate Constitutional Amendment 3. SCA 3 places a measure on the June 2014 ballot that would amend the State Constitution to enshrine provisions of both CPRA and the Ralph M. Brown Act (Brown Act) within it and exclude any future statutory changes to the Acts from reimbursement.

Voters' approval of the measure would essentially require local agencies to comply with provisions and any future amendments to both CPRA and the Brown Act without the requirement of reimbursement by the State.

CSAC maintained a position of “Concerns” on SCA 3, communicating our support for access to open government while advocating for an amendment that would require any future amendments to the Acts by the Legislature to be subject to a fiscal review with a focus on the financial ramifications to local governments. SCA 3, however, was approved in its original form after the author maintained that all legislation with any fiscal impact to public agencies is subject to fiscal review by the Legislature, a debatable assertion.

Policy Considerations. Counties have always abided by the requirements of both the Brown and Public Records Acts since their inception and have done so without required reimbursement by the State. In fact, the State currently owes public agencies approximately \$120 million for costs associated with the Brown Act mandates alone. The Legislature has further added new, costly requirements to existing law governing the Acts in the early part of last decade. Due to the State costs associated with a new mandate that would be imposed by the further requirements, the legislation containing them has received fiscal scrutiny by legislative fiscal committees, specifically review by the Appropriations Committees in each house. It is important to note that all current and future provisions of open meetings and public records act would be exempt from state reimbursement with voter approval of SCA 3, so long as the enacting measures “further the purpose of” the Brown Act and CPRA – accordingly, without the consequence of higher state costs due to the removal of its requirement to reimburse public agencies, the Legislature will have fewer hindrances when voting on new, expansive requirements. Consideration should also be given to the concern that SCA 3 represents a shift in course by the Legislature and Governor, whereby mandates that are politically popular

may be put before the voters in order to relieve the state from reimbursement. Such policy sets a troubling precedent which leads to an additional concern about future costs.

While concerns over costs and precedent setting are both valid and in line with the CSAC platform (which explicitly states that constitutional amendments should not exempt mandates from cost reimbursement), it should be noted that CSAC has long supported the public's right to transparent government and open meetings; accordingly, on legislation expanding both the Brown Act and CPRA, CSAC has tempered any opposition to such cost-increasing statutory changes with the acknowledgement of counties' commitment to that access.

Additionally, regardless of any change in fiscal support from the state, counties have and will continue to meet the requirements associated with the requirements contained in Proposition 59 (2004) including the right of public access to meetings of government bodies and writings of government officials.

Action Requested. The Government Finance and Operations Committee recommends a position of neutral to the CSAC Executive Committee on the ballot initiative which would amend the California State Constitution to enshrine provisions of both CPRA and the Ralph M. Brown Act (Brown Act) within it and exclude from reimbursement those statutory changes to the Acts that constitute mandates.

Staff Contact. Please contact Faith Conley (fconley@counties.org or 916/650-8117) or Jean Kinney Hurst (jhurst@counties.org or 916/650-8133) for additional information.



California State Association of Counties

CSAC 2014 STATE ADVOCACY PRIORITIES

***** DRAFT *** presented to Executive Committee – Jan. 2014**

California counties are in the midst of dramatic change. Fundamental shifts of responsibilities in the public safety and health arenas, an erratic economic recovery, and growing demand for public services require flexible and efficient solutions that allow all counties the opportunity to succeed. CSAC is leading efforts to ensure that counties can effectively manage new responsibilities in an ever-changing environment. From working to protect existing revenues and avoiding new costs to encouraging innovation and collaborative problem solving, CSAC remains at the forefront of significant statewide issues, fighting for counties and the Californians we serve.

The 2014 CSAC State Legislative Priorities reflect an ongoing commitment to successful implementation of 2011 realignment and implementation of the Affordable Care Act, as well as a focus on retaining and securing financial resources for counties. Additionally, CSAC will advance county interests within a diverse array of key county issues.

CROSS-CUTTING PRIORITIES

Protecting Vital County Resources

Day-by-day, year over year, CSAC works to protect billions of dollars in financial resources that support locally delivered services. For 2014-15, CSAC has compiled priority funding areas that will serve as the focus of our advocacy efforts. While there are additional significant resources that require ongoing, permanent vigilance, the list below represents opportunities where CSAC will be leading the charge to protect existing resources and secure new or renewed funding for California counties.

2011 Realignment (proper distribution of funds) <i>Ensuring proper distribution of 2011 realignment, including \$1B AB 109 allocation and allocation of Mental Health funds</i>	\$6B
AB 85/Affordable Care Act Implementation <i>Ensuring proper distribution of 1991 realignment funds, including retaining funds for public health and returning savings associated with indigent health</i>	\$1.3B
Water bond <i>Secure portion of funding for flood control, stormwater, etc.</i>	\$6B
Transportation initiative <i>Ensure historic share of transportation funding for counties for the local street and road system</i>	\$3B
Gas tax swap clean-up <i>Return portion of transportation tax swap revenue associated with off-highway vehicles being diverted to the General Fund to transportation projects</i>	\$128M

Cap and trade funds <i>Secure portion of funding for local government and transportation GHG reduction projects</i>	\$0.5B - \$1B
Williamson Act restoration <i>Includes restoration of Williamson Act subvention funds to counties</i>	\$34M
Medi-Cal Administration <i>Ensure adequate funding for county outreach, eligibility and enrollment functions</i>	\$350M
In-home Supportive Services (IHSS) Maintenance of Effort (MOE) <i>Monitor the mechanics of the 2012 IHSS MOE deal</i>	\$1B
Department of Fish and Game Payment In-Lieu of Taxes (PILT) <i>Includes payment of past due monies owed to counties since the late 1990s</i>	\$17M
Property tax allocation issues <i>Includes funding for counties with insufficient ERAF and resolving "stranded" supplemental property tax revenues</i>	\$5M
Mandate backlog <i>Local agencies are owed funds from pre-2004 mandate reimbursements and suspended mandates</i>	\$2B
County Fairs <i>Restoration of State General Fund support for the network of county fairs</i>	\$42M
TOTAL	About \$20B

Promoting Smart Prevention and Intervention Investments

Given counties' role in delivering vital services across a vast array of policy areas, CSAC will highlight the need for and value of investing in robust prevention and intervention programs to avoid more expensive criminal justice, health, and social services system interactions downstream. Areas of priority will include:

- Gang violence prevention
- Leveraging resources and opportunities presented by the Affordable Care Act (ACA) in the criminal justice system context to ensure improved health and offender outcomes
- Addressing the needs of the forensic population, with a view toward avoidance of criminal justice system involvement
- Highlighting the benefits of quality early education benefits in reducing crime and improving health
- Supporting reinvestment in the Mentally Ill Offender Crime Reduction Grant program
- Working to reduce human trafficking
- Exploring effective programs and services to address homelessness and veterans' issues

ISSUE-AREA PRIORITIES

Administration of Justice

AB 109 Implementation. CSAC will continue in a strong advocacy role to preserve counties' individual and collective ability to innovate locally and oppose efforts to limit county flexibility. We will continue to build and deploy a robust training and education program to support ongoing implementation efforts; provide technical support to the Realignment Allocation Committee with an eye toward securing a consensus approach to a long-term allocation formula; and serve as an ongoing technical resource for

counties across realigned programs. CSAC will engage on behalf of counties to design long-term solutions to ensure system stability and durable solutions, including: capacity needs and implications of long-term jail sentences; litigation avoidance; increased use of split sentencing, community corrections approaches, and other evidence-based solutions; maximizing criminal system opportunities in the context of ACA implementation; and designing balanced system incentives to ensure offenders receive the best and most economic placement in the corrections continuum.

Court Security. CSAC is engaging on behalf of counties on an issue that has emerged as a priority need in recent months. The realignment of the court security function – which shifted the financial responsibility for covering court security costs from the state trial court system to the counties while keeping intact the sheriffs’ responsibility to provide the service — did not include a mechanism to address increased costs or service levels necessitated by new court facility construction. CSAC will work with the California State Sheriffs’ Association, Department of Finance, and the Administrative Office of the Courts to quantify the problem and develop a solution to cover these “stranded” costs.

Agriculture, Environment and Natural Resources

Agriculture and Farmland Protection. CSAC anticipates focusing on efforts to help advance farmland conservation and protection in California next year. Discussions are currently underway in the Legislature that would set forth minimum statewide mitigation requirement for projects that convert agricultural land to a permanent or long-term non-agricultural use, including residential, commercial, civic, industrial, infrastructure, or other similar land development projects. CSAC will continue to advocate for agricultural land protection policies that respect the unique characteristics of each county.

Cap and Trade. California’s Cap and Trade program is slated to generate billions of dollars in revenue that must be invested in programs and projects for the reduction of greenhouse gas emissions (GHG) statewide. In Fiscal Year 2014-15, it is anticipated that up to \$1 billion will be available to invest in GHG reducing programs. However, the Legislature and Governor have yet to agree upon the suite of investments. CSAC has two active proposals for the investment of cap and trade funds at the local level which would dedicate a portion of revenues to local competitive grant programs geared at GHG reducing investments in the local transportation network, energy efficiency, water resource conservation, and solid waste diversion, to name a few.

Solid Waste – Advancing Waste to Energy Policies and Alternatives to Landfills. Building off momentum achieved through SB 804 (Lara), the CSAC/ LA County co-sponsored measure on biomass and conversion technology that was approved by the Legislature in 2013 but ultimately vetoed by the Governor, CSAC will continue to work on legislative changes that would provide incentives and a permitting path for solid waste conversion technologies as an alternative to landfills. In addition to conversion technology, we also anticipate engaging in conversations related to the implementation of AB 341 (Chesbro, 2011), the statewide goal of diverting 75% of our solid waste from landfill disposal and the diversion of organic materials from landfills.

