



TAKE ACTION BRIEF

January 2021

It's a new year, a new legislative session, and the same COVID-19 with many of the top issues of 2020 back on the agenda, including wildfires, climate, housing, and homelessness just to name a few. In anticipation of the work ahead, legislative leaders established several new committees, including the Joint Legislative Committee on Climate Change Policies and Joint Legislative Committee on Emergency Management.

On January 8, Governor Gavin Newsom will unveil his 2021-22 State Budget Proposal outlining his funding priorities for the year and setting in motion the Legislature's budget process. In the meantime, legislators will continue introducing new legislation through the bill introduction deadline of February 19. CSDA will update members via Advocacy News as details emerge and as the association continues to represent special districts and the communities they serve.

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➤ COVID-19 RELIEF FUNDING

CSDA's Advocacy action priority is to work with the Administration, various state agencies, and the federal government to ensure special districts receive equitable access to COVID-19 relief funding should it become available.

Prepare Your District for Potential COVID-19 Relief Funding

As part of ongoing efforts to secure special district access to COVID-19 relief funding, CSDA will host a live discussion on Tuesday, January 19, at 10:00 a.m. The webinar will cover:

- How to prepare for accessing future COVID-19 relief monies
- Guidelines for existing relief programs
- Best practices in securing funding

Following the webinar, CSDA will open a member-wide survey necessary to update statistics on special districts' pandemic impacts. Responses to the 2021 COVID-19 survey will be due Friday, February 5. The survey data is critical to CSDA's ongoing efforts to achieve relief funding for special districts and the communities they serve.

Take Action

Help Special Districts Secure COVID-19 Relief Funding:

1. Participate in Webinar on January 19

COVID-19 Funding Relief: How Your District Should Prepare for Accessing Future Dollars

Date: Tuesday, January 19, 2021

Time: 10:00a.m. – 11:00a.m.

Registration: [csda.net](https://www.csdanet.org)

2. Complete Survey by February 5

Survey link will be emailed to members following January 19 webinar

During the January 19 webinar, CSDA staff will offer insights on current COVID-19 advocacy efforts, an overview of the Coronavirus Relief Fund program and information to be used for potential future relief funding applications, and a question and answer period.

Jim Friedl, Conejo Recreation and Park Districts General Manager will share best practices for preparing documents to demonstrate need. James Zervis, Kern County Chief Operations Officer, will also join to offer their perspective on the county's administrative procedure of its \$2 million relief program for Kern County's special districts. A questions and answer period will follow the program.



➤ REVENUE, FINANCES, AND TAXATION

CSDA's long range policy priority on revenue, finances, and taxation is to ensure adequate funding for special districts' safe and reliable core local service delivery. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts. Promote the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies.

Final Guidelines for the Surplus Land Act (SLA) – Progress Update

The final guidelines for the Surplus Land Act (SLA) anticipated for a January 1, 2021 release by the California Department of Housing and Community Development (HCD) have not yet been posted but should be forthcoming. Once the final guidelines are published to hcd.ca.gov, CSDA will update members via the [Advocacy News blog](#).

Background

In 2019, Governor Gavin Newsom signed [AB 1486 \(Ting, 2019\)](#), which made several changes to the requirements in the Surplus Land Act (SLA). In response to AB 1486, on November 13, 2020 HCD released [Surplus Land Act \(SLA\) draft guidelines](#) with the associated comment period concluding December 7, 2020.

CSDA took lead in organizing and drafting a local government coalition comment letter and encouraged special districts who lease land or may otherwise be impacted by the guidelines to also submit comments. More than two dozen special districts alerted CSDA to their comment submissions. However, it remains to be seen if this substantive feedback persuaded HCD to reconsider some of the more problematic sections of the draft guidelines, including:

1. **Exclusion of Special District “Exemption”** – During the legislative process, CSDA secured an important exemption for special district lands into AB 1486, and this provision is errantly missing from the list of “exempt surplus land” types. The absence of this on the list of exemptions could confuse the public and needs to be added into the guidelines prior to its final form.
2. **Notice of Exemption Determination** – HCD states local agencies must notify the state every time a district declares land to be exempt surplus land and provide written findings, which is not specified in statute and has no basis under the SLA.
3. **Misstates Current Law to Include Leases in the Definition of Disposal** – Per the drafted guidelines, “disposition of surplus land” means the sale or lease of local agency-owned land formally declared surplus, despite the Legislature explicitly amending the term “lease” out of the definition within AB 1486 due to local government concerns. The new interpretation by HCD has no basis under current law.