Regulatory Issues – Water Board and Delta Issues. CSAC continues to engage in the regulatory process on a number of different fronts with particular focus on proposed rulemakings before the State Water

Resources Control Board, California Environmental Protection Agency and various other regulatory agencies. At the State Water Board, CSAC focus will continue to center around storm water permit requirements, groundwater management and proposed state wetlands and trash policies. In addition, CSAC staff will remain engaged in the discussions surrounding the Delta using CSAC's policy as a foundation to advocate for county interests, including support for area of origin rights, affected counties' land use authority; special recognition of Delta legacy communities; flood and ecosystem protection and regional self-sufficiency.

Flood Control. CSAC continues to advocate for statutory and administrative solutions that would resolve outstanding implementation issues regarding the application of SB 5 (Machado, Chapter 364, Statutes of 2007) one of the six-bill 2007 flood protection package. SB 5 requires each city and county in the Sacramento-San Joaquin Valley to comprehensively address flood management and flood risk issues within their general plans and zoning ordinances following the adoption of the Central Valley Flood Protection Plan (CVFPP). Remaining implementation issues include unrealistic flood risk finding requirements for all types of discretionary permits, geographic scope of the SB 5 requirements, and the impact of requirements on infill development.

Government Finance and Operations

Employee Benefits/Pension Reform. The Public Employees' Pension Reform Act (PEPRA) was supported by CSAC after months of negotiation between public employers, labor, the Legislature and the Administration; the intent was to provide fair benefits to public employees while retaining fiscal security for public employers. As such, CSAC staff will concentrate on preserving the original intent of PEPRA to ensure the ability of counties to negotiate benefits that are both fair to employees while ensuring the protection of county budgets, as well as responding to county concerns related to various legal challenges to PEPRA.

Workers' Compensation Reform Implementation. CSAC supported the workers' compensation system reform effort in 2012, after working with the Legislature and Administration to ensure the needs of employers were reflected in the resulting law signed by Governor Brown. CSAC will need to continue its work to ensure the original intent of that law is upheld both by the Legislature and in regulatory efforts at the Department of Industrial Relations.

Public Records. Efforts to embed the requirements of the Ralph M. Brown (Brown) Act and the California Public Records Act in the state Constitution are underway and expected to succeed. As such, it will be a priority for CSAC to ensure future amendments to the Acts do not place a heavy fiscal burden upon counties. If necessary, CSAC may wish to move forward with legislation requiring that legislation containing amendments to expand either of the Acts be subject to some type of fiscal review when moving through the legislative process.

Vote Thresholds for Locally-Approved Taxes. CSAC has long-supported greater revenue raising authority at the local level and will support legislative constitutional amendments to reduce vote thresholds for local taxes. The Legislature will likely consider a number of measures that reduce voter approval requirements for a variety of specific purposes; as such a change requires a constitutional

amendment, the challenge ahead is to determine the approach that has the best chance for voter support.

Redevelopment Dissolution/Resurrection. Counties remain critical players in the ongoing dissolution of community redevelopment agencies. CSAC is committed to assisting counties in their multiple roles as successor agency, oversight board participants, and tax administrators to ensure consistent and timely communication and coordination among the county, local stakeholders, and the state.

Legislators continue to have a strong interest in developing a new tool for local economic development. CSAC will work to ensure any new local economic development authority is available to counties and protects county revenues.

Mandate Reform. The current process for identifying reimbursable mandates and securing payments owed to local agencies for mandated programs and services is arcane and oftentimes biased against local agencies. Further, the state owes an estimated \$2 billion to local agencies for past due mandate reimbursements. CSAC will convene a task force to assist in identifying options for reforming the process by which new mandates are established and will also work to secure subventions for money the state owes to counties for current and past mandates.

Health and Human Services

Affordable Care Act Implementation. CSAC will continue to engage the Brown Administration, the Legislature, Counties and county affiliates in the many facets of Affordable Care Act (ACA) implementation. Significant topics include devising and monitoring the integrity of the mechanics associated with the fiscal transaction of 1991 Health Realignment funds to the state and ensuring adequate funding for increased eligibility and enrollment functions at the local level.

2011 Realignment Implementation. Efforts to implement portions of the 2011 Realignment deal are also ongoing and 2014 promises to be yet another labor-intensive year as CSAC works with counties to determine stable county-by-county Mental Health funding and growth allocations and potentially significant changes to the Drug Medi-Cal program to ensure program integrity and outcomes. CSAC will also work to strengthen collaborations and leverage opportunities at the intersection of the health and human services and administration of justice policy areas.

In Home Supportive Services Issues. The In Home Supportive Services (IHSS) program continues to present challenges for counties as we work to implement the 2012 IHSS Maintenance of Effort (MOE) legislation and monitor the state's progress in erecting the Cal Medi-Connect (formerly known as the Duals Demonstration Project or Care Coordination Initiative [CCI]) and the impacts of that project on the transfer of collective bargaining for IHSS providers from counties to the state.

Housing, Land Use and Transportation

SB 375 Implementation. In 2008, Senate President Pro Tempore Darrell Steinberg sponsored one of the most significant land use bills in recent history (SB 375, Chapter No. 728, Statutes of 2008). Implementation is in full swing with several urban regions having completed the process of adopting new regional plans, which include a Sustainable Communities Strategy (SCS) to guide future

transportation investments and growth. CSAC remains very engaged in these efforts as counties struggle to shape these plans at the regional level and seek the tools to ensure successful implementation (i.e. CEQA streamlining for infill, adequate transportation revenues, relief from the California Department of Housing and Community Development's default densities, etc.).

Housing Element Reform. Housing element law has resulted in one of the most contentious state-local relationships in existence. Staff is once again engaged in reform discussions with counties, legislative staff and the Housing and Community Development Department (HCD). HCD has significant authority to review local planning and zoning for regional housing needs required by state law but many counties experience frustration with the specific detailed level of review that is not required by law. We expect numerous bills to deal with county issues related to required density levels, HCD discretion, and the regional housing needs process.

State and Federal Indian Gaming. CSAC is the lead local government interest involved in Indian gaming and Tribal Compacts negotiated between the Governor and California's Native American tribes. With 60 casinos in 26 of our counties, mitigation of off-reservation impacts and other service costs, including public safety, remain a priority for CSAC. Further, CSAC remains proactive in seeking reforms to the federal fee-to-trust process, federal acknowledgement process, and other federal regulatory efforts to ensure counties have a meaningful voice. Staff is reactivating the CSAC Indian Gaming Working Group to update CSAC's existing policy to ensure we can effectively and proactively advocate on behalf of counties.



California State Association of Counties

CSAC 2014 FEDERAL ADVOCACY PRIORITIES

***** DRAFT *** presented to Executive Committee – Jan. 2014**

CSAC's contract for federal affairs services with Waterman and Associates provides for a nine-issue agenda. CSAC staff, in consultation with Waterman and Associates, developed the following list of federal issues of significance to California's counties. These nine issues will represent the association's top lobbying priorities for 2014, with CSAC staff and Waterman and Associates working together to identify other emerging topics that may necessitate action throughout the year.

MAP-21 Reauthorization

CSAC will promote a number of key surface transportation priorities as part of the upcoming reauthorization of MAP-21, which is set to expire on September 30, 2014. Among other things, the association strongly supports a dedicated federal funding stream for local bridges, both on- and off-system. Federal bridge program funds are used for critical repairs and replacements to ensure the safety of the traveling public. Additionally, CSAC will seek opportunities to further streamline the regulatory and project delivery processes; promote programs that increase safety on the existing transportation system; and, advocate for initiatives that protect previous and future investments via system maintenance and preservation.

State Criminal Alien Assistance Program

CSAC will continue to serve as a lead advocate in efforts to protect the SCAAP program, which is a key source of federal funding for 50 of California's counties. With regard to the appropriations process, CSAC will advocate for the highest possible SCAAP reimbursement level. On a related matter, the association will fight to prevent the continuance of statutory language that authorizes the U.S. Department of Justice to transfer up to 10 percent of SCAAP funding to other justice accounts.

In addition, CSAC will continue to advocate for a long-term reauthorization of SCAAP and will continue to seek several key programmatic changes to the program. The association has taken the lead role in securing important statutory changes to SCAAP in the House and Senate immigration reform bills, which are pending in Congress. Finally, CSAC will oppose any potential harmful administrative changes to SCAAP, including those aimed at eliminating payments to jurisdictions for the costs of incarcerating inmates whose immigration statuses are "unknown."

Native American Affairs/Fee-to-Trust Reform

CSAC will continue to lead local government efforts in opposition to a so-called clean *Carciari* "fix," which would restore the Secretary of the Interior's authority to take land into trust for all tribes absent

January 2014

concomitant reforms in the Indian fee-to-trust process. CSAC also will continue to advocate for the association's comprehensive fee-to-trust package.

Secure Rural Schools Act Reauthorization

CSAC will maintain efforts aimed at securing a multi-year reauthorization of the SRS program. In the absence of a long-term renewal, CSAC supports a short-term extension of the Act. The SRS program was extended for one-year (through fiscal year 2013) as part of the recently enacted *Helium Stewardship Act* (PL 113-40). Unless the program is reauthorized, final payments will be distributed to eligible jurisdictions between November 2013 and February 2014.

Clean Water Act Section 404 Permitting

CSAC will continue to promote and build support for legislation (HR 1296) that would provide a permitting exemption for maintenance removal of sediment, debris, and vegetation from local flood control channels and basins. HR 1296, which CSAC helped to develop and build support for in the current legislative session, may see committee action late in 2013, with the potential for additional movement in 2014.

Remote Sales Tax Legislation

CSAC supports federal legislation - the *Marketplace Fairness Act* (S 743; HR 684) - that would authorize state and local governments to require tax collection and remittance by remote sellers. The Senate approved S 743 in 2013, and the House is expected to act on its own measure in 2014.

Under current law, online retailers are exempt from collecting sales taxes in states where they have no physical presence, or "nexus." In these situations, the consumer is responsible for calculating the use tax and remitting the payment to the relevant jurisdictions, but compliance is low. As online sales continue to grow, local governments are losing billions of dollars in uncollected sales tax revenue.

Payments-In-lieu-of-Taxes

CSAC will support efforts to convert the temporary nature of mandatory PILT spending into a permanent feature of the program. Pursuant to PL 110-343, all counties received 100 percent of authorized PILT payments in fiscal years 2008 through 2012. Prior to fiscal year 2008, PILT payments were subject to the annual appropriations process. As part of MAP-21, Congress approved an additional one-year PILT extension (through fiscal year 2013).

Property Assessed Clean Energy Program

CSAC supports legislative and administrative remedies that would help restart stalled residential PACE programs. The Federal Housing Finance Agency (FHFA) issued a directive in 2010 that effectively shut down PACE programs in California and across the country. Bipartisan legislation (HR 2599) that would prevent FHFA from adopting policies that contravene established state and local PACE laws will likely be reintroduced in 2014. Such a measure would also establish best-practice underwriting standards.

Child Welfare Financing Reform

CSAC supports legislation to reform the child welfare financing system, as well as provide additional resources to stabilize families and train and retain child welfare staff. CSAC supports additional programmatic flexibility, along with an updated foster care payment methodology.

CSAC INTERNAL MONITORING

In addition, CSAC will continue to provide internal monitoring on a number of issues that are of significance to California's counties.

U.S. Army Corps of Engineers' Levee Vegetation Removal Policy

Congress is likely to approve a Water Resources Development Act (WRDA) reauthorization measure in the coming months that would require the Corps to undertake a comprehensive review of its levee vegetation removal policy. However, if Congress fails to act before the end of the year, CSAC will continue in 2014 to seek changes to the Corps' policy, which generally requires local flood control agencies to remove woody vegetation from levees in order to allow for easier inspections and to reduce any potential weakening of levees from root growth and overturned trees.

Health Reform Implementation

CSAC will support continued federal funding for the Affordable Care Act, including measures supporting state and county administration of the law.

Pension Tier Changes - Conflict with IRS Requirements

CSAC will continue to support legislation (HR 205) that would clarify the authority of local governments to propose and implement creative solutions to rising pension costs. At the same time, the association will urge the Internal Revenue Service (IRS) to remove regulatory barriers that prevent local governments from implementing their own local pension reforms.

Temporary Assistance for Needy Families Reauthorization

CSAC will promote TANF reauthorization legislation that would restore state and county flexibility to tailor work and family stabilization activities to families' individual needs. The association also supports maintaining the focus on work activities under TANF, while recognizing that "work first" does not mean "work only."

Tax-Exempt Status of Municipal Bonds

CSAC will oppose any proposal that seeks to limit or eliminate the tax treatment of municipal bonds. Under current law, investors are not required to pay federal income taxes on interest earned from most bonds issued by state and local governments. The tax exempt status of municipal bonds therefore provides counties with a cost-effective tool to finance public infrastructure projects and capital improvements.

National Flood Insurance Program (NFIP)

CSAC supports the creation of a new agricultural flood hazard area under the National Flood Insurance Program (NFIP). Specifically, Congress should establish a FEMA flood zone for agriculturally-based communities to allow replacement or reinvestment development in historically agricultural floodplains. This program would not require expensive elevation of structures or dry flood proofing, but would still have requirements for wet flood proofing certain structures. Congress should instruct FEMA - for these special agricultural zones - to adjust the NFIP rate to be more actuarially structured in order to evaluate the actual flood risk based on levees providing historical protection, as opposed to assuming that no protection exists.

It should be noted that Congressman John Garamendi (D-CA) introduced such legislation - the *Flood Insurance for Farmers Act of 2012* (HR 4020) - in the 112th Congress. The congressman is expected to reintroduce the bill in the 113th Congress.

Farm Bill Reauthorization

CSAC supports congressional efforts to reauthorize the federal Farm Bill, including provisions protecting funding for the Supplemental Nutrition Assistance Program (SNAP), rural development programs, and renewable energy development. The current Farm Bill, which provides subsidies and other aid to farmers nationwide, expired on September 30, 2012. Most programs authorized by the Act will continue to be funded through March 27, 2013 as part of the current Continuing Resolution (PL 112-175).

It should be noted that Congress recently convened a House and Senate conference committee, which is charged with reconciling differences between the two chambers' Farm Bill reauthorization bills (HR 2642/S 954).

Workforce Investment Act Reauthorization

CSAC supports a reauthorization of the Workforce Investment Act (WIA) that maintains the leadership role of elected officials on local Workforce Investment Boards. Additionally, federal legislation should protect the current funding streams and percentage allotments for local areas and the populations they serve.

Community Development Block Grant

CSAC will promote increased funding for the CDBG program to allow localities to continue to provide a wide variety of economic and community development activities, such as home rehabilitation loans, public works and infrastructure projects, and various youth-related services. CDBG funds have been targeted for cuts in recent budget cycles, making it increasingly challenging to maintain adequate funding for the block grant.

Eliminate Inmate Exception

CSAC supports the elimination of the federal health benefits "inmate exception" for persons in county jails and detention centers who are in custody pending disposition of charges. Counties are prohibited from billing federal programs for the health services provided to jail inmates prior to adjudication.

Digital Goods and Services Tax Fairness Act

CSAC will oppose legislation (S 1364) that would prohibit state and local governments from imposing taxes on digital goods and services that are taxable under current law. Digital goods and services are online purchases that are downloaded directly by consumers, including music downloads, movies, and newspaper subscriptions. House Judiciary Chairman Bob Goodlatte (R-VA) may seek to package such a proposal with remote sales tax legislation.

Byrne Grant Funding

CSAC strongly supports prioritizing Byrne funding in the annual appropriations process and will work collaboratively with the California congressional delegation and others to secure and promote increased funding for the program and the positive local outcomes it helps achieve.

Federal Geothermal Royalties

CSAC opposes any legislative effort that would discontinue geothermal royalty payments to county governments. The Geothermal Steam Act of 1970 specifies a formula for the distribution of geothermal revenues to federal, state, and county governments. Under the formula, the federal government retains 25 percent of the revenue, the States receive 50 percent, and county governments receive 25 percent. Several recent attempts have been made to permanently repeal the sharing of geothermal revenues with counties.

State's Water Crisis

CSAC will monitor any legislative proposals to ensure consistency with the association's comprehensive policy direction on water. California's political leaders and various state and local water interests continue to pressure California's congressional delegation and the Obama administration to address the state's chronic water shortage. A wide range of proposals are being discussed that would address water transfers, endangered species laws, water quality and California Bay-Delta protections, to name a few.

Transient Occupancy Tax

CSAC will work to ensure counties' continued authority to assess and collect transient occupancy taxes on the full rate paid by the consumer for all appropriate transient lodging, regardless of whether the consumer pays through a hotel or any other vendor.

Waters of the U.S.

CSAC will continue to monitor congressional efforts to block EPA's administrative actions aimed at expanding regulatory authority over certain bodies of water. In 2011, the Obama administration announced that it was updating draft guidance on the scope of waters that would be regulated under the Clean Water Act (CWA). According to EPA, the number of waters identified as protected by the CWA

under revised “Waters of the U.S.” guidance will increase compared to current practice. The expansion of federal jurisdictional authority over state and local waters has elicited concern from state and local resource agencies, as well as federal lawmakers.

2-1-1 Statewide

CSAC has actively supported both state and federal legislation to help build and fund a statewide 2-1-1 referral system. 2-1-1 is a free, easy-to-remember telephone number that connects people to essential community information and services. In 2009, over 1.6 million Californians called 2-1-1 to find needed community services such as rent and mortgage assistance, food and shelter, health care, job training, transportation, child care, and senior care. 2-1-1 also plays an informational role during emergencies and disasters and relieves pressure on the 9-1-1 system at these critical times. The value of this service was evident during the 2007 San Diego wildfires when 2-1-1 call centers provided information and support to more than 130,000 callers in five days. Currently, just 27 of California’s 58 counties have 2-1-1 service covering 92 percent of the population. CSAC will continue to work at both the state and federal levels to promote the need for a comprehensive statewide 2-1-1 system.

Medical and Long-Term Care Premiums

CSAC supports federal legislation to extend to all retirees the option to use tax free distribution from qualified retirement plans to pay for medical and long-term care premiums. In the Pension Protection Act of 2006, Congress granted specified public safety officers the ability to use up to \$3,000 per year of tax-free dollars from their qualified retirement plans to pay for medical and long-term care premiums. Extension of this benefit to all retirees who participate in a qualified retirement plan could encourage people to save more while lessening the burden on government budgets to cover rising health care costs.



CALIFORNIA STATE ASSOCIATION OF COUNTIES
FINANCE CORPORATION

January 16, 2014

To: CSAC Board of Directors
From: Nancy Parrish, Executive Director, CSAC Finance Corporation
RE: Finance Corporation Program Update

Last year the CSAC Finance Corporation continued to grow our existing programs and expand our offerings to include two new program partners; Medcor and ExtendHealth, a Towers Watson Company. As a result of the participation of all 58 counties in our programs, the CSAC Finance Corporation was able to provide CSAC not only with the budgeted \$3.3 million contribution this year but also an additional \$250,000 to support CSAC's advocacy efforts.

Our new program with Medcor provides onsite health clinics for county employees. This program is designed to reduce healthcare costs and improve employee health outcomes by providing onsite employee health clinics with customized services tailored to the needs of your workforce. With the Onsite Employee Health Clinic Program, the potential for savings is significant in general health, increased productivity, and workers compensation.