Looking Ahead

Assemblymember Phil Ting, the legislator who authored AB 1486, has indicated plans to author an AB 1486 technical clean-up bill this session. Such legislation would likely be introduced in the form of a “spot bill” as a placeholder for any substantive amendments that may later be deemed appropriate. A bill of this nature has not yet “crossed the desk” for formal introduction. However, the deadline for doing so is not until February 19. While the stated intent of any such bill is to provide clarifying language, CSDA advocacy staff will closely monitor all developments should a bill materialize and amendments become substantive in nature. Notably, Assemblymember Ting has maintained interest in further addressing the law surrounding leases within the SLA.

If you would like to provide input on developments and strategy related to this issue sign up for CSDA's Public Works Expert Feedback Team at csda.net/get-involved. If you have additional questions, please contact Alyssa Silhi, CSDA's Legislative Representative leading this issue area, at alyssas@csda.net.



Interest in Amending Mitigation Fee Act Persists

As the State Legislature continues to grapple with the issues of the day, including housing and homelessness, some interests would like to revisit the issue of developer fees as a means of promoting new housing. Local agencies depend on these fees to mitigate the impact of new development on parks, fire protection, flood control, and other essential services. Developer fees are those fees and charges found in the Mitigation Fee Act (MFA) that include both impact fees and connection and capacity charges.

Over the past few years, CSDA has been responsive to, and largely successful in defeating, legislative calls to cap, waive, or otherwise alter the MFA in such a way that harms essential services.

Prior to the COVID-19-related changes to the Legislature's priorities in 2020, legislators submitted a robust package of housing and MFA related measures. These included changes to nexus methodologies, fee protests, fee deferrals, and caps on the totality of fees per project. The same week, the State Senate and Assembly Committees for housing and local government held a joint informational hearing on the issue titled "The Price of Civilization" ([Full Video Here](#)) which was a robust discussion about the role that fees play, or don't play, in the production of housing stock and livable communities.

CSDA members Irvine Ranch Water District and North of the River Recreation and Park District spoke on a panel and discussed capacity and connection charges and impact fees respectively. A clip of North of the River Recreation and Park District's moving testimony can be viewed on [CSDA's youtube channel](#).

Legislative measures introduced in 2020 were unsuccessful, largely given the altered legislative cycle and re-prioritization of legislation due to the pandemic. However, the idea to further legislate developer fees has persisted. In the fall of 2020, the University of California's Turner Center for Housing Innovation [released a new study](#) with recommendations regarding the effect of developer fees on housing. The report highlighted nexus studies and suggested the Legislature look at the methodologies, levels of expected service, and feasibility studies related to developer fees. This was a follow up to a previous study [released in 2019](#).

The release of the new developer fee study coincided with a small stakeholder working group hosted by Assemblymember Tim Grayson (D-Concord) to explore the suggestions of the Turner Center and other proposals, such as those found in last year's legislative package. CSDA is representing special districts.

Take Action

CSDA has been asked to provide feedback on the following questions, please share your responses with CSDA Legislative Representative Anthony Tannehill at anthonyt@csd.net

- 1. What general policies could be implemented to make the imposition of fees and exactions more clear, consistent, and accountable?*
 - 2. What steps can be taken to make it easier for local jurisdictions to comply with transparency and reporting requirements?*
 - 3. How can local jurisdictions provide cost certainty to developers, at least in terms of fees and exactions? When in the process is it reasonable to expect an accurate accounting of the total cost burden?*
 - 4. What are some concrete examples of how these fees are used?*
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➤ GOVERNANCE AND ACCOUNTABILITY

CSDA's long range policy priority on governance and accountability is to enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant, or one-size-fits all approaches. Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preference of each community

Updating the Brown Act to Meet the Next Emergency

CSDA is looking to update the Brown Act to allow for remote meetings during emergency declarations so that public agencies will not have to wait for an Executive Order from the Governor to hold such meetings.

On March 19, 2020 California Governor Gavin Newsom issued a stay-at-home order to protect public health and establish consistency in health orders across the state in order to slow the spread of COVID-19. In light of the statewide stay-at-home order and the need to keep individuals physically distanced from one another, Governor Newsom issued a number of subsequent executive orders ([N-25-20](#), [N-29-20](#), [N-35-20](#)) modifying the requirements of the Brown Act so that local agencies may meet remotely.