Our new program with ExtendHealth, a Towers Watson Company, offers your Medicare eligible retirees a wide array of health plans to choose from at significantly lower costs than they currently pay to participate in your group plan. This program recognizes the mounting pressure on California counties to maximize the value of tax dollars while meeting commitments to retirees by providing a means to remove the burden of retiree healthcare administration and offer retirees more healthcare options.

The CalTRUST investment pool continues to grow and has added over 15 local agency participants over the last year and assets are now in excess of \$1.7 Billion. The CalTRUST Education Program provides webinars on topics such as Economic Forecast and Net Asset Value Fundamentals to all interested public agency participants.

The California Statewide Communities Development Authority (CSCDA) continues to benefit California counties by financing public housing and healthcare facilities throughout the state. In 2013 CSCDA launched a New Markets Tax Credits Program after receiving a \$35 million allocation from the federal government. Three projects have successfully closed under this program including:

- The Alliance for College-Ready Public Schools to finance a 24,000 SF charter school building to house its high achievement educations programming for students (Los Angeles County)
- The Shasta Community Health Center to fund an expansion project for their main medical facility (Shasta County)
- The East Bay Asian Local Development Corporation to stabilize and enhance the historic Swan's Marketplace (Alameda County)

This year CSCDA will expand the Sustainable Energy Bond Program which is a self-funding building infrastructure investment tool that enables counties to make sustainable improvements to facilities and produce guaranteed reductions in energy costs without impacting capital budgets. Sustainable Energy Bond Program Benefits include guaranteed savings on energy and water; no up-front capital and all construction costs are covered through the bond and participants own all improvements and benefits.

Our U.S. Communities purchasing program continues to thrive with over 30 contracts leveraging the buying power of over 90,000 governmental agencies across the nation. This no-cost program is available to all counties, cities, special districts, and non-profits and offers the lowest local government pricing on all contract items. New and refreshed contracts added last year include Acro, Cintas, Tradition Energy consulting and management services, Ricoh Americas multifunction products and document services, and Graybar electrical services. U.S. Communities offers one of the quickest and easiest ways to start seeing immediate budget savings.

Coast2Coast Rx's prescription drug card continues to be successful among California counties. Currently the Coast2Coast Rx Card is endorsed in 26 California counties. This program requires minimal effort on the part of the county to reach out to residents with prescription drug, lab, and other medical savings. In 2013, the 26 California counties using the Coast2Coast Rx Card have received over \$560,000 in revenue back to their county.

Our deferred compensation program through Nationwide Retirement Solutions (NRS) continues to improve on the ways they reach out to county employees and help plan for retirement. Currently used by 28 California counties, Nationwide offers online interactive retirement planners and in-person retirement consultations to help make sense of the daunting world of retirement planning. Last year Nationwide successfully responded to a rebid by San Diego County which retains over \$1 billion in assets in the program. Additionally, the Orange County Transit Authority exercised their option to renew their contract with Nationwide. In collaboration with NRS we are developing educational materials this year for county employees as they approach retirement to help educate them on ways they can maximize their retirement funds.

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- **Steve Swendiman**, Board Member Emeritus



January 3, 2014

To: CSAC Executive Committee
From: Matt Cate, Executive Director
RE: CSAC Finance Corporation Board Vacancy

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Facsimile
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The CSAC Finance Corporation Board of Directors is comprised of 10 members, each of whom fills a specific seat as defined by its bylaws:

The existing Board of Directors shall elect successor Directors each year at their annual meeting to serve for one year terms or, if longer, until their respective successor is elected. One Director shall be the Executive Director of CSAC. Two Directors shall be California County Administrative Officers. Two Directors shall be California residents selected from the public at large. One Director shall be an elected County Supervisor. One Director shall be an elected County Supervisor who shall be nominated by the CSAC Executive Committee. One Director shall be a County Treasurer or Chief Financial Officer. One Director shall be a County Auditor/Controller or Chief Financial Officer. One Director shall represent a city, special district, or council of governments or shall be a retired county employee.

The elected County Supervisor position that is nominated by the CSAC Executive Committee is currently vacant due to the departure of Mike McGowan.

The Finance Corporate Board policy states that the CSAC Executive Committee shall submit “a list of not less than two members of its Executive Committee for consideration.”

The CSAC Officers are recommending that you nominate Supervisors Finigan and Forster as potential replacements for the position.



To: CSAC Executive Committee

From: Jim Manker, Director of Corporate Relations

RE: CSAC Partnership Update

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Introductions:

After having joined the CSAC team in late-October, my first quarter was a blur, bringing the number of exhibitors from 44 to 72 (Exhibit Hall revenues came in at \$84,250, which is \$4,250 over projected revenues), and adding a few items to bring energy and creativity to the hall, we hope to grow to 100 in 2014. In addition to enjoying the group of people I work with at CSAC, attending the Annual Meeting provided the opportunity to meet many of you and to begin what I hope to be a long and amazing relationship. I look forward to this year with excitement and drive to continue to build California's Counties with you.

Currently

- We are rolling out the new 2014 CSAC Partnership Program including the addition of a new "middle road" partnership level – Executive at \$15,000 annually.
 - This brings us to a three tiered approach annually (please see your handout).
- We are putting the final touches on our Premier/Executive Partner forum in San Diego, CA – Feb. 5-6.
- We are working with Tom Sweet to plan and execute the PRE Summit in Seattle, for late May, just before the WIR annual conference in Alaska.
- Continue to renew all Premier and Associate Partners from 2013.
 - All 15 Premier/Executive level Partners (see attached) will be returning at the same level or more for 2014 (5 of stated 2013 Premiers should be considered Executive).
 - Currently 17 of 20 paying Associate Level Partners are returning at the same level for 2014.
- Continue to reach out to NEW partners at all levels of participation.
- Continue to reach out to lost partners from the past 3 years.

Goals for 2014

- Add 5 New Premier Partners, 5 New Executive Partners, and 10 New Associate Partners.
- Provide timely, professional, and significant value to all levels of Partners.
- Continue to build valuable and helpful relationships with at least one supervisor from every County, beginning with the Executive Committee.
- Continue to become an asset to the CSAC team, and to the leadership of the 58 Counties of California.

2014 CSAC Partnership Program Benefits

New in 2014, the CSAC Partnership Program will offer three levels of participation. Beginning with the Associate Level (\$3,000) and moving on to Executive (\$15,000) and Premier (\$25,000). These upper two levels include all the benefits of basic membership PLUS the added benefits as listed in the following matrix. Please choose the level that works best for you and your business. We look forward to our continued partnership critical to achieving the shared goal of improving communities throughout our state to the benefit of all Californians.

Benefits at Higher Levels of Participation	Premier	Executive	Associate
Annual membership in CSAC Corporate Partners program.	Yes	Yes	Yes
Complimentary registration at CSAC annual conference.	4	2	1
Complimentary registration at CSAC legislative conference.	4	2	1
One complimentary exhibit booth at CSAC annual meeting	Yes	50% Discount	25% Discount
Inclusion in County Directory	Yes	Yes	Yes
Logo on CSAC Website and Link	Yes	Yes	Logo only
Ability to interact with supervisors at Key County Leadership	Yes	Yes	Yes
Subscription to <i>The CSAC Bulletin</i>	Yes	Yes	Yes
Subscription to CSAC Partnership E-News	Yes	Yes	Yes
Updates on CSAC Policy Committee Meetings	Yes	Yes	Yes
Recognition in conference programs	Yes	Yes	
Company recognition at CSAC conference events	Yes	Yes	
Verbal Recognition at Annual Meeting General Session or Event	Yes	Yes/Event	
Invitation to CSAC Corporate Partner Forums	Yes	Yes	
Invitation to PRE WIR event	Yes	Yes	
Senior CSAC Staff Liaison	Yes	Yes	
Customized Business Plan with CSAC Staff	Yes		
CSAC Social Media Promotion	Yes		
Invitation to CSAC Board of Directors' Dinner	Yes		
\$5,000 CSAC Sponsor "Gift Card"	Yes		
Name on annual conference bag	Yes		
Leadership photo and private reception	Yes		

Premier and Executive Partners (as of January 6, 2014)

Alkermes

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Coast2Coast Rx

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The Geo Group

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Directors

Bruce D. Goldstein
Sonoma County
2012-2014

Bruce S. Alpert
Butte County
2012-2014

Donna R. Ziegler
Alameda County
2013-2015

Colleen J. Carlson
Kings County
2013-2015

EXECUTIVE DIRECTOR

Jennifer B. Henning

MEMORANDUM

To: Supervisor John Gioia, President, and
Members of the CSAC Executive Committee

From: Jennifer Henning, Litigation Coordinator

Date: January 16, 2014

Re: Litigation Coordination Program Update

This memorandum will provide you with information on the Litigation Coordination Program's activities since your last regular meeting in August 2013.

420 Caregivers v. City of Los Angeles

219 Cal.App.4th 1316 (2d Dist. Sept. 25, 2013)(B230436), *petition for review granted* (Sept. 19, 2012)(S204684), *dismissed and remanded* (July 31, 2013)

CSAC successfully sought republication of this opinion in which the Second Appellate District upholding the marijuana dispensary ordinance adopted by the City of Los Angeles.

B.H. v. County of San Bernardino

Unpublished Opinion of the Fourth Appellate District, Division Two, 2013 Cal.App.Unpub.LEXIS 5293, *petition for review granted* (Nov. 13, 2013)(S213066)

B.H. was two years old when he came home from a visit with his father with bruises on his face and body. A sheriff's deputy examined the child after the injuries were reported to the Sheriff's Department. She determined there was an ongoing custody dispute and concluded there was no need for further investigation. One month later, B.H. received a head injury while in his father's care, which left him permanently disabled. B.H.'s mother filed this action as his guardian ad litem alleging violations of the Child Abuse and Neglect Reporting Act (CANRA) because the Sheriff's deputy did not cross-report minor's injuries to the Department of Children and Family Services (DCFS). The trial court granted summary judgment in favor of defendants, and the Fourth District affirmed in an unpublished opinion. The court concluded that the mandatory reporting statute, does not create a general mandatory duty to take further action where child abuse is not suspected. The court also concluded that the sheriff's deputy properly investigated the situation and reached an objectively reasonable conclusion that further action was not required. Such a decision, "grounded on the judgment, expertise and discretion," is immune from liability. However, the

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California Supreme Court granted review. CSAC will file a brief in support of San Bernardino County.

Calguns Foundation v. County of San Mateo

218 Cal.App.4th 661 (1st Dist. July 15, 2013)(A136092), *ordered published* (Aug. 2, 2013), *petition for review denied* (Nov. 13, 2013)(S212356)

CSAC successfully sought publication of this opinion in which the First Appellate District upheld San Mateo County's ordinance banning firearms in county parks against a challenge that the ordinance was preempted by Government Code section 53071, the State handgun registration and licensing law.

Capistrano Taxpayers Assn v. City of San Juan Capistrano

Pending in the Fourth District Court of Appeal; Division Three (filed Sept. 12, 2013)(G048969)

The plaintiff in this case challenged the City of San Juan Capistrano's water rates, which consisted of four tiers of increasing rates depending on levels of consumption. The city also supplies recycled water to certain customers, and it recovers the cost of that supply in two ways: through a separate rate paid by the city's few, initial recycled water customers, and through a functionalized cost imposed on all customer classes to reflect that recycled water sales displace demands for potable supplies, thus making those supplies available and cheaper for all customers. Thus, a portion of the cost of recycled water production is considered a supply cost and melded into the charge levied for water generally provided throughout the city. The trial court invalidated the water rates because: (1) there was an insufficient record evidence that rates in the upper three tiers are proportional to the cost of providing service at those volumes; and (2) because not all customers consume recycled water, the court found the functionalized cost for this water to impose a charge for service that is not "actually used by, or immediately available to" most customers. CSAC will file a brief in support of the city.

California Building Industry Assn v. City of San Jose

Previously published at: 216 Cal.App.4th 1373 (6th Dist. June 6, 2013)(H038563), *petition for review granted* (Sept. 11, 2013)(S212072)

The City of San Jose adopted an inclusionary housing requirement, which called for residential developments of 20 or more units to set aside 15 percent for purchase at a below-market rate to households earning no more than 110 percent of the area median income, though the units could be sold to low income households. The inclusionary housing requirement could also be satisfied by constructing affordable housing on a different site at specified percentages. The trial court enjoined the ordinance "unless and until the City of San Jose provides a legally sufficient evidentiary showing to demonstrate justification and reasonable relationships between such Inclusionary Housing Ordinance exactions and impacts caused by new residential development." The Sixth District reversed, concluding that since the ordinance is an exercise of the city's police power, it "is CBIA's burden to establish the facial invalidity of the [ordinance], not the City's to prove that it survives the challenge." The California Supreme Court has granted review to the following issue: What standard of judicial review applies to a facial constitutional challenge to inclusionary housing ordinances that require set asides or in-lieu fees as a

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condition of approving a development permit? CSAC will file a brief in support of the City of San Jose.

Dane v. City of Santa Rosa

Pending in the First Appellate District (filed Apr. 12, 2013)(A138355)

Even though the city never impounded her vehicle, plaintiff filed this taxpayer suit under Code of Civil Procedure section 526a, challenging the City of Santa Rosa's vehicle impoundment procedures. She claimed taxpayer standing to bring the action under section 526a because she pays sales taxes, gasoline taxes and water and sewage fees in the city. The city demurred, arguing the plaintiff lacks standing because no vehicle was impounded and no justiciable controversy exists. Further, the plaintiff pays no assessed ad valorem property taxes in the city so she has no taxpayer standing under section 526a. The trial court ruled in favor of the city, but plaintiff appealed. CSAC filed a brief in support of the City of Santa Rosa.

State Department of Finance v. Commission on State Mandates

220 Cal.App.4th 740 (2d Dist. Oct. 16, 2013)(B237153), *petition for review pending* (filed Nov. 26, 2013)(S214855)

The County of Los Angeles filed a test claim with the Commission on State Mandates related to certain conditions contained in a municipal stormwater sewer permit issued by the California Regional Water Quality Control Board. Specifically, the county alleged that four requirements of the permit (to install trash receptacles at transit stops and to conduct inspections of commercial, industrial, and construction sites) constituted unfunded state mandates subject to reimbursement under the California Constitution, article XIII B, section 6 because those provisions were additional state requirements not found in the governing federal statutes and regulations. The Commission largely found in the county's favor. The Department of Finance filed a petition for writ of mandate in the trial court, which granted the writ on the basis that the permit provisions implemented the directive of the federal statutes and regulations and thus were not subject to state subvention. The Second District affirmed, concluding that the broad mandate in federal law to "reduce pollutants to the maximum extent practicable" encompassed the specific four requirements of the Permit, and therefore the Permit conditions were not reimbursable mandates. The County is seeking California Supreme Court review, and CSAC has filed a letter in support.

George v. Morris

724 F.3d 1191 (9th Cir. July 30, 2013)(11-55956)

The question in this case is whether a reviewing court can review the record as a whole to determine whether a law enforcement officer involved in a shooting is entitled to qualified immunity, or whether a court must base its decision on the facts alleged by plaintiff, even if the record as a whole dispute plaintiff's account. In the case, sheriff deputies were dispatched to a domestic dispute involving a gun. When they arrived, the wife informed the officers that her husband was on the patio with a loaded gun. Officers found him on the porch with a gun in one hand and his walker in the other. At some point, they fired shots and he later died from his wounds. The wife then brought this action, raising an unreasonable seizure claim on behalf of her husband. The trial court denied

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qualified immunity to the officers, and the Ninth Circuit Court of Appeals affirmed, concluding that they must take all facts in the light most favorable to the plaintiff, and may not examine that record as a whole. Santa Barbara County's petition for rehearing, which CSAC supported earlier this year, was denied. The County is now seeking review in the United States Supreme Court, and CSAC will file a brief in support.

Hampton v. County of San Diego

Previously published at: 218 Cal.App.4th 286 (4th Dist. Div. 1 July 26, 2013)(D061509), *petition for review granted* (Oct. 23, 2013)(S213132)

Plaintiffs sued San Diego County after sustaining injuries in a vehicle accident. They alleged that the road was defectively designed because there was an insufficient sight line which prevented plaintiff from seeing oncoming traffic. The trial court found the County was protected by design immunity. On appeal, plaintiff argued that where there is evidence the design at issue violated the public entity's own standards, the public entity cannot establish design immunity, except under specific circumstances not present here. The Court of Appeal affirmed the ruling in favor of the County, but the California Supreme Court has granted review. CSAC will file a brief in support of the County.

In re A.A. (Los Angeles County Dept of Children and Family Services v. J.A.)

221 Cal.App.4th 725 (2d Dist. Oct. 29, 2013)(B240896), *ordered published* (Nov. 21, 2013), *petition for review pending* (filed Dec. 24, 2013)(S215467)

In *In re I.J.* (2013) 56 Cal.4th 766, the California Supreme Court held that a father's sexual abuse of his daughter may support a determination that his sons are juvenile court dependents even if there is no evidence the father sexually abused or otherwise mistreated the boys, and they were unaware of their sister's abuse. The present case presents similar facts—jurisdiction was asserted over two boys following their father's sexual abuse of an unrelated nine year old girl. The Second District initially held that the abuse did not constitute sufficient evidence to conclude father's male children were also at risk of sexual abuse. The Supreme Court granted review, held the case while it was considering *In re I.J.*, and then remanded for reconsideration given the ruling in *In re I.J.* On remand, the Second District again concluded jurisdiction was not warranted. It distinguished *In re I.J.* by finding that the abuse here was not as prolonged (one year versus three years) and not as severe (no disrobing or penetration). Los Angeles County is seeking Supreme Court review, and CSAC will file a letter in support.

In re A.G. (Los Angeles County Dept of Children and Family Services v. C.G.)

220 Cal.App.4th 675 (2d Dist., Oct. 22, 2013)(B248092), *request to depublish pending* (filed Dec. 5, 2013)(S215032)

Los Angeles County sought juvenile dependency jurisdiction over two minor children alleging that the children's mother suffered from mental illness and was incapable of caring for them. A family court proceeding was also pending. On appeal, the question before for the court was whether the juvenile court should have sustained a petition alleging only that the mother is mentally ill and is unable to care for her children where the father has always been, and is, capable of caring for them. The court concluded that the juvenile court erred in sustaining the petition and by entering an order for custody and visitation of the children. The court further stated that the juvenile court should have

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dismissed the petition, staying the order until the father obtained an award of custody through the family court proceeding. The juvenile court's decision was reversed and remanded to the family court for a hearing on the custody and visitation issue. CSAC has requested depublication.

Los Angeles Unified School Dist v. County of Los Angeles

217 Cal.App.4th 597 (2d Dist. June 26, 2013)(B243849), *petition for review denied* (Oct. 2, 2013)(S212534)

In 2010, the Second Appellate District issued an opinion stating that schools were to be credited with the receipt of ERAF dollars for purposes of computing their passthrough shares in redevelopment project areas, which is based on the amount of property tax revenue each taxing entity receives in the project area. Upon remand, the trial court ruled that while schools are to be credited with ERAF dollars, they are only to be credited with the funds actually received, which excludes money diverted from ERAF as a result of the VLF swap and Triple Flip. On appeal, LAUSD argued that its property tax allocation base must also include its share of the property tax revenue that was diverted from the ERAF's by the Triple Flip and VLF Swap legislation. The Second District agreed with LAUSD: "The relevant property tax allocation statutes and the California Supreme Court's analysis of the Triple Flip and VLF Swap legislation in *City of Alhambra v. County of Los Angeles* (2012) 55 Cal.4th 707 (*City of Alhambra*) support LAUSD's contention that its share of the diverted ERAF revenue must be included in the calculation of its property tax allocation base, which will result in a corresponding increase in its share of passthrough payments under Health and Safety Code section 33607.5." LA County sought Supreme Court review, which CSAC supported, but review was denied.