CSDA intends to sponsor legislation to update this area of the Brown Act and is seeking feedback from members regarding their experiences meeting remotely during the pandemic. In particular:

1. What has been your agency's experience with remote meetings? Have they been successful?
2. What favorable outcomes, if any, have occurred as a result of the transition to holding meetings remotely?
3. Have there been any problems with your district switching to remote meetings? Has your district had to contend with any issues that may be raised by using technology that may not be accessible to members of your community?
4. The executive orders retain [the agenda/meeting notice posting requirements specified within the Brown Act](#). Has your district had difficulty in observing the notice requirements? If so, do you have any suggestions on how the notice requirements could be improved or updated?
5. Current law requires at least 24-hour notice prior to a public agency holding an emergency meeting. What, if any modifications would you propose to [the 24-hour notice requirements currently included within the Brown Act](#) in order to better facilitate that 24-hour notice?
6. Would your district benefit from being able to meet remotely during emergencies generally (as opposed to on a more limited scale specific to a public health pandemic like COVID-19)? If so, on what emergency occasions would your district have benefitted from being able to meet remotely *in the past* (e.g., evacuations for fire, flood, etc.)?
7. Are there any other thoughts regarding remote meeting requirements you would like to share with CSDA?

Take Action

Email your feedback to CSDA Legislative Analyst Marcus Detwiler at marcusd@csla.net



➤ HUMAN RESOURCES AND PERSONNEL

CSDA's long range policy priority on human resources and personnel is to promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees, both represented and non-represented.

Implementing Cal/OSHA COVID-19 Emergency Standards

The California Occupational Safety and Health Standards Board (Cal/OSHA) passed emergency temporary standards on COVID-19 prevention in the workplace that took effect immediately on November 30, 2020. The new emergency standards, which are binding and enforceable against nearly all California employers, require that employers must prepare, implement, and maintain a written COVID-19 Prevention Program (CPP). In an effort to simplify the program requirements, the standards state that the CPP may be integrated as part of an employer's Injury and Illness Prevention Plan (IIPP) or maintained in a separate, standalone document.

Resources on the new Cal/OSHA COVID-19 Emergency Standards can be found at csda.net, including a template, webinars, and a detailed article written by Darrell Uran, Director of Marketing at Atkinson, Andelson, Loya, Ruud & Romo.

Take Action

CSDA needs to hear from you about any challenges your district has been facing in implementing the new Cal/OSHA requirements. CSDA will continue working to provide feedback to the Standards Board to be considered in future updates and amendments to the standards.

Please email feedback regarding the new Cal/OSHA COVID-19 Emergency Standards and any challenges your district has experienced to CSDA Senior Legislative Representative Dillon Gibbons at dillong@csda.net.

CSDA will keep your name and the name of your district's name confidential, absent your consent, when sharing responses with the Standards Board.



➤ OTHER WAYS TO TAKE ACTION

Learn More

Our Spring SDLA Conference has been moved to Virtual!

[Register now](#) for our SDLA Module Virtual Workshops:

SDLA Module 1: Governance Foundations
March 24 and 25, 2021
1:00 – 4:00 p.m. each day

SDLA Module 2: Setting Direction
April 12 and 13, 2021
9:00 a.m. – 12:00 p.m. each day

SDLA Module 3: Board's Role in Finance
May 12 and 13, 2021
9:00 a.m. – 12:00 p.m. each day

SDLA Module 4: Board's Role in HR
May 26 and 27, 2021
9:00 a.m. – 12:00 p.m. each day

**If you need assistance paying for any CSDA Education,
the Special District Leadership Foundation is here to help.**

Apply for the [2021 Dr. James Kohnen Scholarship](#) today to attend the SDLA Virtual Modules.

Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Email romanw@csda.net to inquire about joining one of the following teams:

- Budget, Finance and Taxation
- Environment
- Formation and Reorganization
- Human Resources and Personnel
- Governance
- Public Works and Contracting

Stay Informed

In addition to the many ways you can **TAKE ACTION** with CSDA's advocacy efforts, CSDA offers a variety of tools to keep you up-to-date and assist you in your district's legislative and public outreach. Make sure you're reading these resources:

- CSDA's weekly e-Newsletter
- Districts in the News
- CSDA's CA Special District Magazine

Email updates@csda.net for help accessing these additional member resources.