Meddock v. County of Yolo

220 Cal.App.4th 170 (3d Dist. Sept. 10, 2013)(C070262), *ordered published* (Oct. 3, 2013)

Plaintiff was in a county-owned parking lot in a county park when a tree within the county park, but not in the parking lot, fell on plaintiff, causing injuries. He sued the county for dangerous condition of public property. Both the trial court and the Court of Appeal ruled in favor of the county, concluding that the statutory immunity for natural condition of unimproved public property applies. In an unpublished opinion, the court rejected plaintiff's argument that since he was on an improved portion of the park, the natural conditions immunity should not apply. Instead, the court found that the statutory immunity extends to an injury "caused" by a natural condition on unimproved property, even if the injury ultimately occurred on improved property. The court also found that the county had no duty to warn, and similarly, there was no liability for creating a "hidden trap" with decaying trees adjacent to improved public property. CSAC's request for publication was granted.

No Toxic Air, Inc. v. Santa Clara County

Pending in the Sixth District Court of Appeal (filed Apr. 24, 2013)(H039547)

A major limestone and aggregate mine has operated for many years in Santa Clara County. The county administers the Surface Mine and Reclamation Act (SMARA) within its jurisdiction. Though the plant was in existence when neighbors moved in its proximity, they have attempted to use SMARA to compel the county to close the plant. In deciding

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one of the SMARA issues raised by plaintiffs, the Board of Supervisors had to decide whether a county use permit was required for major areas of the current quarry operations, or whether the quarry operator had a vested right to operate in all existing areas of the quarry. The county conducted a vested rights proceeding and the Board of Supervisors determined that the operator had a vested right to conduct all of its existing quarry operations. The county subsequently approved a reclamation plan for the quarry. Plaintiffs then filed this action and argued that the Board of Supervisors' decision was subject to independent review by the court. The trial court disagreed, concluding that the Board's decision need only be supported by substantial evidence, and that using that standard, the Board's action was proper. On appeal, CSAC filed a brief in support of Santa Clara County.

Orange Citizens for Parks and Recreation v. Superior Court

Previously published at: 217 Cal.App.4th 1005 (4th Dist. Div. 3 July 10, 2013)(G047013), petition for review granted (Oct. 30, 2013)(S212800)

In 2007, a developer sought to develop a residential project with one-acre lots. The City of Orange approved the project. The approval included an amendment to the city's general plan to change the existing designation of the property from "Open Space" to "Other Open Space & Low Density." In response to petitioning activity by its citizens, the city held a referendum on the General Plan Amendment, and voters defeated the measure, thereby nullifying the General Plan Amendment. After the General Plan Amendment was defeated, the city took the position that the Amendment was not really necessary for the project to move forward, since the general plan has always allowed low density residential development on the property. Plaintiffs filed this action to stop the development, but the trial court ruled in favor of the city, concluding that the city council was owed deference in its interpretation of its own general plan. The California Supreme Court has granted review. CSAC will file a brief urging deference to a Board's interpretation of its own general plan.

Parker Shattuck Neighbors v. Berkeley City Council

--- Cal.App.4th ---. 2013 Cal.App.LEXIS 1052 (1st Dist. Nov. 7, 2013)(A136873), ordered published (Dec. 4, 2013)

CSAC successfully requested publication of this CEQA challenge to a proposed mixed-use commercial and residential project approved by the City of Berkeley. Plaintiff contend that the city violated CEQA by approving the project without an EIR, when an EIR was required because pre-existing contamination on the site poses health risks to the project's construction workers and future residents. In an unpublished opinion, the First District affirmed a trial court judgment in favor of the City. The court concluded that plaintiff failed to identify substantial evidence supporting a fair argument that potential health risks to workers and future residents might constitute a significant environmental impact, noting that the mere existence of toxic soil contamination at a project site, without any accompanying disturbance or other physical change, is not, in itself, a significant impact requiring CEQA review and mitigation. The court also found that a property's listing on the Cortese list of contaminated sites does not, by itself, trigger the need for an EIR. Finally, the court concluded that expert testimony, without more, does not create a fair argument of potential health risks.

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Pharmaceutical Research & Manufacturers of America v. County of Alameda
Pending in the Ninth Circuit Court of Appeals (filed Sept. 19, 2013)(13-16833)

Alameda County adopted a "Safe Drug Disposal" ordinance, which requires producers of prescription drugs to fund or operate "take back" programs in the county if their drugs are sold there. Specifically, the manufacturers of prescription drugs must operate and finance "a product stewardship plan that provides for the collection, transportation, and disposal of unwanted prescription drugs." Retailers are exempt, and the cost of the program may not be passed through to consumers. Producers are also required to reimburse the county for the costs incurred in administering the ordinance. Plaintiff, a trade association representing manufactures and distributors of pharmaceutical products, challenged the ordinance under the Commerce Clause. The district court upheld the ordinance, noting that it applies to producers who elect to sell their products in Alameda County, regardless of where the producers are based or the product originates. Thus, the ordinance does not target producers based on their location (which would be prohibited), but rather based of the nature of the product they sell in the county. CSAC will file a brief in support of the County.

San Diego Citizenry Group v. County of San Diego

219 Cal.App.4th 1 (4th Dist. Div. 1 July 30, 2013)(D059962), *ordered published* (Aug. 26, 2013)

In order to encourage the growth of local grapes and the wine industry in San Diego County, the Board of Supervisors adopted regulatory amendments streamlining the winery approval process and allowing small boutique wineries "by right." The approval included certification of a final environmental impact report (FEIR) for the Tiered Winery Zoning Ordinance Amendment Project. Plaintiffs, a group formed to oppose the project, challenged the Board's actions under CEQA. In an unpublished opinion, the Fourth District upheld the project approval. The court found that substantial evidence supported the county's decision, particularly the fact that the county used information from the experiences of other counties to evaluate the magnitude of impacts that could be expected to result from allowing boutique wineries by-right, and used that information to analyze impacts to air quality, noise, traffic trip generation and water supplies. Finally, the court found that the Board did not err in rejecting project alternatives or additional mitigation measures, noting that the fact that plaintiff has "disagreement with the BOS's policy determination is not a basis for setting aside the FEIR." CSAC's request for publication was granted.

Save the Plastic Bag Coalition v. City and County of San Francisco

Unpublished Opinion of the First Appellate District, 2013 Cal.App.Unpub.LEXIS 8905 (1st Dist. Dec. 10, 2013)(A137056), *request for publication pending* (filed Dec. 27, 2013)

San Francisco adopted an ordinance in 2007 requiring use of compostable plastic, recyclable paper and/or reusable checkout bags by large supermarkets and retail pharmacies located within the City. The ordinance was expanded in 2012 to apply the restrictions to all retailers and food establishments in the City, require stores to charge customers for checkout bags, and institute a community outreach program to encourage reusable bag use. The City determined that the 2012 ordinance was a regulatory action that

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would protect natural resources and the environment generally and was, therefore, categorically exempt from further CEQA. Plaintiff challenged the ordinance, arguing that it violated CEQA and was preempted by the Retail Food Code. The trial court upheld the ordinance, and in an unpublished opinion, the First District affirmed. The court found that the City properly applied the CEQA exemptions. The court also found that the ordinance is not preempted by the Retail Food Code because it does not establish health or sanitation standards for retail food establishments, but rather regulates the use of single-use checkout bags in its jurisdiction. CSAC's request for publication is pending.

San Bernardino County Public Attorneys Assn v. County of San Bernardino
Pending in San Bernardino Superior Court (filed May 3, 2013)(CIVDS1304516)

For some years, San Bernardino County, which is a 37 Act retirement system county, had in place an ordinance providing that the County would pay (or "pick-up") a portion of the employee contribution toward retirement benefits (in addition to paying the employer's contribution). In April, the County, having failed to reach agreement on an MOU with the Public Attorneys Association, adopted a resolution imposing certain terms and conditions, including elimination of the county pick-up of the employee contribution toward retirement benefits. The Association then filed a writ petition, alleging that Government Code section 31631 (added by AB 340 (PEPRA)) only permits elimination of a county pick-up through a negotiated MOU, and may not be unilaterally imposed. The County argues in response that PEPRA did not change existing law allowing counties to impose elimination of the offset/pick-up of the employee contribution toward retirement post-impasse as part of its last, best and final offer. The superior court initially granted the petition for writ of mandate, but one week later it rescinded its order and requested supplemental briefing specifically addressing the issue. CSAC has filed a brief in support of the County.

South County Citizens v. County of Nevada
221 Cal.App.4th 316 (3d Dist. Oct. 8, 2013)(C067764), *ordered published* (Nov. 6, 2013)

Plaintiff brought this CEQA challenge to the county's approval of a commercial development. Plaintiff alleged that after staff had recommended a revised version of the project, the county was required to recirculate the EIR. Both the trial court and the Third District disagreed. In an unpublished opinion, the Court of Appeal concluded instead that that a petitioner cannot force recirculation under CEQA Guidelines section 15088.5(a)(3) unless it affirmatively shows an absence of substantial evidence in the record on four specific issues: "it must be feasible; it must be considerably different from other alternatives previously analyzed; it must clearly lessen the significant environmental impacts of the proposed project; and the project's proponents must decline to adopt it." CSAC's publication request was granted.

State of Calif., DHCS v. Office of Admin. Hearings
Pending in the Sacramento County Superior Court (filed July 10, 2013)(Case No. 34-2013-80001557)

A severely disabled student was receiving occupational and physical therapy from the California Children's Services Program (CCS) in Calaveras County. The CCS sought reimbursement from the Calaveras County Office of Education for (CCOE) those aspects

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of the child's therapy there are included in his individualized education program (IEP) and a due process hearing decision, but which are not medically necessary. The CCOE denied the request, and the Office of Administrative Hearings issued an opinion in favor of the CCOE. The OAH concluded that CCS's request for funding amounted to a request to reduce services, which can only be done by going through an IEP process. In short, the OAH focused on whether the student was entitled to the therapy services (which the CCS did not dispute), as opposed to which agency has the obligation to pay for the services that are not medically necessary. The Department of Health Care Services has filed a writ petition, which is pending in the Sacramento County Superior Court. CSAC will file a brief in support of the CCS.

Winter/Spring 2014 Course Guide

CSAC INSTITUTE
FOR EXCELLENCE IN
COUNTY GOVERNMENT

"The only things worth learning are the things you learn after you know it all" – Harry S. Truman

LEADERSHIP PRACTICES

Working well with those whom you'd rather not work with

112 Getting Things Done: Working Effectively Outside Comfort Zones

To get things done you work with a range of county staff, elected officials and community members ... some of whom may not agree with your goals. What techniques and tools exist to help you pursue your objectives? This course examines practices that improve the likelihood of achieving desired objectives. It examines the elements which contribute to success, from interpersonal relations to building a system of monitoring and a culture of accountability. Participants look at themselves and the values that underlie ethical behavior and trustworthiness. Other components address coalition building, collaboration and setting expectations.

Instructor: David Landis is a former long-time Nebraska state senator, an award-winning teacher and a skilled negotiator in the public arena.

Friday, May 30, 2014 10:00 a.m. – 3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Schedule at a Glance

January

- 17 (F) 388 Strategy: Clarifying, Building, Implementing and Alignment
- 24 (F) 153 Labor Relations and Negotiations in Local Government
- 30 (TH) 123 Crafting and Implementing Effective Strategic Plans
- 31 (F) 115 Leadership at the Intersection of Politics and Policy

February

- 7 (F) 307a Realignment 301: Fund Flows in Public Safety Realignment
- 21 (F) 307 Realignment 101: Basics of 1991 and 2011 Realignment
- 27-March 1 Executive Leadership Symposium

March

- 7 (F) 369 County Financial Reporting for Nonfinancial Experts
- 20 (TH) 375 Coping with Ambiguity: Leadership in Challenging Times
- 27 (TH) 374 Customer Service Excellence through Process Improvement
- 28 (F) 381 Creative Budget Solutions and Innovative Service Redesign

April

- 10 (TH) 151 Financing California Counties: A History of Funding Sources
- 11 (F) 156 The California Environmental Quality Act: A Policy Overview
- 25 (F) 372 Stakeholder Engagement: Does it always have to be so messy?

May

- 15 (TH) 389 Communicating and Presenting Complex Issues and Data
- 16 (F) 378 Storytelling and Other Leadership Practices in Persuasion
- 29 (TU) 311 Water in California: Politics, Distribution and the Future
- 30 (F) 112 Getting Things Done: Working Effectively Outside Comfort Zone

June

- 12 (TH) 351 Chairing and Managing Effective Meetings
- 20 (F) 150 Local Governance in California: All those agencies!
- 26 (TH) 380 Optimizing Effectiveness: Managing Organizational Crises

Integrate practical politics, personal leadership and effective governance

115 Leading at the Intersection of Politics and Policy

E pluribus unum – Out of many, one. Public officials serve as trustees of the people. You come with expectations, values, principles, and anticipated means to achieve desired ends. Boards deliberate with many voices, but must govern as one. This class is an energetic discussion of the balance governing board members must maintain at the intersection of politics and policy. Conversation topics include strategies for expressing and encouraging dissent in board discussions, civility in public debate, handling intense passion or political pressure, surviving a split vote, how to work with those who oppose your interests, representing board decisions in which you disagreed ... and other leadership challenges. Ideal for County Supervisors, elected officials and all those who serve on or for boards.

Instructors: Dr. Ken Yeager is the District Four County Supervisor in Santa Clara County. Matt Rexroad is the District Three County Supervisor in Yolo County.

Friday, January 31, 2014 10:00 a.m. – 3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Elected officials/Execs

Make strategic planning mean something

123 Crafting and Implementing Effective Strategic Plans

Most counties and county departments create strategic plans. Sometimes they provide clear guidance to decision makers and staff; sometimes they don't. This course examines how to make the plan a living document ... and have it mean something to those affected. Participants examine: 1) how to craft a strategic plan with the Board of Supervisors or other governing board; 2) engagement of the community and staff in the process; 3) tips to prepare an actionable plan; 4) communication of the plan; and 5) putting a plan into action. Best practices and case examples are used to explore integration of the plan into the operations and decision-making of the organization. Discussion highlights tips for structuring an effective strategic workshop, including selection of a facilitator, participants and preparation.

Instructor: Angela Antenore, M.Ed. is an experienced strategic facilitator, agency board member and university instructor.

Thursday, January 30, 2014 10:00 a.m. – 3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Bring order to chaos and value to time spent together

351 Chairing and Managing Effective Public Meetings

Dread the thought of chairing – or attending – another meeting? Supervisors and executives spend a lot of resources at meetings. This class will help you make Board, public, staff or just about any meeting more constructive. Whether you are the chair or a participant this course will provide techniques and tips for making effective use of meetings: preparation, moving the agenda,



California State
Association of Counties

For information and registration please visit www.csacinstitute.org

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Updated 6 November 2013

engaging participants, managing distractions and dealing with difficult situations and people. Compliance with the Brown Act and other laws is examined along with strategies to encourage public and participant participation yet avoid meetings which go on and on and on and on. Whether an experienced chair or a meeting, novice, you will leave with practical tools to manage your meetings. *Eligible for MCLE credits.*

Instructors: Michael Colantuono, Esq. is a partner of Colantuono & Levin, PC and serves as legal counsel to local governments. Bill Chiat is Dean of the CSAC Institute.

Thursday, June 12, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

How to create complex decision-making processes that work

372 Stakeholder Engagement: Does it always have to be so messy?

Most of us have experienced decision-making as a single-step process—*just do it!* There is much more to effective problem solving and decision-making. In this best practice course you'll learn how to design and lead effective decision-making processes with multiple stakeholder groups. Participants explore tips and best practices - and the messy traps to avoid. This is a key, but elusive, skill necessary for all managers in today's fast-moving environment. It reveals both the fundamental systems at work in high-performing organizations, as well as the specific day-to-day things leaders can do to sustain high levels of success for themselves and their organizations.



Instructor: Eric Douglas is an author, entrepreneur and facilitator who's designed and led stakeholder processes in many sectors, including water, health care, energy, and public safety.

Friday, April 25, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Improve customer satisfaction; employee performance - and reduce costs

374 Service Excellence through Process Improvement: Championship

When counties look to create efficiencies, process improvement is a valuable tool. It can help maximize value, reduce wasteful activities, and improve service delivery. Hear case examples of how Ventura County has significantly improved service quality and performance while reducing costs. This hands-on course engages managers in techniques to identify current service delivery processes and find opportunities to improve. Tools are shared for both identifying process problems and engaging the process participants in crafting solutions. Participants apply the tools in simulations and explore how to use them in a process improvement opportunity at home. Objectives include: 1) identify what a process is and define process improvement; 2) understand and apply the plan-do-check-act cycle; 3) know how and when to apply various improvement tools; and 4) create an improvement plan for a selected process.

Instructors: Elaine Crandall is Ventura County Assistant CEO. Paul Stamper is manager of the Ventura County Service Excellence Program.

Thursday, March 27, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Executives/managers

Tools for tackling unprecedented challenges

375 Coping with Ambiguity: Leadership for Challenging Times

Counties operate in complex and changing environments. Within these unpredictable economic contexts and unprecedented

challenges, county leaders find themselves trying to make past practices and models fit current realities. But that may be a mistake in coping with ambiguity. This class provides a new way to think about applying leadership practices - at both elected and executive levels - to help your county organization and community find new realities and ways of effectively working in uncertain times. Discussion topics include: 1) understanding the concept of "emergent" processes and environments; 2) tools for managing uncertainty; 3) the mental discipline and the rational analysis of situations; and 4) communication tools for managing ambiguous situations.

Instructor: Dr. Laree Kiely is president of the Kiely Group; organizational effectiveness consultants, and a professor at the USC Marshall School of Business.

Thursday, March 20, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Storytelling is one of life's most powerful skills

378 Storytelling and Other Leadership Practices in the Art of Persuasion

Persuasion has been identified as an attempt to evoke a voluntary change in the attitude or behavior of another person. Effective leaders are able to tell stories that speak to others and markedly influence their behaviors. Through hands-on activities the class explores elements of story-telling and how to construct and use stories in the practice of leadership. Participants examine case studies and experiences to develop their own stories. Other practices examined include metaphors, humor, reciprocity, contrast and conformity. These tools are placed in the context of enhancing the transaction between leader and follower and authentically hearing the needs of listeners.

Instructor: Bill Chiat is Dean of the CSAC Institute and has been a practitioner of leadership (and storytelling) for 35 years.

Friday, May 16, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Resourceful solutions to pressing challenges

381 Creative Budget Solutions and Innovative Service Design

Given mandated services, citizen expectations and the continuing and lasting scope of the economic meltdown, counties cannot simply cut their way out of their deep budget challenge. This interactive course explores the paradoxes and dilemmas of typical budget cutbacks, a menu of creative budget solutions, practical tools, and leadership approaches. Class highlights innovative approaches to redesigning service delivery. Case studies from the CSAC Challenge Awards are examined for strategies of innovations-in-practice. Course participants will also contribute case examples of service redesign as well as effective tools.

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

Friday, March 28, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Executives/managers

Discover your strategic intent - build your strategic agility

388 Strategy: Clarifying, Building, Implementing and Ensuring Alignment

A seminal article was published recently called "The Strategic Plan Is Dead. Long Live Strategy." It's staggering when we realize how many public entities focus on the time-consuming and often wasteful activity of creating a strategic plan when indeed they have NO strategy. In this world of



POLICY AND GOVERNANCE

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

150 Local Governance in California: All those agencies!

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

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

Friday, June 20, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Understand context of county-state revenue relationships

151 Financing California Counties: A history of revenue sources

Have you found yourself overwhelmed trying to understand the county revenue sources and funding stream? And how we ended up with this complex system? This course provides an in-depth examination of county revenue sources and how they have evolved. Exploring the context of county funding decisions by Legislative and the Administration over the last 40 years is critical in understanding the current state-county funding and revenue relationships. The class examines the history and consequences of major elements in county revenues including: Proposition 13, 172, 1A, Vehicle License Fees, Realignment, ERAF, property tax allocations and more. You'll leave with a clearer appreciation and understanding of county revenues.

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

Thursday, April 10, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Employees are the foundation of county services

153 Labor Relations and Negotiations in Local Government

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

Instructors: Richard Whitmore and Richard Bolanos are partners with Liebert Cassidy Whitmore; Dr. Rhonda Albey is principle analyst in the Los Angeles County Administrators Office.

Friday, January 24, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials



unpredictability, high velocity, rapid change, and citizens counting on us to do the right thing, we MUST start by creating and clarifying our strategy. In this session we cover how to construct a solid yet adaptable strategy for your organization, ensuring strategic thinking and alignment to strategy from everyone, understanding how all other organizational elements and processes fit within the context of "strategy," and determining how to take these concepts back to your environment to make a positive difference.

Instructor: Dr. Laree Kiely is president of the Kiely Group; organizational effectiveness consultants, and a professor at the USC Marshall School of Business.

Friday, January 17, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Help your county avoid financial cost and unpleasant publicity

389 Communicating and Presenting Complex Issues and Data

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



Instructor: Dr. Mary Kirilin is an associate professor in Public Policy and Administration at CSU-Sacramento.

Thursday, May 15, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Executives/managers

Don't let crises chaos take control of your organization

390 Optimizing Effectiveness: Managing Crises within Organizations

Unexpected events occur frequently in organizations. Whether a change in management, change in structure, budget cut, new technology or other emergency ... organizations can quickly evolve into chaos. This course offers managers the basics in identifying, preventing and controlling organizational crisis situations. It examines crisis management basics, from preparation and identifying symptoms to understanding the stages of a crisis and appropriate leadership practices to employ to optimize through the crises. The importance of communication and making effective decisions is covered, as are a variety of typical organizational scenarios and options for responses. The course concludes with guidance on damage control and stakeholder relations, restoration of confidence in an agency or management team, and strategies to prevent and to respond quickly to organizational crises.



Instructor: Bill Chiat is Dean of the CSAC Institute and an expert in organizational development.

Thursday, June 26, 2014 10:00 a.m.–3:30 p.m.
 Sacramento • \$129/person for counties • 3 credits • Executives/managers



To register for classes please visit www.csacinstitute.org

Nearly every activity seems subject to it – so what is CEQA?

156 The California Environmental Quality Act – A Policy Level Overview

The California Environmental Quality Act (CEQA) is among the most significant in affecting county land use planning, projects and development. This course provides a broad overview of the law, its intent, principles and how they apply to county projects and decisions. It examines the steps in the process, county roles and responsibilities, and key decision points. Participants discuss when CEQA applies to a project, when an Environmental Impact Report (EIR) is required, EIR preparation issues, determination of a negative declaration and what that means, environmental impacts and mitigation, and how CEQA integrates with other environmental laws. The course provides decision-makers and county managers with a solid background on the law and its implications. Discussion also highlights recent case law and the latest changes to the state CEQA guidelines and legislation.



Instructor: James Moose is a senior partner with Remy Moose Manley, LLP and co-author of *Guide to the California Environmental Quality Act*.

Friday, April 11, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Electeds/executives

Context and structure of realignment in California

307 Realignment 101: The Basics of 1991 and 2011 Realignments

You hear about realignment nearly every day. The funding streams are complex and it's hard to understand what and why programs are included. What is realignment, where did it come from and how does it work? This course examines the history and rationale for establishing it in 1991, why programs were included, what was learned, and the 2011 expansion of realignment. Participants examine the establishment and programs of the 1991 realignment. Discussion details health and human services and mental health programs. Participants explore individual programs, how they work, funding and current status. The 2011 realignment – including AB 109 – is explored with an emphasis on public safety programs. Details on the realigned programs, changes to 1991 realignment services, implementation, and funding are all discussed.

Instructors: Diane Cummins, special advisor to the Governor on state and local realignment; Graham Knaus, Assistant Director of Health and Human Services, Placer County; and Karen Pank, Executive Director, Chief Probation Officers of California.

Friday, February 21, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Detailed overview of public safety realignment funding streams

307a Realignment 301: Fund Flows In Public Safety Realignment

This course covers in-depth the law enforcement accounts from the 2011 realignment. It includes a review of: statutory changes; actual revenue results; the “base” calculations for each account; how base and growth amounts are distributed to each state level account; how amounts are distributed to counties; and the formulas and the data behind the formulas. Important lessons about the dynamics of realignment from Health and Social Services Realignment 1991 and 2011 are shared. Tools are introduced to project and track county revenues and examine what county staff should consider when budgeting for these accounts in the coming years. The course includes



discussions on the risks and opportunities of realignment for law enforcement and the strategic investments counties have undertaken. Participants examine what's next, including possible legislative changes to realignment for law enforcement.

Instructors: Dorothy Thrush, Public Safety Group Finance Director, San Diego County; Elizabeth Howard Espinosa, Senior Legislative Representative, CSAC; and county experts.

Friday, February 7, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

California's future lies in a sustainable water supply

311 Water In California: Politics, Distribution and the Future

California has a long history of water politics. This course provides the policy overview, history and current plans to address this complex issue in an interactive and practical manner. Participants explore water law and its role in the foundation of California's water systems. The course examines current issues affecting water supply and distribution, including the Delta Stewardship Council's Delta Plan, the Bay Delta-Conservation Plan (BDCP), proposed alternatives to the BDCP and financing options. The future of water supply and availability is studied in light of recent trends in above – or below – average rainfalls. Discussion highlights scenarios for the future of California's water supply, how climate change may affect supply, the crisis in the Delta, and other pressures affecting water supply. Discussion identifies how these decisions could affect water availability for counties.

Instructors: Dr. John Kirlin, former professor of public administration at USC and University of Indiana, and former executive director of Delta Vision and the Delta Vision Foundation; plus experts in water policy in California.

Thursday, May 29, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Overview for decision-makers, elected officials and managers to understand and interpret county financial reports

330 County Financial Reporting and Budgeting for Nonfinancial Experts

This course provides the tools for nonfinancial experts to understand government budgets and financial statements. Participants discuss budgets, financial statements and the audit, and at the 30,000' level what each of those is saying (or not saying!). Participants should bring questions about terms or concepts they have encountered as part of their interaction with county and government financial reporting. The discussion reviews terms and definitions used with government financial reporting and strategies on how to read financial statements and auditor reports to identify critical information. Participants explore an approach to use with budgets to identify assumptions they include.

Friday, March 7, 2014 10:00 a.m.–3:30 p.m.
Sacramento • \$129/person for counties • 3 credits • Staff/Elected officials

Registration fee includes instruction, materials and lunch

Course schedule and descriptions subject to change.

Visit www.csacinstitute.org for:

- * Up-to-date schedules and course information
- * Institute Credential Programs
- * Institute Fellows
- * Tuition discounts and scholarships



2014 CSAC Executive Committee Calendar of Events

January

- 15 CSAC Executive Committee Orientation Dinner, Sacramento County
6:30pm Reception, 7:15pm Dinner, Esquire Grill, 13th & K Streets, Sacramento, CA 95814
- 16 CSAC Executive Committee Meeting, Sacramento County
10:00am – 1:30pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814

February

- 5-6 CSAC Corporate Associates Forum, San Diego County
- 20 CSAC Board of Directors Meeting, Sacramento County
10:00am – 1:30pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814

March

- 1-5 NACo Legislative Conference, Washington, D.C.

April

- 17 CSAC Executive Committee Meeting, Sacramento County
10:00am – 1:30pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814

May

- 14-15 CSAC Legislative Conference, Sacramento County
- 15 CSAC Board of Directors Meeting, Sacramento County
12:00pm – 3:00pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814
- 21-23 NACo Western Interstate Region Conference, Anchorage, Alaska

July

- 11-15 NACo Annual Meeting, New Orleans Parrish, New Orleans, Louisiana

August

- 7 CSAC Executive Committee Meeting, Sacramento or Los Angeles County
10:00am – 1:30pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814

September

- 4 CSAC Board of Directors Meeting, Sacramento County
10:00am – 1:30pm, CSAC Conference Center, 1020 11th Street, 2nd Floor, Sacramento, CA 95814

October

- 8-10 CSAC Executive Committee Retreat, Location TBD

November

- 18-21 CSAC 120th Annual Meeting, Anaheim, Orange County
- 21 CSAC Board of Directors Meeting, Anaheim, Orange County
2:00pm – 4:00pm, Disneyland Hotel, 1150 Magic Way, Anaheim, CA 92802

December

- 3-5 CSAC Officers Retreat, Napa County